

# Rolleston on Dove Neighbourhood Development Plan

## Submission Version

A Report to East Staffordshire Borough Council of the  
Examination of the Rolleston on Dove Neighbourhood  
Development Plan

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Summary and Referendum

## 1. Neighbourhood Planning

The Localism Act empowers local communities to take responsibility for the development of planning policy for their neighbourhood through a Neighbourhood Development Plan. It is intended that the empowerment of neighbourhood communities can encourage community ownership of plans and their deliverability, and lead to more certainty for planning applicants and local residents.

The National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”<sup>1</sup>

Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.

The Rolleston on Dove Neighbourhood Development Plan is a ‘frontrunner’ being nationally one of the earliest neighbourhood plans to progress, and the most advanced of 12 currently being prepared in East Staffordshire.

Rolleston on Dove Parish Council (the Parish Council) is a qualifying body able to lead the preparation of a neighbourhood plan. In October 2011, the Parish Council established a Steering Group, (the Steering Group), reporting to the Parish Council, to lead the production of the Rolleston on Dove Neighbourhood Plan.

## 2. The Plan area

The Neighbourhood Plan relates to the area that was designated by East Staffordshire Borough Council as a Neighbourhood area on 21 November 2012. This area is coterminous with the Rolleston on Dove Parish boundary. The settlement of Rolleston on Dove is located centrally within the Parish and is surrounded by much attractive countryside, most of which is actively farmed. The Neighbourhood Plan does not relate to more than one Neighbourhood area and so complies with that legal requirement.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

### 3. Independent Examination

This report sets out the findings of the Independent Examination into the Rolleston on Dove Neighbourhood Development Plan (the Neighbourhood Plan). The report includes a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. Should the Neighbourhood Plan proceed to local referendum and achieve more than 50% of votes cast in favour, then the Neighbourhood Plan will be 'made' by East Staffordshire Borough Council (the Borough Council). Once 'made' the Neighbourhood Plan will in effect come into force and subsequently be used in the determination of planning applications in the plan area.

I have been appointed by the Borough Council, with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the Independent Examination. I am independent of both the Parish Council and the Borough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have more than 35 years professional planning experience and have held national positions and the Chief Planning Officer post in several areas.

As Independent Examiner I am required to produce this report and must recommend either:

- (a) that the Neighbourhood Plan is submitted to a referendum, or
- (b) that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- (c) that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

I make my recommendation in this respect in the final section of this report. If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. I make my recommendation regarding the referendum area also in the last section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

In my Examination of the Neighbourhood Plan I am also required to check whether:

- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
- (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation;
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.

Subject to the contents of this report I am able to confirm that I am satisfied that each of the above requirements has been met.

The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations<sup>2</sup>. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case.

In reviewing the written representations I have not seen any requests for a hearing. The Steering Group did state that if I am to attach significant weight to observations received from one source they feel they have been deprived of the opportunity to respond, which they would have had if the representations had been made at an earlier point in the Neighbourhood Plan preparation process.

If I had called a hearing I would have conducted it in such a way that it would not have been an opportunity for parties to address representations of others, nor would it have been an opportunity for parties to cross examine one another. I am of the opinion that all parties have had full opportunity to register their views and put their case forward. There are no issues arising from representations in respect of which I require clarification. I took the decision that I would not call a hearing and proceeded by examination of written representations.

## 4. Basic conditions

An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”<sup>3</sup>. To meet the basic conditions and it be appropriate for a Neighbourhood Plan to be ‘made’ the Plan must:

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<sup>2</sup> Paragraph 9 of Schedule 4B of the Town and Country Planning Act 1990

<sup>3</sup> set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies contained in the Development Plan for the area;
- does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

These matters are considered in the later sections of this report titled 'The Neighbourhood Plan – Taken as a whole' and 'The Neighbourhood Plan – Neighbourhood Development Plan policies'.

## 5. Background documents

In undertaking this examination in addition to spending an unaccompanied day visiting the Rolleston on Dove area I have given consideration to each of the following documents:

- Rolleston on Dove Neighbourhood Development Plan Submission Version July 2013 (includes a map of the Plan area)
- Almost 900 representations received during the publicity period
- National Planning Policy Framework March 2012
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Adopted East Staffordshire Local Plan, 2006 (saved policies edition)
- East Staffordshire Local Plan 'Planning for Change' Preferred Options Consultation document July 2012
- East Staffordshire Quality Homes and Choice SPD
- Rolleston on Dove's Neighbourhood Plan Appendices document
- Basic Conditions Statement
- Statement of Public Consultation
- Strategic Environmental Assessment Screening determination

- East Staffordshire Borough Council website pages relating to Planning Policy accessed 10 October 2013

## **6. Consultation**

Having examined the nature and scale of consultation involved in preparation of the Neighbourhood Plan my first reaction is to congratulate those volunteers involved for a remarkable effort designed to ensure all parts of the community had full opportunity to shape the future of Rolleston on Dove. I doubt there are many Rollestonians who are unaware of the preparation of the Neighbourhood Plan.

Community engagement has been at the heart of the plan preparation process with use of a range of techniques designed to reach different sectors of the community, especially those who rarely are involved in community matters or who experience difficulty in making their views heard.

The first newsletter was circulated to every home in December 2011 and copies placed on a website and notice boards. Bitterly cold weather could not deter the enthusiasm of volunteers holding drop in sessions and canvassing outside shops. Meetings were held with significant groups and organisations and information was displayed at community events.

A particularly important step was the delivery of questionnaires to 1,450 households. This was rewarded with a high response rate of 38%. The presentation of a detailed analysis of the returns at Appendix 2 to the Plan demonstrates that policy development has a strong grounding in local opinion. This is a particular strength of the Neighbourhood Plan as is the fact that newsletter production and distribution has been maintained and further consultation events have been held to explore matters of detail. The consultation events held in August and September of 2012 related to technical assessments of the availability, suitability and deliverability of potential development allocation sites and selection of locations for growth to be included in the plan as site allocations.

