



Stroud District Council

The Town & Country Planning Act, 1990 (As Amended); Planning & Compulsory Purchase Act, 2004; The Localism Act, 2011 and The Neighbourhood Planning (General) Regulations 2012 (As Amended) and other relevant legislation

DECISION STATEMENT – BRINGING THE STROUD TOWN CENTRE NEIGHBOURHOOD DEVELOPMENT PLAN INTO LEGAL FORCE.

1. INTRODUCTION

- 1.1. This document is the Decision Statement required to be prepared under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19(a) of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”)1. It sets out the Council’s considerations and formal decision in bringing the Stroud Town Centre Neighbourhood Plan into legal force following the successful local referendum held on 18th August 2016.

2. SUMMARY

- 2.1 Following an independent Examination and Referendum, Stroud District Council brought the Stroud Town Centre Neighbourhood Plan into legal force under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) on 27th October 2016.
- 2.2 The Stroud Town Centre Neighbourhood Plan now forms part of the statutory Development Plan for the District of Stroud.
- 2.3 In accordance with Regulation 19 of the Regulations, this Decision Statement can be viewed on the Council’s website: <http://www.stroud.gov.uk/strouttowncentrenp>
- 2.4 In accordance with Regulation 20 of the Regulations, the Stroud Town Centre Neighbourhood Plan can be viewed on the Council’s website: <https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/the-development-plan-for-stroud-district>
- 2.5 Hard copies of this Decision Statement and the Stroud Town Centre Neighbourhood Plan can be inspected at:

Reception Stroud District Council Ebley Mill Ebley Wharf Stroud GL5 4UB	9.00am – 5.00pm Monday – Thursday 9.00am – 4.30pm on Fridays
Stroud Library Lansdown Stroud GL5 1BB	Monday & Friday 9:30 – 18:30; Tuesday & Wednesday 9:30 – 17:00; Thursday 9:30 – 14:00; and Saturday 9:30 – 16:00.

3. BACKGROUND

- 3.1 The Stroud Town Centre Neighbourhood Area was designated by resolution of the Council's Environment Committee on 19th June 2014.
- 3.2 A submission version of the Stroud Town Centre Neighbourhood Development Plan – Shaping the Heart of Stroud – was accepted by the Council on 09th December 2015, under regulation 15 of the Regulations.
- 3.3 Following submission of the Town Centre Neighbourhood Development Plan to the local authority, Stroud District Council publicised the Plan and supporting documents and invited representations during the consultation period from 16th December 2015 to 03rd February 2016.
- 3.4 The Council appointed Mr John Parmiter FRICS FRSA MRTPI as independent examiner of the Stroud Town Centre Neighbourhood Plan. The examination concluded on 11th April 2016 with the submission of the Examiner's Report recommending that the Stroud Town Centre Neighbourhood Plan, 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.
- 3.5 On 08th July 2016 the Council published a Decision Statement under Regulation 18(2) outlining all the Examiner's modifications and confirming the Council's Environment Committee's consideration and decision on them. The Decision Statement also outlined the Council's decision that 'the plan', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan and the provisions that can be made by a neighbourhood plan; and should proceed to a referendum. The Council confirmed that it considered necessary to extend the referendum area to the entire Stroud Town civic area.
- 3.6 On 18th August 2016, the Stroud Town Centre Neighbourhood Plan successfully passed referendum with 91% voting in favour of the Stroud Town Centre Neighbourhood Plan being used to help to decide planning applications in the Stroud Town Centre Neighbourhood Area.
- 3.7 On 27th October 2016, Stroud District Council resolved that the Stroud Town Centre Neighbourhood Plan (incorporating modifications set out in the Regulation 18(2) Decision Statement), be brought into legal force and become part of the statutory Development Plan for the District of Stroud. It will sit alongside the other adopted Local Plans that together form the Development Plan.

4. DECISION AND REASONS

- 4.1 Section 38A(4)(a) of the 2004 Act requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour of the Plan being used to help decide planning applications in the Neighbourhood Area. The Stroud Town Centre Neighbourhood Plan was endorsed by more than the required threshold in the referendum on 18th August 2016 where 91% of those voting have voted in favour of the plan being used.
- 4.2 Section 38A (6) of the 2004 Act states that the Local Planning Authority is not subject to the duty if it considers that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.

- 4.3 The Examiner concluded that there was no reason to believe that the Stroud Town Centre Neighbourhood Plan and its preparation breached or was in any way incompatible with the European Convention on Human Rights (ECHR). 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. On this basis the Stroud Town Centre Neighbourhood Plan respects the fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act; therefore, the Stroud Town Centre Neighbourhood Plan does not breach, nor is in any way incompatible with the ECHR.
- 4.4 The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in November 2015, which confirmed to Stroud Town Centre Parish Council that a SEA and a full HRA were not required on the Stroud Town Centre Neighbourhood Plan. The Examiner concluded in his April 2016 report that the Stroud Town Centre Neighbourhood Plan is compatible with the Convention rights; does not breach, and is otherwise compatible with, EU obligations; and 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. The Council's Regulation 18(2) Decision Statement confirmed that the modifications accepted by the Council, both separately and combined, produce no likely significant environmental affects and are unlikely to have any significant effects on European Designated Sites. Therefore the Council does not consider that the Stroud Town Centre Neighbourhood Plan (incorporating modifications set out in the Regulation 18(2) Decision Statement) is in breach of the relevant legislation.
- 4.5 The Council considers that the Stroud Town Centre Neighbourhood Plan meets the basic conditions (set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as amended), its preparation process was compliant with legal and procedural requirement, it does not breach the legislation (set out in Section 38A(6) of the 2004 Act) and confirms that more than half of those who voted in the referendum on 18th August 2016, voted in favour of making the Plan.
- 4.6 As a result of Stroud District Council's resolution of 27th October 2016, the Council has brought the Stroud Town Centre Neighbourhood Plan into legal force in accordance with Section 38A (4) of the 2004 Act. The Stroud Town Centre Neighbourhood Plan forms part of the statutory Development Plan for the District of Stroud and can be used in decision making on planning applications in Stroud Town Centre Parish Neighbourhood Area.

5. OTHER INFORMATION

- 5.1 In accordance with Regulation 19(b) of the Regulations, a copy of this Decision Statement has been sent to:
- The qualifying body, namely Stroud Town Centre Parish Council
 - The persons who asked to be notified of the decision.
- 5.2 This Decision Statement, the Stroud Town Centre Neighbourhood Plan and relevant documents can be viewed as set out in paragraph's 2.3 to 2.5 of this Decision Statement.
- 5.3 Section 61N of Schedule 9 of the Town and Country Planning Act 1990 (as amended) states that any person who is aggrieved by the making of the Stroud Town Centre Neighbourhood Plan under Section 61E (4) or (8) may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) on the grounds that:
- the document is not within the appropriate power;
 - a procedural requirement has not been complied with.

5.4 Any such application must be made promptly and in any event no later than 6 weeks after the date of this Decision Statement, i.e. no later than Thursday 15th December 2016.

A handwritten signature in black ink, appearing to read 'Barry Wyatt', written in a cursive style.

Barry Wyatt
Strategic Head (Development Services)
Duly Authorised in that behalf

Date: 03/11/2016