DECISION STATEMENT (Regulation 18(2))

NEIGHBOURHOOD DEVELOPMENT PLAN PROCEEDING TO REFERENDUM

1   Denstone Neighbourhood Development Plan

1.1   I confirm, that the Denstone 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 2nd February 2017.

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 28th November 2013, Denstone 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 (29th November 2013 to 23rd January 2014).

2.4   The Borough Council designated the Neighbourhood Area by way of Executive Decision of the appropriate Deputy Leader on 5th February 2014.

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 22nd April and 6th June 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 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 23rd August and 5th October 2016 in accordance with Regulation 16.

2.9   Ann Skippers was appointed to examine the Neighbourhood Development Plan, and the Examination took place in October and November 2016.

2.10   The Examiner concluded she 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	ESBC comments	Additional/new text if applicable
Foreword change	Page 1	Agreed, to update plan	See page 1 of the Plan
Change paragraph 1.6 to read: "The Neighbourhood Plan will cover the period *from 2012 to 2031* which corresponds to the plan period for the adopted East Staffordshire Local Plan."	Page 5	Agreed, for clarity and t meet the basic conditions	Now on page 6
Update paragraph 2.1 to reflect the latest position and to include full information about the requirements and basic conditions the Plan must meet (the requirements are set out earlier in this report)	Para 2.1, page 6	Agreed, for clarity	Now on page 7
Change SP1 in the quote of LP Policy NP1 in paragraph 2.4 to read: "*SP1 – East Staffordshire Approach to Sustainable Development*"	Para 2.4, page 6	Agreed, to correctly reflect the ESBC Local Plan	Now on page 7
Change "SCC" in paragraph 3.13 to "*Staffordshire County Council (SCC)*"	Para 3.13, page 10	Agreed, for clarity	Now page 11
Change "Character Report" in paragraphs 3.19 and 3.23 to "*Landscape Character and Built Environment Assessment*"	Paras 3.19 and 3.23, pages 11 and 12	Agreed, for clarity	Now pages 12 and 13
Reword objective 7 so that it reads: "*7 Local Distinctiveness The Neighbourhood Plan will recognise the need to protect the local character which local people have said that they value including*	Page 15	Agreed, for clarity	Page 16

ensuring that the distinctive and separate identities of Denstone village and other settlements within the Parish are respected."			
Delete the reference to objectives in brackets after each policy title and move them, if desired, to after each policy with a new sentence that reads: "*This policy relates to objective(s) XX*" [insert relevant objective number(s)] having checked the correct objectives are referred to	After each policy and community proposal	Agreed, for clarity	References to objectives removed
Insert the word "an" so that the start of paragraph 6.2 reads: "Reflecting the NPPF, there is *an* overall policy on…"	Para 6.2, page 16	Agreed, for clarity	Now page 17
Change the reference to the "Neighbourhood Plan" in Part A to the "*development plan*"	DP1, page 16	Agreed, for clarity, as neighbourhood plan will form par of the development plan	Now page 17/18
Delete the words "…where it can be shown that the development would support the community, by providing:…" and replace them with the words "…*where proposals would provide*…"	DP1, page 16	Agreed, for clarity	Now page 17/18
Add the following words to criterion 1 so it reads: "New homes, to meet the dwelling requirement for Denstone *Parish set by East Staffordshire over the Neighbourhood Plan period,* but also taking account of the setting and character of the villages and addressing local housing demand in terms of size, type and tenure."	DP1, page 16	Agreed, for clarity	Now page 17/18
Remove the full stop between "…connection. Unless…" in criterion 4 In criterion 2 in Part B change the reference to "views" to "*key*	DP1, page 16	Agreed, for clarity	Now page 17/18

views which are described and shown in Appendix 2."			
Change the first sentence of the second paragraph of the policy to read: "*Proposals for new development must be accompanied by a site-specific flood risk assessment where this is required by national policy and guidance or by the Environment Agency or Staffordshire County Council or East Staffordshire Borough Council.*" For the avoidance of doubt the second and third sentences of this paragraph can be retained	DP2, page 17	Agreed, for clarity	Now page 18.
Delete the last sentence of the policy that reads: "The Parish Council will not support larger scale development, beyond levels of growth set out in the Local Plan, where these are promoted to enable investment in flood measures."	DP2, page 17	Agreed, as too inflexible	Now page 18.
Add a sentence to Community Proposal CPDP1 that reads: "*This is a community aspiration and not a planning policy.*"	CPDP1, page 18	Agreed, to make it clear that it is a community proposal and not a policy.	Now page 19
Delete SB1(A), SB1(B) and SB1(C) from Policy SB1	SB1, page 19/20	Agreed, to meet the basic conditions	Please now see Appendix 5, for CPSB1.
Reword Policy SB1 to read: "*New housing development will be permitted within the Denstone settlement boundary as shown on the Proposals Map Inset provided it complies with other development plan policies. The number of dwellings to be provided over the Plan period is a minimum of 20.*"	SB1, page 19/20	Agreed, to meet the basic conditions	
Change the Proposals Map Inset to simply show the new settlement boundary noting this as "Settlement Boundary" and remove the notations that show SB1(A), SB1(B) and SB1(C) and the green hatched notations and change the key	Proposals map inset 1	Agreed, to reflect changes to policy SB1	Inset map 1

Consequential amendments to the justification will be needed and these are i) the deletion of "The criteria set for each location reflect the nature of the sites…stages.", ii) changing "This form of development…" to "*The* form of development…" both on page 20 of the Plan, iii) deleting the bullet point that reads: "-reduce the physical separation between Denstone village and Rocester/JCB" and replacing it with *"-reduce the distinctive and separate identities of Denstone village and Rocester/JCB"*, iv) deleting the words "…are and this will be especially important at Vinewood Farm and Oak Road. In each case…" in the first paragraph under the bullet points on page 21 of the Plan	SB1 Justification Page 20/21	Agreed, to reflect changes to policy SB1	
Change "Character Report" in the first paragraph to "*Landscape Character and Built Environment Assessment*"	SB1 Justification Page 20/21	Agreed, for clarity	
Delete the paragraph on phasing on page 21 of the Plan	SB1 Justification Page 20/21	Agreed, for clarity	
Change the title of the policy to "*Rural Exception Housing*"	SB2, page 22	Agreed, to meet the basic conditions	Now page 21
Delete criterion c) from the policy	SB2, page 22	Agreed, as no justification made for it in the supporting text	Now page 21
Change "…the Settlement Boundaries…" in the first sentence of the policy to "…*the defined Settlement Boundary of Denstone and the settlements of Stubwood, Quixhill and Prestwood*"	SB2, page 22	Agreed, for clarity and accuracy	Now page 21
Change the word "accord" in criterion a) to "*accordance*"	SB2, page 22	Agreed, for clarity and accuracy	Now page 21
Change the title of Local Plan Policy SP18 referred to in the policy to "*Residential Development on Exception Sites*"	SB2, page 22	Agreed, for clarity and accuracy	Now page 21

Rewrite the justification to Policy SB2 replacing the text on page 22 of the Plan with: "*Rural exception housing will be permitted outside of the Denstone Village Settlement Boundary and the settlements of Stubwood, Quixhill and Prestwood in accordance with Local Plan Policy SP18 and subject to satisfactory impact on the character and appearance of the area. This will help to ensure that local needs can be accommodated. A small proportion of market housing will be supported where this would facilitate the provision of significant additional affordable housing that meets local needs.*"	SB2, page 22	Agreed, for clarity	Now page 21
Insert "*shown on the Proposals Map*" after "…existing college campus…" in the first line of the policy	AB1, page 23	Agreed, for clarity	Now page 22
Change the word "linked" to "*connected*"	AB1, page 23	Agreed, for clarity	Now page 22
Add the word "*generation*" at the end of the bullet point "Increased traffic" Change the last bullet point to read: "*Landscape* setting and loss of *key* views *identified in Appendix 2.*"	AB1, page 23	Agreed, for clarity	Now page 22
Reword Policy AB2 to read: "*Proposals for development within the JCB vehicle proving grounds identified on the Proposals Map will be permitted provided that no significant harm is caused:* *By increased traffic generated by the proposal or* *By noise and disturbance or* *From light pollution or* *From the loss of key views identified in Appendix 2 or* *On groundwater source protection zones as advised by the Environment Agency or*	AB2, page 23	Agreed, for clarity and to meet the basic conditions	Now page 22

• *To recognised landscape features or habitats."*			
Delete "…& land between Denstone and Rocester" from the policy's title	AB2, page 23	Agreed, for clarity and to meet the basic conditions	Now page 22
Delete "…and to maintain the separate physical identity of the village." from the justification on page 23 of the Plan	AB2, page 23	Agreed, for clarity and to meet the basic conditions	Now page 22
Change the title of the policy to "*Infill Sites*"	H1, page 24	Agreed, for clarity	Now page 23
Change the phrase "settlement boundary" in the first sentence of the policy to read "*the defined Settlement Boundary of Denstone and the settlements of Stubwood, Quixhill, Prestwood and Doveleys*"	H1, page 24	Agreed, for clarity	Now page 23
Delete the words "…on previously developed land…" from the first sentence of the policy	H1, page 24	Agreed, to meet the basic conditions	Now page 23
Add the words "*the occupiers of*" before "…neighbouring properties…in the first criterion	H1, page 24	Agreed, for clarity	Now page 23
Add the words "…*of value and which cannot satisfactorily be replaced if so required*…" after "…mature vegetation and landscaping…" in criterion i	H1, page 24	Agreed, to meet the basic conditions	Now page 23
Delete criterion ii in its entirety	H1, page 24	Agreed, to meet the basic conditions	Now page 23
Add the end of criterion v "…will be encouraged wherever possible."	H1, page 24	Agreed, for clarity	Now page 23
Consequent renumbering of the criteria will be required	H1, page 24	Agreed, for clarity	Criterion now i to iv

Reword Policy H2 as follows: "*New housing development should include a range of house types and sizes to meet the locally identified needs of the population. The provision of smaller (one, two and three bedroomed) homes, homes suitable for older people and homes which meet the needs of people with disabilities are particularly encouraged and would be welcomed by the local community.*"	Policy H2, page 24	Agreed, to meet the basic conditions and March 2015 Written Ministerial Statement	Now page 23
Change the word "reflect" in the first sentence of the policy to "*respect*"	Policy H3, page 25	Agreed, for clarity	Now page 24
Add the word "*in*" between "…identified…" and "…the Denstone Parish Character Study." in Part A	BE1. Pages 26/27	Agreed, for clarity	Now pages 25/26
Change "Denstone Parish Character Study" to "*Landscape Character and Built Environment Assessment*" in Part A	BE1. Pages 26/27	Agreed, for clarity	Now pages 25/26
Add "*Where appropriate…*" to the start of the second sentence in Part A	BE1. Pages 26/27	Agreed, to meet the basic conditions	Now pages 25/26
Add "*…or otherwise in writing…*" after "…Heritage Statement…" in the second sentence of the policy	BE1. Pages 26/27	Agreed, to meet the basic conditions	Now pages 25/26
Reword Part C to read: "*Any development in an area within the key views detailed in Appendix 2 and shown on the Key Views Village Map within Appendix 2 must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of the village edge and surrounding countryside.*"	BE1. Pages 26/27	Agreed, to meet the basic conditions	Now pages 25/26
Reword Part D to read: "*Development proposals should ensure that the distinctive and separate identities of Denstone village and Stubwood are not adversely affected by any development in the south and southwest of the Parish.*"	BE1. Pages 26/27	Agreed, to meet the basic conditions	Now pages 25/26
Delete "These are subject to specific protection under this policy	BE1. Pages 26/27	Agreed, for clarity	Now pages 25/26

