

Stroud District Council

The Town & Country Planning Act, 1990 (As Amended); The Localism Act, 2011 and
The Neighbourhood Planning (General) Regulations 2012 (As Amended) and
other relevant legislation

Cam Neighbourhood Development Plan Decision Statement - Proceeding to Referendum

1. INTRODUCTION

Following the examination of a neighbourhood plan the Council is required to consider each of the examiner's recommendations and decide what action to take in response to them. The Council must also come to a formal view of whether the draft plan meets legal requirements including the Basic Conditions set out in legislation.

2. BACKGROUND

The Cam Neighbourhood Area was designated by resolution of the Council's Environment Committee on 4th February 2014.

A submission version of the Cam Neighbourhood Development Plan (CNDP) was accepted by the Council on 27th November 2019, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Following submission of the CNDP to the local authority, Stroud District Council publicised the Plan and supporting documents and invited representations during the consultation period 29th November to 17th January 2020.

The Council appointed Mr John Slater MRTPI as independent examiner of the CNDP. The examination concluded on 20th February 2020 with the submission of the Examiner's Report recommending that the DNDP, once modified, should proceed to a referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.

In accordance with legislation, the local authority must consider each of the recommendations made in the Examiner's Report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

Having considered the examiner's recommendations and reasons for them, Stroud District Council's Environment Committee agreed on **4th June 2020** that:

- 1- The CNDP, as modified by the Examiner's recommendations, has had regard to national policies and advice contained in guidance issued by the Secretary of State. The CNDP has been assessed against the National Planning Policy Framework and national Planning Practice Guidance and modifications proposed to comply with national policy.
- 2- The CNDP, as modified by the Examiner's recommendations, contributes to the achievement of sustainable development. The CNDP has been subject to sustainability assessment that identifies the plan will have an overall positive effect.
- 3- The CNDP, as modified by the Examiner's recommendations, is in general conformity with the strategic policies contained in the development plan as a whole for the area. The CNDP has been assessed against the adopted Stroud District Local Plan and modifications proposed to ensure the CNDP does not become out-of-date in the context of a review of strategic policies in the Local Plan.
- 4- The CNDP, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations. The Examiner's assessment has involved considering the following Directives: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); and the Water Framework Directive (2000/60/EC). In addition, no issue arises in respect of equality under general principles of EU law or any EU equality directive. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2019, which confirmed to Cam Parish Council that a SEA and a full HRA were not required on the CNDP.
- 5- The CNDP, as modified by the Examiner's recommendations, would not give rise to significant environmental effects on European sites and European offshore marine sites. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2019, which confirmed to Cam Parish Council that a SEA and a full HRA were not required on the CNDP.
- 6- The CNDP, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1988. The Examiner considered the Convention's Articles 6(1), 8 and 14 and it's First Protocol Article 1. Nothing in his examination of the Draft NDP indicated any breach of a Convention right. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.
- 7- The CNDP, as modified by the Examiner's recommendations, complies with the definition of an NDP and the provisions that can be made by a NDP. The CNDP sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect; it does not include provision about development that is 'excluded development' and does not relate to more than one neighbourhood area or repeat an existing planning permission.

Stroud District Council's Environment Committee resolved on **4th June 2020**:

1. to accept all recommended modifications of the Examiner's Report (Appendix A)
2. that the Cam Neighbourhood Development Plan, as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
3. to take all appropriate actions to progress the Cam Neighbourhood Development Plan to referendum no sooner than May 2021.

Stroud District Council agrees with the examiner that there is no reason to extend the referendum area beyond the boundaries of the plan area as they are currently defined.

Appendix B sets out the modifications to be made in response to the examiner's recommendations, Stroud District Council's response, together with the reasons for them.

4. SEA/ HRA SCREENING

The modifications set out in Appendix A, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European Designated Sites.

Therefore an update of the Strategic Environmental Assessment / Habitat Regulation Assessment screening opinions are not considered required.



Brendan Cleere
Strategic Director of Place
Duly Authorised in that behalf

Date: 16/06/2020

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Appendix B - The modifications to be made in response to the examiner's recommendations, Stroud District Council's response, together with the reasons for them.

