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4 June 2018

Dear Sir/Madam

CABINET

A meeting of the Cabinet has been arranged to take place on **TUESDAY, 12 JUNE, 2018 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', is written over a light blue rectangular background.

Neil Turner BSc (Hons) MSc
Director of Transformation & Resources

To: Members of Cabinet

Councillors Wilcox (Chairman), Pritchard (Vice-Chair), Eadie, Pullen, Smith and Spruce



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Money Matters 2017/18: Review of the Financial Performance Against the Financial Strategy April to March 2018 3 - 38
4. Compulsory Purchase Order at Land at The Windmill, Grange Lane, Lichfield 39 - 78
5. Community Infrastructure Levy: Allocating and Spending CIL: Additional Guidance 79 - 98
6. Allocation of Non Site Specific Section 106 Relating to Planning Application 07/00147/OUT (Hill Ridware) 99 - 102
7. Allocation of Non Site Specific Section 106 Relating to Planning Application 07/00774/OUTM (Fradley) 103 - 108
8. Allocation of Non Site Specific Section 106 Relating to Planning Application 03/00627/OUT (Hawksyard) 109 - 114
9. Decision Statement Regarding Alrewas Neighbourhood Plan Proceeding to Referendum 115 - 190
10. Decision Statement Regarding Armitage with Handsacre Neighbourhood Plan Proceeding to Referendum 191 - 238
11. Decision Statement Regarding Longdon Neighbourhood Plan Proceeding to Referendum 239 - 274
12. **Exclusion of Public and Press**

RESOLVED: "That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business, which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972"
13. Friarsgate 275 - 326
14. To Receive the Minutes of the Asset Strategy Group Meeting Held on 19 May 2018 327 - 330



Money Matters : 2017/18 Review of Financial Performance against the Financial Strategy

Agenda Item 3



Cabinet Member for Finance and Democratic Services

Date:	12 June 2018
Agenda Item:	3
Contact Officer:	Anthony Thomas
Tel Number:	01543 308012
Email:	Anthony.thomas@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members :	Full Council

Cabinet

1. Executive Summary

- 1.1 The report covers the financial performance for the financial year 2017/18.
- 1.2 The Medium Term Financial Strategy included an Efficiency Plan target of **(£250,000)** in 2017/18. Of this target, **(£163,100)** has been achieved for 2017/18 and therefore **£86,900** was outstanding. However a further **(£33,450)** has already been identified and therefore **(£53,450)** remains to be identified in 2018/19.
- 1.3 The Revenue Budget at the Net Cost of Service level was **(£72,288)** below budget, corporate spend and funding is **£5,525** more than the budget and therefore the net below budget performance is **(£66,763)**.
- 1.4 The Original budgeted transfer to general reserves was **£1,060** as approved by Council on 21 February 2017. The Approved Budget currently shows a transfer from general reserves of **(£517,220)** and **(£450,457)** was transferred from general reserves. Therefore, general reserves are **£66,763** higher than the Approved Budget.
- 1.5 The Capital Programme was below budget by **(£759,515)**; recommendation 2.4 below is for slippage of **£917,500** in 2017/18 to be carried forward to 2018/19.
- 1.6 The Council received higher capital receipts compared to the Approved Budget of **(£229,691)**.
- 1.7 In terms of Council Tax and Business Rates:
 - The Council's collection performance on Council Tax based on debt covering all years is **97.47%** and this is in line with the previous year's figure.
 - The Council's share of the Council Tax actual surplus in 2017/18 is **(£43,874)** compared to the budgeted share of **(£42,000)** included in the 2018/19 Budget. Therefore the balance of **(£1,874)** will be included in the 2019/20 Budget.
 - The Council will be paying Business Rate levy of **£920,882** to the Greater Birmingham and Solihull (GBS) pool and will receive **(£299,287)** of returned levy. This is **(£65,525)** less net levy than the Approved Budget after taking account of the budgeted volatility allowance.
 - Overall Retained Business Rate Income is **£6,778** less than the Approved Budget.
 - The Council's collection performance on Business Rates based on debt covering all years is **98.58%** which has improved from the previous year's figure by **1.36%**.
 - The Council's share of the Business Rates actual surplus in 2017/18 is **(£566,731)** compared to the budgeted share of **(£591,000)** included in the 2018/19 Budget. Therefore the balance of **£24,269** will be included in the 2019/20 Budget.
- 1.8 The Council's investments achieved a risk status of **AA-** that was more secure than the aim of **A-** and yield exceeded all four of the industry standard London Interbank (LIBID) yield benchmarks.
- 1.9 The Council collected a total of **£286,797.04** in Community Infrastructure Levy (CIL) receipts, of these receipts **£14,339.85** (5%) has been applied to administrative expenses, no CIL expenditure took place and no CIL receipts were transferred to any local council.

2. Recommendations

- 2.1 To note the report and issues raised within.
- 2.2 To note that Leadership Team with Cabinet Members will continue to closely monitor and manage the Medium Term Financial Strategy.
- 2.3 To note the appointment by Audit and Member Standards Committee of Grant Thornton as the Council's Housing Benefit certification External Auditors for the five year period from 2018/19.
- 2.4 To approve **£917,500** of Capital Programme slippage related to 2017/18 being added to the Approved Budget in 2018/19 as outlined at **APPENDIX C**.
- 2.5 Cabinet to note the Community Infrastructure Levy (CIL) financial year report at paragraph 3.47 which is in accordance with Regulation 62 of The Community Infrastructure Levy Regulations 2010 (as amended)

That Cabinet recommends to Council :

- 2.6 To approve the actual 2017/18 Prudential Indicators contained within the report.

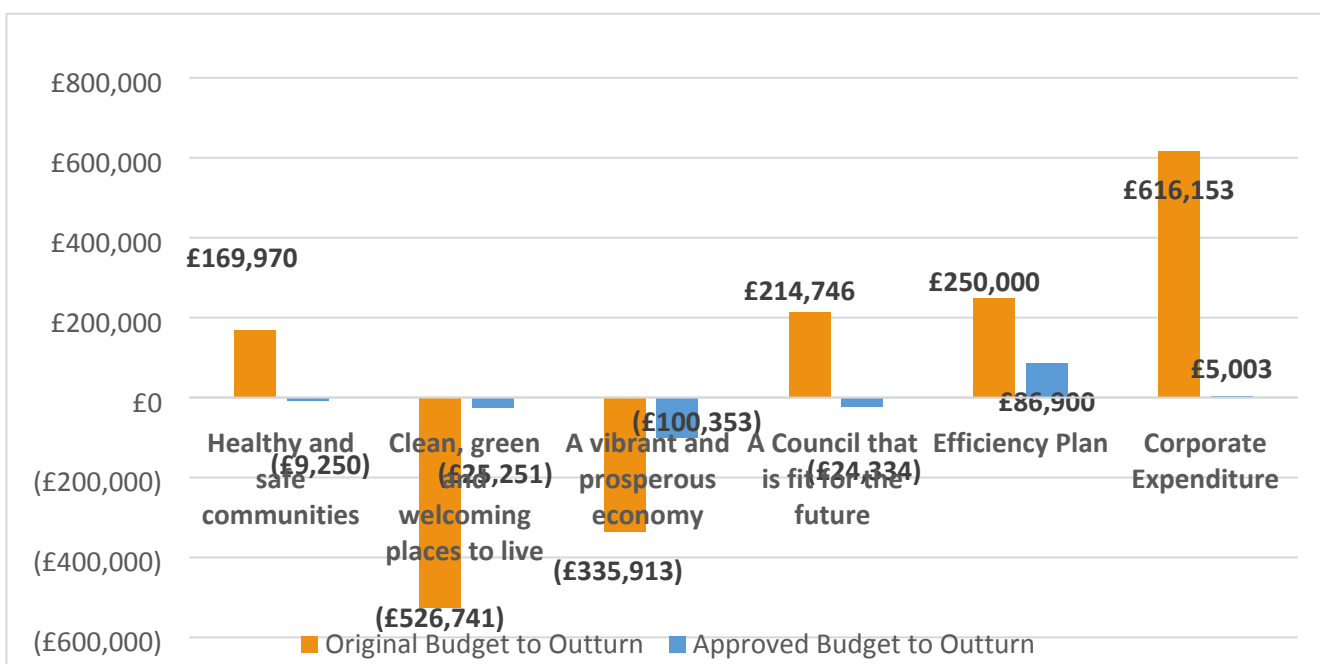
3. Background

Budget Management

- 1.1. The MTFS 2016-21 approved by Council on 21 February 2017 included the Original Budget for 2017/18 and set out the allocation of resources and the policies and parameters within which managers are required to operate.
- 1.2. Throughout the financial year, Money Matters reports were provided to both Cabinet and Strategic (Overview and Scrutiny) Committee at three, six and eight month intervals to monitor financial performance.
- 1.3. The Money Matters reports update the Approved Budget to reflect latest projections and the eight month Money Matters report formed the basis of the Revised Approved Budget for 2017/18 approved by Council on 20 February 2018.

The Revenue Budget

- 1.4. A summary of the financial performance at the Net Cost of Services level by the new Strategic Plan Priorities compared to both the Original Budget and the Approved Budget is shown below.



Performance compared to the Approved Budget

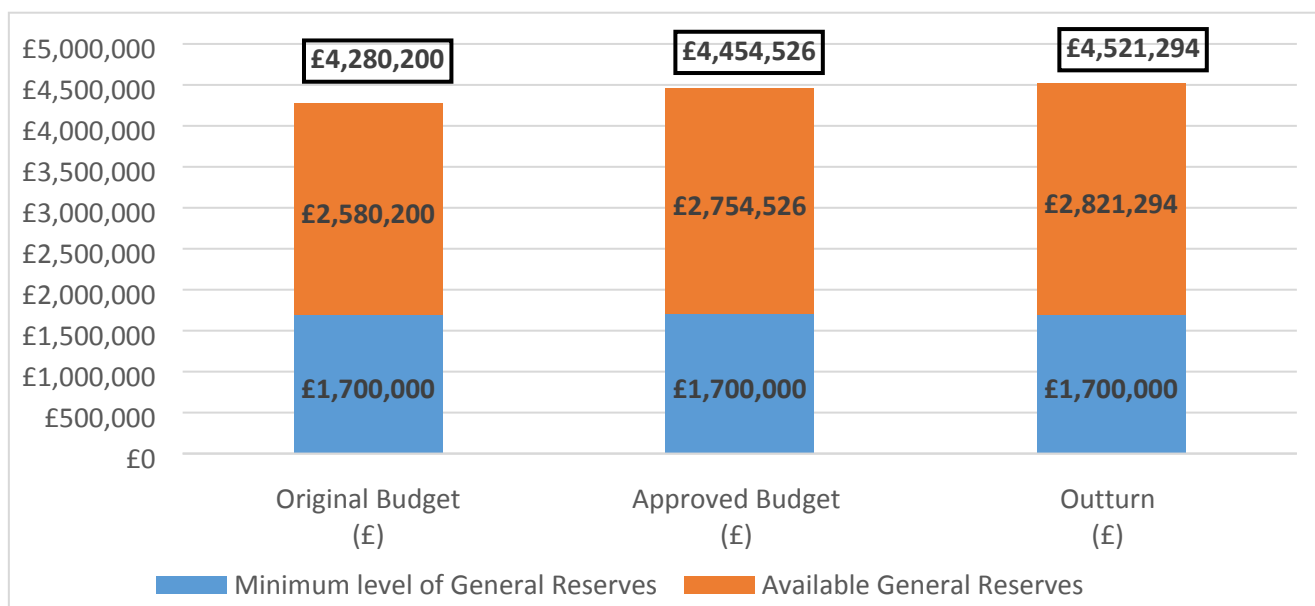
1.5. At the Net Cost of Service level, the actual variance compared to the Approved Budget is summarised below and shown in detail compared to the Approved Budget in **APPENDIX A**:

	Actual Outturn £
Healthy and Safe Communities	
• Increased payments to Friary School less other small variances	23,132
• Increased Licensing income	(32,382)
Clean, green and welcoming places to live	
• One-off savings/income found in this quarter	(2,038)
• Underachievement of income target on self-funding post. This is being addressed by the Head of Service during 2018/19.	30,440
• Increased Garden Waste income	(53,652)
A vibrant and prosperous economy	
• Various one-off savings/income found in this quarter	(45,598)
• Government Grant received	(20,785)
• Increased income related to Other Land and Property	(17,812)
• Increased Trade Waste Income	(16,159)
A Council that is fit for the future	
• One-off savings/income found in this quarter	(4,231)
• Government Grants received	(20,103)
Efficiency Plan	
• Target not achieved	86,900
Total – Net Cost of Services	(£72,288)
Net Treasury	5,003
Funding	522
Additional Transfer to General Reserves	£66,763

Revenue General Reserves

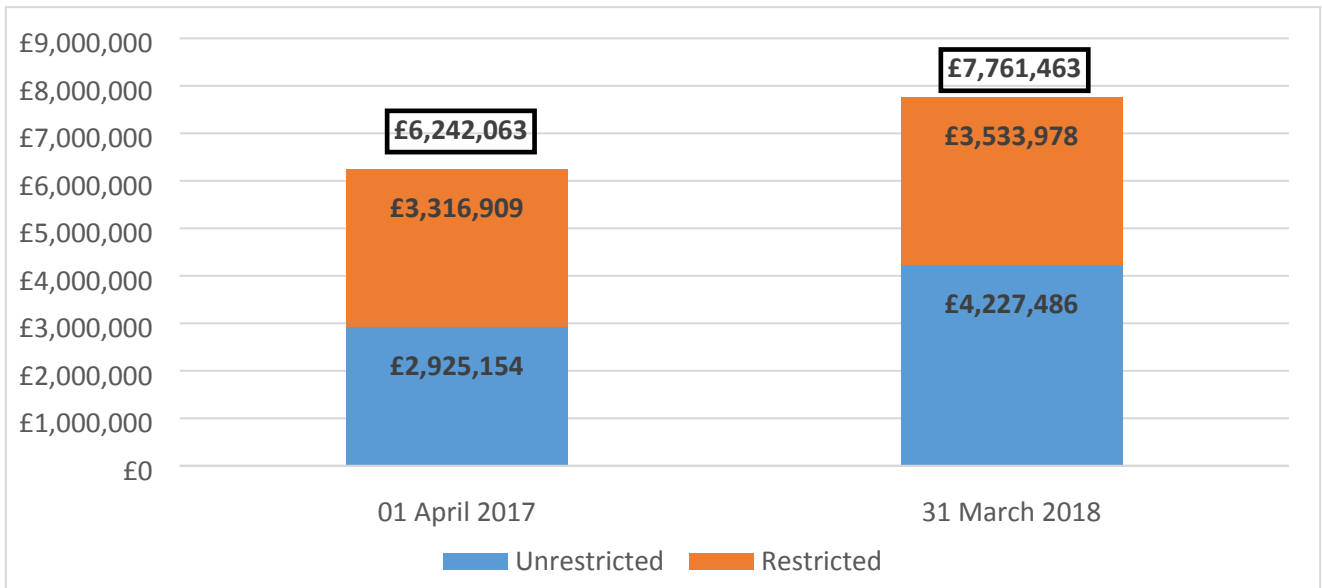
3.6 The Original Budgeted transfer to general reserves was **£1,060**. The Council has approved throughout the financial year transfers from general reserves of **(£518,280)** and therefore the Approved Budget shows a transfer from general reserves of **(£517,220)**.

3.7 This report identifies a transfer from general reserves of **(£450,457)** and therefore general reserves will be **£66,763** higher than the Approved Budget as shown at **APPENDIX A** and in the graph below:



3.8 Earmarked reserves are classified into unrestricted reserves where there are no restrictions over their use and restricted reserves where their establishment or use is determined by a legal or partnership agreement such as the Birmingham Road car park reserve.

3.9 A summary of earmarked reserves is shown in the chart below and in detail at **APPENDIX B**.

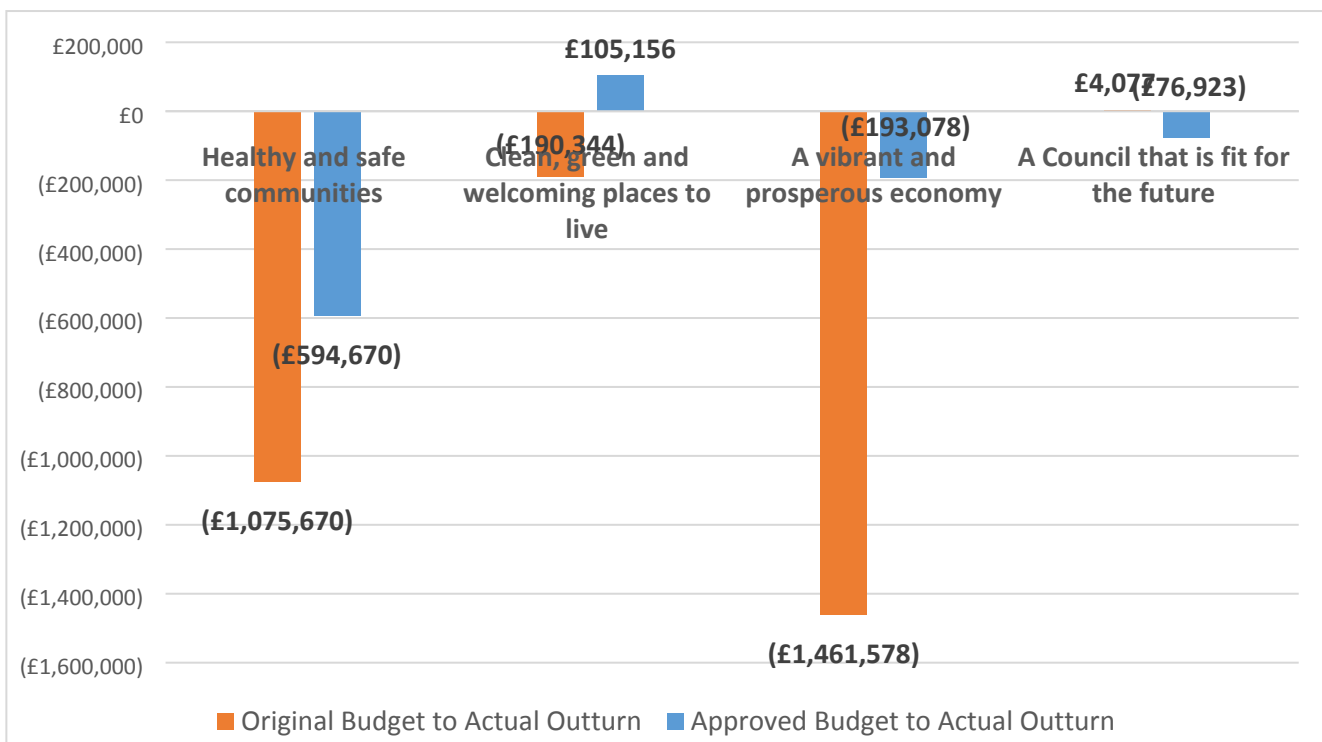


3.10 Audit and Member Standards approved on 9 May 2018 Grant Thornton as the Housing Benefits certification External Auditor for a five year period from 2018/19 to enable the Council to comply with appointment and notification to the Department of Work and Pensions by 2 July 2018.

3.11 The estimated cost per annum is **£14,000** and given the total is **£70,000**. This sum can be accommodated within existing budgets however this is in excess of the key decision level at that time of **£50,000** and therefore must be reported to Cabinet.

The Capital Programme

3.12 The Capital Programme performance was below budget by **(£759,515)** or **23%** compared to the Approved Budget. This below budget performance compared to both the Original and the Approved Budgets is shown by the Strategic Plan’s priorities in the graph below and in detail at **APPENDIX C**:



Performance compared to the Approved Budget

3.13 There was a variance compared to the Approved Budget that is related to:

	Approved Budget
Healthy and Safe Communities	
• Disabled Facilities Grants	£7,483
• Leisure Outsourcing: Capital investment	(£282,000)
• Burntwood Leisure Centre enhancement	(£190,162)
• Friary Grange squash courts	(£50,000)
• Other Items	(£79,991)
Clean, green and welcoming places to live	
• Bin Purchase (funded by revenue)	£103,112
• Other Items	£2,044
A vibrant and prosperous economy	
• Cannock Chase Special Area of Conservation	(£16)
• Friarsgate Project	(£169,563)
• Other Items	(£23,500)
A Council that is fit for the future	
• IT and Channel Shift Programme (funded by revenue)	£33,625
• Asset Management: District Council House	(£99,716)
• Other Items	(£10,832)
Total	(£759,515)

3.14 The below budget performance compared to the Approved Budget of **(£759,515)** can be categorised as:

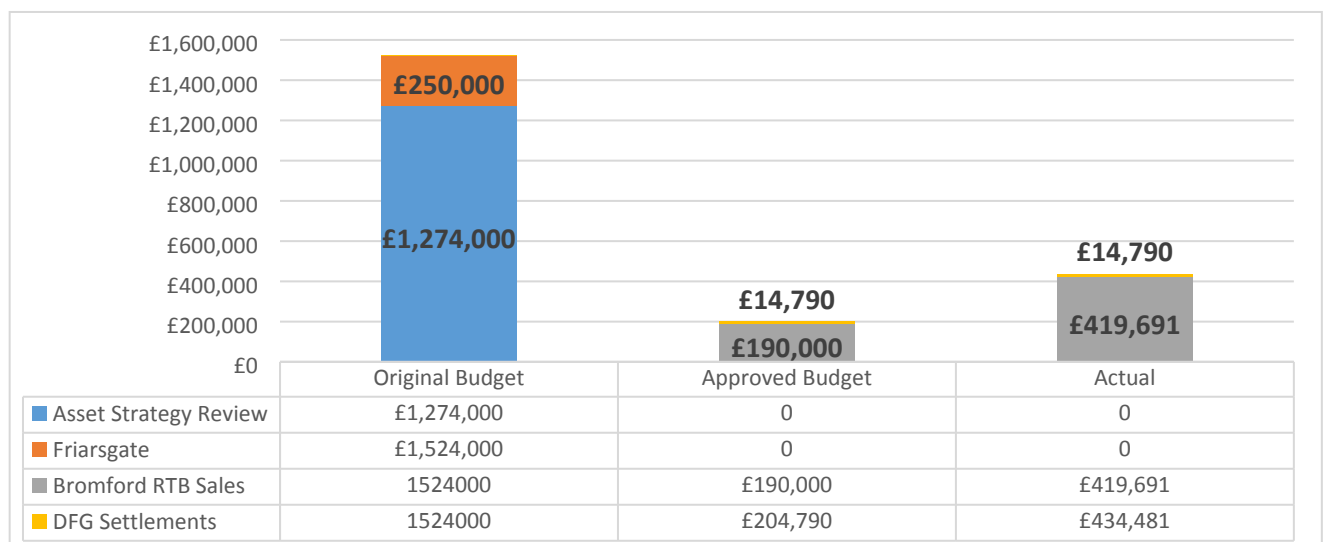
- Delays in spend taking place which is known as slippage of **(£917,500)**.
- Other adjustments, including additional spend funded by revenue, of **£157,985**.

3.15 The slippage in 2017/18 of **£917,500** is recommended to be added to the Capital Programme in 2018/19 when this delayed spend is planned to take place. The slippage together with the Revised Budget for 2018/19 is shown in **APPENDIX C**.

Capital Receipts

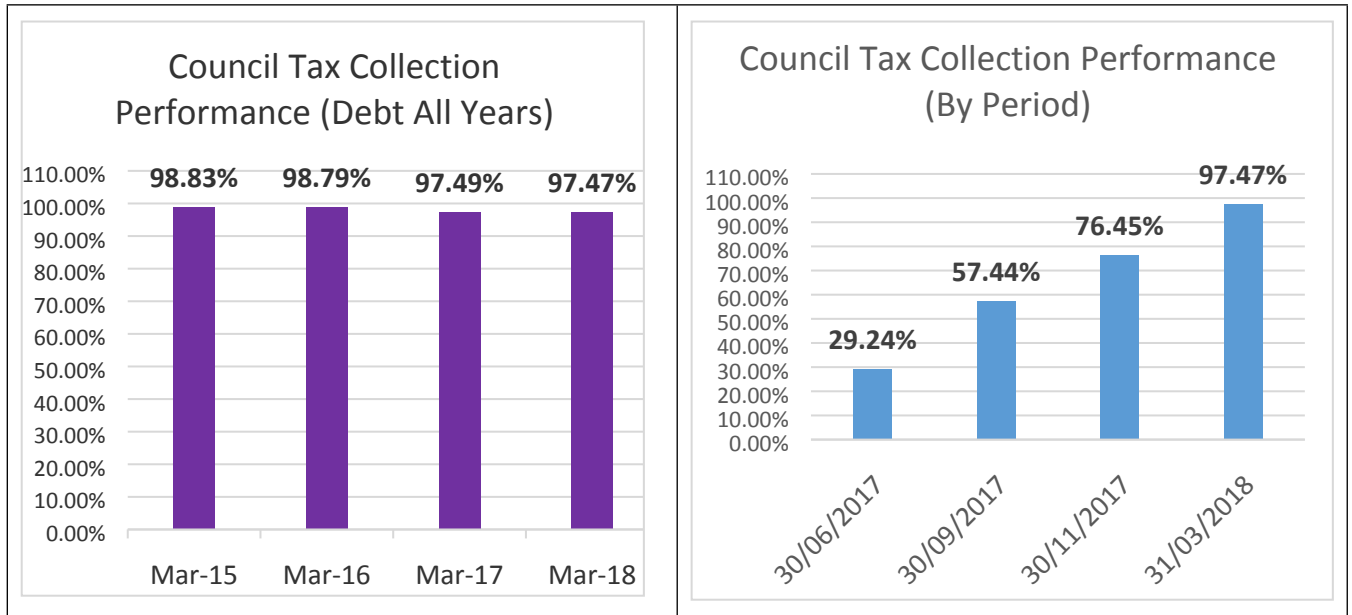
3.16 There have been **(£434,481)** of actual capital receipts received in 2017/18 compared to the Approved Budget of **(£204,790)**. The additional capital receipts received of **(£229,691)** is related to the Council's share of Right to Buy sales.

