

## Shobnall Neighbourhood Plan Reg 16: Schedule of Responses

Rep	Name of respondent	Response
1	Environment Agency	<p>Thank you for referring the above draft plan which was received on 23 August 2017.</p> <p>Having reviewed the documents we have the following comments to make:</p> <p><b>Flood Risk:</b> We have reviewed the draft Shobnall Neighbourhood Plan with regard to flood risk and have the following comments:</p> <p>Many of our previous comments on this plan have been taken into account and included throughout this latest version.</p> <p>We welcome the inclusion of flood risk in the ‘Approach to Development’ section and the requirement for SuDS in Policy HD2.</p> <p>Policy HD4 – We welcome the inclusion of the general statement on flood risk. However this could be strengthened by amending as follows: <i>“On all sites, the appropriateness of the development types set out below is subject to avoiding or reducing the risk of flooding through appropriate <b>location</b> and design. Proposals should consider future flood risk and, where appropriate, include measures that mitigate and adapt to the anticipated impacts of climate change.”</i></p> <p>We also recommend that where individual sites are at risk of flooding this is referenced in the plan.</p> <p>Site 1: Parts of the site are located in flood zones 2 and 3. It is however noted that that proposed use is for leisure and sports rather than the residential use previously proposed. A flood risk assessment will be required.</p> <p>Site 2: The site is covered by flood zones 2 and 3. The requirement to mitigate this risk for any residential development is noted. A flood risk assessment will be required.</p> <p>Site 5: The entire site is within flood zone 2. A flood risk assessment will be required.</p>