The Regulation 14 Pre-Submission consultation took place in the six week period ending 25 March 2013 and the subsequent six week Regulation 15 consultation concluded on 5 September 2013.

## **7. The Neighbourhood Plan – Taken as a whole**

The Rolleston on Dove Neighbourhood Plan clearly states that it relates to a plan period 2012 to 2031 and so satisfies that legal requirement. The Plan section relating to the local context setting out a schedule of past development schemes is

particularly helpful in painting a clear picture of how the settlement has grown over the last 80 years in terms of numbers of dwellings and their location.

This section of my report considers whether the Neighbourhood Plan taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State, and whether the plan contributes to the achievement of sustainable development. Each of the Plan policies is considered in turn in the section of my report that follows this.

### EU obligations and human rights requirements

Although no equalities impact assessment has been undertaken the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

No Habitats Regulations Assessment (HRA) screening statement has been produced. Neither the Neighbourhood Plan documentation nor representations received suggest that such a screening is appropriate. There are no habitats that would trigger an assessment in the Plan area and indeed the Borough Council has confirmed that Habitats information is not required.

A Strategic Environmental Assessment Screening Determination was made on 8 July 2013 concluding that an Environmental Assessment of the emerging Neighbourhood Plan is not required as it is unlikely to have significant environmental effects. This Screening Determination has been published on the Parish Council website, and with the other Neighbourhood Plan documents on the Borough Council website. The Environment Agency has confirmed in writing that it has no comment to make on the SEA Screening Determination.

I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### Regard to national policies and advice contained in guidance issued by the Secretary of State, and contribution to the achievement of sustainable development

The Framework states that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.<sup>4</sup> The Neighbourhood Plan clearly has a depth of support in the local community. Although many were to a standard format and wording the vast majority of the representations received were supportive of the Neighbourhood Plan.

The Neighbourhood Plan includes five objectives:

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<sup>4</sup> Paragraph 183 National Planning Policy Framework 2012

- Objective 1: The community accepts some new homes are necessary but these should be built in the most sustainable and least impacting areas of the village, preserving the village atmosphere for future generations.
- Objective 2: The preservation of the village of Rolleston on Dove to prevent merging into the suburbs of Burton and the villages of Stretton and Tutbury, thereby losing its important identity.
- Objective 3: The protection of green open space used for sport and recreation.
- Objective 4: For the scale of development to be in keeping with the village. In particular, large housing developments are not acceptable within the village.
- Objective 5: Developments should meet the housing needs of the local community and be designed to be in keeping with the existing properties in the village.

Subject to comment below these objectives are consistent with, and have regard to, national policies and advice and illustrate how the Neighbourhood Plan aims to contribute to the achievement of sustainable development. I am particularly impressed by the use of the term 'preserving the village atmosphere'. This is a more powerful term than character which is often used in plan making. Atmosphere encapsulates the idea that a place is more than a physical concept but also includes emotional sensibility and mood. It recognises people use and experience places. This in itself goes some distance in grounding the Neighbourhood Plan in sustainability.

Whilst 'preserving' may be acceptable in relation to village atmosphere I consider the use of the term 'preservation of the village' in objective 2 is less acceptable in that it carries with it a perception of resistance to change and this would not be consistent with national policy which has at its heart a presumption in favour of sustainable development.

The technique used in the Neighbourhood Plan to present a grid demonstrating the link between plan objectives and each of the plan policies is a fine example of best practice. These grids identify for every policy exactly which objectives the policy is addressing. They reveal objective 2 is linked to the policies relating to housing provision, the housing site allocations, and the settlement development boundary. These are policies that are central to the issue of development and growth. I consider these in detail in the next section of my report. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking<sup>5</sup>.

<sup>5</sup> Paragraph 14 National Planning Policy Framework 2012

National policy is that neighbourhoods should plan positively to support development.

### **Recommended Modification**

**Objective 2 should be amended to read:**

**“To maintain Rolleston on Dove as a distinct and separate place, to prevent merging into the suburbs of Burton and the villages of Stretton and Tutbury, thereby losing its important identity”**

In this way the objective would more closely have regard to, and sit more comfortably, with the Framework aims of delivering a wide choice of high quality homes and of conserving and enhancing the natural environment. These Framework aims are reflected in Objective 1 where it is accepted that some new homes are necessary. Indeed the preface to the plan states that “the purpose of the plan was to ensure that the Parish grew in accordance with the community’s wishes.” Objective 3 clearly supports the Framework aims of conserving and enhancing the natural environment and promoting healthy communities. Objective 4 and Objective 5 support the Framework aims of requiring good design and delivering a wide choice of high quality homes.

The Neighbourhood Plan states “It is a fundamental principle of the Localism Act and the National Planning Policy Framework that neighbourhood plans are permissive planning tools that must plan positively for growth. The policies reflect a process which the community has engaged with, fully understanding of the particular need to plan for future growth over a plan period to 2031”<sup>6</sup>. There is clearly evidence of regard being given to national policy as set out in the Framework. Additionally the consideration of matters necessitated by the Environmental Assessment screening determination process has provided a further platform to successfully demonstrate that the Neighbourhood Plan contributes to the achievement of sustainable development. Subject to the modification indicated I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development. I examine the detail of each policy of the Neighbourhood Plan in turn later in this report and find the need to recommend other modifications.

### General conformity with the strategic policies contained in the Development Plan for the area

The Framework states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible.

<sup>6</sup> Paragraph 4.5 Rolleston on Dove NDP

Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.<sup>7</sup>

Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan for the local area.

