

Stafford Borough Council

Colwich Neighbourhood Plan – Referendum Decision Statement

1. Summary

- 1.1 Following an Independent Examination of written representations, Stafford Borough Council now confirms the Colwich Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.
- 1.2 The Decision Statement and the Examiner’s Report are available for inspection on the Council’s website and also Colwich Parish Council’s website.

A hard copy is available for viewing at the Council Office Reception Desk during opening hours. The Council’s address is:

Stafford Borough Council,
Civic Centre,
Riverside,
Stafford
ST16 3AQ

2. Background

- 2.1 In August 2012 Colwich Parish Council applied to designate the Parish a Neighbourhood Area. This was approved by Stafford Borough Council in February 2013. Following approval a Neighbourhood Plan Working Group consisting of local volunteers was established to prepare the Neighbourhood Plan.
- 2.2 Colwich Neighbourhood Plan has been subject to extensive community consultation and supported by a robust evidence base. In accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council published a pre-submission version (draft) of the Neighbourhood Plan and invited comments on the draft between 1 June to 27 July 2015. Following the consultation, Colwich Parish Council made subsequent amendments to the final plan.
- 2.3 In September 2015, and in accordance with Regulation 15 of the Neighbourhood Planning Regulations, Colwich Parish Council submitted their Neighbourhood Plan with supporting documents (Basic Conditions Statement, Consultation Statement and a Screening Assessment) to the Council for publication and Independent Examination.

- 2.4 In accordance with Regulation 16 of the Neighbourhood Planning Regulations the Council publicised the Neighbourhood Plan inviting representations between 9 October and 20 November 2016. The representations received were subsequently forwarded to the appointed Examiner.
- 2.5 Following the consultation, the Council appointed Nigel McGurk, as Independent Examiner to undertake the independent Examination in December 2015 to examine if the Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) Schedule 4B of the Town and Country Planning Act 1990.
- 2.6 On the 12 January 2016, the Council received the Examiner's Report on the Colwich Neighbourhood Plan. The Examiner's Report recommends that the Neighbourhood Plan, subject to modifications, should proceed to Referendum.

3. Decisions and Reasons

- 3.1 The Examiner has concluded that, subject to modifications, the Colwich Neighbourhood Plan meets the legal requirements of the Neighbourhood Planning (General) Regulations 2012 and meets the basic conditions set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#). The Basic Conditions are:
- Have regard to national policy and guidance from the Secretary of State
 - Contribute to sustainable development
 - Have general conformity with the strategic policies of the development plan for the area or any part of that area
 - Doesn't breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC.
- 3.2 Borough Council Officers and Colwich Parish Council have considered the Examiners' Report and recommendations, and are satisfied in making the proposed modifications as suggested. The modifications made and the reasons behind the changes are shown in Table 1 below.
- 3.3 The Council consider the impacts from the Neighbourhood Plan are contained within the Colwich Neighbourhood Area and therefore agree with the Examiner, that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding a referendum.
- 3.4 The amended and final version of the Colwich Neighbourhood Plan is available by visiting <http://www.staffordbc.gov.uk/colwich-neighbourhood-plan>

3.5 Table 1: Modifications in line with the Examiner’s Recommendations

	Examiners Recommendation	Reason for change	Action taken
1	Paragraph 2.8, replace “2015-2031” with “2011-2031”	For clarity.	Agreed and modified.
2	Paragraph 3.2, change to “...are required to <i>have regard to the Framework...</i> ”	The existing statement is incorrect.	Agreed and modified.
3	Paragraph 3.4, delete and change to “ <i>The Framework states that Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies. It adds that, outside these strategic elements, Neighbourhood Plans will be able to shape and direct sustainable development in their area.</i> ”	For clarity.	Agreed and modified.
4	Paragraph 3.5, delete and change to “ <i>The Plan for Stafford Borough, which sets out strategic policies...planning applications was adopted on 19th June 2014. The Neighbourhood Plan must be in general conformity with the strategic policies of The Plan for Stafford Borough. Part 2 of the Plan for Stafford Borough is still emerging and as such, is not an adopted planning document. However, evidence relating to it provides relevant background information which has been considered in the production of this Neighbourhood Plan.</i> ”	For clarity. The existing statement is incorrect.	Agreed and modified.
5	Paragraph 3.6, change to “ <i>Neighbourhood Plans must be compatible with EU...</i> ”	For clarity. The existing statement is incorrect.	Agreed and modified.

