

**Berkswell Draft Neighbourhood Development Plan – Consultation Responses – 18<sup>th</sup> June to 31<sup>st</sup> July 2018**

**Table 1 Solihull MBC 050918 FINAL**

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Solihull Metropolitan Borough Council  1.1			All	Support	General Comments  1.1 Overall, the pre-submission draft Neighbourhood Development Plan (NDP) is well presented and clearly structured. The Vision, Objectives and Policies are clearly set out and the document reads well and is easy to navigate. The content is generally consistent with national and local planning policies and addresses topic areas appropriate to the Berkswell Parish	Noted.	No change.

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					area. The Council is generally supportive of and welcomes many of the aims and objectives of the policies, particularly those relating to design, village character and heritage and natural assets.		
1.2			<b>Vision and Objectives</b>		<b>Vision and Objectives</b> Reference to protection and enhancement of the structure and character of Arden Warwickshire Landscape characteristics could be added to Objective 4.	Accepted - but this would read better as a new objective.	<b>Amend NDP.</b>  Insert new Objective 3 and renumber others:  " To secure development which protects and enhances the structure and characteristics of the Arden Warwickshire Landscape."
1.3			B1 2d 2e 2h	Comment	<b>Housing</b>  1.3 Much of the content of the	Partially accepted.	Amend NDP.  Amend Policy B1 criterion 2b to:

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					<p>housing policies is welcomed as consistent with the local plan and providing more detailed guidance appropriate to a NDP. However, the preference for closes and culs de sac in Draft Policy B1 point 2d may discourage high quality urban design, connectivity and legibility, and the expectation that longer estate roads include grass verges in point 2e may inhibit more efficient use of land. The open space standard quoted in point 2h may be updated by the Open Spaces Assessment currently being prepared.</p>	<p>Revise 2b to include reference to closes and cul-de-sacs.</p> <p>Delete 2d and insert new wording.</p> <p>2e. - Grass verges are an important local feature and contribute to the green, suburban character of much of the built up area. The Parish Council considers therefore that the reference to incorporating grass verges and pavements on longer roads should be retained.</p> <p>2h - There will be a further opportunity to revise the NDP to include such information as the most up to date open space standard up to the Examination stage.</p>	<p><b>" Layouts should include small scale clusters of mixed scale dwellings (up to 20) in closes and cul-de-sacs to facilitate social cohesion and community security;"</b></p> <p>Amend Policy B1 criterion 2d to: <b>"Through routes should promote connectivity and legibility and be designed to avoid rat runs."</b></p> <p><b>Insert footnote to define legibility: " Legibility is the degree to which an area or neighbourhood can be understood or "read" by residents and visitors. Good legibility allows people to understand how an area is organised and to find their way around easily."</b></p>

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1.4			B1 Part 3	Comment	1.4 Draft Policy B1 part 3 could include conserving the heritage and ecological value of individual ancient trees and the use of characteristic native species.	Accepted.  Amend B1 3a to include wording as suggested.	Amend NDP.  Amend Policy B1 3a to:  <b>"Mature trees and hedgerows should be retained as significant natural environment features which contribute towards local landscape character and biodiversity. Schemes should conserve the heritage and ecological value of individual ancient trees, and use characteristic native species in new planting;"</b>
1.5			B1 Part 3b	Comment	Point 3b could refer to the retention of all areas of priority habitats (as defined by the NERC Act 2006 as amended), rather than the specific habitats mentioned.	Partially accepted.  Amend B1 3b NDP as suggested to refer to all areas of priority habitats but retain specific examples as these give meaning and explanation to the policy for local people.	Amend NDP.  Amend Policy B1 criterion 3b to:  <b>" All areas of priority habitats (as defined by the NERC Act 2006 as amended) should be retained and naturalised to support local wildlife and enhance biodiversity. Such habitats include existing water courses, field ponds and areas of wet marshy grasslands;"</b>

