

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council

28th February 2024

TITLE:	Checkley Parish Neighbourhood Plan - Referendum and Decision Statement
EXECUTIVE COUNCILLOR:	Cllr Darren Price – Deputy Leader, Regeneration and Planning
CONTACT OFFICER:	David Davies - Planning Officer (Policy)
WARDS INVOLVED:	Checkley Parish

Appendices Attached –

Appendix 1 Examiner’s report of the independent examination of the Checkley Parish Neighbourhood Development Plan (October 2023)

Appendix 2 – Checkley Parish Neighbourhood Development Plan 2021 - 2035

1. Reason for the Report

- 1.1 To consider the findings of the examiner’s report of the independent examination of the draft Checkley Parish Neighbourhood Development Plan to determine if the plan has met the “basic conditions” required for the plan to proceed to referendum.

2. Recommendation

- 2.1 It is recommended that Council:
- a) accepts the Examiner’s modifications in respect of the Checkley Parish Neighbourhood Development Plan as set out in the Examiner’s report, and notes that the basic conditions as required by Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) have been met and that a Decision Statement is published to confirm this.
 - b) Officers are authorised, in consultation with the Parish Council to make any minor editorial and presentational corrections to the text/images contained within the draft Neighbourhood Plan, where these changes do not affect the substance or meaning of the Neighbourhood Plan.

- c) approves the Examiner's recommendation that the Checkley Parish Neighbourhood Development Plan, as modified by recommendation b) should meet the basic conditions and should be submitted to a referendum in the Parish of Checkley (date to be confirmed, but should be no later than 56 days of this decision).

3. Executive Summary

- 3.1 The Checkley Parish Neighbourhood Plan Area was designated by Staffordshire Moorlands District Council on the 16th February 2016. The Draft Neighbourhood Plan was consulted on during two separate rounds of consultation, firstly between 11 February 2022 and 25 March 2022, then subsequently between 3 June 2022 and 15 July 2022. The Independent Examination of the Checkley Parish Neighbourhood Development Plan formally commenced on 29th June 2023.
- 3.2 The Neighbourhood Development Plan sets out planning policies for Checkley Parish Neighbourhood Area concerning: housing and site allocations; housing mix, business and employment (Upper Tean High Street; heritage-led regeneration; rural business diversity and growth); community facilities and assets (community, sport and recreational facilities; local green space); place, design and environment (design; infill; landscape and rural character; conservation areas); and transport.
- 3.3 The final Examiner's report [Appendix A] was received by the Council on 9th October 2023. It finds that, subject to specified modifications, the Neighbourhood Development Plan meets the basic conditions and other requirements. It is recommended by the Examiner that the Neighbourhood Development Plan should proceed to a local referendum based on the plan area. However, the decision as to whether the basic conditions and legal requirements have been met and therefore if the documents can proceed to referendum rests with the District Council.
- 3.4 Having reviewed the Examiner's report and related regulations, it is recommended that the District Council concurs with the Examiner's advice in relation to the Neighbourhood Development Plan. If the District Council concurs with this recommendation, provisions can be put in place for the plan to be subject to referendum in the Parish, anticipated (for reasons of resource efficiency) to take place alongside other scheduled elections in the District on 2nd May 2024.

4. How this report links to Corporate Priorities

- 4.1 Staffordshire Moorlands Corporate Plan 2023-2027:
Aim 1 - Help create a safer and healthier environment for our communities to live and work
Aim 3 - Help create a strong economy by supporting further regeneration of towns and villages
Aim 4 - Protect and improve the environment

5. Alternative Options

- 5.1 Option 1 (recommended) – that the Council agrees with the recommendations set out in Section 2 of this report. This option is recommended as the Neighbourhood Plan (as modified) is considered to meet the necessary requirements in order to proceed to referendum. This will enable the Checkley Parish community to determine whether the Neighbourhood Plan (as part of the wider Staffordshire Moorlands Development Plan) should be used to determine relevant planning applications in the Parish.
- 5.2 Option 2 (not recommended) – that the Council does not concur with the recommendations set out in Section 2 of this report or the Examiner’s report. This is not recommended as the Neighbourhood Plan (as modified) is considered to have met the relevant requirements to proceed to the referendum stage. If the Council were to pursue this option and not follow the advice of the Examiner, it must notify the Parish Council, previous consultation bodies and parties which had submitted representations to the Examiner to invite further representations.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

None direct.

6.2 Workforce

Staff time and resource will be required from the Election Services team to prepare for the referendum.

6.3 Equality Impact Assessment

An Equalities Impact Assessment has been completed for this project by Checkley Parish Council. This concluded that “*the plan would have positive impacts for people with protected characteristics. The draft plan proposal meets human rights requirements.*”

6.4 Financial Considerations

Within 2023/24, Local Planning Authorities can claim £20,000 once they have issued a decision statement detailing their intention to send a Neighbourhood Plan to referendum (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012). The date for the referendum does not have to be set in order to make this claim. The District Council will be reimbursed for the full cost of the Referendum and the Examiner’s fees.

6.5 Legal

Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans. The Neighbourhood Plan as proposed, is considered to

meet the basic conditions which were set out in law following the Localism Act 2011. Only a draft neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and be made. Should the Council decide to accept the recommendations in this report; a Decision Statement will be prepared and published on the Council's website and preparations will be made for a referendum in accordance with the Neighbourhood Planning Referendum Regulations 2012.

6.6 Climate Change

Taken as a whole, policies in the proposed Neighbourhood Plan are considered to be beneficial in terms of climate change mitigation and adaptation.

Sustainable/ accessible location for new housing development is addressed in Policy HSG1, whilst Policy EMP1 and COM1 seek to protect existing community facilities in the Parish (therefore reducing the need to travel to other facilities); and EMP3 supports exploration of active travel options for new/expanding rural businesses and tourism. **Sustainable design** is addressed in Policy DES1 which sets out expectations that development schemes be sustainable, support active travel; use local or recycled materials; and that major schemes incorporate sustainable drainage features. Policy DES3 covers **ecological protection /enhancement** and expects that development enhances wildlife habitats, and ecology (including trees, hedgerows, woodland, nature designations and candidate-nature designations); and that schemes should take opportunities to create biodiversity net gain. Policy TRA1 on **transport**, expects schemes to /incorporate sustainable transport and active travel options, including through prioritising pedestrian/ cycle movements; and by expecting all schemes to provide on-site secure and covered cycle storage.

6.7 Consultation

The Neighbourhood Plan was subject to formal consultation in accordance with Regulations 14 and 16 of The Neighbourhood Planning (General) Regulations 2012.

6.8 Risk Assessment

The risks are considered in section 7.

Mark Trillo
Executive Director (Place)

**Web Links and
Background Papers**

<https://www.staffsmoorlands.gov.uk/article/1178/Neighbourhood-planning>
<https://www.gov.uk/guidance/neighbourhood-planning--2#key-stages-in-neighbourhood-planning>

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7. Detail

Background and process

- 7.1 Checkley Parish was designated as a Neighbourhood Area by the District Council on 16th February 2016. The District Council is required to approve the designation of the area and fulfil statutory duties as local planning authority in the process. The designation of the area was a key stage in the statutory process of preparing the Neighbourhood Plan.
- 7.2 Subject to the outcome of the potential referendum, the Neighbourhood Plan will form part of the statutory development plan for the District and will be used to determine planning applications within the Neighbourhood Plan Area (Checkley Parish) alongside other adopted documents. At present, the Staffordshire Moorlands Local Plan (2020), Leekfrith Parish Neighbourhood Development Plan (2021), the Minerals Local Plan for Staffordshire (2015-2030); and Staffordshire and Stoke on Trent Waste Local Plan (2012 – 2026) comprise the statutory “development plan”.
- 7.3 The Checkley Parish Neighbourhood Development Plan has been prepared by the Parish Council under powers introduced in the 2011 Localism Act. This enables Town and Parish Councils or “neighbourhood forums” in areas without such authorities to establish planning policies for their area provided that the plan meets the basic conditions and is supported by the majority of votes at a referendum. The District Council has supported the Parish Council through this process.

Public Consultations and Examination Process

- 7.4 The Neighbourhood Plan was informed by consultation undertaken by the Parish Council with the local community and stakeholders. This included the statutory “regulation 14¹” consultation which was held initially between 11 February 2022 and 25 March 2022; comments of the District Council regarding Local Green Spaces led to a decision of the Parish Council to amend the plan and undertake a second period of Regulation 14 consultation between 3 June 2022 and 15 July 2022. A summary of the comments submitted to the Parish Council is provided in the “Consultation Statement” which is available on the neighbourhood plan

¹ Regulation 14 of the Neighbourhood Planning (General) Regulations 2012

website

<https://www.checkleyparishcouncil.co.uk/ndp/#:~:text=Checkley%20Parish%20Council%20has%20decided,Timetable%20is%20available%20for%20VIEW>. The District Council's response at this stage provided detailed comments on the policies with the aim of improving their clarity and ensuring they were compliant with the NPPF and Local Plan.

7.5 Subsequently, the Neighbourhood Plan with supporting documents was submitted to the District Council under Regulation 15(1) of the Town and Country Planning Neighbourhood Planning (General) Regulations 2012 (as amended). A report was submitted to **SMDC Cabinet on 14th February 2023**. The report considered the Draft (Regulation 15) version of the Checkley Neighbourhood Plan to determine whether it had followed the proper legal process and that the legal requirements for consultation had been followed. In the event that it had done so, the report explained that the District Council must then publicise the "Regulation 16 consultation" of the neighbourhood plan for a minimum of six weeks on behalf of the NP group, invite representations, notify any consultation body referred to in the consultation statement and send the draft Neighbourhood plan to independent examination. **The Cabinet's decision was:**

1. That the Draft Checkley Neighbourhood Development Plan be approved for public consultation for a six week period (Regulation 16).
2. That the commencement of the appointment of an Examiner be approved to prepare and organise the independent examination.

7.6 The Neighbourhood Plan was then formally published for comments by the District Council for a period of six weeks under Regulation 16 of the Regulations, closing on 13th April 2023. The Neighbourhood Plan that was published at this stage set out planning policies for the Checkley Parish Neighbourhood Area concerning: housing and site allocations; housing mix, business and employment (Upper Tean High Street; heritage-led regeneration; rural business diversity and growth); community facilities and assets (community, sport and recreational facilities; local green space); place, design and environment (design; infill; landscape and rural character; conservation areas); and transport.

Responses from Statutory Bodies

7.7 Responses to the Neighbourhood Plan were received from Historic England, National Gas Transmission, National Grid Electricity Transmission, National Highways, Natural England, Network Rail, Peak District National Park Planning Authority, Severn Trent, Staffordshire County Council Corporate Assets, Staffordshire County Council Minerals and the Coal Authority (in addition to the District Council's own response to the draft plan at regulation 16).

7.8 The two responses from Staffordshire CC raised arguably, the most significant objections: firstly **SCC Minerals** provided a holding objection to Policy HSG1 on the basis that one of the two proposed housing allocations (Tearne Quarry) falls within a mineral safeguarding area within the current Minerals Local Plan, and is subject to an active minerals permission from SCC; secondly **SCC Corporate Assets** objected to Policy LGS 1 on the basis that 3x of the original 14x sites

proposed to become local green spaces, were currently school playing fields at three different schools. A number of statutory bodies provided standard responses (attaching standard guidance), or did not comment/object. As the A50 highway passes through the Parish, **National Highways** requested that a reference be added into the plan that the A50 is currently managed by National Highways. **National Grid Transmission** as owner/manager of electrical transmission networks, drew attention to the route of one overhead powerline system which passes through the Parish, and provided general guidance about development in close proximity to powerlines. **Historic England** re-iterated their support of both the content of the document and the vision, aims and objectives set out in it. **Network Rail** raised general comments that they should be consulted upon any development schemes in the Parish with potential to impact/increase usage of railway infrastructure assets, such as railway stations and level crossings, and that developers should be required to undertake impact assessments to this end: they also argued that in some cases, developer financial contributions should be directed to their organisation for these reasons.

7.9 In agreement with Checkley Parish Council, Christopher Collison BA(Hons) MBA MRTPI MIED IHBC was appointed as the independent Examiner. The Examination in Public commenced on 29th June 2023 by written representations and the Examiner's final report was submitted to both the District Council and Parish Council on 9th October 2023.

7.10 Note that there is a statutory requirement for the Council to decide what action to take in response to each of the Examiner's recommendations either **within five weeks** of when the Local Planning Authority receives the Examiner's report or on a date agreed by the Local Planning Authority and the "Qualifying Body" (in this case Checkley Parish Council). As this Council meeting falls outside of the five week period, this decision date has been agreed with Checkley Parish Council.

Examiner's report

7.11 The Examiner's role is to consider whether the Neighbourhood Plan meets the legislative and procedural requirements. This includes determining whether the plan meets the "basic conditions". Only when a draft Neighbourhood Plan (as modified) is considered to have met the basic conditions can it be put to referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions in relation to a Neighbourhood Plan are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan.
- the making of the neighbourhood plan contributes to the achievement of sustainable development.
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017²

7.12 In addition to the basic conditions, the Examiner's report also considers:

- whether a Neighbourhood Plan is compatible with the Convention Rights³
- whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

7.13 The Examiner's report must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

7.14 Whilst the Examiner's report must address the issues above, it is the responsibility of the local planning authority to ensure that all of the regulations appropriate to the nature and scope of the draft Neighbourhood Plan submitted have been met in order for the draft Neighbourhood Plan to progress.

7.15 Schedule 4B to the Town and Country Planning Act 1990 requires that the local planning authority must—

- (a) consider each of the recommendations made by the report (and the reasons for them), and
- (b) decide what action to take in response to each recommendation.

The local planning authority must publish the decisions it makes in relation to the Examiner's recommendations (a 'Decision Statement'), the reasons for making those decisions and such other matters relating to those decisions and to notify the Qualifying Body and other relevant bodies.

7.16 A summary of the Examiner's key findings is provided below alongside a recommended response from the District Council. The Examiner's full report is available at Appendix 1.

² This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition "the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects".)

³ The Convention Rights has the same meaning as in the Human Rights Act 1998.

Requirement	Examiner's Recommendation	District Council's Response
<p>Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017</p>	<p>I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.</p>	<p>SMDC accepts the Examiner's recommendations.</p>
<p>Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development</p>	<p>I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the [NPPF].</p> <p>..It is evident it is intended achievement of ..[Neighbourhood Plan (as modified)] aims will support delivery of the [Neighbourhood Plan] vision..</p> <p>Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that, except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the</p>	<p>SMDC accepts the Examiner's recommendations.</p>

Requirement	Examiner's Recommendation	District Council's Response
	<p>basic condition "having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.</p> <p>I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider [Neighbourhood Plan] seeks to: .. Promote sustainable and active travel options and address traffic safety and congestion issues [etc].</p> <p>Subject to my recommended modifications ..I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.</p>	
<p>Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)</p>	<p>Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies.. has been addressed through examination of the plan as a whole and each of the plan policies.. I have taken into consideration the policy comparison including a Table presented [in] the Basic</p>	<p>SMDC accepts the Examiner's recommendations.</p>

Requirement	Examiner's Recommendation	District Council's Response
	<p>Conditions Statement that assists in demonstrating [this]. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.</p>	
<p>Whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.</p>	<p>I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.</p> <p>I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 16 February 2016.</p>	<p>SMDC accepts the Examiner's recommendations.</p>

7.17 As highlighted in the table above, the Examiner has recommended modifications to the Neighbourhood Plan in order to meet the basic conditions. They are:

Recommended Modification	Reason	District Council's Response
<p>Recommended Modification 1:</p> <p>Include a map of the Neighbourhood Area in Section 1.0 of the Neighbourhood Plan</p>	<p>The Neighbourhood Plan relates to the area that was designated by the District Council on 16 February 2016. The 'Introduction' section of the Neighbourhood Plan includes a written description of the extent of the Neighbourhood Area which includes the whole of Checkley Parish. Whilst several maps in the Neighbourhood Plan show the Parish boundary, I have recommended a map of the Neighbourhood Area is included in the Neighbourhood Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area.</p> <p>(Page 6 of Examiner's report).</p>	<p>SMDC accepts the Examiner's recommendations</p>
<p>Recommended Modification 2:</p> <p>In the aims in section 2.0 of the Neighbourhood Plan</p> <ul style="list-style-type: none"> • housing - delete "the local" and "a mixture of" and "with a primary focus on brownfield sites" • transport – after "Promote" insert "active travel and" • environment – delete "and wildlife" and after "feel" continue "and enhance biodiversity" <p>In the purpose stated on page 34 replace "local" with "identified"</p>	<p>The Neighbourhood Plan includes in Section 2 a positive vision statement for Checkley Parish. Six aims addressing specific themes relating to housing; transport; business; leisure and recreation; environment; and design and heritage are also set out. It is evident it is intended achievement of those aims will support delivery of the vision. The District Council has suggested adjustment of the wording of several aims. I have recommended modification of specific aims so that they have sufficient regard for national policy. In the interests of consistency, I have also recommended a modification of the housing purpose stated on page 34 of the Neighbourhood Plan, which the District Council has suggested requires amendment.</p> <p>(Page 16 of Examiner's report – to meet Basic Conditions).</p>	<p>SMDC accepts the Examiner's recommendations</p>

Recommended Modification	Reason	District Council's Response
<p>Recommended modification 2: Replace Policy HSG1 with: “1. The 2.02-hectare site at Fole Dairy, Uttoxeter Road, Fole identified on the map on page 42 below is allocated for residential development.</p> <p>2. In addition to the above allocated site, and sites allocated in the Local Plan, residential development, appropriate to the Settlement Hierarchy established by Policy SS2 of the Local Plan, will be supported:</p> <ul style="list-style-type: none"> - within the development boundaries of the smaller villages of Checkley and Lower Tean, and the larger village of Upper Tean, defined on the maps on pages 39-41 below; and - in other locations in accordance with Policies SS8 and SS9 of the Local Plan. <p>3. Proposals for residential development elsewhere will be assessed in accordance with strategic and national policy.”</p>	<p>..A neighbourhood development order may not provide for the granting of planning permission for any development that is excluded development.. [Excluded development includes] County matters include the winning and working of minerals. Part 2 of Schedule 9 to the Localism Act 2011 applies the excluded development provision to neighbourhood development plans.. On this basis I understand neighbourhood development plan policies may not relate to excluded development including the winning and working of minerals.. This would lead me to conclude I should recommend a modification of the Neighbourhood Plan to delete the proposed allocation of land at Tearne House Quarry Bank for residential development on this basis.</p> <p>..Under these circumstances [pre-existing residential planning permission SMD/2018/0045] I consider the development at the Tearne House site, Quarry Bank should be regarded as a commitment/completion and that a site allocation in the Neighbourhood Plan is not appropriate.</p> <p>..The lack of clarity [through mapping inconsistencies] of which land is proposed for allocation is a sufficiently important matter such that the allocation cannot proceed at this time. For all the above reasons I have recommended the land allocation for housing development at Tearne House, Quarry Bank is deleted from Policy HSG1.</p> <p>Part 1 of Policy HSG1 seeks to define settlement boundaries for Checkley, Lower Tean, and Upper Tean. I</p>	<p>SMDC accepts the Examiner's recommendations</p>

Recommended Modification	Reason	District Council's Response
<p>Note: The page numbers referred to in the policy may need to be adjusted.</p> <p>On page 42 of the Neighbourhood Plan</p> <ul style="list-style-type: none"> •delete the heading, map and aerial photograph relating to the Tearne House, Quarry Bank site •in respect of the Fole Dairy allocation site delete the aerial photograph and amend the site allocation plan to show more clearly the site boundaries do not include the former Fole Reformed Evangelical Chapel site. On the site allocation plan state the site area. <p>Modify all references to “settlement boundary” and “settlement boundaries” in the Neighbourhood Plan, including on Maps, to state “development boundary and “development boundaries.”</p> <p>In the Interpretation set out the provisions of Local Plan Policies SS2, SS8 and SS9 and explain that</p>	<p>have noted the District Council states “The policy provides new development boundaries for Checkley and Lower Tean, but not Hollington. The interpretation section should explain that, despite this difference, all three villages remain identified as ‘smaller villages’ under Policy SS9 of the SM Local Plan, and therefore serve the same strategic function.” I have adopted this proposal in my recommended modification.</p> <p>Part 4 of Policy HSG1 seeks to prevent residential development outside the defined settlement boundaries, however this is inconsistent with part 3 of the policy which supports residential development on brownfield sites generally. There may also be an inconsistency between part 4 and part 3b of the policy if Policy DES2 was read to include infill outside settlement boundaries. Part 4 of Policy HSG1 is also not in general conformity with the spatial policies of the Local Plan which support development in Hollington where it accords with Policy SS9. I have noted the representation of the District Council which states Local Plan Policy H1 supports limited residential development of an appropriate scale and character for the Spatial Strategy outside the development boundaries identified in the Local Plan provided the specified criteria detailed in the policy are met. Part 4 of Policy HSG1 does not have sufficient regard for national policy with respect to rural exception sites referred to in paragraph 78 of the Framework, and entry-level exception sites referred to in paragraph 72 of the Framework.</p>	

Recommended Modification	Reason	District Council's Response
<p>whilst it has not been considered appropriate to define a development boundary for Hollington due to its spatial form the three villages of Checkley, Lower Tean and Hollington remain identified as 'smaller villages' under Policy SS9 of the Local Plan, and therefore serve the same strategic function.</p> <p>In the Interpretation include reference to Policy DES1 which establishes design principles for development.</p> <p>In the Interpretation third paragraph delete "in brownfield locations"</p> <p>The Upper Tean Development Boundary (currently referred to as Settlement Boundary) identified on the Maps on pages 36 and 41 of the Neighbourhood Plan should be adjusted to be consistent.</p> <p>The Key to the Map on page 36 of the Neighbourhood Plan should be modified so that the area of land</p>	<p>The reference to brownfield locations in the third paragraph of the Interpretation is misleading as exception sites are not limited to brownfield locations.</p> <p>The ..map on page 36 of the Neighbourhood Plan includes in the Key an explanation that the land enclosed with a dotted line is "Proposed Settlement Boundary Checkley Parish Neighbourhood Plan". The Neighbourhood Plan may not relate to any land outside the Neighbourhood Area. I have recommended the Key to the Map on page 36 of the Neighbourhood Plan should be modified so that the area of land with dotted boundaries is described as "Land outside the Neighbourhood Area where a residential planning permission has been granted."</p> <p>The District Council has stated the Neighbourhood Plan uses the term "settlement boundary" whereas the Local Plan uses the term "development boundary." This variation of designation has potential to cause confusion for users of the Development Plan. I have recommended all references to 'settlement boundary' in the Neighbourhood Plan, including on maps, should be modified to state 'development boundary'.</p> <p>Paragraph 72 of the Framework provides for entry-level [rural] exception sites adjacent to, and proportionate in size to, existing settlements on land not already allocated for development. I am satisfied Policy HSG1 as recommended to be modified has sufficient regard for national policy relating to rural and entry-level exception sites, and meets</p>	

