



Decision Statement Regarding Shenstone Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Shenstone Neighbourhood Plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was reported to Cabinet on 06/09/2016 where it was confirmed that the Shenstone 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, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

2. Background

- 2.1 On 20th November 2012 Shenstone Parish Council requested that the Shenstone Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Stonnall Neighbourhood Area on 19th February 2013. The Neighbourhood Area was modified on 8th October 2013.
- 2.2 In November 2014 to January 2015 Shenstone Parish Council published the draft Shenstone Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Shenstone Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council on 4th September 2015 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 9th September and 20th November 2015 (the Local Authority publicity consultation). Ms Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for her consideration.
- 2.4 She has concluded that, subject to modifications, the Shenstone Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and

Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may 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 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. Shenstone Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response

- 3.1 The District Council considered the Examiner’s report and the recommendations/modification contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Lichfield District Council’s consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Lichfield District Council with the reasons for these 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. Which is available via: www.lichfielddc.gov.uk/shenstonenp

NB – Where modified text is recommended this will be shown in red with text to be deleted struck through (~~text to be deleted~~), and text to be added in bold type (**text to be added**).

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Policy H2	Bullet point 4: • ensure that new buildings do not adversely affect the residential amenity of neighbouring properties by virtue of overshadowing seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight to a once sunny garden or window ; and	Daylight and sunlight are matters normally controlled under other legislation. Consideration should be given to rewording this section to reflect what are usually considered to be “material planning considerations” by using the term- over shadowing.	Yes – to be in accordance with national guidance to meet the basic conditions.
Policy HA1	Planning permission will be granted for residential mixed use development on 2.4 hectares of land at Birchbrook Industrial Estate, Lynn Lane, subject to the following criteria:	The policy is proposing a mixed use development and it would be helpful if this was reflected more clearly in the wording of the policy.	Yes – to add clarity.

SHENSTONE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Policy MO4	Paragraph 2: New commercial developments should seek will be required to provide off-street parking for their workforce. Only if this is not possible will on-street parking be permitted, subject to it not having a and on-street parking will be strongly discouraged due to its detrimental impact on the amenity of neighbouring residential properties or existing businesses.	I would recommend the minor modification of the wording of this policy to reflect that on street parking cannot be controlled through the mechanism of a Neighbourhood Development Plan Policy.	Yes – to be in accordance with national guidance to meet the basic conditions.
Policy GSC3	Paragraph 2: Proposals that would result in either the loss of or unacceptable harm to which affect well established features of the landscape, including mature trees, species-rich hedgerows and ponds will not be permitted. must demonstrate how any impact has been minimised and include appropriate mitigation measures.	In order to effectively protect the features outlined in paragraph 2 it is necessary to identify them and explain why these are important in the context of Shenstone Parish. I have not been provided with adequate evidence to support the wording of paragraph 2.	Yes – to ensure the policy meets the basic conditions.
Policy CO1	Examiner does not provide a proposed modification. The District Council has considered the recommendation and has provided modified wording to address this recommendation within Table 2 (Lichfield District Council Recommendation) below.	This policy does not set up a mechanism for identifying what is an “unacceptable impact”. This policy could be modified to include the requirement for the submission of a Transport Statement and Travel Plan to accompany proposals.	Modification is provided in Table 2 below.

TABLE 2

Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
------------------------------	---	--

SHENSTONE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Title Page	Delete Submission Consultation Version (Regulation 15) September 2015 from title page and replace with “Referendum Version” . NB – if the Plan is made ‘Referendum Version’ should be replaced with the date on which the plan is ‘Made’.	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.
Whole Plan	Delete Submission Stage Consultation (Regulation 15) from the header of each page.	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.
Paragraph 2.37	There is no school bus so secondary school pupils must rely on trains to Lichfield and Sutton Coldfield in order to get to school or college.	Yes – to add clarity.
Paragraph 2.40	The 2015 District Local Plan Local Plan Strategy adopted in 2015 for Lichfield District provides the.....	Yes – to be consistent with the Local Plan.
Paragraph 6.3	From the second sentence: Shenstone is in the Southern Strategic housing market area. The assessment that establishes needs is the Strategic Housing Market Assessment (SHMA) and the most recent SHMA was produced in 2012, so is up to date. A Housing Needs Study and Strategic Housing Market Assessment (SHMA) update was completed for the Southern Staffordshire Districts in 2012 which placed Shenstone in the ‘Rural South and East Subarea’ of Lichfield District. In addition to the C1 based analysis a more recent exercise (the GBSLEP/Black Country’s led PBA Study) identified Lichfield as being part of a wider Greater Birmingham HMA.	Yes – to ensure the policy justification is correct, and correctly states the evidence available.
Paragraph 6.4	Second sentence: 55% of existing households in the Rural South & East Subarea of Lichfield District...	Yes – to add clarity.
Paragraph 6.7	First sentence:	Yes – to add clarity.

SHENSTONE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

	This is supported by the community engagement undertaken in Shenstone Neighbourhood Area through the preparation of the Neighbourhood Plan.	
Section 7	Amend title: Land at Shenstone Business Park and Birchbrook Industrial Estate	Yes – to provide clarity on allocation.
Section 7: Land at Birchbrook Industrial Estate - Map	Remove map - map as drafted does not provide a sufficiently detailed redline for a proposed allocation. The Map also shows the allocation overlapping the settlement boundary within the Green Belt. The Plan does contain a Proposals Map which provides a clearer and more accurate allocation outline.	Yes – to provide clarity on allocation and make clearer reference to the proposals map which displays an accurate allocation outline.
Paragraph 7.1	First Sentence: This The land at Birchbrook Industrial Estate as identified on the proposals map at the rear of this plan totals 2.4 hectares and is currently industrial land, being part of the larger Shenstone Business Park and Birchbrook Industrial Estate.	Yes – supplements proposed modification to delete the map contained within section 7 of the Neighbourhood Plan. This will ensure that the more accurate proposals map is referred to as it is the proposals map which details the allocation proposed within Policy HA1.
Policy HA1	Title: Land at Shenstone Business Park and Birchbrook Industrial Estate, Lynn Lane 1 st Sentence: ...2.4 hectares of land at Shenstone Business Park and Birchbrook Industrial Estate...	Yes – to ensure consistency with other modifications.
Paragraph 8.5	Add to end of paragraph: In consultation with the Parish Council, their meaningful proportion of CIL could facilitate part funding the step free access.	Yes – to add further information regarding CIL.
Paragraph 9.11	First sentence: The Llamas Land as a whole is a Biodiversity Alert Site (BAS), entitled Little Holmes BAS. Both sites are classes as Biodiversity Alert Sites.	Yes – to ensure the Neighbourhood Plan is factually correct.
Paragraph 9.12	Malkin’s Coppice, a Site of Biological Interest , is a small	Yes – to ensure the Neighbourhood Plan is factually correct.
Policy CO1	Add to end of policy:	Yes – to ensure the Neighbourhood Plan is in line with the Local Plan and meets the Basic Conditions.

SHENSTONE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

	<p>Developments will be required to provide travel assessments and/or travel plans in line with the Local Plan Policy ST1.</p>	
--	---	--