

DECISION STATEMENT (Regulation 18(2))

NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

1 Anglesey Neighbourhood Development Plan

1.1 I confirm, that the Anglesey 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 21st July 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

2. Background

2.1 On 25th June 2012, Anglesey 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 (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 Council.

2.4 The Borough Council designated the Neighbourhood Area 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 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 3rd June and 13th July 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 January 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 18th January and 29th February 2016 in accordance with Regulation 16.

2.9 Mr Angus Kennedy was appointed to examine the Neighbourhood Development Plan, and the Examination took place in March 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	Decision and reason	Additional/new text if applicable
<p><i>The Steering Group may wish to consider including details of the application date and the designation confirmation in the Basic Conditions statement. They may also wish to insert the following sentence in the Basic Conditions Statement: "On 29 November 2012 East Staffordshire Borough Council approved a report via delegated Executive Decision of the appropriate Deputy Leader to designate the area as the Anglesey Neighbourhood Development Plan Area and to publicise the designation as required under the Neighbourhood Planning (General) Regulations 2012."</i></p>	Basic Conditions statement	Not agreed, this is not a recommended modification from the examiner but a suggestion. ESBC and Anglesey Parish Council are satisfied that the plan can be put to referendum without this amendment as the basic conditions statement does not form part of the plan (only part of the submission documentation for examination).	
<p><i>On page 3 of the Plan the title should read 2014 -2031 not 2013-2031.</i></p>	Page 3	Agreed, for consistency	
<p><i>In order to meet the Basic Conditions the Monitoring section of the Neighbourhood Plan will need to identify that the policies in the plan will be monitored and reviewed in accordance with the Local Plan review process and timetable.</i></p>	Page 42	Agreed, for accuracy and consistency	Page 42 updated: Introduction (paras 12.1 and 12.2) deleted and a new sentence added to para 12.3 (now 12.1) "The policies in the Neighbourhood Plan will be monitored and reviewed in accordance with the Local Plan review process and timetable."

<i>I recommend that in Section 2.1 on Page 5 delete “16” and insert “17 years”. Replace “it’s” with “its”.</i>	2.1, page 5	Agreed, for accuracy and consistency	
<i>In paragraph 2.2 delete “Replace with”.</i>	2.2, page 5	Agreed, for accuracy	
<i>In 2.4 replace “will be” with “has been”.</i>	2.4, page 5	Agreed, for accuracy	
<i>Paragraph 2.5 needs updating to reflect the current status of the Plan. I recommend starting with “In order to produce the Plan we have spent time meeting...”</i>	2.5, page 5	Agreed, for accuracy	
<i>After “aspirations for the area” insert “Having considered all of the responses we have now produced the Neighbourhood Plan which will be subject of a referendum if agreed by an Independent Examiner”. Delete the rest of the paragraph.</i>	2.5, page 5	Agreed, for accuracy	
<i>In 3.1 delete “is” and replace with “are”.</i>	3.1, page 6	Agreed, for accuracy	
<i>In 3.3 insert “and organisations” after “people”.</i>	3.3, page 6	Agreed, for accuracy	
<i>In 3.6 delete “for implementing the Plan”.</i>	3.6, page 6	Agreed, for accuracy	
<i>I also recommend changing the progress chart at the bottom of page 6 to indicate that the Plan has reached stage 11 of 12.</i>	Page 6	Agreed, for accuracy	
<i>The Steering Group may wish to consider inserting page numbers at the bottom of each page of the Basic Conditions Statement and a publication date on Page1, on page 2 inserting “is” after “The Plan” in first section and on page 4 third section deleting “The Parish” which appears twice.</i>	Basic Conditions Statement	Not agreed, this is not a recommended modification from the examiner but a suggestion. ESBC and Anglesey Parish Council are satisfied that the plan can be put to referendum without this amendment as the basic conditions statement does not form part of the plan (only part of the submission documentation for examination).	

<p><i>There are numerous typing and grammatical errors in the report which need to be corrected. Many of these have been picked up in the helpful submission from Councillor Peter Davies.</i></p>		<p>Partially agreed, see separate grammatical and typographical error table in appendix 1.</p>	
<p><i>I recommend that the timeline table on Page 5 includes the year for each event since the consultation took place over a number of years.</i></p>	<p>Consultation Statement</p>	<p>Partially agreed, the recommendation is welcomed but the Consultation Statement is does not form part of the plan proposal going forward to Referendum, therefore the dates are clarified opposite. ESBC and Anglesey Parish Council are satisfied that the plan can be put to referendum without this amendment to the Consultation Statement.</p>	<p>Events 1st June to 6th September occurred in 2014. Events 3rd June and 3rd July occurred in 2015.</p>
<p><i>There is no information about the number of responses to the survey and limited numbers attended the bus tour. I recommend adding the numbers attending if known.</i></p>	<p>Consultation Statement</p>	<p>Not agreed. ESBC and Anglesey Parish Council have been in contact with the examiner and confirmed the numbers attending each event. With this information the examiner was satisfied that the plan met the basic conditions therefore no further amendments are considered necessary to the Consultation Statement.</p>	
<p><i>The Consultation report in its current form does not</i></p>	<p>Consultation Statement</p>	<p>Not agreed. ESBC and Anglesey Parish Council</p>	

<p><i>provide sufficient evidence that the views of all of the community were taken into account. In order to demonstrate this, the steering group may wish to amend the consultation document to include the following:</i></p> <p><i>The steering group was a mix of British and eastern European nationalities and had input from ward councillors from the Asian community.</i></p> <p><i>Overall, the steering group and parish council were extremely aware of the diversity of the parish and made great effort to make the plan as accessible to all backgrounds as possible. The plan is deliberately colourful and uses simple language to communicate the planning ideas and policies to everyone regardless of literacy or language skills.</i></p> <p><i>From the start of the project it was recognised that traditional consultation techniques might not be effective within Anglesey due to the large number of residents who spoke English as a second language or not at all in conjunction with high levels of deprivation in pockets of the Parish. We identified the key groups within the Parish were white British, white eastern European, afro-Caribbean and Asian/Pakistani communities. We tried a number of approaches to reach all of these groups.</i></p> <p><i>A large number of parents of children at Anglesey Primary Academy are white British, eastern European</i></p>		<p>have been in contact with the examiner and clarified the extent of the targeted consultation with different communities in Anglesey Parish. With this information the examiner was satisfied that the plan met the basic conditions therefore no further amendments are considered necessary to the Consultation Statement.</p>	
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and Asian and so we spoke to members of all of those groups when we had stalls at the school fetes and when on the bus tour.

We explored translation of the neighbourhood plan and consultation material. To get this done in a comprehensive manner was an expense that the parish council simply did not have the funds for. A Steering Group member spent time at events (particularly at the school) taking Polish and Latvian speakers through the Neighbourhood Plan and recording their views.

...The majority of the business owners that we spoke to were Pakistani and Asian. They generally run the newsagents whereas the white British population run the timber and haulage businesses.

...The luncheon club that we spoke to were a group of Afro-Caribbean origin residents. They had moved to Burton in post war times and were now an established part of the community.

...We made a number of attempts (phone calls, visits in person, emails) to try and engage the mosque in the project. A number of people were interested in the project but we were not successful in holding a session with them. One of the ward councillors attended Parish Council and Steering Group meetings and provided some comments on the neighbourhood plan. He also took the plan to people within the mosque community. The level of actual feedback received was minimal however.

...One of the key groups that we spoke to was a new Polish community centre that had started in the Parish. We spoke with the owner through a

