

DECISION STATEMENT (Regulation 18(2))

NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

1 Newborough Neighbourhood Development Plan

1.1 I confirm, that the Newborough 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 15th September 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 20th May 2012, Newborough 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 twice, most recently between 15th October 2015 and 26th November 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 March 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 13th April and 27th May 2016 in accordance with Regulation 16.

2.9 Mr Andrew Ashcroft was appointed to examine the Neighbourhood Development Plan, and the Examination took place in June 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>Modify policy to read: In determining the acceptability or otherwise of planning applications the extent to which the proposed development addresses the following points, where relevant, will be used to guide the delivery of sustainable development:</p> <ul style="list-style-type: none"> • Residential and business.....village; and • Development introduces appropriate highways improvements or other identified measures to accommodate increased traffic flows; and • Appropriate communications.....development s; and • The resulting development would not increase.... flood risk areas and takes account of the predicted impact of climate change; and • The resulting development 	<p>SP1</p>	<p>Agreed, for clarity required by NPPF</p>	<p>New Policy SP1 to read: In determining the acceptability or otherwise of planning applications the extent to which the proposed development addresses the following points, where relevant, will be used to guide the delivery of sustainable development:</p> <ul style="list-style-type: none"> • Residential and business development contributes to the vitality and viability of Newborough village; and • Development introduces appropriate highways improvements or other identified measures to accommodate increased traffic flows; and • Appropriate communications infrastructure, where practicable, connects to all new developments; and • The resulting development would not increase the risk of flooding from either increased run off or from building within flood risk areas and takes account of the predicted impact of climate change; and • The resulting development preserves or enhances the local biodiversity network, paying special attention to the green and blue infrastructure network, landscape and biodiversity designations and protected species; and • The resulting development would be of an appropriate design, which complements the local

<p>preserves or enhances the local.... species; and</p> <ul style="list-style-type: none"> • The resulting development would be of an appropriate design...setting; and • The resulting development would be accessible.... public transport; and • The resulting development would restore and enhance.... Newborough. 			<p>vernacular and character of the village and the rural setting; and</p> <ul style="list-style-type: none"> • The resulting development would be accessible by sustainable modes to local facilities (school, public house, church) with local shops easily accessible by public transport; and • The resulting development would restore and enhance the local landscape character, paying particular attention to long distant views and views into and out of the village of Newborough.
<p>Combine the first and second paragraphs to read: New housing and employment development proposed pursuant to policies HE1 and HE3 of this Plan will be expected to be designed in a way that will minimise its impact on surface water run-off and flooding of rivers and watercourses. Such new developments will also be expected to demonstrate no exacerbation in the overall levels of surface water runoff through the use of Sustainable Urban Drainage Systems.</p>	SP2	Agreed, for clarity required by NPPF	
<p>Delete the (existing) third paragraph of the policy</p>	SP2	Agreed, for clarity required by NPPF	
<p>Replace the fourth paragraph of the policy with the following: Proposals that will result in enhancement of publicly accessible areas along the River Swarbourn and community-led projects that will improve</p>	SP2	Agreed, for clarity required by NPPF	

the community use of the river will be supported.			
Delete final paragraph of the policy	SP2	Agreed, for clarity required by NPPF	
<i>Delete second and third sentences of paragraph 5.10. Insert the (existing) third paragraph of the policy at this point</i>	Para 5.10	Agreed, for clarity required by NPPF	
<i>Modify paragraph 5.11 to start: There are opportunities to introduce Natural Flood Management....</i>	Para 5.11	Agreed, for clarity required by NPPF	
<i>Insert the final paragraph of the policy at the end of the modified paragraph 5.11</i>	Para 5.11	Agreed, for clarity required by NPPF	
Delete second sentence of the first part of the policy	SP3	Agreed, for clarity required by NPPF	
Modify second part of the policy to read: The impact of communications infrastructure.... distance views will be carefully assessed as part of the determination of planning applications. Schemes which are highly visible or prominent from the conservation area or from key viewpoints as shown on the proposals map will not be supported.	SP3	Agreed, for clarity required by NPPF	New second part of the policy: The impact of communications infrastructure on the landscape character and long distance views will be carefully assessed as part of the determination of planning applications. Schemes which are highly visible or prominent from the conservation area or from key viewpoints as shown on the proposals map will not be supported.
Delete second sentence of the third part of the policy	SP3	Agreed, for clarity required by NPPF	
<i>Insert the second sentence of the third part of the policy as supporting text at the end of paragraph 5.16</i>	Para 5.16	Agreed, as information is better placed in explanatory text	