3.17 The Original and Approved Budgets together with the actual capital receipts received are shown in the graph below:

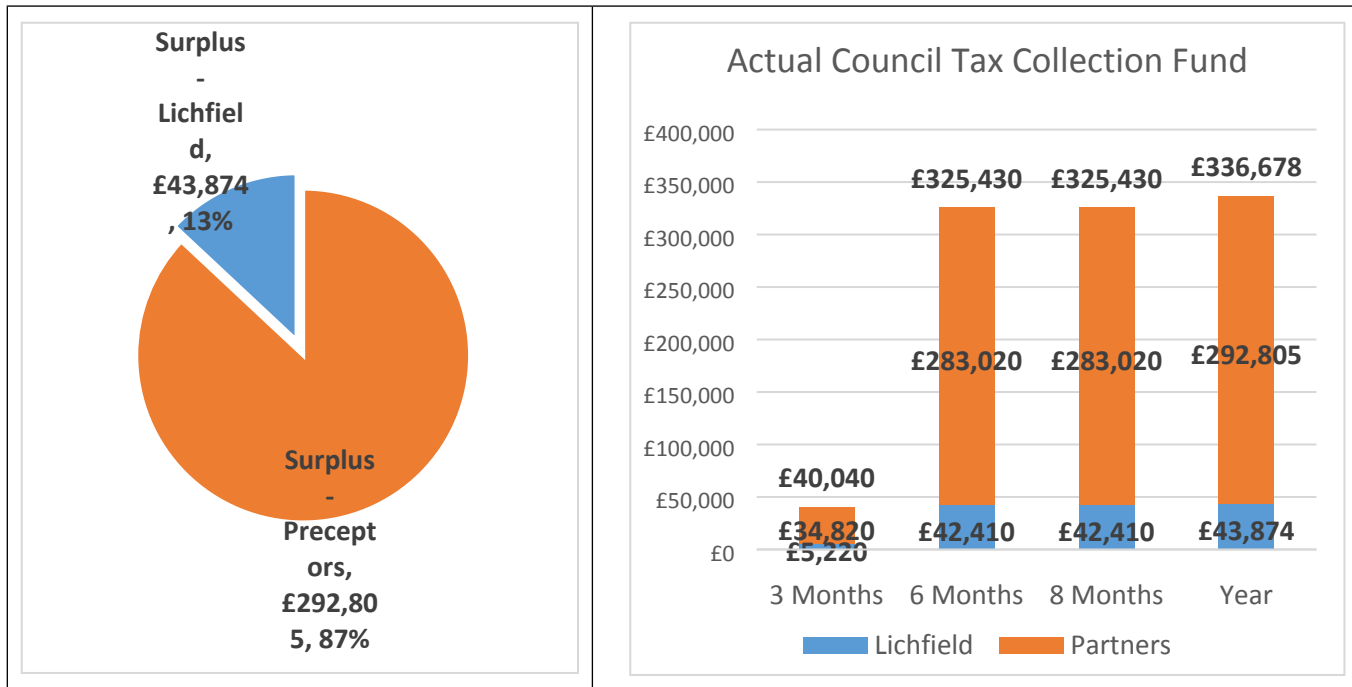


Council Tax

- 3.18 The Council is responsible for the collection of Council Tax for all precepting authorities in 2017/18 totalling **£59.7m**.
- 3.19 The collection performance for Council Tax for the last four financial years is shown in detail at **APPENDIX D** and in summary in the graphs below:

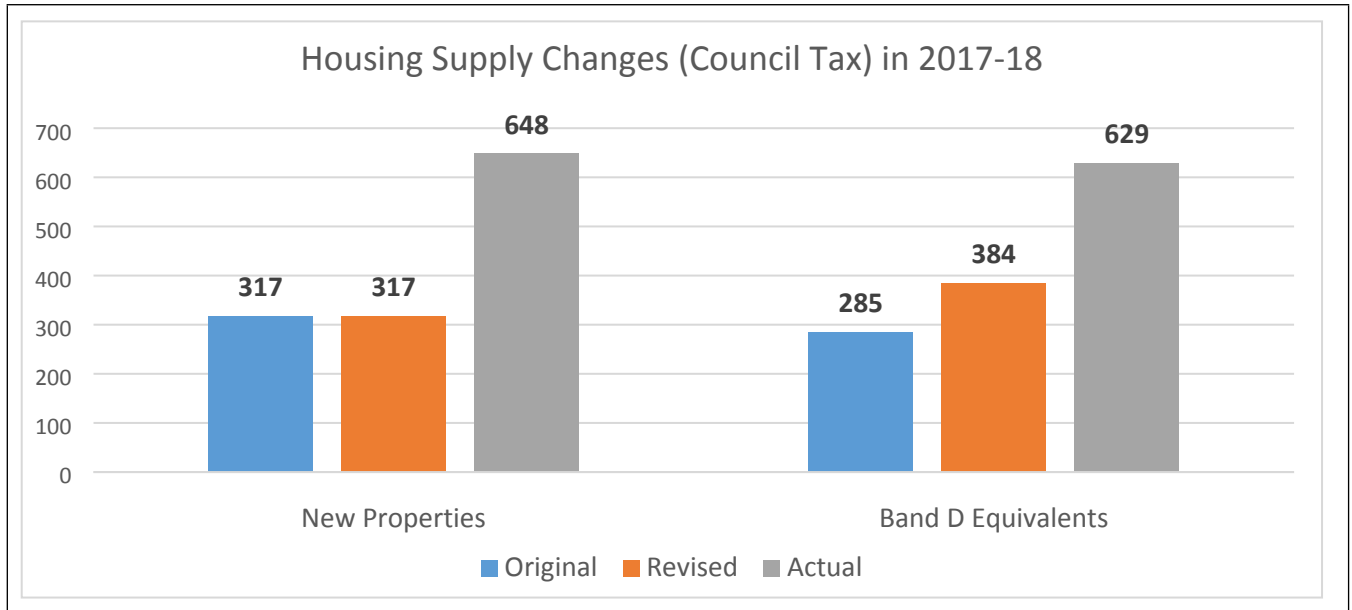


- 3.20 The collection performance during 2017/18 has remained very much in line with with the same period in the previous financial year.
- 3.21 A summary of the Council Tax Collection Fund performance and surplus of **(£336,678)** (the Revised Budget assumed a surplus of **(£325,430)**) is shown in the graphs below and is based on Lichfield's (including parishes) current share of Council Tax of **13%**:



- 3.22 The actual surplus in 2017/18 of **(£43,874)** includes the actual surplus in 2016/17 together with performance related to 2017/18. The Council estimated the surplus to be **(£42,000)** and this has been included in the 2018/19 Budget, the balance of **(£1,874)** will therefore be included in the 2019/20 Budget.

3.23 Housing supply is one of the key assumptions in the Medium Term Financial Strategy because it impacts on the income we receive from Council Tax and New Homes Bonus. The actual change in properties using information on housing completions from Council Tax is shown below:



Business Rates

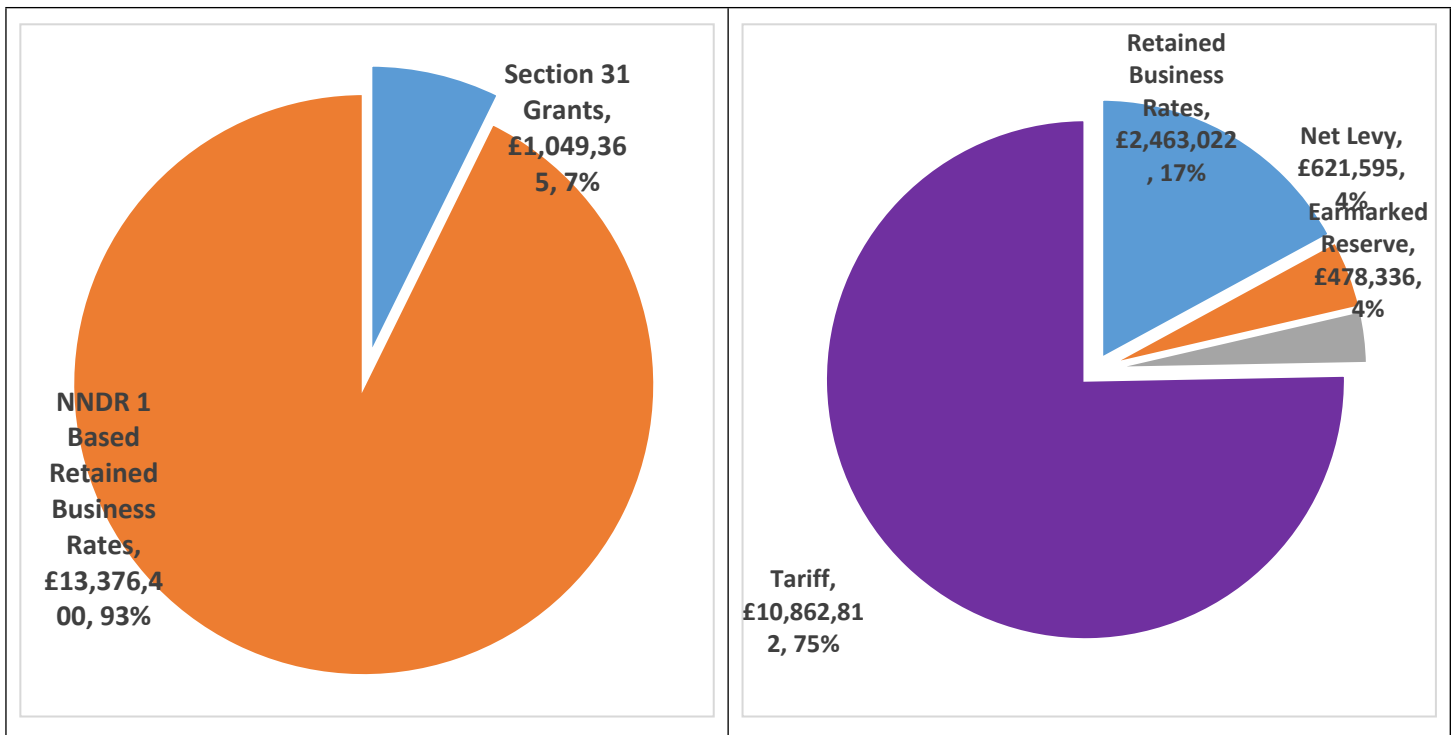
3.24 The Council will collect Business Rates for all partners in 2017/18 totalling **£34m**.

3.25 The Council receives a **40%** share of Business Rates income. The Council's share included in its budget is based on the NNDR 1 estimated level together with Section 31 grants for certain reliefs granted. The Council must then pay the Government set tariff and any net levy based on growth above the Government set baseline (or receive safety net in the event of Business Rates having reduced more than a set percentage below the baseline).

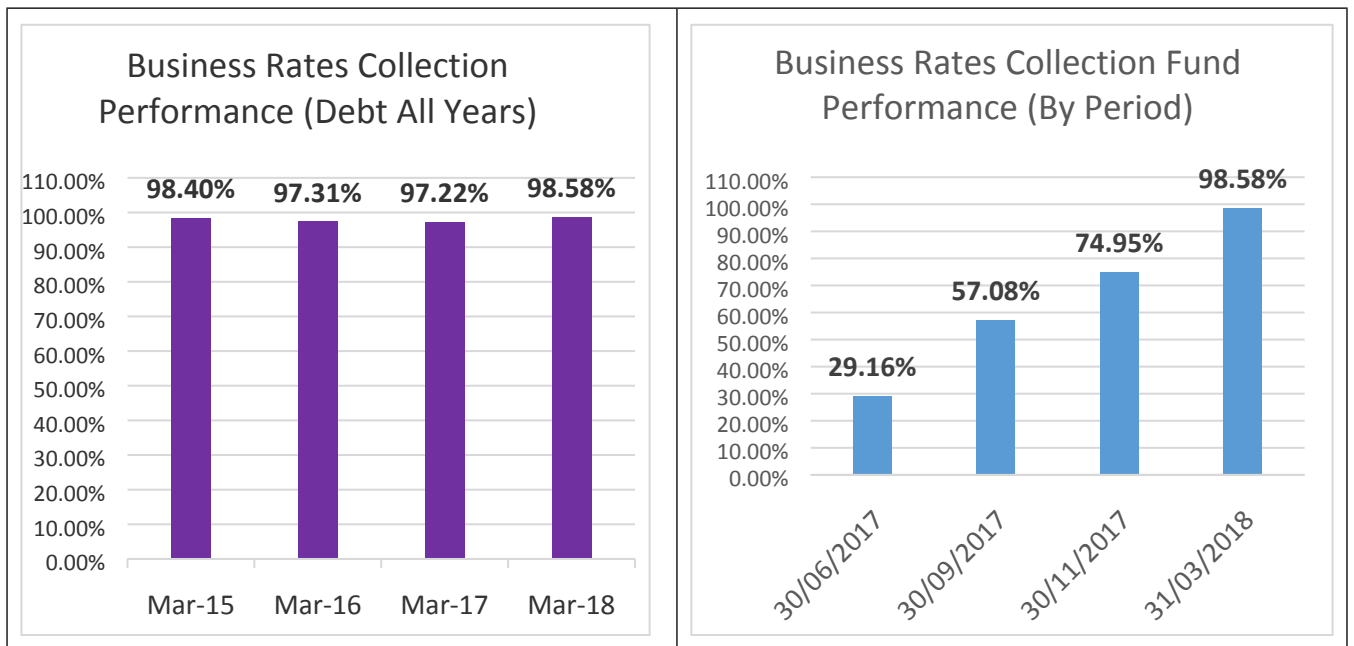
3.26 The Retained Business Rate income for 2017/18 shown at **APPENDIX D** is **(£2,463,022)** compared to the Approved Budget of **(£2,469,800)**, a reduction of **£6,778**. This is because:

- The Council's Section 31 grant income is higher than budgeted by **(£405,365)** due to additional reliefs in the Summer Budget related to Supporting small business, discretionary relief scheme and support for public houses together with changes to the calculation of Small Business Rate Relief.
- The 2017/18 share of Business Rates in the Collection Fund is lower than budgeted (see below for further details) and this will mean lower net levy payments of **(£65,525)** after taking account of the volatility allowance, and in addition there was a lower tariff payment of **(£268)**.
- We have transferred **£478,336** to the Business Rates Volatility Reserve to mitigate timing differences between the receipt of grant and when the impact in the Collection Fund is recognised in the Council's Budget.

3.27 The detail of the Council's actual and budgeted share of Business Rates income, the tariff and net levy, and the Retained Business Rates in 2017/18 are shown in detail at **APPENDIX D** and in the graphs below:



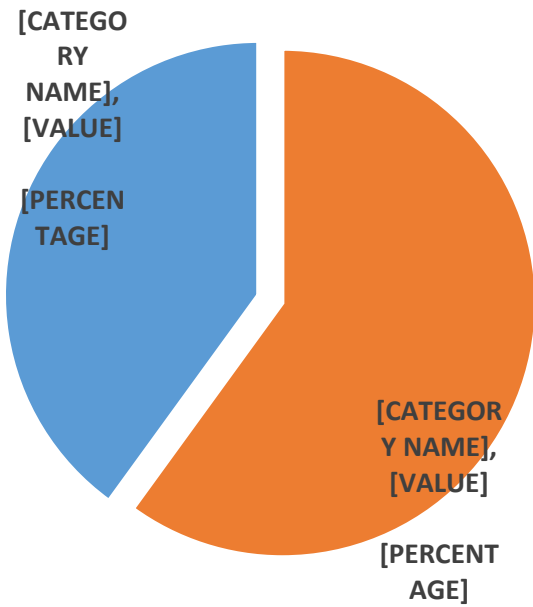
3.28 The collection performance for Business Rates for the last four financial years is shown in the graphs below:



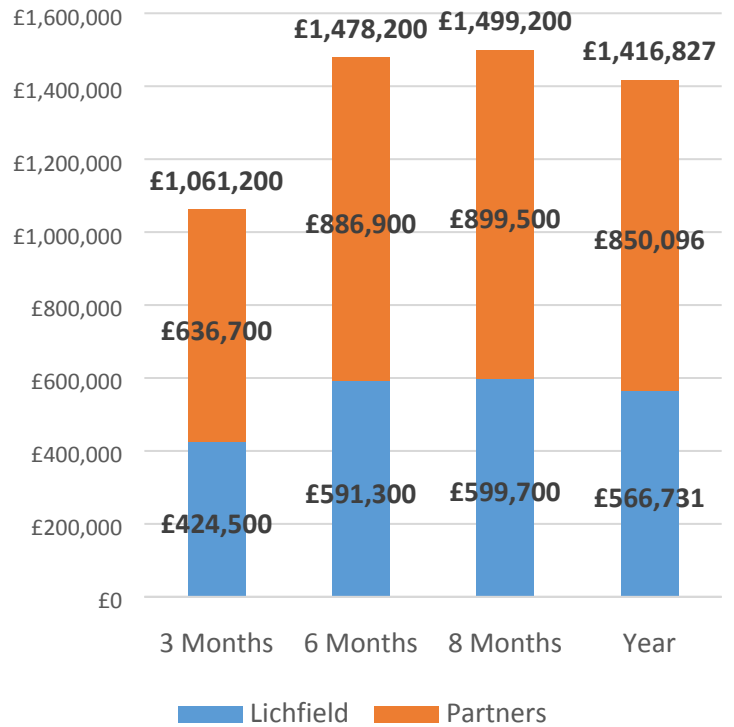
3.29 The collection performance has improved in 2017/18.

3.30 A summary of the Business Rates Collection Fund performance and surplus of **(£1,416,827)** (the Revised Budget assumed a surplus of **(£1,478,200)**) is shown in the graphs below with (the detail is based Lichfield's prescribed share of **40%**):

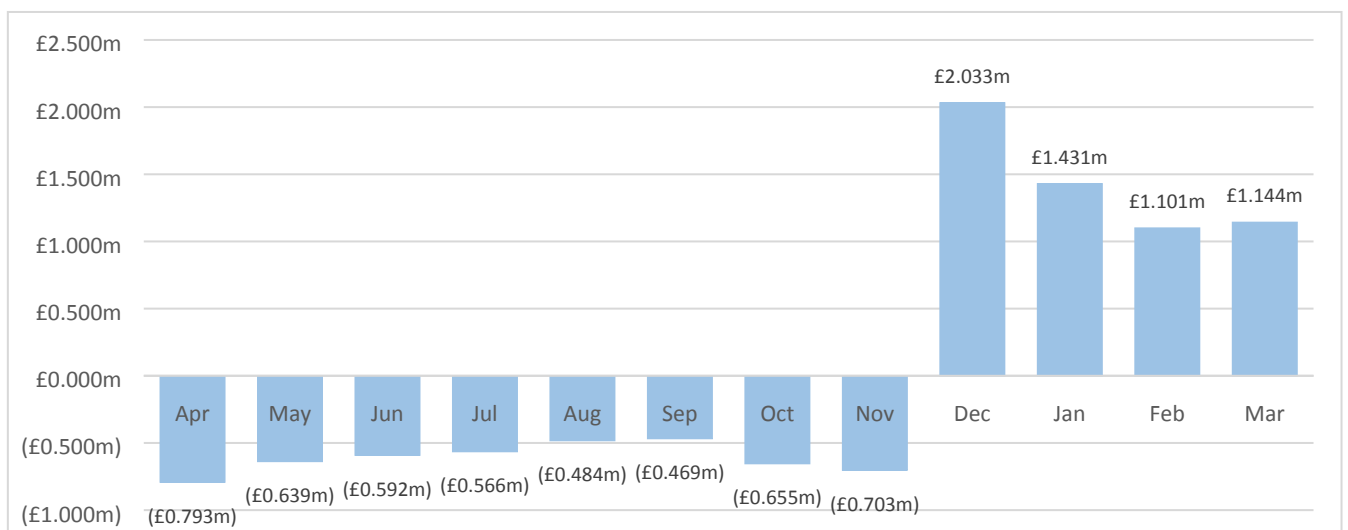
Business Rates Collection Fund



Actual Business Rates Collection Fund



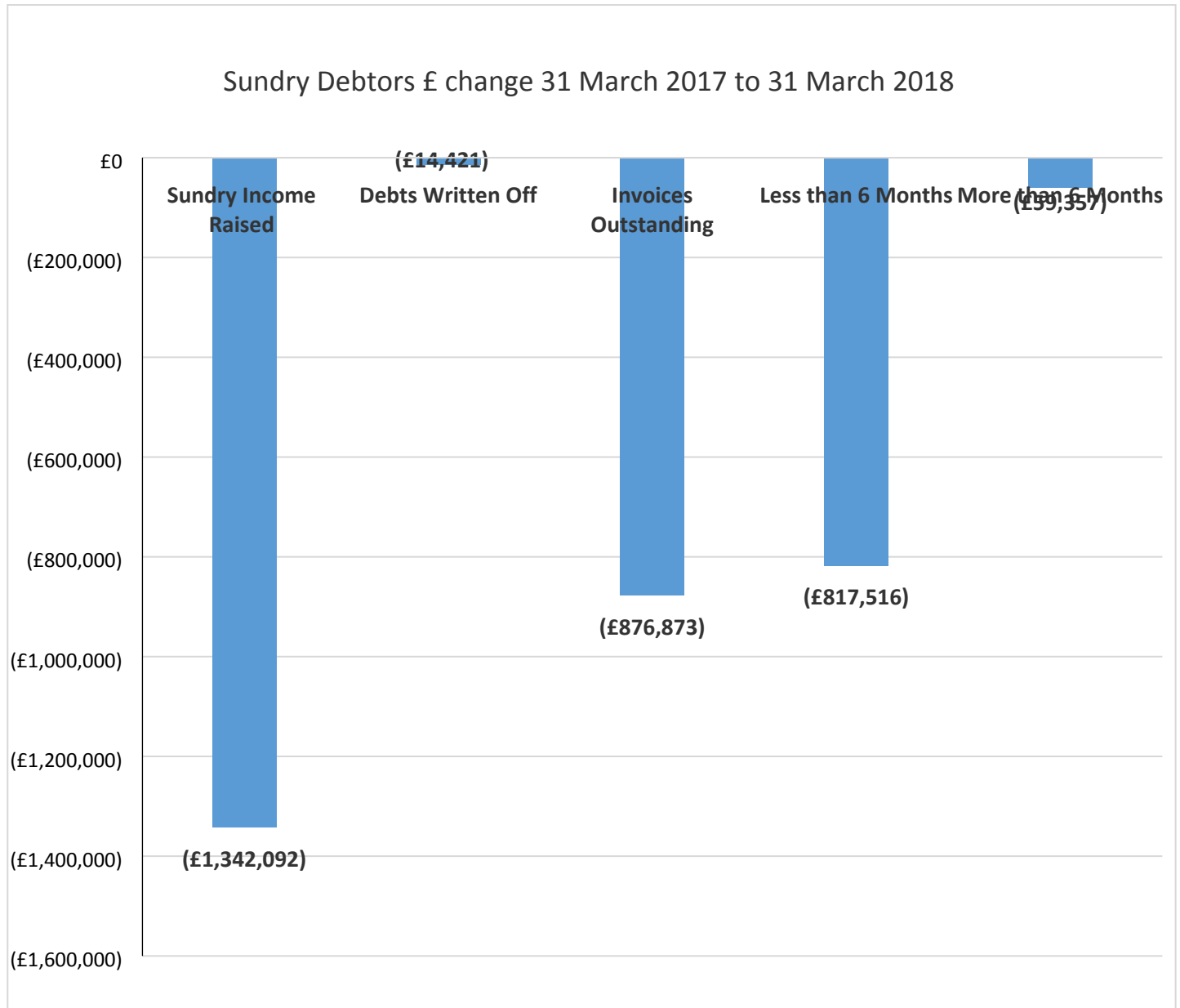
- 3.31 There is a lower surplus of **£61,373** compared to the Revised Budget due to several factors including the level of income received and the level of appeals.
- 3.32 In terms of the Council’s share, the actual surplus in 2017/18 of **(£566,731)** includes the surplus in 2016/17 together with performance related to 2017/18. The Council estimated the surplus to be **(£591,000)** and this has been included in the 2018/19 Budget, the balance of **£24,269** will therefore be included in the 2019/20 Budget.
- 3.33 Another key assumption in the Medium Term Financial Strategy is the level of growth or decline in Business Rates. The variance in Rateable Value during 2017/18 compared to the Approved Budget is shown in the graph below:



- 3.34 The reason for the significant increase in Rateable Value from December 2017 is the inclusion of the new Screwfix unit at Fradley.

Sundry Debtors

3.35 A summary of key transaction levels and collection performance for Sundry Debtors at 31 March in 2017/18 compared to 2016/17 is shown in the graph below:



3.36 The collection performance is shown in detail at **APPENDIX D** and is summarised below:

- The value of income raised has decreased by **(£1,342,092)** or (19.09%) which relates to Waste Services (£578,000) mainly due to trade invoices raised in April for 2018/19, Section 106 (£333,000) and Housing Services (£200,000).
- The value of write offs has decreased by **(£14,421)** or (15.36%) due to 2016/17 having a large Housing Benefit overpayment invoice and an insolvent business.
- Overall invoices outstanding have decreased by **(876,873)** or (40.95%) due to 2016/17 having several large invoices outstanding for Section 106 and Waste Services.
- The decrease in those outstanding for less than 6 months by **(£817,516)** or (53.82%) due to invoices issued for Waste Services issued in February and March 2017 that remained unpaid at 31 March 2017.
- The decrease in those outstanding for more than 6 months by **(£59,357)** or (9.54%) is due to 2016/17 having a large section 106 invoice outstanding pending resolution of a legal matter.

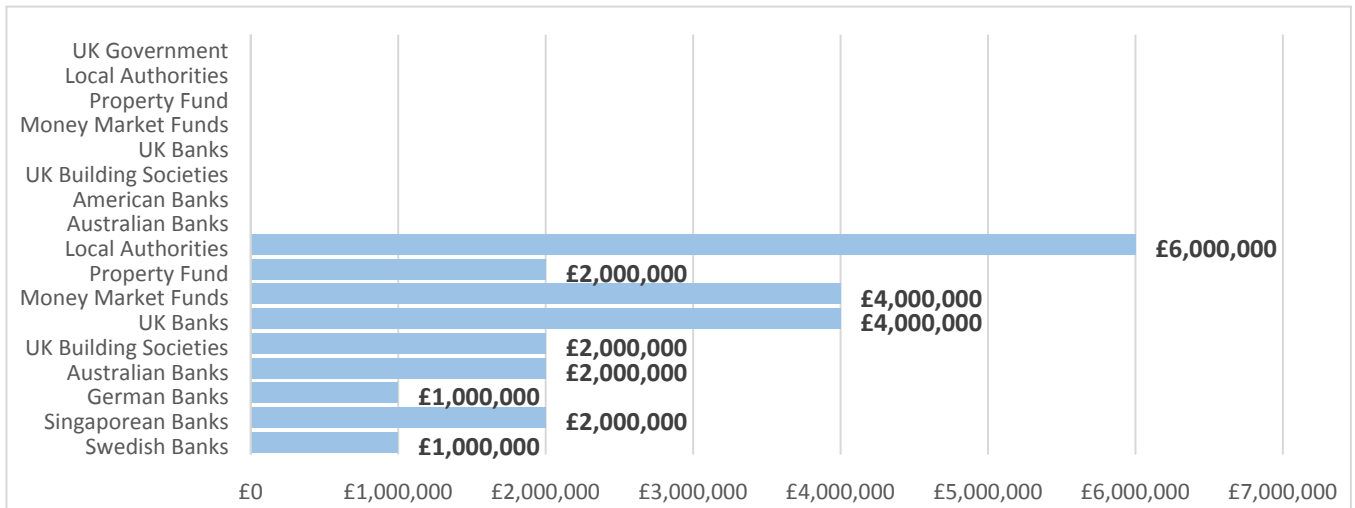
Treasury Management

3.37. The performance of the Treasury Management function should be measured against the investment objectives of Security (the safe return of our monies), Liquidity (making sure we have sufficient money to pay for our services) and Yield (the return on our investments).

