

Marchington Neighbourhood Development Plan

Pre-Submission Draft (Version 2) for Consultation: January 2016

Marchington Parish Council

Steering Group reports and email correspondence with East Staffordshire Borough Council showing recent the outcomes from the (first) Regulation 14 Consultation

Explanatory note

Meetings, discussions and correspondence has determined the way in which detailed changes have been made to the first draft to arrive at the Second (Jan. 2016) Consultation version of the Neighbourhood Plan and the relevant correspondence is set out below.

The remainder of the document comprises details of the consideration all other comments on the Draft NP by the Steering Group, at meetings on 18th November and 2nd December 2015.

**Record of discussions with ESBC (3rd to 22nd December 2015)
on amendments to the Draft Plan**

E-mail 22/12/2105 to ESBC

Naomi,

Thank you, that is helpful. We have changed the maps so that there is no development boundary around the depot site and other than the proposed LGS which is shaded, the various components are just identified by a thin black line and the policy numbers that apply to them.

I can confirm that we will, now recommence consultation on Monday 4th January.

Clive

E-mail 22/12/2015 from ESBC

Thanks for sending over the most recent version. The policy goes towards addressing our key concerns. I still have queries over the wording, particularly 'satisfactory relationship' however recognise these comments can be made through the consultation process. The policy now aims to make it clear it is more 'development principles' rather than items which a development must provide/address and also that it is to be read alongside the strategic policies of the Local Plan. I'm not sure what changes you are making to the key diagram / map but I would just ensure there is consistency between the policy and the map so it is clear you are not proposing the site as an allocation.

Naomi

E-mail 22/12/2105 to ESBC

Hello Naomi,

For clarity, following our telephone conversation, here is the text of AB2 following changes (in red) as a result of the emails from Glenn dated Wed. 16th and Friday 18th Dec.

E-mail 18/12/2015 from ESBC

Thanks for this.

On everything where you don't agree I suggest we leave them as they are (none are deal breakers) and let the Examiner comment.

On AB2, Naomi is having a look at this and will send specific comments on Tuesday.

I've received a reply from EA only on the revised SEA screening report – I've reminded the other two today. I've attached EA's letter because there are some points you may wish to pick up. On the basis of what EA have said, I don't think there is need for an SEA because no allocation is being made.

Glenn Jones - Neighbourhood Planning Support Officer

E-mail 18/12/2015 to ESBC

I attach an amended version of the NP, with changes shown in red font and an annotated copy of the comments provided by Glenn on Wednesday with suggested responses using a red/amber/green system.

In my opinion the changes go a good way towards meeting any outstanding ESBC concerns and I am confident that there should be no fear of the NP in this form not meeting the Basic Conditions.

In terms of any outstanding (or new) more minor concerns these can be picked up after the second consultation or even considered by an examiner post submission.

Do we know whether the organizations have responded to the SEA re-screening yet?

My understanding is that the PC wishes the second consultation to start on Mon 4th Jan and run until Tue 16th Feb. with public meeting to be held on Saturday pm 9th January.

For these dates to be met the newsletter will need to be printed on 23/12 and made available for the SG members to deliver on Sat/Sun 2 & 3rd January. It will be necessary, therefore, to get the reaction of ESBC to the suggested changes by Midday on Tuesday 22/12 at the latest if this is possible.

Clive Keble Consulting Ltd.

Email 16/12/2015 from ESBC

I have had a chance to discuss our response with Naomi and it is attached (text reproduced below). - Glenn Jones - Neighbourhood Planning Support Officer

ESBC Comments on Version 2 of Marchington Neighbourhood Plan, Dec 2015

Para 2.11 and Policy DP1 - A1. Change to: “...**development requirement of approximately 20 new dwellings (17-net) in the adopted East Staffordshire Local Plan.**”

(strictly speaking it should be a ‘minimum of 20...’)

New para top of p. 44 – Does all development have to be accompanied by a pollution prevention plan?

New text page 45- “...has advised that it would **be reasonable** to include...”

Para 7.6 “~~emerging~~ **adopted** Local Plan”

New policy SB1 – preamble, second sentence – “The ~~total~~ number of dwellings to be provided on ~~new sites~~ inside the Marchington Village Settlement Boundary is **approximately 20.**”

SB1 (A), (B), (C) “... (**about** 10, 5, 2 to 3 dwellings) ...

Policy SB2

SB2 (a) should read: “...for evidenced local need, **in accordance with Local Plan Policy SP18 on Rural Exception Sites.**”. The policy needs further consideration regarding the title – which refers to ‘development’ where as the first sentence refers to residential development – need to be consistent in the wording.

REVISED Policy AB2 (received 8/12/15):

AB2 is less specific than originally drafted but still is still essentially a criteria based housing development policy and therefore we do not think it meets the basic conditions. We believe it would be better to draft the policy again with a set of ‘development principles’.

For example, as currently drafted we are not sure what the term ‘long-term and environmentally sustainable’ means in this context. There have been accepted uses of paint-balling and a solar farm on the site, which the ESBC LP would support, as well as other uses appropriate in the

countryside. First criterion: 'satisfactory relationship' this would need expanding on as it is not clear what it means. Criteria 2-4 are still skewed towards housing development as it is unlikely that any of these criteria will be delivered by applications the LP would support. We can assist in drafting a 'development principles' policy-, we have two similar in the LP, policies SP11 and SP12. The principles policy could seek sensitive design, use of materials, scale etc. as well as more locally distinctive elements such as long views from Marchington Woodlands, etc.

Policy AB2, bullets 5 and 6 –

- ~~Guarantees~~ **A s.106 agreement to provide works so that the** run-off and drainage requirements **of the development are adequately dealt with, and do** will not add further to flooding and foul drainage problems in the village.
- ~~Guarantees~~ **A s.106 agreement to provide works so** that any ground condition and/or pollution issues on the site can be dealt with satisfactorily.

Justification of AB2: we would recommend that the second sentence of paragraph two is deleted or moved to an eventual consultation statement.

Policy H2 “...development ~~allowance~~ **requirement...**”

What if single level dwellings would be incongruent with the setting of the development, or would harm the Conservation Area? Often bungalows look out of place in a vernacular village or farm court setting – maybe “subject to Policy H3” needs to be added in.

Policy H3 - ESBC parking standards are very out of date, and developers will probably want to (should?) provide more spaces than these restraint-based standards allow. Perhaps the ESBC standards should be just a minimum, with more allowed if the applicant desires?

Policy H4 - We believe this policy currently repeats much of H3. To make the policy site-specific and distinctive it might be advisable to add more detail in the justification about the uniqueness of Forestside, including why it was originally built, how many houses there are, what type and tenure they are and what specific problems there are at present, therefore what the policy is trying to address. There should then be an analysis of how any desired improvements can be achieved. Are there any developable sites that would potentially be large enough to yield s.106 improvements? If not, the list of individual improvements identified needs to be moved to an Appendix setting out parish priorities, how these will be funded, and who the delivery agent(s) will be. Policy H4 would then just address any Forestside-specific features small infill/extension development should exhibit e.g. good design elements, materials, parking, garage provision, trees in gardens etc...

Justification to Policy H4 1st sentence - Whilst the Local Plan does not mention Forestside specifically, it would be considered as a Tier 3 settlement, just like M.Woodlands, Scounslow Green and Birch Cross, and Policies SP8 and 18 on development in the countryside would apply. (The list of settlements mentioned under Tier 3 in Local plan Policy SP4 is not exhaustive.)

Policy NE2 All but the first para of the Policy should be moved to an Appendix setting out the Parish priorities for action and how they will address these.

The new text at the end of the justification highlights the link between nature conservation and drainage issues, as highlighted by the EA. This is an important link which could usefully be picked up in the Policy itself, to ensure developments consider the two issues together. Perhaps a cross-

reference to the previous policies where the flooding/drainage issues are addressed might be beneficial?

Policy CFOS3 – Last para. “Provision of appropriate facilities for outdoor sport...” etc. might require the loss of existing open space. Suggest delete last para. as not strictly necessary.

Policy LE1-

- a. *“it can be demonstrated that there will be no **significant** adverse impact resulting from increased traffic, noise, smell, lighting, vibration or other emissions or activities generated by the proposed development;*
- b. *it would ~~have~~ **not have** an **unacceptable** impact on the character ~~and scale~~ of the site and/or buildings, **by virtue of its scale or design, or on including** the setting in the local landscape;*
- c. *where relevant, opportunities are taken to secure the re-use of vacant or redundant historic buildings (designated **d** and non-designated).”*

GJ/COH/NP 16/12/15

Email 03/12/2015 to ESBC Here is the revised NP document as promised. It still needs proofing and formatting, but the meat of the significant changes is there and I have highlighted these in red.

In addition, I have included all of the more minor comments from ESBC and other consultees. These are not highlighted, but you will be able to cross refer your original comments (e.g. on the adoption of the Local Plan, the glossary etc. to the relevant paragraphs and sections. There are chunks of factual material that I have added following suggestions from SCC, and the EA.

I will be updating the policy summary table next week and completing a summary report on the outcomes of the recent consultation.

On timing and the SEA screening, I am not aware of a legislative requirement for this to be carried out prior to Reg. 14 Consultation. I would agree that it is good practice when a plan has not been seen by the LPA and the relevant agencies, but that is not the case with Marchington and in effect the revisions and the second consultation are driven by some extent by the need to satisfy the EA that we are not making a site allocation at the barracks – which now clearly we are not. The SG and I are therefore confident that the EA will conclude that an SAE is not required on the revised plan. Any minor further amendments that arise will be picked up by the second consultation and can be done before submission.

I hope that ESBC will appreciate the level of interest in the NP (and planning in general) that the PC and the local community has developed and that this is a very positive outcome from a Localism and Neighbourhood Planning perspective. This interest means that the SG/PC needs and wishes to explain to the local community why changes have been made as soon as possible.

Awaiting the outcome of re-screening would be seen as an unnecessary bureaucratic hurdle and would mean that consultation could not begin until mid-January when logistics/availability of key people means that it will be difficult to achieve. This will delay submission until at least April which is not what the SG and the local community wants. I hope therefore, that ESBC can be accommodating on this matter, especially given the good will, pragmatism and flexibility that the SG has shown.

Email 03/12/2015 from ESBC Many thanks for the report, we are encouraged by the pragmatic approach the SG are taking. We await the revised NP and will look at it as soon as it arrives.

I would caution over going to Reg14 too quickly, before a screening opinion is known from the statutory. We can try and assist in getting a quick response from them but if an SEA is required it would delay submission consultation whilst this was written.

E-mail 03/12/2015 to ESBC Thank you for the helpful comments and suggestions in our informal conversation yesterday. We had a good SG meeting last night and as promised, I attach a copy of the report which was considered/approved. I have marked it up so that you can see the points agreed and I hope that you and your colleagues at ESBC will be able to take reassurance from it that the SG is willing to modify the NP to overcome your substantive concerns.

Based on this hope/assumption, the SG would like to move quickly towards the second 6 week consultation (with the SEA re-screening to run in parallel with that) such that submission can be achieved in February. There is a PC meeting next Tuesday which will formally approve the second consultation to begin on Friday 11th, with a planned public meeting on Sat. 19th. I attach a copy of the newsletter which is to be circulated on the 11/12/13th Dec. to that effect. (**Linda** – please regard this attachment as the new master copy)

Marchington Neighbourhood Plan
Steering Group meeting on 2nd December 2015

Proposed (substantive) changes to the draft Marchington Neighbourhood Plan; AS APPROVED

Marchington Neighbourhood Plan Steering Group meeting Wednesday 2nd December 2015

1 Introduction

1.1 The meeting on 25th November considered the responses to the recent consultation on the draft Neighbourhood Plan (NP), noting that the public had expressed support for it and little change was required and that the majority of the comments received from consultees were positive and that any changes arising would actually improve the NP. The SG agreed an extensive set of detailed minor changes to the NP, with many from SCC and the EA relating to flooding and drainage matters and a number from ESBC to reflect the adoption of the Local Plan in October 15th. All these amendments are being incorporated in a revised version of the document.

1.2 At the same time, it was acknowledged that comments from ESBC, William Davis, Environment Agency (EA) and Hortons raised complex and potentially contentious issues, including:

- proposed housing sites in the village,
- the overall treatment of the former military area and the specific proposals for the industrial estate and the former barracks site,
- the possible need for a Strategic Environmental Assessment (SEA) to be carried out.

1.3 It was agreed to defer decisions on these matters until a planned meeting with ESBC on 24th November had taken place. The meeting resulted in a series of (in some cases reluctant, but necessary and pragmatic) agreements on the way forward in order to enable submission of the NP early in 2016 in anticipation of an examination, with the referendum in the early summer.

1.4 The actions agreed upon were as follows:

1 Confirming, but with amended site boundaries, housing numbers and design requirements, with The Bagsaws, Thorn Tree Farm and Jacks Lane (frontage only), as locations for new housing.

2 Collating and making clearer the local justification for policy coverage of separate components of the former military area, **but without** an overall development boundary and any reference to the possibility of new housing there.

1.5 Based on 1 and 2 above, it is anticipated that ESBC will no longer regard the NP as failing to satisfy the Basic Conditions and that, subject to a re-screening of the revised of the NP, the EA will withdraw their requirement for an SEA to be carried out. However, given the nature of the changes that are to be made to the NP, ESBC has strongly recommended that it is subject to a second (but targeted and simplified) 6 week consultation so as to explicitly satisfy the Neighbourhood Planning Regulations.

1.6 If agreed, this could result in a revised programme for submission of the NP, as set out below.

- Commence Reg.14 (2) on Friday 11th December, complete on Monday 25th January.
- ESBC re-screen SEA commencing on Mon. 7th Dec. to complete on Monday 11th January.
- Revise Plan and complete other submission documents (Consultation Report and Basic Conditions Statement – both can be drafted in the interim) by Friday 19th February.
- Assume examination during April and referendum in early July.
- Approve approach to revised policies at SG on Wednesday 2nd December.

1.7 In the meantime in order to achieve the above, it will be necessary to complete the revision of the draft plan during w/c Monday 8th December, to be available in electronic and hard copy form by the end of that week for copying and uploading onto the website by 5 pm on Friday 11th It will also be necessary to produce and circulate an explanatory newsletter by that date (or at the latest over that weekend) and to set a date for an open public meeting for people to hear about the changes, why they have been made and to ask any questions.

2 Satisfying the Local Plan development requirement and the village settlement boundary

Options

2.1 ESBC made it clear that the new Local Plan settlement boundaries must remain. They could be extended by the NP, but not reduced or deleted. This means that the Jacks Lane frontage remains effectively allocated for new housing. It also mean that The Bagshaws settlement boundary extension is fixed as a minimum. The Council is taking a firm line because, in terms of Marchington, they consider that the matter has been examined by the Local Plan Inspector, who chose not to direct any alterations. They consider, in principle, that such a recently adopted Local Plan should not be changed and there is a (reasonable) desire to avoid a precedent for other tier 2 settlements and NPs.

2.2 William Davis (related to but separate to the above) have commented that the Jacks Lane (Local Plan) site should be retained and suggested a development of 5 dwellings. They also again refer to the potential of the larger site, but unless the settlement boundary in this location was extended by the NP there are very strong policy reasons for this to be resisted and successfully defended in the longer term. It is assumed that the smaller scale development could proceed in the near future

2.2 Agents acting on behalf of the owners of Thorntree Farm have confirmed that the general location is suitable for development but have stated that this should be on land adjoining the farm buildings, with around 10 dwellings involved. This has implications which need to be considered:

- The loss of greenfield land
- The impact on the Conservation Area
- The impact on the character of the village and the loss of a typical high bank/hedgerow
- Access and traffic implications
- Drainage implications, given known problems on Bag Lane and Jacks Lane.

However, subsequently the owner of the property has confirmed that they would accept some development in the orchard and conversion of existing buildings, for example 2 or 3 dwellings, but not in the short term i.e. less than 10 years, because it would affect the working of the farm. Access would be from an improved drive based on the current farm access.

2.3 ESBC has confirmed that as long as housing sites can be developed within the 16 year plan period, there is no need for all to be delivered in the first five years

2.4 Agents and a developer acting on behalf of the owners of The Bagshaws have confirmed that the land is suitable for development, but have stated that for viability reasons a scheme of 13 houses, with some larger units, on an extended site is needed which is not strictly in accordance with the Local Plan settlement boundary and would need to be considered in terms of:

- The impact on the Conservation Area and Listed Buildings
- The impact of an enlarged site on nearby properties and the setting of the village.
- Drainage and flooding implications.

The extended site would encroach into the open land of the valley of the Marchington Brook and could have an adverse impact on existing houses on Church Lane and increased numbers could lead to highway safety issues or require engineered solutions that detract from the Conservation area and Listed Buildings. For these reasons and taking account of a clear community preference (from the consultation) for a smaller scheme, it is not considered appropriate to increase the site area but the site would be retained, for 10 new dwellings, in accordance with the Local Plan.

Proposals

1 To accept the Jacks Lane frontage site (strictly within the extended settlement boundary in the Local Plan) as a location for up to 5 new dwellings, subject to design (in particular the height of new dwellings), the retention of the hedge, measures to ensure that the land to the rear remains open and that drainage matters are addressed. **Agreed**

2 To confirm The Bagshaws as a preferred location for new housing, including conversions, with up to 10 units in the extended settlement boundary/site as proposed in the Local Plan and the Draft NP. House type size and design would need careful consideration, to reflect local character and safeguard the setting of the Listed Buildings and the Conservation Area. In recognition of the need for financial viability, subject to a demonstration of proven and reasonable costs, there may be some flexibility on the provision of a small proportion of larger houses **or** additional smaller houses/flats. **Agreed.**

3 To confirm Thorntree Farm as a location for 2 to 3 dwellings, including conversions, within a revised amended settlement boundary including the farmhouse and the orchard, with a requirement that the length of the high bank and hedgerow along Allens Lane is not substantially reduced. **Agreed.**

Summary

If selected, the above options would result in the following changes to the draft plan.

A revised and extended Policy SB 1 confirming the village settlement boundary in the adopted Local plan, adding Thorntree Farm and establishing criteria (within sub policies SB1 A, B & C) for the sites at The Bagshaws, Thorntree Farm and Jacks Lane to provide for 17 to 18 dwellings.

Agreed

3 Setting a locally based and justifiable policy framework for the former military area

The Issues

3.1 ESBC was concerned over the treatment of the former military area and the barracks, especially;

- An inferred promotion of housing on the Barracks in the draft NP,
- A feeling that the local justification for specific policies in the NP (in addition to the strategic policies in the Local Plan) was not clear,
- The use of the term "Development Boundary" and how it is shown on the inset.

3.2 Related to the above Hortons (through agents) commented that it is not necessary to have a policy covering the industrial estate and suggesting that the NP will not meet the Basic Conditions if it is retained. They also made comments opposing housing on the former barracks site.

3.3 Barton Willmore, on behalf of Evans of Leeds, were generally supportive of the approach to the former Barracks site, but are concerned over the extent of the proposed LGS and suggested that a partnership approach involving other landowners and the PC may be necessary in terms of future ownership and management. It was agreed at the last SG meeting that, whilst it is

reasonable to consider operational issues, they are not really relevant to the planning principle of LGS designation. They were also concerned over the criteria relating to “an innovative approach to sustainable design and construction” noting that this runs counter to recently issued government advice. This point will no longer be relevant if references to potential housing are removed.

Options

3.4 The options available to address the above concerns are set out overleaf.

The Overall Area

1 To show the areas that are subject to policies on the NP Proposal Map and Inset, (including the industrial estate, the former barracks, open space & woodland (the proposed Local Green Space) and the existing housing at Forestside, but without an overall development boundary. **Agreed**

Industrial Estate

1 To confirm the extent to which the consultation at all stages of the NP has shown that local people support a more detailed, local planning framework for the former military depot. **Agreed**

2 To demonstrate, with reference to the, geography and topography of the Parish, how dominant the former military depot is and the public support that was expressed for it to be recognised in the local character study. The issues involved include; **Agreed**

- The 1.26 million sq. ft. Industrial Estate; buildings that may be replaced over the NP period.
- The issues that arise through the flexibility (use & operating hours) of existing buildings
- Surface water drainage and flooding issues.
- Traffic generation
- Poor connectivity (pedestrians and cyclists) from the village and Forestside.

3 To explain how past planning decisions affecting the area, including HMP Dovegate and the approved solar park, have been taken in a strategic rather than local context. **Agreed**

4 To acknowledge (but avoid duplicating) the Local Plan framework provided by Policy SP14 (see Appendix 1). This refers to Marchington as a one of three rural industrial estates, but also covers other sites, farm diversification, small scale development outside settlements and the National Forest woodland economy and is therefore inevitably high level and strategic in nature. Based on local issues, it is considered that following matters should be taken into account in an NP policy.

Agreed

- Local flooding and drainage concerns and the limited capacity of the Marchington Brook, as identified by SCC and the EA.
- The lack of effective planning control over changes of use and hours of operation on the estate because of historic, military related, established use rights
- The lack of connectivity (pedestrian & cyclists) between the estate and the village and Forestside which reduces the potential of the estate to be a sustainable employment location
- Traffic issues
- Light pollution and the impact on views for Marchington Cliff.
- Trespass and public safety issues connected with the former barrack buildings.
- The lack of formal public access for the residents of Forestside to the open space and recreation grounds.
- Lack of joint working
- Parking and highway safety issues in Forestside

Former Barracks site

1 This site has been the subject of several speculative proposals in the recent past, including as an outdoor activity/games area and a solar park, which have been considered at the strategic rather than local level. There is known interest from the owner in a residential development and whilst this will need to be considered by ESBC in the context of the Local Plan policies, there is always a possibility that development might ultimately be decided through the appeal system. NP criteria relating to the character of the area and any impact on (or benefits to) Forestside, the Industrial Estate and the village against which future proposals for development may be considered could reasonably include the following locally based matters, but **not** promoting new housing: **Agreed**

- The need to a satisfactory relationship with the industrial estate.
- The need to achieve a satisfactory relationship with Forestside, if possible, providing benefits, including access, parking, open space and community buildings or facilities.
- Woodland and other wildlife habitats should be retained and integrated into an overall plan.
- If possible connectivity (pedestrian/cycle links) to Forestside, the industrial estate and the village, should be improved (likely to require off site works and/or agreement with third party land owners).
 - Guarantees that run off and drainage requirements will not add further to flooding and foul drainage problems in the village.
 - The need for ground condition and/or pollution issues on the site can be dealt with satisfactorily.
- Reference to the former military use and local heritage value of the site.

2 The recreation ground and woodland (to the rear and side of Forestside) require policy coverage. It is a well-used (by virtue of a short term lease) and much valued open space asset and it reflects some of the heritage of the formal military use. It was for this reason that Local Green Space designation was proposed in the Draft Plan and it will be kept, albeit outside the framework of the development boundary concept. **Agreed**

Forestside Residential Area

The Local Plan policy SP 14, which would otherwise be used to consider proposals on Marchington industrial estate, refers to impact on “the settlement” (i.e. Marchington village). The Local Plan does not recognise Forestside as a settlement or a part of Marchington village. It is reasonable, therefore, that the NP includes locally based and justified proposals to protect and seek improvement to the residential environment of the area. The options set out above will go a considerable way towards achieving this aim, but a further site specific reference may be justified, as set out below.

1 That development proposals within or adjoining the existing housing at Forestside should not adversely affect the residential amenity and, where possible, provide benefits in terms of additional parking, improved traffic circulation and access to the industrial estate and open space. **Agreed**

Summary (all agreed)

If selected, the above options would result in the following changes to the draft plan.

Removal of references to the potential of the Barracks for new housing, in the text and policy content, with the exception of actual comments submitted made by the public and by consultees.

Removal of references to the definition of a development boundary around the former military area with coverage of the separate components in existing policy chapters (Housing, Local Employment & Open Space) with a new “Area Based” policy section including HMP Dovegate & the former barracks.

The deletion of Policy SB 2

Moving Policy SB 5 (Infrastructure and Flooding) to the Development principles policy section as DP2

The inclusion of new policies covering;

- The Industrial estate (new Policy LE2) – in Local Employment
- Rename and move Policy SB4 (HMP Dovegate) as Policy AB (Area Based) 1
- Rename and move Policy SB 5 (Infrastructure as DP2 (Development Principles)
- The former Barracks – criteria for any development – (new Policy AB2)
- Forestside - new Policy H4

4 Confirming that an SEA will not be required

4.1 ESBC commented that the Council, in consultation with the Environment Agency (EA), has undertaken a Strategic Environmental Assessment (SEA) screening of the NP in accordance with the NP regulations. Most NPs do not require a full SEA to be undertaken, but in the case of Marchington, the EA has advised ESBC (who agree) that because they regard Policy SB2 (D) as being tantamount to a housing allocation, an SEA will be necessary. If this position is maintained and an SEA is not undertaken, the Basic Conditions cannot be met and so the NP would stall. An SEA is a complex technical piece of work and would delay completion of the submission version until later in the winter/early spring of 2016.

4.2 It is anticipated that the changes outlined in Section 3 will enable a re-screening of the plan by ESBC (consulting the EA, NE and HE) which should conclude that an SEA is not required. This will take up to 5 weeks, as outlined in Section 1.

5 The need for additional consultation with the local community and statutory organisations.

5.1 ESBC has suggested that in the light of the detailed nature of the changes to the NP, it is desirable for the (6 week) Regulation 14 Consultation to be repeated. On consideration, although this will take additional time and resources, it is recommended that the PC and SG agree to this.

Agreed

5.2 As outlined in Section 1, a full 6 weeks will be required for the consultation, but given that the majority of the content will not be substantially changed and the recent full consultation, it can be relatively simple in terms of approach and content, as set out below.

- The production/distribution of a newsletter explaining why changes were needed, what they are and giving an opportunity for comments to be made using a tear off form or by email/letter.

Agreed

- All documents to be placed on the village website and hard copies to be made available for the duration of the consultation at the Community Shop and the Village Hall. **Agreed**

- Statutory consultees to be notified of the consultation by email/letter, with a copy of the newsletter, and information on where electronic/hard copies of the NP can be examined. **Agreed**

- An open meeting, in the Village Hall with a presentation from the SG/planning adviser explaining why changes were made and what they are, followed by a question and answer session. This might be held on the morning of Sat. 19th December. **Agreed**

Marchington Neighbourhood Plan
Steering Group meeting on 18th November 2015

Covering Report: outcome of (Reg. 14) Consultation on the Draft Neighbourhood Plan

Marchington Neighbourhood Plan Steering Group meeting Wednesday 18th November 2015

1 Introduction

1.1 There are some complex and challenging issues which have been raised, but the consultation has been successful in terms of the level of engagement and the nature of the comments made. Two separate reports cover the public response and the responses from statutory and other consultees. These summarise the outcomes and comments and outline suggested amendments to the Draft Plan or explain when and why amendments are not necessary. At the submission stage, a Consultation Report will need to be produced which shows what consultation has been carried out, the responses made, changes (or not) to the Plan and the reasoning of the Steering Group/Parish Council in making these decisions. This is an important stage in the NP and the meeting tonight will need to consider the reports carefully. This consideration will relate to how the NP meets the Basic Conditions which will determine if it is able to proceed to referendum. Appendix 1 summarises the Basic Conditions.

2 Public Comments

2.1 In terms of public response, the draft plan enjoyed wide support as evidenced by the questionnaire responses (61) and there is no need for any significant alteration to the Vision, Objectives or Policies. Some more substantive comments were made as additional sheets on the questionnaire and by letters. These justify some alteration and updating, but no matters of principle are involved.

3 Statutory and other consultees

3.1 There has been a good response from statutory and other consultees and many helpful suggestions have been made to update the evidence base of the plan and to add some elements of policy cover. The majority of these do not concern matters of principle. However, as will have been anticipated, there are some substantive comments that have been made which require careful consideration. These principle matters are:

1 - The ESBC concerns over the treatment of the former military area and the barracks, in particular. The challenge here is whether the criteria based approach can be retained, but without a reference to housing at the same time as meaning that the PC and the NP can have some influence over and future planning applications. Without amendment it is likely that ESBC will contend that the Basic Conditions will not be met.

2 - Related to 1, Hortons (through agents) have proposed that it is not necessary to have a policy covering the industrial estate and suggesting that the NP will not meet the Basic Conditions if it is retained. They also make comments opposing housing in that location. The former is easy to justify and the policy should be kept. The latter will relate to the consideration of the ESBC comments.

3 - Barton Willmore, on behalf of Evans of Leeds, are generally supportive of the approach to the former Barracks site, but are concerned over the extent of the proposed LGS and suggest that a partnership approach involving other landowners and the PC may be necessary in terms of future ownership and management. However, whilst it is reasonable to consider operational issues, they are not really relevant to the planning principle of LGS designation. The extent of the woodland

involved in the area to be designated will need to be considered. They are also concerned over the criteria relating to “an innovative approach to sustainable design and construction” noting that this runs counter to recently issued government advice. This point may have to be accepted.

4 - The ESBC insistence that the Local Plan settlement boundaries must remain. They could be extended by the NP, but not reduced or deleted. This means that the Jacks Lane frontage remains effectively allocated for new housing. Anecdotally, ESBC has said that it expected the Local Plan examiner to suggest a modification remove it, but he did not and (unfortunately, either by intent or oversight) ESBC did not themselves suggest a change.

5 - William Davis (related to but separate from 3, above) stated that the Jacks Lane site should be retained and suggested a development of 5 dwellings. They also again refer to the potential of the larger site, but unless the settlement boundary in this location was extended by the NP there are very strong policy reasons for this to be resisted and successfully defended.

6 - Agents acting on behalf of the owners of Thorntree Farm have confirmed that the general location is suitable for development but have stated that this should be on land adjoining the existing farm, complex with around 10 dwellings involved. This will need to be considered in terms of:

- The loss of greenfield land
- The impact on the Conservation Area
- Access and traffic implications
- Drainage implications, given known problems on Bag Lane and Jacks Lane.

7 - Agents and a developer acting on behalf of the owners of The Bagshaws have confirmed that the land is suitable for development, but have stated that for viability reasons a scheme of 13 houses, with some larger units, on an extended site is needed. This is largely in accordance with the Local Plan settlement boundary, but would need to be considered in terms of:

- The impact on the Conservation Area and Listed Buildings
- The impact of an enlarged site on nearby properties and the setting of the village.
- Drainage and flooding implications.

8 – ESBC, in consultation with the Environment Agency (EA) has undertaken a Strategic Environmental Assessment (SEA) screening of the NP in accordance with the NP regulations. Most NPs do not require a full SEA to be undertaken, but in the case of Marchington, the EA has advised ESBC (who agree) that because they regard Policy SB2 (D) as being tantamount to a housing allocation, an SEA will be necessary. If this position is maintained and an SEA is not undertaken, the Basic Conditions cannot be met and so the NP would stall. Clarification has been sought from ESBC but it seems unlikely that the position will change. The SEA would have to be scoped and then carried out, it would be likely to be limited, but would still be an additional technical process, which could require additional paid consultancy support from an expert, to be undertaken and would involve further consultation (two separate periods of 5 weeks). This would delay completion of the submission version until later in the winter/early spring of 2016.

4 Consideration of the above

4.1 A meeting with ESBC Officers is planned on Tuesday 24th November where it is hoped to clarify if the NP should proceed further and if so in what form. The decision made this evening will inform our approach to that meeting. Taking into account the issues summarised above, the Steering Group is requested to consider an approach including the following elements.

1 Not to allocate housing at Thorntree Farm because emerging ideas suggest a larger development than planned, away from the farm complex, with a greater impact in the Conservation Area and the village setting and concerns over drainage.

2 To confirm The Bagshaws as a preferred location for new housing, but with 12 (rather than 10) units, subject to consideration of house type size and design.

3 To accept (reluctantly) the Jacks Lane frontage site as a location for up to 5 new houses, subject to consideration of design (in particular the height of new dwellings), with measures to ensure that the land to the rear remains open and drainage matters.

4 To attempt to reword Policy SB2 (D) removing reference to new housing but retaining other relevant criteria to assist in the consideration of future planning applications to ensure benefits for the Parish (Forestside especially) in the event of approval by ESBC or permission on appeal.

5 To retain the policy coverage for the industrial estate, but to make it clear that it adds local detail to the more general Local Plan policy and is thus justified and meets the Basic Conditions.

4.2 These measures would result in a total allocation for 17 new houses which would meet the dwelling requirement in the Local Plan. The sites involved are not those originally favoured by the PC but we may be at the point where every reasonable argument has been made and there are other benefits in terms of moving forward with the NP, especially concerning the success in:

- opposing a higher level of dwelling requirement for Marchington,
- deciding that the large Jacks Lane site, land to the west and at Silver Lane are not for housing,
- defining what constitutes the character of the village and its setting,
- creating a logical planning framework for the former military depot area.
- informing people and engaging them in debate on planning matters.

4.4 Action 4 (above) would be likely to remove the need for a full SEA to be undertaken although the screening opinion would need to be updated and the EA consulted.

4.5 In the meantime, it may be helpful for a political view to be sought on whether there is likely to be any flexibility in the ESBC stance. Councillor Steven Smith could be appraised of the situation and asked to talk to Councillor Julia Jessell (who leads on planning policy matters). However, it is likely that officers will have sought a political steer prior to issuing the ESBC comments and that councillors will want to be seen to stick very closely to the Local Plan given that it was adopted so recently.

4.6 In the email accompanying their comments, ESBC make a suggestion that they would support (and presumably fund) an independent Health Check of the revised NP before submission. This is informal but could be carried out by an NP examiner or another suitable qualified person. It may be helpful and might be used to "Arbitrate" on any outstanding differences of opinion with ESBC. However, it could also lead to the need for further revisions to the NP prior to submission.

4.7 Finally, it is a consideration to take into account the potential for an appeal by William Davis on the refusal of the Jacks Lane planning application. Although the newly adopted Local Plan (and a 5.4 year housing land supply) provide a good basis for ESBC to successfully oppose an appeal, it would be advantageous to have an examined NP by the time that a hearing is held. This may be a reason for avoiding delay in the NP submission.

Summary of Public Consultation Outcomes – Marchington Neighbourhood Plan (Draft)

Marchington Neighbourhood Plan Steering Group meeting Wed. 18th November 2015

The 6 week (Regulation 14) Consultation ran from Monday 28th September to Tuesday 10th November. A newsletter was delivered to all households and businesses in the Parish which summarised the draft plan and included a questionnaire. In addition documents were available on the Parish website and in hard copy at the Community Shop and the village hall.

A two part exhibition was held on Saturday 10th at Marchington Village Hall from 10:00 to 12:30 and at Woodlands Village Hall from 13:00 to 15:00. A further exhibition was held at The Barn (Indian restaurant) on Wednesday 14th October, focused on Forestside residents. The total attendance was xxx, broken down as follows;

- Saturday morning xx people
- Saturday afternoon xx people
- Wednesday evening xx people

The sessions proved very useful for people to ask questions, find out more about the Draft Plan and to discuss any concerns in detail with SG members and the planning advisor.

61 questionnaires were returned and 2 individual letters submitted. The number and percentage of responses is listed below. (Two percentage figures are presented, the first covering the total responses and the second just showing those for agree and disagree).

The Vision: Agree 39 (64% or 97 %) Neutral/Blank 21 (34%) Disagree 1 (2%)

This shows a high level of satisfaction with the vision, especially when the simple percentage of agree and disagree are expressed. The higher level of neutral or blank boxes recorded may reflect that the Vision is slightly less tangible than the objectives and policies.

The objectives

Objective 1: Agree 57 (93% or 98 %) Neutral/Blank 3 (5%) Disagree 1 (2%)

Objective 2: Agree 54 (89% or 95 %) Neutral/Blank 5 (6%) Disagree 2 (5%)

Objective 3: Agree 60 (98% or 100 %) Neutral/Blank 1 (2%) Disagree 0 (0%)

Objective 4: Agree 59 (97% or 100 %) Neutral/Blank 2 (3%) Disagree 0 (0%)

Objective 5: Agree 59 (97% or 100 %) Neutral/Blank 2 (3%) Disagree 0 (0%)

Objective 6: Agree 57 (93% or 100 %) Neutral/Blank 4 (7%) Disagree 0 (0%)

Objective 7: Agree 58 (95% or 100 %) Neutral/Blank 3 (5%) Disagree 0 (0%)

This shows a high level of support for each of the Neighbourhood Plan objectives, especially when the simple percentage of agree and disagree are expressed. No changes are required.

Neighbourhood Plan Policies

Policy DP1: Agree 58 (95%) Neutral/Blank 1 (2%) Disagree 2 (3%)

Policy SB1: Agree 55 (90% or 94 %) Neutral/Blank 3 (5%) Disagree 3 (5%)

Policy SB2: Agree 55 (90% or 98 %) Neutral/Blank 4 (7%) Disagree 3 (3%)

Policy SB3: Agree 46 (75% or 81 %) Neutral/Blank 2 (4%) Disagree 13 (21%)

Policy SB4: Agree 50 (82% or 98 %) Neutral/Blank 9 (15%) Disagree 2 (3%)

Policy SB5: Agree 60 (98% or 100 %) Neutral/Blank 1 (2%) Disagree 0 (0%)

Policy H1: Agree 53 (87% or 92 %) Neutral/Blank 4 (6.5%) Disagree 4 (6.5%)

Policy H2: Agree 58 (95%) Neutral/Blank 1 (2%) Disagree 2 (3%)

Policy H3: Agree 55 (90% or 100 %) Neutral/Blank 6 (10%) Disagree 0 (0%)

Policy BE1: Agree 56 (92% or 100 %) Neutral/Blank 5 (8%) Disagree 0 (0%)

Policy BE2: Agree 59 (97% or 100 %) Neutral/Blank 2 (3%) Disagree 0 (0%)

Policy BE3: Agree 57 (93% or 100 %) Neutral/Blank 4 (7%) Disagree 0 (0%)

Policy NE1: Agree 59 (97% or 100 %) Neutral/Blank 2 (3%) Disagree 0 (2%)

Policy NE2: Agree 61 (100 %) Neutral/Blank 0 (0%) Disagree 0 (0%)

Policy T1: Agree 55 (90% or 96 %) Neutral/Blank 4 (7%) Disagree 2 (3%)

Policy CFOS1: Agree 58 (95% or 98 %) Neutral/Blank 2 (3%) Disagree 1 (2%)

Policy CFOS2*: Agree 29 (48% or 100 %) Neutral/Blank 32 (52%) Disagree 0 (0%)

Policy CFOS3: Agree 59 (97% or 100 %) Neutral/Blank 2 (3%) Disagree 0 (0%)

Policy LE1: Agree 54 (89% or 96 %) Neutral/Blank 5 (8%) Disagree 2 (3%)

Policy RE1: Agree 51 (84% or 87 %) Neutral/Blank 3 (5%) Disagree 7 (11%)

Policy RE2: Agree 53 (87% or 96 %) Neutral/Blank 6 (10%) Disagree 2 (3%)

(*Policy CFOS2 was missed off the original questionnaire, a correction/addendum sheet was issued at the exhibitions. This affected responses but no-one disagreed with the policy)

This shows a generally high level of support for each of the Neighbourhood Plan Policies, especially when the simple percentages of agree and disagree are expressed. The only figures to fall below 90% (agree and neutral/blank) concern:

- **Policy SB3 – Development Outside Settlement and Development Boundaries**
- **Policy RE1 – Renewable Energy**

Planning applications concerned with these matters have proved locally contentious and this probably lies behind the slightly higher levels of disagreement. The respondents are possibly seeking stricter controls, but these may extend beyond what is reasonable in terms of the NPPF and the Local Plan. Taking this into account and the fact that the support remains at a high level for both policies, no changes to policy wording are required.

Community Proposals

Community Proposal SB1: Agree 59 (96 %) Neutral/Blank 1 (2%) Disagree 1 (2%)

Community Proposal T1: Agree 53 (87% or 98 %) Neutral/Blank 7 (11%) Disagree 1 (2%)

This shows a high level of support for the two Neighbourhood Plan Community proposals and no changes are required.

Other comments (See overleaf)

Seven respondents added further comments to their questionnaire and two people submitted letters. The additional points raised are summarised below and suggested responses are outlined in *italics*.

- Concerns about the definition of what constitutes “Renewable Energy” i.e. a solar park should not be seen as a justification for the installation of standby diesel generation plants. *This could justify additional consideration/wording in Policy RE1.*
- The extensive roof area of the industrial estate are a preferable location for solar panels to green field sites and farmland. *This cannot be a policy requirement, but it could be encouraged in the policy covering the Industrial Estate*
- All aspects of the drainage implications of new development should be considered carefully. *This reflects the points made by SCC and the EA which will result in additional policy wording.*
- The NP should promote improved broadband across the Parish. *Already covered in policy RE2.*
- Any development Thorntree Farm should be restricted to in and around existing buildings. *To be considered alongside the other responses on new housing.*
- There is some individual support for a small scale infill development on the Jacks Lane frontage. *To be considered alongside the other responses on new housing.*
- Improved access and links to the village are important. *Agreed, but this already covered by a range of policies and Community Proposal T1.*
- The creation of a cycle route alongside the B5017 could be dangerous. *Noted and the advice of Staffordshire County Council (the Highway Authority) will be taken.*
- Tree Preservation Orders (TPO) should be considered on identified open spaces and propose local green spaces. *Noted but TPO procedures are legally separate from Neighbourhood Plans.*

One of the separate letters was from the owner of land at Jacks Lane (SHLAA Ref. 115, not the site of the recent planning application) who has confirmed that this site is **not available** for development. It is valued as agricultural land and is part of the setting of the village. *This is a helpful factual update on landowner attitudes, but it does not require any changes to the policy content of the Plan because development is not favoured in that location.*

The other letter outlines several separate points.

The dwelling requirement should be met within or adjoining the village. *This reflects the strategy of the NP.*

Objection to that part of policy SB2 to re-use part of the military camp for housing. A better solution for the barracks would be the demolition of the buildings and the incorporation of the land as an enhanced recreational amenity asset including national forest planting. A recreation/tourist/leisure facility/educational building could be incorporated to assist overall viability. This type of use would be an asset to the area and improve the leisure offer. *Noted and this will be considered alongside ESBC and other comments. However, as a matter of fact, Marchington is outside the National Forest area and cannot benefit for the planting schemes therein.*

Object to any further development at the prison site... The Policy SB4 is not clear what is meant by the "prison complex" does this mean the land ownership or the existing building compound. There should be no further building outside the existing compound area. Are the Plan makers satisfied that the NP can control development proposals by HM Prisons? We are not clear how you would test the policy in any event, how do you measure a "reduction in security" *Noted, clarification will be added to refer to the existing compound.*

Many of the other policies in the plan relating to design, built heritage etc. are simply a reiteration of National Planning Policy, and ESBC adopted policy is it necessary that they are included in the Plan, more policies saying the same thing does not improve clarity. *Disagree these policies add a specific local dimension based on the local character survey and locally identified issues.*

In the event that this plan becomes adopted one day who will monitor the large number of policies and tests that are being set out. The plan is long and rather complicated for ease of use, will the Parish Council have to retain their own planning expert to advise on applications and will this increase the Parish precept? *PC to respond, but this is not a planning policy matter.*

Statutory Consultee Responses – Draft Marchington Neighbourhood Plan (compiled 11/11/15)

| Consultee | Date | Comments | Suggested Actions (Red) |
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| Organisations | | | |
| Environment Agency Ms Noreen Nargas Planning Advisor 01543 404970 noreen.nargas1@environment-agency.gov.uk | 3/11 | <p>Thank you for referring the above draft plan which was received on 23 September 2015. Having reviewed the document we have the following comments:</p> <p>Flooding risk: The plan area includes a number of watercourses including the River Dove which forms part of its northern boundary and the Marchington Brook. Both of these watercourses are designated main rivers and have significant areas of floodplain associated with them, most of which is in Flood Zone 3 (high probability).</p> <p>Elsewhere in the parish there are smaller areas of floodplain associated with the smaller ordinary watercourses as well as significant areas at risk from surface water flooding. Any proposals that are considered during the Neighbourhood Plan process should take account of this. Staffordshire County Council Lead Local Flood Authority (LLFA) is the lead organisation on these matters.</p> <p>In line with National Planning Policy Framework (NPPF) we would wish to see any new development directed away from those areas at highest flood risk, i.e. towards Flood Zone 1. In addition any new development, including infill development and small scale development, should incorporate sustainable drainage systems (SuDS) to reduce flood risk and manage surface water. The surface water discharge should be limited to the site specific greenfield runoff rates for all points of discharge.</p> <p><u>Countryside and Environment / Landscape Character and Character Study around Marchington Village Marchington Village (Pages 16-17)</u> It is suggested that some reference is made to the water environment in the plan area and the presence of watercourses and associated floodplain which have a significant effect on the local landscape. <u>Area Surveys (Pages 23-25)</u> Area 1b: Part of this area may be at risk of surface</p> | <p>These three paragraphs to be added to section 3 as Flooding Context: provided by the EA.</p> |

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| | <p>water flooding. (Staffordshire LLFA to provide advice on this matter).</p> <p>Area 1c: Part of this area may be at risk of surface water flooding. (Staffordshire LLFA to provide advice on this matter).</p> <p>Area 2: The majority of this area is floodplain (Flood Zone 3) and is not considered suitable for inappropriate development, as shown in our flood risk tables: (http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-zone-and-flood-risk-tables/table-3-flood-risk-vulnerability-and-flood-zone-compatibility/)</p> <p>Area 4: This area is adjacent to the floodplain of the Marchington Brook. In addition, a significant part of this area may be at risk of surface water flooding. (Staffordshire LLFA to provide advice on this matter).</p> <p>Area 5: A large part of this area is floodplain (Flood Zone 3) and is not considered suitable for inappropriate development, see flood risk tables: (http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-zone-and-flood-risk-tables/table-3-flood-risk-vulnerability-and-flood-zone-compatibility/). There is also a significant area at risk of flooding from surface water. (Staffordshire LLFA to provide advice on this matter).</p> <p>Area 6: Part of this area may be at risk of surface water flooding. (Staffs. LLFA to provide advice on this matter).</p> <p>Area 8: Part of this area may be at risk of surface water flooding. (Staffs. LLFA to provide advice on this matter).</p> <p>Area 9: Part of this area may be at risk of surface water flooding. (Staffs. LLFA to provide advice on this matter).</p> <p><u>Policies</u></p> <p>We welcome the references to existing flood risk in section 7.8 and Policies SB1 and SB2 and the need to ensure that this is not exacerbated by any new development.</p> <p>Policy SB5 on flood prevention and management is also welcomed. Please note that the reference to Flood Zone 2 in the paragraph below this policy is incorrect. The vast majority of the extensive floodplain in this area is Flood Zone 3.</p> <p><u>Marchington Brook Flood Alleviation Scheme</u></p> <p>The Environment Agency and Staffordshire County Council are currently investigating options to reduce flood risk in Marchington village.</p> <p>Biodiversity:</p> <p>In reference to SB5 – Flood prevention and management, the Neighbourhood Plan should look to support and advocate the use of natural flood measures in the catchment to provide sustainable</p> | <p>Comments to be added to paragraphs 3.49 – 3.57 as Flooding Context: provided by the EA.</p> <p>Comments to be added to paragraphs 3.49 – 3.57 as Flooding Context: provided by the EA.</p> <p>Justification to Policy SB5 to be corrected.</p> |
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| | <p>contributions to attenuating flood risk whilst providing additional environmental benefits, including water quality and biodiversity. Natural flood measures could also be combined with policy objectives within NE2 – Nature Conservation.</p> <p>The Marchington catchment and its specific water quality and flooding issues, is potentially suited for Rural Sustainable Drainage Systems (RSuDS). They are measures that slow down or prevent the transport of pollutants into a water course by intercepting run-off and trapping soil before it leaves the field. They may consist of a single structure or a succession of different measures to drive improvement. Such structures & measures include wetlands, ponds, sediment traps, buffer strips and ‘in ditch’ options. Other benefits of RSuDS include slowing down or temporarily storing water to reducing localised flooding.</p> <p>Within the National Character Assessment (NCA) the following Statement of Environmental Opportunity is particularly relevant to working towards improving the Water Framework Directive (WFD) status of the catchment and attenuating flood risk.</p> <p>SEO 4: Manage and enhance the network of rivers, flood plains and wetlands, increasing the landscape’s ability to naturally and sustainably manage flood and drought risk and provide other ecosystem services such as water supply and food provision, while recognising the needs of individual species and habitats.</p> <p>The new Countryside Stewardship (CS) scheme, with primary objectives for biodiversity and WFD, could play a role in delivering catchment improvements through amending existing agreements or encouraging landowners to take up new agreements. There are specific options available to help deliver WFD improvements including rural SuDS. A facilitation fund is available to support multiple landholdings collaborate to deliver landscape (catchment) scale benefits, particularly relevant and potentially achievable in this situation.</p> <p>The targeting statement of the CS for the Needwood and South Derbyshire Claylands NCA include the Marchington catchment for flood risk. Measures that could be supported through the scheme include measures to reduce sediment input and slow rates of overland flows. These would be synergistic with contributing towards WFD improvements and would therefore score highly in selecting new CS schemes through achieving multiple objectives.</p> | <p>Reference to RSuDS to be included in SB5 Policy wording and selected explanatory material to be incorporated into the justification.</p> |
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| | <p>Further information on rural SUDS and working with natural processes to aid water quality and flood risk can be found in several studies and publications including;</p> <ul style="list-style-type: none"> •Runoff Attenuation Features - A guide for all those working in catchment Management (Newcastle Uni/EA Apr 2011) •Constructed farm wetlands - treating agricultural water pollution and enhancing biodiversity (Wildfowl and Wetlands Trust May 2013) •Rural Sustainable Drainage Systems (EA Jun 2012) <p>Table 1 – Policy Summary: The EA should be included as partners in policies NE1 & NE2.</p> <p>Section 8 – Implementation: Nature conservation should be included in the areas to be taken into account by the EA, in particular wetland habitats and associated species, in addition to the issues already stated.</p> <p>As part of any development in the Marchington area, we would like to see full consideration given to the watercourses in the catchment with the objective of improving the classification according to WFD. As a minimum, we would expect no deterioration.</p> <p>During any development stage, we would like a pollution prevention plan to be developed which should include the storage of polluting materials, prevention of pollution due to vehicular movements and exposed grounds, the waste hierarchy, and a site waste management plan.</p> <p>In light of the above comments, you should give due consideration to adopted Strategic Policy 27: Climate Change, Water Body Management and Flooding which has local requirements for the management of the water environment, including flood risk, pollution prevention and water-based ecology which should be reflected within this plan where appropriate.</p> <p>Contamination Issues: We have the following comments to make which relate solely to the protection of ‘Controlled Waters’ receptors. In planning any development in this area reference should be made to our ‘Groundwater Protection: Principles and Practice’ (GP3) document. This sets out our position on a wide range of activities and developments, including:</p> <ul style="list-style-type: none"> • Storage of pollutants and hazardous substances | <p>Agreed. EA to be included in Table 1.</p> <p>Agreed. Nature conservation issues to be included in section 8</p> <p>Agreed. To be added to Policy SB5</p> <p>Agreed. Selected explanatory material to be added to Policies DP1, SB2 & SB5</p> |
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| | | <ul style="list-style-type: none"> • Solid waste management • Discharge of liquid effluents into the ground (including site drainage) • Management of groundwater resources • Land contamination • Ground source heat pumps • Cemetery developments <p>Government Policy, as detailed in the National Planning Policy Framework (paragraph 120), states that 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Consequently should a development site currently or formerly have been subject to land-use(s) which have the potential to have caused contamination of the underlying soils and groundwater then any Planning Application must be supported by a Preliminary Risk Assessment. This should demonstrate that the risks posed to 'Controlled Waters' by any contamination are understood by the applicant and can be safely managed.</p> <p>We recommend that the risk management framework provided in the document 'Model Procedures for the Management of Land Contamination' (CLR11) is followed, when dealing with land affected by contamination.</p> <p>We draw your attention to adopted Detailed Policy 7: Pollution and Contamination which states that: Development proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water</p> <p>We hope you find the above information useful. If you have any queries, please do not hesitate to contact us.</p> | |
| East Staffs. BC | | See Appendix | |
| Mobile Operators Ass. Ginny Hall MRTPI SENIOR PLANNER 0141 270 2733 ginny.hall@monoconsultants.com | 6/11 | <p>Thank you for your recent consultation on the above and taking the time to seek the Mobile Operators Associations' views on the Marchington Neighbourhood Plan.</p> <p>We consider this a very proactive approach to forward planning and welcome the opportunity to have input in the process.</p> <p>It is recognised that telecommunications plays a vital role in both the economic and social fabric of</p> | |

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| | | <p>communities. National guidance recognises this through Section 5: “Supporting high quality communications infrastructure” of National Planning Policy Framework (March 2012) which provides clear guidance as to the main issues surrounding telecommunications development.</p> <p>Paragraph 42 of the National Planning Policy Framework (NPPF) confirms that; “advanced, high quality communications infrastructure is essential for sustainable economic growth” and that it “plays a vital role in enhancing the provision of local community facilities and services.”</p> <p>Further advice on the siting and design of telecommunications and good practice procedural guidance is contained within the Code of Best Practice for Mobile Phone Network Development (July 2013). This builds on the Ten Commitments to ensure that the industry is alive to the concerns of local communities and consultation is built into the development process.</p> <p>While we support the inclusion of Policy RE2: Telecommunications Installations within the emerging Neighbourhood Plan, we are concerned that its wording would be overly restrictive on future telecommunications developments in the area. While the Mobile Operators will always aim to minimise the impact of telecommunications equipment on landscape and amenity, the technical and operational characteristics of the technology mean that, in some cases, minor impacts will need to be balanced against the social and economic benefits of high quality telecommunications infrastructure. In order to provide a more positively worded policy, we would suggest that Policy RE2 is amended as follows: “The Parish Council recognizes the need for improved telecommunication and broadband services and supports sensitively designed and located installations where the structure involved minimises impact on the landscape or on designated and non-designated heritage features.”</p> <p>We trust you find the above comments of assistance. Please do not hesitate to contact me should you have any queries relating to the above matters.</p> | <p>TBC – current wording based on Anslow and the amendment weakens the position, but only slightly</p> |
| <p>Staffs. County Council james.chadwick@staffordshire.gov.uk</p> | <p>9/11</p> | <p>Thank you for providing the County Council the opportunity to comment on the preparation of your Neighbourhood Plan. Detailed comments are provided below and where possible are grouped by theme. It is hoped these comments will help you in taking the plan to its next iteration. Should you have any queries regards any element of the content of the response please feel to contact me.</p> <p>Transport. In relation to Policy T1 we acknowledge that the transport impacts of certain development</p> | <p>Agreed in part. Define development as including,</p> |