<p>Modify policy to read:</p> <p>New development will be required to promote high quality design and offer a positive, contextually responsive contribution to the parish’s historic built environment and its specific heritage assets.</p> <p>New development will be expected to preserve or enhance the character or appearance of the conservation area, the fabric and setting of Scheduled Ancient Monuments and Listed Buildings. Planning applications will be expected to address the interaction between the Renewable Energy Planning applications for the conversion and adaptation of traditional farmsteads for residential or employment use will be expected to demonstrate how they have taken account of the guidance on Traditional Farmsteads in East Staffordshire supplementary planning document (March 2011). Proposals that do not respond positively to this guidance or which would result in harm to the character or appearance of any farmstead will not be supported.</p> <p>New development will be expected to respect the dark skies in the Plan area. Proposals that generate additional and insensitive light pollution will not be supported.</p> <p>New development will be expected to take account of known surface and sub</p>	<p>SP4</p>	<p>Agreed, to reflect national policy and to clarify the application of the traditional farmsteads SPD</p>	
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surface archaeology and ensure that other potentially significant deposits are identified and appropriately safeguarded during development.			
<i>Insert deleted final sentence of the fifth part of the policy as supporting text at end of para 5.18.</i>	Para 5.18	Agreed, as information is better suited as explanatory text	
Replace the second sentence of the first part of the policy with the following: Larger employment proposals will not be supported unless they can demonstrate a specific locational or operational need and comply with other development plan policies	HE1	Agreed, so there is a clear distinction between what will and will not be acceptable	
Replace the fourth paragraph of the policy with the following: Proposals for home working will be supported where they are of a scale and nature commensurate with the rural nature of the parish and comply with other development plan policies. Proposals that make provision for home working within employment schemes will also be supported	HE1	Agreed, so that the policy relates fully to the supporting information in paragraph 6.7	
Recommended Modifications: In first paragraph of policy replace 'policies' with 'policy'	HE2	Agreed, to correct an error	
Incorporate second paragraph of policy into the first paragraph and delete its final sentence.	HE2	Agreed, for clarity	

Delete final sentence of (existing) second paragraph of the policy			
Insert the final paragraph of the policy after the (new) first part of the policy and modify its wording to read: Applications that would deliver housing for first time buyers (starter homes), for the elderly and for those wishing to downsize (including proposals for bungalows) will be particularly supported subject to compliance with other development plan policies.	HE2	Agreed, for clarity	
Reposition the (existing) third paragraph to the end of the policy and modify its wording to read: In all cases any development proposal which would create more than four dwellings will be resisted	HE2	Agreed, for clarity	
<i>Include the following sentence at the end of para 6.10: In determining the cumulative number of delivered in the Plan area, schemes developed under the permitted development prior notification process will be included</i>	Para 6.10	Agreed, as wording is better suited to explanatory text	
<i>Modify first sentence of para 6.12 to read: 'Policy HE2 provides a particular focus for the delivery of homes for first time buyers and for those wishing to downsize but continue to live in the community.'</i>	Para 6.12	Agreed, for clarity	

<i>Modify para 6.15 final sentence to read: The restriction to four dwellings has been carefully designed to preserve the character of the village, to safeguard its landscape setting and to preserve or enhance the character or appearance of the conservation area.</i>	Para 6.15	Agreed, for clarity	
Opening element of policy – delete ‘normally’	HE3	Agreed, for clarity	
In the first component of the policy – replace ‘Conservations’ with ‘Conversions’	HE3	Agreed, to correct error	
In the first component of the policy – replace initial sentence with the following: The following proposals that would result in the creation of single dwellings will be supported: A: (unchanged) B: Replace ‘which.... alteration’ with ‘where any associated extensions and/or alterations would be of a scale and type that would not detrimentally affect the character, appearance or integrity of the building concerned’	HE3	Agreed, to reconfigure the structure of the policy	First component of policy now to read: The following proposals that would result in the creation of single dwellings will be supported: A: On an infill plot where it is bounded by existing properties on two or more sides and fronting an existing highway, or: B: the conversion of existing buildings (where these are not already permitted development) where any associated extensions and/or alterations would detrimentally affect the character, appearance or integrity of the building concerned, Or; C: A replacement single dwelling of broadly the same volume, height and footprint as the existing building.
Remove the association between category D and A-C and position the following modified paragraph to sit at the end of this first part of the paragraph. ‘Other planning applications for the creation of a single dwelling will be supported where they	HE3	Agreed, to reconfigure the structure of the policy	