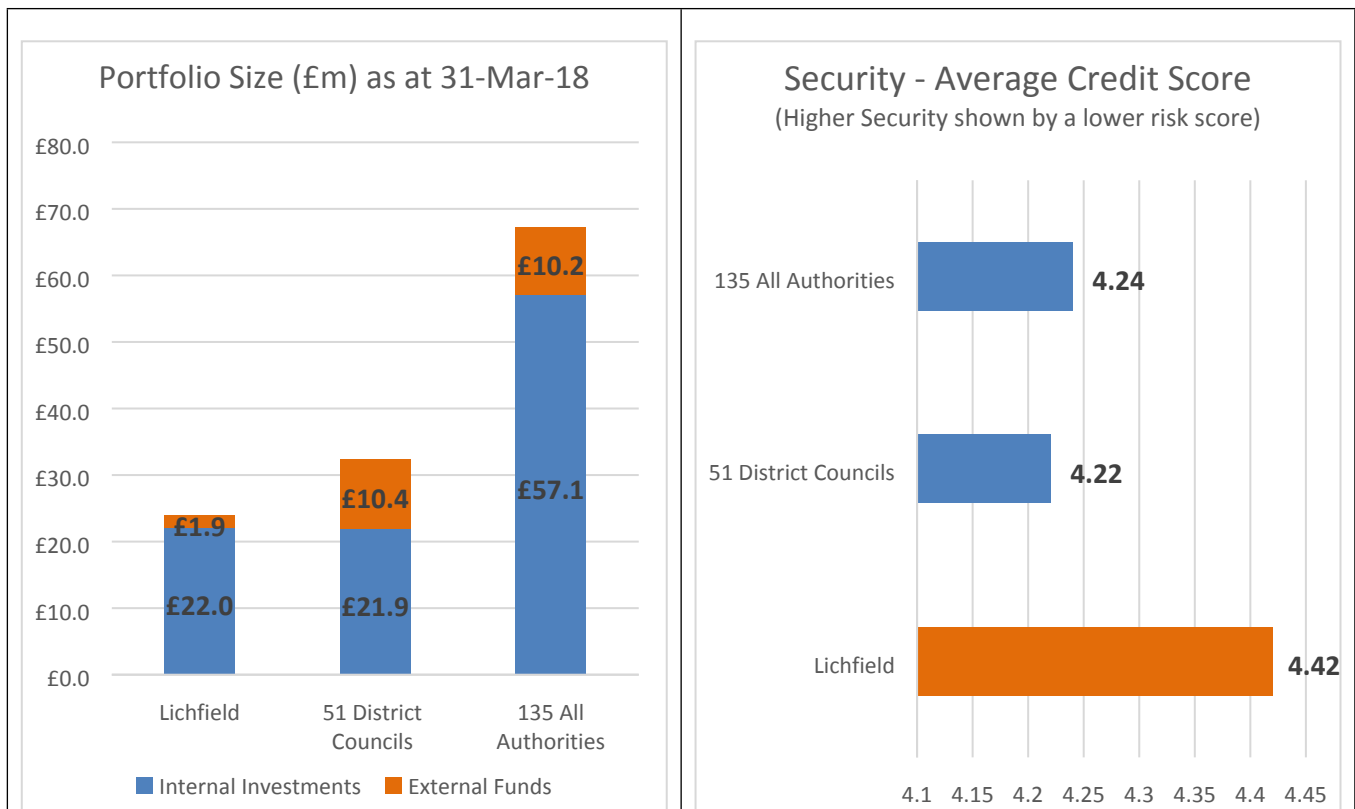
3.38. In addition, external borrowing is considered against the objectives of it being affordable (the impact on the budget and Council Tax), prudent and sustainable (over the whole life).

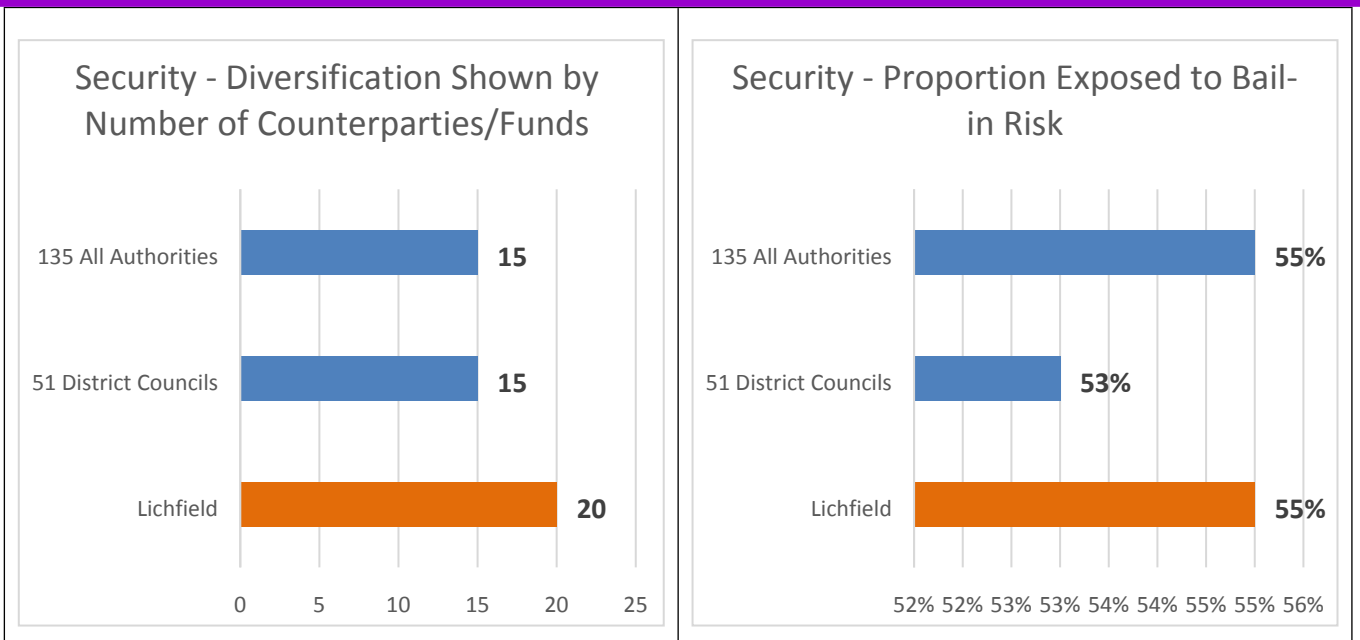
The Security of Our Investments

3.39. The investments the Council had at the 31 March 2018 of **£24m** (with the property fund valued at original investment of **£2m**) by type and Country are summarised in the graph below and in more detail at **APPENDIX E**:

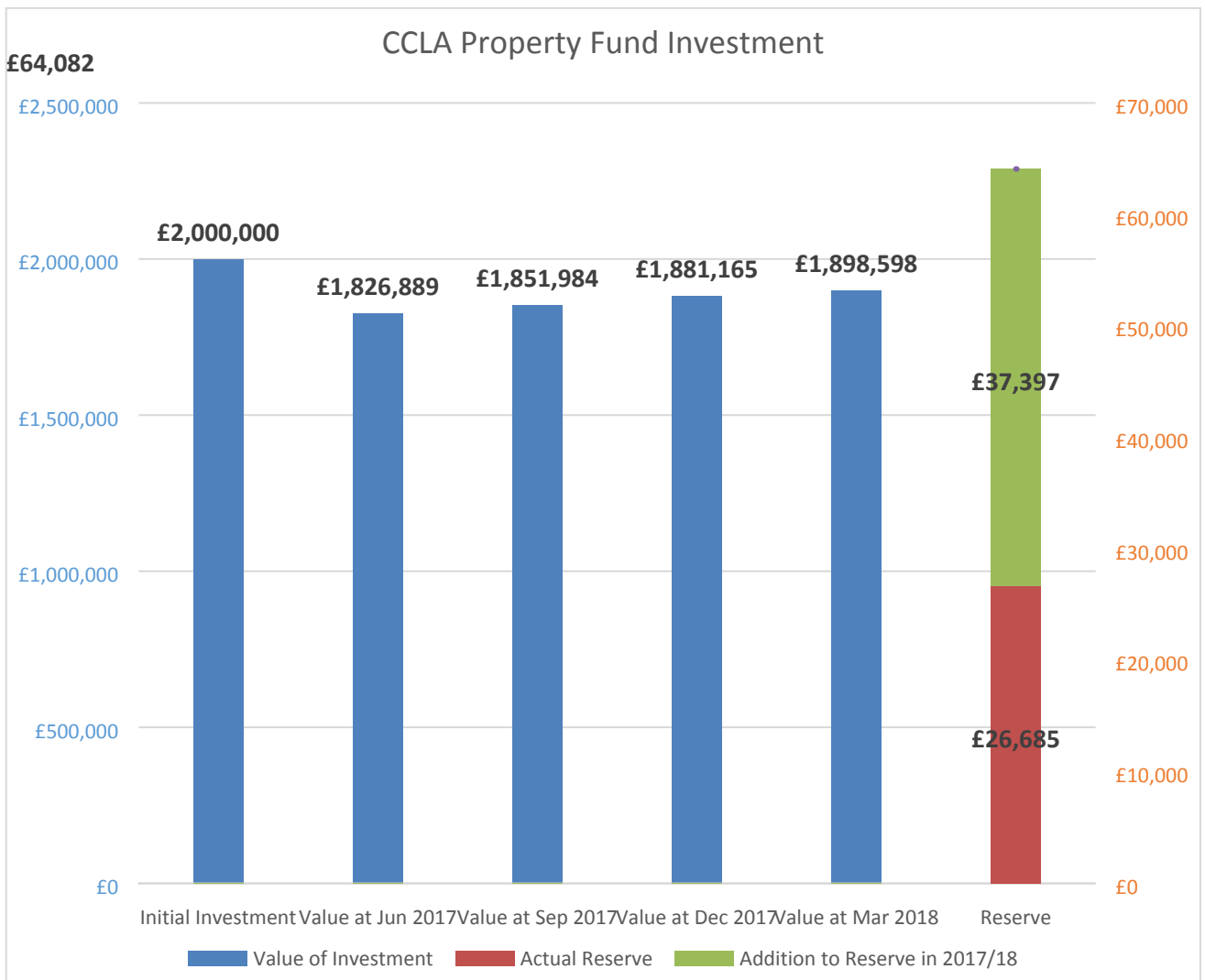


3.40. A comparison of the Council's portfolio size (with the property fund valued at its current value of **£1.9m**), average credit score, level of diversification and level of exposure to 'Bail in' risk compared to all Arlingclose Clients is shown in the charts below:



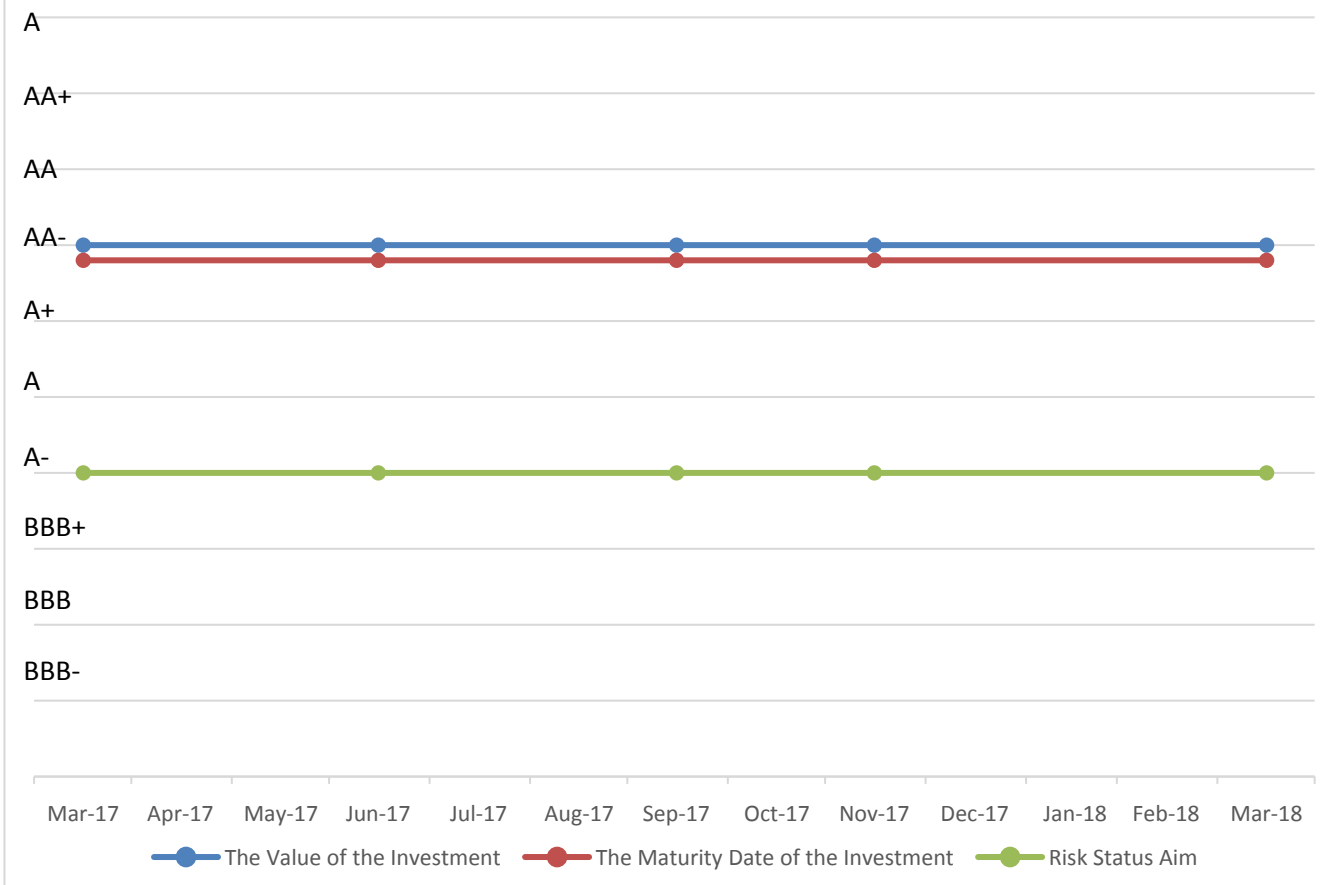


3.41. The current value of the Property Fund investment together with the value of the earmarked reserve at the end of 2017/18 intended to offset reductions in value is shown in the graph below:



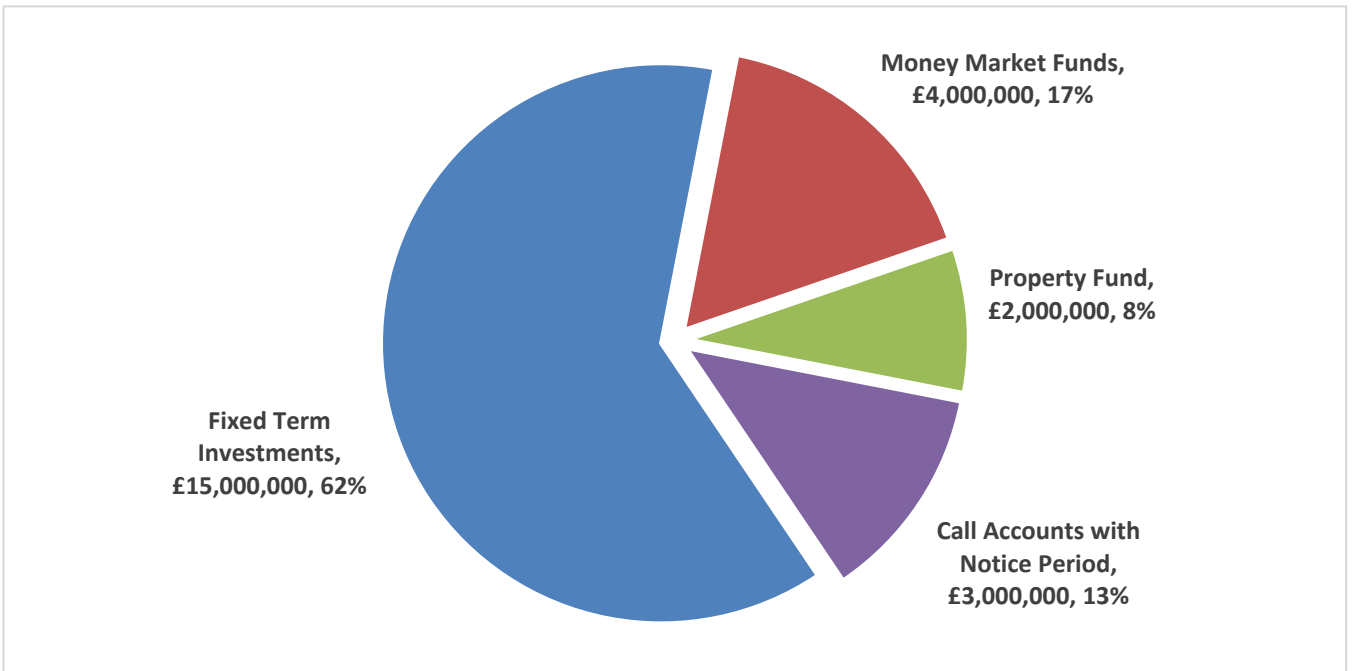
3.42. Our aim for the risk status of our investments was A- or higher. The risk status based on the length of the investment and the value for a 12 month period is summarised in the graph below:

Risk Status of Investments

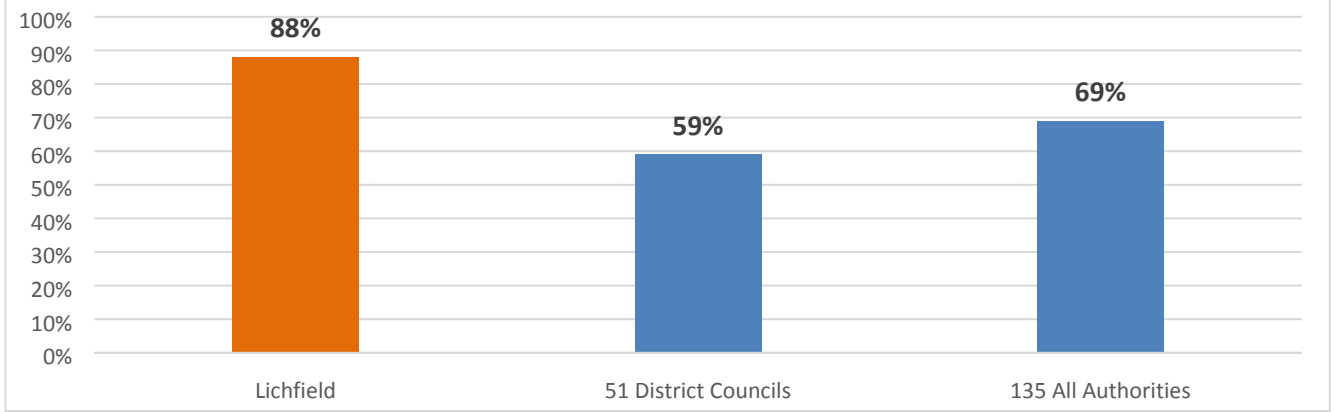


The Liquidity of our Investments

3.43. The Council has not had to temporarily borrow during 2017/18 and retains a proportion of its investments in instant access Money Market Fund investments to ensure there is sufficient cash available to pay for goods and services. The investments by type are shown in the graph below:

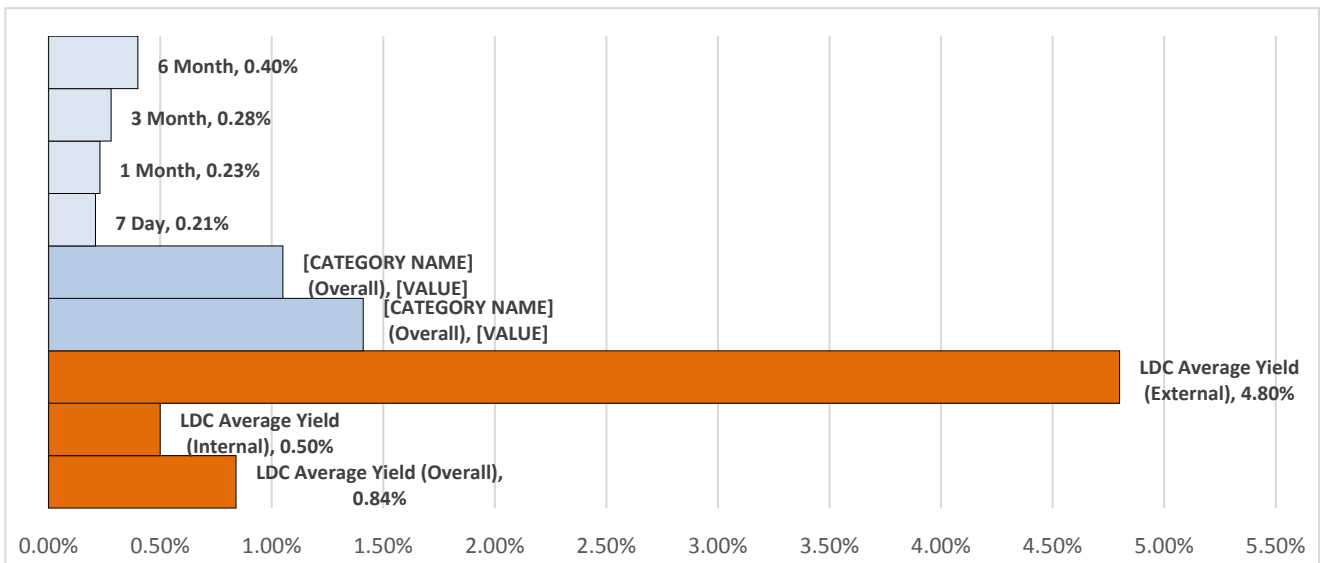


3.44. The proportion of the investment portfolio available within 100 days compared to all Arlingclose clients is shown in the graph below:



The Return or Yield of our Investments

3.45. The yield the Council achieved compared to a number of industry standard benchmarks (including our preferred benchmark of the seven day LIBID rate) and all Arlingclose clients is shown in the graph below:



3.46. The investment activity during the financial year generated (£159,280) of net investment income. Of this, (£44,960) related to the Local Authorities' Property Fund (gross income (£87,357) less transfer to reserve of £37,397).

Community Infrastructure Levy (CIL)

3.47 The Community Infrastructure Levy Regulations 2010 (as amended) places a responsibility on the District Council has a CIL Charging Authority to report each financial year on income and expenditure associated with CIL. Regulation 62, Section 1 to 6 sets out the reporting requirements. As such in accordance with Regulation 62 of The Community Infrastructure Levy Regulations 2010 (as amended) Cabinet should note that between the period of the 31st March 2017 and 31st March 2018 Lichfield District Council as the CIL Charging Authority collected a totalled of £286,797.04 in CIL receipts, of these receipts £14,339.85 (5%) has been applied to administrative expenses pursuant to Regulation 61 of the above mentioned Regulations. In should be noted that during this period no CIL expenditure took place nor was any CIL receipts transferred to any local council under Regulation 59A or 59B. Further no CIL receipts or expenditure has been generated from regarding being given to the administration of Regulation 59E or 59F.

Alternative Options

There are no alternative options.

Consultation

Consultation is undertaken as part of the Strategic Plan 2016-20 and with Leadership Team.

Financial Implications

Prudential indicators (PI) 2017/18:

- We can confirm that the Council has complied with its Prudential Indicators for 2017/18; these were originally approved by Council at its meeting on 21 February 2017 and were fully revised and approved by Council on 20 February 2018.
- In compliance with the requirements of the CIPFA Code of Practice this report provides members with a Summary Report of the Treasury Management Activity during 2017/18.
- None of the other Prudential Indicators have been breached. The Prudential Indicators are shown in detail in **APPENDIX F** and are summarised in the table below :

PI	Details	Revised Budget	Actual	Compliant
1	Capital Expenditure (£)	£3.368m	£2.608m	
2	Ratio of Financing Costs to Net Revenue Stream (%)	5%	5%	
3	Capital Financing Requirement (£)	£4.471m	£4.177m	
4	Gross external borrowing does not exceed the Capital Financing Requirement in the current year plus the next two years	True	True	
	Actual external debt	£3.468m	£3.418m	
5	Incremental impact of capital investment decisions on Band D Council Tax (£)	£0.00	£0.60	
6	Authorised Limit (£)	£15.292m	£3.991m	
7	Operational Boundary (£)	£5.895m	£3.991m	
8	Adoption of the CIPFA Code of Practice in Treasury Management	Yes	Yes	
9	Is our gross debt in excess of our Capital Financing Requirement and are we therefore borrowing in advance of need?	No	No	
10	Upper limit for investments fixed interest rate exposure (Highest)	(100%)	(80%)	
11	Upper limit for investments variable interest rate exposure (Highest)	(100%)	(47%)	
10	Upper limit for borrowings fixed interest rate exposure (Highest)	100%	100%	
11	Upper limit for borrowings variable interest rate exposure (Highest)	30%	0%	
Maturity Structure of Fixed Rate Borrowing (upper limit) (%)				
12	Under 12 months	100%	4.44%	
12	12 months and within 24 months	100%	4.44%	
12	24 months and within 5 years	100%	13.33%	
12	5 years and within 10 years	100%	22.22%	
12	10 years and within 20 years	100%	44.44%	
12	20 years and within 30 years	100%	11.11%	
12	30 years and within 40 years	100%	0.00%	
12	40 years and within 50 years	100%	0.00%	
12	50 years and above	100%	0.00%	
13	Principal Sums invested > 364 days (£m)	£6.000m	£2.000m	
14	Credit Risk	We consider security; liquidity and yield, in that order, when making investment decisions.		

Contribution to the Delivery of the Strategic Plan

The MTFs underpins the delivery of the Strategic Plan 2016-20.

Equality, Diversity and Human Rights Implications

There are no additional Equality, Diversity or Human Rights implications.

Crime & Safety Issues

There are no additional Crime and Safety Issues.