		<p>Site 6: Part of the site is covered by flood zone 2. Any residential development should be located in the lower risk parts of the site. A flood risk assessment will be required.</p> <p>Site 7: The entire site is situated in flood zone 2. Requirement for flood risk assessment supported.</p> <p>Site 8: The entire site is within flood zone 3, although it is in an area benefitting from flood defences.</p> <p>Any development will need to consider the residual flood risk (if the flood defences breach or overtop) and include appropriate measures, such as raised floor levels and safe access and egress routes, taking account of climate change. A flood risk assessment will be required.</p> <p><b>Biodiversity:</b></p> <p>We have reviewed the Draft 2017 Shobnall Neighbourhood Plan 2017-2031; Page 13 - 15 Section 4 Objectives and Approach to Development. Support Vision and Objectives. Support final bullet point on page 15 <i>New development will be expected to take full account of the importance of river ecology, flood risk and appropriate drainage.</i> Page 54 Section 12 Green Spaces and the Natural Environment. Support this Policy. Page 79 Table - <i>Sections of the Shobnall Brook and Tatenhill Brook North Watercourses which are in culverts are in need of clearing and repairing.</i> We would like to see some additional wording 'every opportunity should be taken to deculvert watercourses - prior to repair or during site redevelopments to improve environmental assets and reduce culvert maintenance,</p> <p><b>Contamination:</b></p> <p>We have the following comments to make which relate solely to the protection of 'Controlled Waters' receptors. We note that the 'Technical Baseline Document for the delivery of Shobnall Neighbourhood Development Plan on behalf of: Shobnall Parish Council' (August 2015) includes discussion (section 9.3 – Water Quality) of the various Source Protection Zones within the Neighbourhood Plan. Given this sensitive site setting with respect to 'Controlled Waters' receptors we welcome the inclusion in Policy GN1 'Local Green Spaces and the Natural of the 'Shobnall Neighbourhood Plan – 2017-2031 Regulation 15 Submission Draft – 2017 Shobnall Parish Council' (July 2017) that: <i>“New developments will only be accepted where they will not cause or suffer from land instability, or <b>cause contamination of ground, air or water.</b>”</i></p>
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2	Sport England	<p>Thank you for consulting Sport England on the Shobnall Neighbourhood Plan.</p> <p>Government planning policy, within the National Planning Policy Framework (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.</p> <p>It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Paras 73 and 74. It is also important to be aware of Sport England’s statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England’s playing fields policy is set out in our Planning Policy Statement: ‘A Sporting Future for the Playing Fields of England’.  <a href="http://www.sportengland.org/playingfieldspolicy">http://www.sportengland.org/playingfieldspolicy</a></p> <p>Taking account of the above we welcome the desire, as expressed in the Vision and Objective 3 to create a healthy environment and to improve the quality of life of residents. We also welcome Objective 6, to protect, enhance and improve green spaces. Sport and active recreation plays an important part in delivering this vision.</p> <p>However, Sport England <u>strongly objects</u> to Policy HD4 site 2: Shobnall Sports and Social Club which has the potential to result in the loss of sporting facilities through development, with no reference being made that any proposals for the site would need to accord with NPPF paragraph 74 and Sport England’s playing fields policy. Furthermore, the policy for the development of Shobnall Sports and Social Club site states that mixed use leisure development would be supported where the quality of sports and leisure facilities are improved. However, it is unclear what type of improvements would be supported with no reference being made to East Staffordshire BC’s Outdoor Sport Investment and Delivery Plan 2015 (Delivery Plan), which sets out a range of recommendations for the site. It is acknowledged and welcomed that Policy CS1: Sports, leisure and community facilities now references the Delivery Plan. It is also viewed that the Plan would be assisted by making reference to Sport England design guidance note (<a href="http://www.sportengland.org/facilities-planning/tools-guidance/design-">http://www.sportengland.org/facilities-planning/tools-guidance/design-</a></p>
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		<p><a href="#">and-cost-guidance/</a> ) to ensure that any new or improved sport facilities are fit for purpose and designed appropriately.</p> <p>In terms of detail Sport England is concerned that HD1 (and Appendix D) focusses on securing planning contributions for highway works, even though sport and recreation is raised as a priority by residents and Policy CS1 highlights that the neighbourhood plan would support contributions towards new sports and leisure facilities. If new development gives rise to new demand for sports facilities that cannot be absorbed by the existing network how will it be secured and delivered if S106 monies are fully absorbed by highway projects? Shobnall Leisure Centre, one of the sports hubs designated in the Local Plan, is already operating at full capacity with the indoor facilities busy at peak times and outdoor pitches are over played. It would struggle to handle any additional demand.</p> <p>In relation to Policy GN1 the policy designates local green spaces as noted in Appendix G of the Plan. However, Appendix G is not clear which areas of land are designated as local green space and reference is made to a table that is not contained within the NP. If the areas highlighted yellow within Appendix G are proposed as a local green space designation then the land at Shobnall Leisure Centre fails to include all the outdoor sports facilities such as Artificial Grass Pitches and the athletics track – the whole site should be protected as a leisure/sports resource, not just certain elements of it. The designation of the whole site would accord with the Plan's supporting document titled 'Assessment of open space in Shobnall against the criteria for protection as Local Green Space document' which references the omitted areas mentioned above as forming part of the LGS justification for the Shobnall Leisure Complex site.</p>
3	The Coal Authority	<p>Thank you for consulting The Coal Authority on the above.</p> <p>Having reviewed your document, I confirm that we have no specific comments to make on it.</p> <p>Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.</p>
4	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p>

		<p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.</p> <p><b>We have read through the neighbourhood plan and noted amendment made to Section 3.18 referencing to Kingfisher Trail Local Nature Reserve following suggestion in our response dated 16 March 2016. Natural England does not have further comments on this neighbourhood plan.</b></p> <p>However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.</p>
5	Horninglow and Eton Parish Council	<p>Horninglow and Eton Parish Council have asked me to contact you on their behalf.</p> <p>They fully support the Shobnall Neighbourhood Plan proposal.</p>
6	Gladman Developments Ltd	<p>This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Shobnall Neighbourhood Plan (SNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.</p> <p><b>Legal Requirements</b></p> <p>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 SNP must meet are as follows:</p> <p><i>(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.</i></p> <p><i>(d) The making of the order contributes to the achievement of sustainable development.</i></p> <p><i>(e) The making of the order 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).</i></p>

*(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

**National Planning Policy Framework and Planning Practice Guidance**

The National Planning Policy Framework (the Framework) 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 for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The

Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

### **Planning Practice Guidance**

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the SNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

### **Relationship to Local Plan**

The current Development Plan relevant to the preparation of the SNP consists of the East Staffordshire Local Plan which was adopted by East Staffordshire Borough Council (ESBC) in October 2015 and covers the period up to 2031.

Within this plan period of the Local Plan, the Council are looking to deliver at least 11,648 homes proportionately across settlements within the authority. The Shobnall Parish is closely related to Burton upon Trent and as such it is essential that the SNP has regard to the housing target of 6,473 dwellings

attributed to the settlement. Accordingly, the SNP must ensure that it allows for sufficient flexibility to assist ESBC in meeting its objectively assessed need for market and affordable housing.

### **Shobnall Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the SNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination. Whilst the draft SNP does not seek to identify a specific requirement for housing, the plan does seek to allocate land for residential purposes.

### **Policy HD2: Housing Design Quality**

Policy HD2 sets out a range of design principles that proposals for new development will be expected to meet.

The Parish Council should ensure that the design principle adhered to are not overly onerous to render development unviable. In relation to these design policies Gladman refer to paragraphs 59 and 60 of the Framework. Specifically, paragraph 59 which states:

*“Design policies should avoid unnecessary prescription or detail and should concentrate on the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.”*

Whilst Gladman recognise the importance of high quality design, policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. There will not be a ‘one size fits all’ solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles/objectives.

### **Policy HD3: Housing Mix**

This policy states that proposals for residential development should seek to deliver a housing mix that reflects the requirements set out within policies SP16 and SP17 or the ESBC Local Plan and the Housing Choice SPD.

Whilst Gladman fully support the Parish Council's desire to see the most appropriate mix of housing being delivered on any residential scheme, we suggest that the policy is re-worded and instead of referring to policies SP16 , SP17 and the Housing Choice SPD, the policy instead refers to the most up-to-date evidence relating to housing mix.

**Policy HD5: Character Areas**

Policy HD5 seeks to identify 10 separate Character Areas within the neighbourhood plan area and states that development within these areas should be designed to respect and where appropriate reflect the established character.

Gladman are unable to identify any evidence to support the inclusion of such a policy or indeed to support the Character Areas identified within the plan. We therefore suggest that the Parish Council re-visit this policy and seek to provide sufficient evidence to warrant its inclusion.

**Policy BH1: Protecting Shobnall's Heritage Environment**

This policy states that new development proposals will be expected to protect and enhance the character and value of Shobnall's heritage environment.

Paragraph 132 of the Framework makes it clear that great weight should be given to a heritage asset's conservation and that 'the more important the asset, the greater the weight should be'. With reference to designated heritage assets, the Parish Council should refer specifically to paragraphs 133 and 134 of the Framework which sets out that Councils should assess the significance of the designated heritage asset and where there is less than substantial harm, this should be weighed in the planning balance against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.

For non-designated heritage assets, the policy must reflect the guidance set out within paragraph 135 of the Framework. This states that the policy test that should be applied in these cases is that a balanced judgement should be reached having regard to the scale of any harm and the significance of the heritage asset