6	Paragraph 3.7, change to “...Neighbourhood Plan must be <i>in general conformity with the strategic...</i> ”	For clarity. The existing statement is incorrect.	Agreed and modified.
7	Paragraph 3.8, change to “...to discuss <i>issues and all</i> bordering councils have been given...”	For clarity. The existing statement is incorrect.	Agreed and modified.
8	Change to “Settlement Boundaries have been drawn around our village, <i>within which development is supported.</i> ”	The existing statement is incorrect.	Agreed and modified.
9	Paragraph 2.3, change to “...Neighbourhood Plan <i>will, together with the Plan for Stafford Borough (PFSB), form the development plan and will be used to determine planning applications for the area.</i> ”	To make clear the relationship of the Neighbourhood Plan to the Development Plan.	Agreed and modified.
10	Delete Paragraph 2.9	This information is out of date.	Agreed and modified.
11	Delete Paragraph 3.9	This information is out of date.	Agreed and modified.
12	Paragraph 4.4.1 change to “ <i>Of the 1946 households in the Parish, 621 have...</i> ”	For clarity.	Agreed and modified.
13	Paragraph 4.4.2, replace comma with “ <i>and</i> ” at the end of the first line	For clarity.	Agreed and modified.
14	“ <i>The Policies of the Neighbourhood Plan should be considered as a whole.</i> ”	For clarity.	Agreed and modified.
15	Policy CLE1, change title to “ <i>Existing and New Businesses</i> ”	The policy is not constrained to businesses within settlement boundaries.	Agreed and modified.
16	Change Policy to “...well designed new buildings <i>that respect local character and protect residential amenity will be supported. Proposals that create or facilitate employment of people living in the Neighbourhood Area, or that facilitate home Working or working from home are encouraged.</i> ” Delete the rest of the existing Policy text.	The wording of the policy fails to provide decision makers with a clear indication of how to respond to a development proposal.	Agreed and modified.

17	Paragraph 8.2.1, begin second sentence with “ <i>The...</i> ”	For clarity.	Agreed and modified.
18	Delete Paragraph 8.2.2.	For clarity.	Agreed and modified.
19	Policy CLE2, change to “...loss of <i>community facilities, including local shops and pubs, will not be...</i> ”	To clarify what is meant by ‘community facilities’.	Agreed and modified.
20	Policy CLE3, change to “ <i>The Redevelopment of the Parish Centre for Class B1 Use will be supported, subject to demonstrating that any proposal respects local character, and does not harm highway safety.</i> ”	For clarity.	Agreed and modified.
21	Policy CLE5, change to “ <i>Development of health and care service facilities will be supported.</i> ”	To avoid unintended consequences.	Agreed and modified.
22	Policy CLE6, change to “ <i>The development of tourist and visitor facilities associated with the canal, Shugborough and the Neighbourhood Area’s connection with JRR Tolkien will be supported, subject to the provision of car parking and there being no harm to highway safety.</i> ”	For clarity.	Agreed and modified.
23	Delete Policy CLE7 and all related supporting text, being paragraphs 8.2.19 to 8.2.21	The policy does not meet the basic conditions.	Agreed and modified.
24	Amend paragraph 8.2.17 to read “...falling <i>within Policy CLE6</i> should...”	For clarity.	Agreed and modified.
25	Policy CTR1, change to “ <i>The development of additional public parking provision and improvements to highway safety will be supported.</i> ”	To avoid unintended consequences.	Agreed and modified.