	Risk Description	How We Manage It	Severity of Risk
A	Management of the Council's Revenue and Capital budget is critical to the successful delivery of key Council priorities, and control measures need to be in place to manage the re-scheduling or re-profiling of projects and to respond to the changing financial climate including the impact of the EU Referendum	Close monitoring of expenditure. Maximising the potential of efficiency gains. Early identification of any unexpected impact on costs, for example, central Government policy, movement in the markets, and changes in the economic climate. Prioritisation of capital expenditure. Project management of projects.	Red - Severe
B	Counterparty default	This Approved Annual Investment Strategy utilises more counterparties and financial instruments to diversify the portfolio and reduce this risk.	Yellow - Material
C	Collection performance for Council Tax and Business Rates reduces	Regular monitoring in the Money Matters Reports throughout the financial year.	Yellow - Material
D	Actual cash flows are different to those that are planned	The Council maintains a comprehensive cash flow model that is updated on a daily basis to reflect actual and planned cash flows. An element of the Council's investment portfolio will be invested in instant access accounts.	Yellow - Material
E	Planned capital receipts are not received	The budget for capital receipts will be monitored as part of the Council's normal budget monitoring procedures.	Green - Tolerable
F	New Government policies including the level of cuts to Communities and Local Government	To ensure any new policies such as those related to Business Rates and New Homes Bonus are evaluated and the impact is incorporated into the MTFS.	Red - Severe

Background Documents

- CIPFA Code of Practice for Treasury Management in the Public Services
- The Prudential Code for Capital Finance in Local Authorities
- Fit for the Future Leisure Review Leisure Services Options Appraisal – Cabinet 8 March 2016.
- Money Matters: Council Tax, National Non Domestic Rates and Pension Contributions – Cabinet 17 January 2017.
- Money Matters: Medium Term Financial Strategy (Revenue and Capital) 2016-21 Cabinet – Cabinet 7 February 2017.
- The introduction of a Garden Waste Subscription Service – Cabinet 4 April 2017.
- Development of Land adjacent to Milestone Way and rear of 29-39 Cannock Road, Burntwood – Cabinet 25 May 2017.
- Money Matters: 2016/17 Review of Financial Performance against the Financial Strategy – Cabinet 13 June 2017.
- Money Matters: 2017/18 Review of Financial Performance against the Financial Strategy – Cabinet 5 September 2017.
- Money Matters: 2017/18 Review of Financial Performance against the Financial Strategy – Cabinet 5 December 2017.
- Money Matters: 2017/18 Review of Financial Performance against the Financial Strategy – Cabinet 13 February 2018.
- Money Matters: The Medium Term Financial Strategy (Revenue and Capital) 2017-22 (MTFS) – Cabinet 13 February 2018.

Relevant web link

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Revenue Financial Performance – Variance to Budget 2017/18

Area	2017/18						
	Original Budget £	Approved Budget £	Actual Outturn £	Variance £	Variance to Target ● = adverse ☑ = favourable ⊖ = within £5k of Target	Variance to Original Budget £	2017/18 Target Variance (+/-) £
Strategic Priority							
Healthy and safe communities	1,814,520	1,993,740	1,984,490	(9,250)		169,970	
Clean, green and welcoming places to live	3,882,240	3,380,750	3,355,500	(25,250)		(526,740)	
A vibrant and prosperous economy	(709,990)	(945,550)	(1,045,903)	(100,353)		(335,913)	
A council that is fit for the future Efficiency Plan	5,653,680	5,892,760	5,868,426	(24,334)		214,746	
	(250,000)	(86,900)	0	86,900		250,000	
Net Cost of Services	10,390,450	10,234,800	10,162,512	(72,288)		(227,938)	0
Service Area							
Chief Executive	767,480	694,490	698,698	4,208	⊖	(68,782)	4,000
Finance and Procurement	1,489,630	1,460,050	1,424,224	(35,826)	●	(65,406)	7,000
Legal, Property and Democratic Services	281,610	216,260	212,058	(4,202)	☑	(69,552)	10,000
Revenues, Benefits and Customer Services	701,630	722,830	701,948	(20,882)	⊖	318	19,000
Corporate Services	2,313,110	2,403,960	2,393,211	(10,749)	☑	80,101	22,000
Leisure and Operational Services	2,514,620	2,683,760	2,719,858	36,098	☑	205,238	53,000
Regulatory, Housing and Wellbeing	1,279,760	1,191,470	1,183,813	(7,657)	☑	(95,947)	16,000
Development Services	39,360	(33,450)	(57,956)	(24,506)	⊖	(97,316)	24,000
Economic Growth	30,530	(180,910)	(206,772)	(25,862)	☑	(237,302)	27,000
Waste Services	1,222,720	1,163,240	1,093,430	(69,810)	⊖	(129,290)	68,000
Efficiency Plan	(250,000)	(86,900)	0	86,900	●	250,000	-
Net Cost of Services	10,390,450	10,234,800	10,162,512	(72,288)		(227,938)	250,000
Net Treasury Position	(15,600)	(19,450)	(14,447)	5,003		1,153	
Revenue Contributions to the Capital Programme	154,000	769,000	769,000	-		615,000	
Net Operating Cost	10,528,850	10,984,350	10,917,065	(67,285)		388,216	
Transfer (from) / to General Reserve	1,060	(517,220)	(450,457)	66,763			
Transfer to Earmarked Reserves	504,840	592,960	592,960	-			
Net Revenue Expenditure	£11,034,750	£11,060,090	£11,059,568	£522			
Financed by:							
Revenue Support Grant	(236,000)	(236,000)	(236,436)	(436)			
Retained Business Rates	(2,484,000)	(2,469,800)	(2,463,022)	6,778			
Business Rates Cap	-	(32,360)	(39,441)	(7,081)			
Transition Grant	(51,750)	(51,750)	(51,751)	(1)			
Parish Local Council Tax Support	87,000	87,000	87,000	-			
New Homes Bonus	(1,422,000)	(1,422,000)	(1,421,467)	533			
Returned New Homes Bonus	(5,000)	(5,000)	(4,672)	328			
Other Government Grants	-	(7,180)	(7,175)	5			
Council Tax Collection Fund (Surplus)	(40,000)	(40,000)	(40,000)	-			
Business Rates Collection Fund (Surplus)	(789,000)	(789,000)	(788,697)	303			
Council Tax	(6,094,000)	(6,094,000)	(6,093,907)	93			

Reasons for the Outturn Budget Performance by Service Area

Net Operating Cost

Variance £		Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
4,208	Chief Executive	4,208	-	-	-
(35,826)	Finance and Procurement	(18,326)	(9,400)	(8,100)	-
(4,202)	Legal, Property and Democratic Services	(4,202)	-	-	-
(20,882)	Revenues, Benefits and Customer Services	(8,882)	-	(12,000)	-
(10,749)	Corporate Services	(2,449)	(8,300)	-	-
36,098	Leisure and Operational Services	5,658	-	30,440	-
(7,657)	Regulatory, Housing and Wellbeing	-	-	(7,657)	-
(24,506)	Development Services	(3,721)	-	(20,785)	-
(25,862)	Economic Growth	(7,652)	-	(18,210)	-
(69,810)	Waste Services	-	-	(69,810)	-
86,900	Efficiency Plan	86,900	-	-	-
(72,288)	Net Cost of Services	51,534	(17,700)	(106,122)	-
5,003	Net Treasury Position	-	-	5,003	-
(£67,285)	Net Operating Cost	£51,534	(£17,700)	(£101,119)	-

Chief Executive

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
4,208	Minor balance	4,208	-	-	-
£4,208	Total	£4,208	-	-	-

Finance and Procurement

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(9,400)	Underspend of pension costs related to past employees	-	(9,400)	-	-
(8,100)	Government Grant for transparency agenda received	-	-	(8,100)	-
(12,000)	Bank Charges transferred to car parks	(12,000)	-	-	-
(6,326)	Minor balance	(6,326)	-	-	-
(£35,826)	Total	(£18,326)	(£9,400)	(£8,100)	-

Legal, Property and Democratic Services

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(4,202)	Minor balance	(4,202)	-	-	-
(£4,202)	Total	(£4,202)	-	-	-

Revenues, Benefits and Customer Services

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(12,000)	Government Grant for rebilling of business rates received	-	-	(12,000)	-
(4,800)	Reduced Postage spend	(4,800)	-	-	-
(4,082)	Minor balance	(4,082)	-	-	-
(£20,882)	Total	(£8,882)	-	(£12,000)	-

Corporate Services

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(8,300)	Reduction in reprographics costs due to Leisure outsourcing	-	(8,300)	-	-
(2,449)	Central Reprographics - lower printing usage	(2,449)	-	-	-
(£10,749)	Total	(£2,449)	(£8,300)	-	-

Leisure and Operational Services

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
30,440	Under achievement of income target on self-funding post	-	-	30,440	-
5,658	Minor balance	5,658	-	-	-
£36,098	Total	£5,658	-	£30,440	-

Regulatory Services, Housing & Wellbeing

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(7,657)	Additional Licensing fee income	-	-	(7,657)	-
(£7,657)	Total	-	-	(£7,657)	-

Development Services

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(20,785)	Government Grant for Legal Claim received	-	-	(20,785)	-
(3,721)	Minor balance	(3,721)	-	-	-
(£24,506)	Total	(£3,721)	-	(£20,785)	-

Economic Growth

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(18,210)	Section 106 monitoring fee received	-	-	(18,210)	-
(7,652)	Vacant post savings	(7,652)	-	-	-
(£25,862)	Total	(£7,652)	-	(£18,210)	-

Waste Services

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
(69,810)	Increased income from Garden Waste subscriptions	-	-	(69,810)	-
(£69,810)	Total	-	-	(£69,810)	-

Net Treasury

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
5,003	Minor Balance	-	-	5,003	-
£5,003	Total	-	-	£5,003	-

Funding

Variance £	Service Area	Expenditure		Income	
		One Off £	Recurring £	One Off £	Recurring £
522	Minor Balance	-	-	522	-
£522	Total	-	-	£522	-

Earmarked Reserves
Unrestricted Earmarked Reserves

Reserve Name	Initial Set Up Year	Earmarked Reserves 1 April 2017 £	Carried Forward 31 March 2018 £
Chief Executive			
Commercialisation	2017/18	0	(191,874)
Fit for the Future	2013/14	(312,092)	0
Chief Executive Total		(312,092)	(191,874)
Finance and Procurement			
Spend Analysis	2014/15	(16,298)	(16,298)
Business Rates	2014/15	0	(630,456)
Payment Kiosk	2014/15	(10,805)	(9,571)
Property Income Volatility	2016/17	(26,685)	(64,083)
Audit additional cover	2016/17	(6,248)	(6,248)
Finance and Procurement Total		(60,036)	(726,656)
Corporate Services			
Digitisation Programme	2008/09	(40,200)	(40,200)
IAS 19 - Employee Benefits	2014/15	(69,650)	(69,650)
Condition Survey of DCH	2016/17	(154,000)	(154,000)
Equalities Training	2017/18	0	(5,000)
Corporate Services Total		(263,850)	(268,850)
Revenues, Benefits and Customer Services			
Revenues & Benefits Service Improvement	2014/15	(209,720)	(284,720)
Revenues, Benefits and Customer Services Total		(209,720)	(284,720)
Legal, Property and Democratic Services			
Individual Electoral Registration	2014/15	(33,270)	(45,666)
Lichfield District Council Election	1984/85	(141,000)	(169,120)
Elections Additional Support	2015/16	(84,820)	(24,999)
Legal, Property and Democratic Services Total		(259,090)	(239,785)
Economic Growth			
Inward Investment and Place Marketing	2010/11	(66,540)	(77,580)
HS2	2013/14	(44,630)	(40,662)
Friarsgate	2014/15	(641,210)	(1,306,288)
Tourism System Upgrade	2015/16	(15,700)	(1,115)
Tourism Signage Boards	2017/18	0	(11,000)
CCTV Sinking Fund	2015/16	(33,534)	(55,366)
DCLG Grants Custom/Self/Register	2016/17	(35,495)	(70,980)
Local Plan Allocations Examination	2016/17	(31,000)	(31,000)
Car Parks Vehicle Sinking Fund	2017/18	0	(3,333)
Economic Growth Total		(868,109)	(1,597,324)
Development Services			
Grant Aid -Development Historic Building Grants	1982/83	(15,540)	(19,590)
Grant Aid -Development Nature Conservation Fund	1982/83	(10,000)	0
Judicial Review/Planning Appeals	2013/14	(249,160)	(159,612)
Back scanning of Planning Apps	2016/17	(40,000)	(77,000)
Planning Agency Staff	2016/17	(60,000)	(45,472)
Legal Expenses	2016/17	(10,000)	(19,500)
Development Services Total		(384,700)	(321,174)

APPENDIX B

Reserve Name	Initial Set Up Year	Earmarked Reserves 1 April 2017 £	Carried Forward 31 March 2018 £
Leisure and Operational Services			
Wharf Lane	2007/08	(4,313)	0
Comprehensive Tree Survey	2012/13	(17,577)	0
Friary Grange Leisure Centre - Reception, Catering/Viewing area/Gym	2013/14	(807)	(807)
FGLC - Evolve Cardio Equipment	2013/14	(2,970)	(2,970)
Transfer of Property	2014/15	(22,556)	(21,456)
Squash Courts and Sports Hall Floors Friary Grange Leisure Centre	2014/15	(50,000)	(50,000)
Leisure Services Review	2014/15	(57,762)	0
Grounds Maintenance Vehicles and Equipment Sinking Fund	2014/15	(90,006)	(204,421)
Trunk Road Sweeping	2014/15	(13,550)	(13,550)
Pockets Parks Programme	2015/16	(11,000)	(2,971)
Positive Futures		(2,971)	0
Garrick - Repairs to ventilation system	2015/16	(4,972)	(4,972)
Leisure and Operational Services Total		(278,484)	(301,147)
Regulatory Services, Housing and Wellbeing			
Building Safer Communities	2010/11	(6,703)	(6,703)
EH - Vehicle Maintenance/Replacement	2011/12	(6,999)	(9,499)
Homeless & Repossession Prevention Fund	2010/11	(14,289)	(11,299)
Stock Condition Survey	2015/16	(50,310)	(65,000)
Web Site Development Rate My Place	2014/15	(11,400)	(11,400)
Shropshire & Staffordshire Homelessness Prevention Partnership residual grant funding	2015/16	(8,487)	(8,487)
Letting Agent Regulations	2015/16	(761)	(761)
Smoke & Carbon Monoxide Regulations	2015/16	(835)	(835)
Community Transport Bus proceeds	2016/17	(7,318)	0
Regulatory Services, Housing and Wellbeing Total		(107,102)	(113,984)
Joint Waste			
Dry Recycling Contract - LDC Share	2014/15	(161,771)	(161,771)
IAS 19 Employee Benefits - LDC Share	2014/15	(20,200)	(20,200)
Joint Waste Total		(181,971)	(181,971)
Total Earmarked Reserves		(2,925,154)	(4,227,485)

Restricted Earmarked Reserves

Reserve Name	Earmarked Reserves 1 April 2017 £	Carried Forward 31 March 2018 £
Economic Growth		
POS-Worthington Road, Fradley	(1,833)	0
Darwin Park Estate Lights	(7,108)	0
Birmingham Road Car Park Repairs and Renewals	(1,878,878)	(2,057,328)
Friary Multi Storey Bromford Sinking Fund	(1,755)	(2,371)
Economic Growth Total	(1,889,574)	(2,059,699)
Development Services		
South Staffordshire Building Control Partnership - Building Regulations Reserve	(184,344)	(122,757)
LATC Set Up Costs	(25,000)	(25,000)
South Staffs DC Land Charges Reserve	(41,879)	(41,879)
20% Planning Increase	0	(18,658)
Development Services Total	(251,223)	(208,294)
Regulatory Services, Housing & Wellbeing		
Homelessness Grant	0	(125,299)
Regulatory Services, Housing & Wellbeing Total	0	(125,299)
Leisure and Operational Services		
POS-Cannock Road (97/00877) Area K Larks Rise Burntwood	(7,853)	0
POS-St Matthews Site, Burntwood(97/00295)	(72,064)	(67,064)
POS-Beacon School, Lichfield (99/00638) Beacon Park	(3,212)	0
Section 106-Forest of Mercia 10/01563	(700)	0
POS-Fradley South (96/00203) Alexander Close	(1,517)	0
Public Open Spaces	(5,534)	0
Commuted sums for Hawksyard/160236 A	(218,218)	(205,913)
Commuted sums for Darwin Park/160236 A	(14,437)	(13,182)
TAYLOR WIMPEY - Public Open Space at Darwin Park	(123,676)	(123,676)
Taylor Wimpey Charter Place Shortbutts Lane S106	(28,730)	(28,730)
HLF LDC Contribution	(34,401)	(25,301)
Heritage Lottery Fund - Management	(8,250)	(8,250)
FGLC Synthetic Pitch Sinking Fund	(16,700)	(16,700)
Leisure and Operational Services Total	(535,292)	(488,816)
Joint Waste		
Waste Shared Service Property growth - LDC Share	(284,628)	(284,628)
Waste Shared Service Property growth - TBC Share	(210,372)	(210,372)
Dry Recycling Contract - TBC Share	(120,140)	(120,140)
IAS 19 Employee Benefits TBC Share	(14,930)	(14,930)
Payments in Advance for Fleet - TBC Share	(10,750)	(21,800)
Joint Waste Total	(640,820)	(651,870)
Total Earmarked Reserves	(3,316,909)	(3,533,978)

Capital Programme Performance in 2017/18

Project	Original Budget	Approved Budget	Actual Outturn	2017/18 Variance	Variance to Original Budget
BLC Enhancement Work	£42,000	£74,000	£11,838	(£62,162)	(£30,162)
Other Burntwood Leisure Centre Sinking Fund Projects	£128,000	£128,000	£0	(£128,000)	(£128,000)
Play Area at Hawksyard	£0	£0	£580	£580	£580
Squash Court and Sports Hall Floors (FGLC)	£0	£50,000	£0	(£50,000)	£0
Leisure Review: Capital Investment	£0	£282,000	£0	(£282,000)	£0
FGLC (Lighting, Boiler)	£0	£15,000	£15,824	£824	£15,824
Accessible Homes (Disabled Facilities Grants)	£850,000	£1,010,000	£1,017,483	£7,483	£167,483
Home Repair Assistance Grants	£15,000	£15,000	(£5,247)	(£20,247)	(£20,247)
Decent Homes Standard	£437,000	£0	£0	£0	(£437,000)
Energy Insulation Programme	£10,000	£30,000	£9,278	(£20,722)	(£722)
DCLG Monies	£212,000	£0	£0	£0	(£212,000)
Unallocated S106 Affordable Housing Monies	£400,000	£0	£0	£0	(£400,000)
Housing Redevelopment Scheme - Packington	£80,000	£80,000	£40,000	(£40,000)	(£40,000)
Oakenfield Play Area (Sinking Fund)	£0	£9,000	£9,000	£0	£9,000
Community Building at Hawksyard	£320,000	£320,000	£319,574	(£426)	(£426)
Healthy and Safe Communities	£2,494,000	£2,013,000	£1,418,330	(£594,670)	(£1,075,670)
Swan Road - Whittington Parish Council	£0	£28,000	£28,205	£205	£28,205
Bin Purchase (2015-16)	£0	£0	£103,112	£103,112	£103,112
Vehicle Replacement Programme	£167,000	£18,000	£18,325	£325	(£148,675)
Shortbutts Park, Lichfield	£0	£10,000	£9,868	(£132)	£9,868
Fazeley Crossroads Environmental Improvements	£0	£4,000	£3,971	(£29)	£3,971
Stowe Pool Improvements	£100,000	£0	£0	£0	(£100,000)
Ancient Monument (Friary)	£0	£1,500	£1,500	£0	£1,500
Canal Culvert at Huddlesford	£100,000	£10,000	£11,675	£1,675	(£88,325)
Clean, Green and Welcoming Places to Live	£367,000	£71,500	£176,656	£105,156	(£190,344)
Data Management System	£0	£5,000	£0	(£5,000)	£0
Friarsgate Support	£1,830,000	£495,000	£349,617	(£145,383)	(£1,480,383)
Friarsgate Support - Castle Dyke/Frog Lane Enhancement	£50,000	£97,000	£16,111	(£80,889)	(£33,889)
Friarsgate Support - Coach Park	£0	£0	£56,709	£56,709	£56,709
Garrick Square	£58,000	£0	£0	£0	(£58,000)
Sankey's Corner Environmental Improvements - Phase 4 (S106)	£0	£3,000	£0	(£3,000)	£0
City Centre Strategy and Interpretation	£0	£1,500	£0	(£1,500)	£0
Car Parks Variable Message Signing	£32,000	£0	£0	£0	(£32,000)
Old Mining College - Refurbish access and signs (S106)	£0	£14,000	£0	(£14,000)	£0
Cannock Chase SAC	£0	£86,000	£85,984	(£16)	£85,984
A Vibrant and Prosperous Economy	£1,970,000	£701,500	£508,422	(£193,078)	(£1,461,578)
Depot Sinking Fund	£0	£11,000	£0	(£11,000)	£0
Bin Storage Area Resurfacing	£0	£20,000	£19,932	(£68)	£19,932
IT and Channel Shift Programme	£200,000	£250,000	£283,625	£33,625	£83,625
Multi Media in the Committee Room	£0	£10,000	£10,236	£236	£10,236
Asset Management: District Council House	£1,000	£32,000	£55,867	£23,867	£54,867
Asset Management - Works resulting from Condition Survey	£300,000	£259,000	£135,417	(£123,583)	(£164,583)
A Council that is Fit for the Future	£501,000	£582,000	£505,077	(£76,923)	£4,077
Capital Programme Total	£5,332,000	£3,368,000	£2,608,485	(£759,515)	(£2,723,515)

Capital Programme Slippage

Project	Original Budget 2018/19	Updates Before Year End	Slippage	Updated Budget 2018/19
BLC Enhancement Work	£42,000		£62,000	£104,000
Other Burntwood Leisure Centre Sinking Fund Projects			£128,000	£128,000
Darnford Park	£13,000			£13,000
Play Area at Hawksyard	£1,000	(£1,000)		£0
Squash Court and Sports Hall Floors (FGLC)			£50,000	£50,000
Leisure Review: Capital Investment	£750,000		£282,000	£1,032,000
Property Investment Strategy	£6,000,000			£6,000,000
Accessible Homes (Disabled Facilities Grants)	£772,000		£2,000	£774,000
Home Repair Assistance Grants	£15,000		£20,000	£35,000
Decent Homes Standard	£437,000			£437,000
Energy Insulation Programme	£20,000		£21,000	£41,000
DCLG Monies	£212,000			£212,000
Unallocated S106 Affordable Housing Monies	£400,000			£400,000
Data Management System	£6,000		£5,000	£11,000
Housing Redevelopment Scheme - Packington			£40,000	£40,000
Depot Sinking Fund			£11,000	£11,000
Vehicle Replacement Programme – Joint Waste	£30,000			£30,000
Vehicle Replacement Programme - Other	£138,000			£138,000
Friarsgate Support	£313,000		£145,000	£458,000
Friarsgate - Castle Dyke/Frog Lane Enhancement	£100,000		£81,000	£181,000
Friarsgate - Railway Station Forecourt Enhancements	£5,000			£5,000
Friarsgate - Coach Park	£450,000	(£150,000)	(£57,000)	£243,000
Shortbutts Park, Lichfield	£23,000			£23,000
Env. Improvements - Upper St John St & Birmingham Road	£7,000			£7,000
Sankey's Corner Environmental Improvements - Phase 4			£3,000	£3,000
City Centre Strategy and Interpretation			£1,500	£1,500
Stowe Pool Improvements	£100,000			£100,000
Car Parks Variable Message Signing	£32,000			£32,000
IT and Channel Shift Programme	£152,000		£10,000	£162,000
The Leomansley Area Improvement Project	£3,000			£3,000
Canal Culvert at Huddlesford	£90,000		(£1,000)	£89,000
Old Mining College - Refurbish access and signs			£14,000	£14,000
Asset Management - Works resulting from Condition Survey	£88,000		£100,000	£188,000
Lichfield Festival Parade and Website (Lichfield City Art Fund)		£14,000		£14,000
St Mary's Cultural Hub (Lichfield City Art Fund)		£45,000		£45,000
Erasmus Darwin Lunar Legacy (Lichfield City Art Fund)		£25,000		£25,000
Cannock Chase SAC	£43,000			£43,000
TOTAL	£10,242,000	(£67,000)	£917,500	£11,092,500

Council Tax

Favourable ● Adverse

Collection Performance

	Council Tax			
	31 March 2017	31 March 2018	Change	
Amount Collected as a %	97.49%	97.47%	0.02%	●
In year arrears outstanding at 31 March	£901,862	£932,693	3.42%	●
Previous years arrears at 31 March	£887,623	£941,866	6.11%	●
Total arrears outstanding at 31 March	£1,789,485	£1,874,559	4.75%	●
Write offs as at 31 March	£63,913	£88,994	39.24%	●

Business Rates

Favourable ● Adverse

The Council's Retained Business Rates Income

The Council's Budget in 2017/18				
	Original Budget £	Revised Budget £	Outturn £	Variance £
NNDR 1 Based Retained Business Rates				
Retained Business Rates	(£13,376,000)	(£13,376,000)	(£13,376,400)	(£400)
Section 31 Grants (Lichfield's 40% Share)				
Small Business Rates Relief				
New Empty Properties				
Long Term Empty Properties	(£495,200)	(£644,000)	(£1,049,365)	(£405,365)
In lieu of transitional relief				
Retail Relief				
Less : Tariff Payable	£11,026,000	£10,863,080	£10,862,812	(£268)
Pre Levy or Safety Net Income	(£2,845,200)	(£3,156,920)	(£3,562,953)	(£406,033)
NNDR 3 Based Levy Payments				
Less : Levy Payable @ 50%	£432,600	£740,000	£920,882	£180,882
Volatility Allowance	£69,800	£188,120	£0	(£188,120)
Transfer to Earmarked Reserve			£478,336	£478,336
Levy from the Business Rates Pool (32.5%)	(£141,000)	(£241,000)	(£299,287)	(£58,287)
Post Levy or Safety Net Income	(£2,483,800)	(£2,469,800)	(£2,463,022)	£6,778

Collection Performance

	Non Domestic Rates			
	31 March 2017	31 March 2018	Change	
Amount Collected as a %	97.22%	98.58%	(1.36%)	<input checked="" type="checkbox"/>
In year arrears outstanding at 31 March	£961,137	£398,317	(58.56%)	<input checked="" type="checkbox"/>
Previous years arrears at 31 March	£247,262	£348,172	40.81%	●
Total arrears outstanding at 31 March	£1,208,399	£746,489	(38.22%)	<input checked="" type="checkbox"/>
Write offs as at 31 March	£448,682	£107,772	(75.98%)	<input checked="" type="checkbox"/>

Sundry Debtor Performance

Favourable ● Adverse

Details	31 March 2017	31 March 2018	All Debts Change	All Debts Change	
	All Debts	All Debts			
Value of sundry income raised	£7,029,632	£5,687,540	(£1,342,092)	(19.09%)	<input checked="" type="checkbox"/>
Value of debts written off	£93,915	£79,493	(£14,421)	(15.36%)	<input checked="" type="checkbox"/>
Value of invoices outstanding	£2,141,498	£1,264,625	(£876,873)	(40.95)%	<input checked="" type="checkbox"/>
% of income raised	30.46%	22.24%			<input checked="" type="checkbox"/>

