



STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

DECISION STATEMENT :

CHECKLEY NEIGHBOURHOOD PLAN

**Planning and Compulsory Purchase Act 2004 Part 3 Section 38A (4)
Neighbourhood Planning (General) Regulations 2012 (Regulation 19)**

Date: 15th May 2024

Following a positive result at Referendum, Staffordshire Moorlands District Council resolved to make (adopt) the Checkley Neighbourhood Plan (CNP).

Checkley Neighbourhood Plan now forms part of the statutory development plan and will be used by Staffordshire Moorlands District Council (SMDC), alongside the Staffordshire Moorlands Local Plan, for determining applications for development within the Checkley Neighbourhood Area.

1. Background

- 1.1. Staffordshire Moorlands District Council accepted the application by Checkley Parish Council to be recognised as the 'appropriate body' under paragraph 61F of the Town & Country Planning Act 1990 on the 16th February 2016, and formally designated the Checkley Neighbourhood Area.
- 1.2. The Pre-Submission CNP underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations') (on two occasions) between firstly 11 February 2022 and 25 March 2022, then subsequently between 3 June 2022 and 15 July 2022.
- 1.3. Subsequently, the draft CNP and supporting documents was submitted by Checkley Parish Council to the District Council under Regulation 15(1) in early 2023. Following consideration by SMDC, the draft plan was then formally published for comments (statutory "regulation 16") for a period of six weeks between 2nd March and 13th April 2023.
- 1.4. Mr Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was then appointed by SMDC with the consent of Checkley Parish Council to undertake the examination of the CNP, and to prepare a report of the independent examination. The examination commenced on 29th June 2023 and was conducted through written representations. The Examiner's report was received on the 9th October 2023. It concluded that the CNP, subject to recommended modifications, met the basic conditions set out in the legislation and other statutory requirements and should proceed to referendum.
- 1.5. At its meeting on the 28th February 2024, the District Council accepted the recommendations made in the Examiner's Report and that the amended plan should proceed to referendum within Checkley Parish. The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats

Regulations Assessment Screening Report. None of the modifications are considered to necessitate revisiting any of these assessments.

- 1.6. The Council agrees that the Checkley NP meets the Basic Conditions, is compatible with Convention rights, complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Plan; and determined that the NP should proceed to a joint referendum.
- 1.7. A referendum asking '*Do you want Staffordshire Moorlands District Council to use the Neighbourhood Plan for Checkley to help it decide planning applications in the neighbourhood area*' took place on 2nd May 2024. The majority (88%) of people voting said 'yes'. 649 (88%) people voted 'yes' and 85 (22%) voted 'no'.
- 1.8. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the planning authority to "make" (adopt) the Neighbourhood Plan / Neighbourhood Development Order if more than half of those voting in a referendum upon the NP have voted in favour of the plan being used to help decide planning applications in the area. The authority is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

2. Decision and Reasons

- 2.1. Staffordshire Moorlands District Council resolved to 'make' (adopt) the Checkley Neighbourhood Plan at their meeting on the 15th May 2024.
- 2.2. The reasons for this decision are that the Neighbourhood Plan meets the Basic Conditions and its preparation and promotion complied with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The Plan was endorsed by a majority yes vote in the referendum held on 2nd May 2024.

3. The Decision Statement

- 3.1. This Decision Statement can be inspected on the Council's website.
- 3.2. A copy of this Decision Statement is being sent to:
 - The qualifying body, namely Checkley Parish Council.
 - Any person who asked to be notified of the decision.
 - Individuals and organisations that responded to the Consultation.

4. The Neighbourhood Plan

- 4.1. Checkley Neighbourhood Plan and its associated documents are available to view on the Council's website at:
<https://www.staffs Moorlands.gov.uk/article/1178/Neighbourhood-planning>