

3) Comments on Regulation 16 Representations

Optional Response from High Offley Parish Council

Neighbourhood Planning Independent Referral Service (NPIERS) Guidance2

Paragraph 1.11.4 states that:

“The qualifying body will normally be given the opportunity to comment on the representations made by other parties...This may be particularly important where the matters concerned have not been raised at Regulation 14 stage. The opportunity for the qualifying body to comment on representations could be incorporated within an independent examiner’s clarification note...”

• Consequently, whilst not a requirement, I confirm that, in responding to this letter, there is an opportunity for High Offley Parish Council to comment on any of the representations made during Regulation 16 consultation, should it wish to do so.

No Comments

Questions for High Offley Parish Council

4) A number of representations suggest that sites allocated in the Neighbourhood Plan favour land owned by members of the Parish Council or their relatives.

• Please can you confirm that no member of the Parish Council or their relative or member of the Neighbourhood Plan Working Group or their relative has any ownership interest in any land allocated in the Neighbourhood Plan ?

• If, alternatively, a member of the Parish Council or relative, or member of the Neighbourhood Plan Working Group or relative does have any ownership interest in any land allocated in the Neighbourhood Plan (NP), please can you confirm which allocation(s) (for any form of development) such ownership or interest relates to ? NB - I am not interested in the identities of any individuals. Also, if this is the case, please can you point me to evidence of any declarations of interest made during the plan-making process ?

Working Group members declared interests in the following sites, this is evidenced in the minutes of meetings that can be found on the high Offley Parish Council website under the Neighbourhood Plan tab. In Particular see minutes 85 21st September 2017, minutes 86 6th September 2017 and 87 15th August 2017.

<http://www.highoffleyparishcouncil.org.uk/pgNPlan.html>

Declaration of Interest was a standard agenda item at the meetings.

Sites highlighted in Yellow are not included in the proposed Neighbourhood Plan.

Land owners Sites 6, 13, 14, 17, 18, 19, 22, 23, 24

Relative Sites 10, 16 & 20

5) Policy 1

I would like to understand more about the land allocations process.

The decision to allocate sites for the 24 dwellings in the NP appears to have been decided prior to the Options process as all three "Options" included these allocations.

• Please can you confirm that this is the case, or point me to evidence if you do not consider that this was the case ?

This was the case. Guided by the evidence from the consultation survey which strongly suggested (75%) that the Parishioners wanted small sites of less than 10 dwellings preferably at infill locations. The sites selected for the 24 dwellings (19 in the KSV of Woodseaves) met these criteria. The survey also suggested that Parishioners would like to see additional facilities in the village but these would only be achievable if larger developments were proposed. In order to determine if the Parishioners were willing to support larger developments in return for community benefits the options meeting and vote was held. The outcome of the vote showed overwhelming support for option 1.

Previous consultation made it clear that the community did not support the allocation of land for more than 25 dwellings, yet Options 2 and 3 included land for the 24 dwellings referred to PLUS additional large housing sites, resulting in substantially more than 25 dwellings.

Whilst I acknowledge that some large sites were considered along with the community benefits they might bring, this was only done on the basis that they would be allocated IN ADDITION to land which the Parish Council had already determined would be allocated for 24 dwellings, regardless of the Options process.

• Given that it was already known that the community did not support the allocation of land for more than 25 dwellings, please can you point me to information in respect of why the Options process did not provide an Option, or Options, for consideration that did not include the 24 dwellings allocated in the NP ?

75% of consultation respondents wanted small infill sites with less than 10 dwellings. In order to confirm this, additional options were proposed that gave the Parishioners a second opportunity to choose larger sites that could fund community facilities. At the options presentation it was stressed that community benefits could only be provided if larger sites were supported.

• Given that the community expressed a preference for sites of up to ten houses, please could you provide information in respect of why it was not possible for say two sites of ten dwellings plus one or two small sites to be considered, whilst sticking to the overall community desire re: keeping allocations to no more than 25 dwellings ?

The Agent for sites 8 and 9 was only willing to discuss the inclusion of 30 houses and not smaller sites of 10 houses. The owner of Site 12 had discussed 15 dwellings on this site.