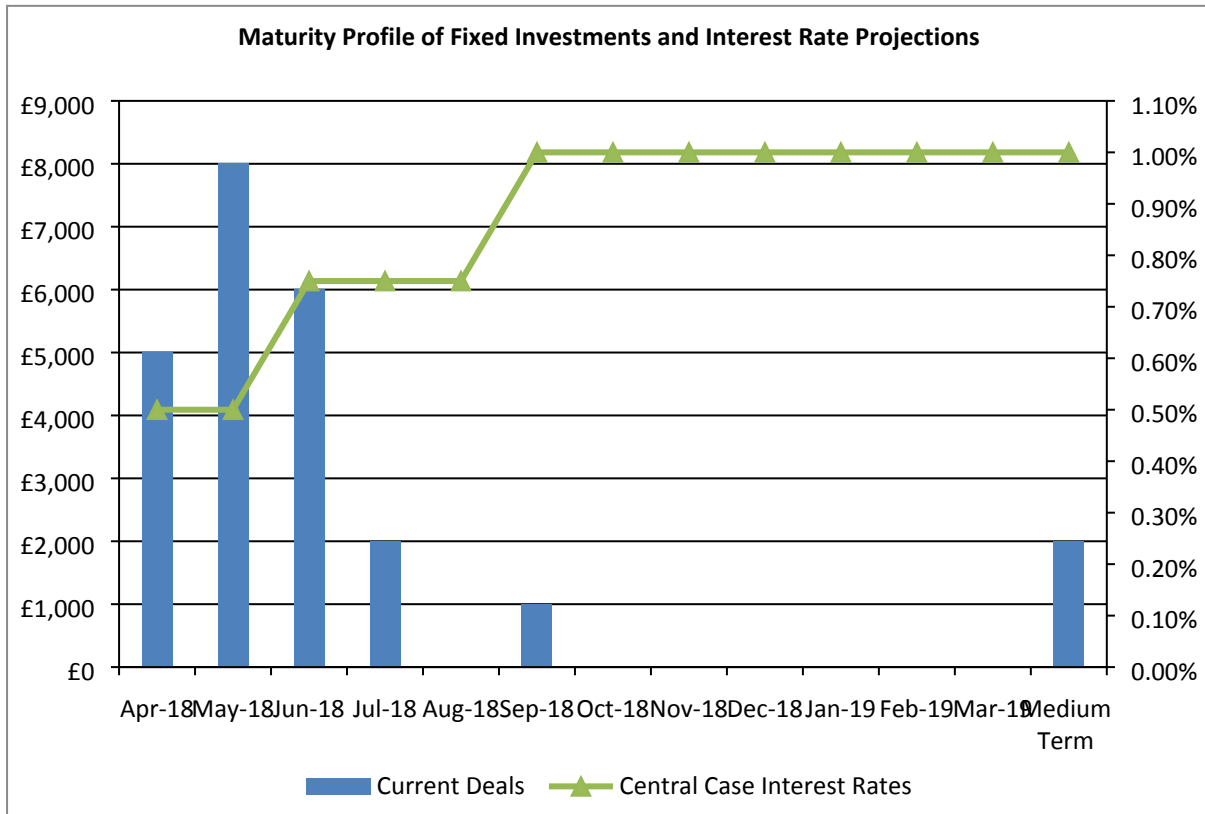
Aged Debtor Analysis					
Less than 6 months	£1,518,885	£701,369	(£817,516)	(53.82%)	<input checked="" type="checkbox"/>
More than 6 months	£622,614	£563,257	(£59,357)	(9.53%)	<input checked="" type="checkbox"/>

Investments in the 2017/18 Financial Year

The table below shows a breakdown of our investments at the end of March 2018:

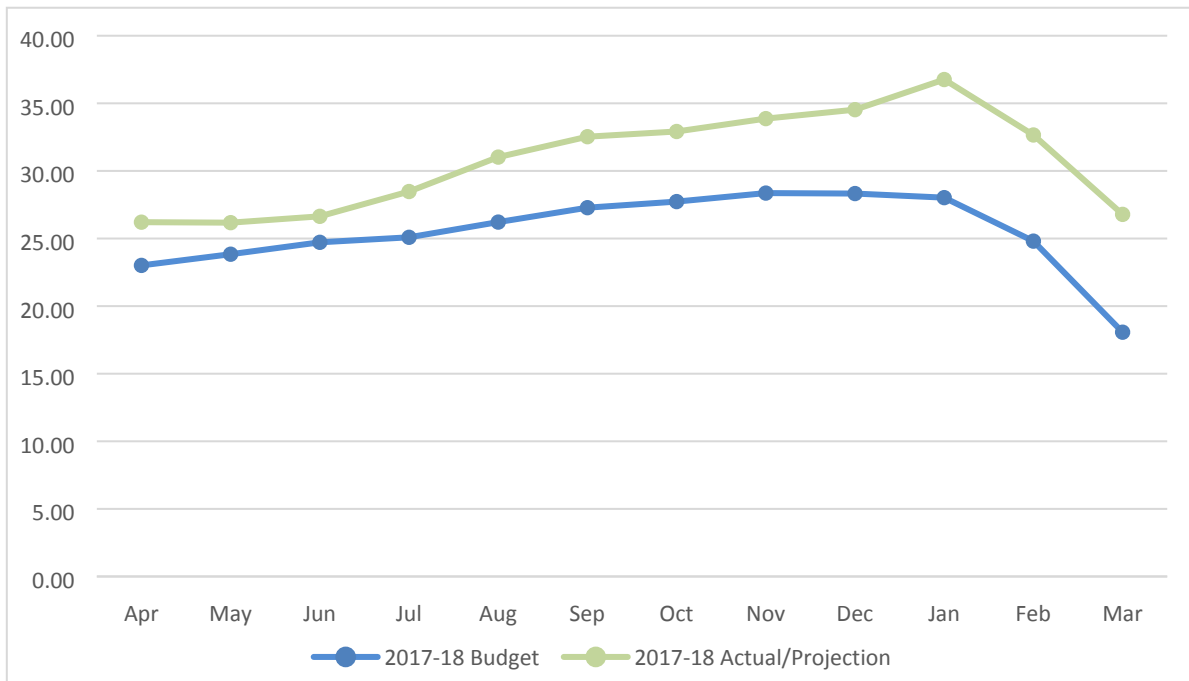
Counterparty	Principal	Matures	Days to Maturity	Rate	Credit Rating	Foreign Parent
Money Market Funds						
Invesco Aim	£1,000,000	01-Apr-18	Instant Access	0.41%	A+	N/A
Legal & General	£1,000,000	01-Apr-18	Instant Access	0.42%	A+	N/A
BNP Paribas MMF	£1,000,000	01-Apr-18	Instant Access	0.43%	A+	N/A
Amundi	£1,000,000	01-Apr-18	Instant Access	0.43%	A+	N/A
Property Fund						
CCLA Property Fund	£2,000,000	N/A	N/A	4.13%	N/A	No
Fixed Term Investments						
Rugby Borough Council	£2,000,000	29-Jun-18	90	0.35%	LOCAL	No
United Overseas Bank	£1,000,000	18-May-18	48	0.39%	AA-	Yes
DBS Bank	£1,000,000	01-Jun-18	62	0.39%	AA-	Yes
Coventry Building Society	£1,000,000	05-Apr-18	5	0.40%	A	No
Salford City Council	£2,000,000	16-May-18	46	0.50%	LOCAL	No
Commonwealth Bank of Australia	£1,000,000	03-May-18	33	0.42%	AA-	Yes
Lloyds	£1,000,000	15-May-18	45	0.65%	A	No
Nationwide	£1,000,000	15-May-18	45	0.46%	A	No
Australia and New Zealand Banking Group	£1,000,000	12-Jun-18	73	0.57%	AA-	Yes
Landesbank Hessen-Thüringen (Helaba)	£1,000,000	09-Jul-18	100	0.62%	A	Yes
Barclays Bank	£1,000,000	18-May-18	48	0.41%	A	No
Merthyr Tydfil Council	£2,000,000	29-Jun-18	90	0.85%	LOCAL	No
Call Accounts with Notice Period						
Santander UK plc	£1,000,000	27-Sep-18	180	0.55%	A	Yes
Goldman Sachs International Bank	£1,000,000	04-Jul-18	95	0.44%	A	Yes
Svenska Handelsbanken AB	£1,000,000	05-May-18	35	0.25%	AA-	Yes
Total Investments	£24,000,000					

The maturity profile of these investments at 31 March 2018 compared to our Treasury Management advisor Arlingclose interest rate forecasts is shown in the graph below:



Cash Flow for 2017/18

The graph below compares the budget for average investment levels in 2017/18 with the actual levels.



Performance of the Treasury Management Function

The performance of the Treasury Management function should be measured against the investment objectives of Security (the safe return of our monies), Liquidity (making sure we have sufficient money to pay for our services) and Yield (the return on our investments).

Security:

Our aim for the risk status of our portfolio was an average long-term rating of **A-** or higher. As a matter of prudence, the lowest rating from the three credit rating agencies was utilised to comply with this threshold.

The investments outstanding at the 31 March 2018 had a risk status of **AA-** based on the length of the investment and **AA-** based on the value of the investment, which is a more secure risk status. These risk statuses are both compliant with our aim and the recommendations from our Treasury Management advisors.

In addition, we are currently keeping the length of our investments relatively short term to ensure that we can react to changes in counterparty credit risk very easily.

The time limits were relatively short to manage counterparty credit risk (a bank or building society being unable to repay our investment). We also maintained balances in Money Market Funds to provide for unforeseen cash flow requirements. The average length of investments we have made in 2017/18 is **96 days**.

Liquidity:

Measuring the performance in relation to liquidity is a much more difficult task and the easiest way to assess performance is to see how frequently we needed to borrow on a temporary basis during the financial year. We actively managed liquidity risk in 2017/18 by purchasing Certificates of Deposit and Treasury Bills because they can be sold on the secondary market in the event the money is required for unforeseen circumstances. We also had significant sums invested in call accounts and Money Market Funds which provide instant access to cash. Therefore, due to the level of our liquid investments in 2017/18 we did not need to temporarily borrow.

Yield:

In the year of 2017/18 we have achieved an average interest rate of **0.66%**. This compares to our performance indicator of the average Seven-day London Inter-bank Bid (LIBID) rate, which was **0.21%**, the one month rate was **0.23%**, the three month rate was **0.28%** and the six month rate was **0.40%**.

In terms of interest receipts, there are two key risks/sensitivities:

- a) The interest rate receivable.
- b) The amount of money we have available to invest.

The interest rates, amounts of money we had available to invest, interest receipts, interest paid and net investment income in 2017/18 are shown in the table below:

	Target	Actual
<u>Security</u>		
Risk Status (length of Investment)	A- minimum	AA-
Risk Status (Value of the investment)		AA-
<u>Liquidity</u>		
Length of Investments (days)	N/A	96 days
Temporary Borrowing	£0	£0
<u>Yield</u>		
Average amount we had available to invest (£m)	£30.70m	£30.71m
Average Interest Rate (%)	0.65%	0.66%
7-day London Inter-bank Bid (LIBID) rate	0.21%	
1 month London Inter-bank Bid (LIBID) rate	0.23%	
3 month London Inter-bank Bid (LIBID) rate	0.28%	
6 month London Inter-bank Bid (LIBID) rate	0.40%	
Net Investment Income (£)	(£155,500)	(£159,280)
Net Treasury Position (£)	(£19,450)	(£14,447)

COMPLIANCE WITH PRUDENTIAL INDICATORS 2017/18

1. Background:

There is a requirement under the Local Government Act 2003 for Local Authorities to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities (the "CIPFA Prudential Code") when setting and reviewing their Prudential Indicators. It should be noted that CIPFA undertook a review of the Code during the summer of 2017, and issued a revised Code in December 2017.

The Council implemented its strategy within the limits and parameters set in its treasury policy, strategy statement and Prudential Indicators against the prevailing market conditions and opportunities as follows:

- (a) Financing its capital spending from government grants/usable capital resources/ revenue contributions etc rather than from external borrowing.
- (b) Adhering to the paramount requirement of safeguarding the council's invested balances during a period of unprecedented money market dislocation; maintaining adequate diversification between institutions; optimising investment returns subject to the overriding requirement of security and liquidity.
- (d) Forecasting and managing cash flow and undertaking short-term borrowing and lending to preserve the necessary degree of liquidity.

2. Estimates of Capital Expenditure (Prudential Indicator 1):

- 2.1 This indicator is set to ensure that the level of proposed Capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax :

No. 1 Capital Financing	2017/18 Original £m	2017/18 Approved £m	2017/18 Actual £m
Non-Current Assets	2.800	1.594	1.055
Revenue Expenditure funded from Capital under Statute	2.532	1.774	1.553
Total	5.332	3.368	2.608

- 2.2 This capital expenditure has been financed as follows:

No. 1 Capital Financing	2017/18 Original £m	2017/18 Approved £m	2017/18 Actual £m
Capital Receipts	1.070	0.532	0.273
Burntwood Sinking Fund	0.170	0.202	0.012
Other Sinking Funds	0.000	0.000	0.000
Capital Grants and Contributions	3.767	1.480	1.358
Earmarked reserves etc.	0.096	0.103	0.018
Revenue Contributions	0.154	0.769	0.947
Finance Leases, Invest to Save and Borrowing	0.075	0.282	0.000
Total	5.332	3.368	2.608

3. Ratio of Financing Costs to Net Revenue Stream (Prudential Indicator 2):

3.1 This is an indicator of affordability and demonstrates the revenue implications of capital investment decisions by highlighting the proportion of the revenue budget required to meet the borrowing costs associated with capital spending. The financing costs include existing and proposed capital commitments.

3.2 The ratio is based on costs net of investment income:

No. 2 Ratio of Financing Costs to Net Revenue Stream	2017/18 Original £m	2017/18 Approved £m	2017/18 Actual £m
Investment Income	(0.161)	(0.195)	(0.195)
Transfer to Property Reserve	0.038	0.035	0.036
Internal Interest	0.004	0.004	0.004
External Borrowing Interest	0.036	0.037	0.037
Finance Lease Interest Charges	0.016	0.016	0.048
Minimum Revenue Provision	0.581	0.604	0.616
Total Financing Costs	0.515	0.501	0.546
Total Funding Available	11.034	11.060	11.059
%	5%	5%	5%

4. Capital Financing Requirement (Prudential Indicator 3):

4.1 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. In order to ensure that over the medium term gross borrowing will only be for a capital purpose, the Council ensures that gross external borrowing does not, except in the short term, exceed the CFR in the preceding year plus the estimates of any additional CFR for the current and next two financial years.

No. 3 Capital Financing Requirement	2017/18 Original £m	2017/18 Approved £m	2017/18 Actual £m
Balance Brought Forward	4.806	4.793	4.793
Capital Expenditure financed from borrowing etc.	0.075	0.282	0.000
Minimum Revenue Provision	(0.581)	(0.604)	(0.616)
Balance Carried Forward	£4.300	£4.471	£4.177

5. Gross Borrowing and the Capital Financing Requirement (Prudential Indicator 4):

5.1 This is a key indicator of prudence and ensures that over the medium term gross borrowing will only be for a capital purpose.

5.2 This gross borrowing is obtained directly from the Council's Balance Sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities and is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

No. 4	Revised £m	31/03/18 £m
LT Borrowing	(1.309)	(1.309)
Short Term Element of LT Borrowing	(0.061)	(0.061)
Short Term Element of LT Liabilities	(0.516)	(0.505)
Other Long Term Liabilities	(1.582)	(1.543)
Total	(£3.468)	(£3.418)

	2017/18 Original £m	2017/18 Approved £m	2017/18 Actual £m
CFR plus next 2 years	3.993	24.714	24.420
Gross Debt	(3.461)	(3.468)	(3.418)
Gross Borrowing < CFR plus next 2 years	True	True	True

The Head of Finance and Procurement (Section 151) reports that the Authority had no difficulty meeting this requirement in 2017/18. There are also no difficulties envisaged for future years.

6. Incremental Impact of Capital Investment Decisions (Prudential Indicator 5):

- 6.1 This is an indicator of affordability that shows the impact of Capital investment decisions on Council Tax levels when the budget for the year was set.

No.5 Incremental Impact of Capital investment Decisions	2017/18 Original £	2017/18 Approved £	2017/18 Actual £
Band D Equivalent	(£0.21)	£0.00	£0.60

7. Affordable Borrowing Limit, Authorised Limit and Operational Boundary for External Debt:

- 7.1 The Council has an integrated treasury management strategy and manages its treasury position in accordance with its approved strategy and practice. Overall borrowing will therefore arise as a consequence of all the financial transactions of the Council and not just those arising from capital spending reflected in the CFR.

7.2 The Authorised Limit (Prudential Indicator 6):

This is the maximum amount of external debt that can be outstanding at one time during the financial year. The limit, which is expressed gross of investments, is consistent with the Council's existing commitments, proposals for capital expenditure and financing and with its approved treasury policy and strategy and also provides headroom over and above for unusual cash movements. This limit was set at **£15,292,000** for 2017/18.

8. Operational Boundary (Prudential Indicator 7):

This limit is set to reflect the Council's best view of the most likely prudent (i.e. not worst case) levels of borrowing activity and was set at **£5,895,000**.

- 8.1 Levels of debt are measured on an ongoing basis during the year for compliance with the Authorised Limit and the Operational Boundary. The Council maintained its total external borrowing and other long-term liabilities within both limits; at its peak this figure was :

No. 6 and 7 Authorised Limit and Operational Boundary	2017/18 Maximum £m	2017/18 Year Start £m	2017/18 Year End £m
External Borrowing - Long Term	1.370	1.370	1.309
External Borrowing - Short Term	0.069	0.069	0.061
Bank Overdraft	0.000	0.000	0.000
Other Long Term Liabilities - Short Term	0.505	0.505	0.505
Other Long Term Liabilities - Long Term	2.047	2.047	1.543
Total	£3.991	£3.991	£3.418

<u>Details</u>	2017/18 Original £m	2017/18 Approved £m	2017/18 Maximum £m
Authorised Limit	£15.292	£15.292	£3.991
Operational Boundary	£5.895	£5.895	£3.991

9. Adoption of the CIPFA Treasury Management Code (Prudential Indicator 8) :

- 9.1 This indicator demonstrates that the Council has adopted the principles of best practice:

Adoption of the CIPFA Code of Practice in Treasury Management
<ul style="list-style-type: none"> • Council approved the adoption of the CIPFA Treasury Management Code at its Full Council meeting on 25 February 2003. • Council has incorporated any changes resulting from the CIPFA Treasury Management Code within its treasury policies, practices and procedures. • At its meeting on 21 February 2017, Council originally approved its Prudential Indicators for 2017/18. • The Prudential Indicators were fully revised and approved by Council on 20 February 2018.

10. Gross Debt (Prudential Indicator 9):

- 10.1 The purpose of this treasury indicator is to highlight a situation where the Council is planning to borrow in advance of need:

No. 9	2017/18 Original £m	2017/18 Approved £m	2017/18 Actual £m
Outstanding Borrowing	(1.338)	(1.370)	(1.370)
Other Long Term Liabilities	(2.124)	(2.098)	(2.048)
Gross Debt	(£3.462)	(£3.468)	(£3.418)
Capital Financing Requirement	£4.300	£4.471	£4.177
Is our Gross Debt in excess of our Capital Financing Requirement and are we borrowing in advance of need?	No	No	No

11. Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure (Prudential Indicators 10 and 11):

- 11.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The exposures are calculated on a gross basis. The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on our portfolio of investments.

No. 10 and 11	2017/18 Original %	2017/18 Approved %	2017/18 Highest %	2017/18 Lowest %	2017/18 Average %
Fixed Interest Rates					
Upper Limit on Fixed Interest Rate Exposure on Investments	(100%)	(100%)	(80%)	(53%)	(64%)
Upper Limit on Fixed Interest Rate Exposure on Debt	100%	100%	100%	100%	100%
Net Fixed Exposure (No. 10)	0%	0%	20%	47%	36%
Variable Interest Rates					
Upper Limit for Variable Rate Exposure on Investments	(100%)	(100%)	(47%)	(20%)	(36%)
Upper Limit for Variable Rate Exposure on Debt	30%	30%	0%	0%	0%
Net Variable Exposure (No. 11)	(70%)	(70%)	(47%)	(20%)	(36%)

12. Maturity Structure of Fixed Rate borrowing (Prudential indicator 12):

- 12.1 This indicator highlights the existence of any large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.

- 12.2 It is calculated as the amount of borrowing that is fixed rate maturing in each period, as a percentage of total borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment.

No. 12 Maturity Structure of Fixed Rate Borrowing	£	%	Lower Limit	Upper Limit
Under 12 months	60,880	4.44%	0%	100%
12 months and within 24 months	60,880	4.44%	0%	100%
24 months and within 5 years	182,640	13.33%	0%	100%
5 years and within 10 years	304,400	22.22%	0%	100%
10 years and within 20 years	608,800	44.44%	0%	100%
20 years and within 30 years	152,200	11.11%	0%	100%
30 years and within 40 years	0	0.00%	0%	100%
40 years and within 50 years	0	0.00%	0%	100%
50 years and above	0	0.00%	0%	100%
Total	£1,369,800			

13. Upper Limit for total principal sums invested over 364 days (Prudential Indicator 13):

- 13.1 This indicator is set in order to allow the Council to manage the risk inherent in investments longer than 364 days:

No 13 Upper Limit for total principal sums invested over 364 days	2017/18 Original £m	2017/18 Approved £m	2017/18 Actual £m
Upper Limit	£6.000	£6.000	£2.000

14. Credit Risk (Prudential Indicator 14):

- 14.1 We consider security, liquidity and yield, in that order, when making investment decisions.
- 14.2 Credit ratings remain an important element of assessing credit risk, but they are not a sole feature in our assessment of counterparty credit risk.
- 14.3 We also consider alternative assessments of credit strength, and information on corporate developments of and market sentiment towards counterparties. The following key tools are used to assess credit risk :
- Published credit ratings of the financial institution (minimum **A-** or equivalent);
 - Potential for bail-in risk;
 - Credit default swaps (where quoted);
 - Share prices (where available);
 - Economic fundamentals, such as a country's net debt as a percentage of its GDP);
 - Corporate developments, news, articles, markets sentiment and momentum;
 - Subjective overlay.
- 14.4 The only indicators with prescriptive values remain to be credit ratings. Other indicators of creditworthiness are considered in relative rather than absolute terms.

15. Changes to the 2017 Prudential Code:

- 15.1 The 2017 Prudential Code has deleted three Prudential Indicators: (a) incremental impact on Council Tax, (b) adoption of the TM Code, and (c) HRA limit on indebtedness. The first two are relevant for this Council. In relation to (b), there is no longer a requirement for local authorities to formally adopt the Treasury Management Code, but local authorities in all parts of the UK are now required by law to have regard to the Code. For (a), the Council has decided not to retain this indicator as a local indicator.

Land at The Windmill, Grange Lane, Lichfield - Compulsory Purchase Order



Deputy Leader & Cabinet Member for Economic Growth, Development & Environment

Date:	12 th June 2018
Agenda Item:	4
Contact Officer:	Mrs Helen Bielby
Tel Number:	01543 308252
Email:	Helen.bielby@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members	Cllr Mrs Boyle, Cllr Ray

CABINET REPORT

1. Executive Summary

- 1.1 The purpose of this report is to advise the Cabinet of the Compulsory Purchase Order (CPO) process in relation to the development at Land at The Windmill, Grange Lane, Lichfield and to seek approval from the Cabinet to make a resolution authorising the Council's use of its Compulsory Purchase Powers in order to acquire land on the site in unknown ownership.
- 1.2 The CPO is required to be made to facilitate the implementation of the development as proposed by Phase 7 Properties in their planning application reference number 17/01477/FULM
- 1.3 The report describe the development scheme and the current planning position. It also explains the powers of the Council to acquire land and rights compulsorily, describes the land and rights to be included in the proposed CPO and the general case for compulsory acquisition. This is set against the background of the Secretary of State's advice "Guidance on Compulsory purchase process and The Crichel Down Rules (February 2018) regarding the use of compulsory purchase powers and the aspiration for the delivery of new housing on this site.

2. Recommendations

- 2.1 To facilitate the carrying out and implementation of planning permission 17/01477/FULM, the Council agree to the making of a compulsory purchase order (CPO) to enable the necessary acquisitions of land and interests in land.
- 2.2 To note and approve the map at APPENDIX A showing the extent of the proposed CPO ("the Order Land") and the draft statement of reasons at APPENDIX B in support of the proposed CPO.
- 2.3 To authorise the Director of Place and Community to make the CPO, (within the black line boundary as shown on the map) as considered necessary.
- 2.4 To authorise the making of the Lichfield District Council (Grange Lane, Lichfield) Compulsory Purchase Order 2018 ("the Order") under section 226(1)(a) of the Town and Country Planning Act 1990 ("the 1990 Act").
- 2.5 To authorise the Director of Place and Community to issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, where necessary, to authorise the entry on land and carrying out surveys where the Council is considering acquiring an interest in the land or a right over the land which is not such an interest.

- 2.6 To authorise the use of powers in the Town and Country Planning Act 1990 to secure the removal of any apparatus of statutory undertakers or communication code operators from the Order Land.
- 2.7 To authorise the acquisition by agreement of all third party interests in and over the Order Land under Section 227 of the Town and Country Planning Act 1990 before or after confirmation of the Order and in respect of any new rights required for the development or use of the Order Land.
- 2.8 To authorise the Director of Place and Community to take all necessary steps to investigate ownership interests and to secure confirmation of the Order and the acquisition of all third party interests in the Order Land and any new rights and the removal of all occupants from the Order Land. This authorisation includes the publication and advertisement of the Order, serving appropriate notices, seeking confirmation of the Order, taking all steps to acquire relevant interests and such other steps as deemed appropriate by the Director of Place and Community to facilitate the development, redevelopment or improvement of the Order Land.
- 2.9 To authorise the Director of Place and Community to enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third party interests in the Order Land or with parties otherwise affected by the Order for the withdrawal of objections to the confirmation of the Order including the offering back of any part of the Order Land or acquisition of additional land or interests in or over any such land and the removal of any land from the Order and to defend any proceedings challenging the making or confirmation of the Order.
- 2.10 To authorise the Director of Place and Community following confirmation of the Order to publish and serve all appropriate notices of confirmation of the Order and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the Order Land.
- 2.11 To authorise the Director of Place and Community to initiate or take part in any proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the Order Land or arising from the making or confirmation of the Order or securing possession of any part of the Order Land or title to any part of the Order Land or the removal of any occupants or apparatus of statutory undertakers or communication code operators.

3. Background

- 3.1 The site referred to as 'Land at The Windmill' and that is the subject of this report is the site of a former public house known as 'The Windmill'. The site includes the detached two storey vacant public house with car parking and hardstanding surrounding it. The site is at a higher land level than the adjacent public highway and is surrounded by a sloped grass bank from the back of the public footpath. It is this grass bank land that that CPO is in relation to.
- 3.2 The area in which the site sits is primarily residential, with a small parade of shops to the north of the site on the opposite side of Wheel Lane. The site is located to the north west of Lichfield City centre.
- 3.3 The proposed scheme for this site is for the demolition of the former public house and the construction of 12 residential units comprising 12 no. 3 bedroom dwellings. The proposed dwellings would be in a terraced arrangement which would front onto Wheel Lane and Grange Lane. The units would be 2 story in height with parking provided in a rear parking court providing 2 spaces per unit. Each unit would have a private amenity/garden space. The developer will be responsible for the delivery of the scheme and all costs associated with it.
- 3.4 Land adjoining the site, which is or is reputed to be in unknown ownership is needed to facilitate the proposed redevelopment scheme. This land comprises the Order Land. Unless the Order Land is

secured through the CPO process, the scheme will be unable to proceed. Investigations to determine land ownership, including enquiries with Lichfield City Council, Staffordshire County Council, Conduit Land Trust, Lichfield Cathedral and Lichfield Diocese have been carried out and those bodies have confirmed that they have no interest in the land.