The East Staffordshire Local Plan 2006 was adopted and saved for three years under the Planning and Compulsory Purchase Act 2004 on the 20<sup>th</sup> July 2006. Those policies still considered relevant in 2009 were saved until such time that they would be replaced by an updated plan. The Adopted East Staffordshire Local Plan, 2006 (saved policies edition) is still part of the 'development plan' for the area. Now that the RSS and Structure Plan saved policies have been abolished, the Development Plan consists of:

- The Adopted East Staffordshire Local Plan, 2006 (saved policies edition)
- Staffordshire and Stoke on Trent Minerals Local Plan 1994-2006 (saved policies)
- Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026

The Minerals and Waste Local Plans do not appear to impact in any particular way on the Neighbourhood Plan and the Neighbourhood Plan does not include matters that relate to policies of those plans. Additionally Minerals and Waste are excluded matters for the purposes of policy making in Neighbourhood Plans. Indeed I will take this opportunity to confirm that the Rolleston on Dove Neighbourhood Plan does not relate to any excluded matters.<sup>8</sup>

As the Adopted East Staffordshire Local Plan, 2006 (saved policies edition) predates the Framework, the Framework takes precedence where there is a conflict. The policy of the adopted Development Plan that specified the scale of housing provision has lapsed as it was not one of the saved policies. Policies not saved cannot now be used in determining planning applications nor be taken into account when assessing whether a Neighbourhood Plan is in general conformity with the strategic policies of the Development Plan.

The emerging Local Plan has been through a number of stages and the Borough Council held consultations at: Issues and Options (2007); Strategic Options (2011); Preferred Options (2012); and the Pre-submission consultation stage has almost been reached during the examination of the Neighbourhood Plan. The

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<sup>7</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>8</sup> as set out in section 61K of the Town and Country Planning Act 1990 (as amended)

Neighbourhood Plan preparation process has been proceeding through its necessary stages since the formation of the Steering Group by the Parish Council in October 2011. The two tiers of plan making have been advancing in parallel.

The fact that there is an emerging Local Plan is a situation that applies in many local authority areas. The Framework deals with the issue of prematurity of policy. This states that, “from the day of publication, decision takers may also give weight to relevant policies in emerging plans according to,

- The stage of preparation in the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there is unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework”.<sup>9</sup>

The East Staffordshire Local Plan has some way to go to reach adoption and it is evident that there are unresolved objections in respect of policies relevant to Rolleston on Dove. There is no statutory requirement for Neighbourhood Plan preparation to be held up awaiting completion of the Local Plan preparation process.

In England, historically, statutory forward planning has tended to be a continuous cyclical process with review commencing soon after adoption. There has been a history of more than one tier of plan making occurring simultaneously and a recurring characteristic has been plan preparation timescale slippage. Multi-tier forward planning can at its best be a mutually influencing iterative process capturing the advantages of both bottom-up and top-down approaches. Local Plans can benefit from being informed by Neighbourhood Planning processes and Neighbourhood Plans can benefit from being informed by Local Plan processes.

There are also advantages to be gained from the sharing of evidence gathering and analysis. To be wholly successful in maximising the benefits there is a requirement for organisations leading plan preparation to actively collaborate. There is limited evidence of close collaborative working in the documentation I have reviewed. It has to be added that much of the relevant work was undertaken in the very earliest days of the introduction of Neighbourhood Planning nationally and since that time the Borough Council has established dedicated staffing resource to support Neighbourhood Plan preparation locally.

The Neighbourhood Plan has been advanced ahead of the Local Plan. Neighbourhood Plan preparation is intended to be relatively straightforward and experience is showing it is capable of achievement by local communities within a period of two years. Given the slow rate of progress in Local Plan preparation in some areas it may not be uncommon for Neighbourhood Plans to be ahead of Local

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<sup>9</sup> Paragraph 216 National Planning Policy Framework 2012

Plans. Indeed the Rolleston on Dove Neighbourhood Plan is ahead of the Local Plan.

If the Neighbourhood Plan is ultimately 'made' it will be part of the Development Plan for the area and the Local Plan will need to give due regard to the policies of the Neighbourhood Plan. Some people may see this as the tail wagging the dog but the reality is that this is one aspect of the nature of localism. The relative speed of Neighbourhood Plan preparation offers the advantage that local communities can establish a degree of certainty in situations where otherwise an absence of up-to-date policy would leave uncertainty, which in itself can present a barrier to development and delivery.

I have seen nothing to suggest that the pace of all Development Plan preparation should be determined by the slowest tier. Rather it would seem that national policy has been to encourage and support early Neighbourhood Plan production in areas generally, and not linked to progress in Local Plan preparation. The statutory framework does not prevent a Neighbourhood Plan containing a housing provision policy where the Development Plan does not contain a strategic housing provision policy. Ultimately the Basic Conditions require assessment whether a Neighbourhood Plan is in general conformity with strategic policies contained in the Development Plan for the area. That Plan is the Adopted East Staffordshire Local Plan, 2006 (saved policies edition) and it is the strategic policies of that plan that I have made the assessment against.

## **8. The Neighbourhood Plan – Neighbourhood Development Plan policies**

### **Policy H1: Housing requirement**

This policy seeks to meet a housing requirement of 85 dwellings over the plan period. The Borough Council has submitted representations that the figure of 85 dwellings is not in conformity with the emerging Local Plan in that Rolleston on Dove is a Tier 1 or 'strategic village' and as such has a strategic allocation of housing development over the plan period 2012- 2031 that equates to 100 dwellings plus 25 windfalls. This 'strategic village' designation is not accepted in several of the representations received, and is opposed by the Parish Council.

The agent for the landowners of the strategic allocation site identified in the emerging Local Plan agrees that the housing needs of the village should be met, but they should be assessed in association with the needs of the Borough which may

require development in excess of the village needs. Additionally the agent considers the housing requirement in the Neighbourhood Plan to be insufficient and unreasonable. The agent states, “As no up-to-date Local Plan is in place the Neighbourhood Plan has worked, to a certain extent in a vacuum. For this reason alone it is not practical or reasonable to progress and adopt the Neighbourhood Plan because it has not received strategic guidance and cannot be seen to be in conformity with the Local Plan.” The agent also comments, “The Neighbourhood Plan cannot be adopted at this present time and is likely to require significant amendment once the Local Plan is published.”