<p>translator.</p> <p><i>The experience of working in Anglesey is that the population is so diverse that in fact the vast majority of people that we spoke to in all kinds of setting (key groups meeting, school fetes, the bus tour) were from minority groups.</i></p>			
<p><i>I recommend that the Neighbourhood Plan title is written in the key local languages on the front cover.</i></p>	Page 1	agreed	
<p><i>There was a significant change in the final version that was subject to the Reg. 16 consultation. One of the key Policies from earlier versions relating to the Webb Ivory site was the omitted. I understand that this was the result of a Planning Application being approved for the site during the process of Plan preparation. Since this was one of the key Policies in the original Plan I recommend that a short section is included in the introduction to the Key Sites chapter of the NP to provide an update on that proposal and explain why it was omitted from the final version.</i></p>	Page 38, new para 11.4	agreed	
<p><i>The title on page 16 should read "Our Vision and Objectives for Anglesey"</i></p>	Page 16	Agreed	
<p><i>There is a useful Strategic map that identifies the key proposals. I recommend that the conservation area boundary and listed buildings are included.</i></p>	Page 17	Agreed	
<p>A number of the Plan Policies are not land use matters and it is clear that the Parish Council will need to use its best endeavours to influence the priorities of the key delivery agencies. This will be particularly important as there is likely to be a reliance on S106 or the possibility of Community Infrastructure funding being available to fund some of the projects. <i>I recommend that these are</i></p>	Policy A1	Agreed	

<i>differentiated from the land use proposals by naming them Parish Proposals.</i>			
<i>In paragraph two line three delete “or harm to”. In the explanatory note replace “parts” with “groups”. There are no specific land use proposals and this Policy would be better termed a Parish Proposal.</i>	Policy A1 – now Parish proposal A1	Agreed	Rename Policy A1: “Parish Proposal A1”
<i>In line 1 delete “to be”. Further Community hubs are intended but none are identified in the Plan and there is no indication of how they would be funded. If this is through the Development Management system this should be acknowledged. There are no specific land use proposals and this Policy and I recommend that this is titled a Parish Proposal.</i>	Policy A2, page 22	Agreed	Rename Policy A2 “Parish Proposal A2”
<i>In the first bullet point insert “other than hot food take aways” at the end of the first sentence</i>	Policy A3, page 23	Agreed	
<i>Change the second bullet point to delete the word “interiors” because the appearance of shop interiors cannot generally be controlled through the planning process.</i>	Policy A3, page 23	Agreed	
<i>Replace 5th bullet point with “The applicant provides evidence that reasonable efforts have been made in the three months prior to submitting a planning application to attract an A1 use to the property.”</i>	Policy A3, page 23	Agreed	
<i>In the penultimate paragraph I recommend using the</i>	Policy A3, page 23	Agreed	

<i>LA suggestion: “Proposals for temporary use will not normally be for a period greater than 12 months, to allow the review of the effects of the permission.”</i>			
<i>In order for this Parish proposal to be realised it will be essential for the Parish Council to recognise that it will need to work closely with the Local Authority and Highway Authority in order to achieve implementable schemes that achieve the desired outcome.</i> <i>In paragraph 2 line four delete the comma after “out of”.</i> <i>In paragraph 3 the barriers to walking are not identified on the Strategic Plan so either delete or identify the barriers on the plan.</i>	Policy A4, page 24	Agreed	Rename Policy A4 “Parish proposal A4” “Barriers to walking” are now labelled on Strategic Diagram.
It is not clear how many of the photos are from the area. <i>It would be helpful to clarify this in the text.</i>	Employment and Housing Chapter, page 26	Agreed	
<i>In bullet point 1 replace “Policy A10 with Policy A11</i>	Policy A6, page 28	Agreed	
<i>In paragraph three first bullet point replace “at least 1 space per tenant” with “in line with policy”.</i>	Policy A6, page 28	Agreed	
<i>In 3rd bullet point replace “tenant” with “bedspace”.</i>	Policy A6, page 28	Agreed	
<i>In paragraph 2 delete “Parish of Anglesey”.</i>	Policy A7, page 29	Agreed	
<i>The title should include the word “residential” and the word “residential” should be included in the first sentence of the Explanatory section.</i>	Policy A8, page 30	Agreed	New Policy title: “Policy A8 – High Quality Residential Design” Add “residential” between ...”new” and “...development” in first sentence of explanatory text.
<i>The high density back of pavement design of much of</i>	Policy A8,	Agreed	

