

DECISION STATEMENT (Regulation 18(2))

NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

1 Stapenhill Neighbourhood Development Plan

1.1 I confirm, that the Stapenhill Neighbourhood Development Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum. *The referendum will be held on 15th September 2016.*

1.2. I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed



Sal Khan
Head of Service

2. Background

2.1 On 4th October 2012, Stapenhill Parish Council requested that, in accordance with Regulation 5(1) of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”), their parish area be designated as a neighbourhood area, for which a Neighbourhood Development Plan will be prepared.

2.2 The Council confirms that for the purposes of section 5 (1) of the Regulations the Parish Council is the “relevant body” for their area.

2.3 In accordance with Regulation 6 of the Regulations, East Staffordshire Borough Council placed on their website these applications, including parish boundary maps, details of where representations could be sent, and by what date, for a six week period (10th October to 21st November 2012). In addition, it publicised the application by issuing a press release, although maps and individual letters did not appear with this. Similarly, the

relevant application, together with details of where representations could be sent, and by what date, were advertised within the appropriate parish via the Parish Council.

2.4 The Borough Council designated the Neighbourhood Area by way of Executive Decision of the appropriate Deputy Leader on 29th November 2012.

2.5 In accordance with Regulation 7, the decision to designate the Neighbourhood Area was advertised on the Council website together with the name, area covered and map of the area.

2.6 The Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 17th October and 28th November 2015, fulfilling all the obligations set out in Regulation 14.

2.7 The Parish Council submitted their Neighbourhood Development Plan to East Staffordshire Borough Council in March 2016 in accordance with Regulation 15.

2.8 The Borough Council publicised the submitted Neighbourhood Development Plan and its supporting documents for 6 weeks between 19th April and 3rd June 2016 in accordance with Regulation 16.

2.9 Dr Angus Kennedy was appointed to examine the Neighbourhood Development Plan, and the Examination took place in June 2016.

2.10 The Examiner concluded he was satisfied that the Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report (see table below).

2.11 Schedule 4B s.12 to the Town and Country Planning Act 1990 requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the making of the Neighbourhood Development Plan by the Borough Council. (If the local authority is not satisfied that the Neighbourhood Development Plan meets the Basic Conditions and legal requirements then it must refuse the proposal.) A referendum must take place and a majority of residents must vote in favour of the Neighbourhood Development Plan before it can be 'made'.

2.12 The Basic Conditions are:

1. Has regard to national policy and guidance from the Secretary of State
2. Contributes to sustainable development

3. Is in general conformity with the strategic policy of the development plan for the area or any part of that area
4. Does not breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC
5. The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species regulations 2010(d) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 9(e) (either alone or in combination with other plans or projects).

3. Examiner's Recommendations and Local Authority's Response (Regulation 18(1))

Examiner's Recommendation	Section in Neighbourhood Development Plan Examination Document	Decision and reason	Additional/new text if applicable
<i>On page 1 line 4 needs to read "Should the Plan be approved at Referendum it will have a legal status...."</i>	Page 4, paragraph 1.1	Agreed, for clarity	Amendment is actually on page 4 (para 1.1), line 4.
<i>In paragraph 2.7 replace "to contribute the" with "and contributes towards".</i>	Page 6, paragraph 2.7	Agreed, to correct error	
<i>In 2.8 replace "The Local Planning Authority are responsible for implementing" with "The Local Planning Authority will consider development proposals against the Neighbourhood Plan policies and their Local Plan".</i>	Page 6, paragraph 2.8	Agreed, for clarity	
<i>The Plan on Page 9 showing the Parish boundary is very poor quality and should be replaced.</i>	Page 9	Agreed, for clarity	
<i>The vision for the Neighbourhood Plan is broadly in line with the Borough vision but is not currently contained in the main Plan document. It is provided in paragraph 2.7 of the Consultation Report. The Plan vision is that: "Stapenhill Parish should aim to be an inclusive and thriving community which supports and encourages local business whilst celebrating its cultural and strong</i>	Section 4, page 14	Agreed, for completeness	

<p>heritage. All members of the community should be provided for in the best way possible with facilities and assets being created for the youth and elderly generation within the Parish. The needs of the community should be listened to and new development should be sensitive to its surroundings as well as helping to alleviate issues of traffic within the area.”</p> <p>In order to demonstrate that the Plan is in general conformity with the strategic priorities of the Borough I recommend that Section 4 of the Plan should be re-titled “Vision, Objectives and Approach” and the above text included.</p>			
<p>The Neighbourhood Plan Proposals Map at Appendix 1 still shows the proposal for Saxon Street. The Plan needs to be amended to exclude this proposal.</p>	<p>Appendix 1, page 43</p>	<p>Agreed, to correct error</p>	
<p>The words “Submission Draft” should now be deleted from the front cover of the Plan document.</p>	<p>Front page</p>	<p>Agreed, to update the plan</p>	
<p>The Plan document outlines that the policies are in two parts with the Policy followed by an explanatory</p>	<p>Various</p>	<p>Agreed, for clarity</p>	<p>Suggestions have been broadly followed to re-order policies. Each policy now starts on a new page with explanatory text afterwards.</p>