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| | <p>needs to be assessed. However, it is felt that the policy is unclear on which developments it is applicable to. The Policy refers to developments that ‘generate a significant amount of movement or would create a traffic hazard on narrow twisting lanes’. What is ‘significant’ is subjective and open to interpretation. Equally how, without undertaking an assessment, would a prospective developer know whether or not their proposal would create a hazard and what constitutes a hazard in respect of this policy? It is suggested therefore that the policy should provide greater clarity to the type, size and/or location of development to which it is applicable.</p> <p>We note the Parish commitment to investigating opportunities to improve walking and cycling routes, in particular to the local school.</p> <p>In the section on justification for Policy T1 reference need to be made to the ‘East Staffordshire Borough Integrated Transport Strategy’ as delivering the LTP.</p> <p>Historic Environment</p> <p>S3.3. For completeness, when referring initially to Domesday Book it is advised that its date of first ‘publication’ be included in parenthesis; 1086.</p> <p>S3.4, line 4. For completeness, the area around Marchington was the focus of ‘assarting’ (the clearance of woodland) during the 13th/14th centuries presumably to create more open fields for agricultural purposes; moated sites are often accompanied by such activity. Two scheduled moated sites lie within the parish, while a third scheduled moat lies adjacent to the parish on its western extreme edge.</p> <p>S3.27. The historical significance of St. Peter’s Church is not specifically identified within the section on Built Heritage but could be considered here. The Church was designed by Richard Trubshaw and is mid-18th century in date. It is Listed Grade II* and is thought to sit on the site of an earlier, medieval church which was mentioned at Domesday. The cemetery may also be of medieval origin.</p> <p>S.3.27. This section could also consider the potential historic significance of the remaining elements of the Marchington military camp. Some structures which belonged to the military camp are recorded on the Historic Environment Record (HER) and there remains the potential for further below ground archaeological remains to survive. While not of ‘listable’ quality, they should be considered as being of local historic interest.</p> <p>S3.32. This section rightly identifies that the majority</p> | <p>designated new housing sites, new buildings in the industrial estate,.....</p> <p>Agreed, reference to be included.</p> |
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| | <p>of archaeological remains attest to Marchington’s medieval agricultural heritage. There is evidence for earlier activity around the parish; the site of a possible Bronze Age barrow is recorded on the HER at Hound Hill, while a possible Iron Age enclosure or hill fort is recorded in woodland at Forest Bank attesting to occupation in the area prior to an possibly following the Roman conquest of Britain.</p> <p>Elsewhere, the course of the River Dove to the north of the settlement also suggests a degree of late prehistoric archaeological potential. While little has been found in this area to date, this is likely to reflect a lack of investigation rather than a lack of evidence. Elsewhere along Staffordshire’s river valleys (including the River Dove at Uttoxeter) extensive evidence for late Neolithic - late Bronze Age ceremonial and burial activity along with Iron Age and Romano-British activity is found close to water courses. The south bank of the Dove as it extends through this parish has the same archaeological potential.</p> <p>S3.41. The consideration of the Marchington HECZ (completed in 2013 and updated in 2015) is noted. This section should also consider the Staffordshire Historic Landscape Characterisation (HLC) Project which informed the development of the Marchington HECZ. The Staffordshire HLC project was completed in 2006 and covers the whole of the county.</p> <p>S.3.75. This section should also consider the site of the Thorn Tree farm medieval moated site (PRN 00174) as a further possible constraint even though the moated site lies within Uttoxeter Rural parish. The moated site itself survives in part as a c.65m square enclosure with a series of flanking ditches and a possible second enclosure. As a scheduled site any development which will directly impact this site or impact upon its setting is likely to require Scheduled Monument Consent. Early consultation with the Historic England Inspector of Ancient Monuments for Staffordshire would be strongly advised should this site be proposed for development.</p> <p>Policy BE1 A. It is advised that the policy should make provision for planning applications be accompanied in the first instance by a Heritage Statement which identifies the presence of designated heritage assets, addresses the wider historic character of the area and potential negative or positive impacts that the scheme may have upon the historic environment and considers proposals to best mitigate any negative impacts. The Heritage Statement could accompany the Design and Access Statement or be a standalone document and would inform detailed discussion</p> | <p>Agreed, reference to be included.</p> <p>Noted, but it is not possible to consider specific requirements for a site outside the Parish.</p> <p>Agreed, reference to be included.</p> |
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| | <p>regarding a scheme.</p> <p>Policy BE1 A. It is unclear what 'The Marchington Character Study' represents. Is this the Marchington Historic Environment Assessment (if not, this should be referenced within this policy) or does this reference the 'Landscape Character and Character Study around Marchington Village'.</p> <p>Policy BE1 B. The policy regarding historic farmsteads is to be welcomed. It is noted that the supporting text references the County Council's Historic Farmsteads guidance. It may also be of benefit to signpost developers to document on the web by including a hyperlink http://www.staffordshire.gov.uk/environment/eLand/planners-developers/HistoricEnvironment/Projects/Historic-Farmsteads.aspx</p> <p>Policy BE2 (Built Environment) and Policy BE3 (Archaeology) are welcomed as are the links drawn to relevant sections within the NPPF.</p> <p>Policy BE3 (Archaeology) might be amended to include reference to development proposals taking into account and seeking to minimise impacts upon the historic landscape character of the Neighbourhood Plan area. Historic Landscape Character (HLC) is a result of past land management regimes and plays a significant role in the areas unique character today. Proposals which impact upon the areas historic landscape character will impact upon the plan areas sense of place and its unique character.</p> <p>Appendix 1 It is advised that a full table listing all designated heritage assets (i.e. Conservation Areas, Scheduled Monuments, Listed Buildings) be included within Appendix 1. This should be supported by a map (or maps) clearly identifying the location of all heritage assets within the Neighbourhood Plan Area.</p> <p>Landscape Reference is made to the Needwood and South Derbyshire Claylands National Character Area (NCA), as produced by Natural England, describing landscapes at a national scale. In order to gain a full appreciation of the varied character of the Parish it would be beneficial to provide an overview of the landscape character types, as described in the County Landscape Character Assessment (2000): Planning For Landscape Change. For information the Parish straddles three character types; the majority falling within the character type Settled Plateau Farmland</p> | <p>Disagree, an explanation is already provided.</p> <p>Noted</p> <p>Noted</p> <p>Agreed, reference to be included.</p> <p>Agreed, to be included in separate appendix or in Parish Profile. Conservation Area to be shown on Proposals Map</p> <p>Noted, but this is already covered in an evidence document. Further descriptive material is not</p> |
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| | <p>Slopes (subtype farmland) in the Needwood Claylands, and areas on the valley floor of the River Dove fall within the character type Riparian Alluvial Lowlands in Trent Valley Washlands. A small area on the southern fringes of the Parish falls within the Surveyor Enclosed Plateau Farmlands. The extent of the character types can be viewed at https://apps2.staffordshire.gov.uk/WEB/OnTheMap/NatureandWildlife Descriptions are available in Planning For Landscape Change, on the website: http://www.staffordshire.gov.uk/environment/eLand/planners-developers/landscape/NaturalEnvironmentLandscapeCharacterTypes.aspx</p> <p>Planning For Landscape Change also allocated policy objectives to landscape description units, based on an assessment of factors such as the presence (or absence) of characteristic features, condition of features, historic continuity, tranquillity. Marchington and the western half of the Parish, and the areas around Greaves Wood fall within areas with a landscape policy objective of Landscape Maintenance. This objective is indicative of high quality landscapes where, for example, characteristic features are well represented and in good condition, and there is good time depth. This would support an approach that seeks an emphasis on development being unobtrusive and not leading to loss of characteristic features. Areas within the Riparian Alluvial Lowlands are in less good condition, but are identified as an area of high sensitivity to change.</p> <p>There is reference in a number of the proposed policies generally to the need for development to not adversely affect the character of the area and this is welcomed. Policy NE1 is particularly supported as it reflects the overarching theme that development should be informed by and sympathetic to landscape character, and should contribute to enhancement of the local landscape.</p> <p>Ecology It is recommended that, to be more in accordance with the NPPF, Objective 3 be modified to read: Natural environment; protecting the landscape and its wildlife, at the same time as enabling agricultural change and enabling good quality access to the countryside.</p> <p>Policy NE2 is comprehensive in regard of nature conservation and reflects national and local policy. This proactive stance is welcomed. In s.3.33 it could be noted that Greaves Wood is</p> | <p>needed in the plan itself.</p> <p>Noted</p> <p>Agreed, reference to wildlife to be included.</p> <p>Agreed, reference to</p> |
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| | <p>ancient semi-natural and ancient replanted woodland, a remnant of the once extensive Needwood woodlands. The southern part of the Parish is part of the Staffordshire Biodiversity Action Plan Needwood Woods and Pastures Ecosystem Area where maintaining, enhancing and reconnecting woodland and wood pasture are priorities for the conservation of nature. The remainder of the Parish is found within the Central Farmland Ecosystem Area where proprieties include maintenance and improvement of habitat networks such as hedgerows, hedgerow trees, field margins, rivers and streams, ponds and species-rich grasslands. Most of these features are identified as important components of landscape character in the NCA.</p> <p>s.3.49 refers to re-development of an area of land with derelict barracks blocks. Any development will need to take account of the importance of the structures and associated habitats for bats and provide appropriate mitigation in accordance with legislation and NPPF and East Staffordshire Local Plan policy. Proposed policy SB2 should form appropriate guidance.</p> <p>In regard of Policy SB5 there is potential for sustainable drainage features to provide benefits for wildlife and amenity. This could be referenced as desirable in policy wording.</p> <p>Flooding Staffordshire County Council became a Lead Local Flood Authority (LLFA) in 2010 with a duty to investigate and seek resolution of all forms of flooding within the county. Since that time, we have been involved closely with various flooding problems in the village of Marchington. The main source of significant flooding to the village is from the Main River Marchington Brook which is under the supervision of the Environment Agency. However, due to our close involvement with flooding issues and incidents in the village, the EA have asked us to Project Manage an investigation into how the flooding problem might be addressed. Work is currently being carried out by consultants on our behalf, but some conclusions can already be drawn from the modelling that has been completed to date. Our understanding so far is that major rainfall events falling in an already wetted Marchington Brook catchment, can lead to a significant flow of water passing through the village. This is too much for the current watercourse channel and associated structures to contain. As a result, the Marchington Brook breaks its banks in the vicinity of the village and has flooded various properties in the village on numerous occasions recently and</p> | <p>Greaves Wood to be included.</p> <p>Agreed, reference to be included.</p> <p>Agreed, reference to be included.</p> <p>Agreed, alongside EA comments, relevant material is to be added.</p> |
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| | <p>historically.</p> <p>The consultant is currently looking at a range of options to try and control this flow and therefore reduce or eliminate the flooding problems. But a general conclusion can be drawn, that whatever control we can achieve on surface water discharges from developments in the Marchington Brook catchment will help to reduce the threat to the village. And if new development can be steered to areas that do not contribute to the Marchington Brook, or else flows can be diverted away from this catchment; again that would have some effect in reducing the impact.</p> <p>With regards development at the former Marchington Barracks site, which is a preferred option in the Neighbourhood Plan. This site partly drains towards the existing Industrial Estate and mostly to a minor watercourse to the north east of the site. It is suggested that if this site were to come forward for development, we would require all surface water from the site to be directed to the channel to the north east. In this way, this development would slightly reduce the risk of flooding in Marchington.</p> <p>Proposed Development Sites</p> <p>Sites 64, 115 and 183 are all located off Jacks Lane and slope towards that highway. We would not recommend discharging any surface water from these sites into these highway drains presently.</p> <p>These sites are all currently agricultural fields and any discharge from them would have to be rigorously controlled back to the same rates as would be expected from the current fields, so as not to increase flood risk in the Marchington Brook catchment. Our concern would be that there is no obvious route by which the water from these fields could be discharged. Planning applications for development here would need to address this issue.</p> <p>Site 84 (Allens Lane) is sited next to the watercourse that leads into the Bag Lane culvert. Surface water discharge from this site would end up in that culvert, which has current problems.</p> <p>This site is also currently an agricultural field and any discharge from it would have to be rigorously controlled back to the same rates as would be expected from the current field, so as not to increase flood risk in the Marchington Brook catchment.</p> <p>The Bagshaws is also currently an agricultural field and any discharge from it would have to be rigorously controlled back to the same rates as would be expected from the current field, so as not to increase flood risk in the Marchington Brook catchment. We would again be concerned that there is no obvious route by which the water from these fields could be discharged. Planning applications for development</p> | <p>Agreed, alongside EA comments, relevant material is to be added.</p> <p>Agreed, alongside EA comments, relevant material is to be added.</p> |
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| | <p>here would need to address this issue.</p> <p>Silver Lane is also currently an agricultural field and any discharge from it would have to be rigorously controlled back to the same rates as would be expected from the current field, so as not to increase flood risk in the Marchington Brook catchment.</p> <p>The site is also within the modelled floodplain of the Marchington Brook and is likely to be subject to flooding from that source. Certainly, a detailed Flood Risk Assessment would be necessary to try and justify such a development on this site and that report would also need to assess the risk of flooding from Silver Lane itself too.</p> <p>Former Barracks. As with the other sites, controls would be necessary to ensure surface water discharge from the site would not worsen any potential flooding downstream. However, this site could be designed so that its surface water discharges could all go via an existing ditch to the northeast of the site. In this way, it would not be contributing at all to the current flooding problems in the village and would actually divert some of these flows away from the village.</p> <p>Suggested Policies</p> <p>Policy SB5 Infrastructure – Flood Prevention and Management. Whilst we applaud the principle behind this suggested policy, we do not feel it adds much to the existing policies in ESBC planning documents. What might be of use to the village, in terms of reducing flood risk, would be to ask for even more rigorous control of discharge of surface water from new development for those sites that contribute to the Marchington Brook catchment. Bearing in mind the historic incidents of flooding and the predictions of flood modelling, we can certainly provide evidence that there is an existing flooding problem which is related directly to the amount of flow in the river as it runs through the village.</p> <p>In these circumstances, it would not be unreasonable to include a policy that would restrict the flows from new development in the catchment back to the flow expected from a mean annual flood on the existing site. This would equate to around 2-5 litres per second per hectare for a green field site.</p> <p>Community Infrastructure Levy</p> <p>Mention is made of potential CIL funding coming to the Parish through ESBC and flooding is included as an example of what these funds might be used for. We would certainly be interested in working with the Parish in suggesting potential.</p> <p>Telecommunications</p> <p>We acknowledge the recognition in the plan to the importance of telecommunications technology. Invariably the provision of superfast broadband and</p> | <p>Agreed, alongside EA comments, relevant material is to be added.</p> <p>Agreed, alongside EA comments, relevant material is to be added.</p> <p>Agreed, alongside EA comments, existing policy to be retained but with reasonable and practical requirements to be added.</p> |
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| | | <p>mobile phone technology will involve physical infrastructure such as roadside cabinets, telegraph poles etc. We recognise the policy seeks to provide local context for the siting and design of such features. In other areas policy on provision of superfast broadband has also taken account of situations where development occurs before the superfast broadband is available in the locality. In such circumstances provision of appropriate ducting etc. during construction will eliminate the need for intrusive excavations at a later date to facilitate installation. An example of policy wording is given below.</p> <p>On sites allocated for residential and commercial development in the Plan all new properties should be served by a superfast broadband (fibre optic) connection. Unless it can be demonstrated through consultation with NGA Network providers that this would not be either possible, practical or economically viable. In such circumstances sufficient and suitable ducting should be provided within the site and to the property to facilitate ease of installation at a future date.</p> | <p>To be considered as additional clause to Policy DP1 or Policy RE2</p> |
| <p>Sport England Maggie Taylor Principal Planning Manager 020 7273 1753 or 07795 603451</p> | <p>21/10</p> | <p>Thank you for consulting Sport England on the above Plan. I have set out our comments below: Sport England supports the designation of the Local Green Spaces but has two concerns: 1.The nearby tennis courts and bowling green are not protected? We would suggest these facilities should be protected along with the other playing field areas listed in CFOS3 as this would be consistent with NPPF Par 74. and ensure the NP policies protected all outdoor sports facilities. Part of our concern here is that the Bagshaw housing development site is adjacent to these facilities. Neither policy SB1 or H1 seeks to ensure there is no adverse impact on these sports facilities, the local open space policy does not protect them but they do fall within the village envelope. This could leave them vulnerable to either indirect impact from adjacent development or to loss from additional housing proposals.</p> <p>Sport England would therefore recommend that the tennis courts and bowling green (with associated access/ancillary facilities) should be included in the list of protected local green spaces in CFOS3 and that H1 should require development not to have an adverse impact on the functionality of the adjacent outdoor sports facilities.</p> <p>2. Policy CFOS3, final para., does not fully accord with NPPF. 74 – for example proposals which enhanced nature conservation but led to the loss of playing field would not comply with Par. 74 or Sport England’s</p> | <p>Agreed, these two sites/facilities to be added to Policy CFOS3 and a requirement added to H1 that any development should not affect the functionality of them.</p> <p>Agreed content of bullet points to be reviewed</p> |