Examiner's recommendations	Stroud District Council's Decision	Reason
<p><i>Policy CAMES 2</i> <i>In the first sentence, after "should" insert "where appropriate, having regard to the scale of the proposal and its potential to impact on the wider landscape,"</i> <i>In the second sentence of the first paragraph after "development" insert "outside of development limits".</i> <i>In the final paragraph, delete "enhances and".</i></p>	Agreed	For clarity.
<p><i>Policy CAMES 3</i> <i>Add at the end of the first paragraph "development proposals which have a significant adverse impact on any of these views, which cannot be mitigated, will not be supported."</i></p>	Agreed	To be in general conformity with national policy and therefore ensure it meets the basic conditions.
<p><i>Policy CAMCD1</i> <i>In the first paragraph substitute "are encouraged to" for "should".</i> <i>In the second paragraph, delete "Subject to development being found to be acceptable when judged against other policies in the Development Plan".</i></p>	Agreed	For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.
<p><i>Policy CAMCD2</i></p>	Agreed	For clarity

<p><i>In ii) insert “unacceptable” before “ adverse “ In the penultimate paragraph, replace “be selected in line with” with “have regard to the”</i></p>		
<p><i>Policy CAMCD3 At the start of the second sentence, delete “Subject to development being found to be acceptable when judged against other policies in the Development Plan.”</i></p>	<p>Agreed</p>	<p>For clarity</p>
<p><i>Policy CAMCP1 Delete the first paragraph Replace the second paragraph and 2 subsections and the list of community facilities with “Development which involves the loss of the following community facilities will not be supported unless it meets the relevant criteria:</i></p> <ul style="list-style-type: none"> <i>• 2 Cam Surgery – unless alternative equivalent primary health provision is made elsewhere in the parish.</i> <i>• 3 Cam Dental Surgery- unless alternative equivalent dental facilities are available elsewhere in the parish.</i> <i>• 4 Cam Post Office – unless alternative equivalent post office services are provided elsewhere in the parish.</i> <i>• The existing play/ recreation facilities are no longer fit for purpose and alternative play / recreation areas are available to meet the needs of the local population facilities in the immediate locality.</i> <ul style="list-style-type: none"> <i>o 5 Woodfield Play Area</i> <i>o 6 Tiltdown Square</i> <i>o 7 Cam Sports ground</i> <i>o 8 Norman Hill</i> <i>o 9 Cam Skate Park</i> <i>o 10 Jubilee Field</i> <i>o 11 Cam Green Play Area</i> 	<p>Agreed</p>	<p>For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.</p>

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| <ul style="list-style-type: none"> o 12 Draycott Play Area o 13 Holywell Orchard o 14 Box Road Play Area • Unless equivalent replacement sports facilities are provided elsewhere in the parish. o 15 Cam Sports Club o 16 Cam Mills Bowling Club o 17 Tennis Courts • Unless it is demonstrated that there is insufficient demand for a particular allotment to continue to be viable and that there are alternative allotments within the parish with spare capacity to accommodate those plot holders that are being displaced. o 18 Ashmead Allotments 1 o 19 Ashmead allotments 2 o 20 West End Allotments o 21 Woodfield Allotments o 22 Uphorpe Allotments o 23 Middle Mill Allotments • Unless it is demonstrated that the use as a place of worship is no longer viable as a congregation and that it is demonstrated through marketing of the building that there are no other community uses that could use the building o 24 Quarry Chapel URC Church o St Bartholomew's Church o 26 One Church Cam o 27 Cam Methodist Church o 28 St George's Church o 29 3C Community Church • Unless it can be shown that the continued community centre use of the building is no longer viable and there is no likelihood of alternative community uses occupying the building o 30 Arthur S Winterbotham Memorial Hall o 31 Cam Parish Council Offices | | |
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<ul style="list-style-type: none"> o 32 GL11 Community Hub o 33 Woodfield Community Centre o 34 Ashmead Village Hall • Unless alternative equivalent replacement school places are provided within the catchment area. o 35 Cam Woodfield Junior o 36 Cam Everlands Primary o 37 Cam Hopton CofE o 38 Peak Academy 		
<p><i>Policy CAMCF2</i> Add at the end of the first paragraph “which rules out development except in exceptional circumstances.” Delete LGS8 Street Farm Field from the list and Figure 15 and renumber accordingly.</p>	<p>Agreed</p>	<p>For clarity and to be in general conformity with national policy and therefore ensure it meets the basic conditions.</p>
<p><i>Policy CAME1</i> That the policy be deleted.</p>	<p>Agreed</p>	<p>To be in general conformity with national policy and therefore ensure it meets the basic conditions.</p>
<p><i>Policy CAME2</i> That the final paragraph be deleted.</p>	<p>Agreed</p>	<p>To be in general conformity with national policy and therefore ensure it meets the basic conditions.</p>