Recommended Modification	Reason	District Council's Response
<p>with dotted boundaries is described as “Land outside the Neighbourhood Area where a residential planning permission has been granted.”</p> <p>All maps in the Neighbourhood Plan should state their scale.</p>	<p>the Basic Conditions.</p> <p>(Page 23 of Examiner’s report – to meet Basic Conditions).</p>	
<p>Recommended modification 3:</p> <p>In Policy HSG2</p> <ul style="list-style-type: none"> •in part 1 after “based on” insert “the latest” •in part 1 after “including” insert “consideration of the need for” •replace part 2 with “Where on-site affordable housing, including First Homes, is provided within a development it should be distributed throughout the site and be of similar specification to the market housing.” <p>Replace the text of the Interpretation with “This policy should be read alongside Policy H3 of the Local Plan.”</p>	<p>..[Examiner points out that SMDC maintains objection at Regulation 16 because] the policy still does not (in the interpretation) elaborate on the forms of evidence an [housing] applicant would require.. [n]either does it refer to the 0.5ha threshold from the Local Plan.. Clause (2) and its interpretation is still contrary to the Local Plan and NPPF.. in that the policy expects affordable housing (where required) to be always provided on-site. Also, it expects that first homes ‘must’ be always provided..</p> <p>..Paragraph 63 of the Framework does include provision for off-site affordable housing or an appropriate financial contribution in lieu where that can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 72 of the Framework states Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers unless the need for such homes is already being met within the authority’s area. I have recommended a modification in these respects..</p> <p>Local Plan Policy H3 includes “4) Affordable housing should</p>	<p>SMDC accepts the Examiner’s recommendations</p>

Recommended Modification	Reason	District Council's Response
	<p>be designed as an integral part of developments and be 'tenure blind' in relation to other properties within the site." I have recommended a modification of Policy HSG2 so that the policy serves a clear purpose, avoiding unnecessary duplication of policies..</p> <p>(Page 23 of Examiner's report – to meet Basic Conditions).</p>	
<p>Recommended modification 4: In Policy EMP1</p> <ul style="list-style-type: none"> •in part 1 replace the text before "to complement" with "Where changes of use require planning permission, ground floor frontage units in the Upper Tean High Street area identified on the map below should remain in commercial uses open to the public, or in community uses open to the public" •in part 2 replace "settlement" with "area identified on the map below" <p>Insert below the policy a map identifying the area to which the policy applies.</p> <p>In the interpretation add an explanation that "some changes of</p>	<p>Examiner references SMDC's suggested amendments to current draft policy; and that Parish Council has stated the suggested changes are accepted.</p> <p>Paragraph 86 [NPPF] states planning policies should support the role that town centres play at the heart of communities, by taking a positive approach to their growth management and adaptation, and planning policies should define the extent of town centres and primary shopping frontages. The term "Upper Tean High Street settlement" is imprecise. I have recommended the policy should refer to a map that defines the area concerned. It is not usually necessary to state "where changes of use require planning permission" as all the policies of the Neighbourhood Plan only apply where planning permission is required however I have adopted in my recommendation the suggestion of the District Council in this respect as this will assist general understanding of the application of the policy. I have recommended a modification in these respects .</p> <p>(Page 34 of Examiner's report – to meet Basic Conditions).</p>	<p>SMDC accepts the Examiner's recommendations</p>

Recommended Modification	Reason	District Council's Response
use do not require planning permission”.		
<p>Recommended modification 5:</p> <p>Delete Policy EMP2 and the Interpretation below</p>	<p>[Examiner references SMDC’s objections to current draft plan]: SMDC questions whether Clause (1) of the policy is clear that it applies to heritage assets both inside, and outside of development boundaries. SMDC also questions whether there is scope for conflict with for example, Policy EMP1 (where a heritage ‘enabler’ scheme would involve a change of use of a heritage asset on Upper Tean High St to a use(s) not supported by that policy). Question if the policy is sufficiently clear for use by a decision maker in these circumstances.</p> <p>The requirement of Policy EMP2 to preserve heritage assets and their setting does not have sufficient regard for national policy. The term “high quality and durable materials” is imprecise. The inclusion of reference to some use types of buildings and not others is not sufficiently justified. Policy EMP2 does not have sufficient regard for national policy and is not “clearly written and unambiguous” ..The policy does not serve a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies. This policy does not meet the Basic Conditions. I have recommended Policy EMP2 is deleted.</p> <p>(Page 36 of Examiner’s report – to meet Basic Conditions).</p>	<p>SMDC accepts the Examiner’s recommendations</p>
<p>Recommended modification 6:</p> <p>Replace Policy EMP3 with</p>	<p>[Examiner references SMDC’s objections to current draft plan]: “No substantive changes made to policy or interpretation in latest version following SMDC regulation</p>	<p>SMDC accepts the Examiner’s recommendations</p>

Recommended Modification	Reason	District Council's Response
<p>“Development proposals that will result in a growth of rural enterprise and tourism will be supported where there is no significant adverse impact on the amenities of nearby residential properties or landscape character; where they demonstrate consideration of any opportunities for sustainable travel; and where the scale of development is appropriate in accordance with Local Plan policies”</p> <p>Add reference to Local Plan Policy E4 in the third paragraph of the Interpretation.</p>	<p>14 comments. Note that the policy itself needs to meet the basic conditions, this cannot be set out in the interpretation alone. The interplay between clauses 1(a) and 1(c) and 1(d) is queried. For example, whether the policy intends for existing businesses and brownfield sites that benefit from the policy, to only be within, or adjacent to villages. This needs to be clarified. Also, grammatical error at 1(c) ‘extension of or enhancement...’ ..also state consideration should be given to sustainable travel and Local Plan Policy E4 should be referred to in the Interpretation.</p> <p>I have recommended a modification [to reflect NPPF paragraphs 84 and 85] so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”..</p> <p>As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan [including] SS2, SS8, SS9, and SS10. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>(Page 37 of Examiner’s report – to meet Basic Conditions).</p>	
<p>Recommended modification 7:</p> <p>In Policy COM1</p> <p>•in part 1 after “facilities” insert “in</p>	<p>[Examiner references SMDC’s objections to current draft plan]: “In relation to Clause (1), the policy should also consider if the site is in an accessible location with links to sustainable transport, given Local Plan Policy SS10 part (1)</p>	<p>SMDC accepts the Examiner’s recommendations</p>

Recommended Modification	Reason	District Council's Response
<p>accessible locations for users”</p> <p>•replace part 2 with “Development proposals that would involve the loss of an existing community facility will only be supported where a similar existing or replacement facility will be available in a convenient location for users, or it can be demonstrated in accordance with Local Plan Policy C1(3) that the community use is no longer needed or viable.”</p> <p>•continue part 3 with “For larger developments of 10 or more dwellings in-development play areas should be included in accordance with the recommendations of Play England. Contributions of smaller developments will be assessed in accordance with Local Plan Policy SS12.”</p> <p>Delete the final sentence of the Interpretation.</p>	<p>last bullet. In relation to Clause (2) ..it is questioned what form of evidence would be needed to demonstrate that an existing facility is no longer needed or viable – this issue is already covered in Local Plan Policy C1 part (3) – therefore question if the policy expects further evidence to demonstrate this, or does it rely on Policy C1(3). This issue should be covered in the interpretation section. It is also noted that whilst Local Plan Pol C1(3) only requires demonstration of an alternative facility of the same type in the locality in justifying a loss, draft plan policy COM1 expects demonstration of a ‘replacement facility’ also being provided [ie to maintain the quanta of existing community facilities]. It is questioned whether the latter approach is consistent with NPPF para 93(c) which only discusses the range of community facilities in terms of a community’s ability to meet its day to day needs in general.</p> <p>.. I agree with the representation of the District Council that part 1 of the policy is not in general conformity with strategic policy and parts 2 and 3 of the policy are imprecise. The final sentence of the interpretation text seeks to introduce policy content which it may not. I have recommended a modification in these respects so that the policy is in general conformity with strategic policy, has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.</p> <p>(Page 39 of Examiner’s report – to meet Basic Conditions).</p>	
<p>Recommended modification 8:</p>	<p>Parts 2 and 3 of the policy seek to establish a policy</p>	<p>SMDC accepts the</p>

Recommended Modification	Reason	District Council's Response
<p>In Policy LGS1</p> <ul style="list-style-type: none"> •in part 1 delete LGS2, LGS3 and LGS14, and remove those sites from the Interpretation •replace parts 2 and 3 with “2. The designated areas will be protected from development in a manner consistent with the protection of land within Green Belt.” 	<p>approach to development proposals affecting the proposed Local Green Spaces. Decision makers must rely on paragraph 103 of the Framework that states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’ in paragraphs 147 to 151. The policy seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not... I have recommended a modification so that the policy has sufficient regard for national policy in this respect.</p> <p>..I am satisfied relevant reasons for designation are indicated as applying in respect of all 14 proposed sites including matters referred to in the Framework. As a matter of planning judgement, I consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan and the [Local Green Space Report 2018] provide sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.</p> <p>The County Council has also raised objection to the designation of sites LGS2, LGS3 and LGS14 as Local Green Space on the basis they are education assets held specifically for the use of the school/educational purposes only and the land is protected by S77 of the School Standards and Framework Act 1998 which controls its</p>	<p>Examiner's recommendations</p>

Recommended Modification	Reason	District Council's Response
	<p>change of use and land disposal. The Parish Council has stated that it has agreed to remove from the submitted list the three school sites subject already to SEN protection.</p> <p>Whilst the Guidance states public access is not a requirement for designation as LGS I have recommended sites LGS2, LGS3 and LGS14 are deleted from the policy because the reasons stated for designation relate only to school use without any evidence those sites are demonstrably special to a local community and hold a particular local significance.</p> <p>(Page 41 of Examiner's report – to meet Basic Conditions).</p>	
<p>Recommended modification 9:</p> <p>In Policy DES1</p> <ul style="list-style-type: none"> •replace “a mix of car parking provision” with “for parking of vehicles” •replace “or materials and construction with superior environmental performance is encouraged” with “where available” •replace part 7 with “Development proposals should identify views into and out of the site, and local landmarks, considered to be of 	<p>[Examiner references SMDC's objections to current draft plan]: “.. Clause 1(e) substantially remains [re-numbered as Clause (7) of the policy]. Also refer to earlier Regulation 16 comments above which also raise the point about valued views not being identified in this draft plan... Clause (4) in relation to surface water and drainage: note that SM Local Plan Policy SD5 Flood Risk, already contains requirements concerning provision of on-site SuDS and regarding surface water run-off rates (4th and 5th paragraphs). However, in the case of SuDS these are not required in all cases. Therefore ..SMDC recommends that Clause 8(b) is amended slightly to refer to the SuDS requirement in “all applicable development”, or “all major development” or similar... The interpretation section could also reference policy SD5; and in relation to clause (4) the SMDC's adopted Local Plan appended parking guidance. It is re-iterated that the interpretation section could be expanded to</p>	<p>SMDC accepts the Examiner's recommendations</p>