**Policy GN1: Local Green Spaces and the Natural Environment**

		<p>Policy GN1 seeks to designate open spaces as Local Green Space and states that the Green Spaces are to be protected from development.</p> <p>The designation of land as Local Green Space (LGS) is a significant policy designation and effectively means that once designated, they provide protection that is comparable to that for Green Belt land. As such, the Parish Council should ensure that the proposed designations are capable of meeting the requirements of national policy.</p> <p>The Framework is explicit in stating at paragraph 77 that ‘Local Green Space designation will not be appropriate for most green areas or open space’. With this in mind, it is imperative that the plan-makers can clearly demonstrate that the requirements for LGS designation are met. 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 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</li><li>▪ Where the green area concerned is local in character and is not an extensive tract of land.</li></ul> <p>It appears to Gladman that insufficient evidence has been provided to support the proposed designations detailed in the plan. As such, this brings into question whether all of the proposed designations are capable of meeting all three tests required by National Planning Policy. Gladman recommend that the Parish Council take the time to investigate this matter and undertake the necessary evidence to support each designation.</p> <p><b>Conclusions</b></p> <p>Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the SNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.</p>
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		<p>Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development. Gladman formally request to participate at the hearing session(s) should the Examiner decide it necessary to discuss these issues in a public forum.</p> <p>Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.</p>
7	Staffordshire County Council	<p>Thank you for consulting Staffordshire County Council on the 2017 Regulation 15 Submission Draft Neighbourhood Plan for Shobnall.</p> <p><b>Transport</b></p> <p><i>Policy T1</i></p> <p>In relation to policy T1 the final paragraph confuses the use of S106 agreements and S278 agreements. The start of the paragraph refers to direct provision of works by the developer under a highways agreement (which could be a S278) the end part of the paragraph refers to financial contributions by a developer to the highway authority to undertake works, these would be secured by S106 and NOT S278. The following amendment is therefore suggested:</p> <p><b><i>This will be either through provision of said improvements under a Highways Agreement, or financial contributions to them, in scale with the development and secured by S278 or S106 agreement.</i></b></p> <p>In relation to paragraph 7.6 the highway authority does not issue decision notices. As a statutory consultee we respond to the local planning authority, in accordance with legislation, based on the information submitted in support of formal planning applications and in a format agreed collectively with the Local Planning Authorities (LPA) within Staffordshire. Where an application is contentious or complex the LPA may ask for further clarification/explanation if required for their committee report and invite the highway authority to attend committee. The highway authority does not have the resource or capacity to adopt a bespoke response methodology for every neighbourhood plan area. Furthermore, it would be potentially confusing to the LPA. <b>It is therefore requested that section 7.6 be removed from the plan</b> and the Parish Council engage in separate dialogue with the highway authority to set out their position.</p>

In relation to *Aspirational Project: The B5017 Shobnall Road*: whilst it is noted that this does not form part of the Plan policies there is a factual inaccuracy that needs attending to. In the first paragraph it states “the road will exceed its design capacity when all are implemented, as a result calming will be vital in ensuring the road continues to function.” Design capacity is defined as the maximum sustainable flow of traffic the road can carry under favourable road and traffic conditions. As far as we are aware the roads ‘design capacity’ has not been exceeded. The traffic calming and speed reduction measures mentioned will in fact reduce design capacity and are not to ensure the road continues to function but to modify driver behaviour in order to improve the amenity and quality of life for frontagers. It is therefore suggested that the second sentence is removed for accuracy. We will continue to engage with the Parish as suggested in this section.

For information approved developments include land south of Forest Road, which secured a series of highway improvements at specified junctions and improved public transport and pedestrian/cycle connectivity. These measures are aimed at mitigating the traffic impact of the development and include:

- Signal controlled at the B5017 Henhurst Hill/Hopley Road/Postern Road Crossroads;
- Personalised travel planning across the Branston area;
- Increasing the frequency of bus services serving the Branston area;
- Public transport information and marketing across the Branston area;
- Real time passenger information systems across the Branston area;
- Improving the walking/cycling connections from Branston area linking into those proposed by the development;
- Pedestrian/cycle crossing facilities at the A5121 Wellington Street/B5017 Shobnall Road Roundabout;
- A 20mph school safety zone on the B5017 Shobnall Road outside Shobnall Primary School.

*Policy T3 – Travel Planning*

Reference in the policy to ‘S278 Agreements’ should be replaced with ‘Highways Agreements’ to cover the other forms of agreements that are available to carry out highway works; S278 agreements are more suited to larger civil engineering schemes and not, for example, for directional signing and cyclelane marking.

*Policy T4 – Traffic Management*

We are aware of the issues relating to Heavy Commercial Vehicle (HCV) traffic in the Parish and our Highways officers have been in regular contact with the Parish Council on such matters. Shobnall

Road (B5017) is one of a limited number of routes into Burton and the A5121 is a main route through the Town. Both routes serve existing commercial sites where HCV use is prevalent. As the plan only covers developments within the Parish boundary it is questioned what benefit there will be to refusing applications that add HCV movements to the B5017 when applications elsewhere in the Town may add traffic to the route and be unaffected by Policy T4. It may be more appropriate for policy to require exploring options to dissuade HCV use of the B5017 such as altering the feel of the road, traffic calming and signage. This would then have benefits of removing HCV traffic from developments outside of the plan area not covered by policies in this plan. It would also appear that the approach in Policy T4 contradicts the supporting text at paragraph 7.21

*Policy HD1*

It is noted that the policy on developer contributions sits in the housing section, is it the intention that this policy is only applicable to housing development?

**Flooding**

At the last round of consultation on the plan we as Lead Local Flood Authority provided details and information pertaining to local flooding concerns. It is noted the Plan remains silent on these and will therefore rely on the Local Plan and National Policy in relation to addressing flood risk in the area.

**Historic Environment**

The Neighbourhood Plan highlights the significance of the historic environment and the contribution it makes to the overall character of the plan area and policies BH1 and BH2, which underpin the importance of the historic environment, are to be welcomed. However, it should be noted that these policies, while making reference to archaeology, are focussed very much on built heritage and historic character and on nationally and locally designated heritage assets. The historic interest of the plan area comprises more than just designated heritage assets and undesignated historic buildings; the Staffordshire Historic Environment Record identifies a number of archaeological sites across the plan area dating from the prehistoric period onwards. The plan does not adequately reflect this archaeological potential nor does it set out how this important and irreplaceable resource will be taken into account in the development process.

It is therefore recommended that a further historic environment policy be included within the neighbourhood plan to take account of the potential for the survival of above and below ground

		<p>archaeology. Alternatively the plan could make reference to both the National Planning Policy Framework (Chapter 12) and the East Staffordshire Local Plan 2012-2031 (Detailed Policies 5 and 6), which identify various aspects of the historic environment, including archaeology, as a material consideration within the planning system.</p> <p><b>Development Sites</b></p> <p>It is noted that three of the proposed sites for development listed in Policy HD4 are owned by Staffordshire County Council. It is understood that no discussions have taken place between the Neighbourhood Plan steering group and the County previously on the availability of these sites or any plans that may be in place, if that isn't the case please do let us know.</p> <p>It is noted that Policy HD4 lists the sites as opportunities and aspirations should they come forward for development and identifies development that would be supported rather than expressly ruling out certain types of land use.</p> <p>In relation to site 4 this includes the highways depot and Household Waste Recycling Centre (HWRC). Having an understanding from the community on the type of development they would be supportive of is helpful should a decision be made to relocate the HWRC.</p> <p>In relation to sites 3 and 5 these are likely to be redeveloped/re-used and we support their inclusion in the plan.</p>
8	Nurton Developments	<p><b>General</b></p> <p>Policy NP1 contained within the adopted East Staffordshire Borough Council Local Plan relates to the role of Neighbourhood Plans. Essentially, it stipulates that, 'Neighbourhood Planning legislation requires Neighbourhood development Plans to meet the following basic conditions: have regard to national policies and advice, contribute to the achievement of sustainable development and be in general conformity with the strategic policies of the development plan.' The Branston Locks development is referenced in a number of Strategic Policies contained within the adopted Local Plan such as Policies SP4: Distribution of Housing Growth 2012-2031, SP5: Distribution of Employment Growth 2012-2031, SP7: Sustainable Urban Extensions and SP10: Education Infrastructure.</p>