In the above regard, I note that the housing allocations in the Neighbourhood Plan do not provide for any community benefits – whereas this is something that would, from consideration of the evidence, have been achievable were one or two slightly larger housing sites allocated in the Neighbourhood Plan. Further to the above, whilst Site 6, which is allocated for 4 dwellings, was originally considered on the basis of it providing for 82 dwellings, other sites were simply dismissed because they were “too large.” It is not clear on what basis one site was reduced in size, whereas others were not.

We have checked our records and there is no evidence that the owners of site 6 put the site forward for a specific number of houses, and only showed a red-line plan of the property they own, although they did highlight the fact that SBC, under their own initiative, had previously identified the land on more than one occasion, over many years, for a large scale development. From the outset of the NP the owners of site 6 were very much in favour of small scale development in Woodseaves despite being a large landowner in the village centre and this was also reiterated in their returned questionnaire.

The Statement in the submitted sites assessment document states: Reduce potential 82 homes on whole site to 4. Extend the settlement boundary to include a corner of the land accessed from Glebe Meadow, support proposal for 4 houses. The figure of 82 dwellings is only the amount of dwellings that could be supported on the whole site using Stafford Borough Council space standards and was never considered as an option.

Site 6 also offered the option of an additional car park for The Cock Public House having been approached directly by the then new owners of the premises to improve their parking issues. To accommodate this option a separate red-line plan was agreed by the site 6 owners and is shown in the NP as site 6A.

• Please can you point me to evidence in respect of how larger sites, including Sites 4, 8, 9 and 12 adjacent to Woodseaves, were considered on a comparable basis to Site 6, such that the number of dwellings to be delivered could effectively be controlled by the allocation policy ?

We wrote to the owners of site 4 to ask them to discuss potential development on this site but received no response. Owners of sites 8, 9 & 12 provided information about what development they were willing to accept and the benefits that could be achieved. These were then included in the Options meeting and Vote.

National policy requires plans to be deliverable (Paragraph 16, the Framework). In respect of the assessment process, there does not appear to have been any detailed assessment of the likely impacts of the potential allocations, for example, to demonstrate that the development of the allocations would generally be acceptable in respect of impacts on local character, residential amenity and highway safety. These are aspects of land use planning that national and strategic local policy require development proposals to take full account of and I note that representations have expressed concerns in respect of the impacts of the allocations proposed.

- ***Please can you point me to information setting out how it was determined how the site allocation process should be carried out (for example, did plan-makers follow national guidance, examples from other Neighbourhood Plans, or published good practice) ?***

One of our Parish councillors that took part in our working group had experience of working on the Gnosall Neighbourhood Plan and he provided guidance as well as supplying the template to assist with the site selection process. We had also studied Neighbourhood plans from Eccleshall, Gnosall and Hixon while working closely with Stafford Borough Council Forward Planning at key stages in the process. This is evidenced in the minutes of meetings.

During site selection discussions careful consideration was given to highway safety, residential amenity and impacts on local character. The detailed information will be determined at the planning stage.

- ***Please can you point me to information/evidence that the site assessment process provided for a more detailed assessment and comparison process than the basic information shown in the Table provided in the Consultation Statement (Appendix 2)? If not, please can you point me to any publicly available information or evidence to demonstrate that the allocated sites are capable of providing for development in a way that has regard to national policy and is in general conformity with the strategic policies of the Local Plan ?***

The Neighbourhood Plan document Paragraph 6.1 provides evidence that we have ensured general conformity with the strategic policies of the Local Plan. The draft plan was discussed in detail with Stafford Borough Council on numerous occasions and the feedback they provided, both as a result of these meetings and in the SBC response to Regulation 14 Pre-submission consultation and publicity, was considered and actioned. SBC did not highlight any areas where the submitted Neighbourhood Plan did not comply with national policy or the Local Plan.

Paragraph 78 of the Framework states that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Whilst the evidence base demonstrates that there are available sites on the edge of Woodseaves that have not been allocated for development, the Neighbourhood Plan proposes the allocation of land in locations isolated from services and facilities across the Neighbourhood Area.

Paragraph 79 of the Framework prevents the development of isolated homes in the countryside, unless specific circumstances apply.

- ***Please can you point me to evidence to demonstrate that site allocations 3, 5, 14 and 20 have regard to national policy ?***

Our survey provides evidence that parishioners support some development in the in the community outside the Key Service village. The Plan for Stafford Borough allocates 8% of new homes in the rural area (800); the allocation of sites 3, 5, 14 & 20 would form part of this allocation. These sites were identified as being sustainable and were included in the

draft Neighbourhood Plan from the outset. These sites are not considered to be isolated as they are adjacent to existing dwellings.

