

FINAL DECISION STATEMENT (Regulation 18(2))

NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

1 Tatenhill and Rangemore Neighbourhood Development Plan

1.1 I confirm, that the Tatenhill and Rangemore 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 28th 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 14th December 2015

2. Background

2.1 On 13th June 2012, Tatenhill and Rangemore 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 (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 Councils.

2.4 The Borough Council designated the Parish Council 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 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 7th October and 20th December 2013, fulfilling all the obligations set out in Regulation 14.

2.7 The Parish Council submitted their Neighbourhood Plan to East Staffordshire Borough Council on 9th June 2014 in accordance with Regulation 15.

2.8 The Borough Council publicised the submitted Plan and its supporting documents for 6 weeks between 9th June to 21st July 2014 in accordance with Regulation 16.

2.9 Nigel McGurk, MRTPI was appointed to examine the Plan, and the Examination took place in August 2014.

2.10 The Examiner concluded he was satisfied that the Neighbourhood 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 Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the making of the Plan by the Borough Council.

2.12 Neighbourhood Plans are written by and for the communities they represent. ESBC work closely with each parish Council once examination reports are published, to make sure that parish councils are satisfied that the examiner's recommendations are reasonable and help the Plan meet the Basic Conditions. In the case of Tatenhill and Rangemore, the Parish Council was not prepared to accept the conclusions of the examiner on several modifications, in particular the deletion of Policy LC2 and Policy IN2, as green spaces and traffic calming were two issues the community felt very strongly about.

2.12 Paragraph 13 of schedule 4B of the Town and Country Planning Act 1990 (as inserted by Schedule 10 of the Localism Act 2011) states that where the Council is not satisfied that the Plan meets the basic conditions and the reason for the difference is wholly or partly as a result of new evidence or a new fact or a different view taken by the council (i.e. agreeing to Parish Council modifications) about a particular fact the Council:

1. Notifies all those identified on the consultation statement of the parish council and invites representations.
2. May refer the issue to an independent examination if they think it appropriate.

2.13 The Parish Council and ESBC agreed that the Plan as amended in the interim position statement should be consulted on, and returned to the Examiner, Mr Nigel McGurk, for a Second Examination. Approval for this to happen was given by Cabinet at its 17th August 2015 meeting. At that time the interim position statement was labelled as 'Decision Statement' but it has now been clarified that the Decision Statement under Regulation 18(2) should only be issued now the Council intend to determine that the Plan move forward to Referendum. To avoid confusion between two documents termed "Decision Statement", the Council has labelled this document "Final Decision Statement". Consultation on the revised Plan took place between Wednesday 19th August 2015 and Wednesday 30th September 2015. The Plan was subsequently examined a second time by Nigel McGurk, who reported in early November 2015.

2.14 Following consultation, the Plan and representations made during the consultation period will be forwarded to independent examination, where the examiner will appraise the Plan and decide whether the Plan as a whole, including the Parish's changes, meet the Basic Conditions, or whether further modifications would be needed for it to do so. ESBC has decided to send the plan for examination again because of the significance of the changes to some of the policies and the time elapsed since the original examination, in August 2014.

2.15 The Basic Conditions are that the Neighbourhood Plan:

1. has regard to national policy and guidance from 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; and
5. when made, 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 (new text in italics)	Section in Neighbourhood Development Plan Examination Document	Decision and reason	New page number
Para 1.1, change line five to <i>"... in general conformity with the strategic policies of the development plan and have regard to national policy and advice."</i> (delete rest of paragraph)	Introduction	Agreed, to update the plan in light of ESBC Local Plan adoption.	Page 2
Para 1.2 delete first sentence and final sentence. Change 2 nd sentence to <i>"...project (one of 200 such projects supported by the government) in summer 2012."</i>	Introduction	Agreed, for clarity.	Page 2
Para 1.3 change start to <i>"Neighbourhood plans are to be...community."</i> Change line two to: <i>"...Group was to act..."</i>	Introduction	Agreed, for clarity.	Page 2
New para after para 1.3: <i>"This Neighbourhood Plan incorporates changes to a previous Neighbourhood Plan that underwent independent examination in 2014. These changes were made in order to meet the aims of the local community whilst ensuring that the neighbourhood planning Basic Conditions were met, in line with legislation."</i>	Introduction	Agreed, to specifically reference the previous examination carried out in 2014.	Page 2, new para 1.4
Para.1.5 change to: <i>"...must be in general conformity with the strategic policies of the East..."</i>	Introduction	Agreed, to use correct terminology.	Page 2, now para 1.6
Para 1.6 line 3, delete <i>"...held over the course of a year."</i>	Introduction	Agreed, for clarity.	Page 3, now 1.7
Para 1.7 delete <i>"...,for more detail...Report."</i>	Introduction	Agreed, for clarity.	Page 3, now 1.7
Add new row to Table 3 on page 3, with reference to the first 3 columns of that table: <i>"Revisions to previous Plan."</i>	Table 3	Agreed, to update the plan in light of further consultation period.	Page 3