Policy NP1 states that Neighbourhood Plans must conform with policies such as Policy SP4 and SP5. To this regard, the Neighbourhood Plan should therefore align with the approved documentation for the Branston Locks scheme (which was granted planning consent by virtue of Planning Application Ref. No. P/2012/01467. Paragraph 184 of the NPPF echoes this sentiment and notes that, 'Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan...Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

**Page 14, paragraph 4.2, bullet point 5**

Paragraph 4.2, Bullet Point 5 states that, 'Residential developments should include an on-site element of affordable housing provision, at least at the level set out by national and local policy and guidance.' The wording 'unless otherwise agreed in writing with the Local Planning Authority' should be added to the end of the sentence referenced above.

**Policy GN1 and Appendix G**

Policy GN1 states that the Neighbourhood Plan seeks to designate the areas of land identified on the plan at Appendix G as 'Green Spaces' and such spaces would be protected from any development. The plan at Appendix G shows an area of land labelled with an 'J'. This area of land should not be designated as a 'Green Space' and Nurton Developments Ltd strongly objects to this as this would not confirm with the Approved Parameters Plan and Design Guide in respect of the Branston Locks Scheme which has been granted Consent by virtue of Planning Application Ref. No. P/2012/01467.

Essentially, the Neighbourhood Plan as it stands, is seeking to designate an area of land as a 'Green Space' for which planning permission has already been granted for residential development purposes. The approved Parameters Plan shows residential Development abutting the boundary of the existing residential development fronting Shobnall Road. Nurton Developments Ltd would like to work with the local community and particularly existing local residents. However, it is considered that the area of land labelled 'J' should not be designated as 'Green Space' and any Deference of this should be removed from the Neighbourhood Plan. Policy GN1 also advises that, 'Developments delivering 10 or more homes will be expected to include a green Buffer of landscaped and planted land, sufficient to provide foiling views of development and to provide functional green infrastructure.' It is considered that this wording should be omitted from the policy wording as the landscaping provision of a development scheme should be assessed on a case by case basis at such time that a detailed planning application

is being put forward to East Staffordshire Borough Council. Incidental green spaces at the street scene have also been identified at the plan provided at Appendix G.

Policy GN1 states that these incidental green spaces are considered to make a contribution to the quality of the local natural environment, or to provide leisure and play opportunities. In addition, the policy notes that, Development on land adjoining these green spaces should avoid harming their human or ecological value, for Instance by causing excessive overshadowing, noise and disruption, or pollution.' We kindly request that a more detailed plan is provided showing where this incidental green space is located and the extent of this greenspace to allow Nurton Developments Ltd to adequately consider this.

#### **Policy T1**

Policy T1: Transport Assessment refers to the Guidance on Transport Assessments document. This document was withdrawn in 2014. Nurton Developments Ltd therefore considers that any reference to this out-of-date document should be removed from the policy wording. Nurton Developments Ltd also objects to the wording contained within Policy T1 that, 'New development must wholly mitigate for its own traffic generation and impact' as this is not in line with the National Planning Policy Framework (NPPF). Paragraph 32 of the NPPF states that, 'All developments that generate significant Amounts of movements should be supported by a Transport Statement or Transport Assessment. Plans and Decisions should take account of whether...improvements can be undertaken within the transport network that most effectively limit the significant impacts of the development.'

