

DECISION STATEMENT (Regulation 18(2))

NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

1 Shobnall Neighbourhood Development Plan

1.1 I confirm, that the Shobnall 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 Thursday 7th June 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 19th January 2015, Shobnall 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 (28th January to 11th March 2015).

2.4 The Borough Council designated the Neighbourhood Area by way of Executive Decision of the appropriate Deputy Leader on 12th March 2015.

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 15th February 2016 and 28th March 2016, 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 August 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 23rd August and 4th October 2017 in accordance with Regulation 16.

2.9 Tim Jones was appointed to examine the Neighbourhood Development Plan, and the Examination took place in October and November 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 paragraph 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 Examination Document Plan	ESBC comments	Additional/new text if applicable
Use the British English spelling of "Neighbourhood	Page 8, paragraph 2.12, 1st and 3rd sentences	Agree with the recommended change	
Replace "two conservation areas" with "three conservation areas".	Page 11, paragraph 3.16 1st sentence	Agree with the recommended change	
<p>Replace the initial sentence of Policy T1 with, "New development will be expected to mitigate its own traffic generation and impact."</p> <p>Replace "(as defined by Appendix B of the Guidelines for Transport Assessment (GTA) or any subsequent replacement guidelines)" with "(namely development that exceeds the "Indicative thresholds for transport assessments" in Appendix B of the revoked "Guidance on Transport Assessment".</p>	Page 21, policy T1	Agree with the recommended change	
Delete "Already approved developments in the area will mean the road will exceed its design capacity when all are implemented, as a result calming will be vital in ensuring the road continues to function.	Page 24: Aspirational Project	Agree with the recommended change	
Replace the two mentions of "S278 Agreement" with "Highways Agreements".	Page 25: Policy T3	Agree with the recommended change	

Replace the fourth paragraph of policy HD4 with: “On all sites, the appropriateness of the development types set out below is subject to avoiding or reducing the risk of flooding through appropriate location and design.”	Page 39, policy HD4: Development Sites	Agree with the recommended change	
Replace “Policy HD3” with “Policy HD4”.	Page 41, paragraph 8.7, 1st sentence	Agree with the recommended change	
Delete “[innovative]” in policy SB2, 1st sentence.	Page 47, policy SB2, 1st sentence	Agree with the recommended change	
<p>Replace policy BH1 with: “New development proposals will be expected to protect and enhance the character and value of Shobnall’s heritage environment, including Listed Buildings, Conservation Areas, and other statutorily protected assets. Development will also be expected to protect any locally listed building identified by the Local Planning Authority, the schedule of structures (at Appendix F) identified by the local community as contributing positively to the character of the local built environment and archaeology not subject to statutory protection.</p> <p>Applications for development that will harm designated and non-designated heritage assets heritage will be refused unless the circumstances that would permit approval specified in the appropriate part of paragraphs 133 to 135 of the NPPF apply.”</p>	Page 52, policy BH1	Agree with the recommended change	
Delete the second paragraph and the final sentence of the policy.	Page 54: Policy GN1	Agree with the recommended change	
<p>Appendix F text</p> <p>The list of “Non-Designated Heritage Assets identified by the Community” in Appendix F should be altered to read:</p>	Appendix F text	Agree with the recommended change	

<ul style="list-style-type: none"> • Charlotte James care home, off Shobnall Road (adjacent to the A38) • Former Grange School buildings, Junction of Grange Street and Casey Lane • Former School Buildings, Waterloo Street • St Aidan’s Church, Shobnall Road • Shobnall Primary School Buildings & house, junction of Shobnall Road & Reservoir Road • The Albion Public House and Associated Outbuildings, Shobnall Road • Town Hall Extension, King Edward Place • Victoria Community School Buildings, junction of York Street and Victoria Road Villas and terraced houses along Outwoods Street 			
<p>Shobnall Grange should be shown as a listed building, not as a building of local interest.</p> <p>The map in the Submission draft’s Appendix F should be modified so that only the properties just specified under ‘Appendix F text’ above are shown in light blue and so that those properties that I have recommended be excluded from the list of ‘Non-designated Heritage Assets identified by the Community’ are not coloured.</p> <p>The label for the light blue colouring on the map in the Submission draft’s Appendix F should be amended to read “Identified Non-designated Heritage Assets”.</p>	Appendix F Plan	Agree with the recommended change	Following receipt of the Examiners report it came to the local planning authority’s attention that two listed mileposts were omitted from the plan. These are to be included as part of the modification.
<p>Appendix G should be modified so that it shows only the following areas of land. These are currently coloured green and described as ‘Green Spaces in the submission draft. No other areas of land should be coloured. This relates to the version of appendix G in the submission draft made available for public consultation.</p>	Appendix G	Agree with the recommended change	The examiner in recommending this modification also stated that lettering within this recommendation is solely to relate to the submission draft and there is no reason why the draft should not be

<ul style="list-style-type: none"> - Oaks Wood (D); - Outwoods Park (E); - The land to the north and west of the houses on the B5017 and Reservoir Road (G); - The Woods at Sinai Park (I); - The Marston's Sports and Social Club (C); - The landscaped area on Parkway (H); and - The Kingfisher Trail and Canal corridor to the east of the canal and north of Shobnall Road (including the canal towpath, but not the canal itself) (B2 and part of B1). 			re-lettered or numbered. The lettering has therefore been amended for clarity.
Include the wording "This map identifies, by colouring them green, the Local Green Spaces to which policy GN1 applies".	Key to Appendix G	Agree with the recommended change	
<p>Suggestion that does not constitute a recommendation</p> <p>Replace the ambiguous spelling "routing" (which may relate to either a 'rout' or a 'route') in the four places where it occurs with the unambiguous "routeing".</p> <p>The same applies to the box beneath the policy and to paragraph 7.22.</p>	Page 27, policy T4	Agree with the recommended change	

The examiner also states in his recommended modifications that if necessary, there should be appropriate minor updating relating to incontrovertible matters.			
Recommended modification	Section in Neighbourhood Development Plan Examination Document	ESBC comments	Is the modification within the scope of paragraph 12 of Schedule 4B, Town and Country Planning Act 1990 12 of the Neighbourhood Plan regulations?

Replace all references to S278 Agreement with Highways Agreements	Page 25: Policy T3	The Examiner's report refers to two references to s278 agreements in the policy however there are three references. Proposed modification to	Yes, the modification is proposed for the purpose of correcting errors
Amend the key to read HGV rather than HCV	Appendix A Preferred Highways Routes Map	The map key states HCV movements whereas the relevant policy (T4) states HGV.	Yes, the modification is proposed for the purpose of correcting errors
Included the following text 'Development proposals on other open spaces not referenced in policy GN1 will be subject to Local Plan policy SP32'	12.4 Policy GN1 explanatory text	The draft Neighbourhood Plan identified a number of open spaces, proposed as Local Green Spaces. Whilst these were not recommended by the Examiner to meet the tests relevant for Local Green Space, they are still open space, subject to the relevant Local Plan policy.	Yes, the proposed modification is proposed to secure that the plan meets the basic conditions mentioned in paragraph 2.12
Remove any references to the document being 'draft'.	Throughout document		Yes, the modification is proposed for the purpose of correcting errors

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/shobnall>