

INDEPENDENT EXAMINATION OF THE UPDATED DENSTONE NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
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To East Staffordshire Borough Council and Denstone Parish Council

By email to David Clarke, Planning Policy ESBC; Julie Sadler, Clerk DPC; and Jess Turner, Chair DPC

Dated 19 January 2024

Dear All

Updated Denstone Neighbourhood Development Plan Independent Examination – Examiner Letter regarding Examiner determination and inviting Parish Council response

You will be aware that in my initial letter of 17 January 2024 I confirmed that I agree with the assessment of the Parish and Borough Councils that the modifications of the made Denstone Neighbourhood Plan proposed in the Updated Neighbourhood Plan are such that examination and a referendum are required.

I am now writing to formally advise you of my determination with reasons, and in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended), to ask the Parish Council to confirm whether it wishes to proceed with the Plan proposal or to withdraw it.

The Planning Practice Guidance states there are three types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

The Parish and Borough Councils have both expressed opinions, with reasons, that the Updated Neighbourhood Plan includes material modifications which do change the nature of the made plan. I have considered: these opinions; the modifications that the Updated Neighbourhood Plan proposes to make to the made Neighbourhood Plan; and the Regulation 16 representations insofar as they are relevant to the decision I

must make. I have found the modifications contained in the Updated Neighbourhood Plan will significantly and substantially change the nature of the development plan.

I have determined under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 that the modifications contained in the proposed Updated Neighbourhood Plan do change the nature of the development plan which the modification proposal would modify. On this basis the Updated Neighbourhood Plan will require independent examination and a referendum. My reasons for the determination I have made are:

- the Updated Neighbourhood Plan includes significant and substantial modification of the wording of several retained policies and deletion of supporting reasoned justification of those policies;
- the Updated Neighbourhood Plan excludes several policies that were included in the Neighbourhood Plan made in 2017, including those relating to rural exception sites; JCB proving grounds at Prestwood; protection and enhancement of archaeological sites; open spaces; and telecommunication installations; and
- the Updated Neighbourhood Plan includes several new policies, or parts of policies, including (but not limited to) the location of new employment space; location of new community facilities; development at Denstone Hall Farm complex; safeguarding employment land; design; and safeguarding the Churnet Valley railway line and former Caldon canal.

Paragraph 10 (4) of Schedule A2 of the Planning and Compulsory Purchase Act 2004 states “The qualifying body must decide whether it wishes to proceed with the proposal or withdraw it, and must notify the examiner and the local planning authority of that decision.” In accordance with the legislation, I now invite the Parish Council in the light of my determination to confirm its decision in this respect.

I should be grateful if both the Borough and Parish Councils could acknowledge receipt of this email which should be published, along with the reply of the Parish Council, on the Borough Council website.

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd