

**Chapel and Hill Chorlton,
Maer and Aston, and
Whitmore Neighbourhood
Development Plan
Regulation 16: Publicity of
Representations:**

Coal Authority

Environment Agency

Gladman Developments Limited

Highways England

Hinson Parry & Company

Natural England

National Grid

Newcastle-under-Lyme Borough Council

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan
Submission Consultation Representation Form



Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form

Whitmore Parish Council has submitted the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan to Council. Under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 Newcastle-under-Lyme Borough Council are now consulting on the proposed Neighbourhood Development Plan and would like your comments. In order for your representation to be taken into account at the Neighbourhood Plan examination and keep you informed of the future progress of the Neighbourhood Plan your contact details are needed.

The closing date for representations to be made is 4th June 2019 by 5pm..

Please return your completed representation forms by the closing date via email to neighbourhoodplanning@newcastle-staffs.gov.uk or by post to the following address:

Planning Policy
Newcastle-under-Lyme Borough Council
Castle House
Barracks Road
Newcastle-under-Lyme
ST5 1BL

All comments will be publicly available and identifiable by name and organisation (where applicable). Please note that any other personal information provided will be processed by Newcastle-under-Lyme Borough Council in line with the Data Protection Act 1998.

You can view the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan and associated documents using the link below and hard copies of the documents are available at Castle House, Newcastle-under-Lyme for the duration of the consultation.

<https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/neighbourhood-planning/chapel-and-hill-chorlton-maer-and-aston>

CONTACT DETAILS

Your personal data will assist the councils with their analysis but will be used in accordance with the Data Protection Act 1998.

Name

Organisation (if relevant)

Address

Postcode

Telephone number (optional)

Email address

**Do you wish to be kept informed on the Council's decision on the
Neighbourhood Plan Proposal:**

Yes

No

If yes, is your preferred method of contact by email or post?

Email

Post

Please state which part of the Neighbourhood Plan (for example, which section, paragraph or policy) your representation relates to:

Please use the space below to provide your comments on this part of the Neighbourhood Plan

Please continue on an additional sheet if necessary.

Newcastle Under Lyme Borough Council
Planning Services Department
Civic Offices
Merrial Street
Newcastle
Staffordshire
ST5 2AG

Our ref: UT/2006/000035/AP-
08/SB1-L01
Your ref:
Date: 23 May 2019

Dear Sir/Madam

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan (Regulation 16)

Thank you for referring the above Neighbourhood Plan submission for comment which was received on 24 April 2019. We are broadly in support of the aims and objectives and wish to make the following comments in regards to fluvial flood risk.

In our previous response to the Draft Plan submission (letter ref. UT/2006/000035/AP-07/IS1-L01 dated 30 October 2018) we suggested recommendations to amend the proposed policies and statements at this time.

We welcome the inclusion of ‘...*watercourse and their floodplains*...’ in the first bullet point of ‘Policy NE1: Natural Environment’. However, we did recommend strengthening ‘Policy NE2: Sustainable Drainage’ to take into account the impacts of climate change and a requirement for all SuDS to be maintained so that they operate effectively, by including for example:

Long term maintenance arrangements for all SuDS should also be in place for the lifetime of the development and agreed with the relevant risk management authority.

We wish to reiterate that Map 16 is related to fluvial flood risk and not surface water flood risk, which has been used as the evidence base for ‘Policy NE2: Sustainable Drainage’. A Surface Water Flood Map has not been included for the Neighbourhood Plan Area in the document entitled ‘Volume II: Maps and Supporting Evidence’.

We welcome the addition in ‘Policy NE2: Sustainable Drainage’ to not increase flood risk to areas surrounding the Neighbourhood boundary. Please note, the following policy statements in either Policy NE1 and Policy NE2 could be expanded to include:

- A clear statement that, in line with national policy, all new development should be directed away from those areas at highest flood risk, i.e. towards Flood Zone 1.

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

- Proposals for new development should consider future flood risk and, where appropriate, include measures that mitigate and adapt to the anticipated impacts of climate change.
- Further detail in relation to the statement in relation to opportunities to open up culverted watercourses to include reducing the associated flood risk and danger of collapse whilst taking advantage of opportunities to enhance biodiversity and green infrastructure.
- Retention and creation of local green spaces and green infrastructure can provide a role with managing and mitigating flood risk as well as enhancing biodiversity and providing connectivity.

Further evidence for 'Policy COM2: Local Green Space' could include the significant role in managing flood risk and flood mitigation in the area, particularly in relation to surface water flooding.

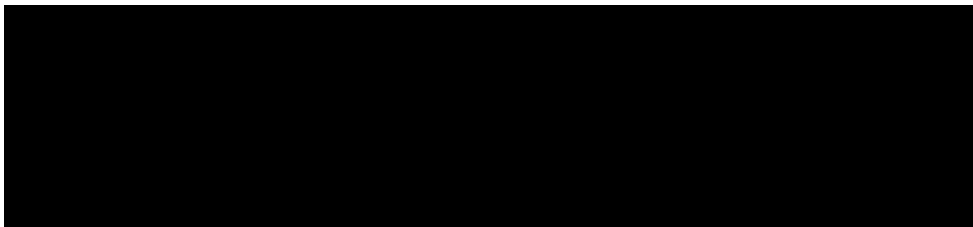
Although the majority of the ordinary watercourses within this Neighbourhood Plan area are in Flood Zone 1 as no mapping has been undertaken due to its position high in the catchment, there may well be risk associated with this watercourse which is currently unassessed and is not shown on our Flood Map for Planning (Rivers and Sea).

In line with National Planning Policy we would wish to see all new development sequentially tested, directed away from those areas at highest flood risk, i.e. towards Flood Zone 1. We recommended 'Policy HG1: New Housing' could be strengthened to include the following development requirements:

- Be directed away from those areas at highest flood risk, i.e. towards Flood Zone 1.
- Demonstrate that it will not increase flood risk elsewhere, both in and out of the parish.
- Consider future flood risk and, where appropriate, include measures that mitigate and adapt to the anticipated impacts of climate change.

If you have any queries contact me on the details below.

Yours sincerely



Planning Policy,
Newcastle-under-Lyme Borough Council,
Castle House,
Barracks Road,
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T: 01260 288800
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www.gladman.co.uk

By email only to: neighbourhoodplanning@newcastle-staffs.gov.uk

4 June 2019

Re: Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission (Reg 16) Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan (CHCMAW-NDP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the CHCMAW-NDP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- (d) The making of the order contributes to the achievement of sustainable development.
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

§214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Submission of the CHCMAW-NDP ultimately

occurred after this date, and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

National Planning Policy Framework and Planning Practice Guidance

On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

"The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."

Paragraph 14 further states that:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years."**

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can

come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

Planning Practice Guidance

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan¹. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

“...blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”

With further emphasis that;

“.... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”²

Relationship to Local Plan

To meet the requirements of the Framework and Neighbourhood Plan Basic Conditions, neighbourhood plans should conform to the strategic policy requirements set out in the adopted Development Plan. The current adopted plan that covers the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan area and the development plan which the CHCMAW-NDP will be tested against is the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, adopted October 2009 covering the period 2006 through to 2026.

The Core Spatial Strategy determined that Newcastle would be required to deliver a minimum of 5,700 houses in the District between 2006 and 2026 (285 dpa).

¹ PPG Reference ID: 41-009-20160211

² Paragraph: 044 Reference ID: 41-044-20160519 (Revised 19/05/2016).

The two Councils have already consulted on the Preferred Options of the Joint Local Plan (With Stoke-on-Trent) covering the plan period 2013-2033. Given that the Plan has not yet reached a sufficiently advanced stage where it provides certainty over future development, particularly with regard to housing distribution it is therefore important that the CHCMAW-NDP provides flexibility to ensure that the policies it contains are not overridden upon the adoption of any future Local Plan; as section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).'

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan

This section highlights the key issue that Gladman would like to raise with regards to the content of the CHCMAW-NDP as currently proposed. It is considered the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend modifications to ensure compliance with basic conditions.

Policy COM2: Small-scale Development in Local Green Space

Gladman suggest that this policy should be deleted as it duplicates the thrust of LGS, in which the purpose of Policy COM2 is implicit in any event. That is, that very special circumstances are necessary for development to take place within Local Green Space, much like in the Green Belt. COM2 is therefore repeating the essential components of LGS twice in the same Neighbourhood Plan.

Policy COM3: Developer Contributions

Gladman consider that the policy would benefit from additional clarity. Clearly, financial contributions can only be used to make a development acceptable *in planning terms*. The policy text appears to represent the local community's 'wish list'. Presumably, any contributions arising from CIL monies will then be directed in accordance with the list and this is perfectly acceptable. However, to require development proposals to provide financial contributions where these are unnecessary to the development proposal would not be compliant with national policy.

Policy HG1: New Housing

Policy HG1 attempts to define what development in a sustainable location would represent. The NPPF already defines sustainable development at Chapter 2. As submitted, this policy is more restrictive than national policy and guidance regarding sustainable development. Under the circumstances, the addition of another layer of policy would appear to be both superfluous and pluralist and without necessity or merit. Gladman suggest modifications are made to the wording of the policy to accord with Paragraphs 7 to 14 of the Framework since, in its present form, it does not comply with basic condition (a).

Protecting Local Green Space

Whilst not set out as a policy, the CHCMAW-NDP seeks to designate numerous parcels of land as Local Green Space (LGS). In order to designate land as LGS the Parish Councils must ensure that they are able to demonstrate robust evidence to meet national policy requirements as set out in the Framework. The Framework makes clear at §99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development. §99 states that:

‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.’

Further guidance is provided at §100 which sets out three tests that must be met for the designation of LGS and states that:

‘The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.’*

The requirements of the Framework are supplemented by the advice and guidance contained in the PPG. Gladman note §007 of the PPG8 which states,

‘Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.’

Gladman further note §015 of the PPG (ID37-015) which states, ‘§100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.’ Designation of LGS should not be used as a mechanism to designate new areas of Green Belt (or similar), as the designation of Green Belt is inherently different and must meet a set of stringent tests for its allocation (§135 to 139 of the Framework).