#### **Policy HD5 and Appendix E**

Policy HD5: Character Areas notes that new development should be designed to respect and, where appropriate, reflect identified positive aspects of the established character areas as set out in Appendix E of the Draft Neighbourhood Plan (as well as any other relevant design guides and Policies). The Shobnall Parish Character Plan at Appendix E identifies that the majority of the Branston Locks scheme site (which will generate up to 2500 dwellings as granted by virtue of Planning Application Ref. No. P/2012/01467) is categorised within the 'Open Space Character Area'. This does not reflect the approved documentation (i.e. Parameters Plan and Design Guide) or the Branston Locks Scheme. Whilst the ridge to the west of the Branston Locks application site will not be developed upon and is therefore, suitable to be included within the 'Open Space Character Area', the remainder of the site should not be characterised in this way.

		<p><b>Policy T4 and Appendix A</b></p> <p>Policy T4: Traffic Management notes that routing plans that will result in significant additional movements of HGVs along routes other than those identified at Appendix A will not be supported and this requirement will be applied to vehicle movements associated with the construction phase of developments, as a condition of Planning permission. Nurton Developments Ltd considers that the Plan provided at Appendix A is completely unacceptable as it currently stands, as it does not conform with the approved HGV routing strategy for the Construction traffic associated with the Branston Locks Scheme (which was granted planning consent by Virtue of Planning Application Ref. No. P/2012/01467).</p>
9	The National Forest Company	<p>Thank you for seeking our views on this Neighbourhood Plan.</p> <p>We are pleased to note that version has incorporated the amendments which we sought through the previous consultation. We have no further comments to raise at this time.</p> <p>Please continue to inform us as this plan progress through to adoption.</p>
10	Canal and River Trust	<p>Thank you for consulting the Canal &amp; River Trust on the Shobnall Neighbourhood Development Plan.</p> <p>I have tried to complete the representation form available on the Council's website, but due to its pdf format, I cannot insert comments in all of the sections. I hope you will therefore accept the following comments instead:</p> <p><b>Policy T7: Cycling and Pedestrian Routes</b></p> <p>The Canal &amp; River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.</p> <p>The Trust has a range of charitable objects including:</p> <ul style="list-style-type: none"> <li>• To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;</li> </ul>

		<ul style="list-style-type: none"> <li>• To protect and conserve objects and buildings of heritage interest;</li> <li>• To further the conservation, protection and improvement of the natural environment of inland waterways; and</li> <li>• To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.</li> </ul> <p>Within the Plan area the Trust owns and operates some 2.4km of the Trent &amp; Mersey Canal.</p> <p>Policy T7 supports the creation of cycle routes, including improvements to the canal towpath to better facilitate its use in this role. The canal towpath can offer a sustainable traffic-free environment for walkers and cyclists to use for both commuting and recreational purposes. The location of the canal, running through the centre of the Plan area on a broadly north-south axis, provides a link between the mainly residential areas in the north of the Plan area with the business and employment uses in the south of the Plan area. As noted in Paragraph 7.35 of the Explanatory text, facilitating use of the towpath by cyclists would increase opportunities to travel to and from the major employment centre south of Shobnall Road.</p> <p>In particular we note that the policy seeks to secure developer contributions towards delivering such improvements where they can be justified.</p> <p>Where new development has the potential to generate increased footfall on the towpath and/or to facilitate easier access to it, the Trust already looks to see whether a case can be made to secure a developer contribution towards maintaining or improving the towpath surface to help it cope with increased use.</p> <p>Policy T7 should assist in supporting such cases and help ensure that, where it is appropriate to do so, new development proposals will contribute towards securing an improved towpath. We agree that this policy is in conformity with Strategic Policy 35 of the adopted East Staffordshire Local Plan 2012-2031, which seeks to encourage and facilitate measures to increase the use of more sustainable modes of transport.</p>
11	Borough Councillor Shelagh McKiernan	I have been involved in the initial stages including the walk around the parish and consultation meetings held in Shobnall. I can see that the public's views have been reflected in the draft document. I have read through it and wish to state my support for Shobnall Parish Council's priorities and the Shobnall Neighbourhood Plan.