

**Newcastle-under-Lyme Borough Council**

**Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood  
Development Plan**

**Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as  
amended)**

**Decision Statement Regarding the Borough Council's Consideration of the  
Examiner's Report – Proceed to Referendum**

**1. Purpose**

The purpose of this Decision Statement is to set out Newcastle-under-Lyme Borough Council's (the Council) decision in relation to the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan (the Plan) 2013-2033. This Decision Statement outlines the Council's decision in respect of:

- The actions to be taken in response to recommendations made by the Independent Examiner in the Examiner's Report;
- What modifications are to be made to the plan;
- Whether the plan meets the basic conditions, and would not breach or be incompatible with any EU obligation or Convention rights; and
- The area in which the referendum will take place.

**2. Response to the Examiner's Report and details of modifications**

The Plan was submitted for examination in June 2019. The Council, with the agreement of the Qualifying Body, appointed Christopher Collison BA (Hons) MBA MRTPI MIED MCMI IHBC to independently examine the plan. The Council received the Examiner's report on 16 August 2019.

The Examiner's report recommended that the Plan, subject to a number of modifications, should proceed to referendum. The Council, in liaison with the Qualifying Body, has considered each of the recommendations made by the Examiner, and assessed what modifications need to be made the Plan. The recommendations, the Council's response and proposed modifications are set out in Appendix 1.

In summary the Council is satisfied that, subject to the Examiner's recommended modifications being made, the Plan meets the basic conditions and other legal requirements, and can proceed to referendum.

**3. Referendum Area**

In recommending that the modified Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan go forward to referendum, the Examiner considered whether or not the referendum area should extend beyond the designated Neighbourhood Area. The Examiner recommended that there is no need to extend the referendum area. The Council agrees with this recommendation and concludes that the referendum area will not be extended and will be applied only to the designated Neighbourhood Area. See Map 1.

**4. Conclusions**

The Neighbourhood Planning (General) Regulations 2012, Regulation 18 (as amended), requires the local planning authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as amended) (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004) within five weeks of receiving that Report unless an alternate date is agreed with the Qualifying Body. In this case the date of 4 October 2019 was agreed with the Qualifying Body.

Following the independent examination, having considered the recommendations made by the Examiner's report, and the reasons for them, the Council has agreed that the Plan meets the basic conditions and other legal requirements, and agrees to accept the modifications made to the submitted plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) in response to the Examiner's recommendations/modifications.

To meet the requirements of the Localism Act 2011 a referendum which poses the question:

'Do you want Newcastle-under-Lyme Borough Council to use the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan to help it decide planning applications in the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Area?'

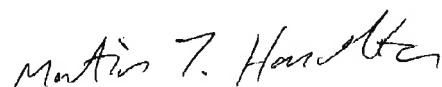
will be held in the area formally designated as the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Area.

The Plan can proceed to a Neighbourhood Planning Referendum. The Chapel and Hill Chorlton, Maer and Aston, and Whitmore Parish Neighbourhood Area shall define the extent of the referendum area. The date on which the referendum will take place will be within 56 days of the date of this decision.

This decision statement and the Examiner's Report are available for inspection on the Borough Council's and the three Parish Council's websites; Chapel and Hill Chorlton; Maer and Aston, and Whitmore. A hard copy is also available for viewing at three local Village Halls (for opening times please go to the respective websites for contact details) and two local churches:

- Whitmore Village Hall, Coneygreave Lane, Whitmore, ST5 5HX (<https://www.whitmorevillagehall.org.uk/>)
- Maer Village Hall, Maer Lane, Maer, ST5 5EF (<https://www.maervillage.co.uk/>)
- Aston Village Hall, School Lane, Aston, TF9 4JD (<http://www.astonvillagehall.co.uk/>)
- Parish Church of St Peter, Maer, ST5 5EE
- St Laurence Anglican Church, Chapel Chorlton, ST5 5JN

A hard copy of the decision statement and Examiner's Report will also be available at Newcastle-under-Lyme Borough Council Offices, Castle House, Barracks Road, Newcastle-under-Lyme, ST5 1BL during opening hours.



