

TATENHILL

NEIGHBOURHOOD DEVELOPMENT PLAN

FURTHER CONSULTATION AND SECOND EXAMINATION

1) In June 2014, Tatenhill Parish Council submitted their Neighbourhood Development Plan to East Staffordshire Borough Council, who conducted a consultation period on it for six weeks. Following this, the Plan, with all representations received at consultation, was sent to Nigel McGurk, an independent Examiner. He produced his Report in August 2014.

2) The Examiner recommended some minor text changes and also some deletions from the Plan, in order that the Plan meet the Basic Conditions laid down in section 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as inserted by the Localism Act 2011 Schedule 10). These Basic Conditions are set out at the end of this Note. Unfortunately, some of these deletions were of policies designed to address crucial issues that the community had identified. The Parish consequently believed that they would not receive a 'Yes' vote at Referendum.

3) Rather than abandon the Plan, the Parish Council were keen to revise the policies and prepare more evidence to try and address the Examiner's concerns, but still meet the aspirations of the community on these issues. The Borough Council sought Counsel's opinion on the options open to it, and it was confirmed that it would be possible for a revised Plan to go back to consultation (for 6 weeks) under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012. It would then be examined again, by the same Examiner, for consistency.

4) Schedule 4B, section 12, requires that a local planning authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. It does this by producing a Decision Statement.

5) Section 13 of Schedule 4B 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.

6) The Parish Council and ESBC have agreed that the Plan can be amended as per the Decision Statement and return to submission consultation (Regulation 16). **THIS DOCUMENT IS OPEN FOR REPRESENTATIONS FROM Wednesday 19th August to 30th September 2015.** The original text and the Examiner's changes that have been agreed are in black, and the new Parish Council text (and ESBC text where they have disagreed with the Examiner) are in blue. Representations can be made on any part of the Plan, however, as the Examiner will be re-examining the Plan as a whole, in accordance with advice from the Department for Communities and Local Government (DCLG).

7) Following this submission consultation, the Plan and representations made during the consultation period will be forwarded to the independent examiner, who 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.

BASIC CONDITIONS

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).