and they helped to inform the choice of preferred locations for new housing." from the first paragraph of justification on page 26 of the Plan			
Change "Character study" to "*Landscape Character and Built Environment Assessment*" in the second paragraph of the justification	BE1. Pages 26/27	Agreed, for clarity	Now pages 25/26
Add the words "*where appropriate*" after the first mention of "Heritage Statement" in the second paragraph of the justification	BE1. Pages 26/27	Agreed, to meet the basic conditions	Now pages 25/26
Insert "*Where appropriate*" at the start of the policy	Policy BE2, page 27	Agreed, to meet the basic conditions	Now page 26
Replace "(see Appendix 1)" with "(*listed in* Appendix *3*)," in the policy	Policy BE2, page 27	Agreed, for accuracy	Now page 26
Remove the sentence "Enhancements to the local features will be sought through funding bids to support their management." in the justification for Policy BE2 to a new Community Proposal	Policy BE2, page 27	Agreed, as it does not relate to development and land use matters.	CPBE1, page 26
Insert "*Where appropriate*" at the start of the policy	Policy BE3, page 27	Agreed, to meet the basic conditions	
Delete the sentence "In addition, measures should be taken to minimise impacts of development upon the historic landscape character of the area." from the policy	Policy BE3, page 27	Agreed, to meet the basic conditions	
Add "*or similar*" after "Heritage Statement" in the last sentence of the policy	Policy BE3, page 27	Agreed, to meet the basic conditions	
Change the references to "Character Assessment" and "Character Report" to "*Landscape Character and Built Environment Assessment*" in the first paragraph of the justification	Policy NE1, page 28	Agreed, for consistency	

Change the word "Any" at the start of the policy to "*All*"	Policy NE2, page 28	Agreed, for clarity	
Add "…*take every available opportunity to*…" in the first sentence of the second paragraph of the policy between "…to protect wildlife and…" and "…enhance biodiversity…"	Policy NE2, page 28	Agreed, for clarity	
Delete "…or would create a traffic hazard on narrow twisting lanes…" from the policy	Policy T1, page 30	Agreed, to meet the basic conditions	Now page 31
Insert the words "…*and take any*…" before "-opportunities for improving the pedestrian…"	Policy T1, page 30	Agreed, to meet the basic conditions	Now page 31
Delete the word "Existing" from the policy's title	CFOS2, page 31	Agreed, for clarity	Now page 32
Reword the policy as follows: "*Open spaces and recreation facilities will be protected from development that detracts from the use of these areas as open spaces and recreation facilities. Proposals which would reduce the quality or quantity of these facilities will only be permitted if the open space, building or land is surplus to requirements or replacement facilities of an equivalent or better standard are provided in a suitable location or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss*."	CFOS2, page 31	Agreed, to meet the basic conditions	
Move the last part of the (existing) policy that begins: "In addition to those areas proposed as Local Green Spaces…" to the end to the justification if desired but delete the reference to area E	CFOS2, page 31	Agreed, to meet the basic conditions	
Include Areas A, B and C on a larger scale inset map(s) and make reference to this map within the supporting text Remove any reference to the notations "CFOS2 (D)" (but	CFOS2, page 31	Agreed, for clarity	Inset Map 2

retaining the area covered by AB1) and "CFOS2 (E)" from the Proposals Map			
Consequential amendments to the supporting text will be needed	CFOS2, page 31	Agreed, for clarity	Reference to Inset Map 2 added to justification
Delete "Designation of" from the policy's title	CFOS3, page 32	Agreed, to meet the basic conditions	Now page 33
Reword the policy as follows: *"The following areas shown on the Proposals Map and Maps XX and XX [insert Map numbers] are designated as Local Green Spaces:* [insert A and B from existing policy] *Development will only be permitted in the Local Green Spaces where it is compatible with the aims and objectives of the designation."*	CFOS3, page 32	Agreed, to meet the basic conditions	Now page 33
Produce an inset map(s) at a larger scale of each LGS naming them Map XX and Map XX [insert Map numbers] to tie in with the modified policy above	CFOS3, page 32	Agreed, to meet the basic conditions	Combined on Inset Map 3
Consequential amendments will need to be made to the justification including the deletion of the sentences which begins "The indication of the forms of development…" and end "…legal requirements."	CFOS3, page 32	Agreed, to meet the basic conditions	Now page 33
Change the second paragraph of the policy to read: "*Where appropriate, development proposals are encouraged to meet and, where possible, exceed national standards for sustainable construction. Wherever possible, provision should be made for a) improved telecommunications, b) pedestrian and cyclist access*	Policy LE1, page 33	Agreed, to meet the basic conditions	Now page 34