The land comprises an area of banked frontage land to the site measuring 346sq m.

3.5 Planning Position

There have been 3 planning consents on this site for residential development. These are detailed as follows:

- 12/01057/FULM – Demolition of existing public house and reception of 6 no. 3 bedroom dwellings and 6 no. 2 bedroom apartments and associated works. Approved 17.10.13
- 14/00065/FULM – Demolition of existing public house and erection of 12 no 3 bedroom dwellings and associated works. Approved 16.7.14
- 17/01477/FULM – Demolition of existing (vacant) public house and construction of 12no three bedroom dwellings and associated works

3.5.1 The scheme submitted under 17/01477/FULM is the same scheme as that permitted under 14/00065/FULM. The previous scheme was not implemented due to the issues regarding land ownership which this CPO refers to.

3.5.2 The principle of residential development is established through the above consents.

3.5.3 In terms of planning policy the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF also encourages the effective use of land by reusing land that has been previously developed. The application site is brownfield land which is located within the settlement boundary of Lichfield, which is a sustainable location. Policy H5 of the Local Plan states that development within existing settlements will be acceptable provided that normal development control criteria are met and the development does not involve the subdivision of large residential grounds.

3.5.4 In her report the planning officer carefully considered amenity issues, highway safety, arboricultural issues and planning obligations. Subject to conditions regarding specifications and layout, landscape and planting, surface treatments, remodelling of the banked areas, bat mitigation, access widenings, and lighting, she concluded that the reuse of this brownfield site within the settlement boundary of Lichfield is acceptable in principle and represents a sustainable form of development, leading to an overall enhancement of the character of the area.

3.5.5 The permission was subject to a legal agreement for a CIL payment in regards to a contribution to education.

3.6 Benefits of the Scheme

3.6.1 Core Policy 3 of the Local Plan lists a number of key issues that development should address in order to ensure sustainable development including encouraging the re-use of previously developed land in the most sustainable locations. The redevelopment of this site will have significant benefits on the surrounding area. In terms of character and appearance, the removal of a vacant public house building which has become an eyesore and the replacement with modern housing will lead to an overall enhancement of the character of the area.

3.6.2 The redevelopment of the site will also provide much needed new housing within a sustainable location. The Local Plan Strategy (2015) identifies Lichfield City as one of the key settlements to be the focus of future development. Policy Lichfield 4 of the Local Plan states that approximately 38% of the

Districts housing growth to 2029 (approx. 3,900 dwellings) will take place in and around Lichfield City, with around 46% of this being located within the urban areas (either completed or windfalls).

3.6.3 Frontage planting, including trees, will be beneficial for the streetscene and will mitigate for any existing trees to be lost to facilitate the development.

3.7 Compulsory Purchase Powers

3.7.1 The Council has the power in Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended) to make a compulsory purchase order for any land in their area if the Council think that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

3.7.2 Pursuant to Section 226 the Council may not exercise the power unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- (a) The promotion or improvement of the economic well-being of their area;
- (b) The promotion or improvement of the social well-being of the area;
- (c) The promotion of improvement of the environmental well-being of their area

It is immaterial that the development, redevelopment or improvement may be carried out by a third party.

3.7.3 Paragraph 106, CPO Guidance – What factors will the Secretary of State take into account in deciding whether to confirm an order under section 226(1)(a)?

DCLG Guidance (February 2018) (Guidance on Compulsory Purchase Process and The Crichel Down Rules) (the "CPO Guidance") provides updated guidance previously provided for in OPDM Circular 06/2004 (Compulsory Purchase and the Crichel Down Rules).

Section 1 of this guidance sets out:

“Compulsory Purchase Powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities and the promotion of business - leading to improvements in quality of life”

Particular guidance on orders made by local authorities under Section 226 of the Town and Country Planning Act 1990 is contained in Tier 2: Enabling Powers of the CPO Guidance. Para 95 states that

“This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate”

Importantly the CPO Guidance requires that a compulsory purchase order should only be made where there is a compelling case in the public interest. It is considered that a compelling case exists here.

“Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:

whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework

the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area

whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired

the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position.

These factors are considered in turn as follows:-

Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework

- The site is located within the urban area of Lichfield wherein residential development accords with Core Policy 6 of the Local Plan Strategy, along with the National Planning Policy Framework. The redevelopment of this previously developed site accords with the emerging Site Allocations Plan which allocates the land for housing (emerging Policy LC1).
- The development comprises of 12 no. 3-bedroom dwellings which accords with Policy H1 of the Local Plan Strategy which seeks to rebalance the housing stock in the District by increasing the number of 2 and 3-bedroom properties across the District.
- The development involves the demolition of an existing Public House which, in planning terms, is considered to be a community facility. Notwithstanding, there are a wide range of similar facilities within the city that provide equivalent alternative facilities. A number are located a short walk away to the south and south west along Beacon Street. The loss of the Public House is therefore not considered to amount to a loss of a facility which has a key function in the operation of the existing community in the local area.
- Having regard to the wider Spatial Strategy and, specifically, to how the District Council plan to deliver their housing need, it is evident that Lichfield City is to play a significant role. The Local Plan Strategy identifies that a significant number of the housing requirement will be delivered within the urban area of Lichfield and therefore brownfield sites such as this form a crucial part in delivery of the Council's Spatial Strategy. It is therefore considered that the development is consistent with the Local Plan Strategy.
- The Local Plan Strategy sets out "The Vision for the District". That vision, along with a series of 15 strategic priorities, gives direction to the Local Plan Strategy. They together set out how the Council

seeks to achieve its well being objectives. The vision states that residents of the District will continue to be proud of their community and will experience a strong sense of local identity, of safety and of belonging. It states that residents of Lichfield District have opportunities to keep fit and healthy and will not be socially isolated and that people will be able to access quality homes and local employment which suits their aspirations and personal circumstances.

- The land is close to a small parade of shops providing convenience retail within 100 metres. The site is close to a number of bus stops providing public transport to Lichfield City Centre and other service centres beyond. Beacon Park is located only a short walk and cycle away to the south and south east. Large employment areas are located across the city, all accessible on foot, cycle or via public transport. The Lichfield City Railway Station and the Lichfield City Bus Station are all located a reasonably short distance away within the City Centre. The site is sustainable.

Further details of the compliance with planning policy of the development for which planning permission has been obtained are set out below.

The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area

The Council considers the Scheme will contribute significantly to the improvement of the economic, social and environmental well-being of the area for reasons as follows:

Economic well-being

- The land has been under-used, and the Public House vacant, for a considerable period. No investment has been made on the land in recent years and there has been no employment. Continuing in this manner will create no economic value to the District and, arguably, may detract from house prices in the area to the detriment of nearby residents.
- The redevelopment of the land will create direct employment through the construction process. Such is the modest size of development, it is likely that this employment will be local tradesman and those with local connections. Indirect employment, through the supply chain and local spending in nearby shops by construction workers, will also generate benefits in the economy.
- Once constructed, first occupation expenditure will have a modest benefit on the local and regional economy through spending on goods and services. There is a recognised economic impact on people spending to make new homes 'feel like home'. Finally, New Homes Bonus and additional Council Tax revenue will benefit the local economy insofar as additional spending on local services.

Social well-being

- The Local Plan Strategy plans the delivery of the District's housing need, in large part, within and at the edges of Lichfield. Approximately 1,794 dwellings are planned to be built within the urban area. In order for the District Council to meet the identified housing need, land such as this need to come forward in a timely and well planned manner.
- In addition to the significant contribution Lichfield will make to meeting the District's housing need, there is a policy objective (Policy H1 of the Local Plan Strategy) to re-balance the District's housing stock. This places a policy preference for 2 and 3-bedroom dwellings. The development is wholly aligned with these policy objectives and will represent a meaningful addition to the housing supply.

- Whilst the loss of the Public House removes a community facility from the area, there are equivalent alternatives within a short walk and cycle from the land. A number of Public Houses are located along Beacon Street and within the City centre. The demolition of the existing Public House will not result in the inability for the community to function and the benefits in delivering housing and removing building out of character and in a poor state of repair outweigh any limited harm.
- The redevelopment of the site will also remove an opportunity for vandalism within the area. The vacant site, being close to residential properties and a popular parade of shops, increases the perceived risks of crime and anti-social behaviour.

Environmental well-being

- The existing site comprises of a large building and large open areas of hardstanding. The site is neglected and detracts from the pleasant residential suburb. The land is largely free from landscape planting, except for its boundaries. Consequently, the redevelopment of the site affords an opportunity to enhance the natural and built environment through a well designed residential development with appropriate landscape planting and a comprehensive management regime to ensure it is well maintained and long lasting.
- Given the increasing opportunities for habitat creation and planting, the development will generate no net loss to biodiversity. Measures to further boost the natural environment, for example, through the installation of bat boxes/tile/bricks, will provide a net gain to biodiversity.
- In addition, the development removes a derelict and dilapidated building, thereby having a positive impact on the character and appearance of the area.

Conclusion

The Scheme will contribute significantly to the improvement of the economic, social and environmental well-being of the Council's area.

Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

- The existing, vacant, Public House, which is located to the south west of the Site is to be demolished as part of the development proposals. The Site is currently served by two vehicular access points onto Grange Lane. The access point located closest to the junction with Wheel Lane is closed as part of the development proposals with the access point to the north remaining as the sole vehicular access. The existing pedestrian steps located on the eastern boundary to Wheel Lane will be retained as part of the development to facilitate good access for residents of the development to access the wider area, including the nearby parade of shops. A new footpath is provided within the Site allowing pedestrian access to each of the new homes.
- In using the northern access to serve the development, the Order Land is crossed by vehicles entering and leaving the development. The Order Land is therefore required to provide unimpeded vehicular and pedestrian access, to facilitate and have control over the visibility splays and enable drainage and other services to be brought to the Site without restriction.

- The purpose of acquiring the Order Land is to facilitate delivery of the Scheme which will provide for the demolition of existing (vacant) public house and construction of 12 no. 3-bed dwellings. The dwellings are situated to front the road with car parking for 24 no. cars located to the rear. The dwellings are therefore sited to the front of the Site. Plots 1-6 and 9-12 have a gross internal area of 80 square metres. The dwellings measure 4.6 metres to eaves and 9.1 metres to the ridge. Plots 7 and 8 have a gross internal area of 112 square metres and measure 4.6 metres to eaves and 7.5 metres to the ridge.
- The Scheme is in accordance with planning policy. Planning permission for the Scheme has been granted.
- Core Policy 1 of the Local Plan Strategy states that the District Council will deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements whilst making best use of and improving existing infrastructure. Core Policy 1 states that development proposals will be expected to make efficient use of land and to prioritise the use of previously developed land. As part of this strategy the District Council will direct the majority of future development to Lichfield City Centre and its urban area, amongst other places.
- Core Policy 6 sets out the strategy of how the District Council's housing need will be delivered across the plan period. It states that Lichfield District will provide 70% of housing on previously developed land to 2018 and 50% thereafter. It reads on to say that housing development will be focused on a number of key urban and rural settlements including Lichfield City and that, apart from four large SDA's, at the edge of Lichfield, a significant proportion of the Districts housing need will be provided within the urban area of Lichfield.
- Policy H1 of the Local Plan Strategy seeks to secure an enhanced housing market and states that the District Council will "actively promote" the delivery of smaller properties including 2 and 3-bed houses, in order to increase local housing choice.
- Policy Lichfield 4 re-confirms that approximately 38% of the District's housing growth will take place in and around Lichfield City, with around 46% of this being located within the urban area. This amounts to approximately 1,794 homes being provided within the urban area of Lichfield.
- Insofar as the loss of a community facility, Core Policy 4 sets out that the District Council will seek to protect and where appropriate, improve services and facilities that provide a key function in the operation of existing communities. It reads on to state that development proposals resulting in the loss of a key facility from a settlement, which is essential to the sustainable functioning of that settlement, will not be supported unless a replacement facility of improved quality is provided for that community in a sustainable location.
- In this context, the development accords with the Development Plan and emerging Site Allocations Plan. It represents sustainable development and the recycling of previously developed land. There are substantial environmental, social and economic benefits that will arise through the development and occupation of the land for housing and its commencement should be encouraged without delay.
- As the Order Land is in unknown ownership, it is not possible to secure the land and interests in land required by agreement. Compulsory purchase powers are therefore essential to enable the scheme to proceed.
- The Council has considered whether redevelopment in accordance with planning policy might be achieved by individual landowners without the need for compulsory purchase. However, owing to the

comprehensive nature of the Scheme and the fact that the land is, or is reputed to be in, unknown ownership, redevelopment by individual owners is not considered to be a practicable option.

- Sub-division of the Scheme into separate components controlled by different developers is unviable and unworkable commercially as the Scheme requires a comprehensive and sequential design and delivery which cannot be achieved without control of the land.
- It is considered that the Order Land is not capable of redevelopment in isolation, due to its nature, size and location and can only be brought into beneficial use as part of a comprehensive development scheme as proposed by Phase 7.
- Overall, it is concluded that there is no credible alternative scheme for the redevelopment of the Order Land which could deliver such a comprehensive Scheme meeting the planning policy objectives within a reasonable timeframe.

The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position

- The developer has the necessary funding to deliver the Scheme and acquire the necessary Order Land and interests in land. Viability of the Scheme is not in doubt.

Paragraph 14 – What information about the resource implications of the proposed scheme does an acquiring authority need to provide?

"In preparing its justification, the acquiring authority should address:

*a) **sources of funding** - the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:*

- *the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme; and*
- *the basis on which the contributions or underwriting is to be made*

*b) **timing of that funding** - funding should generally be available now or early in the process. Failing that, the confirming minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date, and only in exceptional circumstances, would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years.*

Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice."

- Phase 7 is responsible for construction costs of the scheme and has given an undertaking to the Council under which it has agreed to meet all land and compensation costs relating to the purchase of the Order Land. Phase 7 is also responsible for reimbursing the Council for all costs relating to the making and implementation of the Order, including land acquisition costs.
- The Council is therefore confident that funds will be available for the Scheme and satisfied that there are no financial impediments to the Scheme proceeding.

Paragraph 15, CPO Guidance – How does the acquiring authority address whether there are any other impediments to the scheme going ahead?

"The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:

- *the programming of any infrastructure accommodation works or remedial work which may be required; and*
- *any need for planning permission or other consent or licence*

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority's supplementary planning documents and national planning policy, including the National Planning Policy Framework."

- Planning permission has been granted for the Scheme and therefore there is no impediment to implementation in this regard.
- The Council is therefore satisfied that there are no physical or legal impediments to the Scheme proceeding.
- The Council has requested a copy of the development appraisal for the scheme to ensure that the proposed development is viable. Phase 7 Properties, have agreed in writing to underwrite the Council's costs in promoting a Compulsory Purchase Order including all land acquisition and compensation costs.

Paragraph 12, CPO Guidance – How does an acquiring authority justify a compulsory purchase order?

The overarching consideration for the Council when making the Order and for the Secretary of State in deciding whether the Order should be confirmed, is set out in paragraph 12 of the CPO Guidance which states:-

"A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.

Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

- Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights. Article 1 of the First Protocol provides the right to peaceful enjoyment of possessions and that no one shall be deprived of his possessions except in the public interest, Article 8 provides the right to respect for private and family life including a person's home and Article 6 provides the right to a fair and public hearing.
- The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 must be "necessary in a democratic society" and proportionate.
- The Order, if confirmed, would strike an appropriate balance between public and private interests. Interference with Convention rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental well-being benefits the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the statutory compensation code.
- The requirements of Article 6 are satisfied by the statutory procedures under which this Order is being prepared and confirmed, which include for the right to object, the right to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.
- For the reasons set out in this Statement of Reasons, the Council considers that there is a compelling case in the public interest for the Order to enable this much needed housing scheme to be delivered, thus meeting the requirements of the Convention.

Paragraph 13, CPO Guidance – How will the confirming minister consider the acquiring authority's justification for a compulsory purchase order?

"The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.

However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.

If an acquiring authority does not:

- *have a clear idea of how it intends to use the land which it is proposing to acquire; and*

- *cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale*

it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making."

- The Council considers it has demonstrated that there are sufficiently compelling reasons for the powers to be sought at this time to enable the Scheme and the benefits it will bring to be delivered. Phase 7 and the Council has more than a clear idea of how it intends to use the land which it is proposing to acquire; the detail of which is set out in **Section 3** above. Further and as demonstrated in this report the necessary resources are in place to enable the Scheme to be delivered by the Council and Phase 7 within a reasonable timescale.

Paragraph 2, CPO Guidance - When should compulsory purchase powers be used?

"... The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. ..."

- Since February 2017, Phase 7 has been making enquiries regarding ownership and other interests in the Order Land but without success. In the absence of any party or parties to negotiate with it is not possible for the land and interests in land to be secured by agreement. In the circumstances compulsory acquisition is the only means of securing the land so that the Scheme can be implemented.
- The Council considers that both it and Phase 7 has taken more than reasonable steps to establish ownership and to acquire all of the land included in the Order by agreement. However on the basis of the enquiries made to date, it seems unlikely that it will be possible to acquire the Order Land by agreement and thus CPO powers will need to be employed. The Council is making this Order to secure the assembly of all the land needed for the implementation of the Scheme.
- Phase 7 and the Council will continue to make enquires to establish ownership of the Order Land and interests in the Order Land and will seek to acquire these by agreement, should ownership or other interests in the Order Land be established.

3.8 Compulsory Purchase Order

In asking the Council to make a Compulsory Purchase Order, Phase 7 Properties, have confirmed that they have made reasonable endeavours to identify the owner of the land that is subject to the CPO, without success and have therefore formally requested that the council make a compulsory purchase order so that any third party rights and interests which are required for the purposes of the development as currently proposed can be acquired.

The land and property to be included in the proposed CPO generally includes the legal interests within the site shown coloured pink on the CPO Plan (see Appendix A)

The land comprises an area of banked frontage land to the site measuring 346sq m .

3.9 Case for Making the CPO

- 3.9.1 Under the CPO Guidance the Secretary of State encourages local authorities to use their compulsory purchase powers to assemble the land needed in order to implement schemes that will deliver social and economic change. Specific mention is made of the use of these powers as a positive tool to promote effective and efficient urban regeneration leading to the revitalisation of communities and the promotion of business. This should ultimately lead to improvements in the quality of life for all of the Council’s customers, especially its residents.
- 3.9.2 Officers are of the opinion, and commend Members to agree, that making the proposed CPO will, for all the reasons described in this report, contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of Lichfield District.
- 3.9.3 In particular, the provision of much needed additional houses in Lichfield will improve the lives of those who will occupy them, and the character and appearance of the area for all others.
- 3.9.4 With reference to efforts made to acquire outstanding land interests, as an owner of the land has not been identified, despite enquiries with land registry, local councillors, Lichfield Cathedral, Lichfield Diocese, Staffordshire County Council, Lichfield District Council and Lichfield City Council. Officers therefore consider that a CPO should be made to facilitate the scheme.
- 3.9.5 The draft Statement of Reasons for the making of the Order, attached at Appendix 2 fully sets out the case for the making of the CPO and is provided for the information of Members.
- 3.9.6 Officers conclude, in the light of the factors and considerations set out above, that there is a compelling case in the public interest for the exercise by the Council of its compulsory purchase powers. Members are recommended to the same conclusion.

Alternative Options	1. Not to pursue a CPO. The scheme is unlikely to come forward without the use of compulsory purchase powers, with a result that the Council’s policy aspirations for the redevelopment of the site would not be realised.
Consultation	1. Consultation has taken place with the local community via the planning application process
Financial Implications	1. The developer of the scheme has agreed in writing to underwrite all of the council’s costs in promoting a Compulsory Purchase Order including all land acquisition, legal and compensation costs.
Contribution to the Delivery of the Strategic Plan	1. The Strategic Plan 2016-2020 sets out that new homes will be built or developed in line with our Local Plan and planning guidance and the making of a CPO to facilitate the building of new houses contributes to that aim.

<p>Equality, Diversity and Human Rights Implications</p>	<p>The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“the Convention”). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual.</p> <p>In resolving to make the CPO the Council should consider the rights of property owners under the Convention, notably under the following Articles:</p> <p>Article 1</p> <p>This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.</p> <p>Article 8</p> <p>This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.</p> <p>Article 14</p> <p>This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.</p> <p>In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the implementation of the proposed development scheme, officers consider that it would be appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual property rights.</p> <p>The opportunity has been given to landowners and other affected parties to make representations regarding the Council’s planning policies which underpin the proposed CPO. Further representations can be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected will be entitled to compensation proportionate to the loss which they incur as a result of the acquisition of their interests.</p> <p>An Equality Impact Assessment is appended to this report at Appendix C</p>
<p>Crime & Safety Issues</p>	<p>1. None</p>

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That the CPO is not confirmed	Procure legal advice throughout the	Green

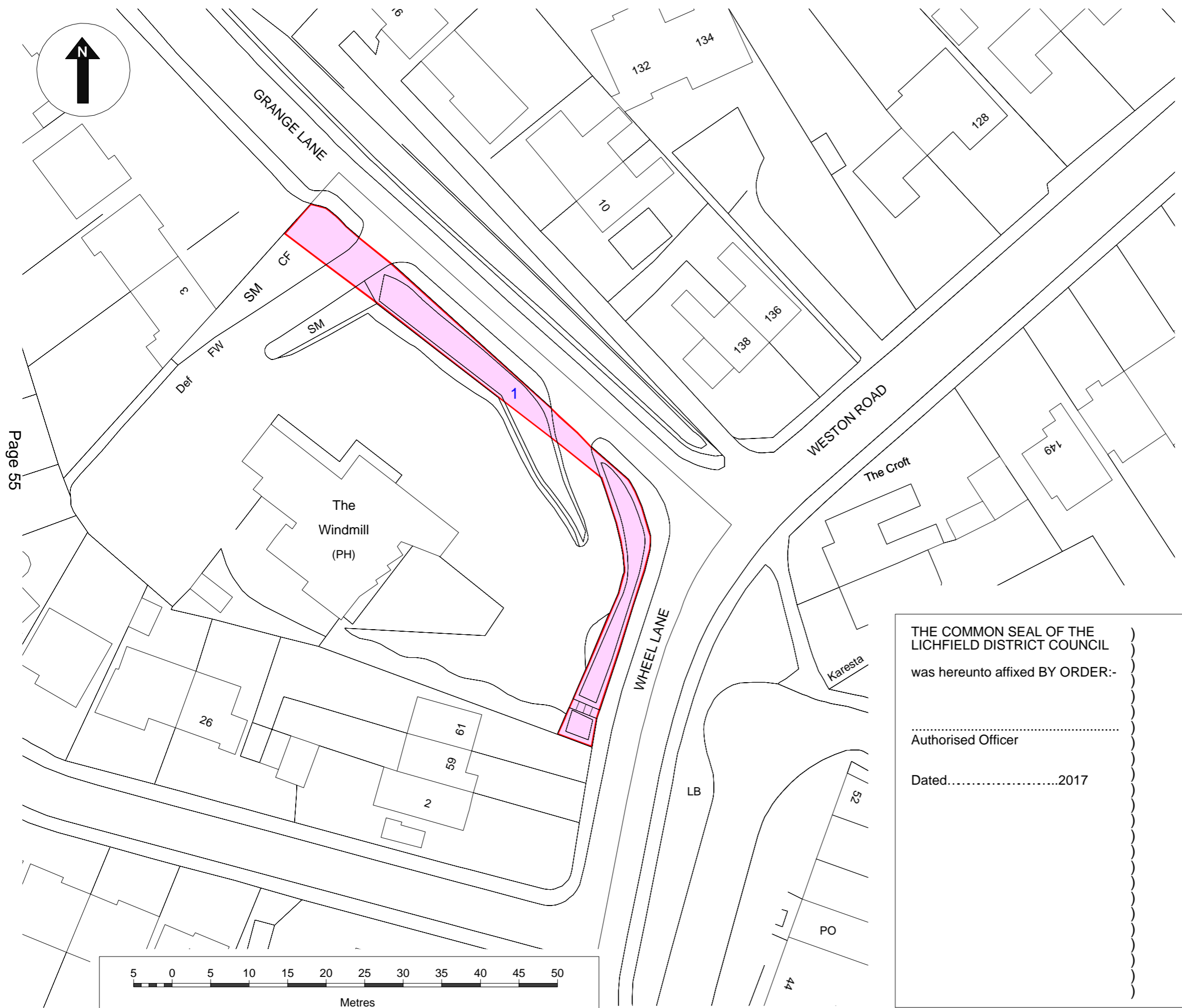
		process to ensure correct procedure is carried out	
B	The developer cannot cover council's costs in making the CPO and land acquisition	Written agreement to reimburse council's costs plus monitoring of development finances	Green
C			
D			
E			

Background documents Planning Committee Report for application 17/01477 and Decision Notice dated 19.2.2018


Relevant web links

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Map referred to in the Lichfield District Council (Grange Lane, Lichfield) Compulsory Purchase Order 2017

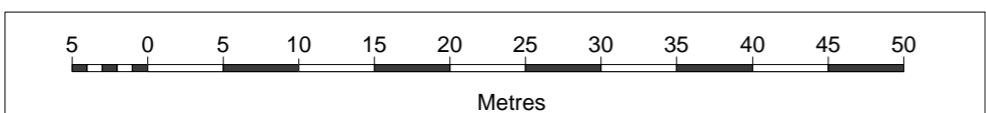


Page 55

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Key:  Land to be acquired					
Business Unit: Land Referencing			Status: Draft		
Approved By TPR	Date Approved 30/11/2017	Checked By PKI	Date Checked 30/11/2017	Drawn By ABR	Date Drawn 30/11/2017
Title: Map referred to in the Lichfield District Council (Grange Lane, Lichfield) Compulsory Purchase Order 2017					
Date of Issue: 30/11/2017		Project Code: 1752-7852		Scale: 1:500 @A3	
Drawing Reference: 1752-7852_CPO Map					Version: v3.0

THE COMMON SEAL OF THE LICHFIELD DISTRICT COUNCIL
 was hereunto affixed BY ORDER:-

 Authorised Officer
 Dated.....2017



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DRAFT

**THE LICHFIELD DISTRICT COUNCIL (GRANGE LANE, LICHFIELD)
COMPULSORY PURCHASE ORDER 2018**

SECTION 226(1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

STATEMENT OF REASONS

of

LICHFIELD DISTRICT COUNCIL



Pinsent Masons

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1. INTRODUCTION

- 1.1 On 2018 the Lichfield District Council (the "**Council**") resolved to make the Lichfield District Council (Grange Lane, Lichfield) Compulsory Purchase Order 2018 (the "**Order**").
- 1.2 The Order has been made under section 226(1)(a) of the Town and Country Planning Act 1990 ("**1990 Act**"), as the Council considers that there is a compelling case in the public interest to acquire land to facilitate development, redevelopment or improvement of land at Grange Lane for the provision of approximately 12 new residential dwellings together with associated works ("**the Scheme**") and that the proposed acquisition is likely to contribute to the achievement of the promotion or improvement of the economic, social and/or environmental well-being of Lichfield.
- 1.3 Planning permission has been granted for the Scheme which comprises demolition of existing (vacant) public house and construction of 12 three bedroom dwellings and associated works, as detailed in **Section 5** below.
- 1.4 The land proposed to be compulsorily acquired and/or used pursuant to the Order comprises approximately 346 square metres of grassland to the north east of the former Windmill Public House, Grange Lane, Lichfield together with private access serving the former public house premises (the "**Order Land**"), as detailed in **Section 3** below.
- 1.5 The Scheme will provide development on previously used land, new housing, new landscaping and the removal of a vacant and dilapidated building, providing a positive impact on the character and appearance of the area. The Scheme will deliver much needed housing as well as bringing economic and social benefits to the town. The purpose of the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate delivery of the Scheme.
- 1.6 The Scheme is being promoted by the Council and Phase 7 Properties Limited ("**Phase 7**"). Phase 7 is an experienced developer. Further information on Phase 7 is contained in Section 6 below.
- 1.7 The schedule to the Order (the "**Schedule**") does not list any owners, lessees, tenants or occupiers of the Order Land as the land is, or is reputed to be in, unknown ownership. As there is no known owner (or owners) with whom to negotiate, the only means of securing the Order Land for the purposes of the Scheme is through compulsory acquisition.
- 1.8 The Schedule has been based on information gathered through enquiries made by Phase 7 and the Council with adjoining land owners and other bodies and a land referencing exercise undertaken by TerraQuest on behalf of the Council. There has been an extensive enquiry to identify land interests, but to date no owners, lessees, tenants or occupiers have been identified in relation to the Order Land. Phase 7 and the Council have therefore concluded that the land proposed to be acquired is, or is reputed to be in, unknown ownership. The Council has therefore promoted the Order to enable the Order Land to be acquired compulsorily.
- 1.9 The map to the Order (the "**Order Map**") identifies the Order Land and highlights the land proposed to be acquired in pink. Individual plot boundaries and numbers on the Order Map correspond with the Schedule.
- 1.10 The Order has been submitted to the Secretary of State for Housing, Communities and Local Government for confirmation pursuant to the Acquisition of Land Act 1981. If confirmed by the Secretary of State, the Order will enable the Council to acquire compulsorily the land included in the Order.
- 1.11 This Statement of Reasons has been prepared pursuant to and in accordance with the "Guidance on Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion" prepared by the Department for Communities and Local Government, October 2015 and amended in February 2018 (the "**CPO Guidance**").