Recommended Modification	Reason	District Council's Response
<p>merit, and demonstrate how the layout and design of the proposal responds to views and landmarks identified.”</p> <p>•continue 8b with “of all major developments”</p>	<p>cover all elements of the policy.”</p> <p>The term “is encouraged” does not provide a basis for the determination of development proposals. The terms “a mix of car parking provision” and “superior environmental performance” and “respond to views and landmarks” are imprecise. The requirement for Sustainable Urban Drainage in all schemes has not been sufficiently justified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p> <p>(Page 44 of Examiner’s report – to meet Basic Conditions).</p>	
<p>Recommended modification 10:</p> <p>Replace Policy DES2 with “All residential development on infill sites should be designed to:</p> <p>a. complement the character of its surroundings and not adversely affect the residential amenity of occupiers of existing dwellings; and</p> <p>b. avoid the appearance of over-development or development disproportionate to surrounding</p>	<p>[Examiner references SMDC’s objections to current draft plan]: “Point 1b Policy is too restrictive it may in some cases be appropriate in design terms to have infill development which would involve the loss of garden space. There needs to be some clarification as to what is meant by inadequate gaps between buildings. Point 2 The loss of POS may in some circumstances be acceptable eg if alternative provision was made or the POS was no longer needed. This is covered in policy COM1: Community, Sport and Recreational Facilities...”</p> <p>..The terms “small infill sites” and “inadequate gaps” are imprecise.” It is confusing for a policy to unnecessarily refer to another policy as the Neighbourhood Plan should be read as a whole. The exclusion of development involving</p>	<p>SMDC accepts the Examiner’s recommendations</p>

Recommended Modification	Reason	District Council's Response
<p>properties.”</p> <p>Replace the policy title with “DES2: Residential Infill Development”</p> <p>In the Interpretation delete “points 3 and 4”</p> <p>In the Interpretation refer to Policy HSG1 which clarifies the scale of development should be consistent with the strategic settlement hierarchy set out in Policy SS2 of the Local Plan, and that infill sites on the edge of villages must be in accordance with Policies SS8 and SS9 of the Local Plan.</p>	<p>the loss of public open space has not been sufficiently justified. The exclusion from support of development involving loss of garden space does not have sufficient regard for national policy. The term “of the street” will not always be applicable. The term “should” rather than “must” reflects the requirement of paragraph 2 of the Framework to consider material considerations in decision making. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p> <p>In response to my request for clarification of matters the District Council has stated: “As the policy specifically relates to residential infill [not infill], should the title of the policy reflect this? Would question whether there are wider locations where residential infill would be appropriate (refer to Local Plan pol H1(5a/5e)) – ie should policy more simply be amended to ‘All residential development on infill sites should be designed to:’? Question if the term ‘townscape’ is the most appropriate, ie what about sites in rural or village locations?” My recommended modification incorporates these points so that the policy is in general conformity with the strategic policies included in the Development Plan and is “clearly written and unambiguous..”</p> <p>(Page 47 of Examiner’s report – to meet Basic Conditions).</p>	
<p>Recommended modification 11: In Policy DES3</p>	<p>[Examiner references SMDC’s objections to current draft plan]: “With regards Clause (1) it is questioned whether the</p>	<p>SMDC accepts the Examiner’s</p>

Recommended Modification	Reason	District Council's Response
<ul style="list-style-type: none"> •in part 1 replace “must complement the rural character of the area and preserve or” with “should minimise impact on, and where possible” •replace part 1c with “Priority Habitats, and other Nature Conservation Sites including Local Wildlife Sites and Sites of Biological Importance (Broadgatehall Drumble, Greatgate Wood)” •delete parts 1d and 1f •in part 2 replace “Action” with “Alert” •in part 3 replace “High quality boundary treatments must be provided for new-build development to reflect the rural character” with “Boundary treatments in new-build development should reflect the predominant boundary treatment in its surroundings” 	<p>policy is expecting the wildlife sites and landscape features listed to be preserved or enhanced in all cases (including off-site); or only where they would be affected by the actual development site. In the case of off-site contribution, note that this would be covered by the scope of Policy SS12 Local Plan (and emerging developer Contributions SPD linked to this); and the imminent legislative requirements for biodiversity net gain applicable from late 2023 onwards. In any event refer to Council’s comments above concerning paras 179-182 NPPF: the terminology “...must...preserve or enhance” in this clause is therefore queried as NPPF compliant. Further clauses (1) and (3) refer to complementing/ reflecting local rural character: it is questioned what evidence this is based on. For example, SM Local Plan Policy DC3 Landscape and Settlement Setting, already links to a number of relevant studies in the supporting text. This point is not covered in the interpretation section.”</p> <p>[Given NPPF paragraphs 179, 174, 131, 180] Subject to the modifications I have recommended, I am satisfied the approach of Policy DES3 is appropriate in this policy context.</p> <p>The requirement of the policy to preserve named features of the natural environment has not been sufficiently justified and does not have sufficient regard for national policy set out in section 15 of the Framework, in particular paragraph 174. The terms “rural character of the area” used in parts 1 and 3 of the policy, and the term “high quality” used in parts</p>	<p>recommendations</p>