Given the NP’s attempt to allocate such a wide ranging variety of land as LGS, Gladman object on the basis that this approach undermines the purpose of the policy. It is not appropriate to designate all green spaces, regardless of current or aspirational use and whether private or public access is available. On the issue of Highways verges, which are significantly over-represented in the CHCMAW-NDP, the Tarvin Neighbourhood Plan Examiner’s Report contains commentary seeking to allocate grass verges as LGS:

“4.34 However, in my opinion, the wide grass verges adjoining the eastern side of Church Street/Tarporley Road are not particularly special (LE1.7). They may be valued as an outlook from the nearby houses, but that does not make them worthy of designation as LGS. Neither is there any evidence to suggest that they have any greater value as a wildlife haven compared to any other hedge or tree lined grass verge. Similarly, LE1.1 and LE1.6 are merely open fields at the north eastern and south eastern approaches to the village and, in my opinion, there is no real evidence of any special characteristic or significance other than openness. Therefore, I shall modify Policy LE1 by the deletion of LE1.1, LE1.6 and LE1.7. (PM10) Otherwise, I consider that the remaining LGS are suitable for designation.”

The following PPG paragraph is also of relevance in this instance:

“How does Local Green Space designation relate to development?”

Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.” Paragraph: 007 Reference ID: 37-007-20140306; Revision date: 06 03 2014

Gladman submit that in the context of various settlements many of the proposed designations are in fact extensive tracts of land. The issues surrounding LGS designations have been considered in a number of other Examiner’s reports across the country and we highlight the following decisions:

- The Sedlescombe Neighbourhood Plan Examiner’s Report recommended the deletion of an LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report recommended the deletion of an LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner’s Report identifies both proposed LGS sites ‘in relation to the overall size of the Alrewas Village’ to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.
- The Freshford and Limpley Neighbourhood Plan Examiner’s Report identified that the six LGS proposed did not meet the criteria required by the Framework either collectively or individually. Indeed, the Examiner identified that the combination of sites comprised an extensive tract of land. The Examiner also considered that the protection of fields to ‘prevent agglomeration between the settlement areas... is not the purpose of Local Green Space designation’.
- The Eastington Neighbourhood Plan Examiner’s Report recommended the deletion of three LGS (16ha and 2ha) considered to be extensive tracts of land. The third proposed LGS was deleted due to the lack of evidence demonstrating its importance and significance to the local community.
- The Tattenhill and Rangemore Neighbourhood Plan Examiner’s Report recommended the deletion of 2 LGS comprising of 4.3ha and 9.4ha.
- The Norley Examiner’s Report identified a total of 13 parcels of land to be designated as LGS. The Examiner recommended at §4.98 that the identification of these extensive tracts of agricultural land was contrary to NPPF policy and recommended that the policy should be deleted. The proposed LGS measured in the range of 1ha – 4.3ha.

Whilst the Parish Council have sought to undertake some form of evidence base it does not overcome the failure to meet the specific policy requirements set out above with regards to the scale of land to be designated. In terms of meeting the second test there is no evidence base to support that certain LGS designations are ‘demonstrably special to a local community.’ In relation to their beauty, they are not of any particular scenic quality. Some designations have not been made in accordance with basic conditions (a) and (d). Gladman therefore recommend that some require deletion as LGS in their entirety.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the CHCMAW-NDP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform with national policy and guidance, nor does it contribute to the achievement of sustainable development for reasons set out above. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

A black rectangular box redacting the signature of the sender.

Gladman Developments Ltd.

Our ref:
Your ref: As per NDP title below

Planning Policy Team
Newcastle-under-Lyme Borough Council

via Email:
neighbourhoodplanning@newcastle-staffs.gov.uk


The Cube
199 Wharfside Street
Birmingham B1 1RN

Date. 31/05/19

Dear Sir/Madam,

**CHAPEL AND HILL CHORLTON, MAER AND ASTON, AND WHITMORE
NEIGHBOURHOOD DEVELOPMENT PLAN: REGULATION 16**

Thank you for forwarding me details of the above referenced Neighbourhood Development Plan (NDP) received on 23 April 2019.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. With reference to the Chapel and Hill Chorlton, Maer, Aston and Whitmore area, the closest strategic road is the M6 motorway. This represents the Northeast boundary of the area in discussion.

We have reviewed the consultation documents and can confirm that the plans and policies set out within the Neighbourhood Development Plan are unlikely to have implications for the continued safe operation and functionality of the SRN.

We support the commitments of the Parish to sustainable development contained within the Plan but have no further comments to make.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely,



From: internetforms
Sent: 04 June 2019 16:18
To: [REDACTED]
Subject: Internet Form: Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form
Attachments: FormData.htm

A form has been submitted from the public website.

Internal Form Reference: 82089

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form

Contact details

Name	[REDACTED]
Organisation (if relevant)	Hinson Parry
Address	Diamond Way Stone Business Park Stone
Postcode	ST15 0SD
Email	[REDACTED]
Do you wish to be kept informed on the Council's decision on the Neighbourhood Plan Proposal?	Yes
If yes, is your preferred method of contact by email or post?	Email

Your response

Please state which part of the Neighbourhood Plan (for example, which section, paragraph or policy) your representation relates to:

DC2 (Sustainable Development) – Parts 2, 4 and 8 & Interpretation section

Please use the space below to provide your comments on this part of the Neighbourhood Plan:

DC2: Sustainable Design

The majority of this policy promotes a sensible approach to design. However, there is concern over how Parts 2, 4 and 8, together with some of the Interpretation section, fail to reflect national planning policy.