<i>the area would prevent front boundaries in many cases. I recommend bullet point 3 adds “where feasible”.</i>	page 30		
<i>The County Council have indicated that in line with NPPF Paragraph 128 a Heritage Statement needs to be prepared when considering a scheme that may impact on a heritage asset. This should be included in the text.</i>	Policy A8, page 30	Agreed	8 th bullet point added: “In accordance with NPPF paragraph 128 a Heritage Statement needs to be prepared when considering a scheme that may impact on a heritage asset.”
<i>Although it is a worthy aspiration to retain and protect facades regardless of their subsequent use this is unrealistic particularly in relation to corner shops which may be converted to residential. I recommend adding the phrase “where feasible” to the final sentence in third paragraph.</i>	Policy A9, page 31	Agreed	
<i>The Strategic Map identifies Green links along three of the major streets. The back of pavement terrace design of these streets will make the creation of green links with trees very difficult to achieve. There is no reference in the Plan to how this will be achieved. I recommend, therefore, that within the Explanatory section a sentence is added to recognise that the Parish Council will need to work with the Highway Authority to consider potential changes that could achieve an increased greening of these streets.</i>	Policy A10, page 34	Agreed, for clarity	Insert new sentence at the end of the first paragraph of the explanatory text “The Parish Council will work with the Highway Authority to consider potential changes that could achieve an increased greening of the streets.”
<i>I recommend the term “street trees” should be deleted from the Strategic Map key.</i>	Strategic Map, page 17	Agreed	
<i>In 10.3 mention is made of St. Matthew’s Park. It should be shown on the Strategic Plan.</i>	10.3, page 32	Agreed, site will be added to strategic map, page 17	
<i>On Page 33 photos illustrating the vision for the area are shown. It would be helpful to clarify in the text that these are images from elsewhere and possibly add a phrase like “exciting examples from elsewhere”</i>	Photos on page 33	Agreed	
<i>This policy seeks high standards in new development.</i>	Policy A10,	Agreed	New first sentence of explanatory to read: “Improvements

<i>I agree with the Council who have recommended that the first sentence of the Explanatory section would be improved if it read “Improvements to public realm, [secured by a S.106 agreement], will be required by all new development where this is appropriate. Public realm improvements should be of very high quality and ensure that...”</i>	page 34		to public realm, [secured by a S.106 agreement], will be required by all new development where this is appropriate. Public realm improvements should be of very high quality and ensure that all new development and enhancement to existing areas should achieve the highest reasonable excellence in public realm provision in terms of quality of spaces and safety of users.”
<i>paragraph 2 line 3 add “ensure” before longevity.</i>	Policy A10 explanatory, page 34	Agreed	
<i>3rd par 2nd sentence should read “This Policy aims”</i>	Policy A10 explanatory, page 34	Agreed	
<i>In line 1 delete “market”. In line 2 delete “where appropriate” and replace with “unless the type of development and / or location justify requiring a differing amount..”</i>	Policy A11, page 35	Agreed, to clarify the policy	
<i>bullets 1-4 replace household with dwelling. In bullet 2 insert “dwellings of 2 or 3 bedrooms.</i>	Policy A11, page 35	Agreed	
<i>At the end of paragraph 2 add the ESBC wording “where this would not create on-street parking problems or exacerbate existing ones.”</i>	Policy A11, page 35	Agreed	
<i>Delete last sentence and replace with: “On all applications for new developments, sufficient on-site refuse bin storage needs to be provided in a location which has satisfactory access and is shielded from view as much as possible.”</i>	Policy A11, page 35	Agreed	
<i>Paragraph 3 of the Explanatory suggests that proposals should seek to secure the continued vitality and viability of the football club. There is little</i>	Policy A12, page 36	Agreed, deleted	