2. THE ENABLING POWERS FOR THE CPO

- 2.1 Section 226(1)(a) of the 1990 Act enables the compulsory acquisition of land where an acquiring authority considers the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to land and where the acquiring authority considers the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social, and/or environmental well-being of the authority's area.
- 2.2 The Council has made the Order pursuant to its powers under section 226(1)(a) of the Town and Country Planning Act 1990 for the following reasons:
- 2.2.1 to facilitate the redevelopment of the Order Land for the purposes of the Scheme; and
- 2.2.2 it is not possible to acquire by agreement all interests that are required for the Scheme as the Order Land is, or is reputed to be in, unknown ownership and it is therefore not possible to acquire the interests required by agreement, to enable comprehensive delivery of the Scheme;
- 2.2.3 without development, the land and building will continue to have a significant adverse affect on the local environment. The Scheme's site has been vacant for a considerable number of years and is located within a predominately residential area. It is a source of anti social behaviour and its dilapidated state detracts from the residential suburb.
- 2.3 The purpose of the Order is therefore to secure the acquisition of all relevant interests in the Order Land to facilitate delivery of this important housing scheme.
- 2.4 The Council is satisfied that section 226(1)(a) is the appropriate enabling power to rely upon pursuant to paragraphs 10 and 11 of the CPO Guidance.
- 2.5 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraphs 2 and 12 of the CPO Guidance) which justifies the interference with the human rights of those with interests in the Order Land.
- 2.6 The Council is satisfied that it may lawfully exercise its powers of compulsory purchase under the powers set out above and, for the reasons set out in **Section 6** below, that there is a clear and compelling case in the public interest for such exercise and that the public interest is sufficiently important to justify the interference with human rights of those holding interests in the Order Land. The Council is satisfied that the Order may lawfully be made.

3. THE ORDER LAND

3.1 Topography and use

- 3.1.1 The land for the Scheme (the "**Site**") which includes the Order Land is located within a residential suburb of Lichfield. The Site occupies a prominent corner plot at the junction of Grange Lane with Wheel Lane/Western Road. It is bound on its north west elevation by residential development and its southern boundary by residential development on High Grange. Across the road, on its northern boundary, is further residential development. A parade of shops, which includes a Post Office and convenience store, is located to the east/south east on Wheel Lane.
- 3.1.2 The Site sits at a higher level than Grange Lane and Wheel Lane and comprises the former Windmill Public House and associated car parking. The land use for the Site falls within A4 Use Class.

3.2 The Order Land

- 3.3 The Order Land proposed to be acquired forms part of the Site and is shown coloured pink on the Order Map and described in the Schedule to the Order. The Order Land comprises of

approximately 346 square metres of grassland to the north east of the former Windmill Public House, at Grange Lane, Lichfield, together with private accesses leading to the premises.

3.4 In the vicinity of the Order Land, there is an existing group of trees along the western boundary of the Site. The existing building is located towards the south western corner of the Site with car parking to the north and east of the building. The car park is bound at its perimeter by a low brick built dwarf wall. The wall sits upon a grass bank which slopes down to Grange Lane and Wheel Lane. There are two existing vehicular access points to the Site providing direct access onto Grange Lane. Pedestrian steps from the Site are located on its eastern boundary.

3.5 The Council is seeking powers to acquire the Order Land and all interests in it to enable the Scheme to proceed.

3.6 No new rights are required in order to facilitate the Scheme.

4. **BACKGROUND TO SCHEME**

4.1 The Scheme is consistent with national and local planning policies for the area. The Council is supportive of Phase 7's scheme to deliver much needed housing and associated development on the Site which includes the Order Land. A detailed consideration of relevant planning policy is contained at **Section 6** below.

4.2 The existing Public House has been vacant for a number of years. Planning Permission was first granted in October 2013 for the demolition of the existing Public House and the erection of 6 no. 3-bedroom dwellings and 6 no. 2-bedroom apartments with associated works.

4.3 A subsequent planning permission was granted in July 2014 for the demolition of the existing Public House and erection of 12 no. 3-bedroom dwellings with associated works.

4.4 The Site lies within the settlement boundary and outside the Lichfield City Conservation Area. The Site is to be considered a brownfield site in a highly sustainable location within the limits of the settlement. The loss of the building as a community facility is to be considered against the significant benefits of providing new housing in a sustainable location and in achieving a significant enhancement to the local built and natural environment.

4.5 The latest planning permission effectively renews an earlier permission granted in 2014; that permission having expired in July 2017. Residential development on this sustainable brownfield land accords with the District Council's Spatial Strategy which seeks to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements whilst making best use of and improving existing infrastructure.

4.6 By making efficient use of land and prioritising the use of previously developed (brownfield) land the Scheme is considered to promote sustainability by minimising pressure on the natural, built and historic environment. Against that overarching Spatial Strategy, as set out within Core Policy 1 of the Local Plan Strategy, residential development on the land accords with the key aim to make best use of previously developed land in sustainable sites to assist in delivering the housing needs of the District. Specifically, the proposals contribute to achieving approximately 30% of the District's housing requirement to be located within, or at the edges, of Lichfield City. In that respect the delivery of housing upon the Site accords with Core Policy 6 of the Local Plan Strategy which seeks to focus housing development within the key urban and rural settlements.

4.7 The emerging Site Allocations Plan (SAP) proposes to allocate the Site for housing under Policy LC1 (site reference L16). The emerging SAP envisages the Site will come forward for approximately 12 dwellings.

4.8 Lichfield is a key settlement within the Local Plan Strategy and is planned to take at least 38% of the proposed housing requirement for the District. With an emphasis on providing homes for the District within Lichfield, or at its edges within Strategic Development Locations, and with both a local and national policy preference for the redevelopment of previously developed sites, the Site is

considered to be one suitable for residential development as a matter of principal. This is further supported by virtue of its proposed allocation for housing within the emerging SAP.

5. DESCRIPTION OF THE SCHEME

- 5.1 The existing, vacant, Public House, which is located to the south west of the Site is to be demolished as part of the development proposals. The Site is currently served by two vehicular access points onto Grange Lane. The access point located closest to the junction with Wheel Lane is closed as part of the development proposals with the access point to the north remaining as the sole vehicular access. The existing pedestrian steps located on the eastern boundary to Wheel Lane will be retained as part of the development to facilitate good access for residents of the development to access the wider area, including the nearby parade of shops. A new footpath is provided within the Site allowing pedestrian access to each of the new homes.
- 5.2 In using the northern access to serve the development, the Order Land is crossed by vehicles entering and leaving the development. The Order Land is therefore required to provide unimpeded vehicular and pedestrian access, to facilitate and have control over the visibility splays and enable drainage and other services to be brought to the Site without restriction.
- 5.3 The development comprises of 12 no. 3-bed dwellings. The dwellings are situated to front the road with car parking for 24 no. cars located to the rear. The dwellings are therefore sited to the front of the Site. Plots 1-6 and 9-12 have a gross internal area of 80 square metres. The dwellings measure 4.6 metres to eaves and 9.1 metres to the ridge. Plots 7 and 8 have a gross internal area of 112 square metres and measure 4.6 metres to eaves and 7.5 metres to the ridge.
- 5.4 The demolition of the existing Public House will achieve a significant enhancement to the built environment. The existing Public House is in a reasonable state of disrepair and is considered to have a negative impact on the character and appearance of this part of Lichfield. The Site is largely bereft of any landscape planting. Those trees that exist are situated on the boundaries of the Site. Environmentally, therefore, the development will remove an unsightly building from the area and replace it with a well formed and attractive series of residential properties in keeping with the scale and character of the surrounding area. The development will also remove large areas of hardstanding and allow new areas to be landscaped on the street frontage.
- 5.5 Through this new landscaping, coupled with new habitat creation i.e. installation of bat boxes, bat bricks/tiles etc, it is considered that the development will result in net gains to biodiversity. The development is therefore considered to have a significant environmental benefit.
- 5.6 The existing Public House has been vacant for a number of years. It does not contribute to the economy in any meaningful way. There has been no local employment and no money spent on the premises for a number of years. The demolition of the existing Public House and its replacement with 12 new homes will provide an economic benefit during the construction of these new homes. Once occupied, the new housing will generate additional footfall in close proximity to the existing parade of shops. It is considered the new housing will have a benefit to the revenue of exiting retailers within the local parade. The new homes will also generate a New Homes Bonus. The development will therefore have a positive effect on the local economy and is preferable than the current non-use of this sustainable brownfield site within the settlement boundary.
- 5.7 The Local Plan Strategy, which is informed by the Strategic Housing Market Assessment (SHMA), encourages new residential development to comprise of two and three bedroom dwellings. The emphasis on delivering smaller properties is to address a shortfall of smaller properties across the District. The development will deliver 12 no. 3-bedroom properties in a highly sustainable area close to shops and services and public transport routes. It will deliver new homes within Lichfield which is planned to take a minimum of 30% of the overall homes required to meet the District's housing need. It is therefore considered the development will have significant social benefits insofar as assisting the Council boost their housing supply in a manner which reflects an identified need.
- 5.8 The development will also remove a potential "non-conforming use". Whilst the vacant Public House has been present for a significant period of time, it is nonetheless located close to a number

of residential properties. The close proximity of the Public House to residential properties may give rise to detrimental effects to neighbouring amenity should it reopen for business. Moreover, restrictions may be placed on the licence thereby limiting the ability of the pub to trade viably. The demolition of the existing Public House will therefore represent a social benefit in these terms.

- 5.9 Insofar as the loss of a community facility, a number of planning permissions have been granted thereby accepting that the loss of a community facility does not outweigh the benefits to delivering housing on a brownfield site in a sustainable location. There are a number of Public Houses within Lichfield City Centre and its suburbs. The pub has long been vacant and earmarked for residential development and is not listed as an Asset of Community Value. Given the benefits that will ensue in terms of housing delivery (social), environmental benefits and the economic benefits it is considered that the loss of a community facility in this location will not cause a significant and demonstrable adverse affect, such to outweigh the substantial benefits of delivering homes in a sustainable location.
- 5.10 In respect of housing need, the Local Plan Strategy plans to deliver at least 10,030 homes within the District across the plan period. A number of these houses are planned to come forward through Strategic Development Allocations (SDAs). In addition to the SDAs, the Local Plan Strategy plans for a number of homes to be delivered within the urban area. The Scheme will make a contribution to the delivery of much needed new housing.
- 5.11 The emerging SAP seeks to deliver the balance of homes not allocated within the Local Plan Strategy. Policy LC1 allocates sites within and at the edge of Lichfield for housing. The Site is a proposed housing allocation (emerging site L16) and is shown to accommodate up to 12 dwellings. It is therefore the case that sites within the settlement boundary of Lichfield are acceptable for housing as a matter of principal and supported through the Local Plan Strategy.

6. THE COUNCIL'S JUSTIFICATION IN MAKING THE ORDER

6.1 Paragraph 106, CPO Guidance – What factors will the Secretary of State take into account in deciding whether to confirm an order under section 226(1)(a)?

"Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:

- whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework*
- the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area*
- whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired*
- the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position."*

6.2 These factors are considered in turn as follows:-

Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework

- 6.2.1 The Site is located within the urban area of Lichfield wherein residential development accords with Core Policy 6 of the Local Plan Strategy, along with the National Planning Policy Framework. The redevelopment of this previously developed site accords with the emerging Site Allocations Plan which allocates the Site for housing (emerging Policy LC1).
- 6.2.2 The development comprises of 12 no. 3-bedroom dwellings which accords with Policy H1 of the Local Plan Strategy which seeks to rebalance the housing stock in the District by increasing the number of 2 and 3-bedroom properties across the District.
- 6.2.3 The development involves the demolition of an existing Public House which, in planning terms, is considered to be a community facility. Notwithstanding, there are a wide range of similar facilities within the city that provide equivalent alternative facilities. A number are located a short walk away to the south and south west along Beacon Street. The loss of the Public House is therefore not considered to amount to a loss of a facility which has a key function in the operation of the existing community in the local area.
- 6.2.4 Having regard to the wider Spatial Strategy and, specifically, to how the District Council plan to deliver their housing need, it is evident that Lichfield City is to play a significant role. The Local Plan Strategy identifies that a significant number of the housing requirement will be delivered within the urban area of Lichfield and therefore brownfield sites such as this form a crucial part in delivery of the Councils Spatial Strategy. It is therefore considered that the development is consistent with the Local Plan Strategy.
- 6.2.5 The Local Plan Strategy sets out “The Vision for the District”. That vision, along with a series of 15 strategic priorities, gives direction to the Local Plan Strategy. They together set out how the Council seeks to achieve its well being objectives. The vision states that residents of the District will continue to be proud of their community and will experience a strong sense of local identity, of safety and of belonging. It states that residents of Lichfield District have opportunities to keep fit and healthy and will not be socially isolated and that people will be able to access quality homes and local employment which suits their aspirations and personal circumstances.
- 6.2.6 The Site is close to a small parade of shops providing convenience retail within 100 metres. The Site is close to a number of bus stops providing public transport to Lichfield City Centre and other service centres beyond. Beacon Park is located only a short walk and cycle away to the south and south east. Large employment areas are located across the city, all accessible on foot, cycle or via public transport. The Lichfield City Railway Station and the Lichfield City Bus Station are all located a reasonably short distance away within the City Centre. The Site is sustainable.
- 6.2.7 Further details of the compliance with planning policy of the development for which planning permission has been obtained are set out below.

The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area

The Council's well-being objectives

- 6.2.8 The Council considers the Scheme will contribute significantly to the improvement of the economic, social and environmental well-being of the area for reasons as follows.

Economic well-being

- 6.2.9 The Site has been under-used, and the Public House vacant, for a considerable period. No investment has been made on the Site in recent years and there has been no

employment. Continuing in this manner will create no economic value to the District and, arguably, may detract from house prices in the area to the detriment of nearby residents.

- 6.2.10 The redevelopment of the Site will create direct employment through the construction process. Such is the modest size of development, it is likely that this employment will be local tradesman and those with local connections. Indirect employment, through the supply chain and local spending in nearby shops by construction workers, will also generate benefits in the economy.
- 6.2.11 Once constructed, first occupation expenditure will have a modest benefit on the local and regional economy through spending on goods and services. There is a recognised economic impact on people spending to make new homes 'feel like home'. Finally, New Homes Bonus and additional Council Tax revenue will benefit the local economy insofar as additional spending on local services.

Social well-being

- 6.2.12 The Local Plan Strategy plans to deliver the District's housing need, in large part, within and at the edges of Lichfield. Approximately 1,794 dwellings are planned to be built within the urban area. In order for the District Council to meet the identified housing need, land such as this need to come forward in a timely and well planned manner.
- 6.2.13 In addition to the significant contribution Lichfield will make to meeting the District's housing need, there is a policy objective (Policy H1 of the Local Plan Strategy) to re-balance the District's housing stock. This places a policy preference for 2 and 3-bedroom dwellings. The development is wholly aligned with these policy objectives and will represent a meaningful addition to the housing supply.
- 6.2.14 Whilst the loss of the Public House removes a community facility from the area, there are equivalent alternatives within a short walk and cycle from the Site. A number of Public Houses are located along Beacon Street and within the City centre. The demolition of the existing Public House will not result in the inability for the community to function and the benefits in delivering housing and removing building out of character and in a poor state of repair outweigh and limited harm.
- 6.2.15 The redevelopment of the Site will also remove an opportunity for vandalism within the area. The vacant site, being close to residential properties and a popular parade of shops, increases the perceived risks of crime and anti-social behaviour.

Environmental well-being

- 6.2.16 The Site comprises of a large former public house which has been vacant for a number of years. It is not a building of high architectural merit or historic significance that renders it a building worthy of retention. The land and building are in a derelict state and are a source of anti social behaviour. The location within a residential suburb of Lichfield and the derelict state cause significant harm to the visual amenity of the local environment. Given the residential environment and the close proximity to a parade of shops, the visual impact of the vacant derelict site is increased by virtue of it being particularly prominent to a large part of the local community. There is little landscape planting within the Site to soften the appearance of the land and building. The redevelopment of the Site for a high quality housing development will afford an opportunity to enhance the natural and built environment. New landscape planting and a comprehensive management regime will ensure these benefits are well maintained and long lasting.
- 6.2.17 Given the increase opportunities for habitat creation and planting, the development will generate no net loss to biodiversity. Measures to further boost the natural environment, for example, through the installation of bat boxes/tile/bricks, will provide a net gain to biodiversity.

Conclusion

- 6.2.18 The Scheme will contribute significantly to the improvement of the economic, social and environmental well-being of the Council's area.

Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

- 6.2.19 The purpose of acquiring the Order Land is to facilitate delivery of the Scheme providing the demolition of the existing (vacant) public house and, in its place, the construction of 12 no. 3-bedroom dwellings in accordance with the Development Plan. The Order Land is required to provide unimpeded vehicular and pedestrian access, to facilitate and have control over the visibility splays and enable drainage and other services to be brought to the Site without restriction. Planning permission for the Scheme has been granted.
- 6.2.20 Core Policy 1 of the Local Plan Strategy states that the District Council will deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements whilst making best use of and improving existing infrastructure. Core Policy 1 reads on to state that development proposals will be expected to make efficient use of land and to prioritise the use of previously developed land. As part of this strategy the District Council will direct the majority of future development to Lichfield City Centre and its urban area, amongst other places.
- 6.2.21 Core Policy 6 sets out the strategy of how the District Council's housing need will be delivered across the plan period. It states that Lichfield District will provide 70% of housing on previously developed land to 2018 and 50% thereafter. It reads on to say that housing development will be focused on a number of key urban and rural settlements including Lichfield City and that, apart from four large SDA's, at the edge of Lichfield, a significant proportion of the Districts housing need will be provided within the urban area of Lichfield.
- 6.2.22 Policy H1 of the Local Plan Strategy seeks to secure an enhanced housing market and states that the District Council will "actively promote" the delivery of smaller properties including 2 and 3-bed houses, in order to increase local housing choice.
- 6.2.23 Policy Lichfield 4 re-confirms that approximately 38% of the District's housing growth will take place in and around Lichfield City, with around 46% of this being located within the urban area. This amounts to approximately 1,794 homes being provided within the urban area of Lichfield.
- 6.2.24 Insofar as the loss of a community facility, Core Policy 4 sets out that the District Council will seek to protect and where appropriate, improve services and facilities that provide a key function in the operation of existing communities. It reads on to state that development proposals resulting in the loss of a key facility from a settlement, which is essential to the sustainable functioning of that settlement, will not be supported unless a replacement facility of improved quality is provided for that community in a sustainable location.
- 6.2.25 In this context, the development accords with the Development Plan and emerging Site Allocations Plan. It represents sustainable development and the recycling of previously developed land. There are substantial environmental, social and economic benefits that will arise through the development and occupation of the Site for housing and its commencement should be encouraged without delay.
- 6.2.26 As the Order Land is in unknown ownership, it is not possible to secure the land and interests in land required by agreement. Compulsory purchase powers are therefore essential to enable the scheme to proceed.

- 6.2.27 The Council has considered whether redevelopment in accordance with planning policy might be achieved by individual landowners without the need for compulsory purchase. However, owing to the comprehensive nature of the Scheme and the fact that the Order Land is, or is reputed to be in, unknown ownership, redevelopment by individual owners is not considered to be a practicable option.
- 6.2.28 Sub-division of the Scheme into separate components controlled by different developers is unviable and unworkable commercially as the Scheme requires a comprehensive and sequential design and delivery which cannot be achieved without control of the Order Land.
- 6.2.29 It is considered that the Order Land is not capable of redevelopment in isolation, due to its nature, size and location and can only be brought into beneficial use as part of a comprehensive development scheme as proposed by Phase 7.
- 6.2.30 Overall, it is concluded that there is no credible alternative scheme for the redevelopment of the Order Land which could deliver such a comprehensive Scheme meeting the planning policy objectives within a reasonable timeframe.

The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position

6.2.31 The developer has the necessary funding to deliver the Scheme and acquire the necessary Order Land and interests in land. Viability of the Scheme is not in doubt.

6.3 **Paragraph 14 – What information about the resource implications of the proposed scheme does an acquiring authority need to provide?**

"In preparing its justification, the acquiring authority should address:

*a) **sources of funding** - the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:*

- the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme; and*
- the basis on which the contributions or underwriting is to be made*

*b) **timing of that funding** - funding should generally be available now or early in the process. Failing that, the confirming minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date, and only in exceptional circumstances, would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years.*

Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice."

6.4 Phase 7 is responsible for construction costs of the scheme and has given an undertaking to the Council under which it has agreed to meet all land and compensation costs relating to the purchase of the Order Land. Phase 7 is also responsible for reimbursing the Council for all costs relating to the making and implementation of the Order.

6.5 The Council is therefore confident that funds will be available for the Scheme and satisfied that there are no financial impediments to the Scheme proceeding.

6.6 **Paragraph 15, CPO Guidance – How does the acquiring authority address whether there are any other impediments to the scheme going ahead?**

"The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:

- *the programming of any infrastructure accommodation works or remedial work which may be required; and*
- *any need for planning permission or other consent or licence*

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority's supplementary planning documents and national planning policy, including the National Planning Policy Framework."

6.7 Planning permission has been granted for the Scheme and therefore there is no impediment to implementation in this regard.

6.8 The Council is therefore satisfied that there are no physical or legal impediments to the Scheme proceeding.

6.9 **Paragraph 12, CPO Guidance – How does an acquiring authority justify a compulsory purchase order?**

6.10 The overarching consideration for the Council when making the Order and for the Secretary of State in deciding whether the Order should be confirmed, is set out in paragraph 12 of the CPO Guidance which states:-

"A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

6.11 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights. Article 1 of the First Protocol provides the right to peaceful enjoyment of possessions and that no one shall be deprived of his possessions except in the public interest, Article 8 provides the right to respect for private and family life including a person's home and Article 6 provides the right to a fair and public hearing.

6.12 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the

Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 must be "necessary in a democratic society" and proportionate.

- 6.13 The Order, if confirmed, would strike an appropriate balance between public and private interests. Interference with Convention rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental well-being benefits the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the statutory compensation code.
- 6.14 The requirements of Article 6 are satisfied by the statutory procedures under which this Order is being prepared and confirmed, which include for the right to object, the right to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.
- 6.15 For the reasons set out in this Statement of Reasons, the Council considers that there is a compelling case in the public interest for the Order to enable this much needed housing scheme to be delivered, thus meeting the requirements of the Convention.
- 6.16 **Paragraph 13, CPO Guidance – How will the confirming minister consider the acquiring authority's justification for a compulsory purchase order?**

"The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.

However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.

If an acquiring authority does not:

- have a clear idea of how it intends to use the land which it is proposing to acquire; and*
- cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale*

it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making."

- 6.17 The Council considers it has demonstrated in this Statement of Reasons that there are sufficiently compelling reasons for the powers to be sought at this time to enable the Scheme and the benefits it will bring to be delivered. Phase 7 and the Council has more than a clear idea of how it intends to use the Order Land which it is proposing to acquire; the detail of which is set out in **Section 5** above. Further and as demonstrated above the necessary resources are in place to enable the Scheme to be delivered by the Council and Phase 7 within a reasonable timescale.
- 6.18 **Paragraph 2, CPO Guidance - When should compulsory purchase powers be used?**

"... The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. ..."

- 6.19 Since February 2017 Phase 7 has been making enquiries regarding ownership and other interests in the Order Land but without success. In the absence of any party or parties to negotiate with it is not possible for the Order Land and interests in land to be secured by agreement. In the circumstances compulsory acquisition is the only means of securing the Order Land so that the Scheme can be implemented.
- 6.20 The Council considers that both it and Phase 7 has taken more than reasonable steps to establish ownership and to acquire all of the land included in the Order by agreement. However on the basis of the enquiries made to date, it seems unlikely that it will be possible to acquire the Order Land by agreement and thus CO powers will need to be employed. The Council is making this Order to secure the assembly of all the land needed for the implementation of the Scheme.
- 6.21 Phase 7 and the Council will continue to make enquires to establish ownership of the Order Land and interests in the Order Land and will seek to acquire these by agreement, should ownership or other interests in the Order Land be established.

7. **SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

- 7.1 There are no special considerations affecting the Order Land nor does the Order include any special category land.

