

Checkley Parish Draft Neighbourhood Plan Regulation 16 – SMDC response to Checkley Parish Council (CPC) Based on Regulation 16 Responses 02/03/23 – 13/04/23

SMDC responses are based around the ‘basic conditions’ for neighbourhood plans, NPPF policy etc.

Basic conditions for neighbourhood plans (Schedule 4B, paragraph 8 Town and Country Planning Act 1990):

- Have regard to national policies and advice, such as the National Planning Policy Framework
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies in the development plan for the area
- Be compatible with European obligations and human rights requirements

CPC conducted two separate Regulation 14 consultations (on 11th February–25th March 2022, then 3rd June–15th July 2022). A summary of responses can be viewed at:

<https://www.dropbox.com/s/rfviwhxhzy46vwn/Consultation%20Feb-Mar%202022%20Responses%20-%20Regulation%2014.pdf?dl=0>

<https://www.dropbox.com/s/x2o1i4s6f5fxsa9/Consultation%20Jun%20-%20Jul%202022%20Responses%20-%20Regulation%2014%20Part%202.pdf?dl=0>

Respondent	Date of representation	Issue resolved from previous consultation?	SMDC response to CPC
SCC Minerals Planning Policy: “Within the draft Neighbourhood Development Plan, references are made to the influence of quarrying within the parish and in particular, to historic and current quarrying of building stone at Hollington. Having regard to the first paragraph of page 11 of the draft Plan, it should be noted that the three remaining permitted quarries in Hollington are all subject to	13/04/23	Appears to be new objection not previously raised by SCC.	The basic conditions include the NP: -“ <i>..is in general conformity with the strategic policies contained in the development plan for the area of the authority</i> ” -“ <i>hav(e) regard to national policies and advice..</i> ” “ <i>contributes to the achievement of sustainable development</i> Para 212 of the NPPF states “

<p>restoration and aftercare requirements to ensure that the quarries are satisfactorily reinstated upon the cessation of stone extraction.</p> <p>Draft Policy HSG1 allocates two sites for residential development. The proposed allocated site at Tearne House, Quarry Bank, Hollington falls within a Mineral Safeguarding Area for Building Stone and includes Tearne Quarry which is subject to an extant mineral planning permission (our ref: SM.14/05/117 M).</p> <p>Permission for housing within the northern part of the quarry where the stone reserve is exhausted was granted in 2018 (your ref: SMD/2018/0045) but the southern part the quarry remains operational with permission to extract stone until February 2042.</p> <p>Paragraph 212 of the National Planning Policy Framework and policy 3 of the Minerals Local Plan for Staffordshire (2015-2030) aim to protect mineral resources from sterilisation by other forms of development.</p> <p>[Policies 3.2 and 3.3 of MLP quoted].</p> <p>Having regard to the proposed allocation at Tearne House, it will be necessary to</p>			<p>Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working. “</p> <p>As the Development Plan includes the MLP, the Checkley Parish Neighbourhood Plan (CPNP) must be deemed in general conformity with (strategic) policies therein. According to Chapter 7 MLP the Planning Policies in it underpin the Vision and Strategic Objectives. Therefore it is reasonable to interpret these policies (which include Policy 3) as ‘strategic’.</p> <p>The housing policies in CPNP HSG1 and HSG2 make no reference to the MLP or mineral safeguarding in general, and in the case of Tearne House under HSG1, there is no reference to the need to conduct minerals assessments as described under policy 3.2.</p> <p>Therefore SMDC object to the housing policies in CPNP as currently worded. CPC need to demonstrate that they have evidence of having conducted an assessment to demonstrate: a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.</p>
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<p>assess whether the proposal accords with Policy 3 of the Minerals Local Plan. It is recommended that an assessment is carried out in accordance with Policy 3.2.</p> <p>Conclusions</p> <p>Having regard to the policies, guidance and observations referred to above, it is reasonable to conclude that proposals for residential development at Tearne Quarry need to be assessed in accordance with the requirements of Policy 3 of the Mineral Local Plan.</p> <p>Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has a holding objection to the Checkley Neighbourhood Development Plan for the reason described above."</p>			
<p>SCC Corporate Assets:</p> <p>"..please find attached comments/objections to Green Space Allocations.</p> <p>LGS 2 (St Thomas' Catholic School Playing Field, Parklands Road): is within SCC Title - St. Thomas' Catholic Primary</p>	31/03/23	Appears to be new objection not previously raised by SCC.	<p>The basic conditions include the NP:</p> <p>-<i>"hav(e) regard to national policies and advice.."</i></p> <p>-<i>"contributes to the achievement of sustainable development</i></p> <p>Para 102 NPPF states: "The Local Green Space designation should only be used where the green space is:</p>