I have dealt with the issue of the emerging Local Plan above. I concluded that I must base my assessment whether the Neighbourhood Plan is in general conformity with the strategic policies of the Development Plan for the area on the Adopted East Staffordshire Local Plan, 2006 (saved policies edition). I have also concluded the statutory framework does not prevent a Neighbourhood Plan containing a housing provision policy in circumstances where the Development Plan does not contain a strategic housing provision policy.

The Framework requires Local Planning Authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. I consider Neighbourhood Plans, where they include policies quantifying housing requirements, should demonstrate objective assessment.

Appendix 5 to the Neighbourhood Plan entitled ‘The logic for the housing numbers. The site selection process’ seeks to explain how the Neighbourhood Plan “has arrived at the housing requirement in Policy H1”. I will examine in turn each of the three components presented in the justification for the overall housing requirement namely:

- Rolleston on Dove’s role as a settlement;
- Rolleston on Dove’s infrastructure capacity;
- housing needs

#### Rolleston on Dove’s role as a settlement

The Steering Group strongly disagrees with the classification of Rolleston on Dove as a Strategic Village in the emerging Local Plan for the following reasons:

- the scoring system is unsound and incorrect with respect to Rolleston on Dove;
- Rolleston on Dove is not a strategic village in terms of the function it performs and its capacity to support growth of a scale considered by the Borough Council as ‘strategic’;
- the threshold of 100 dwellings to define strategic sites is arbitrary

It is contended that the Borough Council score of 53 points in the Settlement Hierarchy assessment (July 2012) should be reduced. Representations already made that would reduce the village score by 5 points had not been accepted by the Borough Council. The representations were that the scout headquarters building cannot count as a community building as it is in use every weeknight by the scouts; the Jinny Inn is not within the necessary distance from the village centre; and food sales at the newsagents are insufficient for the shop to be classified as a village store.

The Steering Group contend there are other reasons to reduce the score namely: the closure of Craythorne Golf Club; the closure of the Methodist Chapel in the near future; and the indication that the Brookhouse Hotel including restaurant will close. These other factors would remove 4 points which alone would reduce the score to 49 resulting in a potential Tier 2 classification for the village. Tier 2 villages are expected to deliver 20 to 40 dwellings. The Steering Group consider facilities and amenities are being lost but more houses are being built resulting in additional strain on the remaining infrastructure.

#### Rolleston on Dove's infrastructure capacity

The Steering Group express particular concern regarding the ability of the John of Rolleston Primary School to accommodate additional child numbers resulting from development in the plan area. It is contended pupil numbers generated by development of 85 dwellings could be accommodated within the 22 places available but 125 dwellings would generate 26 children resulting in an over-capacity situation. It is further contended that nearby schools will not be able to offer capacity. Whilst I appreciate the sustainable development arguments relating to the minimisation of travel I have afforded this aspect of the justification little weight as the Education Authority is able to make adjustments to provision in areas generally, and in any case parental choice results in fluctuations of pupil numbers based on a range of factors not least Inspection reports assessing the performance of a school.

The Neighbourhood Plan refers to a further factor described in terms of being an infrastructure constraint, namely, inadequate provision and access to GP surgery facilities in the wider area. Again I have afforded this point little weight as I consider this is a matter that can change rapidly over time not least through interventions by the proper authorities with responsibility for commissioning health facilities. In the case of both education and health facilities I note the Framework requires neighbourhoods to plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

## Housing needs

The Steering Group state that the Rolleston on Dove Housing Needs Survey 2010 identified a local need for 9 dwellings, later reduced to 6 by the Borough Council, suggesting local needs are low. The Steering Group anticipate newly arising requirements will not be significant. They also anticipate the emerging Local Plan will reduce affordable housing provision thresholds resulting in provision from the allocated sites in the Neighbourhood Plan.

Appendix 5 also shows that the 85 dwelling allocation is based on voting by villagers in a questionnaire. The level of provision supported by 80% of villagers is utilised but no justification is set out for this opinion cut-off point.

The Steering Group advocate deduction of provision resulting from permissions pre-dating the plan period from the total housing requirement. The Borough Council states that their approach as used in the Local Plan, and also advocated by the agent to the owners of the emerging Local Plan strategic allocation site, is to deduct from the housing requirement for each settlement, dwellings given planning permission from 1<sup>st</sup> April 2012. This is a different approach to that taken in the Neighbourhood Plan in which sites under construction as at 1<sup>st</sup> April 2012 are counted against the housing requirement. The Borough Council has submitted information showing 23 dwellings have been granted planning permission since 1<sup>st</sup> April 2012. They contend that this figure should be deducted from the housing requirement rather than the 36 dwellings figure used in the Neighbourhood Plan.

The important consideration is that there should be no double counting. Development can only be taken into account once, either as a commitment, or as a completion. The choice will depend on the plan preparation method adopted. The approach advocated by the Borough Council is one frequently utilised in Local Plan preparation whereby housing requirement is calculated taking into account a range of factors including population and household size projections with a migration adjustment, and taking into account planning permissions already granted. In this case completions in the plan period relating to permissions granted prior to the plan period will not be counted against delivery of the housing requirement. They have already been taken into account and should not be double counted.

By contrast the housing requirement adopted by the Parish Council is based on a simpler method driven in large part by the paucity of population and household size data at the appropriate spatial level. The method deployed set out in Appendix 5 utilises the framework provided by the emerging Local Plan and presents a justification based in part on re-classification of Rolleston on Dove within the settlement hierarchy. Other factors are brought into the method namely local school capacity, assessed housing need, and derived local opinion. GP surgery health

services are referred to in the Neighbourhood Plan. Given the relative simplicity of selection of a housing requirement level no assumption has been included regarding commitments in the form of planning permissions. On this basis it is acceptable to treat the housing requirement figure as a start point for the plan period and then, as the Parish Council have done, count both completions and new commitments as delivery categories.

The agent acting for the owners of the strategic site identified in the emerging Local Plan states “No justification exists for including the windfall number in the total and no evidence exists to suggest these sites will come forward.” Policy H1 states that an element of provision will be delivered within the village through small-scale development on windfall sites. The plan includes some evidence that such sites have consistently become available in the local area however evidence that they will continue to provide a reliable source of supply is limited to the identification of sites evaluated in order to determine the currently proposed allocations. The policy is however in general conformity with policy H2 Large Windfall Sites in the Adopted Local Plan.

The Steering Group state in Appendix 5 that “it is understood and accepted by the Steering Group that Policy H1 cannot set a dwelling ‘ceiling’ whereby there will be no more residential development once 85 dwellings have been delivered. It represents a housing requirement that, based on the available evidence, is considered to strike an appropriate balance between the need to plan for growth, the sustainability of Rolleston on Dove as a rural settlement and the assessed housing needs of the population.” I recommend that the wording of Policy H1 should be modified to reflect this understanding and acceptance.

In areas where an up to date adopted Local Plan exists this will provide a strategic context for Neighbourhood Plan preparation. I have expressed the view that a Neighbourhood Plan can progress ahead of a Local Plan. In these circumstances the housing requirement must be assessed locally. It is unrealistic to expect a small settlement will have the capacity to assess housing requirements across an entire Borough Council area and then determine the role that settlement will play in that wider context. Population, household size and migration projections are notoriously resource hungry. In the case of Rolleston on Dove the Neighbourhood Plan Steering Group have turned to the emerging Local Plan to provide a framework within which to determine the role the settlement will play in the wider area. The Steering Group see that the basis of housing requirement for Rolleston on Dove set out in the emerging Local Plan is related to the classification of the village in the settlement hierarchy. Their approach to adopt this method would seem to be appropriate and proportionate.

The Neighbourhood Plan has been progressed on the basis that Rolleston on Dove should not be classified such that it would be required to perform the role as a

strategic settlement. This has been based on analysis of actual and anticipated changes to facilities and amenities in the plan area, analysis of local primary school capacity, and consideration of local housing need. Subject to the observations I have already made I find there is a basis to conclude that local housing requirement has been objectively assessed with a degree of consideration of the wider area context, and that this has been explored to a method and degree of penetration that is proportionate and appropriate to the resources available to a Neighbourhood Plan strategy group. The Neighbourhood Plan preparation process is in effect utilising the spatial framework provided by the emerging Local Plan but interpreting the situation differently.

Settlement hierarchies are subject to change over time not least through the interplay of population change and service level provision which adds weight to the need for adequate monitoring arrangements. Given the social importance and human rights aspects of meeting housing need I consider housing requirements should not be left without review for 18 years to the end of the plan period. I therefore recommend Policy H1 explicitly incorporates a commitment to review. Policy H1 currently refers to H4 whereas H5a and H5b would be more appropriate.

### **Recommended Modification**

**Policy H1 should be adjusted to read “An assessed housing requirement of 85 dwellings will be met over the plan period 2012 to 2031 on the sites identified in Policies H5a and H5b, and on windfall sites, and on sites already granted planning permission. The housing requirement does not represent a ceiling on development and will be objectively assessed through independent review at five year intervals throughout the plan period. Such reviews may lead to additional housing land allocations. ”**

This modification will necessitate consequential Plan document text adjustments.

### **Policy H2: Housing types**

This policy seeks to achieve up to 50% of the new dwellings across the allocated housing sites to be appropriate for occupation by older persons. This overall requirement can be delivered either across all allocated housing sites or predominantly on a single allocated housing site, with lower levels of such housing provided on the remaining allocated housing sites. Any planning application coming forward proposing housing on one of the allocated sites will be assessed against the outstanding ‘balance’ of housing appropriate for older persons which is still required to be delivered during the plan period in the parish.

The Framework states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people. The Neighbourhood Plan policy is consistent with this approach and seeks to ensure provision of the type of housing that reflects local demand.

Policies and guidance within the East Staffordshire Quality Homes and Choice document support proposals for homes designed and located for older persons to contribute towards creating mixed communities, however the guidance focuses on this type of development being more achievable on large housing schemes of over 150 units or applications for extra-care schemes. The Neighbourhood Plan includes a calculation to forecast the number of retirement properties required in the plan area. This suggests that approximately 50% of the new dwellings proposed for Rolleston on Dove should be properties appropriate, in terms of size and layout, for people of retirement age.

No viability assessment has been presented to demonstrate this requirement would be deliverable however representations by the agent for the owners of one of the allocated sites has stated the owners are willing to bring the site forward in the plan period and that there is considerable developer interest being expressed in the site. It is further confirmed the site could accommodate the number of dwellings envisaged comprising a mixture of houses to include one and two bedroom properties that would be suitable for occupation by older people and that any housing on the site could include a provision for Lifetime Homes.

The wording of Policy H2 utilises the term “up to 50%”. This could be satisfied by little or no provision. The approach to trade-off provision between sites reflected in the wording of the policy is written to reflect a situation where there are more than two allocated sites.

### **Recommended Modification**

**Policy H2 should be amended to read:**

**“50% of new dwellings on allocated housing sites shall be designed to be appropriate for occupation by elderly persons. Land owners may co-ordinate their proposals so that the overall requirement is met but not necessarily equally on both sites. Planning applications will be assessed against the outstanding balance of provision. Such properties shall fulfil both of the following criteria:**

- Achieve ‘Lifetime Homes’ standards, particularly in respect of wheelchair access.**
- Be either 1 or 2 bed properties.**

**Any development should aim to protect the environment and meet recognised best practice.”**

### **Policy H3: Affordable housing priority**

This policy seeks to ensure people with some form of proven housing need and a demonstrable local connection will have priority in respect of new-build affordable housing for social rent and existing social housing.

Policies must relate to the development and use of land. The allocation of existing social housing is purely an issue of housing management and is not appropriate for inclusion as a policy in a Neighbourhood Development Plan.

It is inappropriate for Housing register bands to be used within the policy wording as a way of describing the criteria for occupation of affordable housing in the plan area. The definition of bands could be subject to change and therefore the policy would no longer be relevant or correct. The policy should be reworded with reference to 'local people with a local connection' and the criteria selected by the local community outlined within either the policy or supporting text.