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1.6			B1 Part 3d	Comment	Point 3d could recognise that habitats other than hedgerows or trees could form buffer zones, and refer to hedgerows generally, rather than restricting to narrow hedgerows.	Accepted.  Amend wording of B1 3d as suggested.	Amend NDP.  Amend Policy B1 criterion 3d to:  <b>" Hedgerows, tree lines or other locally appropriate habitats should be provided within development sites as landscaped buffer zones to support a gentle, green transition between built-up areas and the open countryside. However such buffer zones should be limited in size and area to narrow corridors and any significant areas of public open space should be located between existing and new homes."</b>
1.7			B1 Part 4a	Comment	1.5 The restriction of building heights to not exceed two and a half stories in point 4a may make it more difficult to avoid homogenous development lacking	Partially accepted.  Amend wording of B1 4a.  The parish council's objective is to ensure that new houses next to	Amend NDP.  Amend Policy B1 criterion 4a to:  <b>" Generally buildings should not exceed 2 1/2 storeys, including rooms in the roof space. However to aid efficient</b>

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					<p>character, interest and focal points.</p> <p>The Council considers that building heights should be appropriate and effective in delivering high quality urban design, in the context of the development and its surroundings. Whilst the wording of points 2e and 4a has been adjusted from the First Draft, this has not fully addressed concerns.</p>	<p>existing houses do not exceed the height of the existing houses. 2 storeys would do that.</p> <p>The parish council is prepared to be more flexible about building heights elsewhere.</p> <p>Generally, buildings of 3 storeys would be acceptable provided they are not adjacent to existing properties and in exceptional circumstances 4 storeys would be accepted where such development would not adversely impact the low rise nature of Balsall Common e.g. next to the west cost main line as they have in Tile Hill.</p> <p>We do also not accept the premise that</p>	<p><b>land use some building heights could be varied and 3 storeys may be appropriate provided the buildings are not adjacent to, and do not overlook, existing 2 storey properties and their position and design enhances the development and such development would not have an adverse impact on or conflict with existing and surrounding properties and is appropriate to the position proposed;"</b></p>

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						varying heights is necessarily good design. So as the preamble should set out that building heights could be varied rather than should be varied.	
1.8			B1 Part 6	Comment	1.6 To provide greater emphasis and clarity, the second sentence of point 6 could be split into two, focussing firstly on provision of nest boxes in buildings for birds and bats, and secondly on provision of wildlife corridors and connectivity to the wider landscape in development layouts.	Accepted.  Amend wording of B1 6 as suggested.	Amend NDP.  Amend Policy B1 criterion 6 to:  <b>"Development should aim to protect and enhance local biodiversity in line with Policy B3.</b> <b>a. Where possible new buildings should incorporate wildlife friendly features such as bird boxes and swift bricks.</b> <b>b. Layouts should support open spaces for wildlife areas and corridors."</b>
1.9			B4	Comment	<b>Local Green Spaces</b>	Noted - retain Lavender Hall Lane site as Local	No change.

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					<p>1.7 Draft Policy B4 seeks to protect two green areas as Local Green Spaces. The inclusion of the Hornets Football Club ground off Lavender Hall Lane is appropriate given its importance to the community.</p> <p>However, the proposed designation of the Church of Blessed Robert Grissold recreation ground in Meeting House Lane is an issue, as the land is included within the indicative area of Draft Local Plan Housing Site 1, and it is understood that the Church is seeking its development for housing. The Pre-</p>	<p>Green Space (Local Green Space 2) in Submission NDP Policy B4.</p> <p>With regard to the Meeting House Lane (Local Green Space 1 in Policy B4) The Parish Council notes the objections from the landowner (the Catholic Church) - see Table 2 - and a number of residents - Table 3, and representations from developers in Table 4. Table 3 also includes a large number of supportive representations from local residents.</p> <p>A meeting was held with the landowners' representatives on 21st August 2018. Minutes were taken by the Parish Clerk, circulated,</p>	



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					<p>Submission Draft NDP has highlighted a high level of support for its designation through the First Draft NDP consultation, whilst acknowledging objections from the landowner and some residents. It is pointed out that public accessibility is not a criterion for designation of Local Green Spaces in the NPPF. The justification for the designation as a Local Green Space in the Pre-Submission Draft NDP has been strengthened, and details of the site's history and public use provided as part of the evidence base for the NDP.</p>	<p>amended and approved by the Church. At the meeting further information was provided by representatives of the PC about the next steps of the NDP and further opportunities to comment / make representations.</p> <p>The landowner also clarified that the parish had a regeneration agenda and any proceeds from the development of the land on Meeting House Lane could be used for social purposes, including making financial contributions to schools/education and deprived areas of Solihull.</p> <p>The Parish Council remains committed to</p>	

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						retaining the proposed area as a Local Green Space in the Submission Plan in response to the high level of support from respondents. The justification for the site in terms of the Local Green Space criteria as set out in the NPPF are provided in the supporting text of the NDP.	
1.10			B4	Comment	1.8 Whilst the recreation ground is shown within the area of proposed Site 1, the Draft Local Plan is at an early stage and carries relatively little weight at this stage. The Draft Local Plan also makes clear that the boundaries of the indicative site are not fixed and will be	Noted.  The identification of the site as a Local Green Space provides a degree of certainty for the emerging masterplan.  Site layout proposals could include the retention of the site as an open space; a Local Green Space would be considered as one of	No change.

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					<p>subject to further work on master planning to take account of constraints, accommodate different land uses including green infrastructure and identify clear and logical green belt boundaries. The master planning process provides an opportunity for a comprehensive settlement between all the landowners involved, including the Church, to ensure that any landowner whose land is identified for open space is not disadvantaged.</p> <p>Therefore, the retention of this recreation ground as</p>	<p>many constraints and opportunities which would impact on the form and layout of development on a site. Other policies in the NDP (eg B1) also support the incorporation of areas of open space between existing and new residential areas.</p> <p>Land ownership is not a planning matter.</p> <p>The area is highly valued by local residents and should be retained as a Local Green Space.</p>	

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					<p>a Local Green Space would not necessarily be inconsistent with the master planning of Site 1.</p> <p>However, inclusion of the land as a Local Green Space would be premature given the position on the master plan for Site 1, and should be considered through that master planning process, which will enable collaboration between landowners.</p>		
1.11			B8	Comment	1.9 The land was not identified as a playing pitch, whether current or disused, in the Playing Pitch Assessment 2017, although this may be due to lack of	Accepted.	No change.

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					<p>information to support its inclusion.</p> <p>However, it is recognised that the Parish Council is clearly keen to take forward the designation of this Local Green Space, and it may be that testing this through the NDP examination is the appropriate way forward.</p>		
1.12			B5	Comment / Support	<p><b>Berkswell Conservation Area</b></p> <p>1.10 Most of Draft Policy B5 relating to Berkswell Conservation Area is supported, and the Pre-Submission Draft NDP has incorporated feedback from the Council's</p>	Noted.	No change.

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					<p>Conservation Officer. One comment was made in respect of the First Draft NDP relating to extensions to existing properties, which would be supported providing the scale and form are subordinate to the existing building. The concern related to circumstances where extensions in line with existing ridge lines may best respect character. The wording of the Policy has been adjusted so that extensions should not exceed existing roof lines, whilst retaining the expectation that they would be</p>		

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					subordinate to the existing building.		
1.13			B8	Comment / Objection	<p><b>Accessibility and Infrastructure</b></p> <p>1.11 Much of the draft policies on accessibility and infrastructure is supported, as helpful guidance. Draft Policy B8 covers car parking and cycle storage, providing suitable criteria for assessing housing schemes.</p> <p>However, the penultimate sentence sets out minimum standards for off-street car parking for new housing schemes, at 2 parking spaces for 1-2 bed households, with an additional</p>	<p>Noted.</p> <p>The Parish Council accepts that the proposed provision of parking standards should be a matter to be determined through the Examination process and appreciates that recognition by SMBC that additional evidence has been provided to substantiate the justification in the NDP.</p> <p><b>See new evidence - report prepared by Steering Group.</b></p>	<p>Amend NDP.</p> <p>Insert additional supporting text to 10.13:</p> <p>The parish council considers that there are a number of issues which provide the "clear and compelling justification" at the present time for including local parking standards in new developments. A detailed report "An Examination and Consideration of Road/Pavement blocking by Parked Cars, 2018" has been prepared by members of the NDP Steering Committee and is provided on the evidence pages of the NDP website. In summary the justification includes:</p> <ol style="list-style-type: none"> <li><b>Evidence of current pavement parking and its detrimental impact on the disabled and the young in push chairs and some evidence of</b></li> </ol>

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					<p>parking space per bedroom thereafter.</p> <p>The wording acknowledges that this will not always be possible, but the standard may be excessive and work against the provision of higher densities. It potentially conflicts with the NPPF, which advises that local standards should only be imposed where there is clear and compelling justification that they are necessary to manage the local road network. Indeed the standard may be unnecessary given the criteria expressed earlier in the policy.</p>		<p><b>roads being difficult to negotiate for emergency vehicles.</b> In many cases, cars or vans are parked in a manner that blocks the use of the pavements by scooters used by the disabled, wheel chairs and those with prams, particularly double buggies. A disabled volunteer reported that when a pavement is blocked it is hard to get his scooter down the kerb onto the road to avoid the obstruction, and then impossible to get back onto the pavement afterwards up the kerb. Pushchair users do not generally experience physical difficulties moving up and down kerbs. However, it was reported by parents that they are sometimes</p>



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							<p>reluctant to push their child ahead of them into the road around a parked vehicle due to concerns about being concealed from traffic. That is particularly the case with high vehicles e.g. 4X4s or vans. Charging electric vehicles (EVs) require parking proximity to a power source. On street parking and remote communal parking are inadequate to meet this need. Running an electric lead across a pavement to a parked car to charge it is viewed as unacceptable by householders and current shared parking facilities on newer estates do not have remote charging points in Balsall Common.</p>

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							<p>2. <b>The legislative background from the Equality Act 2010</b> and the duty on public authorities to stop indirect discrimination and remove disadvantages for those with protected characteristics (in this case the disabled and the young). The Equality Act 2010 provides protection from direct and indirect discrimination for a range of “protected characteristics” including disability and age. These mirror and expand on the provisions of Article 14 of the Human Rights Act 1998. Indirect discrimination occurs where a practice, policy or rule which applies equally to everyone has a worse effect on some</p>

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							<p>people than others. It is clear that pavement parking has a disproportionate impact on those with visual and physical disabilities and those so young that they have travel in push chairs or prams. As such it is practice that indirectly discriminates on the basis of age and disability. A planning regime that fails to take account of the need for adequate and convenient parking for residents' cars that give rise to pavement parking is therefore indirectly discriminatory.</p> <p>Part 11 Chapter 1 of the Equality Act requires public authorities to act to eliminate discrimination and remove disadvantages of those with a "protected characteristic" under the Equality Act. As a matter of public policy local authorities</p>

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							<p>should therefore seek to plan public space in a way that removes the indirect discrimination. This requirement must be met by any council policies. In addition the revised NPPF 2018, paragraph 110b requires that <i>“applications for development should ... b) address the needs of people with disabilities and reduced mobility in relation to modes of transport.”</i></p> <p>The Office of National statistics predicts that the percentage of the population over 65 years of age will rise to almost 25% by 2045 from 18% in 2016. A study by RICA (Research Institute for Consumer Affairs) in 2014 showed there were 300 to 350 thousand mobility scooters in use with annual sales of 80,000 with those sales increasing by 5-10% per annum.</p> <p><b>3. The new data on car ownership per</b></p>

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							<p><b>household both in terms of the averages and the distribution<sup>1</sup>.</b> It is important to note that for England 34% of homes have 2 or more cars but for Berkswell it is 64.3%. For Berkswell this very significant difference in cars per household means that if new homes are provided with only 2 car parking places per house then for each 100 houses, 26.5 cars will have nowhere to park.</p> <p>4. <b>Parking on the road is inconsistent with charging of electric vehicles</b> and it is Government policy that no new cars will be powered by petrol/diesel in 2040 - a</p>

<sup>1</sup> Department for Transport Statistics National Travel Survey, Table NTS9902  
Household car ownership by region and Rural-Urban Classification: England, 2002/03 to 2016/17

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							<p>mere 7 years after the end of the plan period. 84% of residents saw this parking provision issue as a priority for a planning policy. This was the third highest priority for residents.</p> <p>5. <b>Berkswell has very limited employment opportunities locally and is poorly provided with effective public transport</b> with only a twice hourly train service to central Birmingham and central Coventry and poor/non-existent bus service to the major employment locations of Solihull, Warwick University/Canley, Kenilworth/Leamington Spa, the Jaguar plant at Honiley and the industrial/business parks in Coventry giving the much higher than the</p>

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							<p>Solihull average car usage rates quoted in the current draft of the NDP. In Berkswell 70% of residents make their daily journeys by car compared to 50% for the Borough (See Solihull Connected Transport Strategy).</p> <p>Amend Policy B8 to:</p> <p><b>Car Parking and Cycle Storage</b></p> <p><b>Developers of new housing schemes will be required to undertake an evaluation of the number of car or van parking spaces and cycle storage needed, taking account of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. Size of property;</b></li> <li><b>2. Proximity to local facilities and public transport provision;</b></li> </ol>

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							<ul style="list-style-type: none"> <li>3. The average number of cars per household currently in the parish;</li> <li>4. The location of employment and the likely travel to work method and the data from any Transport Statement/Assessment required by the NPPF;</li> <li>5. The width of roads that would permit effective on street parking without the need for residents to park on pavements or verges</li> <li>6. Suitable provision for visitors' car parking and space for delivery vehicles.</li> <li>7. Provision for communal parking which is close to residents' homes and "overlooked" for security purposes and in accordance with the</li> </ul>



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							<p>provisions of the Manual for Streets.</p> <p><b>8.</b> As far as is practical, As far as is practical, achieving secure by design in parking and layout to ensure the unimpeded and safe use of pavements and pavement ramps at junctions for those with disabilities both ambulatory and visual and those with young children in prams, buggies and pushchairs to meet the requirements of the Human Rights Act 1993 and Equality Act 2010</p> <p><b>9.</b> The need to ensure access for emergency vehicles even when cars are parked on the roads/streets and</p> <p><b>10.</b> Supporting the need for residents to charge their electric vehicles (recognising that the</p>

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							<p>sale of new cars with petrol/diesel engines may be banned early in the life of new housing built under this NDP).</p> <p>Where possible, off street car parking provision in new housing schemes should be provided at a minimum standard of 2 parking spaces per household for households of 1-2 bedrooms, and thereafter 1 additional car parking space per additional bedroom but such provision can be reduced where suitable and sufficient communal and on-street parking is provided as defined above.</p> <p>For the purposes of this policy, spaces within garages do not count towards the provision of car parking spaces but those in car ports without doors do count towards the provision of car parking spaces unless the developer can demonstrate that</p>

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							<p><b>the garage provision will actually be used for parking.</b></p> <p><b>All housing schemes should include high quality cycle parking and storage facilities.</b></p>
1.14			B8	Comment	<p>1.12 It is recognised that the Parish Council feels strongly about this issue, which is highlighted in the list of issues that the community wishes to be addressed in the NDP.</p> <p>It considers there is clear and compelling evidence for such a standard due to local issues and pressures relating to parking and traffic, which will be exacerbated by major development proposals in the</p>	As above.	As above.

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					<p>area, the high rates of vehicle ownership and use of vehicles for daily journeys in the area, and the low population density which means that public transport services are insufficiently high frequency.</p> <p>This additional justification has been included in the Pre-Submission Draft NDP to try and address the concern raised to the First Draft NDP. The Council recognises that on-street parking is an issue that needs considering, and recommends that further evidence illustrating the extent of the</p>		

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					<p>problem and the nature of the on-street parking is obtained to support the policy. Given that the wording of the policy allows flexibility to reduce the standard where compliance would not be possible, it may be that testing this policy during the examination is again an appropriate way forward.</p>		
1.15			Appendices	Comment	<p><b>Appendices</b></p> <p>1.13 There are few points to raise on the appendices, covering consultation, the Local Plan, affordable housing, traffic calming in Berkswell village, and local</p>	Noted.	No change.

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					<p>infrastructure, and which are mostly factual.</p> <p>The Parish Council should note that infrastructure spending will need to comply with the CIL Regulations 2010, as amended, and Planning Practice Guidance. The Council can assist the Parish Council in identifying local infrastructure needs in accordance with the emerging Infrastructure Delivery Plan for the Local Plan Review.</p>		
1.16			All	Support	<p><b>Conclusion</b></p> <p>1.14 In summary and notwithstanding the above points, it is to be welcomed that the Parish Council</p>	Noted.	No change.

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					<p>has taken on board many of the informal comments from officers throughout the process so far. It is clear that a significant amount of work has gone into drafting the plan and this is to be commended. The Council welcomes the progress made and work undertaken on the draft NDP and is grateful for the positive manner in which its feedback has been received. However, in order for the plan to meet the basic conditions, including the need to be in general conformity with the strategic policies of the development plan, the above</p>		

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					comments should be addressed.		
1.17			All	Comment	1.15 The Council's response to this formal pre-submission consultation is intended to further assist in the development of an effective and deliverable Neighbourhood Plan for Berkswell Parish. The Council looks forward to on-going dialogue with the Parish Council through to formal submission of the NDP.	Noted.	No change.