<p>would meet a demonstrated local housing need that could not be viably or practically delivered on the basis of this policy’.</p>			
<p>In the second part of the policy replace the initial sentence with the following:</p> <p>Planning applications for residential development that extend the linear north-south form of Newborough village will be supported subject to the following criteria: Modify the three criteria to read: A: The application site is located fronting.....Yoxall Road (south) and proposes development that respects the form and depth of the existing development of which it would be a linear extension; and B: The application site would not result in a linear extension.... C: The proposal would not exceed the development of four dwellings</p>	HE3	Agreed, to reconfigure the structure of the policy	<p>New second part of policy: Planning applications for residential development that extend the linear north-south form of Newborough village will be supported subject to the following criteria: A: The application site is located fronting either Hollybush Road (north) and Yoxall Road (south) and proposes development that respects the form and depth of the existing development of which it would be a linear extension; and B: The application would not result in a linear extension to the north beyond the bridge crossing the River Swarbourne or to the south beyond the junction of Yoxall Road and Dark Lane (as marked on the proposals map); and C: the proposal would not exceed the development of four dwellings.</p>
<p>Final part of the policy Replace ‘resisted’ with ‘will not be supported’ Delete final sentence of this part of the policy</p>	HE3	Agreed, for clarity	
<p><i>Insert the following sentence at the end of paragraph 6.20:</i> <i>In both locations within the village the linear developments that may be generated by this policy should respect the format and plot depth of the existing linear developments on these two roads.</i> <i>This is particularly important as in the case of both Yoxall Road north and Hollybush Road west the</i></p>	Para 6.20	Agreed, for clarity	

<i>anticipated linear extensions of the village sit in extensive agricultural land holdings.</i>			
<i>Insert final sentence of the policy into the supporting text at the end of paragraph 6.22 with the following modification: 'The final part of Policy HE3 does not offer support to linear development in this part of the village. This approach has been adopted to preserve the setting.....run off water'.</i>	Para 6.22	Agreed, for clarity	
Delete second sentence of first paragraph of the policy	HE4	Agreed, for clarity	
Modify the start of the second paragraph of the policy to read: 'The design and layout of development proposals should....'	HE4	Agreed, for clarity	New second paragraph: The design and layout of development proposals should take account of and positively respond to the following principles:
Modify the start of the sixth, seventh and eighth criteria respectively in the second paragraph of the policy to read The importance of safeguarding.... The inclusion of sufficient car parking.... The inclusion within the design....	HE4	Agreed, for clarity	New sixth, seventh and eighth criteria: The importance of safeguarding and framing views into, and out of, the village in line with CF3, The inclusion of sufficient car parking based on the site's size and designed to allow vehicles to enter and leave in a forward gear; and The inclusion within the design of any scheme features to reduce the risk of flooding (from all sources) through the choice of materials, landscape treatments and the use of sustainable urban drainage systems (SUDs) methods, in accordance with NDP Policy SP2; and
Modify the eighth criterion so that its second sentence (beginning 'To maximise opportunities...') becomes a free-standing ninth criterion	HE4	Agreed, for clarity	New ninth criterion: To maximise opportunities to include features within new or converted buildings to provide wildlife habitats (e.g. bird boxes and bat roosts).
In third paragraph of the policy insert 'of	HE4	Agreed, for clarity	New third paragraph, first sentence:

adjacent properties’ between ‘amenity’ and ‘should’.			In all cases the neighbouring amenity of adjacent properties should be preserved in accordance with the policies set out in the Local Plan and national policy and guidance.
<i>Relocate second sentence of the first part of the policy to the end of paragraph 6.25.</i>	Para 6.25	Agreed, for clarity	
Modify policy as follows First paragraph to read: Planning applications that propose the delivery of will be supported.	CF1	Agreed, for clarity	New first paragraph: Planning applications that propose the delivery of new services and facilities, principally A1 retail use (including a newsagent, post-office and/or convenience stores) and A3 restaurants and cafes, together with other complimentary uses, commensurate in scale to the settlement, will be supported.
Include the second paragraph of the policy as part of the first paragraph (as modified)	CF1	Agreed, so the applicability of the policy is clear	
In the third paragraph of the policy insert ‘planning applications that propose’ between Community Value)’ and ‘a diversification’.	CF1	Agreed, so the applicability of the policy is clear	New third paragraph of the policy: Where it is considered necessary to secure the ongoing viability of a community asset (including those designed formally as an Asset of Community Value) planning applications that propose a diversification of uses (including residential uses) will be supported, subject to compliance with other development plan policies and other relevant planning considerations.
<i>Insert the following sentence at the end of paragraph 7.7: In coming to a judgement on the economic viability or otherwise of an existing community facility as set out in the final part of Policy CF1 planning applications proposing an alternative use will be expected to provide viability information and evidence that the property concerned has been made available on the open market for a period of at least six months without practical or realistic interest from</i>	CF1	Agreed, so the supporting text clarifies the viability issue contained in the third part of the policy.	

<i>other retail or community uses.</i>			
Modify the initial section of the policy to read: The following sports and recreational facilities as shown on the Proposals Map are designated as Local Green Spaces and will be protected from built development	CF2	Agreed, for clarity	
In second part of the policy change 'TA3' to 'TA2'.	CF2	Agreed, to correct factual error	
<i>In paragraph 7.10 of the Plan replace 'appendix 4' with 'appendix 3'</i>	CF2	Agreed, to correct factual error	
Modify the final part of the policy to read: Planning applications that would have an adverse effect on the assessment criteria set out elsewhere in this policy will be resisted unless.....Borough'	CF4	Agreed, for clarity	New final paragraph of policy: Planning applications that would have an adverse effect on the assessment criteria set out elsewhere in the policy will be resisted unless it can be demonstrated that there is no other viable alternative, design solution and/or location within the Borough.
Modify first paragraph of the policy to read: Insofar as planning permission is required, proposals to enhance existing walking and cycle routes and bridleways and/or to deliver new access provision and connections will be supported. Planning applications that would result in the loss of public rights of way will be resisted.	TA2	Agreed, for clarity	
Replace the first sentence of the second paragraph of the policy with the following:	TA2	Agreed, to comply with other policies.	

<p>'Subject to the provisions of policies HE1 and HE3 of this Plan proposals for new employment development and for two or more dwellings will be expected to provide safe access for both pedestrians and cyclists. Where it is appropriate and practical to do so these developments will also be expected to connect into existing footpaths that provide access to the village centre'.</p>			
<p>Delete fourth paragraph of the policy</p> <p><i>Insert the fourth paragraph of the policy as supporting text at the end of paragraph 8.12</i></p>	TA2	Agreed, as text is better suited in supporting text.	
<p>Recommended modifications: End the first paragraph of the policy with 'standards:' Delete 'and any.....greater'</p>	TA3	Agreed, for clarity	New second sentence of first paragraph: Development proposals will be permitted where parking provision accords with the following standards.
<p>Modify the initial part of the second paragraph of the policy to read: Car parking for residential development should be provided either on site or in courts in accordance with the following standards....</p>	TA3	Agreed, for clarity	New initial part of second paragraph: Car parking for residential development should be provided either on site or in courts in accordance with the following standards:
<p>Replace the fourth paragraph of the policy with the following: Development proposals will be expected to minimise the impact of the private car on the street scene and to reflect the</p>	TA3	Agreed, for clarity	

<p>character and appearance of the immediate locality. Development proposals that would generate on street parking, that would clutter the public realm or which would reduce the safety of pedestrians and cyclists will not be supported.</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. 2.11 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/newborough>

Or by application to the Parish Clerk: