

Town and Parish Council Planning Service

F.A.O: Chris Collison
Independent Examiner
Planning and Management Ltd

26th January 2024

Dear Chris Collison,

The Neighbourhood Planning (General) Regulations 2012 Regulation 16 Representations Denstone Neighbourhood Plan

Thank you for the opportunity to respond to some of the Regulation 16 representations. We have been asked to respond on behalf of Denstone Parish Council.

East Staffordshire Borough Council

We would like to respond selectively to the comments made by East Staffordshire Borough Council.

General: The amendment of the settlement boundary was made in the previous 'made' Neighbourhood Plan. This included Land South of Vinewood Farm within the boundary. The emerging Neighbourhood Plan maintains the settlement boundary from the 2017 Plan. It does not make any additional site allocations. Unfortunately, the Local Planning Authority's publicity materials for Regulation 16 suggested that additional sites were been allocated. This was raised with the Local Planning Authority which issued corrections to landowners and to some of their materials. This has led to misunderstandings, reflected in some of the other Regulation 16 representations. We don't understand the Local Planning Authority's response to Regulation 16 regarding site allocations. The Local Planning Authority is aware that the settlement boundary is being maintained and that the inclusion of this site was tested through the examination on the previous plan.

Section 2.6: The policies have been grouped and have a shared rationale in the interests of clarity, avoiding repetition, ease of use and conciseness. This approach has been used in numerous 'made' Neighbourhood Plans and feedback at the examination stage has often been positive.

DEN-SD1: The suggested re-wording of SD1 involves the Neighbourhood Plan applying Local Plan policy. Feedback from previous examinations on other plans suggests that this is poor practice at best, and unlawful at worst. In reality, Section 38 of the Planning and Compulsory Purchase Act 2004 already applies the East Staffordshire Local Plan policies. Also, any revision of the Local Plan would kill the Neighbourhood Plan policy. As a safer alternative, the interpretation could cross-reference to adopted local plan policy.

We disagree with the suggested deletion of DEN-SD1 Clause 2. We can see no justification in terms of meeting the Basic Conditions. The wording could be amended by adding ... 'meeting the requirements of DEN-PE3'.

DEN-SD2: Regarding DEN-SD2, we think it would be confusing and inappropriate to move the clarification on affordable housing and rural exception sites from the interpretation into the policy itself.

DEN-SD2 Clause 2 encourages a housing mix to address certain shortfalls but does not set proportions. It would therefore be illogical to set thresholds. Indeed, the hope would be that the policy influenced very small-scale development too.

DEN-SD2 Clause 3 relates to amenities rather than urban design.

We are concerned over the suggested deletion of DEN-SD2 Clause 3d. Creating more sustainable live-work patterns including home working is at the heart of achieving sustainable development.

The planning rationales provide a general justification for policies and also refers to a range of external evidence documents. This is a common approach in Neighbourhood Plans that have passed through examination and referendum. It is a deliberate approach to avoid excessive quotations from external documents in the Neighbourhood Plan itself. There is a robust proportionate evidence base underpinning the Plan.

DEN-SD3: The policy enabling the development of Denstone Farm Complex recognises the social and economic importance of the site to the Parish.

The suggested replacement of the term 'historic buildings' with 'heritage assets' would apply the policy to monuments (such as the War Memorial), underground remains and area-based designations, so would be non-sensical.

Regarding analysis of community facilities, the rationale does list key facilities. It should be noted that recent changes to use classes E, F1 and F2 make it difficult to be more prescriptive in policy. The policy has been written to be flexible to changing needs and demands. Examples of community facilities supported are already given in the interpretation to the policy. There would be no objection to adding to this list, though it is advisory only. It is clearly impossible to provide a comprehensive list.

The Local Planning Authority lists various issues that DEN-SD3 Clause 3 does not address. In fact, these are addressed in policies relating to design, heritage and environment. The Neighbourhood Plan policies work collectively. There is a clear discipline to the policies which avoids setting different or contradictory requirements for different kinds of development. It may be helpful to add cross reference to the design policy into the wording of the policy or into the interpretation.

On the point about defining rural character, chapter 4 (Place and Environment) and Policy DEN-PE3 deal with this in detail.

The policy makes clear that the impacts set out in Clause 3 also apply to the Denstone Farm site. The additional issues referred to in Clause 4 are specific to the site. It may make the policy clearer if impacts on the river was separated out into a separate point (a, b, c).