Signed:

Martin Hamilton, Chief Executive

Dated: 4 October 2019

**Appendix 1 – Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan: Schedule of Examiner’s Recommended Modifications and Newcastle-under-Lyme Borough Council’s response**

<b>Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Policy/Section</b>	<b>Examiner’s Report Reference</b>	<b>Recommended Modification(s)</b>	<b>NULBC Response</b>
All policies	Recommended modification 1 (page 31)	Adjust the interpretation sections that are presented after each policy so that they do not introduce any element of planning policy that is additional to that contained within the policies of the Neighbourhood Plan	Agreed. Interpretation sections to each policy to be amended, in liaison with the Qualifying Body, to delete additional elements of planning policy not contained within the policy itself.
Local Green Space designations	Recommended modification 2 (page 39)	<ul style="list-style-type: none"> <li>• delete section 2.2.4</li> <li>• transfer sections 2.2.1 and 2.2.2 and 2.2.3 to become supporting text to Policy COM2</li> <li>• ensure all maps in Appendix 1 include at least one property or road name</li> </ul>	Agreed. Sections to be transferred and/or deleted and maps to include at least one property or road name as recommended.
Policy NE1 Natural Environment	Recommended modification 3 (page 41)	In Policy NE1 delete “special” and insert “intrinsic”.	Agreed. Text to be amended as recommended.
Policy NE2 Sustainable Drainage	Recommended modification 4 (page 42)	In Policy NE2 <ul style="list-style-type: none"> <li>• delete “All” and insert “To be supported major”</li> <li>• delete the final sentence</li> </ul>	Agreed. Text to be amended and deleted as recommended.

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Policy/Section	Examiner's Report Reference	Recommended Modification(s)	NULBC Response
Policy COM1 Community Facilities	Recommended Modification 5 (page 43)	<p>In Policy COM1</p> <ul style="list-style-type: none"> <li>• after “have” insert “: 1”</li> <li>• delete “in sustainable and/or accessible locations,”</li> <li>• delete criterion 1 and the number 2</li> <li>• renumber 3 as 2, and before “road” insert “no severe impact on”</li> <li>• delete “and safety” and insert “or safety”</li> <li>• renumber 4 as 3 and commence the point with “no significant adverse impact on”</li> <li>• delete “of the Neighbourhood Area”</li> </ul>	Agreed. Text to be amended and deleted and policy renumbered as recommended.
Policy COM2 Small-scale Development in Local Green Space	Recommended modification 6 (page 45)	<p>In Policy COM2</p> <ul style="list-style-type: none"> <li>• replace the text with “The following areas identified on maps in Appendix 1 are designated as Local Green Spaces: (reference numbers: LGSC6, LGSC8, LGSC17, LGSM12, LGSM13, LGSM22, LGSM23, LGSM25, LGSW4, LGSW9, LGSW10, LGSW11, LGSW17, LGSW18, LGSW19, LGSW23, LGSW25, LGSW27, LGSW33, LGSW39, LGSW40, LGSW41, and LGSW42). Development will only be supported within a Local Green Space where very special circumstances consistent with policies for Green Belts are demonstrated.”</li> <li>• change the policy title to “Designation of Local Green Spaces”</li> <li>• limit Appendix 1 to designated Local Green Spaces only, and adjust the reference numbers to run consecutively from 1 for each Parish.</li> </ul>	<p>Agreed. Policy title and wording to amended as recommended.</p> <p>Appendix 1 maps of designated LGS to be amended as recommended.</p>
Policy COM3 Developer Contributions	No recommended modification	No recommended modification.	Policy to remain as worded.

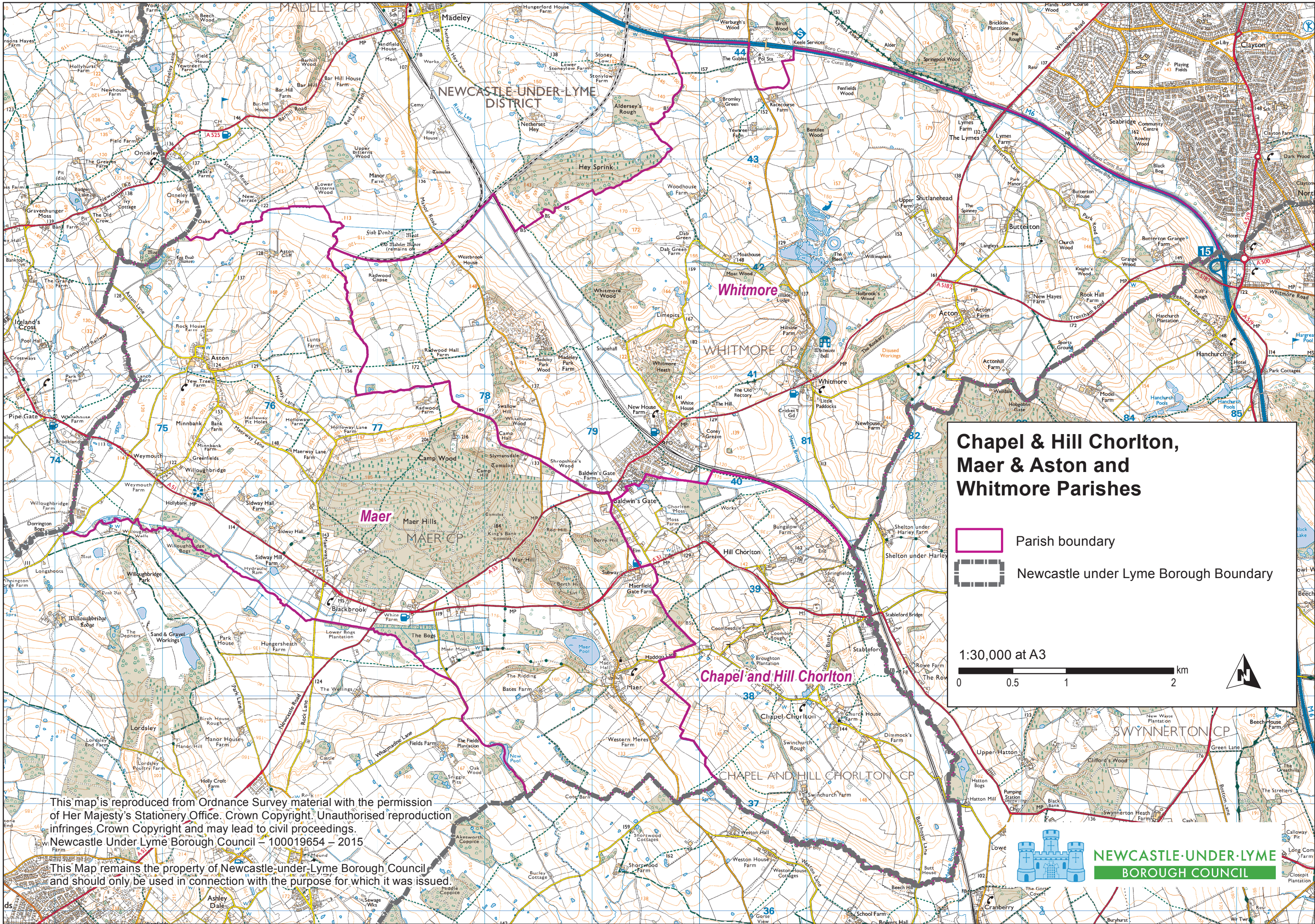
Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Policy/Section	Examiner's Report Reference	Recommended Modification(s)	NULBC Response
Policy DC1 Local Heritage	Recommended modification 7 (page 49)	<p>In Policy DC1 replace the text before the colon with "Proposals for the reuse and/or conversion of non-designated heritage assets will be supported provided that"</p> <p>Expand section 3.2.2 'Local listing of structures' to include a community action which states "The Parish Councils will consider nominating buildings and structures for assessment by the Borough Council as potential non-designated heritage assets prior to each biennial review of the Register of Locally Important Structures."</p>	Agreed. Policy and Interpretation wording to be amended as recommended.
Policy DC2 Sustainable Design	Recommended modification 8 (page 52)	<p>In Policy DC2</p> <ul style="list-style-type: none"> <li>• delete "All new development" and insert "A development proposal"</li> <li>• delete part 4</li> <li>• in part 8 delete "Integrates existing verges into new developments" and insert "Maintains existing verges, except for the need to create new accesses, and other green areas within the highway boundary (including the particular examples identified in the interpretation below) in new developments"</li> <li>• in the interpretation text to the policy identify as particular examples the verges and other green areas within highway boundaries deleted from the proposed Local Green Spaces list in Appendix 1</li> </ul>	Agreed. Wording to be amended or deleted and maps at Appendix 1 to be amended as recommended.

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Policy/Section	Examiner's Report Reference	Recommended Modification(s)	NULBC Response
Policy DC3 Public Realm and Car Parking	Recommended modification 9 (page 54)	<p>In Policy DC3</p> <ul style="list-style-type: none"> <li>• delete “new development” and insert “development proposals”</li> <li>• in part 3 delete “Providing streets that” and insert “Designing streets to”</li> <li>• in part 4 delete “a mix of”</li> <li>• in part 5 delete “proportionate to the size of the property in terms of number of spaces” and insert “sufficient to avoid additional on-street parking”</li> <li>• in part 6 after “avoiding” insert “severe”</li> <li>• delete part 7</li> </ul>	Agreed. Text to be amended and deleted as recommended.
Policy DC4 Connectivity and Spaces	Recommended modification 10 (page 55)	<p>In Policy DC4</p> <ul style="list-style-type: none"> <li>• after spaces insert (including the particular examples identified in the interpretation below)</li> <li>• delete “New development must take opportunities” and insert “Subject to viability considerations, to be supported development proposals must demonstrate opportunities have been taken”</li> <li>• in the interpretation text to the policy identify linear right of way routes deleted from the proposed Local Green Spaces in Appendix 1 as particular routes to be protected (see paragraph 89 of my report)</li> </ul>	Agreed. Wording to be amended or deleted and maps at Appendix 1 to be amended as recommended.
Policy DC5 Impact of Lighting	Recommended modification 11 (page 56)	In Policy DC5 replace with “To be supported planning proposals must: (a) only include external lighting that is essential; and (b) include measures to avoid light spillage beyond the application site.”	Agreed. Wording to be replaced as recommended.
Policy DC6 Housing Standards	Recommended modification 12 (page 58)	In Policy DC6 delete part 2	Agreed. Delete part 2 of policy as recommended.

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Policy/Section	Examiner's Report Reference	Recommended Modification(s)	NULBC Response
Policy DC7 Renewable Energy	Recommended modification 13 (page 59)	In Policy DC7 <ul style="list-style-type: none"> <li>• delete the first sentence</li> <li>• delete "new"</li> </ul>	Agreed. Delete wording as recommended.
Policy EB1 High-Speed Connectivity and Telecommunications	Recommended modification 14 (page 61)	In Policy EB1 <ul style="list-style-type: none"> <li>• delete "New" and insert "To be supported"</li> <li>• after "must" insert ", unless it can be demonstrated to be not viable,"</li> <li>• delete the second sentence</li> </ul>	Agreed. Wording to be amended and deleted as recommended.
Policy EB2 Commercial and Tourism Development	No recommended modification	No recommended modification.	Policy to remain as worded.
Policy HG1 New Housing	Recommended modification 15 (pages 65-66)	In Policy HG1 <ul style="list-style-type: none"> <li>• delete the second bullet point</li> <li>• replace the full stop after "dwellings" with "; or" and add a further bullet point "in isolated locations in the countryside only where the circumstances set out in paragraph 79 of the NPPF apply."</li> <li>• delete criterion 2</li> </ul>	Agreed. Wording to be amended and deleted as recommended.
Policy HG2 Housing Mix	Recommended modification 16 (page 67)	In Policy HG2 <ul style="list-style-type: none"> <li>• commence the first paragraph with "To be supported"</li> <li>• delete "local need" and insert "requirements identified in the latest assessment of local housing needs"</li> <li>• commence the second paragraph with "Any"</li> </ul>	Agreed. Wording to be amended and deleted as recommended.

Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan Policy/Section	Examiner's Report Reference	Recommended Modification(s)	NULBC Response
Policy HG3 Local Play, Sports and Recreation Facilities	Recommended modification 17 (page 69)	<p>Replace Policy HG3 with "To be supported residential development must, subject to the applicable thresholds and viability considerations, provide for accessible, high quality, local play, sports and recreational facilities."</p> <p>In the 'interpretation' to the policy include reference to thresholds in terms of the November 2014 Ministerial Statement and the strategic policies CSP5 'Open Space/Sport/Recreation' and C4 'Open Space in New Housing Areas' within the Core Spatial Strategy and the Local Plan respectively."</p>	Agreed. Policy and Interpretation wording to be amended as recommended.
All policies and interpretations	Recommended modification 18 (page 71)	Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber parts of policies arising from deletions.	Agreed. Modifications to the text are required to ensure consistency with the modifications described. Agree and implement modifications with the Qualifying Body.





### Chapel & Hill Chorlton, Maer & Aston and Whitmore Parishes

- Parish boundary
- Newcastle under Lyme Borough Boundary

1:30,000 at A3

0 0.5 1 2 km

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