Part 2 requires development to enhance the character and appearance of the landscape or existing townscape. The draft plan does not define what enhancement actually means regarding design. It is relatively easy to judge

what enhancement is for certain matters, for example new needed public open space or the resurfacing of a footpath are enhancing the current situation; but design is an emotive issue with conflicting views depending on who one asks.

Paragraph 16 of the NPPF requires policies to be clearly written and unambiguous so that it is evident how a decision maker should react. Whilst the policy is clearly written, the use of 'enhance' is considered to be ambiguous in the context of design and it is not evident how the decision maker should react.

Part 4 requires avoiding the appearance of over-development and over-urbanisation. Whilst in theory this concept is fine when considering development in the round but the restrictive nature fails to reflect the potential for different design approaches. For example the draft plan notes local consultation has supported 1 and 2 bed properties but this policy would prevent say a small rural-style courtyard development which would almost certainly be of a high density.

Paragraph 127(e) of the National Planning Policy Framework (NPPF) is clear that planning policies should ensure that developments optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development. Part 4 does not reflect because in essence it would prevent a higher density form of development if the surrounding area is of a lower density, even if it was of a high quality design. Part 3 already requires development to reflect local character in terms of height, scale and massing. This provides adequate control and therefore there is no need for Part 4 in any case, notwithstanding that it conflicts with the NPPF.

Part 8 indicates that existing verges and new green verges should be part of new development. In the majority of cases this can happen but it may not be possible every time. The NPPF recognises that plans can provide a framework for creating distinctive places but at the same time the level of detail and degree of prescription should be tailored to the circumstances of each place and should allow a suitable degree of variety where justified. In the example of a rural-style courtyard development above, new grass verges might not to possible

but that would not take anything away from a high quality scheme.

Parts 2, 4 and 8 of the policy do not conform to the requirements of the NPPF, thus do not meet the Basic Conditions. Consequently Parts 2 and 8 need amending and Part 4 should be deleted as the issue is more successfully dealt with in Part 3.

Turning to the matter of the Interpretation of the policy, our objection relates to the section on materials. It is far too prescriptive. Although the examples of Staffordshire Blue or scalloped roof tiles will be relevant in some areas of the neighbourhood area they are not generally the local vernacular in Baldwins Gate or Whitmore.

The Interpretation section suggests that Policy DC2 would not be met by the use of poor quality imitation of traditional materials such as plastic fascias or standard concrete roof tiles. Of course poor quality materials should be avoided but part of the Design and Character Aim of the draft plan is that all new development is compatible with local built heritage and for certain areas this means the 'local built heritage' is housing development built over the last 40 years. Much of this type of housing has elements and materials of the type the neighbourhood plan seeks to prevent e.g. UPVC windows, fascias and soffits. Furthermore many of these features have been installed by their owners as a modern solution to worn out materials.

Part (c) of NPPF Paragraph 127 cautions against discouraging appropriate innovation or change whilst being sympathetic to local character and history. The references to materials in this section of the draft plan do not reflect the Basic Conditions because of the failure to have full regard to Paragraph 127 of the NPPF. UPVC is a modern long lasting material that can be utilised in many styles, as can roof tiles made of concrete. Therefore the references to plastic materials and concrete roof tiles should be deleted as it is not appropriate to restrict such materials.

From: internetforms
Sent: 04 June 2019 16:22
To: [REDACTED]
Subject: Internet Form: Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form
Attachments: FormData.htm

A form has been submitted from the public website.

Internal Form Reference: 82090

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form

Contact details

Name	[REDACTED]
Organisation (if relevant)	Hinson Parry
Address	Diamond Way Stone Business Park Stone
Postcode	ST15 0SD
Email	[REDACTED]
Do you wish to be kept informed on the Council's decision on the Neighbourhood Plan Proposal?	Yes
If yes, is your preferred method of contact by email or post?	Email

Your response

Please state which part of the Neighbourhood Plan (for example, which section, paragraph or policy) your representation relates to:

Policy DC3 - Interpretation.

Please use the space below to provide your comments on this part of the Neighbourhood Plan:

DC3: Public Realm and Car Parking

Our concern is not with DC3 per se but with the conflict between its wording and that of its Interpretation section. The latter suggests that parking mix should comprise garage and parking space. On face value this could be interpreted by a decision maker as each new house has to have a garage. This is not reflected in the policy itself, in further parts of the Interpretation section or in the Baldwins Gate Design Statement contained within the draft plan. All of these recognise that a garage

is not always part of the parking provision for a new house and this needs to be made clear in the policy's Interpretation as well.

From: internetforms
Sent: 04 June 2019 16:27
To: [REDACTED]
Subject: Internet Form: Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form
Attachments: FormData.htm

A form has been submitted from the public website.