#### **Recommended Modification**

**Policy H3: Delete the wording and insert "All planning permissions that include affordable housing will be subject to a Section 106 agreement requiring occupation of the affordable housing by people with a local connection. The agreement will ensure that the benefits arising from affordable housing pass on to subsequent occupants."**

### **Policy H4: Affordable housing provision**

This policy seeks affordable housing provision. The Framework states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Since neither of the allocated housing sites in Rolleston on Dove is large enough to trigger the Borough Council affordable housing threshold of 25 dwellings, the policy envisages all affordable housing is to be provided through the existing housing stock or regeneration of current affordable housing land. The mix of affordable properties

that are for social rent or intermediate tenure is left for future agreement between the Borough Council, the Registered Provider, and the Parish Council.

The Housing Needs Survey revealed a requirement for 9 affordable properties in Rolleston on Dove. There can be no guarantee that this assessed need, and any newly arising affordable housing needs, will be met through the policy. The Neighbourhood Plan indicates that this matter will be subject to monitoring and in particular a new housing needs survey will be undertaken during the plan period. Given the identified local need and desire to encourage affordable housing provision I recommend the policy is modified to create a positive context for the formulation of proposals.

### **Recommended Modification**

**The wording of Policy H4 should be amended to read “Proposals for affordable housing will be supported subject to the following criteria:**

- **The homes would be occupied by people with a local connection;**
- **Proposals would assist in meeting local affordable housing needs in terms of housing types, and mix of social rent, intermediate housing and shared ownership.”**

### **Policy H5a: Housing allocations and phasing – Land at Knowles Hill and**

### **Policy H5b: Housing allocations and phasing – Land off Shotwood Close**

I have seen nothing in the statutory framework pertaining to Neighbourhood Plan preparation that requires housing allocations policies to make up the full total of provision that would meet assessed requirements. It is acceptable for a community to identify sites that they would like to see developed but leave other provision to later decision responding to planning applications coming forward. The disadvantage of reduced certainty regarding precise location is counterbalanced by possible increased certainty of delivery in that live proposals are being assessed.

Site identification and selection processes have been extensive and inclusive, open to all to participate. The Strategic Housing Land Availability Assessment work of the Borough Council has been utilised and extended through processes designed to identify additional sites for evaluation.

The plan includes a statement of justification regarding the phasing stipulation. It is stated that the phasing in the policy seeks to ensure that all the allocated sites do not come forward in the first few years of the plan period, which would potentially subject the key services in Rolleston on Dove to unacceptable levels of strain.

The Neighbourhood Plan identifies John of Rolleston Primary School and the local GP health services as the principal services that will experience the greatest direct impact as a result of new development. With respect to the school the Neighbourhood Plan concludes that additional pupil numbers generated by the whole of the housing provision over the plan period can be accommodated. Similarly all of the five GP surgeries within two miles of Rolleston on Dove are reported in the Neighbourhood Plan to be accepting new patients. This situation does not provide justification for the inclusion of phasing requirements in respect of the housing site allocations.

Agents acting for the owners of the site on land at Knowles Hill request that the phasing of the site should be altered so as to enable the site to come forward at an early stage so as to meet the housing requirements of the village. It is further stated that the site is identified in the Borough Strategic Housing Land Availability Assessment as being deliverable, developable, suitable and achievable for development; and capable of being developed within 0 to 5 years. As the site is confirmed by the owner's agent to be capable of being brought forward at an early stage I recommend the phasing requirement is deleted. Given that the Framework encourages boosting the supply of housing I can see no justification for retention of a phasing requirement in respect of the second housing allocation site either.

The Environment Agency would welcome inclusion of text in relation to the two housing development allocation sites which specifies that sustainable drainage systems should be used and where appropriate provide wildlife areas, ponds, swales and permeable paving.

#### **Recommended Modifications**

- **Delete the phasing requirement in both Policy H5a and Policy H5b.**
- **Add to both policies "Sustainable drainage systems should be used and where appropriate should provide wildlife areas, ponds, swales and permeable paving."**

### **Policy D1: Green spaces within new residential development**

This policy seeks to ensure that where appropriate new residential development schemes should include public green open space provision and all new houses built should include front gardens of sufficient size to plant at least one tree. Off-site contribution in lieu of on-site provision is not considered appropriate in respect of open space or trees. The policy is consistent with the achievement of social benefits not least in respect of health and well-being contributing to sustainable development.

It would appear from the supporting text that the intention is to have trees planted but the policy as drafted merely requires space sufficient to plant a tree. The Framework recognises appropriate landscaping to be a factor in achieving visually attractive development. I recommend the wording of the policy is modified to reflect this approach.

#### **Recommended Modification**

**In Policy D1 Delete “all new houses built (i.e. excluding flatted development) shall include front gardens of sufficient size to plant at least on tree per dwelling” and insert, “the layout and design of every new housing scheme shall include landscaping proposals that provide front gardens to every property with the planting of an appropriate tree in every garden.”**

### **Policy D2: Residential storey heights**

This policy seeks to ensure that no new residential development or extension to residential property should be more than two storeys in height. There is strong community support for this approach that seeks to emphasise the rural character of Rolleston on Dove as distinct from the urban nature of nearby Burton on Trent. The objective is to ensure schemes are in keeping with the rest of the village and protect views into and out of the village. Observations have been made to point out that three storey buildings do exist in the village which I can confirm. Apart from the concentration of three storey property in the relatively recent development in the vicinity of Garrett Square I saw very few three storey dwellings in the plan area.

On this basis I recommend paragraph 5.8 should be adjusted to refer to the predominant characteristic. The Framework refers to understanding and evaluation of the defining characteristics of an area and whilst important to promote or reinforce local distinctiveness appropriate innovation should not be discouraged. Innovation can manifest itself within the constraint of a maximum storey height creating variety and interest in design achieving a sense of place and identity while respecting and enhancing the built as well as the natural and historic forms of the surroundings.

