

Decision Statement Regarding Hednesford Neighbourhood Plan Proceeding to Referendum (02.08.18)



(Regulation 18- The Neighbourhood Planning (General) Regulations 2012, as amended)

1. Summary

1.1 Following an Independent Examination, Cannock Chase District Council has recommended that Hednesford Neighbourhood Plan proceeds to referendum subject to the modifications set out in Table 1 below.¹ This Decision Statement confirms that the Hednesford Neighbourhood 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, with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended). The Plan can therefore proceed to referendum.

2. Background

2.1 Hednesford Town Council applied to Cannock Chase Council for the land within the Town boundary to be designated as a Neighbourhood Area on 22.04.14. In order for the Hednesford Town Council area to be designated as a Neighbourhood Area the Neighbourhood Planning (General) Regulations 2012 (as amended) required the Town Council to apply to Cannock Chase Council. The consultation ran from 21.07.14 to 14.09.14 and no objections were received in response to the proposal. The Council Cabinet ratified the designation of Hednesford Neighbourhood Area on the 20.11.2014.

2.2 A draft Neighbourhood Plan was launched by the Town Council at Pye Green Community Centre on 4th July 2016. Formal consultation was carried out for 6 weeks during July- August 2016. The Town Council then undertook the Regulation 14 consultation on an updated draft Neighbourhood Plan for 6 weeks during September-October 2017.

2.3 The Hednesford Neighbourhood Plan was submitted by the Town Council to Cannock Chase District Council in January 2018 for assessment by an independent examiner. The Plan (and associated documents) was published for consultation by Cannock Chase District Council for 6 weeks between 12th February and 26th March 2018 (the Local Authority publicity consultation period- Regulation 16). Mr Robert Yuille was appointed as the Independent Examiner for the Hednesford

¹ Decision authorised under delegated authority as per approved scheme of delegation for neighbourhood planning (Cabinet Report 14.12.17)

Neighbourhood Plan and all comments received to the Local Authority publicity consultation period were passed on for his consideration.

- 2.4 The Examiners Report was received on the 28th June 2018. The Examiner has concluded that subject to modifications the Hednesford Neighbourhood Plan meets the Basic Conditions. It has also met all of the relevant legal requirements. On this basis it should therefore proceed to Referendum.
- 2.5 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in the response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

3. Hednesford Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response

3.1 The District Council considered the Examiner’s report and the recommendations/modifications contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Cannock Chase District Council’s consideration of these recommendations.

3.2 Table 2 sets out additional modifications recommended by Cannock Chase District Council with the reasons for these recommendations. These are limited to minor, non-substantial changes arising primarily from the Examiner’s recommendations

3.3 The reasons set out below have in some cases been paraphrased from the examiner’s report to provide a more concise report. This document should be read in conjunction with the Examiner’s Final report. This is available via:

https://www.cannockchasedc.gov.uk/sites/default/files/hednesford_np_final_report.pdf

NB – Where new text is recommended this will be shown in **bold/underlined** with text to be deleted struck through i.e. (~~text to be deleted~~). Policy text is shown in italics, as either normal or bold/underlined to reflect if it is existing or new policy text i.e. (*policy text (existing policy)*) or **policy text (new policy)**).

Table 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s Decision & Reason
Front Cover	<u>Neighbourhood Plan 2017 - 2028</u>	To provide clarity on the plan period for the Neighbourhood Plan.	Agree to modification. Provides clarity on plan period.
Policy TC2	In the highlighted list of uses add the words <u>cinema, concert hall and theatre</u> . In the following line add <i>C1, and D1</i> <u>and D2</u> .	For consistency with national planning policy on acceptable town centre uses, and for consistency within Policy TC2 itself.	Agree to modification. Provides consistency with national planning policy.
Policy TC2	<u>A good standard of amenity should be achieved including the provision of appropriate space at the rear for the storage of refuse bins.</u> Appropriate space would need to be provided at the rear for the storage of refuse bins.	To clarify a good standard of amenity should be ensured, in line with local planning policy.	Agree to modification. In line with local planning policy.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's Decision & Reason
Policy ROW1- second line of policy	<i>The Forestry Commission, <u>the Cannock Chase SAC</u> and the</i>	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy. Additional minor amendment proposed to refer to Cannock Chase SAC Partnership (see Table 2 below).
Policy ROW1- fifth line of policy	<i>the Cannock Chase AONB <u>and the Cannock Chase SAC while avoiding any adverse impacts on their natural heritage.</u></i>	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy.
Policy OS1- first paragraph of policy	<i>Development of open spaces within the urban area identified on the proposals map <u>in Appendix 6</u> will not be permitted unless;</i>	To provide clarification on where the open spaces (and corresponding maps) are listed.	Agree to modification. Provides clarity.
Policy OS1- first paragraph of policy	<p><i>will not be permitted unless;</i></p> <ul style="list-style-type: none"> • <i>in the case of small spaces within existing housing estates, this is associated with comprehensive estate redevelopment. In these circumstances, replacement open space of at least equivalent size and quality shall be provided as part of the redevelopment proposals; <u>or</u></i> • <i><u>the open space is no longer needed as an informal recreation area; or</u></i> • <i><u>the community benefits of redeveloping the open space outweigh its loss</u></i> 	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's Decision & Reason
Policy OS1- final paragraph of policy	<u>Landowners will be encouraged to maintain and enhance</u> those open spaces that function as local visual amenities, wildlife corridors and areas of water storage and conveyance will be maintained and enhanced for these purposes in consultation with landowners.	To provide clarification (no certainty that landowners will agree to maintenance/enhancements).	Agree to modification. Provides clarity.
Appendix 6	Amend the list of Proposed Protected Open Spaces at Appendix 6 to include the following: <u>Verge on Heath Street opposite Hillside Close</u> Show the location of this verge on a plan.	For consistency with other open space designations in the Neighbourhood Plan.	Agree to modification. Provides consistency.
Policy H1- first line of policy	Priority will be given to t <u>The building of bungalows will be supported where it is viable</u> either as a component.....	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy.
Policy H1- final line of policy	rights for extensions or limiting these to small extensions not exceeding 15 square metres, in order to.....	To ensure conformity with local planning policy.	Agree to modification. In line with local planning policy.

Table 2

Section in Examined Document	Cannock Chase District Council Recommendation	Cannock Chase District Council Decision & Reason
Neighbourhood Plan	Update page numbering as required to reflect modifications in Table 1	For clarity
Page 5, final paragraph	Amend reference to Section 10 to read Section 16	For factual accuracy
Page 8, Housing Profile	Amend to reflect correct Ward areas	For factual accuracy
Page 12, paragraph E	Amend reference to Section 10 to read Section 16	For factual accuracy
Page 25	Update Policy TC5 map to show road names	For clarity
Policy ROW1	Add 'Partnership' after 'Cannock Chase SAC' in second line of amended policy (as per Examiner modification)	For clarity
Appendix 1	Amend timetable to read Plan was submitted in January and add Examiners report received date	For factual accuracy