Recommended Modification	Reason	District Council's Response
<ul style="list-style-type: none"> • in part 4 delete “high quality” and replace “must” with “should” 	<p>3 and 4 of the policy are imprecise and do not provide a basis for the determination of development proposals. The term “should” rather than “must” reflects the requirement of paragraph 2 of the Framework to consider material considerations in decision making. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous..</p> <p>As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy SS12. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.</p> <p>(Page 49 of Examiner’s report – to meet Basic Conditions).</p>	
<p>Recommended modification 12: In Policy DES4</p> <ul style="list-style-type: none"> • in part 1 replace “Areas” with “Area” • in both part 1 and part 2 after “following” insert “existing predominant” <p>In the Interpretation continue the first sentence with “and ensure new development complements those features”</p>	<p>The District Council state a conservation area character appraisal for the village of Upper Tean is yet to be completed however this does not prevent the policy meeting the basic conditions. Paragraph 206 of the Framework states Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. The term “Checkley Conservation Areas” requires correction. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The District</p>	<p>SMDC accepts the Examiner’s recommendations</p>

Recommended Modification	Reason	District Council's Response
	<p>Council has also suggested additional content within the interpretation section. I refer to those matters in the Annex to my report.</p> <p>(Page 51 of Examiner's report – to meet Basic Conditions).</p>	
<p>Recommended modification 13: In Policy TRA1</p> <ul style="list-style-type: none"> •in part 1 replace “surround” with “surrounding” and delete “meeting the requirements of Policy DES1” •in part 2 after “made” insert “where appropriate” and after “development” insert “that will generate significant amounts of movement” •continue part 2 with “3 – Hollington Road/Heath House Lane.” •in part 3b replace “have no significant” with “demonstrate consideration of any” <p>In the Interpretation replace “Plan/Map above outlining shows” with “Maps below identify the location of”</p>	<p>.. The word “surround” requires correction. Whilst the Parish Council state “Clause 1 makes clear that balanced transport provision is proportionate to the scale and nature of the development and clause 2 would obviously only apply to development that had a traffic impact” I agree with the objection of the District Council to part 2 of the policy where it refers to all development. This represents an onerous and disproportionate requirement in respect of minor development or development that is distant from the named junctions. I have recommended a modification that limits application to appropriate developments, and to developments that generate significant amounts of movement which is a term used in paragraph 113 of the Framework. I also agree with the District Council that part 3b of the policy does not have sufficient regard for the approach of national policy relating to harm to the significance of heritage assets. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous..</p> <p>(Page 52 of Examiner's report – to meet Basic Conditions).</p>	<p>SMDC accepts the Examiner's recommendations</p>
<p>Recommended modification 14:</p>	<p>I have only recommended modifications and corrections to the Neighbourhood Plan.. where I consider they need to be</p>	<p>SMDC accepts the Examiner's</p>

Recommended Modification	Reason	District Council's Response
<p>Modify policy Interpretation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.</p>	<p>made so that the plan meets the Basic Conditions and the other requirements I have identified... Supporting text and other content of the Neighbourhood Plan must be adjusted to achieve consistency with the modified policies.</p> <p>[35x textual/clarity amendments suggested by District Council in Regulation 16 response identified by the examiner].</p> <p>I recommend these modifications are made so that the Neighbourhood Plan has sufficient regard for national policy and guidance being “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p> <p>(Page 55 of Examiner’s report)</p>	<p>recommendations</p>
<p>[Other Proposed Modifications]</p>	<p>The District Council has suggested several other modifications to the Neighbourhood Plan which I agree would represent improvements of the plan, not least in assisting users of the plan. I would have no objection to those additional modifications being made, however as I have explained earlier in my report my role is limited to making recommendation for modification where those are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. The suggested modifications below do not meet that criterion. I have therefore listed the relevant points below so that they can be considered further by the District Council when it considers making the Neighbourhood Plan.</p>	<p>SMDC accepts the Examiner’s recommendations</p>

Recommended Modification	Reason	District Council's Response
	[4 x textual/clarity amendments suggested by District Council in Regulation 16 response identified by the examiner]	

- 7.18 The Examiner's report concludes by stating that: *"I recommend to the District Council that the Checkley Neighbourhood Development Plan for the plan period up to 2035 should, subject to the modifications I have put forward, be submitted to referendum.."*
- 7.19 The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out above are considered to necessitate revisiting any of these assessments.

Next Steps

- 7.20 Given the above, it is recommended that the District Council agrees to send the Neighbourhood Plan (as modified) to referendum. If the District Council agrees, then the Neighbourhood Plan will proceed to referendum.
- 7.21 Should the Council agree to the recommendations of this report, it will need to issue a decision statement which sets out the decision taken by the District Council that the plan should proceed to referendum.
- 7.22 The District Council is responsible for making the necessary arrangements for the referendum to be held. A notice of the referendum will need to be issued. In line with the Neighbourhood Planning (referendums) Regulations 2012, Schedule 1, the following question will be asked:
- "Do you want Staffordshire Moorlands District Council to use the neighbourhood plan for Checkley Parish to help it decide planning applications in the neighbourhood area?"
- 7.23 The referendum is expected to be held (for reasons of resource efficiency) alongside other scheduled elections in the District on 2nd May 2024.
- 7.24 A neighbourhood plan attains the same legal status as a Local Plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 7.25 If a majority of votes in the Parish is in favour of the Neighbourhood Plan, the plan comes into force as part of the statutory Development Plan for the District. The Council must ensure that the plan is "made" **within eight weeks** of the referendum for the plan to take effect. An exception to this time limit is when the decision made by the Council to proceed to referendum is subjected to legal challenge. The risk of challenge is considered to be low as the plan has been subject to scrutiny by Council officers to help ensure that it fulfils the statutory requirements.