APPENDIX 3

Summary of consultation on Pre-Submission Brandon and Bretford Neighbourhood Development Plan

- List of businesses and organisations consulted
- List of formal consultees
- Consultation response form
- Publicity material and posters
- Presentation material
- Consultation responses
Brandon & Bretford Parish Council

16 Easenhall Road,
Harborough Magna,
Rugby,
Warwickshire.
CV23 0HU

Braunston Parish Council
The Green/Welton Road
Braunston
Daventry
Northamptonshire
NN11 7HW

Dear Colleague

Brandon & Bretford Parish Council have submitted their Neighbourhood Plan for Public Consultation, Valid from Friday 23rd March to Friday 11th May.

All documentation can be viewed on the Parish Councils Website at the following address
http://www.parish-council.com/brandonaldbretford/

Paper copies of the main document are available to view at
Brandon Club (including all appendices)
Wolston Library
Royal Oak
Brandon Hall Hotel
Queens Head

Any comments are welcome, please state the policy it refers to, your name and postcode to validate response. All responses must be received by 5pm on Friday 11th May 2018.

Kind regards

Lizz Clarke

Lizz Clarke
Clerk to Brandon & Bretford Parish Council

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Lizz Clarke, Clerk to Brandon & Bretford Parish Council.
Tel/fax 01788 833910
email: brandonaldbretfordclerk@gmail.com
<table>
<thead>
<tr>
<th>Organization</th>
<th>Address</th>
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<tr>
<td>Coombe Fields Parish Council</td>
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<td>Long Lawford Parish Council</td>
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<td>Withybrook Parish Council</td>
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<td>Bitteswell with Bittesby Parish Council</td>
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<td>Catthorpe Parish Council</td>
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<td>Ramblers Association</td>
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<td>SSE, Inveralmond House</td>
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<td>Robert Deanwood - AMEC Foster Wheeler</td>
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<td>EDF Energy, Osprey House</td>
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<td>Coventry and Warwickshire Partnership NHS Trust</td>
<td>Wayside House</td>
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<tr>
<td>British Telecom, 81 Newgate Street</td>
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<td>Central Acquisition &amp; Planning Manager O2, Unit 4,</td>
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<tr>
<td>Mr Tony Lyons, Principal Planning Officer</td>
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<td>Dr Simmonds, Leicestershire County Council</td>
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<td>Mr Palmer, Head of Planning Policy</td>
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<td>David Barber, Warwick District Council</td>
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<td>David Nash, Planning Policy</td>
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<td>Mr Bovey, Daventry District Council</td>
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<td>Mr Qureshi, Harborough District Council</td>
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<td>Mark Andrews, Coventry City Council</td>
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<td>Planning Policy, Council Offices</td>
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<td>Mr Clark, Blaby District Council</td>
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<td>Planning Policy, Nuneaton and Bedworth Borough Council</td>
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Contacted via e-mail

Ansty Parish Council
Binley Woods Parish Council
Birdingbury Parish Council

Brinklow Parish Council
Cawston Parish Council
Church Lawford Parish Council
Churchover Parish Council
Clifton Upon Dunsmore Parish Council
Dunchurch Parish Council

Grandborough Parish Council
Harborough Magna Parish Council

Marton Parish Council
Monks Kirby Parish Council
Newton Parish Council
Pailton Parish Council
Princethorpe Parish Council
Ryton On Dunsmore Parish Council
Shilton Parish Council
Stretton On Dunsmore Parish Council
Thurlaston Parish Council
Wibtoft Parish Council
Willoughby Parish Council
Wolston Parish Council
Wolvey Parish Council
Cubbington Parish Council
Stoneleigh Parish Council
Claybrooke Parish Council
Ulllesthorpe Parish Council
Lutterworth Town Clerk

Burbage Council

Napton Parish Council
Kilsby Parish Council
Barby and Onley Parish Council
Braunston Parish Council
Staverton Parish Council
Sibbertoft Parish Council
Crick Parish Council
Lilbourne Parish Council
Catesby Parish Council

Natural England
Environment Agency
Historic England
Highways England
Homes England
Leaflet drop to every resident and various notice boards within the villages.

BRANDON AND BRETFORD
NEIGHBOURHOOD DEVELOPMENT PLAN
HAVE YOUR SAY ON DEVELOPMENT IN YOUR PARISH

PUBLIC CONSULTATION
STARTS FRIDAY, 23 MARCH 2018
ENDS FRIDAY, 4 MAY 2018

WHERE CAN YOU VIEW THE PLAN?
Online at www.parish-council.com/brandonandbretford/
(including appendices such as Transport)

PLAN ONLY
(ie not including appendices)
Facebook @brandonandbretford
Brandon Club
Wolston Library
Royal Oak
Brandon Hall Hotel
Queens Head

YOU MUST STATE YOUR NAME, POSTCODE AND POLICY REFERENCE ON YOUR COMMENT FOR IT TO BE CONSIDERED

WHO DO YOU RESPOND TO?
Via email to: bandbnhp@gmail.com
brandonandbretfordclerk@gmail.com

or write to
Clerk to the Neighbourhood Plan
16 Easenhall Road
Harborough Magna
Rugby, CV23 0HU
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<th>ID No.</th>
<th>Name</th>
<th>Position/Role</th>
<th>Policy No or Plan Chapter</th>
<th>Summary of Representation</th>
<th>Neighbourhood Plan Steering Group Response</th>
<th>Action</th>
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| 01    | Louise Steele | Framptons on behalf of Brandon Estates Limited     | Comment on Basic Conditions | With regard to the content of the Neighbourhood Plan Policies the Localism Act and the Regulations further require that neighbourhood plans meet a number of ‘basic conditions’. These are explained further in the PPG. The key basic conditions are summarised as:  
- To have regard to Framework - the Plan must not constrain the delivery of important national objectives, should plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies.  
- To contribute to sustainable development – including provision of sufficient and proportionate evidence on how the plan guides development to sustainable solutions. Consideration should be given to the use of a sustainability appraisal.  
- To conform with the strategic policies of the Local Plan - PPG notes however that where there is no up to date Local Plan (as is the case in Rugby Borough), a draft Neighbourhood Plan is not to be tested against the policies of the emerging plan, although the evidence base behind it may be relevant. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and local planning authority should however discuss and aim to agree the relationship between the two emerging documents and seek to minimise any conflicts. | The plan supports housing development within the village boundary (Policy H1). The plan does not promote less development than the Core Strategy or the Emerging Local Plan. |        |
PPG makes clear that throughout the process of developing a Neighbourhood Plan a qualifying body should consider how it will meet the basic conditions.

In that immediate background, we turn to consider the text of the Draft Neighbourhood Plan and its appendices (it is noted that there are no other supporting documentation other than the appendices).

The Framework contains at its core the presumption in favour of sustainable development and a requirement to significantly boost housing. Paragraphs 16 and 184 of the Framework make clear that the application of the presumption in favour has implications for how communities engage in neighbourhood planning. Critically, it means that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

It is within the context of these basic conditions set by the Regulations that we consider the Neighbourhood Plan Policies Section of the draft Neighbourhood Plan.

Overall, the text of the Regulation 14 document still reads in many places as being a draft document with an overall very informal character to the drafting (even allowing for the neighbourhood plan context). There are a number of sentences

The production of the plan has considered both the existing Core Strategy and its saved policies and the new Local Plan. A statement explaining how the plan meets the ‘basic conditions’ is required to be submitted when the plan is submitted to the LPA.

The plan will be modified prior to submission to the LPA to acknowledge its change from a consultation draft to a submission document.

Amend to Submission Document
and phrases that do not have the requisite formal character and precision required of a plan document of this nature.

We do not intend at the present time to comment on the text line-by-line exhaustively.

There are multiple errors in the description of the legislative and policy position, and omissions in respect of the applicable evidence base documents that routinely inform documents of this nature.

We therefore reserve the right to address any further drafting issues in subsequent correspondence with both the Parish Council and Rugby Council. For present purposes, the major deficiencies highlighted below are sufficient to demonstrate that there have been fundamental errors in respect of the preparation undertaken to date.

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Brandon Estates are a major stakeholder in the area and has a significant land interest in the area.

The Localism Act 2011 and the Neighbourhood Planning Regulations 2012 set out the requirements for the preparation of Neighbourhood Plans. The advice is further expanded upon in National Planning Practice Guidance (PPG).

Regulation 14 of the 2012 Regulations requires that prior to submitting a plan to the local planning authority a pre-
Submission consultation and publicity must be undertaken. This Pre-Submission stage must include:

- Publicity sufficient to bring the plan to the attention of people who live, work or carry on business in the neighbourhood plan area;
- Details of the development plan proposals; and
- Details of how to inspect the plan and how to make representations.

At the outset it should be stated that Brandon Estates consider that the current consultation on the plan does not comply with Regulation 14 of the Neighbourhood Plan Regulations and this should be addressed before the plan moves any further forward to Submission stage if it is to ultimately meet the legal requirements at Examination. The reasons for this are as follows:

- The draft plan has been inadequately consulted on or publicised. The regulations provide a minimum requirement of who should be consulted at Pre-Submission Stage and no evidence has been published to demonstrate this has been met. Assuming however that the statutory consultees have been notified, PPG states that other public bodies, landowners and the development industry should also be involved in preparing a draft

The consultation statement will detail all of those who were directly consulted throughout the stages involved in producing the Neighbourhood Plan. In summary:

- A questionnaire seeking views on a variety of issues was sent out to all households in the Parish in Autumn 2016 and to all operating businesses.
- A public consultation and exhibition of emerging policies was held at Brandon Club on 16th August 2017. The meeting was publicised by flyers, notices and on the Parish Council website and was attended by over 60 people.
neighbourhood plan, and that by doing so qualifying bodies will be better placed to produce plans that provide for sustainable development. PPG notes that at submission stage the Parish Council will have to demonstrate that quality and effective consultation has been undertaken. Despite being a major landowner in the Neighbourhood Plan area and being involved in some important current developments within the Rugby Borough area, the Parish Council has made no attempt to consult with Brandon Estates in preparing the draft plan. Furthermore no direct notification was issued to advise Brandon Estates of the current consultation and notice was only received as a result of Framptons checking Rugby Borough Council’s web site.

- It is not clear as to the extent that the draft Plan has been subject to any discussion with the local planning authority. It is unclear what efforts have been made by the Parish Council to assess the degree to which there is conflict with the emerging Local Plan. This lack of consultation with the local planning authority is a clear breach of the advice provided in the PPG.

- In March 2018 flyers were sent out to all households and operating businesses within the Parish to notify that the Regulation 14 Pre-submission consultation was taking place.

All of the statutory bodies have been contacted in line with para 1 of Schedule 1 of the 2012 regulations.

The Consultation Statement sets out the extent to which the formulation of the Neighbourhood Plan has been opened to public consultation. Throughout the process extensive consultation and notification has been undertaken and wherever possible residents and businesses have been consulted and informed. The production of the Neighbourhood Plan has been regularly up-dated on the Parish Council’s website and it has been open to Brandon Estates through its planning consultants Framptons to monitor progress of the Neighbourhood Plan as it was made aware of its formulation when Framptons organised a public consultation in Brandon prior to the submission of a planning application.
In view of the above it is considered that Parish Council should review its processes to date and undertake a properly compliant process of consultation and site assessment including all stakeholders before moving the plan forward. No Consultation Statement has been provided, this is somewhat unusual at the Regulation 14 stage, as the statutory consultation statement should record all consultation responses. It would have been more appropriate in the present circumstances to provide a Draft Basic Conditions Statement as that would have forced the plan authors to identify the obvious problems with the proposed approach.

It should then prepare a clear and complete Pre-Submission Consultation plan and re-advertise it for consultation in a transparent and fully compliant way.

It is noted that when trying to open ‘Appendix 2 - Survey/questionnaire and responses’ and ‘Appendix 3 - Business survey/questionnaire and responses’, the text is not in English. It is therefore requested that the consultation period is recommenced with the correct appendices. It is also noted that this survey has never been sent to Brandon Estates to complete.

The draft plan has been discussed extensively with the LPA at numerous stages of its production. This has involved meetings with the Development Strategy Manager, telephone conversations, written feedback and a meeting at Brandon Club on 14th February 2018 with the Senior Development Strategy Officer.

The only statutory consultation statement is to be produced following the regulation 14 consultation and will be submitted to the LPA with the submission Neighbourhood Plan.

**SEA Screening and the Habitats Directive**

As stated above to be ‘made’, a neighbourhood plan must meet certain Basic Conditions. These include that the making of the plan “does not breach, and is otherwise compatible with, EU obligations.” One of these obligations is Directive 2001/42/EC ‘on the assessment of the effects of certain plans and programmes on the environment’. This is often referred to as the strategic environmental assessment (SEA) Directive. The SEA Directive “seeks to provide a high level of protection of the
environment by integrating environmental considerations into the process of preparing plans and programmes.” The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations (the ‘SEA Regulations’) and it is these regulations that the plan will need to be compatible with. A key stage in the neighbourhood planning process is determining whether or not SEA is required. There is no evidence that this screening has been undertaken.

Another key obligation is Directive 92/43/EEC ‘on the conservation of natural habitats and of wild fauna and flora’, often referred to as the Habitats Directive. There is no evidence if the steering group has checked whether an assessment under the Habitats Directive is required.

The screening has been undertaken. Responses have been received from all three statutory bodies and a determination has been published shortly. This will also be covered in the basic conditions statement submitted to the LPA with the submission plan.

HRA screening was also undertaken.

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| These two sections commence with a few short statements as to the level of public interest. It does not provide a complete or adequate summary of the current development plan position and the emerging development plan document position. This is generally essential in Neighbourhood Plan documents of this kind. This section also contains a number of what can best be described as shortcuts through the relevant policy framework and this needs to be rectified.

Gaps soon emerge in the explanation of the practical position in Rugby, for example it is not set out that Rugby Local Plan has been subject of an Examination in Public. We regret to observe that this would have the effect of misinforming members of the public as to the actual position. |
The “basic conditions”, against which the Examiner will assess the Neighbourhood Plan, once appointed only following a lawful Regulation 15 submission and Regulation 16 consultation are set out in paragraph 8(2) of Schedule 4B:

“(2) A draft order meets the basic conditions if—

(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...”

The basic conditions, and especially 8(2)(a) and (d), have been considered in a significant number of High Court and Court of Appeal cases in the past 3 years, including (1) **BDW Trading Ltd (t/a Barratt Homes) v Cheshire West and Chester BC** [2014] EWHC 1470 (Admin), (2) **R(Gladman Developments Ltd) v Aylesbury Vale DC** [2014] EWHC 4323 (Admin), (3) **R (Larkfleet Homes Ltd) v Rutland CC** [2015] EWCA Civ 597; (4) **R(DLA Delivery Ltd) v Lewes DC** [2015] EWHC 2311 (Admin); [2017]

This was not the case when the consultation plan was prepared. A statement on how the plan is in general conformity with the strategic policies in the Local Plan is required to be submitted to the LPA within the basic conditions statement when the plan is submitted.

This has been discussed between RBC and the Steering Group.

There is further ongoing litigation, including in respect of basic condition 8(2)(e) and situations of conflict between neighbourhood plan policies and those in emerging Local Plan documents.

In short, basic condition 8(2)(a), (e) and (f) are tests which require considerable care on the part of Neighbourhood Plan Steering Groups and LPAs in supervising them under paragraph 3 of Schedule 4B.

We regret to observe that in this case, the documentation does not begin to grapple with that legal complexity. It omits relevant legislative and policy references, ignores the higher level policy context and attempts to replace the technical site assessment process with a free-ranging reliance on community “concerns”.

The Framework is a mandatory material consideration for the purposes of paragraph 8(2)(a) and must be considered in full, and not selectively. However, there is no reference to Framework 16 and 184-186, the main neighbourhood planning paragraphs in the Framework. They also provide no reference to Framework 47 within the Framework Housing chapter, and what the Secretary of State, Inspectors and the courts have recognised as the national planning policy imperative of significantly boosting the supply of housing.
The Core Strategy is also a central document for the purposes of 8(2)(e), and it must be interpreted correctly (Tesco v Dundee [2012] UKSC 13).

The draft Neighbourhood Plan proceeds on the basis that there is no need for further market and affordable housing in this area. That is the hallmark of a closed attitude to the plan-making exercise. There is a very well-documented housing crisis, which Rugby Borough accepts gives rise to very pressing issues justifying further site allocations around Rugby. To talk in highly generalises terms about the needs of the Borough only shows a deficit of understanding of the Council’s own evidence.

The plan does not contain site allocations and so site specific assessments are not required. The plan is underpinned by a proportionate evidence base. Changes to the Submission Plan will make more frequent reference to the evidence base.

This is incorrect. There are no sites allocated, although support is given to redevelopment of sites subject to specified criteria. Neither the Core Strategy nor the emerging Local Plan contain any housing allocations within the Parish and therefore the Plan conforms with policies in the Core Strategy, the new Local Plan and the NPPF on housing.

Chapter 4 contains a number of assertions as to the geographical context that are at odds with the best available professional evidence, comprised within the Design and Access Statement and the Landscape and Visual Appraisal (LVA) submitted with the Planning Application.

It is noted that paragraph 4.4 acknowledges the close proximity of other relatively large villages of Wolston and Binley Woods, however, paragraph 4.15 tries to claim that there are relatively few facilities in the area. It is a failure to not recognise that the
Coventry Stadium site is in a sustainable location close to the amenities provided at Binley Woods including public transport and a primary school. It is clear from this summary that the protection of Coventry Stadium has proved a motivating force for the Neighbourhood Plan, however there is no analysis provided here and the impression is again one of a rather hurried approach to supporting text composition, without real engagement with the evidential position.

There is no reference in this section that there is an outstanding planning application on the Stadium site. We regret to observe that this would have the effect of misinforming members of the public as to the actual position.

This section reveals severe methodological problems with the plan preparation exercise, stemming from a misunderstanding of the neighbourhood plan preparation process. It appears to have been presumed that the evidence base could be approached in a selective fashion, prioritising material generated from the community consultation (meetings/questionnaires).

That is directly contrary to PPG 41-009 which makes direct reference to the need for evidence sharing in respect of the most up-to-date housing information, contrary to PP 41-040 which re-states the need for a robust evidence base. None of these paragraphs are referred to in the text, or any supporting documentation. There is therefore no evidence that the Neighbourhood Plan Steering Group had regard to them in advance of publishing the present document.

As the site is not being allocated by the Plan an assessment of this is not carried out. The omission of this assessment is not the same as stating that it not a sustainable location. This Neighbourhood Plan does not do this. The criteria put forward with which a redevelopment of the Stadium site would have to comply is in line with the Core Strategy and the new Local Plan.

It isn’t the role of the Neighbourhood Plan to highlight or comment upon individual planning applications. Mentioning a single, current planning application wouldn’t future proof the Plan whilst consultation on planning applications is a role for development management through the Local Planning Authority.
There is no reference to the SHLAA work which has informed the emerging Local Plan that is again a very surprising omission in a document of this kind.

In summary, this section attempts to replace the technical site assessment process with a free-ranging reliance on community “concerns”.

**H1: Brandon – Green Belt Inset Area**

The fundamental starting point is that the text on page 25 and 26 is drafted on a highly restrictive and exclusionary basis. The terms of such policy would require the most robust evidence and precise correlation with local and national policy provisions. The policy fails to recognise that there is a previously developed brownfield site in the Parish, namely Coventry Stadium.

As stated above, the planning application submission confirms that judgement has been formed that the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, as such the proposal complies with national policy relating to Green Belt in the Framework and is compliant with Core Strategy policy CS1.

The policy is focused exclusively on sites within the Green Belt Inset boundary and has no implications on sites outside of the Green Belt Inset boundary.

**Policy H2: Development of Brownfield Land**

This policy should be combined with Policy H1. This proposal does recognise that redevelopment of brownfield land to create new homes could be supported.

Criteria a) in H2 clearly supports housing where it is compatible with neighbouring uses.
This policy then attempts to set criteria as to when such a proposal could be acceptable, for example that ‘the proposal would not result in the loss of sports and leisure uses’. The supporting text then refers to the Stadium. There is no definition of sports use but then the supporting text is then clear that the policy has been written in an attempt to stop the proposed residential development at the Stadium. Notably the Stadium is currently vacant so there is no sports use at the site.

The supporting text states: “The redevelopment of either or both of these sites for housing led proposals could have a significant impact upon the character of the surrounding area and on traffic generation, residential amenity and other material planning considerations and therefore specific policies to consider the future redevelopment of these two sites are contained in policies BS1 and BS2 of this Plan.”

These assertions on why the proposals are not acceptable are not based on any tangible evidence.

The supporting text of the includes an extract of a plan titled ‘Brandon On The Hill – Landscape Sensitivity To Housing Development’ there is no reference to where this plan is from and how it relates to the text quoted above. Again there is no reference to the LVA submitted as part of the Stadium planning application. The site is identified as having ‘medium’ sensitivity, the remainder of the sites shown on the plan have medium or higher sensitivity.

In fact, the extract is from the Rugby Borough Council Landscape Sensitivity Study (2016). In February 2016

This is incorrect. The policy does not stop housing use of the site where the benefit can be demonstrated.

The text specifically uses the words ‘could have’ and not ‘will have’ - it is prudent to consider the potential Impacts of redevelopment as these would need to be considered as part of a planning application.

This is from the 2016 Landscape Sensitivity Study.
Warwickshire County Council Landscape Architects were appointed by Rugby Borough Council to undertake a landscape sensitivity assessment of the landscape adjoining seven settlements within the borough - Binley Woods; Brinklow; Long Lawford; Ryton-On-Dunsmore; Stretton-On-Dunsmore; Wolston, and Wolvey. The study was published in August 2016. The aim of this study was to provide an analysis of landscape character (including historic) for the areas around each settlement, identifying areas of low, moderate and high quality.

The landscape assessment further defines the Landscape Description Units (LDUs) which were identified in the Warwickshire Landscape Character Assessment (published in 1993) into an appropriate number of Land Cover Parcels (LCPs). The LCPs are referred to as ‘zones’ in this report.

The study assigned a landscape sensitivity rating for each ‘zone’ for both housing and commercial development. The focus for this landscape sensitivity assessment is on identifying the landscape value as well as potential development opportunities for housing.

The Site is located within LCP BR_01, the parcel has been further divided into areas of landscape sensitivity to housing development. Much of the central portion of the Site is covered by a medium sensitivity rating. A Medium Sensitivity is defined as a; Landscape and / or visual characteristics of the zone are susceptible to change and / or its intrinsic values are moderate but the zone has some potential to accommodate the relevant type of development in some situations without significant character change or adverse effects. Thresholds for significant change are intermediate. Therefore a medium sensitivity suggested development could be acceptable on the site.
A High-Medium is defined as; Landscape and / or visual characteristics of the zone are vulnerable to change and / or its intrinsic values are medium-high and the zone can accommodate the relevant type of development only in limited situations without significant character change or adverse effects. Thresholds for significant change are low.

A site description for Zone BR_01 is as follows: “The zone forms part of the urban area to the periphery of Binley Woods and includes a derelict garden nursery plot to the south of the Rugby Road and a row of roadside properties and Coventry Stadium to the north. Further to the north are a small number of individual properties set in large gardens and a farm accessed from Speedway Lane. Roadside hedgerows adjacent to the derelict garden nursery include ornamental species, otherwise hedgerows are predominantly thorn and outgrown with scattered hedge trees. Other trees are apparent, with a thin mixed tree belt to the frontage of the stadium that continues along the lane, and a wooded backdrop to the stadium. Trees within the adjacent Brandon Hall gardens are visible from this zone, as are nearby blocks of ancient woodland.”

Notably the supporting text fails to refer to Rugby Borough Council’s Strategic Housing Land Availability Assessment (SHLAA) published in 2015 two potential allocations (S14/051 and S14/050) were identified on the Site. Zone BR_01 potential for housing development is described/assessed as follows: “As this zone is already partially developed there is potential for some additional development, but this should extend no further east than the stadium. Therefore application site S14/051 could be developed provided that the existing roadside vegetation to Speedway Lane and Gossett Lane, and around the A SHLAA is part of the evidence base which was used to assist in the formulation of housing allocations in the Core Strategy and the new Local Plan neither of which have Allocated Brandon Stadium for housing.
perimeter of the stadium, is retained and strengthened. It is essential that a landscape buffer of a minimum of 30m is provided between the edge of the ancient woodland and any new development. The southern end of Twelve O’Clock ride can be accessed from Gossett Lane and this historic route should be respected and remain accessible to the public. **Application site S14/050 could be partially developed** provided that the existing trees along Gossett Lane are retained in order to preserve the setting to the ancient woodland and the Twelve O’Clock ride. A landscape buffer of minimum 30m width should be provided adjacent to the ancient woodland. The row of properties on the Rugby Road appears to be a standalone group and read as much a part of Binley Woods as Brandon. In order to retain this separation the mature trees along Rugby Road should be retained and strengthened and any development should be significantly set back from the Rugby Road.”

Policy suggestions for zone are to:
“Retain existing trees along Gossett Lane in order to preserve the setting to the ancient woodland and the Twelve O’Clock ride. Retain existing roadside vegetation to Speedway Lane, and around the perimeter of the stadium.”

Views into the zone are identified as being very limited with a low level of intervisibility, with a visual relationship with the settlement, key views within the zone are described as:
“...urban in character, comprising housing, the Coventry stadium, the A428 and a run-down disused plant nursery.”

Notably the only other attempt of providing any evidence is at Appendix 4 of the draft Neighbourhood Plan which includes a Transport Appraisal prepared on behalf of the Steering Group. The appendix cannot be relied on as evidence as the appraisal
is out of date (August 2017) and does not reflect the current proposals at the Stadium (it refers to an incorrect proposed number of dwellings at double the amount actually proposed) and it does not take account of the Transport Assessment submitted as part of the Stadium planning application. There has been ample time since the submission of the application for the Steering Group to request that the Transport Appraisal is updated.

**Policy H3 – Affordable Housing**

The 2016 Housing Needs Survey document is based upon data that was initially collected in the summer of October and November 2015, and is therefore nearly two and a half years out of date with only a 21% response rate or 54 replies. These views cannot be representative of the full village population. They shed no light at all on the needs of those in the Parish.

The data is therefore somewhat rudimentary. Turning to households in need of Affordable Housing, the survey identified a total need of 6 affordable dwellings.

It is noted that this policy states support will be given affordable housing as part of the future redevelopment of a previously developed land. Therefore the Stadium site should be supported by the Neighbourhood Plan as it will contribute to providing affordable housing. The supporting text should also refer to the fact that the Coventry Warwickshire HMA have published three assessments in the past 5 years, the Strategic Housing Market Assessment (SHMA) in 2013, an Annex 2014, and the Strategic Housing Market Assessment (SHMA) Update 2015.

H3 is not looking for affordable housing to meet a need identified in this survey but is supporting the targets in the Core Strategy and the new Local Plan.
The 2015 SHMA found that there is a total need for 29,244 affordable homes in the HMA (Coventry, North Warwickshire, Nuneaton and Bedworth, Rugby and Stratford on Avon) from 2011 to 2031 year period, equivalent to 1,462 affordable homes per annum (Table 42). On a Borough level, there is annual need for 171 affordable homes over the 20 year period (Table 43).

The Council’s most recent Annual Monitoring Report (2015-2016) states that in 2015-2106 only 46 affordable dwellings were delivered (Paragraph 4.15, Figure 4m). The delivery of affordable housing since 2011 (Paragraph 4.16, Figure 4n) has been an average of just 88 completions per annum (although it is not clear as to whether this figure represents gross completions i.e. takes account of houses lost through right to buy, therefore in reality the figure may be lower). This should be viewed in the context of the 2015 SHMA identifying a need for at least 171 net affordable homes per annum in Rugby between 2011 and 2031.

Policy BNE 8

**Policy BNE 8 – Valued Open Spaces and Vistas**

This policy seeks protect open, spaces, vistas and sensitive area, although the policy does not define where these areas are (for example on a proposal map. The supporting text to the policy states:

“In addition to the protection afforded to statutorily designated heritage assets such as Local Wildlife Sites, the SSSI and Brandon Conservation Area, open spaces and vistas play a crucial role in defining the character of areas within the Parish which have their own identity and character.
This is particularly the case for the cluster of housing known locally as "Brandon Hill" where properties fronting Rugby Road and along Speedway Lane adjacent to Brandon Stadium form a discrete residential enclave that is separated from the much larger village of Binley Woods by New Close Wood to the north of Rugby Road (A428) and by the open grounds of Binley Woods School and the adjoining gardens of residential properties to the south of the A428. To the south of “Brandon Hill” open fields to the north and south of the A428 together with the open areas within the now vacant Oakdale Nursery to the south of the A428, form an important visual separation between “Brandon Hill” and Brandon village. To protect the unique and distinct character of “Brandon” Hill it is important that key open spaces and vistas are protected to ensure that any new development will integrate with the existing built form and its setting."

The paragraph above suggests Brandon Hill is an isolated housing estate surrounded by fields. This is misleading as the paragraph fails to mention the unattractive brownfield sites of the Stadium and Oakdale Nursery which surround Brandon Hill and the proximity of the site to Binley Woods. For the reason set out on paragraphs 3.41 to 3.50 above, the draft policy is not supported by any evidence base and should be deleted.

Brandon Hill is a cluster of ribbon development on Rugby Road and Speedway Lane and not a housing estate. It is visually separated from Brandon Village and Binley Woods and the Policy is aimed at maintaining its separate identity and avoiding coalescence.

Policy INF 1

INF 1 – Highway Safety

This policy fundamentally fails to reflect paragraph 32 of the Framework which states: “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe” and needs to be rewritten.

Accept that bullet point (b) of Policy INF 1 should be deleted. Delete bullet point (b).
Policy PDS 1

Policy PDS 1 – Brandon Stadium

As stated previously it is clear that the intention of the policy is to try to prevent residential development coming forward on this sustainable brownfield site.

Again it is noted that the supporting text for this policy is:

- out of date and does not reflect the current planning application on the site.
- Fails to recognise that the site is vacant.
- Fails to recognise that the previous use of the site was not viable.

There also appear to be severe error in paragraph 12.6 which states:

“In the survey circulated to residents for the development of the Neighbourhood Plan, residents were asked what uses they would like to see included as part of the future redevelopment of the Stadium site. An overwhelming majority of responses wanted to see the site retained for sporting use or for the development of community facilities. There was some support for the development of small business uses, but only a handful of responses supported any form of residential development with those responses favouring either affordable housing or specialist housing for the elderly.”

The Steering Group has in fact misquoted its own evidence. Appendix 2 of the Neighbourhood Plan (page 28) confirms 28% of respondents stated they wanted see housing on the site/or on part of the site, this is certainly more than ‘only a handful’ and shows an aspiration from the local community to have

These are issues to be addressed in the planning application process not through the Neighbourhood Plan. Policy PDS1 reflects paragraph 74 in the NPPF in supporting the retention of the site in sports use unless redevelopment proposals satisfy the criteria set out within paragraph 74. The assertions regarding the site being vacant and the previous use not being viable do not in themselves satisfy the requirements of Paragraph 74 to substantiate the loss of the sports facility.
housing on the site. This is also significantly more than those who wanted to see community use (20%) or business units (9%). Therefore the above paragraph is misleading and should be updated.

Looking at the policy itself it is important to note that the draft policy accepts that development of the site is acceptable but states that this should only be for sport use, or if not a sports use only: accommodation for the elderly, community buildings of public open space (criteria e). Therefore precluding residential uses on the site. It is noted that the draft policy states that community uses on the site would be acceptable, however as stated in the paragraph above, more respondents aspired to have housing on the site than community uses.

The policy makes reference to paragraph 74 of the Framework, however, there is no Core Strategy policy which seeks to protect this site as a recreation venue and the development plan is silent on this site. There is obviously a need to have regard to national policy and it is acknowledged that the use of this site for housing should have regard to national planning policy regarding 'existing open space, sports and recreational buildings and land' (Framework 74). The planning circumstances do not comprise the development for 'alternative sports and recreational provision' (third bullet point) or the replacement of facilities that amount to 'equivalent or better provision in terms of quantity and quality in a suitable location' (second bullet point). The remaining criterion is an 'assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements' (first bullet point). It is acknowledged that there is a tension with paragraph 74 of the Framework. Of note, the use of the stadium ceased in 2016.

The submission document will be revised to reflect the limited support for housing with comments about affordable housing and housing for the elderly. The majority of respondents favoured the retention of sporting / community use.

This is not accurate. The policy is simply stating a preference for uses it would like to see onsite and does not state that housing is not supported.
Paragraph 6 of the Framework states that the “The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.” In this context the Framework needs to be read as a whole, including considerations as to ‘ensuring viability and deliverability’, paragraph 174 states: “Pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. Plans should be deliverable.”

It is submitted that the buildings are surplus to requirements. The Viability Assessment submitted with the planning application confirms that the challenges and general decline in the speedway, stock car and greyhound sector has led to a substantial number of closures of stadia nationally, with financial difficulties in the face of falling attendances and revenues the primary driver cited. In order to share the operational costs, it is common that stock car race grounds are used for other sports including speedway and greyhound racing.

On the evidence base, there is no realistic prospect of the former uses operating a viable venue at this site. Furthermore, on the evidence submitted, there is no realistic propensity for an alternative recreational use. An effective use of this site should be settled in the wider public interest. In the absence of a beneficial use of the site, the site will be prone to dilapidation, deterioration and anti-social behaviour.

Modifications based following the publication of the Inspector’s Letter will provide explicit reference in the new Local Plan to ensure conformity to Paragraph 74 in order to make the Local Plan sound.
The supporting text for the policy suggests that the stadium provided local employment, the site is now vacant so no employment is provided on the site and any employment on the site is the past would have been minimal in numbers, part time and sporadic.

Interestingly the supporting text does suggest that some new housing may be acceptable on the site and states that “new housing must be of a scale that does not exceed the current built form”. This acknowledgment that new housing should be included in the main policy itself (in criteria e).

The Framework promotes a presumption in favour of sustainable development to ensure positive economic growth and promoting rather than stifling development. The proposed development represents sustainable housing development.

The site will be able to deliver much needed housing in an accessible location to facilities in Binley Woods and Brandon, including affordable provision (in an area of housing need) for the Borough in the near future in the context of the challenging housing target.

The provision of new market housing, and the provision of new affordable housing – for those people who have a housing need is a material consideration. These are real people whose voices are rarely heard within the planning process, whose lives are affected daily by the inadequacy of housing accommodation to meet their domestic needs.

The proposals on the site will make use of previously developed land. It will complement the existing residential community and

This is a consideration for the determination of the planning application which will examine whether the evidence submitted on viability is consistent with policies. In the NPPF and especially paragraph 74 which the Local Plan Inspector has asked to be reflected in a policy in the new Local Plan in order to make the Plan sound. The requirements of Paragraph 74 extend beyond the single consideration of whether the former use of the stadium is viable.

Policy H2 supports this stating that evidence should be provided to show the benefits of housing over the sporting use.
provide new public open space and will improve the quality of the surrounding environment.

The site is located within a sustainable location, close to a range of services and facilities in Binley Woods with good connections to public transport modes.

In conclusion, the policy breaches basic condition 8(2)(d) because for the same reasons such an approach would be frustrate the achievement of sustainable development.

| 02 | Mr J Cannon | CV8 3HW | H5 & E1 | I would like to make the following comments on the above draft document and in Particular in regard to Policy references H5 & E1:

Page 24 of the main document sets out the Vision statement for the parish of Brandon and Bretford and 6 “Strategic Objectives” that support the delivery of the stated vision.

It is the first two of these to which my comments relate and in particular how the document itself is contradictory in supporting these objectives and the Housing Needs Survey Conclusion in Appendix 6, policies H5 & E1 do not support the stated objectives.

Stated Objectives:
"Housing - To support new residential development in locations that meet the social needs of the Parish and surrounding village communities without compromising the character, nature and setting of the built and natural environment within which the new housing is to be located."
"Economy - To support new businesses to locate within the Parish in appropriate and sustainable locations, and the retention and acceptable expansion of existing businesses." In the context of Appendix 6 “Housing Needs Survey” conducted in October and November 2015 there is a clearly stated need for additional housing within the Parish of Brandon for 1 “Open Market” and 4 Affordable housing homes to be built within 5 years, i.e before the end of 2021 in order to prevent people who already have an association with the village from needing to leave the village to find suitable housing.

Page 25 section 6.1 clearly states that “Opportunities to develop new housing within the Parish are limited by the application of Green belt policies except within the inset boundary of the village of Brandon”

Page 25 section 6.3 clearly states that “Support will be given to expanding the housing stock in the village”

Given the statements in 6.1 and 6.3, the only opportunity to achieve 6.3 and to therefore deliver the two Strategic Objectives stated on Page 24 in support of the Parish Vision and meet the needs of the Housing Needs Survey is to support development within the “Inset Boundary” of the Village of Brandon.

Consequently and as the only land potentially available to achieve the objective are either “Use of Garden Land” or Land owned and utilised by existing businesses by change of use to residential development land.

The Neighbourhood Plan recognises that there are limited development opportunities to promote residential or economic development but this does not negate the strategic objectives from being worded to positively encourage residential and economic development where National and Development Plan policies allow. Whilst opportunities are limited by Green Belt policy and other policy considerations, Policy H3 specifically refers to support for rural exception sites that come forward in accord with the policy.
Policy H5 “Use of Garden Land within the inset boundary of Brandon Village” states:

"Development of garden Land will not be supported unless it can demonstrate that the proposals will:

a) Preserve or enhance the character of the area

b) Not introduce inappropriate form of development which is at odds with the established settlement pattern

c) Preserve the amenities of the host dwelling and neighbouring properties

d) Provide satisfactory arrangements for vehicular access and off road parking"

Given that all four of the above points are taken into account in considering an individual planning application and points a) & b) are intrinsic within the restrictions laid down in the “Conservation Area” of which the vast majority of the “Inset Area” falls, this renders policy H5 superfluous and it should be removed as neither appropriate or supportive of the Housing Needs Survey conclusions or the Neighbourhood plans own stated objectives for housing.

Policy E1 “Protecting and supporting existing businesses” states:

"Proposals for the change of use or the redevelopment of land or premises that are in employment use or which were last used for employment uses will not be supported unless it can be demonstrated that:

a) The site is no longer capable of meeting employment needs or where there is no reasonable prospect of the site being

Policy H5 is consistent with Paragraph 53 in the NPPF. The character of Brandon Village could be impaired if inappropriate development is allowed to come forward within established residential gardens and Policy H5 reflects this concern. If the criteria set out in Policy H5 are satisfied then appropriate development could come forward. The criteria set out in a-d all accord with the objective of Policy H5 and are specific to the development of garden land. Similar criteria will apply to other policies in the Plan, but this does not render Policy H5 as being superfluous.
used or re-used for employment uses.
b) The development of the site for a non-employment use will facilitate the relocation of an existing business onto a more suitable site.
c) The site is inappropriate for employment uses because of unacceptable environmental issues which will be removed if the site is redeveloped for a more sustainable use.

The limited expansion of existing commercial buildings within the Plan area will be supported providing there is no conflict with other policies in the Plan or with adopted development plan policies and policies within the NPPF.

Given that in - a) there are no timescales associated with determining being a "reasonable prospect of being re-used for employment uses" this should not be a subjective statement and needs to be objective and time bound to prevent land becoming stagnant and ultimately an eyesore affecting the village amenity.

b) there is no potential land available within the inset village of Brandon that could facilitate a relocation of a business, this statement should be removed

Therefore, I would comment that policy E1 is re-written to make statement a) more objective in assessing timescale and remove b) as not relevant.

Again if this Policy remains in it’s current format then it neither supports the Housing Needs Survey conclusions or the Neighbourhood plans own stated objectives for both “Housing” and “Economy”

The policy is consistent with paragraph 22 of the NPPF which doesn't refer to specific timescales but uses the term “avoiding long-term protection.” A future review of the NP could re-examine any employment sites which have become vacant and consider whether an alternative use should be considered.

b) does not refer specifically to the alternative provision having to be within the inset area of Brandon.
I hope that you will take my comments into consideration and agree to make the proposed amendments prior to seeking approval via referendum.

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<tr>
<th>03</th>
<th>Rebecca McClean</th>
<th>STWA</th>
<th>General Comments</th>
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<td><strong>Position Statement</strong></td>
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<td>As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.</td>
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<td><strong>Sewage Strategy</strong></td>
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<td>Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.</td>
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Noted
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<tr>
<th>Surface Water and Sewer Flooding</th>
<th>Noted</th>
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<td>We expect surface water to be managed in line with the Government’s Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer. We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers. To encourage developers to consider sustainable drainage, Severn Trent currently offer a 100% discount on the sewerage infrastructure charge if there is no surface water connection and a 75% discount if there is a surface water connection via a sustainable drainage system. More details can be found on our website <a href="https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/">https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/</a></td>
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<td>Water Quality</td>
<td>Noted</td>
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<td>Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that water quality of supplies are not impacted by our or others operations. The Environment Agency’s Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the</td>
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**Water Supply**
When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts. We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.

**Water Efficiency**
Part G of Building Regulations specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations. We recommend that in all cases you consider:
- Single flush siphon toilet cistern and those with a flush volume of 4 litres.
- Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute.
- Hand wash basin taps with low flow rates of 4 litres or less.
- Water butts for external use in properties with gardens.

To further encourage developers to act sustainably Severn Trent currently offer a 100% discount on the clean water infrastructure charge if properties are built so consumption per person is 110 litres per person per day or less. More details can be found on our website [https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/](https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/)

We would encourage you to impose the expectation on developers that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day.