#### **Recommended modification**

**Delete “rest” insert “predominant characteristic”.**

### **Policy D3: Energy efficiency of new developments**

This policy seeks to ensure energy efficiency in new developments. This issue is one that is relevant in almost all communities. This raises the question at what level of planning policy should energy efficiency be addressed. The Framework states that local planning authorities should avoid duplicating planning processes for non-

strategic policies where a neighbourhood plan is in preparation. On this basis I conclude an energy efficiency policy can be appropriate for inclusion in a neighbourhood plan where it introduces a distinct approach to be applied locally.

The policy as drafted presents a number of difficulties. 'Very highest standards' is an imprecise term. The use of adopted nationally described standards is desirable. The Code for Sustainable Homes and the BREEAM<sup>10</sup> standard for non-residential buildings are nationally recognised standards for measuring the sustainability of buildings. Both standards require energy efficiency of buildings beyond the standards set by the Building Regulations but also assess water efficiency, waste and recycling, pollution, health and wellbeing, and construction materials. It would be possible to require Code of Sustainable Homes Level 4 or even Level 5 or beyond. The Government has published a cost review of achieving the different levels of the Code for Sustainable Homes. Similarly the BREEAM 'very good' standard could be utilised.

The present policy drafting presents other difficulties. The fact that a technology or system is visible is not in itself sufficient reason to resist a proposal. The term value is imprecise. The Framework refers to special architectural or historic interest as the justification of conservation area status. The Framework approach to conserving and enhancing the historic environment is not limited to conservation areas but extends to all heritage assets.

#### **Recommended Modifications**

- **Delete “the very highest standards of energy efficiency” insert “Code for Sustainable Homes Level 4 and BREEAM non-residential very good standard.”**
- **After “highly visible” add “and are harmful to visual or residential amenity.”**
- **Delete “value” and insert “special architectural or historic interest”**
- **After “Conservation Area” add “or other heritage assets”**

#### **Policy D4: Parking standards for new residential development**

This policy seeks to ensure a minimum standard of off-road car parking provision. The Framework recognises that local parking standards may be appropriate taking into account matters that include the type of development; availability and opportunities for public transport; and local car ownership levels. No justification is given in the Neighbourhood Plan why single dwellings would be exempt. The Framework applies to all developments. The cumulative impact of a number of infill or other single dwelling schemes can cause vehicle movement difficulties in an area.

<sup>10</sup> Building Research Establishment Environmental Assessment Method

I recommend all residential development schemes should include off-road car parking provision.

#### **Recommended Modification**

**Delete “of more than one dwelling.”**

### **Policy D5: Materials and refuse bin storage for residential development**

This policy seeks to ensure that new residential properties are faced with appropriate materials and that where wheelie bins are stored at the front of properties they are concealed. These matters are appropriate for local determination and are consistent with the Framework aim of requiring good design. The Framework states neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Whilst the Framework states that planning policies should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, they should not prevent or discourage appropriate innovation. I recommend that this is reflected in the policy. As waste collection services could vary over time I recommend that the use of other containers should be included.

#### **Recommended Modifications**

- **After “roofs.” add “Schemes incorporating alternative materials may exceptionally be acceptable where they are innovative and enhance visual amenity.”**
- **After “wheelie bins” add “or other containers”**

### **Policy OS1: Development outside the settlement boundary**

This policy seeks to establish a strong presumption against any development outside the settlement boundary of Rolleston on Dove particularly if development serves to reduce the gap between the village and Horninglow and Stretton. This approach does not have regard to national policy in two fundamental respects.

Firstly the Framework establishes a presumption in favour of sustainable development. The application of the presumption has implications for how communities engage in neighbourhood planning. Critically it means that neighbourhoods should plan positively to support local development, shaping and directing development in their area. The Framework states that unless material considerations indicate otherwise decision takers should approve development proposals without delay. The adopted development plan for East Staffordshire is

silent with regard to the strategic consideration of the volume of housing development. Where the development plan is silent the Framework states that decision makers should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

Figure 6.1(Village settlement boundary) associated with Policy OS1 maps a tightly drawn village development boundary. I have seen no evidence to confirm the capacity of the area included within the boundary to accommodate the development of sufficient numbers of dwellings to facilitate the achievement of the housing requirement over the plan period that is identified in Policy H1. The particular justification referred to in the Neighbourhood Plan relating to development that serves to reduce the gap between the village and Horninglow and Stretton does not justify the approach adopted in the Neighbourhood Plan where a tightly drawn development boundary is established in every direction. In this respect I find Policy OS1 does not have regard to the Framework.

Secondly the approach adopted in Policy OS1 does not have regard to the Framework in another respect. The Framework aims to support a prosperous rural economy. The Framework states Neighbourhood Plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- and support sustainable rural tourism and leisure developments

It would be possible to construct a policy wording that defines a countryside area and establishes that planning permission will be granted only for development appropriate to the countryside or for the efficient working of the countryside; sites allocated for development; replacement dwellings; and appropriate extensions to dwellings in the countryside. It would in particular be possible to establish that there is a clear presumption against development which serves to reduce the green gap between Rolleston on Dove and the settlements of Horninglow and Stretton. This approach would overcome the second fundamental issue I have identified but would not however overcome the first fundamental issue identified above relating to the failure of the Neighbourhood Plan to plan positively to support local development.

I am of the opinion that the restriction on development arising from the implementation of Policy OS1 is not in accord with the national approach set out in the Framework. I recommend that the policy should be deleted so that the Neighbourhood Plan has regard to national policy with respect to the need for plan

making to positively seek opportunities to meet the development needs of their area and to support the needs of a prosperous rural economy. I am aware of Policy NE1: Development outside Development Boundaries and Inset number 12 Rolleston on Dove, within the Adopted East Staffordshire Local Plan, 2006 (saved policies edition).