<i>justification in the documentation for this proposal and I recommend that it is deleted. The Parish may wish, however, to add an additional aspiration that it will use its best endeavours to maintain the highly valued work of the Community Trust.</i>			
<i>The last paragraph of the explanatory should be excluded since it is unreasonable to expect all new developments to facilitate opportunities for food growing.</i>	Policy A12, page 36	Agreed, deleted	Jo, please can the last para of the explanatory be deleted.
<i>Bullet 4 could be replaced by the ESBC suggestion: “protect and enhance current allotment provision and, where possible and appropriate, provide opportunities for local food growing in the design of new developments, including incorporating flexible landscaping that can provide growing spaces.”</i>	Policy A12, page 36		Bullet point 4 replaced with: “Protect and enhance current allotment provision and, where possible and appropriate, provide opportunities for local food growing in the design of new developments, including incorporating flexible landscaping that can provide growing spaces.”
<i>I recommend a number of changes to the text to ensure that the emphasis is on maintaining and enhancing existing management of the area rather than encouraging new planting and development that would threaten its existing condition. Bullet 1 should therefore read “Encourage new native planting where it does not harm existing biodiversity”.</i>	Policy A13, page 37	Agreed, for clarity	
<i>Bullet 2 should read “Improvements to footpaths and connectivity within the site and with wider regional routes”.</i>	Policy A13, page 37	Agreed, for clarity	
<i>The following bullets should read “Improving”; “Encouraging”; “Improving”; “Developing” and</i>	Policy A13, page 37	Agreed, for clarity	3 rd bullet: should be returned to previous “ improvements to...” 5 th bullet point should be “Encouraging”

<i>“Promoting”.</i>			
<i>In previous versions of the Plan the Webb Ivory Site was identified as a key priority for the community but it is not mentioned in the final version. I recommend that a short section is included outlining the background to the site and that planning permission was obtained during the process of production of the Plan. The Steering group may wish to highlight that they were involved in discussions about the application and whether they felt they influenced the final outcome</i>	Introduction to key sites chapter, page 38	Agreed, to explain the change from Regulation 14 plan	
<i>In the first paragraph 4th sentence of the Explanatory I recommend rewording to “assess the balance between bringing forward development proposals with community benefit versus the substantial harm to this listed building heritage asset”</i>	Policy A14 explanatory text, page 40	Agreed	New 4 th sentence to read: “In line with paragraphs 132 and 133 of the National Planning Policy Framework (NPPF), this policy sets out a framework for beginning to assess the balance between bringing forward development proposals with community benefit versus the substantial harm to this listed building heritage asset.”
<i>The key of the plan on Page 41 should read “positive improvements to Green Link”.</i>	Policy A15	Agreed, for clarity	

Grammatical and typographical errors from Cllr Davies' representation:

Reference	Change to be made
Throughout Plan	"Borough" and "British" should have upper case "B's". Parish should have a capital "P" when referring to Anglesey.
P7, Ethnicity paragraph, last sentence	Replace "ethically" with "ethnically"
4.8 second sentence	Replace "largley" with "largely".
4.8 third sentence	Replace "is covered by" with "consists of"
4.9 last sentence	Replace "Burton Road" with "Branston Road"
4.10	Burton upon Trent should not be hyphenated.
4.11 first sentence	Replace "are" with "were"
4.13 last sentence	Replace "in tact" with "intact"
4.19	Replace "parish meaning that the area is placed" with "Parish, meaning the area is situated". Delete "placed" in second sentence. Replace "affect" with "effect" in second sentence.
4.20	Replace "affect" with "effect" in second sentence.
4.24	Capital "M" required for "midlands"
4.14	Replace "for the designation" with "was"
4.15	Replace "in-between" with "between" in second sentence.
4.16	Replace "which sought" with "which aimed" in second sentence
4.30	Replace "With application" with "Applications". Insert "are" between "development" and "amongst".
4.31	Replace "plan-making" with "plan making"
4.32	Insert a full stop after 'up to date'
5.8	Replace "contruibution" with "contribution"
6.4	Insert "the" between "During" and "consultation" and add a comma after "period" and "meetings"
Page 16 objective 2	Replace "make" with "making".
9.3	Replace "can not" with "cannot".
Policy A9 Explanatory	Insert commas after "together", "townscape" and "houses".
10.4	Replace "can not" with "cannot".
Policy A10	At the end of each bullet point be consistent and use semi colons. Second list, second bullet point replace "improvement" with "improvement".
Policy A10 last paragraph	Add "order." At the end of the sentence
Policy A13, first sentence	Replace "is to" with "are to"
Policy A14	Replace "mix-used" with "mix-use"
12.3	Delete "emerging" as ESBC Local Plan is now adopted.

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/anglesey>

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:

Clerk -Mrs Emma Coleman

Email: clerk@anglesey.staffslc.gov.uk

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