

## DECISION STATEMENT (Regulation 18(2))

### NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

#### 1 Winshill Neighbourhood Development Plan

1.1 I confirm, that the Winshill 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 25th January 2018.

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 12<sup>th</sup> February 2014, Winshill 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 (10<sup>th</sup> March to 21st April 2014).

2.4 The Borough Council designated the Neighbourhood Area by way of Executive Decision of the appropriate Deputy Leader on 24<sup>th</sup> April 2014.

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 13<sup>th</sup> October 2015 and 3<sup>rd</sup> December 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 June 2017 in accordance with Regulation 15.

2.8 The Borough Council publicised the submitted Neighbourhood Development Plan and its supporting documents for 6 weeks between 16<sup>th</sup> June and 28<sup>th</sup> July 2017 in accordance with Regulation 16.

2.9 Terry Heselton was appointed to examine the Neighbourhood Development Plan, and the Examination took place in August and September 2017.

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) Insert ' <i>to coincide with the period covered by the ESLP</i> ' after 'period 2012 -2031' in the first paragraph of section 1.1 (Background)	Section 1.1	Agree with the recommended change	
Incorporate an explanation in section 1.5 (The Need for a Neighbourhood Plan) that as the ESLP has already set the agenda for the scale and location of future growth the Plan does not attempt to establish local levels of growth or identify specific sites for development and focuses instead on how future development will be managed, while protecting local heritage and environmental resources, promoting good design, and supporting local enterprise and services.	Section 1.5	Agree with the recommended change	
a) Insert ' <i>Vision and</i> ' before 'Objectives' on the Contents page.	Contents Page	Agree with the recommended change	
b) Delete the first paragraph on page 4, and insert ' <i>(about 700 households)</i> ' after 'just over a fifth of all households' in the last paragraph on page 3.	Page 3 and 4	Agree with the recommended change	
c) Delete 'reverse the social and economic decline in the area' in the last paragraph on page 9.	Page 9	Agree with the recommended change	
d) Substitute ' <i>Neighbourhood Area</i> ' for 'Winshill Parish' in both the plan title and legend on page 10.	Page 10	Agree with the recommended change	

a) Delete 'The Parish Council will work with East Staffordshire Borough Council' in Objectives One, Two, and Four.	Objectives 1, 2 and 4	Agree with the recommended change	
b) Delete 'The Parish Council will work with East Staffordshire Borough Council and Staffordshire County Council' in Objective Five.	Objective 5	Agree with the recommended change	
c) Delete Objective Six and Objective Seven.	Objective 6 and 7	Agree with the recommended change	
d) Delete 'The Parish Council will work with East Staffordshire Borough Council and Staffordshire County Council, voluntary organisations and government support agencies' in Objective Eight.	Objective 8	Agree with the recommended change	
e) Delete 'The Parish Council will work' in Objective Nine.	Objective 9	Agree with the recommended change	
f) In Objective One insert ' <i>complement the existing character of the area,</i> ' after 'ensure that any new developments', insert ' <i>and</i> ' after 'local vernacular', and delete 'and meet the needs of Winshill people'.	Objective 1	Agree with the recommended change	
g) In Objective Two substitute ' <i>identified housing needs including the needs of</i> ' for 'needs of' after 'new housing provision meets', and delete 'and complements the existing character of the area'.	Objective 2	Agree with the recommended change	
h) Insert ' <i>To resist</i> ' at the beginning of Objective Three and delete 'will also be resisted unless it is clear that no compatible other use with the existing class use order may be found)'. (Note: The original text in the image contains a typo 'found)' which has been corrected to 'found)' for clarity.)	Objective 3	Agree with the recommended change	
In the second paragraph of Policy 1 delete 'for improving' and insert ' <i>and/or improvement of</i> ', and delete 'providing' and insert 'provision'.	Policy 1	Agree with the recommended change	
a) Delete 'with high wildlife value' in the 'landscape, historical, recreational and wildlife value' assessment of Area 1 in the table supporting Policy 2, b) Substitute ' <i>proposals map</i> ' for 'accompanying plans' in Policy 2.	Policy 2	Agree with the recommended change	

<p>c) Add a title '<i>Proposals Map</i>' and a north point to the map on page 20, change 'Greer' to '<i>Green</i>' in the key, and change 'Environment Proposals Map' to '<i>Proposals Map</i>' on the contents page.</p>	Proposals Map	Agree with the recommended change	
<p>a) Delete 'All new' at the beginning of Policy 4, and insert '<i>should conserve and enhance the overall biodiversity of the Parish and</i>' after 'where appropriate'.</p> <p>b) Delete the second part of the policy from 'This positive recognition.....' to the end.</p> <p>c) Incorporate an additional criterion in Policy 8 as follows; 'conserving and enhancing the special character and distinctiveness of the area and its amenity value to the community'.</p> <p>d) Change all references to 'blue and green infrastructure' in the policy, the supporting text and section headings to '<i>green and blue infrastructure</i>'.</p> <p>e) Change 'Environment, Green Infrastructure, Open Spaces and Access to the Countryside' to '<i>Environment, Open Spaces and Green and Blue Infrastructure</i>' on the contents page.</p>	Policy 4 and table of contents	Agree with the recommended change	
<p>In the text supporting Policy 5 explain the difference between designated heritage assets which are protected through specific legislation (such as listed buildings and conservation areas) and non designated heritage assets, (such as 'Local Heritage Areas and Local Lists) and describe the respective roles of the Local Planning Authority and Parish Councils in producing 'Local Lists', with reference to the Planning Practice Guidance.</p>	Policy 5	Agree with the recommended change	
<p>a) Delete 'In accordance with clear local preferences expressed in the public consultation' at the beginning of Policy 6,</p> <p>b) Delete 'for the development of' after 'proposals' in line 2 and insert '<i>which provide an appropriate mix of house types, tenure and sizes (based on evidence of need), including</i>',</p> <p>c) Delete 'the retired and less mobile population' and insert '<i>older and less mobile people</i>' in line 4.</p>	Policy 6	Agree with the recommended change	
<p>Delete 'The impact on' at the beginning of criterion (a) in Policy 9,</p>	Policy 9	Agree with the	

<p>b) Insert <i>'and'</i> after <i>'modification of the premises;'</i> at the end of criterion (c).</p>		<p>recommended change</p>	
<p>Delete <i>'that it can be demonstrated that;'</i> in line 3 of Policy 10 and insert the text from criterion (c),  b) Insert a new paragraph immediately before criteria (a) and (b) as follows <i>'Proposals involving an increase in retail floorspace should demonstrate that;'</i>  c) Delete criterion (c),  d) Insert <i>'and/or'</i> after <i>'The expansion of'</i> in the final paragraph of Policy 10.</p>	<p>Policy 10</p>	<p>Agree with the recommended change</p>	
<p>a) Delete <i>'people of retirement age and above'</i> in line 7 in the first paragraph in Policy 11 and insert <i>'older and less mobile people'</i>.  b) Delete <i>'lower'</i> in line 8 of the first paragraph and insert <i>'different standard of'</i>  c) Delete <i>'age groups'</i> after <i>'use of older'</i> in line 1 in the second paragraph and insert <i>'older and less mobile people'</i>,  d) Insert <i>'the side or rear of vehicles'</i> after <i>'alight from'</i>, in line 4 and delete <i>'by means of a tail lift or suitable ramp'</i>.</p>	<p>Policy 11</p>	<p>Agree with the recommended change</p>	
<p>Delete Policy 12 and supporting text in sub-section 8.2 6.133</p>		<p>Agree with the recommended change</p>	

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. 2.12 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/winshill>