Internal Form Reference: 82091

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form

Contact details

Name	[REDACTED]
Organisation (if relevant)	Hinson Parry
Address	Diamond Way Stone Business Park Stone
Postcode	ST15 0SD
Email	[REDACTED]
Do you wish to be kept informed on the Council's decision on the Neighbourhood Plan Proposal?	Yes
If yes, is your preferred method of contact by email or post?	Email

Your response

Please state which part of the Neighbourhood Plan (for example, which section, paragraph or policy) your representation relates to:	Policy DC6
Please use the space below to provide your comments on this part of the Neighbourhood Plan:	<p>DC6: Housing Standards</p> <p>Our concern is with Part 2 of the policy. There is no objection to sustainable drainage systems as this is the correct approach but the different elements do depend on various factors including ground conditions and topography.</p> <p>Part 2 requires permeable surfaces in hard landscape areas but if the ground is not suitable for infiltration this is not an option. That is not to say that sustainable drainage methods cannot be employed in such circumstances e.g. use of</p>

an attenuation pond to store water before release into the drainage system, but for permeable paving to be used the water needs to be able to enter the soil to avoid run-off.

Policy NE2 already addresses sustainable drainage and therefore Part 2 of DC6 is not required and should be deleted.

From: internetforms
Sent: 04 June 2019 16:03
To: [REDACTED]
Subject: Internet Form: Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form
Attachments: FormData.htm

A form has been submitted from the public website.

Internal Form Reference: 82088

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan Submission Consultation Representation Form

Contact details

Name	[REDACTED]
Organisation (if relevant)	Hinson Parry & Company
Address	Diamond Way Stone Business Park Stone
Postcode	ST15 0SD
Email	[REDACTED]
Do you wish to be kept informed on the Council's decision on the Neighbourhood Plan Proposal?	Yes
If yes, is your preferred method of contact by email or post?	Email

Your response

Please state which part of the Neighbourhood Plan (for example, which section, paragraph or policy) your representation relates to:	Policy NE1.
Please use the space below to provide your comments on this part of the Neighbourhood Plan:	NE1: Natural Environment We suggest that it is disingenuous of the draft plan to suggest that all of the neighbourhood area is of a special rural character. Certainly there are many parts of the neighbourhood area that are rural but there are some areas, principally in Baldwins Gate / Whitmore, where the dominating development style is 1970s and 1980s suburban housing. These include Sandyfields, Meadow Way and Lakeside Close in Baldwins Gate; and Appleton Drive and Snape Hall Close in Whitmore.

Rather than reference 'special rural character' the policy should refer to the 'character' of the area as this will address both rural and suburban parts; because there are numerous examples around Baldwins Gate and Whitmore where suburban development does interface with the countryside. This change would then reflect the fact that the policy on sustainable design (DC2) refers to both local landscape and townscape.

Date: 24 May 2019
Our ref: 282020
Your ref: Neighbourhood Plan Regulation 16



Planning Policy Team
Newcastle-under-Lyme Borough Council
neighbourhoodplanning@newcastle-staffs.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan: Regulation 16

Thank you for your consultation on the above dated 23 April 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours faithfully



Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁵ website and also from the [LandIS website](http://www.landis.org.uk/index.cfm)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/)¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Newcastle-under-Lyme Borough Council
Neighbourhood Planning
Castle House
Barracks Road
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ST5 1BL


Consultant Town Planner

Tel: 01926 439116
n.grid@woodplc.com

Sent by email to:
neighbourhoodplanning@newcastle-staffs.gov.uk

20 May 2019

Dear Sir / Madam

**Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan Consultation
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales and National Grid Electricity System Operator (NGESO) operates the electricity transmission network across the UK. The energy is then distributed to the eight electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid previously owned part of the gas distribution system known as 'National Grid Gas Distribution limited (NGGDL). Since May 2018, NGGDL is now a separate entity called 'Cadent Gas'.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect National Grid's assets.

Assets in your area

National Grid has identified the following high-pressure gas transmission pipelines as falling within the Neighbourhood area boundary:

- **FM21- Audley to Alrewas**
- **FM04 Alrewas to Audley**

From the consultation information provided, the above gas transmission pipelines do not interact with any of the proposed development sites.

Gas Distribution – Low / Medium Pressure

Whilst there are no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network, please contact plantprotection@cadentgas.com

Electricity distribution

Information regarding the distribution network can be found at: www.energynetworks.org.uk

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us. In addition, the following publications are available from the National Grid website or by contacting us at the address overleaf:

- A sense of place – design guidelines for development near high voltage overhead lines: A sense of place design guidelines for development near high voltage overhead lines:
<https://www.nationalgrid.com/sites/default/files/documents/Sense%20of%20Place%20-%20National%20Grid%20Guidance.pdf>
- Guidelines when working near NGG assets: <https://www.nationalgridgas.com/land-and-assets/working-near-our-assets>
- Guidelines when working near NGETT assets: <https://www.nationalgridet.com/network-and-assets/working-near-our-assets>

Appendices - National Grid Assets

Please find attached in:


- Appendix 1 provides a map of the National Grid network across the UK.

