

Revised Denstone Neighbourhood Plan
East Staffordshire Borough Council Officer Comments
Regulation 16 Consultation
December 2023

As a context for our comments, the National Planning Policy Framework 2023 (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 requirements for the preparation of Neighbourhood Plans and the role these should take in setting out policies for the local area. The requirements set out in the Framework have been supplemented by guidance contained in MHCLG's and DLHUC's Planning Practice Guidance (PPG) on Neighbourhood Planning.

The Framework says that Neighbourhood Plans must meet certain "basic conditions" and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions for a draft Neighbourhood Plan are:

- i. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- ii. the making of the neighbourhood plan contributes to the achievement of sustainable development.
- iii. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- iv. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- v. prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

PPG on Neighbourhood Planning includes the following guidance on what evidence is needed to support a Neighbourhood Plan and how Neighbourhood Plan policies should be drafted:

"Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft Neighbourhood Plan."

“A policy in a Neighbourhood Plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.”

The strategic planning policy framework for the Denstone Neighbourhood Area is provided by the East Staffordshire Local Plan (ESLP) which was adopted in October 2015.

The current Denstone Neighbourhood Plan was made (adopted) in March 2017.

There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date. For example, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust.

It is considered that many of the “policies” are themes which group together several policies covering different planning issues. For example, Policy DEN-PE3 includes 6 parts (“clauses”) relating to landscape character, biodiversity, best and most versatile agricultural land, separation of Denstone from surrounding villages and key views.

Whilst paragraph 70 of the Framework says that Neighbourhood Planning groups should consider the opportunities for allocating small and medium-sized sites suitable for housing in their area, the Framework does not require Neighbourhood Plans to allocate sites for housing. Section 2.5 (page 13) says that *“the Plan does not undertake housing site allocations, leaving this to the East Staffordshire adopted Local Plan”*. However, the settlement boundary was extended in the 2017 Neighbourhood Plan to accommodate a housing requirement of around 20 dwellings, including land south of Vinewood Farm. The updated Neighbourhood Plan carries forward the extended settlement boundary and says (pages 17 and 18) that the land south of Vinewood Farm is *“currently available”, “makes a significant contribution to delivering any potential need or growth”* and *“has a potential yield of up to 24 units”*. It could be interpreted that the updated Neighbourhood Plan appears to be proposing / allocating the land south of Vinewood Farm for up to 24 dwellings, but there does not appear to have been an assessment of individual sites against clearly identified criteria as set out in PPG.

As a general comment, it is considered that some policies may not currently have sufficient regard to national policy, or are not in general conformity with strategic policies in the East Staffordshire Local Plan. Of particular concern is Policy DEN-SD2 part 1b which supports infill development at Quixhill, Prestwood and Doveleys which are treated as open countryside in the strategic policy SP2 (Settlement Hierarchy).

It is also considered that some policies are not drafted with sufficient clarity that would enable a decision maker to apply them consistently and with confidence when determining planning applications. To add clarity or ensure conformity with national or Local Plan policies, we have suggested alternative wording for some policies for consideration.

It is also considered that some policies (or parts of policies) are not currently supported by proportionate, robust evidence to explain the choices made and the approach taken.

Does the Neighbourhood Plan Update Require A Referendum?

Planning Practice Guidance states that if a qualifying body wish to make modifications that materially affect the policies in the plan, they *“must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.”*

PPG on Neighbourhood Planning says that there are 3 types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

On 2nd October 2023 Denstone Parish Council wrote to the Borough Council and advised:

“The submitted Neighbourhood Plan contains comprehensively re-drafted policies. It certainly could not be described as minor (non-material) modifications. We think the re-drafting of policies changes the nature of the Plan. Therefore, we had expected that it would require examination and referendum.”

Borough Council officers note that the updated Denstone Neighbourhood Plan includes a number of new policies (or “clauses”), including (but not limited to) the location of new employment space, location of new community facilities, development at Denstone Hall Farm complex, safeguarding employment land, design, and safeguarding the Churnet Valley railway line and former Caldon canal.

Whilst including a number of new policies, the updated Plan excludes some policies that were included in the 2017 made Neighbourhood Plan, including those relating to rural exception sites, JCB proving grounds at Prestwood, protection and enhancement of archaeological sites, Open Spaces and telecommunication installations.

Borough Council officers note that whilst the general thrust of the updated Plan is similar to the made 2017 Plan, every policy in the updated Plan has been re-written, and in many cases, quite significantly.

Borough Council officers also note that the Justifications that supported each of the made 2017 Plan policies have been removed.

In light of the above, Borough Council officers consider that cumulatively the material modifications do change the nature of the Plan that was made in 2017 and concur with the views of the Parish Council.

Introduction

Section 1.2 Status of the Plan

For clarity, it is suggested that reference to “Planning for Change Local Plan” in the first sentence of section 1.2 is changed to “East Staffordshire Local Plan (2012 – 2031)”.

Context

2.5 Overall Planning Strategy

The 2nd paragraph states *“The Plan does not undertake housing site allocations, leaving this to the East Staffordshire adopted Local Plan. However, it does cater for the small-scale level of growth identified through policies DEN-SD1 Settlement Boundary and DEN-SD2 Housing.”* Borough Council officers, however, consider that it could be interpreted that the revised Neighbourhood Plan effectively allocates land south of Vinewood Farm for housing development – see comments below relating to the Chapters on Sustainable Development and Policy DEN-SD1.

For accuracy, it is suggested that “Local Energy” in the 2nd sentence of Paragraph 5 be replaced with “Local Renewable Energy”.

Format of Policies

2.6 Format of Policies

Paragraph 2 says that the *“structure of the following policies is ... Purpose, Planning Rationale, then for each policy, the Policy and Interpretation...”* For accuracy, it is suggested that the wording of the first sentence be amended to “structure of the following **chapters** is ...” because a “purpose” and “rationale” are not provided for individual policies in the Plan.

	<p>As a general point, it is considered that many of the “policies” are actually themes which group together several policies covering different planning issues. For example, Policy DEN-PE3 includes distinct policies relating to landscape character, biodiversity, best and most versatile agricultural land, separation of Denstone from surrounding villages and key views. To help decision makers apply the policies consistently and with confidence it is considered that it would have been helpful if policies addressing different planning issues had been separated and that each separate policy was then supported by a Justification / Rationale. However, it is recognised such changes may not be required for the Plan to meet the basic conditions.</p>
Sustainable Development	
	<p>Paragraphs 8 and 11 of the planning rationale (pages 17 and 18) refer to a 0.81 hectare site south of Vinewood Farm, Marlpit Lane (SHELAA reference 95). Despite Section 2.5 of the Plan stating that the Plan does not undertake site allocations, the 2017 Denstone Neighbourhood Plan purposely extended the settlement boundary, including land south of Vinewood Farm. Paragraphs 8 and 11 of the revised Plan say that the land remains within the settlement boundary, is currently available, has an indicative capacity of 24 units, and is an important site as it makes a significant contribution to delivering any potential need or growth across the Neighbourhood Area in the Plan period. In light of this, it could be interpreted that the revised Neighbourhood Plan appears to be proposing / allocating the site for housing.</p> <p>Neighbourhood plans can, of course, allocate sites for development, including housing. However, PPG on Neighbourhood Planning makes clear that a qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.</p> <p>In light of the above, it is considered that the parish’s intended purpose for the land south of Vinewood Farm needs to be made clear and, if necessary, supported by appropriate evidence including, amongst other factors, that suitable access would be achievable.</p>
DEN-SD1: Settlement Boundary	Policy SD1 has 2 parts.

1. Development will be supported within the defined settlement boundary (see Plan 01), subject to meeting the requirements of Policies Den-SD2, DEN-SD3 and other policy requirements of this Neighbourhood Plan.

2. Development should preserve or enhance the rural landscape setting of Denstone, including the separation with surrounding settlements.

Part 1 of SD1 proposes that development be supported within the defined settlement boundary (Figure 4 - Plan 01), subject to meeting the requirements of:

- Policy Den-SD2,
- Policy DEN-SD3 and
- Other policy requirements of the Neighbourhood Plan.

The principle of Policy SD1 is considered to be in general conformity with Policy SP2 in the ESLP which states that new development should be concentrated within the settlement boundary of the Main Towns, Strategic Villages and Local Service Villages (which include Denstone).

However, planning law requires that applications for planning applications be determined in accordance with the development plan (not just the Neighbourhood Plan), unless material considerations indicate otherwise. Further, some of the requirements of Policies DEN-SD2 and DEN-SD3 do not relate to the settlement boundary.