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| | | duty/policy to protect playing fields. It is suggested that the final three bullet points are reviewed to ensure they fully meet the terms of NPPF Par. 74. | |
| Landowners/Developers | | | |
| The Bagshaws (Walton Homes/JVH) | 10/11 | <p>We comment on the Draft Marchington Plan on behalf of Walton Homes Ltd on the basis that:</p> <p>1 The proposed development boundary. The development boundary is drawn so thickly it will be difficult to see where it is; refinement with a thinner line would assist as well as the amendment suggested below. The boundary at Yew Tree Farm is difficult to interpret from the Inset Map due to the thickness of the line. It should be drawn to include a small amount of land adjoining the original permission to allow that scheme to go forward on a viable basis taking into account the heritage issues. This is shown on the attached plans.</p> <p>3.76 The land and buildings at The Bagshaws in the emerging Local Plan there is a suggestion for 10 houses and there is a previous planning permission for 5 houses. It is part within the settlement boundary and wholly within the Conservation Area. There is no impact on the rural setting of the village or open countryside and some limited development is favoured, subject to viability and a design to preserve and enhance the character of the Conservation area. This paragraph should be amended to deal with this point. We attach a plan to show the proposed boundary and the small extension sought which in our view makes a logical boundary. The scheme as submitted shows 13 units in total</p> <p>2 Compliance with the ESBC Plan. As the ESBC Plan has now been adopted, the policies from the 2006 Plan are revoked, this plan must reflect that situation.</p> <p>3 Past development. The conversions that have been allowed are often barn conversions and many are not in the village itself; the amount of new build has been very small 7 dwellings over 17 years within the whole area is negligible. Reliance on windfalls in the future will not bring any other planning benefits such as affordable housing, or community contributions.</p> <p>4 The Future. It is important that a reasonable amount of development takes place to support the existing village infrastructure particularly the school which it is noted is under capacity. The scheme that is submitted on the attached plan is a modest scheme on a site which is acknowledged within the plan to be a</p> | <p>Agree point on clarity, map to be re-drawn with thinner line.</p> <p>TBC – extent of site to be considered taking account of heritage, flooding, landscape and recreation issues.</p> <p>TBC but the inclusion of 4/5 larger properties introduces character issues</p> <p>Agreed, the text of the plan will be updated.</p> <p>TBC, increase capacity of sites could remove the need for reliance on windfall.</p> |

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| | | <p>favourable location and is clearly sustainable in all of the ways required by para 7. of the NPPF at the centre of the village in a location that will result in the improvement to the heritage asset.</p> <p>5 Ongoing matters. It is noted from recent appeal decisions that where the District Councils cannot demonstrate a five year land supply, then the boundaries in the neighbourhood plans are also deemed not to be up to date. This has been recently considered in the recovered Secretary of State Appeal at Earls Barton at Thorpe Road (29th October) stating, “as there is not a 5 year supply of deliverable housing sites, the relevant policies for the supply of housing in the emerging EBNP [Earls Barton Neighbourhood Plan], including the proposed village development boundary, should not be considered up to date”.</p> <p>The decision was published one day before the Neighbourhood Plan referendum – an ‘advanced stage’ according to the PPG. JVH 10th November. (Plan also attached).</p> | <p>Noted, but this does not apply to ESBC where there is a 5 year+ supply</p> |
| <p>The Bagshsaws (S Egerton)</p> | <p>11/11</p> | <p>Further to the response made by JVH planning. I would also like to comment that the proposed schemes economic viability is materially hampered by the detrimental barn conversion conditions and their size.</p> <p>To enable development interest, it has proven necessary to increase the site unit numbers slightly. It is also my professional view that the current draft proposal and site could be extended slightly further, by an additional 2 dwellings of a single storey construction to the benefit of the village and wider community.</p> <p>Please note that the proposal is only in a draft format and is yet to have commitment from all respective parties.</p> <p>Regards Stephen (Egerton)</p> | <p>See above</p> |
| <p>Former Barracks (Barton Willmore/Evans) JONATHAN PORTER Senior Associate Planner</p> | | <p>Please find below representations on the above document on behalf of Evans Property Group who own the former Marchington Barracks site.</p> <p>We generally support the aspirations of the draft Neighbourhood Plan (NP) to encourage the appropriate redevelopment of the Barracks site, including for housing. We agree that it provides the opportunity to deliver significant benefits for the neighbouring community of Forestside and village as a whole.</p> <p>The redevelopment of a redundant brownfield site for housing is in accordance with the core policies of the NPPF and the thrust of current Government thinking</p> | |

on the urgent need to tackle the national housing crisis.

The adopted East Staffordshire Borough Council Local Plan is largely silent on ideas for the Barracks site, which is not identified for any particular use. The only reference, is in the Vision for the Rural Areas on page 53 which says that: *“Major redundant sites and remaining underutilised parts of the former military camps in the countryside will have been brought into suitable new uses to improve the environment and/or diversify the rural economy where appropriate, or restored to open landscaped countryside”*.

It therefore makes sense for the NP to provide policy which can help to deliver the redevelopment of the Barracks in accordance with ambitions of the Government and Vision in the Local Plan. The Local Plan Inspector has essentially supported the responsibility of the NP on this level, by not accepting ESBC’s proposed changes to the settlement boundary and instead preferring to leave such decisions to the NP.

The Proposed Planning Application Evans Property Group is currently preparing an outline planning application to demolish the existing barrack buildings and redevelop the site to provide about 50 dwellings with public open space and improved pedestrian linkages to the surrounding area.

A public exhibition was held in Marchington village hall on the 3rd November on the initial proposals which included a draft concept masterplan a copy of which is enclosed.

Around 600 local addresses were invited to the exhibition, which was well attended by about 120 people, including residents from Forestside.

The principle of the proposed development received overwhelming support. Although there was some concern expressed about existing traffic speeds and the safety along Stubby Lane and surface and foul water drainage, which will need to be satisfactorily addressed by the planning application. Initial assessments indicate that these are not insurmountable constraints to the proposed development.

Policy SB2 and Marchington NP Inset Map

We generally support Policy SB2 which provides for a long term redevelopment solution for the former

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| | <p>barracks buildings which could include residential use subject to certain criteria. We consider that the majority of the criteria are reasonable and could be met by the current draft proposals.</p> <p>However, we do have reservations about the requirement for “an innovative approach to sustainable design and construction”. This is somewhat contrary to the direction of travel of the national approach to sustainable standards which is now relying on gradual improvements through Building Regulations, rather than a separate policy. Anything more stringent will have cost implications for the redevelopment of the site which will already have the cost of demolition and possible decontamination, affordable housing and providing large areas of public open space.</p> <p><u>Local Green Spaces</u></p> <p>Policy SB2 and the NP Inset Map propose that the former sports field behind Forestside and an area of woodland at the front of the Barracks site is designated as a Local Green Space. Evans Property Group understands the logic of more formally recognising the historic sports field in this regard and broadly supports it as an aspiration within the timeframe of the NP (by 2031).</p> <p>However, the extent of the area indicated for Local Green Space could only successfully be delivered through a comprehensive redevelopment of the Barracks site and possibly also development of the wider Military Depot Area. The current proposed development of around 50 dwellings could not alone afford to gift the suggested area of Green Space or contribute towards the management of such a large space (e.g. through a private management company or a commuted sum to the Borough or Parish Council). Further consideration is required of the practicalities of this. It could be that it would be necessary to pool contributions from the wider Military Depot Area including the industrial estate.</p> <p>As a point of detail, we also consider the area shown on the northern corner of Forestside should be narrowed to allow for the possibility for some development to provide natural surveillance of the proposed landscaped link between Forestside and the new development (see enclosed Concept Plan).</p> <p>We hope that the above comments are helpful. Please let us know if you require any clarification or further information about the proposed planning application.</p> | <p>Noted, may need to be agreed (reluctantly) see also ESBC, may not be relevant if reference to possible housing is removed.</p> <p>It is reasonable to consider operational issues, but they are not to the planning principle of LGS designation. The extent of the woodland involved in the area to be designated will need to be considered.</p> |
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| Mr Clark (Land at Jacks Lane) | | Confirmed that he is the owner of the land at Jacks Lane (SHLAA Ref. 115) and is not represented by John Wren (Planning). He does not wish to see the land proposed for development. | Agreed, the Plan and housing sites assessments document will be amended |
| Jacks Lane (William Davis) | 9/11 | <p>Thank you for providing me with a copy of the draft Neighbourhood Plan. I set out comments on behalf of William Davis Ltd below:</p> <p>Paragraphs 2.6-2.16 - the Development Plan This section of the Draft Neighbourhood Plan was clearly drafted prior to the receipt of the Inspector's final report on the East Staffordshire Local Plan, and the formal adoption of that Plan on 15th October 2015. Although the text refers to an outstanding objection by the Parish Council to the development limits prescribed for Marchington in the Local Plan (in respect of land at Jacks Lane). The final adopted Local Plan endorses these development limits without further modification (under Strategic Policy 2). It is incumbent upon the Neighbourhood Plan to therefore carry forward these limits, and to potentially add to or extend them (under the terms of Neighbourhood Policy 1) but not to delete areas from them. To do so would not be in general conformity with Strategic Policy 2. The Neighbourhood Plan would then fail against one of the basic conditions.</p> <p>Policy SB1. The Neighbourhood Plan should therefore include land at the Jacks Lane frontage (as identified below) as one of the locations for future residential development under Policy SB1. William Davis consider that this site could accommodate up to 5 dwellings and so could replace that currently identified at Thorn Tree Farm, if it is decided to allocate no more than 15 dwellings to specific sites. The Thorn Tree Farm site is more sensitive due its existing grade 2 listed farmhouse and barn and relationship to the Conservation Area. We also note that the results of the local exhibition held on 28th March 2015 (reported at paragraph of 4.32 of the Draft Neighbourhood Plan) demonstrate more support for the Jacks Lane site (23%) than the Thorn Tree Farm Site (9%).</p> <p>William Davis considers however, that the enlarged site at Jacks Lane (as promoted for development under planning application Reference P/2015/00266) constitutes a more suitable option for allocation to meet the entirety of the development requirement for the village. It is important to note that although this</p> | <p>To be considered. This is a matter of opinion and not fact, it will be considered alongside comments from ESBC.</p> <p>To be considered alongside ESBC comments on the settlement boundary and the Local Plan</p> <p>Disagree. This is clearly contrary to local opinion, the results of the sites and</p> |

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| | | <p>planning application was refused planning permission by ESBC only one policy based reason was given for the refusal (relating to conflict with the Countryside policy boundaries in the Local Plan). The application was not deemed to be unacceptable in respect of other technical matters (highways/drainage) or environmental matters (including landscape, heritage and ecology). Contrary to what is noted at paragraph 3.74 of the Neighbourhood Plan the Planning Officer's report did not advance any concerns regarding impact on the character or setting of the village. It is submitted, therefore, that the application site ref P/2015/00266, as shown in black on the plan above, should be allocated for residential development under Policy SB1.</p> <p>John Coleman Dip TP, MRTPI (William Davis) Planning Manager 01509 638370 or 07710 998468 john.coleman@williamdavis.co.uk</p> | <p>character assessment and the adopted Local plan</p> |
| <p>Thorntree Farm (Bagshaws, Uttoxeter Malcolm Gale, MRICS, FAAV, FLAA).</p> | <p>9/11</p> | <p>Re: Marchington Neighbourhood Development</p> <p>Further to the Pre-submission Draft Consultation Document issued as at September 2015, I would comment as below on behalf of my clients Mr & Mrs Taylor of Thorn Tree Farm.</p> <p>With regards to the Policy proposed under SB1, it is noted that there is a proposal for up to five units at Thorn Tree Farm provided that it meets certain criteria which are laid out within that Policy. When considering the proposal along with the proposed inset map showing the proposed area, I would raise the following points.</p> <ol style="list-style-type: none"> 1. There is a requirement within the Policy SB1 to ensure that there is no adverse impact on the conservation area, the listed buildings or on the character and functionality of the footpath which runs through "The Dingle". Having looked on site, I am concerned that the proposed location for any development is shown as being on the farmyard site itself which lies adjacent to the conservation area albeit just outside of it but will impact upon the listed building of Thorn Tree Farm, the farmyard nature and is also close to "The Dingle" which could cause issues moving forward. This, when considered with the current access to Thorn Tree Farm, would suggest that the requirements of the Parish Council could be better met by moving the proposed area to the North in the field adjoining the farmstead which would mean that any development allowed would be further divorced from the conservation area and also far enough away from the listed | <p>To be considered alongside ESBC comments on the settlement boundary and the Local Plan</p> |