<p>School. St. Thomas' Catholic Primary School is an Education Asset held specifically for the use of the School/Educational purposes only. The land is also protected by S77 School Standards and Framework Act 1998 which controls its change of use and land disposal. SCC Object to this inclusion.</p> <p>LGS3 (Greatwood Primary School Playing Field, Vicarage Road;): is within SCC Title - Great Wood Primary School Great Wood Primary School is an Education Asset held specifically for the use of the School/Educational purposes only. The land is also protected by S77 which controls its change of use and land disposal. SCC Object to this inclusion.</p> <p>LGS14 (Hutchinson Memorial CoE School Playing Field, Uttoxeter Road): is within SCC Title – Hutchinson Memorial CE(A) First School Hutchinson Memorial CE(A) First School held specifically for the use of the School/Educational purposes only. The land is also protected by S77 which controls its change of use and land disposal. SCC Object to this inclusion.</p> <p>Sites with no impact: No Objections from SCC:</p>			<p>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife [etc]”.</p> <p>Para 103 states Policies for managing development within a Local Green Space should be consistent with those for Green Belts.</p> <p>As the three LGSs objected to above (LGS2, 3 & 14) appear to be intended for education use only, and in any event change of use and disposal to public recreation would be legally controlled (and because it is not known how long the schools in question are intended to continue in operation) it would appear illogical for CPNP to include LG2, LGS3 and LGS14 as proposed designations under Policy LGS1. Also, as protection for LGSs is equivalent to that of greenbelts, presumably this status would also introduce complications for the LEA, where for example additional school buildings/infrastructure are needed if this then requires planning permission from the LPA.</p> <p>Therefore SMDC object to the inclusion of sites LGS2, LGS3, and LGS14 under Policy LGS1.</p>
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<p>LGS1: Barnfield Road, Barnfield Road; LGS4: Well Meadow Gardens, Old Road; LGS5: Vicarage Road, Vicarage Road; LGS6: Vicarage Crescent, Vicarage Crescent; LGS7: Hollington Picnic Area, Main Road; LGS8: Broadmore Wood, Quarry Road; LGS9: Checkley Cricket Club, Uttoxeter Road; LGS10: Checkley Play Area, Uttoxeter Road; LGS11: The Tumulus, Heath House Lane; LGS12: The Old Burial Ground, New Road; LGS13: Ryecroft Close, Ryecroft Close;”</p>			
<p>The Coal Authority:</p> <p>“The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that there are no coal mining features present at surface or shallow depth within the Checkley Neighbourhood Plan area. On this basis I can confirm that the Planning team at the Coal Authority have no specific</p>	06/04/23	Repeated comments from Reg 14 consultation.	Comments noted. Council has no further comments.

comments to make on the Neighbourhood Plan document.”			
<p>National Highways:</p> <p>“National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.</p> <p>In respect of the consultation, National Highways have the following comments to make.</p> <p>ur principal interest is safeguarding the operation of the A50, which is located within the south section of the Plan area, with the closest junctions being the A50/A521 junction and A50/A522 junction. We suggest that the Plan makes reference to the A50 being managed by National Highways. Additionally, re-surfacing or screening of the A50 to reduce noise impacts is noted within the Plan. As the A50 forms part of the SRN, we suggest</p>	13/04/23	<p>CP website summarises the National Highways Regulation 14 response as <i>“National Highways has asked to be informed about applications. This is a local authority action, National Highway’s comments will be sent to the LPA”</i>.</p> <p>However the issue about referencing the A50 being managed by National Highways, is not referenced.</p>	<p>Comments noted.</p> <p>SMDC agree that CPNP Plan should be amended to make reference to the A50 being managed by National Highways.</p>

