



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 NAILSWORTH COMMUNITY RIGHT TO BUILD ORDER INTO LEGAL FORCE.

1. INTRODUCTION

- 1.1. This document is the Decision Statement required to be prepared under Section 61E (4) of the Town & Country Planning Act (as amended) (the 1990 Act) and Regulation 26(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 Nailsworth Community Right to Build Order 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 Nailsworth Community Right to Build Order into legal force under Section 61E (4) of the Town & Country Planning Act (as amended) on 27th October 2016.
- 2.2 As a result of bringing the Community Right to Build Order for Nailsworth into legal force the proposal within the order (10 affordable dwellings on Land East of 16, Lawnside, Forest Green, Nailsworth), has been granted planning permission.
- 2.3 In accordance with Regulation 26 of the Regulations, this Decision Statement can be viewed on the Council’s website: <http://www.stroud.gov.uk/nailsworthcrtbo>
- 2.4 In accordance with Regulation 27 of the Regulations, the Nailsworth Community Right to Build Order can be viewed on the Council’s website: <http://www.stroud.gov.uk/nailsworthcrtbo>
- 2.5 Hard copies of this Decision Statement and the Nailsworth Community Right to Build Order 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
Nailsworth Tourist Information Centre (TIC) Old Market Nailsworth Gloucestershire GL6 0DU	Monday to Friday 09:30 -17:00, and Saturday 9:30 - 13:00

3. BACKGROUND

- 3.1 The Nailsworth Neighbourhood Area was designated under delegated authority on 16th June 2016.
- 3.2 A submission version of the Nailsworth Community Right to Build Order was accepted by the Council on 18th January 2016, under regulation 22 of the Regulations. As prescribed by Regulation 23 of the Regulations, the Council consulted on the proposal for six weeks, 27th January to 09th March 2016, and then arranged for the proposal to be examined.
- 3.4 The Council appointed Ms Clare B. Wright MA PG Dip (BRS) MRTPI MILM as independent examiner of the Nailsworth Community Right to Build Order. The examination concluded on 1st June 2016 with the submission of the Examiner's Report recommending that the Order, 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 order relates.
- 3.6 On 08th July 2016 the Council published a Decision Statement under Regulation 25(2) outlining all the Examiner's modifications and confirming the Council's Environment Committee's consideration and decisions on them. The Decision Statement also outlined the Council's decision that 'the proposal', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a Community Right to Build Order and the provisions that can be made by a Community Right to Build Order; and should proceed to a referendum. The Council confirmed that it did not consider it necessary to extend the referendum area.
- 3.7 On 18th August 2016, the Nailsworth Community Right to Build Order successfully passed referendum with 84% voting in favour of the development in the Community Right to Build Order being granted planning permission.
- 3.8 On 27th October 2016, Stroud District Council resolved that the Nailsworth Community Right to Build Order (incorporating modifications set out in the Regulation 25(2) Decision Statement), be brought into legal force, granting planning permission for 10 affordable dwellings on Land East of 16, Lawnside, Forest Green, Nailsworth.

4. DECISION AND REASONS

- 4.1 Section 61E (4) of the 1990 Act requires the Council to make the Community Right to Build Order if more than half of those voting in the referendum have voted in favour of the development in the Order being granted planning permission. The Nailsworth Community Right to Build Order was endorsed by more than the required threshold in the referendum on 18th August 2016 where 84% of those voting have voted in favour of the proposal.
- 4.2 Section 61E (8) of the 1990 Act states that the Local Planning Authority is not subject to the duty if it considers that the making of the Order would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.
- 4.3 There has been full and adequate opportunity for all interested parties to take part in the preparation of the Order and to make their comments known. The examiner concluded that the documents supporting the Order evidence that it has been consulted upon fairly, that local people have had the opportunity for a fair hearing and that their views have been considered and incorporated in changes to the document. The Order does not therefore breach Human Rights requirements. On this basis it is considered that the

Nailsworth Community Right to Build Order does not breach, nor is in any way incompatible with the European Convention on Human Rights and the Human Rights Act.

- 4.4 The Council issued an Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) Screening Determination in September 2015, which confirmed to Nailsworth Community Land Trust that an EIA and a full HRA were not required on the Nailsworth Community Right to Build Order. The Examiner concluded in her June 2016 report that the Nailsworth Community Right to Build Order 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 proposals. The Council's Regulation 25(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 Nailsworth Community Right to Build Order (incorporating modifications set out in the Regulation 25(2) Decision Statement) is in breach of the relevant legislation.
- 4.5 The Council considers that the Nailsworth Community Right to Build Order meets the basic conditions (set out in paragraph 8(2) of Schedule 4B of the 1990 Act), its preparation process was compliant with legal and procedural requirement, it does not breach the legislation (set out in Section 61E (8) of the 1990 Act) and confirms that more than half of those who voted in the referendum on 18th August 2016, voted in favour of making the Order.
- 4.6 As a result of Stroud District Council's resolution of 27th October 2016, the Council has brought the Nailsworth Community Right to Build Order into legal force in accordance with Section 61E (4) of the 1990 Act.

5. OTHER INFORMATION

- 5.1 In accordance with Regulation 25(b) of the Regulations, a copy of this Decision Statement has been sent to:
- The qualifying body, namely Nailsworth Community Land Trust.
 - The persons who asked to be notified of the decision.
- 5.2 This Decision Statement, the Nailsworth Community Right to Build Order 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 Nailsworth Community Right to Build Order under Section 61E (4) or (8) may make an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (as amended) on the grounds that:
- the decision 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.



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

Date: 03/11/2016