In light of the above, it is suggested that Policy SD1 be re-worded along the following lines:

“Proposals for development within the settlement boundary (see Plan 01) will be supported, subject to being in accordance with other policies in this Plan and the East Staffordshire Local Plan.”

For clarity, it is suggested that Map 1 be retitled “Denstone Settlement Boundary” (rather than Denstone Neighbourhood Plan).

Map 1 – Denstone Settlement Boundary

Settlement boundaries are a policy tool which establish and contain built-up areas. A settlement boundary is a line drawn on a plan around a town or village which reflects its built form. The purpose of a settlement boundary is to clearly define where there is a presumption in favour of development within the boundary. Areas outside

	<p>settlement boundaries are considered open countryside and a different, more restrictive planning policy applies.</p> <p>Neighbourhood Plan 1 in the ESLP states that whilst Policy SP2 seeks to locate new development within existing settlements, Neighbourhood Plans have the ability to add settlement boundaries to existing settlements (those listed in SP2), or extend existing settlement boundaries. Additional or extended settlement boundaries should, however, be clearly justified.</p> <p>The 2017 Denstone Neighbourhood Plan extended the Denstone settlement boundary. The evidence which supported this has not been published for the review of the Local Plan..</p> <p>It is noted that there were requests by other landowners in the Regulation 14 consultation to extend the boundary to include their land.</p> <p>It is considered that the methodology and approach to establishing settlement boundaries should be consistent and transparent.</p> <p>Part 2 of DEN-SD1 proposes that development should preserve or enhance the rural landscape setting of Denstone, including the separation with surrounding settlements.</p> <p>Whilst the intention of part 2 is understood it is considered that DEN-SD1(2) is not necessary because:</p> <ul style="list-style-type: none"> (i) Protecting and enhancing the rural landscape is addressed by Policy DEN-PE3, (ii) Focussing development within the settlement boundary will, by definition, maintain the separation of Denstone from surrounding settlements.
<p>DEN-SD2: Housing</p> <p>1. New housing will be supported in the following locations:</p>	<p>Policy DEN-SD2 has 4 parts.</p> <p>Part 1 of Policy DEN-SD2 provides in-principle support for new housing in the following 5 “locations”:</p>

<p>a. Within the Denstone Settlement Boundary; b. Infill development for small gaps between properties within existing built frontages within the existing built settlements of Stubwood, Quixhill, Prestwood and Doveleys, meeting the requirements of policy DEN-PE1; c. Redevelopment of brownfield sites in and adjacent to existing settlements; d. Reuse and enhancement of disused buildings; e. Sensitive conversion of historic buildings.</p> <p>2. Housing development should include a mix of sizes and types of accommodation to meet the latest evidence of local need, including:</p> <p>a. Smaller housing, including 2 and 3 bedroom; b. Housing suitable for first time buyers and those seeking to downsize; c. Housing to meet the needs of older people or those with disabilities.</p> <p>3. All new housing, including new-build and building conversions, should include the following amenities:</p> <p>a. Discretely located and screened storage space for bins and recycling; b. Screened and secure cycle storage; c. Private garden or shared amenity space, complementing any existing pattern of front and/or rear gardens; d. Internal layouts flexible to differing and changing needs, including home working.</p> <p>4. Newbuild housing and extensions to housing should have no significant adverse impact on the amenity of adjacent or nearby properties.</p>	<p>a) Within Denstone Settlement Boundary.</p> <p>It is considered that 1(a) is in general conformity with the strategic Policy SP2.</p> <p>b) Within the existing built settlements of Stubwood, Quixhill, Prestwood, Doveleys.</p> <p>Strategic policy SP2 in the Local Plan states that Tier 3 Small Villages and other settlements (without settlement boundaries) are treated as open countryside where development will be permitted only in exceptional circumstances as set out in NP1 and Strategic Policies 8, 14, 15, 18, 20 and 21.</p> <p>Policy NP1 states that Neighbourhood Plans have the ability to add settlement boundaries to existing settlements (those listed in SP2), or extend existing settlement boundaries. The Neighbourhood Plan is not seeking to add settlement boundaries for the 4 settlements listed which are treated as open countryside.</p> <p>In light of the above, it is considered that DEN-SD2(1b) would not be in general conformity with Policy SP2 and consider that (1b) should be deleted.</p> <p>Further, given the quite dispersed nature of Quixhill, Prestwood, Doveleys it is considered that reference to “infill development for small gaps between properties within existing built frontages” lacks sufficient clarity to enable the policy to be applied consistently and with confidence by decision makers.</p> <p>c) Brownfield sites in and adjacent to existing settlements.</p> <p>The Framework supports re-using suitable brownfield land within settlements for homes. Paragraph 120c of the Framework states that planning policies should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs ...” The ESNP states that the Borough Council will continue to support the redevelopment of brownfield sites within development boundaries above the windfall allowances</p>
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	<p>set, providing proposals contribute to sustainable development. In light of the above, it is considered that DEN-SD2(1c) has regard to national policies and is in general conformity with the ESLP.</p> <p>d) Reuse and enhancement of disused buildings</p> <p>The Framework (paragraph 80) states that planning policies should avoid the development of isolated homes in the countryside unless one or more of six circumstances apply, including the development would re-use redundant or disused buildings and enhance its immediate setting. In light of the above, it is suggested that DEN-SD2(1b) be amended to read “re-use redundant or disused buildings and enhance their immediate setting.”</p> <p>e) Sensitive conversion of historic buildings.</p> <p>As currently worded, it is considered that SD2(1e) is not drafted with sufficient clarity that a decision maker could apply it consistently and with confidence when determining planning applications. In particular, there is a need to define “historic buildings”. It is considered that the term “historic buildings” in the Neighbourhood Plan is replaced by “heritage assets”. The Framework defines a heritage assets as “a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)”. The Framework states that heritage assets should be conserved in a manner appropriate to their significance. We suggest (e) is amended to “sensitive conversion of heritage assets when in accordance with national policy and guidance and the development plan.”</p> <p>Paragraph 4 of the Interpretation for DEN-SD2 acknowledges that the “policy does not deal with affordable housing or rural exception housing ...”</p> <p>Paragraph 80 of the Framework does, however, also support the development of isolated homes in the countryside if there is an essential need for a rural worker, if the development would represent the optimal viable use of a heritage asset, if the</p>
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	<p>development would involve the subdivision of an existing residential building, or if the design is of exceptional quality. For clarity, it would be helpful if the supporting text acknowledged that there are other circumstances set out in the Framework where new homes in the open countryside may be supported.</p> <p>Part 2 of DEN-SD2 relates to housing mix and proposes that housing development should include a mix of sizes and types of accommodation to meet the latest evidence of local need, including:</p> <ul style="list-style-type: none"> • 2 and 3 bed dwellings, • housing suitable for first time buyers and those seeking to downsize, • housing to meet the needs of older people or those with disabilities. <p>Paragraph 62 of the Framework says the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).</p> <p>Policy SP16 (Meeting Housing Needs) says that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence, including Housing for Older People. Residential development elsewhere shall provide a dwelling or a mix of dwellings to best meet local need according to a local housing needs survey or where applicable the Council's evidence base.</p> <p>It is noted the Interpretation indicates that when considering housing need, ESBC's Housing Choice SPD should be taken into account.</p> <p>Part 2 of Policy DEN-SD2 appears to have regard to paragraph 62 of the Framework and SP16. However:</p>
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	<ul style="list-style-type: none"> • Policy DEN-SD2(2) refers to “housing development”. The Interpretation says that the policy does not deal with affordable housing or rural exception sites, but this should be made clearer in the policy. For clarity it is therefore suggested that the policy relate to “new market housing development”. • The ability to provide a mix of housing types and sizes depends on the size of the development. If Policy DEN-SD2(2) is to be applied consistently and with confidence by decision makers it is suggested that the policy should include a size threshold and takes account of viability considerations. For example, “<i>To be supported all new market housing development proposals of X dwellings or more must demonstrate, subject to viability considerations, that they include a mix of sizes and types of accommodation to meet the latest evidence of local need ..</i>”
	<p>Part 3 of Policy DEN-SD2 proposes that all new housing should include:</p> <ol style="list-style-type: none"> a. storage space for bins and recycling; b. screened and secure cycle storage; c. a private garden or shared amenity space; and d. internal layouts flexible to differing and changing needs, including home working. <p>As a general comment, it is considered that DEN-SD2(3) relates primarily to design, which is addressed in DEN-PE1.</p> <p>Depending on the type and size of development it may not always be appropriate or possible to provide screened or secure cycle storage. It is therefore suggested that the words “<i>where possible</i>” be added to DEN-SD2(3b).</p> <p>The aspiration for internal layouts to be flexible to changing needs is understood, but difficult to apply consistently and with confidence when determining planning applications. It is suggested that DEN-SD2(3d) could be deleted.</p>
	<p>Part 4 of Policy DEN-SD2 proposes that new housing development should have no significant adverse impact on the amenity of adjacent or nearby properties.</p>