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown overleaf to your consultation database:


Consultant Town Planner

n.grid@woodplc.com

Wood E&I Solutions UK Ltd
Nicholls House
Homer Close
Leamington Spa
Warwickshire
CV34 6TT


Development Liaison Officer, National Grid

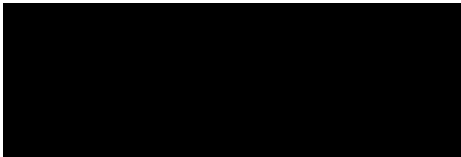
box.landandacquisitions@nationalgrid.com

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
Warwickshire
CV34 6DA

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

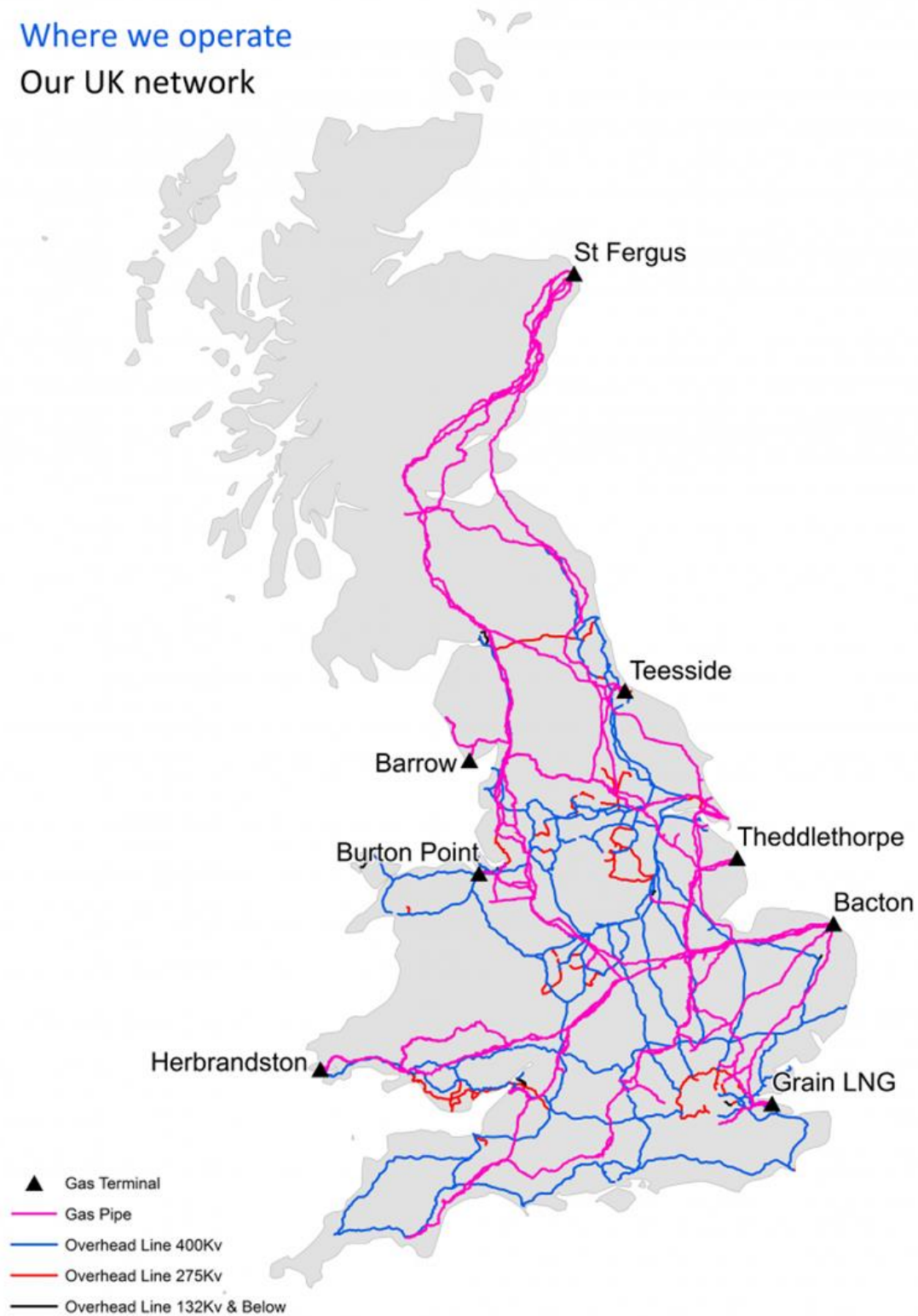
Yours faithfully

[via email]



APPENDIX 1: NATIONAL GRID'S UK NETWORK

Where we operate
Our UK network



**Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood
Development Plan: Regulation 16 Consultation**

Representation by Newcastle-under-Lyme Borough Council

June 2019

This response relates to the Regulation 16 Draft Neighbourhood Plan and is limited to representations relevant to those matters which fall within the scope of the Examination.