<p>that National Highways is consulted on any improvements to the network, including noise mitigation.</p> <p>We have no further comments to provide and trust the above is useful.”</p>			
<p>National Gas Transmission:</p> <p>“ About National Gas Transmission</p> <p>National Gas Transmission owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK’s four gas distribution networks where pressure is reduced for public use.</p> <p>Proposed sites crossed or in close proximity to National Gas Transmission assets</p> <p>An assessment has been carried out with respect to National Gas Transmission’s assets which include high-pressure gas pipelines and other infrastructure.</p> <p>National Gas Transmission has identified that it has no record of such assets within the Neighbourhood Plan area.</p>	11/04/23	Appears to be new correspondence (not previously raised at Regulation 14)	Comments noted. Council has no further comments.

<p>National Gas Transmission provides information in relation to its assets at the website below.</p> <ul style="list-style-type: none"> • https://www.nationalgas.com/land-and-assets/network-route-maps <p>Please also see attached information outlining guidance on development close to National Gas Transmission infrastructure.</p> <p>Distribution Networks Information regarding the gas distribution network is available by contacting: plantprotection@cadentgas.com</p> <p>Further Advice Please remember to consult National Gas Transmission on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets.”</p> <p>[Standard advice regarding NGT gas assets also attached].</p>			
<p>National Grid Electricity Transmission:</p> <p>“About National Grid Electricity Transmission National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network</p>	11/04/23	<p>Raises similar issues to letter responding to Regulation 5 area designation consultation on 13/01/16 (but not subsequently raised at</p>	<p>Comments noted.</p> <p>It is noted that the attached plan shows the Cellarhead-Drakelow1 overhead power line route running NW-SE (alongside the A50 in places) some distance south of the designated villages of Upper Tean, Lower Tean and Checkley in the CPNP.</p>

<p>operators, so it can reach homes and businesses.</p> <p>National Grid no longer owns or operates the high-pressure gas transmission system across the UK. This is the responsibility of National Gas Transmission, which is a separate entity and must be consulted independently.</p> <p>National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid's core regulated businesses. Please also consult with NGV separately from NGET.</p> <p>Proposed development sites crossed or in close proximity to National Grid assets:</p> <p>Following a review of the above document we have identified the following NGET assets as falling within the Neighbourhood area boundary:</p> <p>“ZE ROUTE TWR (002 - 137): 400Kv Overhead Transmission Line route: CELLARHEAD - DRAKELOW 1” [Plan is attached showing this asset].</p>		<p>Regulation 14 consultation).</p>	<p>Given the very limited implications this asset has for delivery of the proposals in the CPNP the Council therefore have no further comments to make.</p>
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<p>National Grid also provides information in relation to its assets at the website below.</p> <ul style="list-style-type: none"> • www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/ <p>Distribution Networks Information regarding the electricity distribution network is available at the website below: www.energynetworks.org.uk</p> <p>Further Advice Please remember to consult NGET on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets.</p> <p>NGET is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.</p> <p>[Standard advise attached regarding policy for existing overhead power lines, safety clearances etc in relation to new development, including NGET's '<i>Guidelines for Development near pylons and high voltage overhead power lines</i>' and</p>			
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'Guidelines when working near National Grid Electricity Transmission assets']".			
<p>Natural England:</p> <p>“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.</p> <p>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.</p> <p>Natural England does not have any specific comments on the Checkley Neighbourhood Plan.</p> <p>[Natural England refer to attached annex detailing issues to consider in neighbourhood plan preparation: nature designations, landscape character, agricultural land classification, wildlife habitats, priority and protected species, improving natural environment, LGSs etc]</p>	11/04/23	Makes similar points to letter responding to Regulation 5 area designation consultation on 22/01/16 (but not subsequently raised at Regulation 14 consultation).	<p>Comments noted.</p> <p>The Council notes that many of the issues referenced in the annex are either covered within the draft CPNP (eg LGS designations), or are already covered within the wider Development Plan.</p> <p>For example Local Plan Policy NE1 Biodiversity and Ecological Resources (covering nature designations, wildlife habitats, priority and protected species, improving the natural environment); Policy DC3 Landscape and Settlement Setting (landscape character); Policy SD1 Sustainable Use of Resources (agricultural land classification), etc. Therefore adding further policy as suggested by Natural England may not be appropriate, to avoid repetition.</p>

