

## **FINAL DECISION STATEMENT (Regulation 18(2))**

### **NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM**

#### **1 Stretton Neighbourhood Development Plan**

1.1 I confirm, that the Stretton 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 28<sup>th</sup> January 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  
Dated 14<sup>th</sup> December 2015

#### **2. Background**

2.1 On 1<sup>st</sup> May 2012, Stretton Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”), their parish area be designated as a neighbourhood area, for which a Neighbourhood 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 section 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 (10<sup>th</sup> October

to 21<sup>st</sup> 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 Councils.

2.4 The Borough Council designated the Parish Council by way of Executive Decision of the appropriate Deputy Leader on 29<sup>th</sup> November 2012.

2.5 In accordance with Regulation 7, the decision to designate the Parish Council 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 Plan between 14<sup>th</sup> April and 23<sup>rd</sup> May 2014, fulfilling all the obligations set out in Regulation 14.

2.7 The Parish Council submitted their Neighbourhood Plan to East Staffordshire Borough Council on 26<sup>th</sup> November 2014 in accordance with Regulation 15.

2.8 The Borough Council publicised the submitted Plan and its supporting documents for 6 weeks between 8<sup>th</sup> December 2014 and 26<sup>th</sup> January 2015 in accordance with Regulation 16.

2.9 Alyson Linnegar was appointed to examine the Plan, and the Examination took place in February and March 2015.

2.10 The Examiner concluded she 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 her report.

2.11 The Council considered each of the recommendations made by the examiner in accordance with Schedule 4B s12 of the Town and Country Planning Act 1990. On a small number of modifications Council took the decision to go against the examiners recommendation, as the council had a different opinion to that of the examiner. An interim decision statement was approved by cabinet on 17<sup>th</sup> August 2015. Following this interim decision statement and in accordance with s13 of schedule 4B to the Town and Country Planning Act 1990 the Council notified the prescribed persons of the proposed decision and invited representations for a period of 6 weeks (19<sup>th</sup> August to 30<sup>th</sup> September). The council then referred the plan to independent examination, this time to Dr Angus Kennedy as the original examiner was unavailable.

2.12 As with the previous examination the new examiner considered the Stretton Neighbourhood Plan policies against the Basic Conditions. On this occasion the examiner concluded that the Plan met the basic conditions as defined in the Localism act 2011,

Schedule 10 and Schedule 4B, 8(2) of the Town and Country Planning Act 1990. In accordance with the Town and Country Planning Act 1990, schedule 10 (2) (b) the examiner recommended that modifications should be made to the plan as specified in the report and that the draft Neighbourhood Plan for Stretton is submitted for a Referendum.

2.13 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	New text if applicable in <i>italics</i>
Since the Stretton Neighbourhood Plan was produced before the Local Plan was adopted it has made reference throughout to the relevance of the saved policies from the previous Local Plan. These will now need to be amended. In the Introduction and Background Section the last sentence of para 1.8 should include the phrase "subject to confirmation from an Independent Examiner that the Plan meets the Basic conditions".	Para 1.8, page 7	Agreed, to update the plan	Para 1.8 last sentence delete ' <i>Following this process</i> ' and start the sentence " <b><i>Subject to confirmation from an Independent Examiner that the Plan meets the Basic Conditions the Plan will be subject to a Referendum...</i></b> "
I recommend that paragraph 2.5 is deleted and the original section 2.6 should be numbered 2.5 and title East Staffordshire Local Plan 2012-2031.	Para 2.5 - delete	Agreed, to update the plan	New para 2.5 title: <b><i>East Staffordshire Local Plan 2012-2031</i></b>
Para 2.6.1 delete last sentence and replace with "The Local Plan was adopted in October 2015".	New para 2.5.1	Agreed, to update the plan	New final sentence of 2.5.1 to read: <b><i>The Local Plan was adopted in by the Council on 15<sup>th</sup> October 2015.</i></b>
This section refers to Appendix III which provided a useful explanation of the policies from the emerging Local Plan. This will need to be amended to reflect the relevant policies in the adopted plan.	Appendix III, pages 45-49	Agreed, to update the plan	Amend appendix III as necessary to reflect final versions of policies in adopted Local Plan.
In order to meet the basis conditions the Neighbourhood Plan will need to include a section outlining proposals for Monitoring the policies in the plan. This should outline that the NP will be monitored and reviewed in accordance with the Local Plan review process.	Section 7, page 41	Agreed, to update the plan and meet the basic conditions	After policies new section: <i>Section 7: Monitoring and Review</i> . New paras 7.1-7.4
The principal additional work to enable the Plan to meet the conformity with Strategic Policy Basic condition will be the need to delete references to the saved policies and replace	Pages 25, 30, 36, 38 and 40	Agreed, to update the plan and meet the basic	Tables after Policy S6, S8, S11, S12 and S14

them with the appropriate adopted Local Plan reference.		conditions	
This map is confusing and does not describe the situation on the ground. I recommend the deletion of Map 3. This should be replaced with a map showing areas of countryside in green and the adopted Local Plan Green Gap between Stretton and Rolleston. This map should also include the housing developments that are either on site or approved at Pirelli, Guinevere Road and St. Mary's Drive.	Map 3, page 60	Agreed, to update the plan and meet the basic conditions	Re-do map 3.
The last sentence of 6.1.3 should read "Further inappropriate development on green fields..."	Para 6.1.3 last sentence	Agreed, to meet the basic conditions	Last sentence of 6.1.3 to now read <b><i>"Further inappropriate development on green fields and open spaces will be strongly resisted in the Neighbourhood Plan."</i></b>
The final sentence of 6.1.4 should be amended to read "The emphasis in the Neighbourhood Plan therefore will be on protecting the settlement boundary while encouraging small scale, infill development on vacant or underused sites within the built up area."	Para 6.1.4 last sentence	Agreed, to make the explanatory text more positive and therefore meet the basic conditions	Delete last sentence and replace with: <b><i>"The emphasis in the Neighbourhood Plan therefore will be on protecting the settlement boundary while encouraging small scale, infill development on vacant or underused sites within the built up area."</i></b>
The Map (5) needs a key	Policy S4 associated to Map 5, page 62	Agreed, to make the map and therefore the policy clearer	Key added to Map 5.
I recommend that specific problems are highlighted in the text. The Council's Conservation Officer has suggested that the Parish Council should include in this policy a proposal to consolidate the signage to reduce clutter. I consider that it would be beneficial to include a statement to that effect.	Para 6.1.29 and Policy S5	Agreed, to highlight specific problems and include officer suggestion – therefore making the policy clearer	Add new sentence to para 6.1.29 after first sentence: <b><i>"In Stretton the areas around Princess Way and Derby Road are particularly problematic, with signage cluttering the streetscape."</i></b> Policy S5 add new sentence at the end of the policy: <b><i>"Where feasible proposals to consolidate signage to reduce street clutter will be supported."</i></b>
I recommend that to improve clarity the Neighbourhood Plan Boundary is added to maps 6 and 7.	Maps 6 and 7, pages 63 and 64	Agreed, for clarity	Maps 6 and 7 to be amended to include Stretton Parish boundary.
The Council's conservation officer has suggested a minor change to the third paragraph of the proposal which the Parish council may wish to include. The paragraph would be amended to read "...such proposals will only be permitted should significant/substantial public benefit	Policy S8	Agreed to make this suggested officer recommendation	New third sentence of Policy S8 to read: <b><i>"Where a proposal would result in the loss of, or substantial harm to a locally listed heritage asset, such proposals will only be permitted should substantial public benefit resulting from the proposal be demonstrated which would outweigh the loss or harm to the asset and its setting."</i></b>

resulting from the proposal be demonstrated which would outweigh the loss or harm..."			
I recommend that Table 2 is renamed "protected Community Facilities (as defined in Table 2)".	Table 2 and policy S9	Agreed, in the most part but plan amended slightly differently for clarity.	For clarity, table 2 is renamed " <b>Protected Community facilities</b> " and the first sentence of Policy S9 has <b>(as defined in table 2)</b> in brackets".
Policy S10 li recommend that a paragraph be included that outlines the reasons for supporting the proposal	Policy S10 explanatory text	Agreed, for clarity	Add new explanatory paragraph 6.5.4 and re-number subsequent ones accordingly. New paragraph: " <b>The Parish Council and wider community value the wide variety of local employers in the parish and recognise that social enterprises and cooperatives play a valuable part in the employment opportunities for local people. The use of brownfield sites in the Parish will be encouraged where viable.</b> "
I recommend that the Map 11 references are amended to be sequential i.e. 1 to 21.	Appendix VI and map 11, page 68	Agreed, for completeness	Re-number Outdoors sports, recreation facilities and open space in map 11 and in appendix VI so they are sequential.

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. 2.13 above and should proceed to Referendum (planned for 28<sup>th</sup> January 2016); 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/stretton>

and in paper form at:

Customer Service Centre, Burton, during normal opening hours –see link below:

<http://www.eaststaffsbc.gov.uk/Services/Pages/CustomerServiceCentres.aspx>

Or by application to the Parish Clerk, Mrs Amanda Smith on 01283 537939 or email

[strettonpc@btinternet.com](mailto:strettonpc@btinternet.com)