	<p>The strategic policy SP1 states that when assessing planning applications one of the principles that will be applied is whether the development proposal is designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping. The non-strategic DP1 (Design of New Development) also seeks to assess “the impact on the amenity of occupiers of nearby residential properties in terms of loss of light, outlook, or privacy” when determining applications for development. In light of the above, it is considered that DEN-SD2(4) is in general conformity with SP1.</p> <p>As a general comment, PPG says that proportionate, robust evidence should support the choices made and the approach taken. It is considered that the Purpose and Planning Rationale (pages 16 – 19) and Interpretation sections for Policy DEN-SD2 do not provide proportionate, robust evidence to support all the choices made in the policy or explain the intentions and rationale of what is proposed.</p> <p>Further, the relevance of paragraph 2 in the Interpretation (which discourages oil-based heating) is unclear to DEN-SD2. It is not clear whether paragraph 2 is intended to interpret one of the 4 parts of DEN-SD2 or whether it is seeking to introduce new policy.</p> <p>Paragraph 4 says that nationally described “Technical housing standards” (2015) “may be useful” but does not explain what part of the standards would assist applicants or decision makers. In considering room sizes, comparison to ‘Technical housing standards – nationally described space standard 2015’ may be useful when describing development.</p>
<p>DEN-SD3: Employment and Community Facilities</p> <p>1. Development to create employment space (Use Class E) will be supported in the following locations:</p> <p>a. Within the Denstone Settlement Boundary; b. Denstone Hall Farm complex;</p>	<p>Policy DEN-SD3 has 5 parts.</p> <p>Part 1 of Policy DEN-SD3 supports the creation of employment (Use Class E - Commercial, Business and Service) space in the following 4 “locations”:</p> <p>a. Within Denstone settlement boundary.</p>

<p>c. Development of brownfield sites; d. Sensitive conversion of historic buildings.</p> <p>2. Development to create community facilities (Class E, F1 and F2) will be supported in the following locations:</p> <p>a. Within the Denstone Settlement Boundary; b. Denstone Hall Farm complex; c. Development of brownfield sites in or adjacent to the existing Denstone settlement; d. Sensitive conversion of historic buildings.</p> <p>3. Support for development to create community facilities is subject to; there being no significant adverse impacts on:</p> <p>a. The amenities of residential properties; b. Nearby and adjacent uses; c. Heritage assets and their settings, also meeting the requirements of Policy DEN-PE2; d. The rural character of the area, also having regard to Policies DEN-PE2 and DEN-PE3.</p> <p>4. Development of Denstone Hall Farm complex as a retail, community and visitor facility will be supported, subject to:</p> <p>a. There being no adverse impacts as described in Clause 3 or on the river and its environs; b. Taking opportunities to improve the landscaping and greening of the site, including car-parking areas.</p>	<p>The strategic context for DEN-SD3(1) is SP2 (Settlement Hierarchy) and SP14 (Rural Economy)</p> <p>It is considered that DEN-SD3(1) would be in general conformity with SP2 and SP14.</p> <p>b. Denstone Farm complex.</p> <p>The Denstone Farm complex is outside of the settlement boundary. The strategic context for DEN-SD3(1b) is SP8 (Development Outside Settlement Boundaries) and SP14 (Rural Economy).</p> <p>SP8 supports development outside settlement boundaries if it is essential to the support and viability of an existing lawful business or provides facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycle or by public transport. SP14 would support development if there were exceptional reasons why it could not be located in a Tier 1 or 2 settlement or an established urban employment location.</p> <p>c. Brownfield sites.</p> <p>To support a prosperous rural economy the Framework (paragraph 85) encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.</p> <p>d. Sensitive conversion of historic buildings.</p> <p>As suggested for Policy DEN-SD2(1e), it is considered that reference to “historic buildings” should be replaced by “heritage assets”.</p> <p>We suggest (d) is amended to “sensitive conversion of heritage assets when in accordance with national policy and guidance and the development plan”</p>
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5. The loss of existing employment space and community facilities will only be supported where:

- a. It can be demonstrated that the use or facility is no longer required or viable, including having been placed on the open market at a realistic price for a period of at least 6 months; or
- b. A similar or better facility is provided within easy walking distance.

Part 2 of Policy DEN-SD3 supports the creation of **community facilities** (Use Classes E - Commercial, Business and Service, F1 - learning and non-residential institutions and F2 - local community uses) uses in the following 4 “locations”:

- a. Within Denstone settlement boundary.

The strategic context for DEN-SD3(2) is SP2 (Settlement Hierarchy) and SP22 (Supporting Communities Locally)

It is considered that DEN-SD3(2) would be in general conformity with SP2 and SP22.

- b. Denstone Farm complex.

The Denstone Farm complex is outside, but in close proximity to, the Denstone settlement boundary. The strategic context for DEN-SD3(1b) is SP8 (Development Outside Settlement Boundaries) and SP22 (Supporting Communities Locally).

SP8 supports development outside settlement boundaries if it provides facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycle or by public transport.

SP22 supports new community facilities subject 4 criteria being met, including the community facilities being proportionate for the community which they will serve.

A neighbourhood plan can allocate sites for community facilities. However, it is not clear what, if any, appraisal has been undertaken on the type of community facilities would be supported.

- c. Brownfield sites in or adjacent to the existing Denstone settlement.

	<p>The Framework encourages the use of previously developed land. Community facilities should generally be located where they can be accessed by foot, bicycle or public transport, rather than only by car. In light of this, it is considered that DEN-SD3(2c) would be in general conformity with SP22.</p> <p>d. Sensitive conversion of historic buildings.</p> <p>As suggested for Policy DEN-SD2(1e), it is considered that reference to “historic buildings” should be replaced by “heritage assets”.</p> <p>We suggest (d) is amended to “sensitive conversion of heritage assets when in accordance with national policy and guidance and the development plan”</p> <p>It is noted that DEN-SP2(2) defines community facilities as Use Classes E, F1 and F2. Use Class E includes many uses not normally associated with community facilities, including offices and light industrial buildings. The Interpretation says that “community facilities could include allotments, shops, pubs and recreational facilities (indoor and outdoor)” but lacks clarity on what Use Class E uses would not be supported. To enable decision makers to apply DEN-SP2(2) consistently and with confidence it is strongly suggested that the Neighbourhood Plan define the types of community facilities that the policy is intended to support.</p> <hr/> <p>Part 3 of Policy DEN-SD3 proposes that support for the creation of community facilities is subject to there being no significant adverse impacts on:</p> <ul style="list-style-type: none"> a. The amenities of residential properties; b. Nearby and adjacent uses; c. Heritage assets and their settings and also the requirements of DEN-PE2 (Heritage); d. The rural character of the area and also have regard to DEN-PE2 (Heritage) and also have regard to DEN-PE3 (Natural Environment and Landscape) <p>It is considered that DEN-SD3 (3) does not address a number of planning issues that would usually be relevant when considering the suitability of new community facilities,</p>
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	<p>such as whether the scale, size and proposed use is appropriate to its surroundings and adjacent uses; whether the proposal would provide safe and suitable access to the site for all users; and whether the design of the buildings, structures and materials would be visually well-related to the proposed site etc.</p> <p>It is noted that DEN-SD3(3) repeats other Neighbourhood Plan policies. It is suggested that the policy could delete references to DEN-PE2 and DEN-PE3 with a condition along the following lines - <i>“The development complies with other relevant policies in the Plan and East Staffordshire Local Plan.”</i></p> <p>If DEN-SD3(3) is to be applied consistently and with confidence by decision makers it is considered that the Neighbourhood Plan needs to define “rural character”.</p> <hr/> <p>Part 4 of Policy DEN-SD3 proposes that in addition to meeting the requirements of “Clause 3” [DEN-SD3(3)], development proposals for retail, community and visitor facilities at Denstone Hall Farm complex should meet the following 2 conditions:</p> <ul style="list-style-type: none"> a. No adverse impacts on the river and its environs; and b. Opportunities being taken to improve the landscaping and greening of the site, including car-parking areas. <p>It is noted that DEN-SD3(1) supports Denstone Hall Farm complex for employment uses (Use Class E) whilst DEN-SD3 supports the creation of community facilities (Use Classes E, F1 and F2). Policy DEN-SD3(4) requires development proposals for retail, community and visitor facilities to meet conditions related to the impact on the river and improvements to landscaping and car-parking areas which proposals for employment uses under DEN-SD3(1) are not required to meet. It is not clear why the requirements for community facilities are more onerous than, and inconsistent with, those for employment uses.</p> <hr/> <p>Part 5 of Policy SD3 resists the loss of existing employment space and community facilities unless one of the following 2 conditions are met. Either:</p>
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- (a) It is demonstrated that the use or facility is no longer required or viable, including having been placed on the open market at a realistic price for a period of at least 6 months; **or**
- (b) A similar of (should be “or”?) better facility is provided within easy walking distance.

The strategic context for DEN-SD3(5) in the ESLP is provided by SP14 (Rural Economy) and SP22 (Supporting Communities Locally). The ESLP has different criteria for assessing proposals which would lead to the loss of existing employment land and community facilities.

The strategic SP14 (Rural Economy) states that the Council will resist proposals which would lead to the loss of sites used for industrial / commercial use or other employment generating uses in the countryside or rural settlements unless there are overriding environmental considerations or another source of employment is being created nearby.

The strategic SP22 (Supporting Communities Locally) states that proposals which result in the loss of a community facility will not be permitted unless:

- (i) adequate alternative provision is available within or adjacent to the settlement or will be provided as part of the development process;
- (ii) all reasonable efforts have been made to preserve the facility or service, including sharing of premises, but it has been satisfactorily demonstrated to the Council that the service is no longer viable and has been actively marketed for a period of at least 6 months; and
- (iii) the service or facility is in an inherently unsustainable location and the reuse of the site would be a more sustainable solution than the retention of the service or facility.

It is noted that DEN-SD3(5) would support the loss of employment sites or valued community facilities if they were no longer required and had marketed the business or facility for 6 months. It is considered that Policy SD3(5) is more permissive than, and would not be in general conformity with SP14 or SP22. In light of the above it is considered that DEN-SD3(5) should be deleted. It is suggested that the supporting

	<p>text could include reference to the fact that Local Plan policies seek to protect against the loss of employment land and community facilities.</p> <p>As a general comment, it is considered that the Interpretation section for Policy DEN-SD3 lacks clarity to enable decision-makers to apply the policy consistently and with confidence.</p> <p>The first paragraph of the Interpretation simply seems to be saying that the Neighbourhood Plan should be read as a whole and that other Neighbourhood Plan policies should be applied in a way that is appropriate to applications related to employment land and community facilities.</p> <p>Paragraph 3 of the Interpretation includes a few examples of what could be interpreted as community facilities (including shops and uses in Use Class E) but the definition is very vague and open to challenge. For example, would all shops or uses in Use Class E be considered to be community facilities? On the other hand, it is noted that educational establishments (which would include Denstone College) are not listed in the examples of community facilities. It is not clear whether this is intentional or an oversight.</p>
<p>DEN-SD4: Denstone College</p> <p>1. Development of the Denstone College campus for educational purposes will be supported, subject to:</p> <p>a. Complementing the green landscape character of the campus;</p> <p>b. Preserving or enhancing the historic building complex, ha-ha, other historic features of interest and setting;</p> <p>c. Preserving the rural character of College Road as a rural lane;</p> <p>d. Having no severe impact on traffic safety and capacity, meeting the requirements of Policy DEN-ET2.</p>	<p>Policy SD4 supports development of Denstone College campus for educational purposes, subject to the following 4 criteria being met:</p> <p>a. Complementing the green landscape character of the campus;</p> <p>b. Preserving or enhancing the historic building complex, ha-ha, other historic features of interest and setting;</p> <p>c. Preserving the rural character of College Road as a rural lane;</p> <p>d. Having no severe impact on traffic safety and capacity, meeting the requirements of Policy DEN-ET2.</p> <p>It is noted from the background on page 18 that Denstone College covers more than 100 acres (40+ hectares).</p>

	<p>Paragraph 1 of the Interpretation indicates that DEN-SD4(1) would support Use Class F1 (learning and non-residential institutions), related living accommodation (Use Class C2) and other ancillary uses related to the main educational use.</p> <p>Denstone College is located approximately 800 metres outside the Denstone settlement boundary. The strategic context for development at Denstone College is SP8 (Development Outside Settlement Boundaries). SP8 supports development outside the development if it is in accordance with a made Neighbourhood Plan or it is essential to support the viability of an existing lawful business. SP8 does, however, state that proposals falling within one of these categories will be judged against the following criteria where applicable:</p> <ul style="list-style-type: none">• The proposed development must not adversely affect the amenities enjoyed by existing land users, including, in the case of proposals for development close to an existing settlement, the occupiers of residential and other property within that settlement.• Proposals do not introduce considerable urban form.• Proximity to settlements where there are advantages of sustainable linkages, but this should not create unacceptable urban extensions or create the opportunity for unacceptable backfill between the development and the urban area• The detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area.• The design of the buildings, structures and materials are visually well-related to the proposed site and its setting with careful choice of materials, landscaping, massing of buildings and attention to local architecture and roofscape design.• Landscaping associated with the proposal takes into account both the immediate impact and distant views of the development.• The proposed development will not have an adverse impact on the transport and highway network and provides adequate access for all necessary users• The need to maintain land of high agricultural value for food production
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	<p>DEN-SD4(1) provides little guidance about whether the siting, scale, size of any development at Denstone College should be appropriate to its surroundings and whether the design of any buildings, structures and materials should be visually well-related to the proposed site. It is therefore considered that DEN-SD4(1), or the supporting text, need to include reference the need for any development proposals to also comply with SP8.</p> <p>In relation to the 4 criteria:</p> <ol style="list-style-type: none"> a. It is considered that “complementing the green landscape character of the campus” is vague and difficult to apply consistently and with confidence by decision makers, particularly because the Interpretation / Justification currently lacks detail about the local character which any new development should respond to / complement. b. For clarity, it is suggested that the historic buildings and structures that criterion (b) seeks to preserve or enhance (Listed Buildings, adjoining buildings, non-designated heritage assets and ha-ha) are shown on Figure 6 – Plan of Denstone College Campus. <p>c&d. Criteria c and d both appear to relate to the potential impact of new development on the local road network. It is suggested that the criteria could be replaced by “<i>Accordance with Policy DEN-ET2</i>” - see comments on DEN-ET2 below.</p>
Place and Environment	
<p>DEN-PE1: Design</p> <p>1. Development must be well-designed and contribute to a locally distinctive sense of place, meeting the following requirements of this policy, proportionate to the scale and nature of the development.</p>	<p>Policy PE1 says that development proposals should address the following 9 design principles:</p> <ol style="list-style-type: none"> 1. Be well-designed, contribute to local distinctiveness and be proportionate to the scale and nature of the development. 2. Include building and landscape features to reduce carbon use and support biodiversity.

<p>2. The design of development should include building and landscape features to reduce carbon use and support biodiversity.</p> <p>3. Development should complement the site and context in terms of scale, massing, height, set-back from the road and other townscape characteristics.</p> <p>4. Development should complement the following key characteristics:</p> <ul style="list-style-type: none"> a. Green street frontages, with landscaped edges and raised front gardens; b. Traditional boundary treatments comprising low stone walls and hedges; c. The domestic scale and predominantly two-storey height of housing. <p>5. The layout of development and design of public realm and green infrastructure should create attractive, safe, convenient and permeable environments for pedestrians, with connections to existing paths.</p> <p>6. Development should face streets and spaces with active frontages, in the form of low walls and building elevations with windows, to provide natural surveillance and overlooking.</p> <p>7. Materials should be high quality and durable, with a good standard of finish, and support will be given to use of:</p> <ul style="list-style-type: none"> a. Local vernacular or recycled materials; 	<ul style="list-style-type: none"> 3. Complement the site and context in terms of scale, massing, height, be set-back from the road, and 'other townscape characteristics'. 4. Complement the following key characteristics: <ul style="list-style-type: none"> a. Green street frontages, with landscaped edges and raised front gardens; b. Traditional boundary treatments comprising low stone walls and hedges; c. Be 'domestic scale' and predominantly two-storey height of housing. 5. Layout and design of public realm and green infrastructure should create attractive, convenient and permeable environments for pedestrians, with connections to existing paths. 6. Development should face streets and spaces with active frontages, in the form of low walls and building elevations with windows, to provide natural surveillance and overlooking. 7. Materials should be high quality and durable, with a good standard of finish. Support will be given to use of the local vernacular or recycled materials and materials of low embodied energy or with superior environmental performance. 8. Innovative and creative design solutions will be supported, where they are designed to complement the specific site and context. 9. Be designed to avoid creating unnecessary light pollution. <p>The Government is seeking to support high quality design in all new development. Paragraph 126 of the Framework says good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.</p>
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b. Materials of low embodied energy or with superior environmental performance.

8. Innovative and creative design solutions will be supported, where they are designed to complement the specific site and context.

9. Development should be designed to avoid creating unnecessary light pollution.

Paragraph 127 of the Framework says plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

Paragraph 128 of the Framework says that to provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety.

Paragraph 129 of the Framework says design guides and codes can be prepared at an area-wide, neighbourhood or site- specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. All guides and codes should take into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

Paragraph 134b of the Framework says that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The strategic Policy SP24 (High Quality Design) in the Local Plan seeks to ensure that new development will be of a high quality and integrates effectively with its surroundings and reinforces local distinctiveness. Policy SP24 is supported by the

	<p>East Staffordshire Design Supplementary Planning Document and Appendices which were adopted in 2008 and 2019 respectively.</p> <p>Comments on Policy PE1:</p> <ul style="list-style-type: none"> • The principle of Policy PE1 appears to have regard to the Framework and to be in general conformity with SP24. However: • As currently worded, it is considered that some of the design principles lack clarity. For example, the principles refer, amongst other things, to complementing “other townscape characteristics”, “landscaped edges and raised front gardens”, “domestic scale” and “building elevations with windows“. It is not always clear what these principles require. As suggested in the Framework, visual tools or photographs would be helpful to illustrate distinctive local styles and illustrate what is required. This would also help to allow decision makers to ensure that the special qualities of Denstone are reflected in development. • Principle 6 refers to “overlooking”. Whilst layouts which minimise the risk and perception of crime and social exclusion for residents through openness of design and maximising natural surveillance is considered to be positive, overlooking would potentially conflict with Policy DEN-SD2(4) which relates to residential amenity.
<p>DEN-PE2: Heritage</p> <p>1. The sensitive refurbishment, reuse, alteration or extension of historic farmsteads will be supported, providing the scheme preserves or enhances:</p> <ol style="list-style-type: none"> a. The buildings, grouping of buildings and townscape value; b. Enclosed spaces or courtyards; c. The setting of the farmstead; d. Walled enclosures; 	<p>Policy PE2 has 5 parts.</p> <p>Part 1 supports the sensitive refurbishment, re-use, alteration or extension of historic farmsteads, subject to the scheme preserving or enhancing 5 aspects:</p> <ol style="list-style-type: none"> a. The buildings, grouping of buildings and townscape value; b. Enclosed spaces or courtyards; c. Setting of the farmstead; d. Walled enclosures; e. Any other features that contribute to their architectural or historic interest.

<p>e. Any other features that contribute to their architectural or historic interest.</p> <p>2. Development should preserve or enhance and cause no significant harm to historic landscapes, including:</p> <p>a. Field patterns; b. Ridge and furrow landscapes; c. Field ponds; d. Mature trees and historic hedgerows.</p> <p>3. Development should not encroach on or harm the historic railway route and station remains.</p> <p>4. The route of the former Caldon (Uttoxeter) Canal should be maintained as a heritage and recreational resource and to allow the opportunity for reinstatement in the future.</p> <p>5. Development should preserve and take opportunities to enhance non-designated heritage assets and their settings.</p>	<p>Historic Farmsteads, and in particular traditional farm buildings of 19th century or earlier date make an important contribution to local distinctiveness and a sense of place, through their varied forms, use of materials and the way they relate to the surrounding landscape and settlement.</p> <p>Strategic Policy SP8 in the Local Plan states that development proposals that may affect farmsteads and their setting should be assessed using the relevant evidence base, including the farmsteads mapping and landscape characterisation. Policy SP24 highlights the need to consider the Guidance on Traditional Farmsteads in East Staffordshire guidance document. It is considered that a web link to the Guidance on Traditional Farmsteads in East Staffordshire in the Plan would be helpful.</p> <p>It is considered that the principle of Policy DEN-PE2(1) is in general conformity with SP8, but the detailed requirements of the policy will not be appropriate in all cases.</p> <p>If DEN-PE2(1) is to be applied consistently and with confidence by decision makers, it is considered that the location of the historic farmsteads in the Parish should be mapped or listed in an Appendix.</p> <p>In light of the above, it is suggested that a policy along the following lines may be appropriate – <i>“Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Neighbourhood Area (as shown on Map X or listed in Appendix X) should be sensitive to their historic character, materials and form. Due reference and consideration should be made to the Guidance on Traditional Farmsteads in East Staffordshire guidance document.”</i></p> <p>Part 2 of Policy DEN-PE2 proposes that development should preserve or enhance and cause no significant harm to historic landscapes, including:</p> <p>a. Field patterns; b. Ridge and furrow landscapes; c. Field ponds; d. Mature trees and historic hedgerows.</p>
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	<p>Paragraph 130 of the Framework states that planning policies should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.</p> <p>Policy DP6 (Protecting the Historic Environment: Other Heritage Assets) in the Local Plan indicates that new development should seek to protect and enhance the wider historic environment where appropriate.</p> <p>In light of the above, it is considered that there should be a recognition that the historic landscape character of the Denstone reflects changes which have occurred over the centuries and that whilst any new development should seek to protect and enhance the wider historic environment it may not be appropriate to prevent change.</p>
	<p>Part 3 of Policy DEN-PE2 seeks to safeguard the historic railway route and “station remains”.</p> <p>It is noted that the line of the former Churnet Valley Railway line is also proposed as a Local Green Space in Policy DEN-LG1. If the area that Policy DEN-PE2(3) seeks to safeguard is the same as LGS-A then DEN-PE2(3) would duplicate Policy LGS1 and appear to be unnecessary.</p> <p>If the area to be safeguarded under DEN-PE2(3) is the same as LGS-A then it would be helpful if the DEN-PE2(3) included reference to Figure 12 which shows the location and extent of the former railway line.</p>
	<p>Part 4 of Policy PE2 seeks to maintain the route of the former Caldon Canal as a “heritage and recreational resource” to enable future reinstatement.</p> <p>It is considered that it would be helpful if DEN-PE2(4) included a reference to Figure 7 (map of canal route) to indicate the location and extent of the area to be maintained.</p> <p>It is also considered that the Plan should provide some evidence to justify the proposed safeguarding. For example, what is the heritage and recreational resource</p>

	<p>that the former canal would provide, who would be responsible for its reinstatement, and is there any indication from those who would be responsible for its reinstatement that it would be deliverable in the plan period?</p>
	<p>Part 5 of Policy PE2 identifies and seeks to preserve (and where possible enhance) 22 non-designated heritage assets.</p> <p>Paragraph 189 of the Framework places emphasis on sustaining and enhancing the significance of heritage assets and recognising that heritage assets are an “irreplaceable resource” which should be conserved “in a manner that is appropriate to their significance”.</p> <p>As a general comment, it is noted that the policy seeks to preserve non-designated heritage assets but is silent on designated heritage assets, such as Listed Buildings.</p> <p>PPG on the Historic Environment defines non-designated heritage assets as buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.</p> <p>PPG on the Historic Environment states that it is important that decisions to identify non-designated heritage assets is based on sound evidence and says that plan-making bodies should include information on the criteria used to select non-designated heritage assets and information about the location of the assets. In relation to defining criteria for assessing the suitability of non-designated heritage assets, paragraph 35 (and the accompanying table) in the Historic England’s Local Heritage Listing: Identifying and Conserving Local Heritage is helpful.</p> <p>Information on the criteria used to select non-designated heritage assets in Denstone has not been provided to support DEN-PE2(5).</p> <p>It is noted that the proposed 22 non-designated heritage assets in DEN-PE2(5) have been carried over from the longer list of potential non-designated heritage assets listed in Appendix 3 of the made Denstone Neighbourhood Plan (Policy BE2).</p>