<p>Peak District National Park Authority:</p> <p>“Due to the distance from the national park boundary, the Peak District National Park does not have any comments. However, if there were any specific elements that you would like us to comment on please do let us know.”</p>	15/03/23	<p>Response to 2nd regulation 14 consultation:</p> <p>“I confirm that the Authority has no comments and wishes the group all the best with their Neighbourhood Plan”</p>	Comments noted. Council has no further comments.
<p>Historic England:</p> <p>“Our previous comments on the earlier regulation 14 consultation remain entirely relevant, that is:</p> <p><i>“Historic England is supportive of both the content of the document and the vision, aims and objectives set out in it.</i></p> <p><i>We particularly commend the thorough approach taken to identifying the distinctive local characteristics of the varying settlements of the Parish and the emphasis placed upon the conservation of their local distinctiveness through good building design that is sustainable. The protection afforded to locally significant buildings, farmsteads and landscape character including archaeological remains, green</i></p>	23/03/23	<p>Repeated comments from 1st Reg 14 consultation.</p> <p>[Note that Historic England also provided standard guidance in response to Regulation 5 area designation consultation on 02/02/16]</p>	Support noted. Council has no further comments.

<p><i>space and important views is equally to be applauded.</i></p> <p><i>The plan has an extremely sound evidence base that includes reference to the Green Infrastructure Strategic Network for Staffordshire Moorlands 2018, and it reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate but thorough approach to the historic environment of the Parish.</i></p> <p><i>Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of a community led plan”.</i></p>			
<p>Severn Trent:</p> <p>“Thank you for the opportunity to comment on your consultation, we do not currently have any specific comments to make on your plan. Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.</p> <p>Position Statement As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development.</p>	06/04/23	CP website refers to a Severn Trent response to 1 st Regulation 14 consultation, but the contents of this are not presented.	<p>Comments noted.</p> <p>The Council would be supportive of some of the additional policies suggested by Severn Trent being integrated into the CPNP.</p> <p>However note that Staffordshire Moorlands Local Plan 2020 Policies SD4 Pollution and Water Quality and SD5 Flood Risk already broadly cover the following issues: drainage hierarchy, SuDS, water resource protection (River Basin Management Plans, Groundwater Source Protection Zones). Therefore the Council would advise against repeating these policies within the CPNP. Also note that Policy C3 Green Infrastructure (and the Green Infrastructure Strategy) in its</p>