### **Recommended Modification**

**Delete Policy OS1 and paragraph 6.3 including Figure 6.1: Village settlement boundary**

### **Policy OS2: Protection of local green spaces of community value**

This policy builds on local opinion that there are green spaces that should be protected from development. 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. One representation emphasises the importance of the Knowles Hill frontage to fields with which I agree. I have given consideration to the question whether a bridleway, which Fiddlers Lane appears to be, is suitable for designation as a Local Green Space. I have concluded that there is nothing to suggest that a bridleway should not be designated as a Local Green Space. I do feel however that the identification map is unhelpful in that it includes a wavy boundary extending significantly into adjacent and nearby land. This point applies equally to the way that The Old Dove Site of Special Scientific Interest is mapped.

Representations have been made on behalf of the owners of the College Playing Fields that the site has no authorised recreational or leisure role and is not public open space. Opposition to the designation of this site has also been expressed in representations from Sport England. The Framework sets out examples of how a green area may be demonstrably special to a local community. Beauty, historic significance, recreational value (including as a playing field), tranquillity, or richness of wildlife are set out as examples. The basis for inclusion of the site as an area for protection of local green space stated in the Neighbourhood Plan is that the College Playing Field is “ the best drained sports facility in the area” and “ it is currently used completely free of restrictions by a large number of dog walkers, joggers etc for recreational purposes.” Whilst ownership and access are not issues that will necessarily preclude land from inclusion as Local Green Space they are relevant when the basis of designation is, as in this case, use. On my site visit I did not see anything to indicate that this land was available for public recreational use. 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. I conclude, following a site visit, that this site does not meet the criteria for inclusion and should be deleted from the list in the policy.

I have visited all the other proposed sites and whilst noting that they include a wide variety of types, sizes and functions of green spaces I can appreciate the reason for inclusion of all of them and concur that designation will be consistent with the Framework and will contribute to sustainable development. I would comment that Rollestonians are fortunate to have such a wealth of green spaces that make an important contribution to the amenity of the area.

### **Recommended Modifications**

- **The map showing the location of Fiddlers Lane should identify the precise boundaries of the land to be designated as a Local Green Space.**
- **The map showing the location of The Old Dove Site of Special Scientific Interest should identify the precise boundaries of the designated SSSI.**
- **The College Playing Fields be deleted from the list in Policy OS2.**

### **Policy OS3: Protection of views of local importance**

This policy seeks to preserve views considered by residents to be of high aesthetic value being the most important views of surrounding land from the village. The policy wording is however imprecise in that direction of view from the bridge is not defined, other than by photograph, nor is there clarity from where the view of the fields on the north side of Station Road is to be seen. Neighbourhood Plans should provide clarity to decision makers. A preferable approach is to identify important countryside frontages that should be kept free from development to protect the setting, character and appearance of the village.

#### **Recommended Modification**

**Delete the wording of Policy OS3 and insert “Development will be strongly resisted when located in areas identified as important countryside frontages.”**

It will be necessary to define the boundaries of the important countryside frontages in map form to be presented as a Figure in the Plan document.

### **Policies IN1, IN2 and IN3: Infrastructure Provision**

These three policies relate to elements of community infrastructure identified by the local community as lacking, or in need of improvement. The first and second policies identify community requirements and give an indication how they can be financed and delivered. The third policy seeks to encourage greater use of public transport

and other alternatives to car borne movement as well as seeking to encourage increased use of local services and shops through provision of increased car parking facilities.

The agent for the owners of the strategic housing allocation site included in the emerging Local Plan has objected to the inclusion of the site referred to as the College Field for return to an operational sports ground. This in itself is an obstacle to implementation. I have concerns more generally that the facilities referred to in the Infrastructure policies IN1, IN2, and IN3 have no certainty of implementation. Funds referred to, resulting from contributions from development occurring within the plan period, will be limited and no evidence is provided to suggest that other funding, including grants, have been, or will be secured. No sites have been identified for the community centre, the allotment space, or for the additional parking facilities. On this basis I consider the projects are aspirational with no certainty of delivery and whilst appropriate for inclusion in the Neighbourhood Plan they should be presented within the general text as indications of intent, but not included as policies. The Framework envisages Neighbourhood Plans will be shaping and directing development and be deliverable.

### **Recommended Modification**

**That Policies IN1, IN2, and IN3 should be deleted.**

The projects should continue to be included in the Neighbourhood Plan in general text as they represent proposals that the community is seeking to achieve.

## **Summary and Referendum**

The examination will be of particular interest locally given the strong participation in the Neighbourhood Plan preparation process, not least in terms of almost 900 representations on the submission version plan, but also in the massive effort that has been expended throughout the plan preparation process. A huge number of hours of work have been contributed voluntarily. Rollestonians have engaged with passion and vigour in much hard work to achieve a sustainable plan for their community. Rolleston on Dove parish clearly has a strong community spirit where people care enormously about the place they live or work in. This resource is a valuable asset.

Also this being the first examination in East Staffordshire there will be interest from within the other 11 communities in the Borough engaged in Neighbourhood Planning. There will also be interest nationally at a time when the extent of the limit on localism in Planning is uncertain. The right to local choice has widespread support but there is a need to consider how local ambition is aligned with strategic priorities of the wider local area especially where there is no up-to-date Local Plan.

The interplay of local objectives, requirements and wishes, with the strategic aims and direction of district and national policy, presents a challenging operating environment for those involved in establishing a way forward.

Although active collaboration between the Parish and Borough tiers of Local Government has been less than strong I am of the opinion that resources designed to facilitate this are now in place and that a way forward can be found.

I consider the Rolleston on Dove Neighbourhood Plan closely reflects views held widely in the local community and establishes, subject to the modifications I have recommended, a realistic and achievable vision for development and change within the plan area. I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies contained in the Development Plan for the area;
- does not breach, and is otherwise compatible with, EU obligations and human rights requirements

**I am pleased to recommend to East Staffordshire Borough Council that the Rolleston on Dove Neighbourhood Development Plan should, subject to the modifications I have put forward, proceed to referendum.**

I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by East Staffordshire Borough Council on 21 November 2012.

The Neighbourhood Plan includes a small number of typographical errors that I will draw to the attention of the Borough Council and Parish Council in a separate letter.

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