Section	Comments
Local Green Space and Policy COM2: Local Green Space	The Borough Council consider that there are far too many proposed Local Green Space designations and that many of them are unlikely to meet the NPPF criteria. Many are linear routes such as public rights of way which are protected under separate legislation, along with roadside verges, of fairly ordinary value that are not, in the opinion of the Borough Council demonstrably special or possess some elements of local significance to meet the NPPF criteria. If verges are part of local character they could be conserved and enhanced through other policies and actions that might not be part of the Neighbourhood Plan. The supporting text to this policy makes reference to enabling small scale storage and changing facilities to support a sports or recreational use, an open-air shelter to support use for community events, or fixed play and/or outdoor gym area equipment, however most of the proposed designations are not recreational or play areas. To designate so many spaces seems excessive when so many of them would rarely be used for any other purpose than for highway visibility or general amenity. Further commentary can be found later in this representation
Policy COM3: Developer Contributions	The policy does give a position on local priorities (but does not explain how they have been derived) and approaches financial contributions from a perspective that is out of line with national policy. No mention for example is made of the statutory criteria which Section 106 contributions are required to meet – and the policy guidance in the NPPF on such contributions. The policy will raise an expectation that will not be able to be met in practice
Section 2.7.2 Policy HG2: Housing Mix	The Borough Council acknowledge this policy to be compatible with the current Core Spatial Strategy policy CSP6 which applies a 5 dwelling threshold to the rural areas- that policy indicating that new residential development within the rural areas, on site of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. However the NPPF (paragraph 63) states that provision of affordable housing should not be

	sought for residential developments that are not major developments, other than in designated rural areas. For housing development major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The Neighbourhood Area is not a designated rural area as described under section 157 (1) of the Housing Act 1985.
--	--

Proposed Local Greenspace Designations

Local Green Space designation through neighbourhood plans is a way for local communities to provide special protection against development for green areas of particular importance to them

Paragraphs 99 to 101 of the 2018 NPPF set out the government's policy for the designation of Local Green Spaces and enable local and neighbourhood plans to allow communities to identify and protect green areas of particular importance to them through designating land as Local Green Space. It states that designation should 'be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period'. It states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

It further states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

The NPPG indicates that if land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. The NPPG goes on to indicate that one potential benefit in areas where protection from development is the norm (eg villages included in the Green Belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

Whilst the Neighbourhood Plan does contain a map showing the extent of the Green Belt (Map 4) the Neighbourhood Plan does not include either a map of the Neighbourhood Area showing all of the proposed Local Green Spaces or alternatively a separate map of each parish showing such designations (both of which were suggested to the Qualifying Body by the Borough Council) so assessment of this consideration is made difficult. However a number of Local Green Spaces are proposed within the Green Belt, and there is no express justification provided within the Neighbourhood Plan as to what additional local benefit would be gained by designation as Local Green Space in such circumstances.

The NPPG indicates that Local Green Space designation will only be appropriate for green areas if they are demonstrably special and hold particular local significance. The green area will need to meet the criteria set out in paragraph 100 of the NPPF. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments,

or urban spaces that provide a tranquil oasis.¹ Spaces do not have to benefit from rights of public access and a designation does not confer such a right.

The NPPG does indicate that provided land can meet the criteria at paragraph 100 of the NPPF there is no lower size limit for a Local Green Space.²

The Neighbourhood Plan proposes the designation of 85 Local Green Spaces (LGSs).

This representation of the Borough Council groups the sites together depending on their characteristics. It refers to all of the proposed Local Green Spaces. Some of the Local Green Space are linear routes focussed on public rights of way; highway verges and visibility splays; utilities; agricultural land or woodland; open space or recreational sites; or memorials; The representation provides comments accordingly as follows:

Linear routes focussed on public rights of way

LGSC1, LGSC5, LGSM6, LGSM7, LGSW28,

The NPPG³ indicates that there is no need to designate linear corridors simply to protect rights of way, which are protected under other legislation. Whilst information is provided as to the function of such routes, they are all linear corridors and planning guidance states that there is no need to designate linear corridors simply to protect rights of way that are already protected under other legislation. The Borough Council also notes that in some cases an actual area of land is indicated (although at a scale of map which leads to ambiguity) and in other cases the LGS is indicated as a line of an undetermined width. The Borough Council does not wish to make any comment on whether the criteria listed in paragraph 100 are met or not

Highway Verges and Visibility Splays

LGSC2, LGSC3, LGSC4, LGSC7, LGSC9, LGSC10, LGSC11, LGSC12, LGSC13, LGSC14, LGSC15, LGSC16, LGSM1, LGSM2, LGSM3, LGSM4, LGSM5, LGSM8, LGSM9, LGSM10, LGSM11, LGSM14, LGSM15, LGSM16, LGSM17, LGSM18, LGSM19, LGSM20, LGSM21, LGSM24, LGSM26, LGSW1, LGSW2, LGSW3, LGSW5, LGSW6, LGSW7, LGSW8, LGSW12, LGSW13, LGSW14, LGSW15, LGSW16, LGSW20, LGSW21, LGSW22, LGSW24, LGSW26, LGSW29, LGSW30, LGSW31, LGSW32, LGSW34, LGSW35, LGSW36, LGSW37 & LGSW38

The Borough Council does not consider that these above highway verges and visibility splays pass the tests in paragraph 100; because it is not considered that they are demonstrably special to the local community and hold any particular local significance because of their beauty, historic significance, recreational value, tranquillity or richness of their wildlife.