<p>It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments on the impacts of future developments and to provide advice regarding policy wording on other relevant areas such as water efficiency, Sustainable Drainage Systems (SuDS), biodiversity, and blue green infrastructure. Where more detail is provided on site allocations, we will provide specific comments on the suitability of the site with respect to the water and sewerage network. In the instances where there may be a concern over the capacity of the network, we may look to undertake modelling to better understand the potential risk. For most developments there is unlikely to be an issue connecting. However, where an issue is identified, we will look to discuss in further detail with the Local Planning Authority. Where there is sufficient confidence that a development will go ahead, we will look to complete any necessary improvements to provide additional capacity.”</p> <p>[Standard guidance provided concerning ‘Wastewater Strategy’ and ‘Water Supply’].</p> <p>[Severn Trent also suggest the following standard policies for implementation within CPNP, with supporting text provided:</p>			<p>references to enhancing/expanding green infrastructure, in many cases this will encompass blue-green infrastructure.</p>
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<p>“Drainage Hierarchy Policy <i>New developments shall demonstrate that all surface water discharges have been carried out in accordance with the principles laid out within the drainage hierarchy, whereby a discharge to the public sewerage system is avoided where possible.”</i></p> <p>“Sustainable Drainage Systems (SuDS) Policy <i>All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are included, unless proved to be inappropriate.</i></p> <p><i>All schemes with the inclusion of SuDS should demonstrate they have considered all four areas of good SuDS design: quantity, quality, amenity and biodiversity.</i></p> <p><i>Completed SuDS schemes should be accompanied by a maintenance schedule detailing maintenance boundaries, responsible parties and arrangements to ensure the SuDS are managed in perpetuity.”</i></p> <p>“Blue and Green Infrastructure Policy <i>Development should where possible create and enhance blue green corridors to</i></p>			
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<p><i>protect watercourses and their associated habitats from harm.”</i></p> <p>“Green Open Spaces Policy <i>Development of flood resilience schemes within local green spaces will be supported provided the schemes do not adversely impact the primary function of the green space.”</i></p> <p>“Protection of Water Resources Policy <i>New developments must demonstrate that they will not result in adverse impacts on the quality of waterbodies, groundwater and surface water, will not prevent waterbodies and groundwater from achieving a good status in the future and contribute positively to the environment and ecology. Where development has the potential to directly or indirectly pollute groundwater, a groundwater risk assessment will be needed to support a planning application.”</i></p> <p>“Water Efficiency Policy <i>New developments should demonstrate that they are water efficient, incorporating water efficiency and re-use measures and that the estimated consumption of wholesome water per dwelling is calculated in accordance with the methodology in the</i></p>			
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<p><i>water efficiency calculator, not exceeding 110 litres/person/day.”</i></p>			
<p>Network Rail:</p> <p>“Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).</p> <p>Network Rail is also a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail’s specific land interests will need to be carefully considered.</p> <p>Asset Protection Comments:</p>	<p>03/03/23</p>	<p>Appears to be new correspondence (not previously raised at Regulation 14)</p>	<p>Comments noted. Note that a section of the Blythe Bridge – Uttoxeter railway line passes through a rural section of Checkley Parish.</p> <p>The District Council is responsible for consulting over received planning applications, and would do so in accordance with the Development Management Procedure Order.</p> <p>The District Council is responsible for determining (in conjunction with the County Highways Authority and considering NPPF guidance) when a planning application should be accompanied by a transport statement or transport assessment. Usually only major-scale applications would fall within the threshold for (possibly) requiring either a TS or TA (and in some cases travel plans). The scope and extent of the required assessments would be agreed with the Highways Authority.</p> <p>The District Council is responsible for determining the level of financial contributions required for planning schemes, in consultation with statutory consultees including the County Highways Authority. Refer to strategic Local Plan Policy SS12 Planning Obligations and Community Infrastructure Levy. Also note that the District Council is also currently consulting on its draft Developer Contributions SPD https://www.staffs Moorlands.gov.uk/article/1166/Supplementary-planning-documents-and-design-guidance which will be used in conjunction with this policy.</p>

<p>Developments in the policy area should be notified to Network Rail to ensure that:</p> <p>(a) Access points / rights of way belonging to Network Rail are not impacted by developments within the area.</p> <p>(b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.</p> <ul style="list-style-type: none"> • Drainage works / water features • Encroachment of land or air-space • Excavation works • Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues • Lighting impacting upon train drivers' ability to perceive signals • Landscaping that could impact upon overhead lines or Network Rail boundary treatments • Any piling works • Any scaffolding works • Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949) 			<p>Therefore the District Council do not recommend any further amendments to the CPNP based on the Network Rail comments.</p>
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<ul style="list-style-type: none">• Any use of crane or plant• Any fencing works• Any demolition works• Any hard standing areas <p>For any proposal adjacent to the railway, Network Rail would request that a developer constructs (at their own expense) a suitable steel palisade trespass proof fence of at least 1.8m in height.</p> <p>Railway Station Consideration should be given in Transport Assessments to the potential for increased footfall at Railway Stations as a result of proposals for residential development / employment areas within the neighbourhood area. Location of the proposal, accessibility and density of the development, trip generation data should be considered in relation to the station. Where proposals are likely to increase footfall and the need for car parking, the council should include developer contributions (either via CIL, S106) to provide funding for enhancements as part of planning decisions.</p> <p>Level Crossings Developments within the neighbourhood area should be accompanied by a TS/TA which includes consideration of the impact</p>			
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of proposals upon any level crossings with mitigation implemented as required. We would encourage the Council to adopt specific policy wording to ensure that the impact of proposed new development (including cumulative impact) on the risk at existing level crossings is assessed by the developer(s), and suitable mitigation incorporated within the development proposals and funded by the developer(s). TS/TAs should be undertaken in conjunction with the local highways authority with advice from Network Rail. Contributions will be sought where proposals impact on level crossings to mitigate the impacts of those developments. Where level crossing closure is the only option, the applicant is advised that closure would be via s257 of the T&CPA, and that closure would be required before the occupation of any dwellings.

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