Similar comments on loss of community facilities were made at the Regulation 14 consultation stage. The policy was amended as a consequence to refer to 6 months. Changes were made to ensure that the Policy was in general conformity with strategic local policy.

DEN-SD4: We note the comment that the requirement for ‘complementing the green character of the campus’ is vague. This could partly be addressed by accompanying the policy with a map showing the principle landscape features, including tree belts. It should be noted that policy DEN-PE3 would also provide protection.

We would agree that a map could also show the listed buildings, non-designated heritage assets and ha-ha. It would be helpful if the Local Planning Authority could provide this map, as they have done for other maps in the Plan.

Clause c relates to character rather than technical highway matters and is specific to this site. Clause d already cross-references to DEN-ET2.

DEN-PE1: These points were dealt with at Regulation 14. For example, the sentence on domestic scale already refers to the predominant 2-storey height of housing. The meaning of building elevations with windows is clear. It could be useful for a page or two of illustrative materials to be added.

The policy refers to overlooking of streets and spaces, not adjoining properties, so there is no conflict with policy DEN-SD2 Clause 4. It is an urban design policy rather than an amenity policy. Natural surveillance is an important urban design principle.

DEN-PE2: The ‘Guidance on Traditional Farmsteads in East Staffordshire’ document is referenced in the interpretation to the policy. Previous Neighbourhood Plans that have included links within the document have caused problems when the location of such

documents has been moved. We advise our clients to make reference to documents, rather than providing links.

The inclusion of a map of Historic Farmsteads would be useful if the Local Planning Authority can provide it.

There is no suggestion in the Plan that the historic environment would prevent change. Indeed, the Plan supports development involving heritage assets. The Policy fully takes into account national policy, including recognition of the economic value of heritage.

Regarding the relationship of DEN-PE2 and DEN-LG1, including designation of LGS-A, we would point out that the former deals with heritage value (significance) and the latter with the community value of green space. It is common for planning policy to address some sites with multiple policies.

The map suggested is already in the Plan (figure 7). The Local Planning Authority could provide a better map, if necessary.

It is not appropriate for Neighbourhood Plans to include detailed project plans and business plans on behalf of external organisations. This would be a matter for the organisation and/or delivery vehicle concerned. However, there is considerable interest in restoring the canal among community and canal groups, as the Local Planning Authority is aware.

The heritage policy relates to non-designated heritage assets. There are already special statutory duties and detailed requirements in national and local policy relating to Statutorily protected heritage, including listed buildings. The Neighbourhood Plan does not repeat these unnecessarily, but focuses instead on locally specific issues.

Regarding the comment that criteria used to select non-designated heritage assets has not been provided, this is incorrect. The list of buildings is identical to that in the current plan. The same background evidence document has been used. The descriptions have been updated and included in the interpretation to the policy. These descriptions helped to identify the architectural or historic interest (note, not 'special' interest as these are non-designated heritage assets).

There is no basis for deletion of the list in terms of meeting the Basic Conditions.

The suggested replacement wording for the policy is unclear and appears to repeat national policy in part, so would not meet the Basic Conditions.

DEN-PE3: The policy is already accompanied by two maps (figures 8 and 9). The Local Planning Authority to provide replacement maps, if considered necessary.

Regarding DEN-PE3 Clause 2, the Environment Act 2021 now specifies Biodiversity Net Gain requirements for certain kinds of development. Biodiversity is already mentioned in more general terms in policy DEN-PE3, Clauses 1 and 4. The interpretation provides additional explanation. We are unclear what additional requirements the Local Planning Authority is suggesting.

With regard to agricultural land, the wording has regard to national policy. Similar policies in other Neighbourhood Plans have been accepted at the examination stage.

The replacement wording suggested by the Local Planning Authority would be unlawful. It is clearly at odds with the national planning policy framework. The settlement boundary has the capacity to accommodate housing growth, so the suggested policy wording would allow unsustainable and harmful development. In addition, the meaning of policy would be completely different, so it would invalidate the previous statutory consultation, both in terms of Regulation 14 itself and also consultation caselaw.

The Local Planning Authority could provide a map the locations of orchards and allotments, as suggested.

Reference to East Staffordshire Borough Council Biodiversity Guidance (October 2022) is already in the interpretation.

Because the Parish is small, the landscape setting would include the rural part of the parish. We would point out that the Staffordshire County Council's 'Planning for Landscape Change: An Introduction and User's Guide to Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan, 1996 – 2011' shows much of Denstone as an area of 'Active Landscape Conservation' and state that these are areas of the highest quality. This is mentioned in the rationale to the policy.

The policy reflects the policy in the 'made' neighbourhood plan. The identified views remain the same between the Plans. The National Design Guide 2021 includes various references to views.

We note the Local Planning Authority's suggested wording on views. This is less positively worded than in existing policy.

The figure titles make clear the relevance to the Policy.

DEN-PE4: DEN-PE4 has been included due to the severe flooding issues affecting Denstone village. We note the Local Authority's comment that the Local Plan already addresses the issue. However, local plan policy has apparently been ineffective in mitigating or addressing flooding, based on recent planning decisions. Given this problem, deletion of the policy would be impossible to justify to the local community. Also, policy DP2 in the 'made' plan addresses flooding and drainage, though it is

accepted that there are problems with the wording, for example by setting submission requirements.

Regarding clarity in the interpretation on guidance that should be taken into account, reference is already made to the East Staffordshire Climate Change and Sustainable Development SPD (August 2022), Staffordshire SuDS handbook and non-technical standards for sustainable drainage systems (DEFRA, March 2015). We are not sure what other guidance the Local Planning Authority is referring to.

DEN-LD1: The interpretation makes clear that Local Green Space has similar protection to Green Belts. It is important to note that the purpose of Local Green Space designation is related to community value, so is different to the five purposes for Green Belts. The suggested wording fails to take account of this and also implies that other parts of the NPPF and National Design Guide would not apply to Local Green Space (or for that matter to green belts, though there is no green belt in the area). There is no suggestion in the NPPF that protection for LGS and green belts would remove any requirement for compliance with other parts of the NPPF. The suggested wording would therefore fail to have regard to national policy and guidance.

DEN-ET1: With regard to wind energy the policy could be accompanied by a map, if necessary to indicate suitable locations for wind energy.

DEN-ET2: The suggested replacement policy wording to DEN-ET2 Clause 1 refers to 'movement'. This is open to misinterpretation. Also, the suggested wording would set submission requirements. Feedback from previous examinations on other plans suggests that a neighbourhood plan cannot set submission requirements.

The policy reference is an error and should read 'DEN-PE1'.

The suggested wording to DEN-ET2 Clause 4 is very vague and adds nothing to national policy. The wording already included in the policy has regard to the wider NPPF in addition to the National Design Guide. It makes a better and clearer policy if it specifies the issues that need to be taken into account. Similar policies have been included in other Neighbourhood Plans that have been successful at examination.

We would disagree that impacts on heritage assets, rural character and amenity of residents would not arise from the additional vehicle movements generated. Additional vehicle movements can create disturbance and have implications for air quality. Vibration or impact have also been found to have implications for historic buildings.

In terms of impacts of highway works on the rural context, we are aware that some local authorities have produced specific guidance on this subject and Historic England and other national organisations also have guidance. We would suggest that such guidance be prepared as a matter of urgency for East Staffordshire.

Appendix 1- Key Views: The evidence referred to is available on the Denstone Parish Council website, Neighbourhood Plan page.

Staffordshire County Council – Flood Risk

The policy being referred to from the current ‘made’ Plan is a proposal/aspiration, not a planning policy. For this reason, it was not included in the emerging Plan.

Residents and Landowners

In response to various comments by residents and landowners, we would point out that the settlement boundary was amended by the current ‘made’ Neighbourhood Plan. The emerging Neighbourhood Plan maintains this same settlement boundary and does not make any additional site allocations.

As stated previously, the misconception that additional sites were being allocated arose from the Local Planning Authority’s publicity materials for Regulation 16. Unfortunately, this has led to misunderstandings, reflected in some of the representations from residents.

It has not been necessary to make site allocations outside of the settlement boundary or to amend the settlement boundary again as there is sufficient capacity within the settlement to meet housing need.

The emerging Neighbourhood Plan was subject to stakeholder and community engagement, which is described in the Consultation Statement.

Conclusion

We hope the above comments are helpful.

Yours faithfully

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Director

CC David Clarke, East Staffordshire Borough Council