For the avoidance of doubt the Borough Council, in the light of the comments that it made at Regulation 14 stage and the additional text now provided wishes to indicate that with respect to the following it raises no objection to the inclusion of LGSM12, LGSM13, LGSW4; LGSW18; LGSW23 and LGSW27

Utilities

¹ Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space - Paragraph: 013 Reference ID: 37-013-20140306

² Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space – Paragraph : 016 Reference ID:37-016-20140306

³ Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space – Paragraph :018 Reference ID: 37-018-20140306

LGSC6 Reed Bed at Baldwins Gate Sewerage Works

The Borough Council does not consider that the Severn Trent reedbed passes the tests in paragraph 100; because it is not considered that it is demonstrably special to the local community and holds any particular local significance because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife.

Agricultural Land or Woodland

LGSC8 Green Gap at junction of Moss Lane and A51, Hill Chorlton

This is an agricultural field with highway frontage in Hill Chorlton.

The Borough Council does not consider that this field passes the tests in paragraph 100; although it does provide separation there is no justification to suggest why this gap is of greater significance than other green gaps, or why this singly is more demonstrably special to the local community or holds any greater local significance because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife. The Borough Council therefore does not support the designation of this field as Local Green Space.

LGSM23 Beech Tree Copse at Maerfield Gate Farm

This is a small fenced copse of mature Beech and Sycamore trees, covered by a Tree Preservation Order, located in an elevated position amongst grazing land, visible, at a distance from the A51. It is described as an important feature within the landscape of the Neighbourhood Area, including viewpoints in Baldwins Gate, and as providing a legible point for reference and navigation.

The Borough Council considers that this copse, although protected by a Tree Preservation Order and visible within the landscape does not pass the tests in paragraph 100. Insufficient justification has been provided of its beauty or other value to the community to warrant its designation. The Borough Council therefore does not support the designation of this copse as Local Green Space.

LGSM25 Sandy Low Plantation

This is a small, fenced, mixed plantation of Pine and broadleaved tree, covered by a TPO, elevated within a large field adjacent to and visible from the A51 and Woodside. It is described as a significant feature in the wider landscape of the Neighbourhood Area and as providing a legible point for reference and navigation.

The Borough Council consider that this copse, although protected by a TPO and visible within the landscape does not pass the tests in paragraph 100. Insufficient justification has been provided of its beauty or other value to the community to warrant its designation. The Borough Council therefore does not support the designation of this plantation as Local Green Space.

LGSW9 Woodland on Whitmore Heath

The Borough Council considers that this woodland passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW10 Raddle Hill

The Borough Council consider that this woodland passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW19 Green Gap Fair Green Road

This is described as a small, triangular field of pasture land that provides definition and visual separation between the Baldwins Gate village envelope and a small group of cottages in the Open Countryside. It is bounded to the north-east by the school playing field and farmland, to the south by Open Countryside and dwellings, west by local right of way (see LGSW28). The site is visible from PRow Whitmore No. 7, which forms part of a local walking route.

The Borough Council does not consider that this field passes the tests in paragraph 100 although it does provide separation there is no justification to suggest why this gap is of greater significance than other green gaps, or why this singly is more demonstrably special to the local community or holds any greater local significance because of its beauty, historic significance recreational value, tranquillity or richness of their wildlife. The Borough Council therefore does not support the designation of this field as Local Green Space.

LGSW40 Poplar Trees at Swallow Hill, Camp Hill

Described as a row of mature Poplar trees on a high ridge to the north-west of Baldwins Gate and overlooking the valley. The trees are prominently visible from many points to the south and south-east, up to 7.5km distance. The Neighbourhood Plan considers that they contribute significantly to the wider landscape of the Neighbourhood Area and beyond, and provide a legible point for reference and navigation within landscape.

A line of trees is a not a green area or green space. The Borough Council does not consider that these pass the tests set out in paragraph 100 of the NPPF. The Borough Council therefore does not support the designation of these trees as Local Green Space

LGSW41 Dismantled Railway Line Manor Road, Baldwins Gate.

The Borough Council consider that the dismantled line could pass the tests set out in paragraph 100; and could be demonstrably special to the local community.

Greens, Open space or recreational sites

LGSC17 Chapel Chorlton Village Green

The Borough Council consider that the village green passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW11 Whitmore Village Hall Playing Field

The Borough Council considers that this playing field passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW17 Jubilee Gardens, Baldwins Gate

The Borough Council considers that Jubilee Gardens passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW25 Baldwins Gate Primary School Playing Field.

The Borough Council considers that this open space/recreation facility passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW33 Chapel Green, Baldwins Gate

The Borough Council considers that this areas role as a small informal village green passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW39 Lakeside Estate, Baldwins Gate

The Borough Council considers that this open space passes the tests set out in paragraph 100; and is demonstrably special to the local community.

LGSW42 Whitmore Cricket Ground

The Borough Council consider that this recreation ground passes the tests set out in paragraph 100; and is demonstrably special to the local community.

Memorials

LGSM22 Maer War Memorial

The Borough Council support the Local Green Space designation for the Memorial and consider that it meets the criteria set out in paragraph 100 of the NPPF.