<p><i>"Together with East Staffordshire Borough Council, changes were made to the previous Neighbourhood Plan, following publication of the Examiner's report. These were considered at public meetings.</i></p> <p><i>"January 2015-September 2015"</i></p>			
<p>Add new row to Table 3 on page 3, with reference to the first 3 columns of that table</p> <p><i>"Submission Consultation</i></p> <p><i>"Formal six week consultation, including statutory consultees</i></p> <p><i>"19/08/15 to 30/09/15"</i></p>	Table 3	Agreed, to update the plan in light of further consultation period.	Page 3
Delete para 1.11	Introduction	Agreed, information is not necessary in the Introduction.	Page 4, now 1.12
Page 8 – re-word Objective 4 <i>"The TPNDP should create an attractive and useable public realm...services."</i>	Vision and Objectives, objective 4	Disagree, objective 4 to stay as originally drafted as Policy IN2, to which it relates, has been modified. The modification of IN2 includes traffic calming measures therefore Objective 4 still applies.	Page 8
Delete para 4.2	Vision and Objectives	Agreed, as paragraph is unnecessary.	Page 11
Delete the first sentence of para 5.1	Strategic Policies	Agreed, as this statement is a given and unnecessary in the text.	Page 13
Para 5.3, delete <i>"...with a strong focus...features."</i>	Strategic Policies	Agreed, policy as originally drafted was too onerous.	Page 13
Change third sentence to <i>"The improvement of Parish services...will be supported."</i>	Policy SP1	Agreed, for clarity.	Page 14
Change second sentence to <i>"Where possible and appropriate, development outside villages should seek to achieve the following:..."</i>	Policy SP2	Agreed, as originally drafted the policy was not clear with regard to requiring substantive evidence to demonstrate that all requirements were achievable.	Page 15
Para 6.2, delete <i>"...emerging..."</i>	Housing and Employment Policies	Agreed, to update the plan.	Page 20
Change final sentence of Policy HE1 to <i>"Applications for more than 6 dwellings in Tatenhill and Rangemore and</i>	Policy HE1	Agreed, for clarity.	Page 21

<i>Rangemore villages will not be supported.</i>			
Para 6.9, delete "...but should be counted towards overall housing targets."	Policy HE1	Agreed, as the Neighbourhood Plan is not setting specific housing targets.	Page 22
Delete final paragraph	Policy HE2	Agreed, as affordable housing policy is in the Local Plan.	Page 23
Para 6.11, delete "...with a target...balanced community." (For clarity, end paragraph at "current Local Plan")	Policy HE2	Agreed, as affordable housing policy is in the Local Plan.	Page 23
Change first line to " <i>the improvement of footpath and cycle connections within the Parish will be supported.</i> "	Policy RT1	Agreed, to prevent the policy inadvertently supporting inappropriate development.	Page 27
Analyse the Proposals map and ensure that all information is entirely accurate, and remove any inaccuracies.	Policy RT2	Agreed, for ensure information is accurate, policies maps have been updated.	Page 43-45
Change to " <i>The preservation and/or enhancement of existing tourism...and cycling will be supported.</i> "	Policy RT4	Agreed, to provide clarity.	Page 29
Para 8.2, delete second sentence	Landscape and Countryside Policies	Agreed, to be in general conformity with national and local policy and therefore ensure it meets the basic conditions.	Page 30
Para 8.4, line 3, change to " <i>and/or enhancing</i> "	Policy LC1	Agreed, as there is no requirement for development to enhance Conservation Areas.	Page 31
Change title of PolicyLC2 to " Local Green Space "	Policy LC2	Agreed, for clarity, as 'Local Green Space' is a specific designation in the NPPF.	Page 32
Produce new Local Green Space Proposals Maps. These should be on an Ordnance Survey base and show the boundaries of the Local Green Space designations in clear detail. Each Local Green Space should be clearly labelled.	Policy LC2	Agreed, for clarity and ease of use.	Pages 43-45
Move the Proposals Map from the Appendices to the body of the neighbourhood Plan. This Map includes the boundary of the Neighbourhood Area and it is important that this is included within the Neighbourhood Plan.	Policy LC2	Agreed, for clarity and ease of use.	Pages 43-45
Policy LC2, change first para to " <i>The following areas of land are designated as Local Green Spaces:</i> (delete second sentence, which is unnecessary).	Policy LC2	Agreed as second sentence is unnecessary.	Page 32
Delete the fourth and fifth bullet points. For clarity, the land to the north and south of Branston Road is not designated as Local Green Space.	Policy LC2	Agreed, fourth and fifth bullet points refer to land that does not meet the Local Green Space criteria (i.e. they are extensive tracts of land).	Page 32
Delete final paragraph and replace with " <i>Within Local Green Space development is ruled out other than in very special circumstances.</i> "	Policy LC2	Agreed, to meet the basic conditions and be in general conformity with national policy.	Page 32

Remove Appendix 4 from the Neighbourhood Plan. Delete paras 8.7, 8.8, 8.9 and the last sentence of para 8.10.	Policy LC2	Agreed, there is no requirement to repeat national policy.	Pages 33 and 34
Change first sentence to <i>“Improvements to highway safety within the Parish...Rangemore School, will be supported.”</i>	Policy IN2	Agreed, for clarity.	Page 40
Re-word the second and third paras <i>“Proposals for traffic calming measures which improve highway safety will be supported. Developer contributions, including the use of the Parish receipts from CIL, may be sought for appropriate traffic calming measures from developments that are likely to significantly increase traffic on routes where there are highway safety problems.”</i>	Policy IN2	Agreed, for clarity.	Page 44
Delete last sentence of Appendix 1(“The Parish...this list.”)	Appendix 1	Agree. For clarity, as the Appendix reads as though it were a Policy, which it is not.	Page 47

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 should proceed to Referendum (planned for 28th 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/Tatenhill and Rangemore](http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans/Tatenhill%20and%20Rangemore)

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, Ms Liz Martin [clerk@Tatenhill and](mailto:clerk@Tatenhill%20and%20Rangemoreparishcouncil.org.uk)

Rangemoreparishcouncil.org.uk