<table>
<thead>
<tr>
<th>04</th>
<th>Jasbir Kaur</th>
<th>Warwickshire County Council</th>
<th>LLFA comments</th>
<th>As a general comment, this is a clear and coherent document and those involved in its development should be congratulated. I trust our few comments are seen in this context.</th>
<th>Noted.</th>
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<tr>
<td></td>
<td>Housing – Strategic Objective</td>
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<td>Policy H2</td>
<td>Building on Brownfield Land</td>
<td>You could add a point about the Lead Local Flood Authority requires the use of above ground SUDS designed in accordance with CIRIA 753 SUDS manual, providing attenuation to greenfield runoff rates (inclusive of developing on brownfield land), and include that 5 l/s is NOT the minimum possible discharge rate achievable, especially if there is already identified potential major development sites within the parish. In relation to this point, the requirements set out in the following documents should also be adhered to in all cases: • The National Planning Policy Framework • Paragraphs 030 - 032 of the Planning Practice Guidance (PPG) • Defra’s Non-statutory technical standards for sustainable drainage systems</td>
<td>Noted. Suitable wording will be added to Policy H2 to address the point raised.</td>
<td>Update text.</td>
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<td>Policy BNE 6</td>
<td>You could include an additional point that encourages new developments to open up any existing culverts on a site providing more open space/green infrastructure for greater amenity and biodiversity; and the creation of new culverts should be kept to a minimum.</td>
<td>Noted. Suitable wording will be added to Policy BNE 6 to address the point raised</td>
<td>Update text.</td>
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You could include that the area is at risk from surface water flooding, as well as river flooding; specifically that the parish council is in Flood Zones 2 and 3.

Noted. Suitable wording will be added to the strategic objective for infrastructure.

This is a well-developed policy, and includes all the main points and concerns that the LLFA would have looked to review.

Including the flood maps is really useful; maybe make the images slightly larger so they’re easier to view. The Environment Agency have recently updated their flood mapping online, so we would suggest that you revisit the website below to obtain more update, detailed maps of the parish.


The adoption and maintenance of all drainage features is a key consideration to ensure the long term operation and efficiency of SuDS. As part of the planning procedure the LLFA will expect to see a maintenance schedule, at detailed design stages. All SuDS features should be monitored and cleaned regularly as a matter of importance.

As mentioned before, greenfield runoff rates (inclusive of developing on brownfield land), and include that 5 l/s is NOT the minimum possible discharge rate achievable. In relation to this point, the requirements set out in the
The following documents should also be adhered to in all cases:
- The National Planning Policy Framework
- Paragraphs 030 - 032 of the Planning Practice Guidance (PPG)
- Defra’s Non-statutory technical standards for sustainable drainage systems

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<tr>
<th>05</th>
<th>Jasbir Kaur</th>
<th>Warwickshire County Council</th>
<th>General Comment</th>
<th>Highway Safety matters</th>
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<td>Any changes to the highway i.e. speed limits, traffic calming measures, will need to meet the relevant criteria and receive any required consultation. The Parish Councils will then need to seek additional funding.</td>
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<td>Warwickshire County Council is pleased that the Neighbourhood Plan has placed emphasis on ensuring safety for pedestrians, cyclists and horse riders. The County Council supports projects placing the needs of pedestrians and cyclists at the forefront.</td>
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<td>We would also recommend that projects such as car share schemes or car clubs be considered for further investigation in order to reduce car usage in the area covered by the Neighbourhood Plan.</td>
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<td>Our specific comments on specific polices are as follows:</td>
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<td><strong>Policy H5 Use of Garden Land within the inset Boundary of Brandon Village (d)</strong></td>
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<td>Noted</td>
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• We support new developments that will also look at the impacts such as providing new or improved sustainable travel, traffic calming measures or pedestrian improvements, the stipulations for allowing new developments as stated under this policy comes under the jurisdiction of Rugby Borough Council. Any improvements to accessibility which impact the public highway will be subject to County Council approval.

• The County Council along with many other parts of the country has sought to control the amount of parking provision within new developments in recent years. The generally low provision is to make sure that new developments are: sustainable and make best use of the land available; they do not encourage additional car trips; and trips that are to be made are done so through non-car based modes where possible.

• The County Council supports new developments providing adequate amounts of parking subject to the criteria set out in the Local Transport Plan (2011-2026) and the parking standards as set by Rugby Borough Council’s Appendix 5 Car Parking Standards.

• We expect the County Council will be consulted on major new developments these will be assessed on their own merits. This will include assessing any impact to existing road networks or introducing new or increasing existing public and community transport.
Policy E2 Fostering New Employment Opportunities (d)

- The County Council is a statutory consultee this would include commenting on any schemes which impact the existing road networks or introduce on-street parking.

Policy BNE 5 Replacement Dwellings (c)

- As stated above, parking standards are set by Rugby Borough Council.

Policy INF 1 Highway Safety

- Warwickshire supports this policy in principle and would comment on individual developments as and when they emerge.
- Any new developments are subject to planning approval by the local authority, in this case Rugby Borough Council and Warwickshire is a statutory consultee on the approval process. This would include commenting on any schemes which impact the existing road networks or introducing new or increasing existing public and community transport.
- Warwickshire requires developers to provide transport statements or assessments as set by planning policy and regulations according to the size of the development in question. The policy should make this position clear.
- Warwickshire supports the principle of new developments providing adequate amounts of parking subject to the parking standards as set by
<p>| 06 | Juliet &amp; Christopher Carter, Lyn Warner, Michael Raynes, Jenny Chapelle and Brandon Village Matters | INF 1; INF 2; INF 3 | Brandon Village Matters wish to respond to the public consultation on the Neighbourhood Development Plan. Policy references INF 1, INF 2 &amp; INF 3 apply. BVM endorses Appendix 5, on Section 10, Infrastructure and especially the remedial measures suggested for a 20 mph speed limit and traffic control measurements. | Noted |</p>
<table>
<thead>
<tr>
<th>Colin Lane.</th>
<th>Nic Thomas Oxalis Planning Rural Development Holdings Ltd</th>
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<td></td>
<td>The Oakdale Nursery site sits on the edge of Binley Woods, a little over 600m from the village of Brandon. Any development on the site in functional terms will form part of Binley Woods and have a better physical association than it does with the smaller settlement of Brandon. This is important to note as any development of the site will have functional and physical linkages with Binley Woods but will help to support local facilities of benefit to both villages. It would be helpful if the NDP recognised this.</td>
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<td>The NDP raises concerns throughout the document about traffic congestion and safety on the route between Brandon and Coventry (the A428). RDH is sensitive to these concerns and is working with the Borough Council (Local Planning Authority), the County Council (Local Highway Authority) and local community to seek to mitigate any impacts and improve safety, where possible, as part of any development proposals.</td>
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<td>RDH welcomes the provision of a specific policy relating to the redevelopment of the former Oakdale Garden Centre site. However, there are concerns that policy PDS2 does not take the opportunity to be positive about development. Policy DPS2 ought to grasp the benefits that development will bring, which are:</td>
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<td>The Neighbourhood Plan Area excludes the adjoining settlement of Binley Woods. Neither the Core Strategy nor the emerging Local Plan allocate The Oakdale Nursery site for development with the latter favouring an alternative site in Binley Woods for housing development as part of the emerging Local Plan strategy.</td>
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<td></td>
<td>Noted</td>
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<td>Policy PDS 2 supports the redevelopment of the site as a garden centre in accordance with the planning permission previously granted which is reflective of the positive benefits that this form of development would have brought to the local...</td>
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• Redevelopment will provide much needed accommodation for people who need to be cared for, such as the Borough’s increasing number of elderly residents
• The site is in a state of disrepair. A redevelopment will improve the appearance of the site and prevent further unauthorised occupation
• Development provides the opportunity to support shops and other facilities in the local area