	<p>Formally listing the 22 buildings in Policy PE2(5) changes their planning policy status and could have significant implications in the event that the owner wanted to renovate or alter the building in the future. For openness, transparency and consistency it is considered that any formal listing of non-designated heritage assets needs to be supported by sound evidence, with clear criteria to explain why particular buildings or structures are proposed for listing.</p> <p>In the absence of such evidence it is considered that that DEN-PE2(5) should either be deleted or re-worded. It is suggested that the list of potential non-designated be included in an Appendix with an explanation that it is the Borough Council who adopt the local list (similar to Appendix 3 in the 2017 made Neighbourhood Plan). It is suggested that DEN-PE2(5) could potentially be re-worded along the following lines:</p> <p><i>“To be supported proposals which affect a non-designated heritage asset (a building or structure on the Local List [following adoption by East Staffordshire Borough Council]) must demonstrate how they protect or enhance the heritage asset.</i></p> <p><i>To be supported, the renovation or alteration of a non-designated heritage asset (building or structure) must be designed sensitively, and with careful regard to the heritage asset’s historical and architectural interest and setting.”</i></p>
<p>DEN-PE3: Natural Environment and Landscape</p> <p>1. Development should protect and take opportunities to enhance the area’s landscapes and biodiversity, including the following important features:</p> <p>a. The Churnet Floodplain; b. Trees, hedges and woodland; c. Ponds and watercourses, including the River Churnet and environs; d. Unimproved grassland.</p> <p>2. Development should:</p>	<p>Policy PE3 has 6 parts.</p> <p>Part 1 of Policy PE3 seeks to protect and enhance the Neighbourhood Area’s landscape and biodiversity, including the Churnet floodplain, trees, hedges and woodland, ponds and watercourses (including the River Churnet and environs), and unimproved grassland.</p> <p>Paragraph 174 of the Framework states that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity (in a manner commensurate with their statutory status or identified quality in the development plan).</p> <p>Paragraph 130 of the Framework states that planning policies should ensure that developments are sympathetic to local character and history, including the</p>

<p>a. Avoid habitat damage or, where that is not possible, minimise habitat damage; b. Take opportunities to restore damaged or lost habitat; c. As a last resort, compensate for habitat loss or damage.</p> <p>3. Development should not lead to the loss of the best and most versatile agricultural land, orchards or allotments.</p>	<p>surrounding landscape setting, while not preventing or discouraging appropriate innovation or change.</p> <p>Paragraph 179 states that to protect and enhance biodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats.</p> <p>It is considered that the principle of DEN-PE3(1) has regard to the Framework. If DEN-PE3(1) is to be applied consistently and with confidence by decision makers it is considered that specific sites to be protected and, where possible, enhanced would need to be clearly identified on a policies map.</p>
<p>4. The design, layout and landscaping of new development should take opportunities to enhance habitats and biodiversity, including:</p> <p>a. Retaining and incorporating existing green and landscape features; b. Incorporation of bee bricks, swift bricks, bat and owl boxes, or other features to support wildlife; c. Use of natural landscape and use of local native species or other species of high environmental value, including tree and hedgerow planting in boundary treatments, landscaping and new green spaces; d. Creating new wildlife habitats and wildlife connectivity, including green footpath edges; e. Creating new opportunities for local food growing.</p>	<p>Part 2 of Policy DEN-PE3 proposes that development should:</p> <p>a. Avoid habitat damage or, where that is not possible, minimise habitat damage; b. Take opportunities to restore damaged or lost habitat; c. As a last resort, compensate for habitat loss or damage.</p> <p>It is presumed that that a, b and c are intended as a hierarchy whereby habitat damage is avoided or minimised in the first instance and that compensation is the option of last resort.</p> <p>It is considered that the Framework goes further than DEN-PE3(2) is proposing. Whereas DEN-PE3(2) proposes that development should avoid or minimise habitat damage, paragraph 174d of the Framework states that planning policies should providing net gains for biodiversity.</p> <p>In light of the above, it is considered that DEN-PE3(2) should seek a net gain in biodiversity where practical and viable or be deleted – see also comments on Part 4 of Policy PE3 below.</p>
<p>5. Development should maintain the landscape settings and separation of Denstone village and the surrounding smaller settlements, to avoid coalescence and maintain their separate identities.</p>	<p>Part 3 of Policy PE3 proposes that development should not lead to the loss of best and most versatile agricultural land (BMVAL), orchards or allotments.</p>

6. The design and layout of development should take account of views to surrounding landscapes, including longer views of the Churnet Valley and towards Weaver Hills from Denstone Village.

Paragraph 174b of the Framework states that planning policies should recognise ... the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

Whilst there is a need to protect BMVAL, the Government also recognise that agricultural land will necessarily be lost to development. Footnote 58 of the Framework states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

It is suggested that the supporting text could helpfully make reference Natural England's [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

In light of the above, it is considered that a blanket-ban of development on BMVAL would not have regard to the Framework.

In light of the above, it is suggested that a policy along the following lines may be more appropriate:

“Windfall development proposals which would result in the loss of Best and Most Versatile Agricultural Land (BMVAL) will be required to demonstrate that:

- i. The proposed development cannot be reasonably accommodated on non-BMVAL agricultural land; and*
- ii. The benefits of the development significantly outweigh the loss of BMVAL agricultural land.”*

In relation to safeguarding orchards and allotments, if DEN-PE3(3) is to be applied consistently and with confidence by policy makers then it is suggested that it would be helpful if the location of orchards and allotments were shown on a policies map.

Part 4 of DEN-PE3 proposes that the design, layout and landscaping of new development should take opportunities to enhance habitats and biodiversity, including:

	<ul style="list-style-type: none"> a. Retaining and incorporating existing green and landscape features; b. Incorporation of bee bricks, swift bricks, bat and owl boxes, or other features to support wildlife; c. Use of natural landscape and use of local native species or other species of high environmental value, including tree and hedgerow planting in boundary treatments, landscaping and new green spaces; d. Creating new wildlife habitats and wildlife connectivity, including green footpath edges; e. Creating new opportunities for local food growing. <p>Paragraph 174d of the Framework states that planning policies should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180d says that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.</p> <p>In light of the above, it is considered that the principle of DEB-PE3(4) would have regard to national policy. It is, however, recognised that it may not be practical or viable to incorporate measures a - e in all new development.</p> <p>It is considered that Policy3(4) or the associated Justification could usefully include reference to the ESBC Biodiversity Guidance (October 2022).</p> <hr/> <p>Part 5 of Policy PE3 proposes that development should maintain “landscape settings” and the separation of Denstone from surrounding villages to avoid coalescence and maintain their separate identities..</p> <p>The Interpretation defines the “landscape setting” of Denstone Village and the smaller settlements as the gaps between them and the wider rural landscape within the parish. In effect, the landscape setting appears to be any area outside the Denstone settlement boundary.</p>
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	<p>It is considered that Policy SP2 in the Local Plan and DEN-SD1 (Denstone Settlement Boundary) in the Neighbourhood Plan would achieve the objective of maintaining the separation of Denstone from surrounding villages and prevent coalescence. In light of this, it is considered that DEN-PE3(5) is not necessary.</p> <p>Part 6 of DEN-PE3 proposes that the design and layout of development should take account of views to surrounding landscapes, including views of Churnet Valley and Weaver Hills from Dunstone village.</p> <p>Paragraph 174 of the Framework says that the planning system should protect and enhance valued landscapes.</p> <p>However, whilst national and local planning policy protects local character, it does not provide or protect a “right to a view.” Planning policies can seek to protect specific views where this is justified in the wider public interest (for example from a public footpath, right of way, roadside, or other publicly accessible land).</p> <p>As currently worded, it is considered that DEN-PE3(6) could not be applied consistently and with confidence by decision makers because there is a lack of clarity about the location of the views that the policy relates to. If the intention is that the views that development proposals should take account of are those identified in Appendix 1, then this should be made clear in the policy, with DEN-PE3(6) re-worded along the following lines:</p> <p><i>“To be supported development proposals must demonstrate that they are sited, designed and of such a scale that they do not substantially harm the key views identified in Appendix 1 when seen from locations that are freely accessible to members of the general public.”</i></p>
	<p>As a general comment, it is not clear what the relevance of Figures 8 and 9 - Environment Agency Flood Risk Map for the River Churnet Floodplain and(DEFRA Magic Map Data, Woodland Areas - are to DEN-PE3 are.</p> <p>Figure 8 would appear to be more relevant to Policy DEN-PE4 (Flooding and Surface Water), but would appear to duplicate Figure 11 (Localised Flood Map).</p>

	<p>If Figure 9 relates to DEN-PE3 then there is a need to clarify which part of the policy it relates to and the map need to clearly identify the boundaries of the relevant sites within the Denstone Neighbourhood Area.</p>
<p>DEN-PE4: Flooding and Surface Water</p> <p>1. Development should not have any adverse impact on surrounding land and properties in terms of flood risk, including cumulative impacts with other development and impacts where there are existing problems with flooding (see Plans 02 and 03).</p> <p>2. Development should include measures to manage surface water and minimise impacts, including:</p> <p>a. Where necessary, including mitigation measures in the design and layout;</p> <p>b. Minimising hard surfaces within the development and making them permeable to allow water to soak through;</p> <p>c. Incorporating Sustainable Drainage Systems, as part of landscaping.</p>	<p>Policy PE4 has 2 parts.</p> <p>Part 1 of Policy DEN-PE4 appears to propose that in areas of existing flood risk (shown in Figures 10 and 11) development proposals should not increase that flood risk on surrounding land and properties.</p> <p>Paragraphs 159 – 161 of The Framework (paragraphs 159 and 161) state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and all plans should apply a sequential, risk-based approach to the location of development.</p> <p>The strategic SP27 (Climate Change, Water Body Management and Flooding) states that proposals in flood risk areas, or proposals which would affect such areas, will only be permitted where they would not cause unacceptable harm to the following interests:</p> <ul style="list-style-type: none"> (i) The protection and storage capacity of the flood plain, washlands and other areas at risk from flooding; (ii) Access to watercourses for maintenance; (iii) The characteristics of surface water run-off; (iv) The integrity of fluvial defences; (v) The drainage function of the natural watercourse system; or (vi) The necessity for additional public finances for flood defence works. <p>The strategic SP27 requires a Flood Risk Assessment (FRA) in areas at risk of flooding (land within Flood Zones 2 and 3) and of proposals that have the potential to generate significant volumes of surface water runoff due to their size to assess the impact on the foregoing interests. In comparison, the Interpretation for DEN-PE4(1) says that “for certain kinds of development, a site-specific flood risk assessment may be required and East Staffordshire Borough Council can advise on this.”</p>

	<p>In general, it is considered that the principle of DEN-PE4(1) is in general conformity with, but weaker than, the strategic SP27 (Climate Change, Water Body Management and Flooding) in the Local Plan. Given that conflicts in policies must be resolved in favour of the policy which is contained in the last document to become part of the development plan, it is considered that DEN-PE4(1) is unnecessary and could be deleted.</p> <hr/> <p>Part 2 of Policy PE4 proposes that development proposals should manage surface water and minimise impacts by:</p> <ul style="list-style-type: none"> a) including mitigation measures in the design and layout, where necessary, a) minimising hard surfaces and making them permeable, and b) incorporating SuDs. <p>The strategic Policy SP27 (Climate Change, Water Body Management and Flooding) states that the Borough Council favours the use of Sustainable Urban Drainage systems (SuDs) wherever possible, and will look for imaginative ways of integrating these into new development. The justification for SP27 says that SuDs can include a wide variety of design from green roofs, rain water harvesting, permeable surfaces, swales, soakaways to water storage and can reduce flooding as well as providing ecological benefits and recreation opportunities.</p> <p>The East Staffordshire Climate Change and Sustainable Development SPD (August 2022) encourages applicants to review the Staffordshire SuDS handbook prior to submitting an application and states that any planning application must be accompanied by the SUDS handbook checklist.</p> <p>It is considered that the principle of DEN-PE4(2) is in general conformity with SP27.</p> <p>The Interpretation for DEN-PE4(2) says that:</p> <ul style="list-style-type: none"> • The East Staffordshire Climate Change and Sustainable Development SPD (August 2022) and Staffordshire SuDS handbook may be useful in securing compliance with the policy;
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	<ul style="list-style-type: none"> • SuDS should be designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015); and • Staffordshire County Council has indicated that applications should be supported by detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. <p>To enable decision makers to apply DEN-PE4(2) consistently and with confidence it is considered that there needs to be greater clarity in the Interpretation about precisely what guidance should be taken into account when designing SuDS. It is suggested that a requirement in DEN-PE4(2) for applications to be accompanied by the SuDS handbook checklist would be in general conformity with Policy SP27 and provide some flexibility for instances where SuDS may not be appropriate.</p>
Local Green Space	
<p>DEN-LG1: Local Green Space</p> <p>1. The following spaces are designated as Local Green Space:</p> <p>LGS-A: The linear walkway on the route of the former Churnet Valley Railway line;</p> <p>LGS-B: Oliver’s Green, off College Road;</p> <p>LGS-C: Denstone Meadow.</p> <p>2. Development should have no significant adverse impacts on the green and open character, accessibility, amenity or safety of Local Green Spaces.</p>	<p>Policy DEN-LG1 proposes the designation of the following 3 Local Green Spaces (identified in Figures 12 and 13):</p> <p>LGS-A: The linear walkway on the route of the former Churnet Valley Railway line; LGS-B: Oliver’s Green, off College Road; LGS-C: Denstone Meadow.</p> <p>DEN-LG1 proposes that development on the Local Green Spaces should have no significant impact on the green and open character, accessibility, amenity or safety of the Local Green Space.</p> <p>The Framework makes provision for a Neighbourhood Plan to identify Local Green Spaces of particular importance to the local community. Paragraph 101 in the Framework says the designation of land as Local Green Space through Neighbourhood Plans allows communities to identify and protect green areas of particular importance to them.</p> <p>Local Green Space is a restrictive and significant policy designation. It gives the land a similar status to that of Green Belt and for that reason paragraph 102 of the Framework says that such designations should only be used when the green space is</p>

	<p>in reasonably close proximity to the community it serves, where it is demonstrably special to the local community and holds a particular local significance, is local in character and not an extensive tract of land.</p> <p>It is noted that LGS-A and LGS-B were designated as Local Green Spaces in the made Denstone Neighbourhood Plan (2017) and that LGS-C is proposed as an additional Local Green Space.</p> <p>The allocation of each Local Green Space requires robust justification. The Denstone Village Local Green Space Assessment (August 2023) helpfully assesses the proposed Local Green Spaces against criteria in paragraph 102 of the Framework.</p> <p>Based on the evidence provided in the Assessment, all 3 proposed Local Green Spaces appear to be in reasonably close proximity to Denstone, have evidence of special community value and are not extensive tracts of land.</p> <p>Paragraph 103 of the Framework states that policies for managing development within a Local Green Space should be consistent with those for Green Belts. Whilst DEN-LG1(2) seeks to helpfully set out the circumstances under which development on the Local Green Spaces would be supported, it is considered that the circumstances would not strictly have regard to national policy. For example, national policy does not require Green Belt to be accessible. In light of this, it is suggested that DEN-LG1(2) could be amended along the following lines:</p> <p><i>“Where development on Local Green Spaces is proposed it must be consistent with national planning policy for Green Belt.”</i></p> <p>The Interpretation suggests that the National Design Code may be useful in securing compliance with DEN-LG1(2). Given that the purpose of the National Design Code is to provide detailed guidance on the production of design codes, it is considered that its usefulness in relation to the Denstone Local Green Spaces is questionable unless it is made clearer what parts of the national design code would be helpful.</p>
<p>Infrastructure</p>	

<p>DEN-ET1: Local Renewable Energy</p> <p>1. Support will be given to local renewable and low carbon energy schemes, subject to there being no significant adverse impacts on:</p> <p>a. The amenities of residential properties, including visual, noise, odour, flicker, vibration and other impacts;</p> <p>b. Heritage assets and their settings, having regard to Policy DEN-PE2;</p> <p>c. The rural character of the area, local wildlife including birds, ecology and the best and most versatile agricultural land, having regard to Policy DENPE3;</p> <p>d. Access and rights of way, having regard to Policy DEN-ET2;</p> <p>e. Risk of flooding, having regard to Policy DEN-PR4.</p>	<p>Policy ET1 supports local renewable and low carbon energy schemes, subject to there being no significant adverse impacts on:</p> <p>a. The amenities of residential properties (including visual, noise, odour, flicker, vibration and other impacts);</p> <p>b. Heritage assets and their settings (having regard to Policy DEN-PE2);</p> <p>c. The rural character of the area and local wildlife (including birds, ecology and the best and most versatile agricultural land, having regard to Policy DENPE3);</p> <p>d. Access and rights of way (having regard to Policy DEN-ET2); and</p> <p>e. Flood Risk (having regard to Policy DEN-PR4)</p> <p>Paragraph 155a of the Framework says that to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).</p> <p>Paragraph 158b, footnote 54 says “Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.”</p> <p>The strategic Policy SP28 in the Local Plan encourages technologies that provide the greatest renewable energy generation and carbon savings, whilst recognising the need to balance adverse impacts and location restrictions.</p> <p>Policy SP28 states that renewable and low-carbon energy generation applications will be supported if their impacts are (or can be made) acceptable, with applications being subject to the following considerations:</p>
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- the degree to which the scale and nature of a proposal reflects the capacity and sensitivity of the landscape, townscape, natural, historical and cultural features and areas to accommodate the development;
- the degree to which the developer has demonstrated any wider environmental, economic, and social benefits of a scheme as well as to how any adverse impacts have been minimised (e.g. visual intrusion, noise or odour). This includes wider benefits arising from clean energy supply, reductions in greenhouse gas and other polluting emissions, and contributions towards meeting national targets for use of renewable energy sources;
- the proximity to, and impact on, transport infrastructure and the local highway network;
- the impact on designated sites of European, national, regional and local biodiversity and geological importance;
- the impact on relevant heritage assets; and
- the impact on residential amenity.