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| | | <p>buildings to mean that any impact would be considered as negligible.</p> <ol style="list-style-type: none"> 2. When looking at the proposed revised area as identified on the attached plan, it should be noted that the field is gently sloping being south facing and that the area identified is only overlooked by three or four properties. It is considered that the topography allows some development to be carried out within the field without impacting unduly on the character and nature of the immediate area. There is approximately a five metre difference in height falling from the proposed Northern boundary to the Southern edge of the field which would help any development sit less obtrusively within the surroundings. 3. With regards to site access, it is felt that the current access to Thorn Tree Farm would not be best suited for the proposed additional traffic flow and therefore it would be suggested that access was taken off Allens Lane at a point to be agreed but possibly opposite the Allens Croft junction. Whilst we do not have any study evidence in respect of traffic flow along Allens Lane, local knowledge suggests that the lane is not particularly “busy with traffic” as identified under 3.57 of the Consultation Document and that main traffic flows are when it would be expected, namely at the start and finish of the working day. 4. Finally, whilst it is understood as to the reasoning behind the proposal for five units at Thorn Tree Farm when considering this alongside the development of up to ten units at “The Bagshaws”, it is felt that consideration should be given to the viability of a development of only five units and it is therefore suggested that additional flexibility be built in to the Plan to allow for up to ten units at this location which could be accommodated within the site area to be agreed. <p>In summary therefore, the suggested alterations to the proposals will, in our opinion, achieve what is required by the Parish Council whilst allowing for a viable development and at the same time, meeting the requirements within the Proposed Policy numbers SB1 and BE1. Obviously I would be happy to discuss this matter further if required but in the meantime, I submit the above for consideration.</p> | <p>As above</p> <p>As above</p> <p>As above</p> |
| Industrial Estate (GVA Bilfinger) | 10/11 | <p>MARCHINGTON NEIGHBOURHOOD PLAN PRE-SUBMISSION DRAFT FOR CONSULTATION: SEPTEMBER 2015 COMMENTS ON BEHALF OF HORTONS' ESTATE</p> | |

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| | <p>Bilfinger GVA is instructed by Hortons' Estate Ltd ("Hortons") to provide town planning advice in respect of the Marchington Industrial Estate ("the Estate") and submit representations to the draft Neighbourhood Plan. We welcome the opportunity to contribute to the process.</p> <p>Our client has serious concerns about the strategy set out in the draft Neighbourhood Plan and Policy SB2 in particular. We consider that the Plan fails to meet the basic conditions in the Localism Act 2011 and accordingly it is not capable of progressing to a referendum. This letter explains the context and nature of the concerns in full.</p> <p>Marchington Industrial Estate – History and Overview The Estate is controlled by Hortons, an independent Midlands based property company founded in 1892 by the Horton family. The company has a range of employment premises which it manages for the benefit of local and national businesses, workforces and shareholders.</p> <p>The Estate is marked as 'Military Depot Area A' in the Draft Neighbourhood Plan. It extends to approximately 28.5 hectares and accommodates over 30 buildings, some of which are subdivided to create separate units. There is more than 1.3 million square foot of floorspace in units ranging from 300 square foot (28 square metres) to 645,000 square foot (59,923 square metres). The units fall within Use Classes B1 (business), B2 (general industrial) and B8 (storage and distribution) of the Town and Country Planning Use Class Order.</p> <p>Hortons took control of the Estate from its previous owners, CBRE Investors, in 2013. Since that time, the company has sought to support the existing businesses on the Estate, e.g. Wincanton (on behalf of Screwfix) and DHL (on behalf of Coors). It has also sought to attract new employers by improving the quality of the premises. By way of example, Hortons recently secured a planning permission to demolish two dilapidated units and replace them by a bespoke building for use by Britt European (on behalf of JCB).</p> <p>The Estate was originally owned and occupied by the Ministry of Defence (MoD). The last military use was for the storage, service and repair of military vehicles and. This ceased in the late 1970s. The civilian use of the site was established under a consultation procedure between the Borough Council and the MoD's Property Services Agency. As there is no original planning permission for the change of</p> | <p>Disagree (see below)</p> <p>Noted. Update background material will be added to the descriptive material in the Plan.</p> |
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use of the site from military to civilian use, there are no conditions restricting the use of the Estate as a whole. Accordingly, the Estate can operate, to a large extent, without restrictions on:

- outside storage of materials and goods;
- outside working;
- 24 hour operation of units; and
- 24 hour deliveries to and from the Estate.

Numerous planning applications have been lodged in respect of the Estate over recent decades and, in some cases, the Local Planning Authority (LPA) has attached conditions on the grant of permission to restrict some of the activities listed above, in respect of specific buildings. The LPA is able to control future operations, if required to do so i.e. by attaching conditions to restrict use if a proposal has the potential to have an adverse impact on traffic or the amenity of residents in the vicinity of the site. Many proposals (e.g. like-for-like replacements of buildings) are unlikely to generate adverse impacts and do not require the LPA to attach restrictive conditions.

The Estate is an important source of local employment and this is recognised by the LPA in its newly adopted Local Plan. Policy 14 of the Local Plan deals with the rural economy and advises that employment development will be allowed within rural industrial estate boundaries (such as Marchington) provided that proposals do not unduly affect the character of the settlement or amenity of neighbouring properties and will not detract from the environment.

Statutory Context. In accordance with the Localism Act 2011, a draft Neighbourhood Plan must meet each of a set of basic conditions before it can be put to a referendum and be made. The basic conditions state that a Neighbourhood Plan must:

- a) be in general conformity with the strategic policies in the development plan (i.e. the East Staffs. Local Plan in this case);
- b) contribute to the achievement of sustainable development;
- c) have regard to national policies and advice such as the National Planning Policy Framework (NPPF); and
- d) be compatible with European obligations and human rights requirements.

In subsequent sections of this letter, we consider the extent to which these basic conditions have been met by the draft Marchington Neighbourhood Plan.

The Development Plan. The East Staffordshire Borough Council Local Plan was adopted on 15

October 2015. It is now the starting point for determining planning applications. It also provides the context for considering whether the basic conditions of the Neighbourhood Plan have been met. The Plan contains 'Strategic Policies' and 'Detailed Policies'. The policies of most relevance to the Estate are as follows. Strategic Policy 1 (sustainable development) advises that proposals will be assessed against the 'presumption in favour of sustainable development'. The policy lists several criteria which define the LPA's definition of sustainable development. Proposals must, for example:

- be located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- be designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping; and
- demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses.

Strategic Policy 2 (settlement hierarchy) advises that development will be directed to the most sustainable locations in accordance with a settlement hierarchy, with the main towns (Burton and Uttoxeter) at the top, followed by Tier 1 'Strategic Villages', Tier 2 'Local Service Villages' and then Tier 3 'Small Villages and Other Settlements'. Marchington is defined as a Tier 2 settlement. Strategic Policy 4 (distribution of housing growth) advises that Marchington has a requirement for 20 dwellings over the plan period to be delivered within the defined settlement boundary or in accordance with a 'made' Neighbourhood Plan.

Strategic Policy 14 (rural economy) provides support for new employment development within the rural industrial estates (including Marchington) so long as proposals do not unduly affect the character of the settlement or amenity of neighbouring properties and will not detract from the environment.

Strategic Policy 27 relates to flooding / drainage. It advises that proposals in flood risk areas, or proposals which would affect such areas, will only be permitted where they would not cause unacceptable harm. The Borough Council will require 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

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| | <p>their size.</p> <p>Strategic Policy 35 deals with traffic. It requires that appropriate infrastructure measures to mitigate any adverse effects of development traffic and other environmental and safety impacts are included where necessary. It also advises that developments which are likely to have an impact on the wider highway network should be accompanied by a transport assessment which clearly sets out how the likely impacts of the development will be addressed.</p> <p>Part A of Draft Neighbourhood Plan Policy SB2 (Development Within The Proposed Former Military Depot Development Boundary)</p> <p>The Draft Neighbourhood Plan makes reference to the Estate throughout. The Plan is accompanied by an Inset Map which identifies the Estate as 'Military Depot Area (A – Industrial Estate)'. The land directly to the south is identified as 'Military Depot Area (D – Former Barracks)'. Beyond this is land identified as Open Space (Area C) and Forestside Residential Area (Area B). A new development boundary is proposed around these four parcels of land. In effect, the draft Plan is proposing the creation of a new settlement boundary on land that is physically separate from the existing settlement boundary of Marchington.</p> <p>Part A of the policy relates specifically to the Estate. It states: "Appropriate development will be permitted within the development boundary of the former military depot where it is necessary for the continued successful operation of the industrial estate and will not lead to problems in terms of:</p> <ul style="list-style-type: none"> - increased traffic beyond the capacity of local roads; - adverse impact on nearby housing; - increased risk in terms of flooding from surface water run-off." <p>In the paragraphs below we explain why this policy fails to meet the basic conditions in the Localism Act and why a policy of this nature is unnecessary.</p> <p>Appropriateness / Need. The draft policy states that appropriate development will be permitted within the Estate where it is necessary for the continued successful operation of the Estate. We highlight the words 'appropriate' and 'necessary' because they introduce tests that go far above and beyond the tests in the Local Plan. Policy 14 of the Local Plan supports employment development (including extensions to existing premises) at the Estate. Employment use is therefore acceptable at the Estate, as a matter of principle. Policy SB2 as currently drafted could be used to resist proposals deemed 'not appropriate' even if they are for employment use. Accordingly, the</p> | <p>Disagree. The clear intent is that a development boundary is different to a settlement boundary.</p> <p>Disagree. The comments acknowledge that the industrial estate is a large site which inevitably has an impact on the area. It is quite reasonable, within the imitations existing user and permitted development rights, that local (NP) policies are</p> |
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| | <p>Neighbourhood Plan is not in general conformity with the Strategic Policies of the Local Plan, in this regard. Policy SB2 as currently drafted would require an applicant for planning permission to demonstrate that a proposal is necessary. There is no policy support at national level or in the Local Plan for requiring applicants to demonstrate 'need' for employment uses. This part of the Neighbourhood Plan is not in general conformity with the Strategic Policies of the Local Plan.</p> <p>Residential Amenity / Traffic / Flooding Several years ago, operations undertaken at the Estate (i.e. noise associated with processing of timber) generated complaints from residents in the village. However, those particular operations no longer occur at the site and, since Hortons has acquired the Estate, the company has not been made aware of any significant concerns from residents regarding the operation of the Estate. The Council's Planning, Environmental Health and Highways Officers have not raised any concern in recent years and they appear to be satisfied with the operation. In the absence of any evidence to the contrary, we conclude that the Estate has no significant adverse impact.</p> <p>The Estate is viewed by the Borough Council as an important part of the employment land provision that the authority is obliged to maintain. The economic merits of the Estate should therefore be given significant weight in the determination of future planning applications. The operation of the Estate is largely unrestricted and there is significant scope for the tenants and activities on site to change without the need for planning permission. This is the context within which proposals for the site must be considered. Notwithstanding this position, Hortons endeavours to be a 'good neighbour' at all times and it is mindful of the potential impact that the Estate could have on residents in the vicinity of the site. If, as part of any future planning application, Officers of the Borough Council consider it necessary to investigate matters relating to traffic, residential amenity (noise) or flooding, Hortons will respond accordingly and include mitigation measures in schemes as required.</p> <p>The recently adopted Local Plan contains policies that deal specifically with the Estate and amenity, transport and drainage issues. Officers can request technical reports if necessary in accordance with these policies and they can control future operations at the Estate (through conditions) if the technical evidence shows that this is required. The 'planning controls' referred to on page 49 (paragraph 2) of the Neighbourhood Plan are already in place and it is</p> | <p>applied to the site.</p> <p>Consideration could be given to replacing the words "necessary for" with "related to", the former was never intended to require a proof of need.</p> <p>Noted</p> <p>Noted</p> |
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| | <p>unnecessary for the Neighbourhood Plan to repeat policies that already exist.</p> <p>We conclude that the Estate provides a source of local employment; that there is existing policy support for industrial development on the site and that the economic merits of the site should be given significant weight in the determination of any future proposals. The operation is largely unrestricted and there is significant scope for the tenants to change without the need for planning permission. No complaints have been generated by the Estate in recent years and the reference in draft Policy SB2 to potential traffic, amenity and flooding problems is misleading. Most proposals for new development (e.g. like-for-like replacement of units) are unlikely to create perceptible impacts for residents in the vicinity. However, if necessary, there are existing provisions in the Local Plan that would enable Officers to request technical evidence to demonstrate the impacts of development.</p> <p>Policy SB2 Part A introduces the policy tests of appropriateness and need which go far above and beyond what is required by Policy 14 of the Local Plan. Accordingly, the Neighbourhood Plan is not in general conformity with the Strategic Policies of the Local Plan; it does not meet the basic conditions of the Localism Act; it is unnecessary; there is no robust justification for its inclusion and we therefore respectfully request that it is removed.</p> <p>General Comments Regarding Draft Policy SB2 As noted above, the draft Plan proposes a new settlement boundary around the Estate and other land to the south. It proposes that new housing could be provided on the former barracks land in lieu of new housing in the village of Marchington itself. This strategy completely contradicts the strategic policies in the recently adopted Local Plan which seek to locate new development in existing settlement boundaries (Local Plan Policies 1, 2 and 4). The former barracks site is isolated from the main settlement and developing it for residential use is unlikely to contribute to the achievement of sustainable development. For these reasons also, we consider that the draft Neighbourhood Plan fails to meet the basic conditions in the Localism Act.</p> <p>Other Observations Page 26 (second bullet point) refers to the conclusions of a Character Study. In respect of the former military area it states: “The study has highlighted the extent to which this remains in ‘limbo’ with the extensive site of the former barracks block becoming increasingly derelict</p> | <p>Disagree, see comments above,</p> <p>Disagree, see comments above and consideration of ESBC comments.</p> <p>Disagree. The NP does not introduce a new settlement boundary</p> <p>Disagree. The NP is explicit that the dwelling requirement will be met on sites within the village</p> |
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| | | <p>over [sic] and detracting from the functioning of the industrial estate...”</p> <p>It is unclear why the text refers to the former barracks block detracting from the functioning of the Estate. We would request that this is clarified.</p> <p>Conclusion</p> <p>For the reasons set out in this letter, Hortons is concerned by the strategy set out in the draft Neighbourhood Plan and Policy SB2 in particular. The draft Neighbourhood Plan fundamentally contradicts the Strategic Policies of the Local Plan and fails to meet the basic conditions that must be met prior to a referendum and making of the Plan.</p> <p>We would be grateful to receive confirmation of receipt of this letter and thereafter be kept fully informed of the progress of the Neighbourhood Plan. We would be happy to discuss this matter further and can be contacted using the details provided above. Catherine Mumby BA (Hons), MA, MRTPI Senior Planner - Planning, Development & Regeneration For and on behalf of GVA Grimley Ltd</p> | <p>Noted. Clarification will be added</p> |
| <p>MJ Barratt & Scintarea Janet V. Hodson, BA (Hons), Dip. TP. MRTPI. Thomas W. Beavin, MTCP (Hons). MRTPI.</p> | <p>10/11</p> | <p>We comment on the Draft Marchington Plan on behalf of M J Barratt and Scintarea Ltd on the basis that:</p> <p>1 Policy SB3</p> <p>This policy deals with development proposals outside the defined boundary of Marchington Village and is welcomed but it is suggested that the policy could be framed to include low cost market housing and specific sites that could be redeveloped under this Policy. We suggest the following</p> <p>Policy SB3 Development outside the Marchington Village Settlement Boundary and the Former Military Depot Development Boundary (objectives 1, 2 & 3)</p> <p>Proposals for small scale new housing development outside the Settlement Boundaries will be permitted if it is demonstrated that:</p> <p>a) the development is on a small site and would provide affordable housing for evidenced local need or low cost market housing for local needs. Small numbers of market homes may be permitted where this is essential to enable the delivery of affordable units and low cost housing for local needs</p> <p>b) development preserves or enhances the character & appearance of the area,</p> <p>c) where relevant, the development brings redundant or vacant historic buildings back into beneficial re-use.</p> <p>d) where the proposal uses previously developed land.</p> <p>e) Specific sites include the Site of the Blacksmiths Arms gardens and car park andany others to be named</p> <p>2 It would be helpful if the plan acknowledges that</p> | <p>Disagree. This is not necessary the policy as worded complements those in the recently adopted ESBC Local Plan</p> <p>Disagree (see above). This would be tantamount to a specific site allocation, outside the settlement boundary, which would conflict with the recently adopted Local Plan</p> |

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| | | <p>limited housing on small sites outside the settlement boundaries can be supported and it is suggested that the policy SB3 specifically refers to the site of the Blacksmiths Arms and to any other sites that are specifically known to the plan makers. This support would assist in bringing the sites forward and making sure that buildings and sites do not become derelict and a source of concern to the Village and the nearby dwellings. It is noted that in recent time the Blacksmiths site was recently occupied by an unauthorised encampment and that such occupation can lead to local concerns.</p> <p>An exhibition and questionnaire was undertaken in regard to this specific proposal in Marchington Village Hall in Summer 2014. There was a high degree of support for the proposal both verbally and written. We are willing to share this information with the Plan Making Team as it a further insight into the development requirements of the area, and which were specifically focussed on a brown field site.</p> <p>JVH 10th November 2015.</p> | |
| <p>Denstone Prep. Jeremy Gear Headmaster Denstone College Preparatory School Smallwood Manor Uttoxeter ST14 8NS 01889 562083</p> | <p>13/10 30/9</p> | <p>13/10 Governors have put the plan on the back burner for now. We may return to it in the future. Jeremy Gear Headmaster 30/9 Many thanks for sending the plan to me. I've skimmed through it and will look into it in greater detail in due course. However, I wonder if you may be interested and could possibly even advise me on an idea that we have here regarding selling one of our fields for residential development. If you would like to discuss this further do let me know and perhaps we could meet up and explore matters further. Jeremy Gear Headmaster</p> | <p>Noted, no implications for the NP.</p> |

Appendix 1 ESBC Comments

MARCHINGTON NEIGHBOURHOOD DEVELOPMENT PLAN - REGULATION 14 CONSULTATION RESPONSE OF EAST STAFFORDSHIRE BOROUGH COUNCIL

General

1. In general, any reference to the Local Plan should reference the Local Plan as now being adopted and the 2006 Plan policies have been revoked. Table 1(Policy Summary) will need to be amended, "Saved Policies" deleted from the Glossary, and the last sentence in the "Local Plan" definition in the Glossary also needs to be deleted. **All agreed**

Concerns with Policy SB2

2. With a recently adopted Local Plan and a clear demonstrable 5 year housing land supply, the Council believes it is essential that the development strategy it has had endorsed by an independent Inspector is not undermined. Policy SP2 sets out this development strategy, and SP4 expands on how it will be achieved in terms of housing provision. Both these policies are strategic

in nature and essential to the delivery of the Local Plan. Policy NP1 of the Local Plan sets out which policies are regarded as strategic.

3. As currently drafted, ESBC does not believe that Neighbourhood Plan Policy SB2 meets Basic Condition (e) - that the neighbourhood plan is in general conformity with strategic policies contained in the development plan for the area.
4. With regard to the area marked (D) on the Inset Map, a major housing development is not an acceptable use on this unsustainable site. Policy SP2 clearly states that development should be concentrated within (defined) settlement boundaries, and sites outside these boundaries will be treated as open countryside, where development will be permitted only in exceptional circumstances.
5. The site does not meet any of the criteria in Policy SP8 for uses acceptable in the countryside.
6. The site does not meet any of the criteria in Policy SP18 for Exception Sites outside settlement boundaries to provide housing to meet evidenced need for affordable housing or traveller pitches.
7. The site lies well outside a settlement boundary – not even adjacent - and would suffer from a severe lack of facilities. None are planned for the development, and there are no existing ones nearby. The site is physically separate from the village, whose facilities are limited. Whilst it is reasonably close to Forestside, this estate, too, has only very limited facilities. From this location nearly all journeys (to schools, to shops etc.) are likely to be made by car.
8. ESBC also notes that the boundary of site (D) indicated on the Inset Map is very different to that shown in the recent consultation on proposed development on this site undertaken by Barton Willmore. In the Plan, the area covered by (D) is greater than that shown on plans shown by the agents for this site.
9. Marchington Industrial Estate (site A) is designated in the Local Plan as a rural industrial estate, with a boundary, and is therefore subject to Policy SP14. This Policy is broadly supportive of new employment development within the site, subject to not unduly affecting the amenity of neighbouring properties or detracting from the environment, and being in accordance with other Development Plan policies. If the Parish wished to have a Neighbourhood Plan policy on this site, it would need to be in accordance with this, and should not add unrealistic or onerous requirements. It should be noted that policy NP1 indicates that policy SP14 is strategic and that conforming with it is necessary to meet basic conditions.
10. ESBC has no objection to the proposal to designate an area adjacent to Forestside as Local Green Space, as long as it meets the criteria set out in para 77 of NPPF, and the owner of the land has been consulted.
11. The Borough Council recognises that if the NP wishes to allocate further growth to the village of Marchington which is over and above that set out in the Local Plan then it can. Policy NP1 provides the framework to ensure that additional sites coming forward conform to the Borough Council's Local Plan strategy. Our suggestion is that a discussion needs to take place very quickly following the receipt of our comments to ensure that future work adheres to this framework. **To be discussed**

Policy SB2 - Need for an SEA

12. As the Policy currently stands, it will require a Strategic Environmental Assessment (see separate SEA Screening Report). This is because the Environment Agency has replied with the view that, because of the former uses on the Military Depot site, an SEA is required to determine “any

environmental impacts associated with the historic land use and any risks to groundwater from the remobilisation of underlying contamination of the soil.” This is a specific environmental issue on a specific site, and the Council lays great weight on their recommendation.

12. The SEA would need to be scoped to focus on the issue raised by the Environment Agency. A scoping report will need to be produced, on which the 3 statutory consultee bodies will need to be consulted for a period of no less than 5 weeks. It is usual for the full Environmental Report to be consulted on at the Regulation 14 stage.

Policy SB2 - Conclusion

13. We acknowledge what the Parish are trying to do with regards to setting a positive framework for any future planning applications that may come forward and we welcome NPs planning for more (housing) growth than in the Local Plan but believe that any growth should be in line with our development strategy, as set out in Local Plan Policy SP2.

14. It is strongly recommended that the Neighbourhood Planning Group re-consider this Policy in order that it meets Basic Condition (e). This could still result on a Policy for site (D), perhaps laying down criteria to be met by any proposal to develop this site, (bearing in mind the possibility of a Local Green Space adjacent) but not allowing for residential as a potential use. A re-drafted policy would need to be re-screened for SEA purposes, but a policy with criteria for planning applications to meet, rather than allocations for certain type of uses, may not require an SEA. **To be discussed**

Other comments

Para 2.9 The Jacks Lane decision has resulted in a refusal of pp, although there may be an appeal or submission of an alternative scheme. The refusal of permission on this site was only in relation to the encroachment of the proposal outside the Settlement Boundary (SB) as defined in the then emerging Local Plan. It was not refused on the basis of the emerging NP or ongoing discussions on flooding. Should an application come forwards in this location that is in conformity with the Local Plan P SB then the original reason for refusal will be overcome and would be supported by ESBC.

Noted

Para 2.10 Delete whole paragraph, out of date. **Agreed**

Para 2.11 The quotation of Policy SPX (now policy NP1) from the Local Plan omits P1 – Principle of Sustainable Development and SP1 – East Staffordshire Approach to Sustainable Development from the list of strategic policies. **Agreed**

Para 3.1 There is some confusion as to the name of the Parish, sometimes referred to as “Marchington” and at others called “Marchington & Marchington Woodlands”. Whatever is the official title should be used throughout. **Agreed**

Para 3.29 Delete. **Agreed**

Para 3.30 Add “published by ESBC.” after “These are all listed in the 2015 Conservation Area Appraisal” **Agreed**

Para 3.34 Spell out NERC in full. **Agreed**

Para 3.44 Whilst the original has the typo in too, it may be wise in quoting para 7.4 of the CA Appraisal to amend “pubic footpath” to “public footpath”. **Agreed**

Para 3.61 This paragraph appears to state that Marchington (which has some facilities, though not many) is not suitable for (much) further development, yet “development in nearby settlements such as Birch Cross...” (which is a tiny hamlet with no facilities apart from a pub) “...should be seen as sustainable development”. This seems to encourage development at Birch Cross, etc. Para 7.5 seems to contradict this view, however, and perhaps 3.61 needs some tweaks to make its meaning clearer and bring it into line with 7.5. **Agreed**

Para.7.7 penultimate sentence - “...no need for a development boundary around HMP Dovegate.” **Agreed**

Policy SB1 Justification refers to Policy H1 rather than SB1, and Policy H2 instead of SB3.

Extract from ESBC LP Inspectors report:

67.16 At the same time, there is no evidence of insurmountable planning constraints on the proposed village extensions whilst there is known developer interest in further housing proposals in Marchington. On balance, it is appropriate that the development requirement and the site boundary remain as submitted, given the development allowance is not a prescribed minimum quantity in any event.

Therefore, ESBC adopted the Local Plan incorporating the Settlement Boundary amendments as proposed. Policy NP1 is clear that NPs can extend settlement boundaries and go for more growth than in the Local Plan. Any additional growth will be assessed by the Council against the development strategy, for the purposes of meeting the Basic Conditions. The Neighbourhood Plan should therefore reflect the settlement boundary as adopted in the Local Plan, or propose to extend it if further housing is being proposed. **To be discussed**

Policy SB4 – Has HM Prison Service been consulted? Add: “...no materially adverse impact...” It might be difficult to assess ‘reduction of security’ as part of a planning application. **Noted – governor consulted, but no response – to be followed up.**

Policy H1 – (i) visual intrusion might need further definition – outlook/overbearing? **Noted**

Policy BE1 C – The Sudbury Conservation Area is not marked on the Proposals Map. The justification could refer to the Conservation Area containing the Grade I Listed Building Sudbury Hall and that its parkland is a Registered Park & Garden. (It is more likely that new development in Marchington could adversely impact on the Hall and parkland than any other part of the Conservation Area). **Agreed**

Policy NE2- The second paragraph and the bullet points set out aspirations or actions for the Parish Council to undertake with a range of different bodies. These should certainly be in the Neighbourhood Plan, but not as policies, unless the delivery is intended to be via the planning process (i.e. s.106, planning condition or policy criteria the proposal must meet in order that planning permission be granted).

It is suggested that there should be a separate section at the end of the NP document where aspirations or parish council actions are all listed, so that they can be easily referred to when discussions are underway. Although not technically part of the NP itself, the fact that they have come about from consultation and engagement in the parish and formally published in the NP document could give them more weight in discussions with these stakeholders. **To be considered**

Community Proposal T1 – see comment on Policy NE2 above. **To be considered**

Monitoring- This is generally fine; a cross reference to the NP monitoring paragraph (the last para.) in Neighbourhood Policy 1 in the adopted Local Plan (formerly “Policy SPX”) would be helpful. **Agreed**

Glossary - The “Community Infrastructure Levy” needs to be amended as follows. Second and third sentences should be: “The CIL may be set by the Borough Council once an Infrastructure Delivery Plan and Charging Schedule have been examined and adopted. If there is a CIL in place, and a neighbourhood Plan is made, 25% of...” **Agreed**