• Redevelopment enables highway safety improvements to be carried out to the A428, where required, in the vicinity of the site
• Development will allow additional planting, biodiversity features, new footpath linkages and public access to be provided
• The development of the site for care uses will attract fewer car and HGV movements than a more intensive garden centre use
• Developing the site for care purposes will mean there is less need for visitor car parking and outdoor storage space that is typically needed for a garden centre use, which would have less impact on the openness of the Green Belt
• Redevelopment presents an opportunity to improve the social integration between local school children and residents living on the site, including the educational community. Other forms of redevelopment may be acceptable subject to being in accordance with the criteria set out in Policy PDS 2.

These are matters that are to be considered through the Development Management process and are not matters for the Neighbourhood Plan.
benefits associated with the site’s proximity to Brandon Wood
  • A sensitive redevelopment, concentrating development towards the west of the site, will help to preserve function of the Green Belt
  • The site lends itself to uses that are compatible with its quiet and peaceful location.

RDH supports the need to protect the openness of the Green Belt (criteria a). That protection is already in place within the National Planning Policy Framework and through policies in the Rugby Local Plan. It is therefore unnecessary for policy PDS2 to repeat those provisions.

The need to respect the sensitivity of the landscape is important (criteria b) and that must form part of any development proposals. However, there are a number of ways in which development can be sensitively designed and impacts can be mitigated. It is therefore recommended that the wording of criteria b be amended to require that development takes account of the Landscape Sensitivity Study and that any harm to the landscape should be mitigated.

The NDP includes two supporting paragraphs to policy PDS2. RDH would like to highlight the following concerns based around compliance with national planning policy and the need to take a positive approach to re-development:

The recognition of Green Belt policy within Policy PDS 2 is applicable as the Policy needs to accord with Green Belt policy within the NPPF and in the Development Plan.

The Landscape Sensitivity Study explains why development should not extend into areas deemed as having high sensitivity to development. It is a matter for individual planning applications to justify any incursions into such areas of high sensitivity to development.
Paragraph 12.19 suggests that Very Special Circumstances can only be demonstrated if the site is developed for a new garden centre broadly in line with the 2015 planning permission. This text does not align with paragraphs 87-89 of the NPPF which do not limit the ability to demonstrate Very Special Circumstances to any specific form of development. This requirement is too restrictive and could result in the site remaining derelict. It is a matter for developers to prove that there are Very Special Circumstances as part of any planning application, irrespective of the type of use being proposed. The Local Planning Authority will then make a judgement about whether these Circumstances exist. Providing specialist housing or other facilities for people with care or medical needs, for example, may contribute towards Very Special Circumstances.

Paragraph 12.20 suggests that the development of the site for uses other than as a garden centre would be unlikely to realise the package of benefits that would amount to Very Special Circumstances. RDH is concerned that this wording predetermines the benefits that could be brought by other uses. The wording of paragraph 12.20 could be more positive to support development that delivers appropriate community, environmental and highway benefits. It should be noted that the development of a garden centre at this location is not considered to be viable by the site owners.

The written explanation to Policy PDS2 sets out the justification for supporting the redevelopment of Oakdale Nursery site as a garden centre in accordance with the proposals and the benefits that were advanced with the planning permission granted in March 2015. National Green Belt policy as set out in paragraphs 87-88 deals with very special circumstances and it is for the development management process to consider whether or not very special circumstances exist to set aside the harm to the Green Belt from inappropriate development. Policy PDS2 identifies the form of development that was considered to amount to very special circumstances and it is for the development management process to determine whether other forms of redevelopment could also constitute very special circumstances.

The wording of Policy PDS2 and the supporting explanation will be amended accordingly.

Update text.
| 08 | Sharon Jenkins / Victoria Kirkham | Natural England | Dear Ms Clarke,  
Brandon & Bretford Neighbourhood Plan  

Thank you for your consultation on the above dated 24 March 2018.  

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 sincerely |
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Apologies for the delay in responding.

We concur that the plan is unlikely to have any adverse effects in relation to the criteria set out in Schedule 1 of the SEA Regulations. We also agree that there will be no adverse effects on any internationally designated sites.

Send all future ones SEA Screenings to myself and I will endeavour to respond in a more timely manner.

Regards,

Martin

BRANDON AND BRETFORD NEIGHBOURHOOD PLAN - REGULATION 14 CONSULTATION.

Historic England is supportive of both the content of the document and the vision and objectives set out in it. We are very pleased to note that the Plan evidence base is well informed by reference to the Warwickshire Historic Environment Record. The emphasis on the conservation of local distinctiveness through good design and the protection of heritage assets, archaeological remains and landscape character including green spaces and important views is to be applauded. The earlier production of the Village Design Statement is also noted.
commendable and will no doubt prove invaluable as a context and evidence base for the current Plan. Overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish. Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of community led planning. I hope you find this advice helpful.

11 Dr Philip Scullion and Mrs Jill Scullion Avondale Road

We have read the plan via online and paper version located at the Royal Oak and would like to make the following comments. The hard work of officials and local residents volunteering their engagement with this important initiative is very much appreciated. This is thorough and has captured our concerns and those of other residents. The strategic objectives and explanations are generally clear and inline with our desires. We are pleased to note housing and other developments will be considered within stated restrictions and the driving vision.

H2

There appears to be some scope for debate around large and damaging proposals regarding the stadium but we would support green belt preservation and maintaining sport and recreation amenities as its primary function.

Noted.
| INF 2 | Living in Avondale road and supporting cycling in particular the plan captures concerns about traffic issues, our house vibrates due to heavy traffic, and Policy INF4  
...the increasing flooding of our street is of serious concern. This must be considered in relation to any proposals, i.e. to prevent deterioration, but urgent action is needed to reduce the current problem. The A428 leading to Binley Woods from Brandon is often a wide stream of water. While it will soon enhance the wildlife of the area, I expect ducks and fish shortly, I would prefer measures to make into a well drained road. Cycling is particularly hazardous at such times. | Noted. |
| INF 1 | Parking in Avondale road is increasingly difficult. Recent changes to road markings has encouraged drivers to park across drives of 34 (our house) and 32. | Noted. |
| 12 Mr Tim Harvey-Smith  
Chairman – Wolston Parish Council | Can I just say that I found it very interesting to be able to read the Brandon and Bretford Neighbourhood Plan draft document. It kept my interest throughout and made me want to go all the way through it. Congratulations to all involved and best wishes for the rest of the process. | Noted. |