and c) the use of sustainable drainage systems."			
Add "*the occupiers of*" after "…The amenity of…" in bullet point two	Policy RE1, page 34	Agreed, for clarity	Now page 35
Delete the sentence which reads; "It is considered that there is a need to prevent the urbanisation of the area which could result from solar farms and wind farms." from the justification on page 34 of the Plan	Policy RE1, page 34	Agreed, as not evidenced	Now page 35
Delete Table 1 in its entirety	Policy summary, pages 35/36	Agreed, as not required	
Change the wording of paragraph 7.4 to read: "*Financial contributions will be sought from developers through Section 106 agreements or Community Infrastructure Levy if this is introduced in the Borough. Contributions will be sought when it is appropriate to do so and in line with the tests set out in the Community Infrastructure Levy Regulations 2010 and the NPPF. Contributions will assist in the delivery of the priority projects detailed below.*"	7.4, page 38	Agreed, to meet the basic conditions	Now page 37
Change "2016" in paragraph 7.12 to "*2012*" and replace "15 years" with "*19* years"	Para 7.12, page 39	Agreed, for clarity	Now page 38
Delete the reference to Ryecroft Middle School from Appendix 1 or make it clear that it falls outside the Plan area	Appendices	Agreed, for clarity	
Delete references to Map 2 from Appendix 2	Appendices	Agreed, for clarity and consistency	
Delete the first four paragraphs from page 43 of the Plan which deal with potential locations for new housing	Appendices	Agreed, for clarity and consistency	
Change "Character Survey" in Appendix 3 to "*Landscape Character and Built Environment Assessment*"	Appendices	Agreed, for clarity	

Add a date to Appendix 4 i.e. "listed buildings as at XXXX" and a note to remind readers to obtain the most up to date information from ESBC and/or Historic England		Agreed, for clarity	
Delete the glossary in its entirety	Glossary	Agreed, to avoid duplication and/or inaccuracy	

The following text has been agreed between ESBC and Denstone Parish Council; a new Appendix 5, detailing the communities aspirations for housing within the new Settlement Boundary for Denstone Village:

Appendix 5

Community Proposal CPSB 1. Housing Type and Design within the Denstone Village Settlement Boundary

Public consultation and the engagement of landowners and the County Council on housing sites within the extended Settlement Boundary resulted in the following preferences:

Land north of All Saints Church

Up to 6 houses should be provided, comprising smaller dwellings* with design and materials that should be traditional, reflecting the character of the nearby buildings and structures.

Land off Oak Road

Up to 5 houses should be provided, comprising a majority of smaller dwellings*. The design should reflect the style of a traditional farmhouse and outbuildings, with red brick and Staffordshire blue tiles as the principal materials and traditional boundary treatment. Access arrangements should seek to minimise potential vehicular/pedestrian conflict on Oak Road.

Land at Vinewood Farm

 Up to 5 houses should be provided, comprising a majority of smaller dwellings* which consider the site topography. The relationship with existing houses on College Road and Narrow Lane should be considered carefully. The existing hedgerow and bank on College Road should be retained to reflect the rural character. Access arrangements should seek to minimise potential vehicular/pedestrian conflict on College Road.

*Smaller dwellings are defined as 2 to 3 beds providing flexible accommodation for families and older people.

ESBC agreed with the examiner's recommendations to take out reference in SB1 to site allocations, but was satisfied that inserting this Community Proposal as Appendix 5 would recognise the communities' wishes for housing in the village whilst meeting the Basic Conditions.

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/denstone