<p>section. <i>The format however is an introduction and reasoning followed by the Policy, often on a different page. The clarity for the reader would be considerably improved if the layout was changed so that the policy reasoning text is first with the Policy and reasoning presented on the same page. This can be readily achieved by moving the photo on Page 23 to replace the text on Page 22 (and the word “Cartpet” replaced with “Carpet” in the title.) The text from 7.4 to 7.6 should appear on Page 23, the same page as the Policy. Similarly PolicySH4 should be moved to the bottom of page 25 and PolicySC3 to the bottom of page 35, SC4 to the bottom of page 36.</i></p>			
<p><i>I recommend that the first line of the recommendation should read: “New residential development will be <u>particularly supported</u> if, where appropriate, it is focussed on the delivery of smaller residential dwellings...”</i></p>	<p>Policy SH1, housing for all</p>	<p>Agreed, to reflect community views</p>	
<p><i>It is clear from the text that the Plan seeks to support the work of social housing providers. I recommend therefore that Principle B on Page 16 is also included</i></p>	<p>Policy SH1</p>	<p>Agreed, to reflect community views</p>	<p>Added principle B, reworded as: “Where possible, applications which support the ongoing activities of Trent and Dove and other social housing providers will be supported and encouraged, and applicants should consider opportunities to do so at an early stage of</p>

<i>in the text of Policy SH1.</i>			preparing their planning applications.”
<i>I recommend that in the final sentence of 7.7 “do” is replaced with “does”</i>	Policy SH2	Agreed, to correct error	
<i>The Plan recognises the significance of scale and density in relation of adjacent properties in Principle C of the approach to development. I recommend that this is also included in the text of Policy SH3. During the consultation garden and amenity space was identified as a key issue for the community and a figure of 25sq/m of garden space per bedroom is suggested for family housing though smaller gardens would be needed for older people. I recommend that this is included in the text of the policy.</i>	Policy SH3	Agreed, to reflect community view	Principle C added to policy. New sentence one of paragraph two reads: “Planning applications (excepting householder applications) should demonstrate how the proposed design responds to the characteristics of the site context, in terms of scale, mass and density, including with respect to neighbouring buildings.” New paragraph of policy to read: “New family homes should be provided with private gardens measuring no less than 25sq/m per bedroom. Smaller gardens may be appropriate for housing intended for older people.”
<i>In paragraph 7.11 replace “three” with “two” larger sites since as discussed elsewhere the proposal for the Saxon Street allotment site has been withdrawn. This site should also be taken off the Proposals Map at Appendix 1.</i>	Policy SH4	Agreed, to correct error	
<i>In the background to the Parish in paragraph 3.4 it</i>	ST1	Agreed, to reflect community use	Amended last sentence in para 3.4 to end: “...including 10% travelling to work by bicycling or walking.”

<i>notes “a high proportion using the bicycle for their daily commute”. According to the latest Ward profile the figure is 3.3% with a further 7% travelling on foot. I recommend therefore that paragraph 3.4 should be changed to state 10% travelled by bicycle or foot to work”</i>			
<i>In paragraph 8.4 insert the missing word “will” in line two.</i>	Paragraph 8.4	Agreed, to correct an error	
<i>The final sentence of the first paragraph of the Policy should be deleted since it would not be possible to achieve on every site.</i>	Policy ST2	Agreed, to meet the basic conditions	
<i>I recommend, therefore, deletion of the word “thorough” from paragraph two of the Policy.</i>	Policy ST2	Agreed, as ‘thorough’ not defined	
<i>To avoid confusion I recommend that this Policy be renamed Local Heritage Assets.</i>	Policy SC2	Agreed, to meet the basic conditions	Also, in para 9.3 in previous section, removed ‘local’ from “understanding these local heritage assets” to avoid possible confusing resulting from nationally-designated assets and local heritage assets.”
<i>I recommend that at the end of the first sentence in paragraph two of the policy after “or any subsequent document” the words “and make a positive impact on the street scene” are added.</i>	Policy SC3	Agreed, to meet the basic conditions	New second paragraph, first sentence to read: “Where relevant, applications for retail and commercial premises will be required to demonstrate how their shopfronts, signs and fascias (including careful consideration of material and colours) meet the guidance set out in the East Staffordshire Design Guide (Appendix 2) or any subsequent document and make a positive impact on the street scene.”

<i>In paragraph two I recommend replacing “larger” with the more familiar planning term “major” applications.</i>	Policy SL1	Agreed, for clarification	
<i>I recommend that “larger” is replaced by “major” in Paragraph 3 of the policy.</i>	Policy SL2	Agreed, for clarification	

3.2 The Council concurs with the view of the Examiner that:

- subject to the modifications above, the Neighbourhood Development Plan meets the Basic Conditions set out in para. 2.11 above; and that
- the referendum area should be coterminous with the neighbourhood area.

4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))

This Decision Statement and the Examiners Report can be inspected online at:

<http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans/stapenhill>