In assessing whether or not adverse impacts are satisfactorily addressed, SP28 says that the Borough Council will also take into account cumulative impacts.

The Framework makes clear that wind energy development should not be considered acceptable unless the area has been identified as suitable for wind energy development in the development plan (ie the ESLP or the Denstone NDP). Given that neither the ESLP nor NDP identify suitable locations, wind energy should not be considered acceptable. To have regard to national policy, it is therefore suggested the first line of DEN-ET1 be amended to *“Support will be given to local renewable and low carbon energy schemes (except wind energy development involving one or more turbines), subject to ...”* In light of this, reference to (shadow) flicker would not be considered relevant.

The Interpretation says that “Various assessments **are likely** to be required to demonstrate how impacts have been assessed and mitigated.” For large scale stand-alone renewable or low carbon energy schemes (such as solar farms, biomass and hydro), it is considered that technical assessments, including a landscape and visual impact assessment and ecology survey, **will be required**.

	It is noted that DEN-ET1 does not specifically require the cumulative impacts of renewable and low carbon energy development to be considered.
<p>DEN-ET2: Transport and Active Travel</p> <p>1. Development likely to generate additional journeys should be supported by a balanced transport provision, including sustainable options and opportunities for active travel, meeting the following requirements of this policy, proportionate to the scale and nature of the scheme.</p> <p>2. The layout and design of development should take opportunities to enhance pedestrian and cycle permeability and connectivity, also meeting the requirements of Policy DEN-PE6.</p> <p>3. Where new or additional parking is required, it should include secure cycle parking.</p> <p>4. Development should protect, have no significant adverse impacts and take opportunities to enhance footpaths and bridleways in terms of their accessibility, amenity, safety, routes and connections.</p> <p>5. Development that generates additional vehicle movements should have no significant adverse impacts on:</p> <p>a. Traffic safety and capacity in the Village Centre and College Road, where there are already identified problems and potential for severe impacts;</p> <p>b. Heritage assets or the historic or rural character of the area;</p>	<p>Policy ET2 has 6 parts.</p> <p>Part 1 of DEN-ET2 says that development likely to generate additional journeys should be supported by a balanced transport provision, including sustainable options and opportunities for active travel.</p> <p>Paragraph 104c of the Framework states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.</p> <p>Paragraph 113 of the Framework states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.</p> <p>Strategic Policy SP35 in the Local Plan encourages the use of sustainable modes of transport by requiring developments which are likely to have an impact on the wider highway infrastructure to be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.</p> <p>In order that DEN-ET2(1) can be applied more consistently and with confidence by decision makers it is considered that it would be helpful if the policy was re-worded to say that <i>“Development proposals which would generate a significant amount of movement must be supported by a Transport Statement or Assessment.”</i></p>

<p>c. Amenities of residents.</p> <p>6. Highway infrastructure works to support development should be designed to complement the rural context and to have no significant adverse impacts on rural character of the area, including on rural lanes.</p>	
	<p>Part 2 of DEN-ET2 proposes that the layout and design of development should take opportunities to enhance pedestrian and cycle permeability and connectivity, also meeting the requirements of Policy DEN-PE6.</p> <p>Paragraph 104e of the Framework states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.</p> <p>The draft Neighbourhood Plan does not have a Policy DEN-PE6. Is this an error?</p>
	<p>Part 3 of DEN-ET2 proposes that where new or additional parking is required, it should include secure cycle parking.</p> <p>Policy DP1 (Design of New Development) in the Local Plan states that the design and layout of parking areas will be in accordance with the Council's adopted Parking Standards (or updated document) and will be required to make adequate provision for the parking/storage of cycles.</p> <p>In light of the above, it is suggested that the words <i>"in accordance with the Council's adopted Parking Standards"</i> be inserted after "secure cycle parking"</p> <p>The Interpretation makes reference to ESBC's adopted Parking Standards (2017). It is suggested that this reference be replaced by reference to ESBC's Parking Standards SPD (September 2020) and include the following weblink - https://www.eaststaffsbc.gov.uk/media/38541/download?inline</p>

	<p>Part 4 of DEN-ET2 proposes that development should protect, have no significant adverse impact on, and take opportunities to enhance footpaths and bridleways in terms of their accessibility, amenity, safety, routes and connections.</p> <p>Paragraph 100 of the Framework states that planning policies "...should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users..."</p> <p>In light of the above, it is suggested that a policy along the following lines may be appropriate:</p> <p><i>"New development should protect and where possible enhance Public Rights of Way through the inclusion of new or improved routes and connections where appropriate."</i></p> <p>Whilst the Interpretation makes reference to a Staffordshire County Council map showing Public Rights of Way, bridleways and footpaths, it is considered that if DEN-ET2(4) is to be applied consistently and with confidence by decision makers then the routes to be protected in the parish should be shown on a map or, at the very least, that the NDP should include a weblink to the relevant map..</p>
	<p>Part 5 of DEN-ET2 proposes that development that generates additional vehicle movements should have no significant adverse impacts on:</p> <ul style="list-style-type: none"> a. Traffic safety and capacity in the Village Centre and College Road (where there are already identified problems and potential for severe impacts); b. Heritage assets or the historic or rural character of the area; c. Amenities of residents. <p>It is considered that the impacts of additional vehicle movements on road capacity and safety would be addressed through DEN-ET2(1) and / or through a Transport Statement or Assessment.</p> <p>It is noted that the Interpretation does not outline the test against which significant adverse impacts would be assessed. Evidence relating to existing safety and capacity issues would also be helpful.</p>

	<p>In relation to impact on heritage assets, rural character and amenity of residents, it is generally considered that any significant adverse impact is likely to arise from the type and scale of development, rather than the additional vehicle movements generated. The exceptions to this are possibly development at Denstone College (where the impact on traffic safety and capacity is to be considered in DEN-SD4(1d), and development at Denstone Hall Farm complex where the impact of additional vehicle movements is not currently an issue considered under DEN-SD3(4).</p> <p>In light of the above, it is considered that DEN-ET2(5) is probably unnecessary, but that the potential impact of additional vehicle movements arising from any development proposals at Denstone Hall Farm is added as a criterion to be considered in DEN-SD3(4).</p>
	<p>Part 6 of Policy ET2 proposes that highway infrastructure works to support development should be designed to:</p> <ul style="list-style-type: none"> • Compliment the rural context, and • Not have any significant adverse impacts on the rural character of the area, including on rural lanes. <p>It is not clear DEN-ET2(6) whether could be applied consistently and with confidence by decision makers because there is currently a lack of clarity about what highway infrastructure works “complimentary” to the rural context might involve.</p>
	<p>The Interpretation for DEN-ET2 says that EV charging is now a requirement in Part L of the building Regulations. As a point of accuracy, it is understood that as part of the Part S Building Regulations new build homes and non-residential buildings with more than 10 car parking spaces to install electric car charging points. Given that DEN-ET2 does not require EV charging in new development it is considered that reference to EV charging would be more appropriate in the Planning Rationale section rather than the Interpretation of DEN-ET2</p>

<p>Appendix 1 – Key Views</p>	<p>Planning policies can seek to protect specific views where this is justified in the wider public interest (for example from a public footpath, right of way, roadside, or other publicly accessible land).</p> <p>Appendix 1 helpfully summarises the results of a Landscape Character and Built Environment Assessment Study which identifies the location and extent of 11 key views (numbered 1 to 6).</p> <p>It is considered that the Landscape Character and Built Environment Assessment Study on which Appendix 1 is based should be made available and published.</p> <p>It is noted that Appendix 1 says that <i>“other views in the wider parish include from Denstone Lane (NE) towards Quixhill Bridge and beyond, from Denstone Lane (east of Alton Road) looking south and from Oak Road (All Saints School) looking north.”</i> It should be noted that if the “other views” are not identified and mapped in the Neighbourhood Plan then decision makers could not apply DEN-PE3(6) to those views consistently and with confidence.</p>
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