

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

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

#### **1 Uttoxeter Neighbourhood Development Plan**

1.1 I confirm, that the Uttoxeter 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 2<sup>nd</sup> February 2017.

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 15<sup>th</sup> June 2012, Uttoxeter Town 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 Town 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 (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 Council.

2.4 The Borough Council designated the Neighbourhood Area 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 Neighbourhood Area was advertised on the Council website together with the name, area covered and map of the area.

2.6 The Town Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 15<sup>th</sup> February and 28<sup>th</sup> March 2016, fulfilling all the obligations set out in Regulation 14.

2.7 The Town Council submitted their Neighbourhood Development Plan to East Staffordshire Borough Council in August 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 12<sup>th</sup> August and 26<sup>th</sup> August 2016 in accordance with Regulation 16.

2.9 Mr Andrew Ashcroft was appointed to examine the Neighbourhood Development Plan, and the Examination took place in October 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	ESBC comments	Additional/new text if applicable
<b>Modify policy title to read 'Shopping Frontages'</b>	Policy TC1, page 35	Agreed, for clarity	
<b>Replace 'shown' with 'demonstrated' and 'identity' with 'vitality'</b>	Policy TC1, page 35	Agreed, for clarity	
<b>First paragraph – replace 'not detract from' with 'respect' and 'help with' with 'contribute as appropriate to'</b>	Policy TC2, page 36	Agreed, for clarity	
<b>2.1.6 – replace with 'Development should demonstrate high overall planning and design standards'</b>	Policy TC2, page 36	Agreed, for clarity	
<b>2.2.1 – include 'its' between 'respect' and 'frontage'.</b>	Policy TC2, page 36	Agreed, for clarity	
<b>2.2.4 – replace with identical modifications to 2.1.6 (as set out above).</b>	Policy TC2, page 36	Agreed, for clarity	
<b>Replace 'smaller developments' with 'other developments'.</b>	Policy TC3, page 37	Agreed, for clarity	
<b>Replace 'from smaller scale retailers' with 'for small scale retail units'.</b>	Policy TC3, page 37	Agreed, for clarity	
<b>In the second paragraph place the second sentence before the first sentence and change the first sentence in the submitted plan to read – 'Proposals that fail to deliver high quality design will not be supported'</b>	Policy TC3, page 37	Agreed, for clarity	

<b>In the second paragraph replace ‘Smaller schemes’ with ‘Proposals for up to 10 dwellings’.</b>	Policy TC4, page 37	Agreed, for clarity	
<b>In the third paragraph insert ‘dwellings’ after ‘10’.</b>	Policy TC4, page 37	Agreed, for clarity	
<i>Define blue and green infrastructure in the Glossary to the Plan</i>	Glossary, page 72 onwards	Agreed, for clarity	Page 73, new Glossary term: Green and Blue Infrastructure: A network of fields, parks, allotments, open spaces and street vegetation which collectively forms a network of green (living) within a town and landscape. Good green infrastructure networks have a mixture of different types of habitat and are well linked by corridors of trees, hedgerows and other linear landscape features. Blue infrastructure refers to similar assets of waterbodies and channels.
<b>Modify final sentence to read: ‘In appropriate circumstances planning conditions may be placed on planning applications to ensure that any design codes and planning briefs are respected as part of the development concerned’</b>	Policy D1, page 39	Agreed, for clarity	
<b>Replace the third criterion with the following: ‘The proposal will have no significant detrimental impact on residential amenities in the immediate locality’.</b>	Policy D2, page 40	Agreed, for clarity	
<b>Delete second sentence of the first paragraph of the policy</b>	Policy D4, page 42	Agreed, for clarity	
<b>Delete second sentence of the final paragraph of the policy</b>	Policy D4, page 42	Agreed, for clarity	
<b>In the second paragraph delete ‘seek to’ and replace ‘are likely to’ with ‘will’</b>	Policy D4, page 42	Agreed, for clarity	

<b>In the third paragraph replace ‘be refused’ with ‘not be supported’.</b>	Policy D4, page 42	Agreed, for clarity	
<b>In the fourth paragraph replace ‘must’ with should’ and ‘are protecting and enhancing’ with ‘propose to protect and enhance’.</b>	Policy D4, page 42	Agreed, for clarity	
<i>Add the deleted second sentence of the final paragraph of the policy to the end of the supporting text (6.16) as a separate sentence and with the inclusion of ‘In addition’ at its start.</i>	Paragraph 6.16, page 42	Agreed, for clarity	
<b>In the first paragraph of the policy insert ‘insofar as planning permission is required’ after ‘employment uses’. Replace ‘Residential use’ with ‘The partial use of land in employment use for residential purposes’.</b>	Policy B1, page 45	Agreed, for clarity	
<b>In the second part of the policy after ‘supported’ insert ‘subject to’ and replace ‘subject to’ with ‘and’. In the final sentence replace ‘be strongly resisted’ with ‘not be supported’.</b>	Policy B1, page 45	Agreed, for clarity	
<b>In the first paragraph break the sentence into two sentences as follows: ‘... will be supported. Support will also be given to the development of flexible units.... businesses’.</b>	Policy B2, page 46	Agreed, for clarity	
<b>In the third paragraph replace ‘Schemes’ with ‘Planning applications’</b>	Policy B2, page 46	Agreed, for clarity	
<b>Replace ‘are to’ with ‘will’</b>	Policy B3, page 47	Agreed, for clarity	
<b>Delete ‘endeavour to improve’</b>	Policy T1, page 49	Agreed, for clarity	
<b>Replace ‘will be expected’ with ‘should’</b>	Policy T2, page 49	Agreed, for clarity	

<b>Add 'will be supported' to the end of the final paragraph of the policy.</b>	Policy T2, page 49	Agreed, for clarity	
<b>Replace 'avoid.... problems' with 'provide the necessary car parking to the Borough Council's standards in operation at that time' Delete 'normally' in the second paragraph of the policy</b>	Policy T3, page 50	Agreed, for clarity	
<b>Replace 'strategic' with 'major'.</b>	Policy T4, page 51	Agreed, for clarity	
<b>Delete 'in any location in Uttoxeter'</b>	Policy T4, page 51	Agreed, for clarity	
<b>Insert full stop after 'town centre'.</b>	Policy T4, page 51	Agreed, for clarity	
<b>Start the second sentence as follows: Where appropriate major planning applications should be designed to reduce and.... safety impacts'.</b>	Policy T4, page 51	Agreed, for clarity	
<b>Change policy title to 'Railway Station'</b>	Policy T5, page 52	Agreed, for clarity	
<b>Replace the first sentence of the policy with the following: 'Proposals for enhancements to Uttoxeter railway station will be supported'. In the second sentence of the policy replace 'incorporate' with 'respect and safeguard'.</b>	Policy T5, page 52	Agreed, for clarity	
<i>Insert the following additional supporting text at the end of paragraph 6.30: 'Particular support will be given to proposals at the station that would result in better provision for passengers, new public conveniences and other similar proposals that will help to create an attractive gateway to the town'.</i>	Paragraph 6.30, page 52	Agreed, for clarity	

<b>Delete 'by the Neighbourhood Plan.</b>	Policy T6, page 52	Agreed, for clarity	
<p><b>Replace the policy with the following:</b></p> <p><b>The following areas and as shown on the Proposals Map are designated as Local Green Spaces due to their special character, significance and community value.</b></p> <p><b>The sites will be protected from development that would be inappropriate to their designation as local green spaces. Sensitive proposals for educational, recreation and leisure uses will be supported where they contribute towards the use and effectiveness of the local green space concerned and where its overall open aspect is retained.</b></p>	Policy L2, page 56	To comply with NPPF	
<b>Re-configure the schedule of local green spaces to align to those in the Technical Baseline</b>	Policy L2, page 56	To align with maps and technical baseline	
<p><i>Delete final sentence of the supporting text (6.35). Replace with a new paragraph as follows:</i></p> <p><i>'Policy L2 identifies a series of 24 local green spaces in the town. Each of these spaces has been assessed against the NPPF criteria, and the results of this exercise are set out in the Technical Baseline. The policy ensures that the spaces will be protected from inappropriate development and which would detract from their functions as green spaces. However, given the range of sites and their different uses a degree of flexibility is introduced in the second part of the policy for educational, recreation and leisure uses. Nevertheless, any development that may be proposed will be expected to retain the overall openness of the local green space concerned'.</i></p>	Paragraph 6.35, page 56	Agreed, for clarity	
<i>Renumber the spaces on the Proposals Map to align with those in the Technical Baseline.</i>	Proposals maps on pages 68 and 69	Agreed, for continuity	

<i>Identify the full extent of the Cemetery (Site 20) on the Proposals Map.</i>	Proposals map page 68	Agreed, for clarity	
<b>In the first paragraph delete 'The Neighbourhood Plan resists'</b>	Policy L3, page 57	Agreed, for clarity	
<b>Replace 'which are .... enhanced' with 'will not be supported'.</b>	Policy L3, page 57	Agreed, for clarity	
<b>In the second paragraph replace the first sentence with 'The provision of new public open space as part of large residential developments will be supported' In the third sentence replace 'encouraged' with 'supported'.</b>	Policy L3, page 57	Agreed, for clarity	
<b>In the third paragraph replace 'are to' with 'should'. In the second sentence of that paragraph replace '10' with '11' and 'will need to' with 'should'.</b>	Policy L3, page 57	Agreed, for clarity	
<b>Replace the first paragraph of the policy with: New development should protect and where appropriate enhance the landscape setting of the town, and with a particular emphasis on the Picknal, Tean and Dove valleys. Planning applications that would result in the loss or fragmentation of this setting will not be supported. Planning applications that sensitively manage flood risk issues will be supported. All planning applications should demonstrate the extent to which they have respected and reinforced historic landscapes in general, and field patterns in particular.</b>	Policy E2, page 60	Agreed, for clarity	
<b>Replace the second paragraph of the policy with: Leisure and recreational uses will be supported in the Picknal, Tean and Dove valleys where the overall landscape setting of the town would be unaffected and where long term maintenance strategies are proposed to maintain the landscape</b>	Policy E2, page 60	Agreed, for clarity	

setting concerned.			
<b>In the third paragraph of the policy replace ‘will be asked to’ with ‘should’.</b>	Policy E2, page 60	Agreed, for clarity	
<b>In the penultimate paragraph replace ‘Furthermore...resists’ with ‘Planning applications that would result in’. Add ‘will not be supported’ to the end of the paragraph.</b>	Policy E3, page 61	Agreed, for clarity	
<b>In the final paragraph insert ‘Planning’ at the start and replace ‘receive support’ with ‘also be supported’.</b>	Policy E3, page 61	Agreed, to ensure consistency with other policies	
<i>Modify the first sentence of paragraph 6.43 to read: The Neighbourhood Plan has been prepared within the context set by the now-adopted East Staffordshire Local Plan. The Local Plan has allocated strategic housing sites in the town and these have been acknowledged as this Plan has been developed. The various sites are shown on Map 2 on page 9.</i>	Paragraph 6.43, page 62	Agreed, to update the plan in light of ESBC Local Plan adoption	Because of previous changes the paragraph number is now 6.44.
<b>Modify policy title to read: Housing on Windfall Sites</b>	Policy H1, page 63	Agreed, focussing the policy on the delivery of windfall sites	
<b>Modify the first sentence of the policy to read: Planning applications for housing on windfall sites outside and immediately adjacent to the Town Centre as shown on the Proposals Map will be supported. Planning applications of this nature that are on previously-developed land will be particularly supported.</b>	Policy H1, page 63	Agreed, focussing the policy on the delivery of windfall sites	
<b>Separate the second sentence of the first paragraph of the</b>	Policy H1, page 63	Agreed, for clarity	

<b>policy and combine it with the second paragraph.</b>			
<b>Replace ‘However if this’ with ‘In the event that the proposed application would’. In the final sentence replace ‘In this case’ with ‘In these circumstances’ and ‘for example.... Neighbourhood Plan’ with ‘will be supported’.</b>	Policy H1, page 63	Agreed, for clarity	
<b>In the first paragraph of the policy replace ‘will be expected’ with ‘should’.</b>	Policy H2, page 63	Agreed, for clarity	
<b>In the fourth paragraph of the policy replace ‘complies.... old age’ with ‘it will be suitable, flexible and accessible for all users and occupants’.</b>	Policy H2, page 63	Agreed, for clarity	
<i>Insert an additional paragraph of supporting text to read: ‘Policy H2 sets out to ensure that housing is accessible and flexible for all users and occupants. The Plan area has an ageing population and developers should address the recommendations of the Housing Our Ageing Population (HAPPI) report in designing residential communities.</i>	Page 63	Agreed, for clarity	New paragraph 6.47
<i>Insert a further additional paragraph of supporting text to read: ‘In April 2016 the Borough Council adopted its Housing Choices Supplementary Planning Document. It provides advice on the Council’s approach to creating and maintaining sustainable and inclusive mixed communities including affordable, market and specialised housing. This document is a material consideration in the determination of planning applications for housing development in the town. Developers will be expected to reflect its contents in the preparation of detailed proposals’.</i>	Page 63	Agreed, for clarity	New paragraph 6.48
<b>Replace the initial element of the first part of the policy with: The following schedule of community facilities are identified as Community Hubs. Planning applications that would result in</b>	Policy C1, page 65	Agreed, for clarity	

<b>their loss will not be supported.</b>			
<b>In the second part of the policy replace the second and third sentences with: Planning applications that would result in the loss of religious buildings and public houses will not be supported</b>	Policy C1, page 65	Agreed, for clarity	
<b>Delete third part of the policy</b>	Policy C1, page 65	Agreed, for clarity	
<i>Delete the third sentence of the supporting text in 6.47 (contributions from residential development)</i>	Policy C1, page 65	Agreed, for clarity	
<i>Add the following to the supporting text: The town benefits from a variety of religious buildings and public houses. In their different ways they contribute towards the provision of community facilities in the town. Whilst they are not individually identified as Community Hubs in policy C1 they are nevertheless protected within the wider context of the policy approach adopted.</i>	Policy C1, page 65	Agreed, for clarity	Added to paragraph 6.50.
<b>Delete the second paragraph of the policy.</b>	Policy C2, page 66	Agreed, as there is no detailed information to warrant specific contributions	
<b>In the first element of the policy replace ‘new’ with ‘the’ and ‘a need .... framework’ with ‘an identified need’. In the second sentence delete ‘only’.</b>	Policy C3, page 67	Agreed, as not a land use matter	
<b>In the second element insert ‘should’ between ‘and’ and ‘comply’.</b>	Policy C3, page 67	Agreed, for clarity	
<b>In the third element delete ‘encourages and’. Replace ‘homes’</b>	Policy C3, page 67	Agreed, for clarity	

<p><b>with 'private dwellings' and replace 'subject to...dwelling' with 'subject to the proposals having no unacceptable impact on the residential amenities of other dwellings in the immediate locality, the uses proposed are ancillary to the main dwelling and subject to the transport policies in this Plan'.</b></p>			
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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/uttoxeter>

And at Uttoxeter Town Council Offices, 19, High Street, Uttoxeter ST14 7HP.