Planning Court: The meaning of “new isolated homes” in NPPF para. 55 (now para. 79) DATE: 04 Dec 2017 Paragraph 55 of the National Planning Policy Framework for England states that local planning authorities should “avoid new isolated homes in the countryside” unless there are “special circumstances”, examples of which are then given. When would a new home be an “isolated home”? In *Braintree District Council v Secretary of State for Communities and Local Government* [2017] EWHC 2743 (Admin), the Council challenged the decision of a planning inspector that a proposal for new housing in the countryside would not result in new “isolated homes” because “there are a number of dwellings nearby”. The Council submitted that this could not be reconciled with the inspector’s view that the accessibility of the proposed site to “services, facilities and employment” would be “poor”. Lang J rejected the Council’s case, agreeing with the Secretary of State that the word “isolated” in paragraph 55 of the NPPF should be given its ordinary, objective meaning. This is a home “far away from other places, buildings, or people; remote” (Oxford Concise English Dictionary). A home that is “isolated from services and facilities” is not, therefore, necessarily an “isolated home” as the Council contended. The judge agreed that this would be to add an unwarranted gloss to the word “isolated” as it is used in the NPPF. [Gwion Lewis](#) acted for the Secretary of State for Communities and Local Government. The judgment is available [here](#).

Site 3 is adjacent to cluster of 8 homes plus 5 holiday lets with a total of 15 bedrooms accommodating up to 40 people and a small function hall with self-catering facilities for Conferences of 24 delegates. The farm house itself offers 2 rooms for B&B. Site 5 is within the settlement of Shebdon with 35 other dwellings and sites 14 & 20 are within the village of Woodseaves. We therefore do not consider them to be isolated.

The Plan has been discussed with Stafford Borough Forward Planning Department on numerous occasions. The first draft included these rural sites and was shared with Borough Council on 5th March 2018. It has also been inspected by senior officers of Stafford Borough Council who have never questioned the compliance of these sites with national policy. This is evidenced in their Regulation 14 Pre-submission consultation and publicity response.

The Borough Council specifically suggested in its response of 29th June 2018.

- It would be helpful to identify the new development sites associated within the new Woodseaves settlement boundary on a separate list to those in the rural area.

They did not question the conformity of the sites in rural areas with policy.

6) Policy 2

• The Policy requires each housing development to provide a mix of housing types yet the allocated sites define dwelling types or are for a single house. The Policy appears meaningless in the context of the allocations and there is no evidence of any additional sites where a mix of housing types would be supported. Please could you point me to information in respect of the deliverability of Policy H2 ?

The purpose of this policy is to ensure a mix of housing types across the Key Service Village and not within specific sites. The allocation of sites for the development of bungalows is supported by this Policy. We are keen to see additional bungalows built in Woodseaves as very few have been built in the last 40 years.

7) Policy 3

• Please can you point to the definition of a “primary boundary,” as opposed to a boundary ?

The boundary providing the road access to the property is the primary or principle boundary. (this is our definition)

8) Policy 4

• Policy 4 is unclear – is the Policy support for additional parking together with improvements to highway safety, or support for additional parking and support for highway safety improvements ?

Support for additional parking and support for highway safety improvements.

9) Policy 6

• Please can you point me to evidence in respect of how the campsite allocations and canal mooring allocations have emerged through a site comparison and assessment process; and to evidence in respect of their suitability, having regard to national policy and in general conformity with the Local Plan, including the requirements of Policies E2 and E6 ?

There was an application in 2007 (Application Number 07/08825/COU) for a basic mooring basin (no buildings, not a marina) for 40 narrow boats at the location in Shebdon . At the time the plan for Stafford made no reference to Canal facilities unlike the current plan which makes reference to small scale mooring facilities outside defined settlements.

As part of the 2007 application the applicant submitted a report considering locations along the canal which also went further afield than the Parish of High Offley, its conclusion being that the two sites in the draft Neighbourhood Plan were the only ones suitable. The sites proposed will meet the requirements of the Local Plan, Policy E7 Canal Facilities and New Marinas.

With Respect to Campsites, sites 18 & 19 were the only sites put forward in the Call for Sites process for development as campsites and are owned by the same Landowner. There are existing campsites within the Parish at the Anchor Inn, High Offley and opposite the Wharf at Shebdon.