26	Policy CTR2, change to “<i>The development of opportunities for walking, cycling and public transport will be supported, especially where this Increases connectivity. The development of bus Waiting facilities, incorporating the latest transport technology, will be supported.</i>”	The second sentence of the Policy is unclear. No indication is provided as to what the “opportunities” referred to comprise or when they “should be taken,” or by who/what.	Agreed and modified.
27	Policy CTR3, change to “<i>Development proposals that introduce pedestrian--friendly...green Spaces will be supported. Support will also be given to...mobility</i>”.	The policy, as worded, places an unduly onerous burden on all proposals for development, without justification. Further, no indication of the difference between “support” and “particular support” is provided, thus rendering the latter phrase somewhat meaningless.	Agreed and modified.
28	Paragraph 8.4.23, change to “...shown <i>in Map 7</i> is considered...”.	For clarity.	Agreed and modified.
29	Delete Policy CC2, supporting text, being paragraphs 8.4.25 to 8.4.23 (noting the error in the existing numbering), and Maps 8 and 9.	The policy could prevent the achievement of sustainable development and does not have regard to the basic conditions.	Agreed and modified.
30	Change Policy CC3 to “<i>The development of 1 and 2 bedroom homes within the settlement boundary will be supported.</i>” Delete rest of Policy.	It is inappropriate to base local housing need on the approach set out, which appears tenuous and is not supported by a robust evidence base.	Agreed and modified.
31	Delete Paragraphs 8.4.24, 8.4.25 and the last sentence of 8.4.26, which is unfounded, and Appendix J.	As above.	Agreed and modified.
32	Delete Policy CC4 and supporting text, being paragraph 8.4.28.	The policy fails to provide decision makers with a clear indication of how to respond to a development proposal and fails to have regard to Paragraph 154 of the Framework.	Agreed and modified.

33	Policy CC5, change to “...fewer than 15 houses within the settlement boundary, and which respects local character and protects residential amenity, will be supported.” Delete the rest of the Policy.	The wording is repetitive and confusing.	Agreed and modified.
34	Policy CC6, change to “Within the settlement boundary, the development of specialist housing and services, including extra-care housing, for older people, will be supported.”	The policy, as worded, may have unintended consequences by supporting development that might otherwise be inappropriate.	Agreed and modified.
35	Delete Policy CC7 and supporting text, being Objective O and Objective P, paragraphs 8.4.35 to 8.4.38 and the image.	The policy does not provide decision makers with a clear indication of how to respond to a development proposal.	Agreed and modified.
36	Delete the existing Policy text and change Policy CE1 to “Development is encouraged to achieve high standards of design. Development proposals should demonstrate that proposals respect local character and do not cause undue harm to residential amenity.”	The policy is ambiguous and does not provide a clear indication of how a decision maker should respond to a development proposal, and nor does it provide clear guidance for prospective applicants.	Agreed and modified.
37	Delete Policy CE2 and all related text, being Objective U and paragraphs 8.5.12 to 8.5.17	The policy does not provide clarity, contribute to the achievement of sustainable development and does not meet the basic conditions.	Agreed and modified.
38	Delete Policy CE3 and change Paragraph 8.5.18 to “The Parish Council supports the creation of amenity green spaces that comprise informal...hollows). Maps 11 and 12 identify existing amenity green spaces that make a positive contribution to the area. The Parish Council supports the preservation and enhancement of these spaces.”	It is not clear what Policy CE3 is trying to achieve and how a proposal for development should be considered against it.	

39	Amend the second sentence of paragraph 8.5.19 to reflect the removal of Policy CE3 and the updated policy numbering	As above.	Agreed and modified.
40	Policy CE4, change to <i>“Local Green Space is designated on nine sites, as shown in nine plans below. The development of Local Green Space is ruled out other than in very special circumstances.”</i>	The policy seeks to introduce its own version of Local Green Space. No justification for departing from national policy in this regard is provided.	Agreed and modified.
41	Delete Paragraph 8.5.22 and Map 16	As above.	Agreed and modified.
42	Delete LGS7 and Map 20	As above.	Agreed and modified.
43	Delete Policy CE5 and supporting text, being paragraphs 8.5.23 to 8.5.24	The policy does not meet the basic conditions.	Agreed and modified.
44	Policy CE6, delete the existing policy text and replace with <i>“Proposals to conserve or enhance biodiversity will be supported. Development to incorporate biodiversity in and around developments is encouraged, particularly where it forms part of a wider network or wildlife corridor, species rich hedgerows.”</i>	The policy, as worded, seeks to place a significant burden on all forms of development. In addition, the policy sets out requirements “in line” with “emerging” policy. This is an inappropriate approach that effectively requires development to in accord with something that does not yet exist.	Agreed and modified.
45	Policy CE7, delete last sentence	For clarity.	Agreed and modified.
46	Paragraph 8.5.37 reads as though it were a Policy, which it is not. Change Paragraph 8.5.37 to <i>“of the area may be acceptable...”</i>	For clarity.	Agreed and modified.
47	Policy CE9, change to <i>“Proposals that will impact on the Staffordshire and Worcestershire Canal Conservation Area and the Trent and Mersey Canal Conservation Area, or their setting, should conserve or enhance local character.”</i>	The original wording does not take into account that development proposals not immediately adjacent to the Canal may have an impact on the Canal Conservation Area.	Agreed and modified.

48	Add at the end of 8.5.39 <i>“Where appropriate, the Parish Council will expect proposals in the canal corridors to have regard to the Trent and Mersey Canal Conservation Area Appraisal (2014).”</i>	As above.	Agreed and modified.
49	Delete Policy CI1 (retain Objective and related text)	The policy relates to third party organisations and responsibilities not under control of the Neighbourhood Plan.	
50	Delete Policy CI2	No detail is provided as to how this policy will be achieved or controlled. In addition, the wording on funding does not comprise a land use planning policy.	Agreed and modified.
51	Change wording of the former Policy and insert into a new Paragraph above 8.6.14, stating <i>“The Parish Council will encourage improvements to the quality...spaces in order to enhance the green infrastructure of the Parish. Colwich Parish...Appendix F.”</i>	As above.	Agreed and modified.
52	Policy CI3, delete existing policy wording and replace with <i>“Where possible and appropriate, proposals for development should incorporate Sustainable Urban Drainage Systems (SuDS). The enhancement of wildlife and biodiversity as part of the development of such systems will be supported.”</i>	For clarity.	Agreed and modified.
53	Delete Policy CI4	This policy seeks to impose an unknown requirement on unspecified development for something that does not exist.	Agreed and modified.
54	Create a new Paragraph above 8.6.25 and re---word the former Policy text <i>“The Parish Council will seek to create an allotment site to meet the current shortfall in provision. The aim is to fund this through developer contributions. Thus, the Parish</i>	To compensate for the deletion of policy CI4.	Agreed and modified.

	<i>Council will seek to work with landowners, developers and ecclesiastic authorities to identify and acquire suitable land and bring this project forward.”</i>		
55	Delete Policy C15, Map 25, Paragraph 8.6.27 and the associated allocation on the Proposals Map	There is considerable uncertainty that the site will ever come forward as a burial ground and memorial garden.	Agreed and modified.
56	Create a new Paragraph above 8.6.26, “<i>The Parish Council will seek to work with other bodies to identify and create a burial site and memorial garden. Where possible and appropriate in the future, the Parish Council will seek developer contributions towards the delivery of this aim.</i>”	Although it is not appropriate to name the burial site as specified in deleted Policy C15, it is appropriate to encourage the general provision of one.	Agreed and modified.
57	Change Paragraph 8.6.29 to “<i>Colwich Parish Council has begun to estimate possible infrastructure costs that might be incurred. An idea of what these may be is set out in the estimates shown in Table 2. Please note that these are only indicative figures.</i>”	The infrastructure costs specified are estimates only and this needs to be made clear in the text.	Agreed and modified.
58	Change heading of Table 2 to “<i>Indicative Estimates of Possible Infrastructure Costs and Potential Future Funding Source</i>”	As above.	Agreed and modified.
59	Delete Policy SA1	The policy does not have regard to the basic conditions.	Agreed and modified.
60	Amend the first sentence of the “Site Allocations” section to read as follows: “<i>The following site specific policy applies to the allocated site.</i>”	For clarity.	Agreed and modified.
61	Move Map 26 and supporting text to follow the Roseacre Site. Provide a new heading “<i>Land at Great Haywood Junction</i>” and a new Paragraph above 9.2. “<i>Colwich Parish Council would like to see more use made of the land identified on the</i>	For clarity.	Agreed and modified.

Map below for recreational and possibly, leisure purposes. Therefore, the Parish Council will explore ways of bringing this land forward, subject to the sensitivities outlined below.” Change “Key Considerations” heading to “Sensitivities.”

62	Policy SA2, delete the existing policy wording and replace with “<i>The development of a medical centre and associated car parking will be supported at the site identified on Map 27, Roseacre Nursery.</i>”	There is no substantive evidence to support the policy as it is worded.	Agreed and modified.
63	Change the Proposals Map in Chapter 11 to take account of the above recommendations: 1. Remove the Separation Zone 2. Remove the Burial Ground 3. Delete LGS7 4. Remove the Canalside site Update the policy numbering, paragraph numbers, map numbering, Objectives and pagination based on the recommendations contained in the Report	To take account of the above recommendations.	Agreed and modified.