8. **HUMAN RIGHTS CONSIDERATIONS**

- 8.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The parts of the Convention rights which have been and continue to be considered in the course of the making of the Order and leading up to the confirmation of the Order include those set out below: Article 1 of the First Protocol and Articles 6 and 8 of the Convention are of particular relevance.

- 8.2 Relevant parts of **Article 1 of the First Protocol of the Convention** provide that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest"

- 8.3 If confirmed by the Secretary of State, the Order will affect the Article 1 rights of the present leaseholders/occupiers resident within the Order Land. However, there will be no violation of those rights where the steps taken are in the public interest and are lawful, as is required by Article 1 of the First Protocol (above) and Article 8 of the Convention (below).

- 8.4 Relevant parts of **Article 6 of the Convention** provide that:-

"In the determination of his civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

- 8.5 The Order proposals have been extensively publicised and consultation has taken place with the communities that will be affected by the Order.

- 8.6 All those affected by the Order have been notified of its making and have the opportunity to make objections to the Order and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed by the Secretary of State. Those persons directly affected by the

Order will also be entitled to compensation proportionate to any losses that they may incur as a result of any compulsory acquisition made pursuant to the Order.

8.7 Relevant parts of **Article 8 of the Convention** provide that:

"(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

"(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others".

8.8 Article 8(1) is a qualified right and interference with it may be justified in appropriate cases by reference to Article 8(2).

8.9 The Order has been made pursuant to section 226(1)(a) of the 1990 Act which authorises the Council to acquire land compulsorily subject to following the procedures laid down in the Acquisition of Land Act 1981. The Council considers that there is a compelling case in the public interest such that if the Order Land is acquired the public benefit will outweigh the private loss arising from that acquisition. In the circumstances, the compulsory acquisition of the Order Land will not conflict with the rights provided by Article 8(1) of the Convention as the qualifications in Article 8(2) apply.

Application of the principle that interference with Convention rights must be proportionate and justified in the public interest

8.10 In promoting this Order the Council has carefully considered the balance to be struck between individual rights and the wider public interest.

8.11 To the extent that the Order would affect those individual rights, the Council considers that proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate as very much needed homes will be delivered. The Scheme will also bring the other benefits described in this Statement at sections 5 and 6.

8.12 All of those persons whose rights under Article 8 of the Convention and under Article 1 of the First Protocol of the Convention would be affected by the Order will have an opportunity to object to the Order and to have their objection considered at a fair and public hearing, in accordance with their rights under Article 6 of the Convention.

8.13 Appropriate compensation will be made available to all those entitled to claim it under the relevant provisions of the statutory Compensation Code.

8.14 In addition, having regard to the provisions of the 1990 Act and the Guidance, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment and improvement and will, for the reasons explained in this Statement, make a positive contribution to the promotion or achievement of the economic, social and environmental wellbeing of its area. The Council therefore has a clear idea of how it intends to use the land which it is proposing to acquire compulsorily. Further, the necessary resources are in place to achieve delivery of the Scheme within a reasonable timescale. Subject to confirmation of the Order (assuming the Order is to be confirmed by the Secretary of State) there are no impediments to its delivery.

8.15 The Council believes that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would be necessary, proportionate and would strike the appropriate balance between public and private interest. The Council is of the view that the Order would be lawful, in the public interest and proportionate as the Scheme would will facilitate much needed housing and bring other benefits to the area. In the view of the Council, the public interest

that is to be served by the development and the wider benefits it will bring outweigh the necessary interference with the private rights and interests in the Order Land.

- 8.16 It is therefore considered that the Scheme and the Order will not unduly infringe the rights of individuals which are provided by the European Convention on Human Rights. The Council is also satisfied that the requirements of the Guidance are met.

9. EQUALITY

9.1 Paragraph 6, CPO Guidance – How should the Public Sector Equality be taken into account in compulsory purchase regime?

"All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have regard to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.

For example an important use of compulsory purchase powers is to help regenerate run-down areas. Although low income is not a protected characteristic, it is not uncommon for people from ethnic minorities, the elderly or people with a disability to be over-represented in low income groups. As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between person who share a relevant protected characteristic and persons who do not share it. This might mean that the acquiring authority devises a process which promotes equality of opportunity by addressing particular problems that people with certain protected characteristics might have (e.g.making sure that documents are accessible for people with sight problems or learning difficulties and that people have access to advocates or advice)."

- 9.2 The Council therefore has a statutory duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- 9.2.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- 9.2.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 9.2.3 foster good relations between persons who share a 'relevant protected characteristic' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and persons who do not share it.

- 9.3 A full Equality and Diversity Assessment has been carried out to ensure that the proposals accord with Council Policy on such matters. This will be monitored and reviewed throughout the promotion and implementation of the Order to ensure that any impact can be measured and mitigated against as necessary.

- 9.4 Having had full regard to its duty under section 149 of the Equality Act 2010, the Council considers there is a compelling case in the public interest sufficient to justify the making of the Order.

10. CONTACT INFORMATION

- 10.1 Those parties affected by the Order who wish to discuss planning matters should contact:

Helen Bielby
Property and Projects Manager
Lichfield District Council

01543 308252

Helen.Bielby@lichfielddc.gov.uk

10.2 Those parties affected by the Order who wish to discuss CPO process matters should contact:

Richard Foster
Pinsent Masons LLP

0121 200 1050

Richard.Foster@pinsentmasons.com

11. INSPECTION OF DOCUMENTS

11.1 A copy of the Order, Order Map and other documents may be seen at:

11.1.1 Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffs, WS13 6YY,
Monday to Friday between 9am and 5pm.

12. INQUIRY PROCEDURE RULES

12.1 This Statement of Reasons is not intended to be a statement of case in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007.

13. INQUIRY DOCUMENTS

13.1 The following documents may be referred to or put in evidence in the event of an inquiry. These may be inspected at the same venues and times as the Order (see **Section 11** above).

List of Documents:

13.1.1 Planning decision notice for the scheme with reference number 17/01477/FULM granted on 19 February 2018.

13.1.2 Guidance on Compulsory Purchase (February 2018);

13.1.3 National Planning Policy Framework (March 2012);

13.1.4 National Planning Practice Guidance (2015) (this is only available for inspection via the following web-link - <http://planningguidance.communities.gov.uk>);

13.1.5 Local Plan Policy and Guidance (see Appendix 1).

13.1.6 The Council's Equality Impact Assessment;

13.1.7 The Council's Equality and Diversity Policy; and

13.1.8 The Council's Equality Objectives 2012-16.

14. CONCLUSION

14.1 In conclusion, for the reasons set out in this Statement of Reasons, the Council considers that there is a compelling case in the public interest for compulsory acquisition of the interests and rights referred to in the Order.

Pinsent Masons LLP

Dated [x] 2018

APPENDIX 1 – PLANNING POLICY

NATIONAL PLANNING POLICY

The National Planning Policy Framework ("NPPF") (2012)

1. The NPPF provides the Government's overarching planning policy guidance and its overriding principle is the presumption in favour of sustainable development. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than frustrated by unnecessary barriers. In relation to decision taking, this means "approving developments that accord with the development plan without delay"¹.
2. Paragraph 17 of the NPPF identifies twelve core planning principles of which the following are of particular relevance:-
 - 2.1 Proactively drive and support sustainable economic development to deliver the homes, business units, infrastructure and thriving local places that the country needs. Every effort should be made to identify and meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
 - 2.2 Encourage the effective use of land by reusing brownfield land; and
 - 2.3 Take account of land and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

National Planning Practice Guidance ("NPPG") (2014)

3. There are no policy changes of significance in the NPPG which would affect the decision made to make the Order.

LOCAL PLANNING POLICY

1. The Lichfield District Local Plan Strategy (including saved policies) was adopted in February 2015 and sets the spatial strategy and strategic planning context for Lichfield District to 2029. The Local Plan Strategy seeks to deliver sustainable development within the District across the plan period including the provision of new development to meet the identified needs within the area.
2. The Local Plan Strategy identifies Lichfield City as the most sustainable settlement within the District and Core Policies 1, 6 and Policy Lichfield 4 are clear that the urban area of the city will play an important role in the delivery of new dwellings to meet the housing requirements for the District. This includes a focus on brownfield sites within the urban area.
3. The Lichfield District Local Plan is to be made up of two documents, the first being the Local Plan Strategy, the second being the Local Plan Allocations document which is currently emerging. The draft Local Plan Allocations document seeks to identify further allocations to meet the requirements established within the adopted Strategy. The site of the Windmill Public House is identified within the allocations document as a proposed residential allocation.
4. The Lichfield City Neighbourhood plan was 'made' and adopted as part of the development plan within the District on 17 April 2018. The neighbourhood plan covers the designated neighbourhood area which is contiguous with the civil parish of Lichfield City.

¹ National Planning Policy Framework, Paragraph 14 (March 2012)

equality impact assessment stage 1 quick check questionnaire



If you are planning on making a change to an existing service or policy, or launching something new, fill out this quick questionnaire to find out if you need to complete a full equality impact assessment. You can also use this form to check your current services or policies.

To find out more about the legal background to equality impact assessments, or for advice on which of your current services should be assessed, read our equality impact assessment help notes.

Section 1: About you and your service area

Your name:	Helen Bielby
Your service area:	Economic Growth
Your director/line manager:	Richard King
Your cabinet member:	CLlr I Pritchard

Section 2: About your plans

Name of service/policy you are assessing:	Compulsory Purchase Order for Land at The Windmill, Grange Lane, Lichfield
--	--

Is it? (please delete as appropriate)
<ul style="list-style-type: none"> ▪ ▪ A new policy/planned service ▪

Who are the main users of your service/policy? (please delete any that are not appropriate)
<ul style="list-style-type: none"> ▪ All residents ▪

Please briefly describe why you are creating a new service/changing an existing service or reviewing current policy/service (where appropriate, include sources of evidence such as customer feedback):
To facilitate the carrying out and implementation of planning permission 17/01477/FULM, the Council will be making a compulsory purchase order (CPO) to enable the necessary acquisitions of land and interests in land.

¹ For help or guidance contact Colin Cooke on 01543 308121 or Alison Bowen on 01543 308129 or email colin.cooke@lichfielddc.gov.uk or alison.bowen@lichfielddc.gov.uk

Section 3: Will your plans impact on any particular groups?

3a: Please fill in all boxes that apply in the table below. If any boxes don't apply, please leave blank.

Hints & tips Think about who will benefit from or be affected by your plans/policy. Will any particular group be negatively affected, or not able to use the service? For further guidance please see Section 3 of the help notes.

Impact of plans	Will your plans have a positive impact on this group? If so please explain why?	Will your plans have a negative impact? If so please explain why? <input checked="" type="checkbox"/> If there is a negative impact on any group(s), please complete section 4 for each group.
Groups of users		
Age ranges (indicate range/ranges)		
Disability (physical, sensory or learning)		
Gender/sex		
Transgender/gender reassignment		
Race (includes ethnic or national origins, colour or nationality)		
Gypsies and travellers		
Refugees / asylum seekers		
Sexual orientation		
Marriage and civil partnerships		
Religion or belief (includes lack of belief)		
Pregnancy and maternity		
Carers or the people cared for (dependants)		
Other (please specify)		

3b: Further details

Please use this space to provide further details if necessary

Section 4: Can you justify and evidence, or lessen any impact? No

4a: If you have identified a negative impact(s) on any group(s) please complete the below table for each affected each group. If any boxes don't apply, please leave blank. If you didn't identify any negative impact(s) on the previous page, skip to section 6.

Hints & tips Is there something you can do to reduce or alter any negative impact you have identified? *For example when we changed waste and recycling collections to kerbside collections, we offered disabled/less able people assisted collections.* Please list all the evidence you have gathered to support your decision(s) – this could include customer feedback, statistics, comparable policies, consultation results. If you don't have any evidence, please carry out appropriate studies and research to gather the evidence you need to support your decision(s). If you have no/insufficient evidence or cannot gather any, you will need to complete a full EIA. For further guidance, see Section 4 of the help notes.

Actions you need to take	We will make the following change(s) to the service/policy to reduce the negative impact. Explain the change(s) and the evidence you have to support your decision? <input checked="" type="checkbox"/> Use section 4b below if you want to give more details.	We won't make changes as we can justify our decision and there are sound reasons behind our decision. Justify why and detail the evidence you have gathered to support your decision. <input checked="" type="checkbox"/> Use section 4c below if you want to give more details.	There is a negative impact, and we cannot justify it and/or have no, or insufficient, evidence to support our decision. <input checked="" type="checkbox"/> You will need complete a full equality impact assessment. See the help notes for more details.
Groups of users			
Age ranges (indicate range/ranges)			
Disability (physical, sensory or learning)			
Gender / sex			
Transgender / gender reassignment			
Race (includes ethnic or national origins, colour or nationality)			
Gypsies and travellers			
Refugees / asylum seekers			
Sexual orientation			
Marriage and civil partnerships			
Religion or belief (includes lack of belief)			
Pregnancy and maternity			
Carers or the people cared for (dependants)			
Other (please specify)			

4b: Further details on changes

Please use the space below to give more details on the changes you will make, if necessary:

4c: Further details on justification

Please use the space below to give more details on the justification/evidence you have gathered, if necessary:

³ For help or guidance contact Colin Cooke on 01543 308121 or Alison Bowen on 01543 308129 or email colin.cooke@lichfielddc.gov.uk or alison.bowen@lichfielddc.gov.uk

The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“the Convention”). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual.

In resolving to make the CPO the Council should consider the rights of property owners under the Convention, notably under the following Articles:

Article 1

This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8

This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.

Article 14

This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the implementation of the proposed development scheme, officers consider that it would be appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual property rights.

The opportunity has been given to landowners and other affected parties to make representations regarding the Council’s planning policies which underpin the proposed CPO. Further representations can be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected will be entitled to compensation proportionate to the loss which they incur as a result of the acquisition of their interests.

Section 5: Your action plan

Help notes If, as a result of this assessment, you are going to adapt your plans or policy, please include details below. Please include a quick action plan and key dates that will show how you will review your decisions and when. Please include responsibility and expected outcomes. For full guidance on how to complete this section, please refer to the help notes.

Section 6: Record your actions (delete as appropriate)

I have sent this to Policy and Performance for publication on the intranet and on www.lichfelddc.gov.uk	Yes
Date completed: 4.5.18	

4 For help or guidance contact Colin Cooke on 01543 308121 or Alison Bowen on 01543 308129 or email colin.cooke@lichfelddc.gov.uk or alison.bowen@lichfelddc.gov.uk

Community Infrastructure Levy: Allocating and Spending CIL: Additional Guidance

Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard



Date: 12th June 2018
 Agenda Item: 5
 Contact Officer: Maxine Turley/Ashley Baldwin
 Tel Number: 01543 308 206
 Email: Maxine.turley@lichfielddc.gov.uk
Ashley.baldwin@lichfielddc.gov.uk
 Key Decision? Yes
 Local Ward All wards
 Members

CABINET

1. Summary

- 1.1 On the 19th April 2016 Full Council approved the adoption of the Community Infrastructure Levy (CIL) Charging Schedule (CS). Full Council also agreed to commence charging CIL on the 13th June 2016.
- 1.2 CIL funding will be used to support infrastructure requirements identified within the adopted Regulation 123 list (February 2017).
- 1.3 In July 2016 Cabinet adopted the CIL Governance Structure and Administrative Arrangements.
- 1.4 To facilitate the allocation of CIL funding there is a requirement to put in place an application process.

2. Recommendations

- 2.1 It is recommended that the Cabinet approves the adoption of the proposed Allocating and Spending CIL: Additional Guidance as set out at Appendix A to this report.

3. Background

- 3.1 The Local Plan Strategy adopted in February 2015, sets out the strategic spatial policy context for the development and use of land in Lichfield District. It is recognised that there is a requirement for significant investment in infrastructure to support the level of sustainable development identified through the Local Plan Strategy.
- 3.3 CIL is a planning charge on development, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. On the 19th April 2016 following formal public consultation and an examination in public, the District Council adopted a CIL Charging Schedule enabling it to apply charges to qualifying development for the purposes of delivering key infrastructure. Approval was also given to commence charging CIL from the 13th June 2016.
- 3.4 CIL Regulation 123 is the requirement for a published list of infrastructure projects or types of infrastructure that the Charging Authority (District Council) intends will be, or may be, wholly or partly funded by CIL. The District Council adopted a Regulation 123 list on the 19th April 2016 and adopted and update in February 2017.

- 3.4 Cabinet adopted the overarching arrangements in July 2016 (CIL Governance Structure and Administrative Arrangements) which set out the strategic context for CIL and created a structure that would enable scrutinised recommendation to be made to Cabinet.
- 3.5 To facilitate the allocation of CIL funding to those infrastructure requirements identified on the Regulation 123 list there is a requirements for a suitable application process to be put in place. Details of a proposed allocation process are set out in Appendix A. The Cabinet is asked to consider the proposals and if agreeable endorse these.

Alternative Options	<ol style="list-style-type: none"> 1. To allocate funding without the support of guidance. Without the Additional Guidance it is likely that funded projects would not represent priorities nor robust delivery responses. 2. Cabinet suggest variations to the guidance. The guidance has been considered by both SIG and JMOG whose members have expert technical knowledge which is reflected within the current guidance. There is a risk that such knowledge is lost or eroded if significant amendments are endorsed.
Consultation	<ol style="list-style-type: none"> 1. The Allocating and Spending CIL: Additional Guidance has been considered by the Strategic Infrastructure Group (SIG) and the Joint Members Officer Group (JMOG). Both groups support the recommendation articulated within section two recommendations of this report.
Financial Implications	<ol style="list-style-type: none"> 1. Developer Contributions arising from CIL will contribute towards infrastructure requirements identified in the Infrastructure Delivery Plan and support the sustainable delivery of the Local Plan Strategy. CIL by its nature will not and cannot meet all the costs of infrastructure needed to support the Local Plan and there will be a need to access other funding sources including Section 106 and Section 278 funding, Local Growth Deal. An application process which sits under the already adopted Governance Structure will facilitate the meaningful allocation of CIL contributions, ensuring development in the District is sustainable, thus reducing the impact on Council resources.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The Allocating and Spending CIL: Additional Guidance when approved and adopted by the Council will assist in the allocation of CIL funds which will deliver infrastructure requirements to support the Lichfield District Local Plan Strategy. The Local Plan Strategy is aligned with the themes and aims of the District Council's Strategic Plan 2016-20.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. None 2. An equality impact assessment checklist has been completed and shows that CIL and the proposed administrative arrangements will not harm or prejudice the interests of any particular section of society.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. Options to build in crime prevention through environmental design will be explored where applicable.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That the Allocating and Spending CIL: Additional Guidance does not facilitate the appropriate allocation of CIL, therefore placing at risk the sustainable delivery of the Local Plan Strategy.	The Additional Guidance has been developed with input from a range of officers and Members through the previously adopted CIL Governance Structure and Administration	Yellow

	Arrangements. A review of the guidance will be required in the future which would address the risk.	
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Background documents

Local Plan Strategy Adopted February 2015

Infrastructure Delivery Plan 2015

Lichfield District Council Community Infrastructure levy Charging Schedule.

Lichfield District Council Regulation 123 list

CIL, Governance Structure and Administration Arrangements

Relevant web links

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Local-plan/Local-Plan-Strategy.aspx>

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Planning-obligations/Community-Infrastructure-Levy-CIL.aspx>

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Resource-centre/Evidence-base/Infrastructure/Infrastructure-delivery-plan-IDP.aspx>

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Planning-obligations/Downloads/Community-Infrastructure-Levy-CIL/CIL-governance-administration-procedures.pdf>

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Lichfield District Council

Allocating and Spending CIL: Additional Guidance

Community Infrastructure Levy



Community Infrastructure Levy

Allocating and Spending CIL Additional Guidance

Context

Lichfield District Council adopted its Community Infrastructure Charging Schedule (CIL) on the 19th April 2016. The supporting Community Infrastructure Levy Governance Administration Procedures were adopted in July 2016.

The Governance Procedure sits underneath the processes and procedures contained within the CIL Regulations and provides details of the local response adopted to enable sustainable development within Lichfield District. Focusing on ensuring corporate and political ownership of the delivery of infrastructure requirements the document explains the statutory requirements and introduces a CIL Allocation Structure amongst other requirements. For ease of reference the Structure is replicated in **Appendix A** of this document. A complete copy of the document can be viewed on the District Council's website, www.lichfielddc.gov.uk.

Allocating and Spending CIL: Guidance

The Governance Procedure established a key principle in terms of the distribution of CIL funding. Receipts remaining after administration costs and monies committed to Special Areas of Conservation and the 'Meaningful Proportion' to our Parish Councils will go into a 'centralised pot' for the purpose of supporting the delivery of strategic and local infrastructure improvements on a district wide basis.

This document provides guidance on how funds within the 'centralised pot' will be distributed and includes advice for Applicants (See **Appendix B**) and how to bid for monies (See Expression of Interest Form, **Appendix C**). It aims to help support those applying for CIL funding and establish an annual process for the allocating of monies.

Strategic and Local Infrastructure

Applications for monies will only be considered that deliver infrastructure needs identified in the District Council's Regulation 123 List and address requirements articulated within the District Council's Infrastructure Delivery Plan. Both these documents are available to view on the District Councils website.

Applicants should note that given the scale of CIL monies available it is very unlikely that CIL funds alone will completely cover the cost of new infrastructure needed to fully support planned development. As such, there will be competing demands for the 'centralised pot'. It is important to ensure that there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised appropriately.

In accordance with national Regulations, the District will pass on a 'meaningful proportion' of CIL receipts to Parish Councils to support the delivery of local infrastructure requirements. For Parishes where no Neighbourhood Plan is in place or is still emerging, this will be 15% of CIL (capped per

number of dwellings in the Parish area as per the CIL Regulations. Where a Parish has an approved Neighbourhood Plan in place, 25% of CIL (uncapped) will be passed to the Parish Council.

Applying for Strategic CIL Funds

Annually Lichfield District Council will publicise the amount of CIL funding received and available to allocate. Bodies will subsequently be invited to express an interest (EOI) in bidding in for these monies using an EOI template available via the Council's website.

The Expression of Interest Form requests key information:

- What is the name of the project
- How will the project link to the District Council's Regulation 123 List and Infrastructure Delivery Plan
- What is the cost of the project
- Who are the partners (if any) involved in the project
- What other funding sources are being/have been secured
- When will the project be delivered

Expression of Interest Forms submitted will be reviewed by an Internal Officer Working Group (IOWG), who will ensure that all submitted forms include the key information required, meet basic criteria (listed below) and are therefore eligible for CIL funding.

In order for a project to be considered for CIL funding, the following eligibility criteria needs to be met:

- The Expression of Interest Form has been completed satisfactorily
- The organisation has the legal right to carry out the proposed project
- The project is clearly defined as infrastructure as per the CIL Regulations
- The project is Conforms with the District Council's Regulation 123 list.

Eligible projects will then be scored by the Strategic Infrastructure Group (SIG).

The factors that projects will be scored against include:

- The need for the project.
- The public benefit of the project.
- The deliverability of the project.
- The value for money that a project provides.

Projects will be viewed favourably if they illustrate a robust match funding portfolio in other funds that wouldn't otherwise be available, particularly where those funds may not be available in future years, or where it makes use of match funding.

SIG will prioritise the eligible projects based on the above evaluation and provide an initial indication of the level of funding the project could receive. This information together with a recommendation will be presented to the Joint Member and Officer Working Group (JMOG).

JMOG will assess the information received and the recommendation of SIG and duly make a recommendation to Cabinet as to whether a project should receive CIL monies and if so the level of this. In making its recommendations, JMOG will provide an explanation as to how that decision was reached.

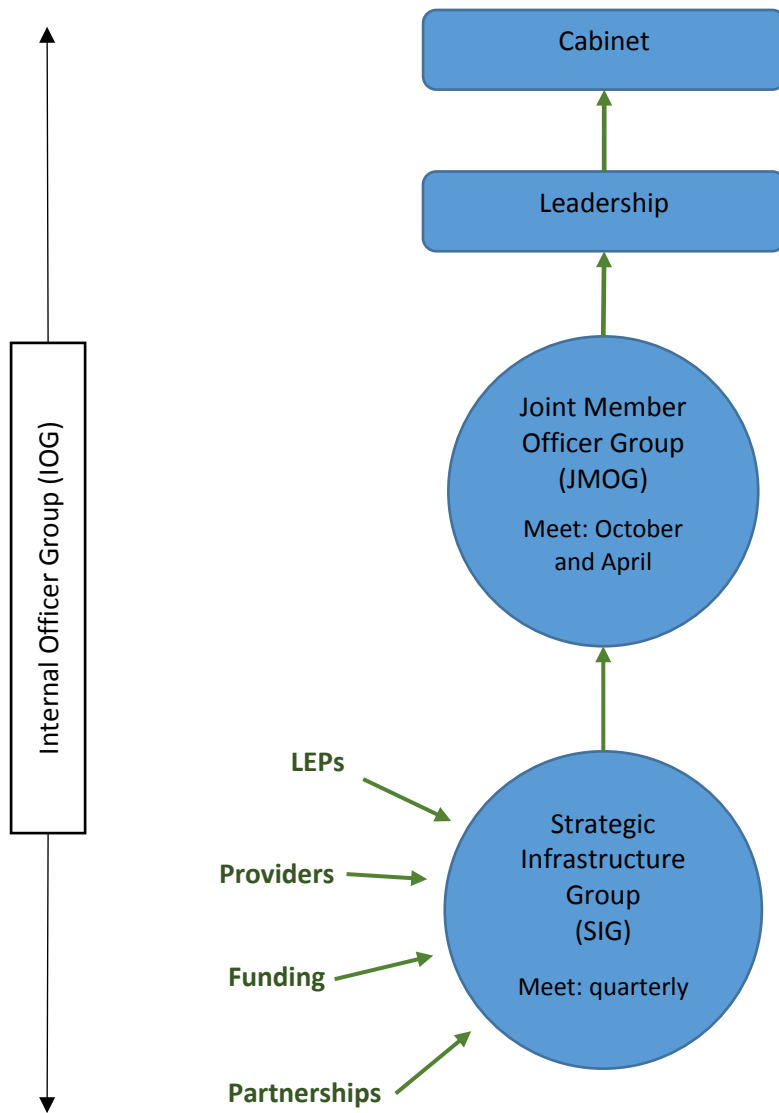
As stated, recommendations from the JMOG will then go forward to Cabinet. If agreed by Cabinet, stakeholders will be informed and funds will be allocated. Cabinet has the right to make a decision which does not accord with that of JMOG.

Once the Funding Decision has been made

When CIL funding is allocated to infrastructure providers, the CIL funding can only be used to deliver the agreed infrastructure type or project. As the Charging Authority, the Council will retain the right to recover CIL receipts that have been wrongly spent or not spent within agreed timescales.

To ensure the appropriate and timely delivery of projects, conditions will be attached to the allocation of CIL. Successful infrastructure providers will be required to enter into a Grant Agreement which will confirm the detail of those conditions. The grant agreement will include a commitment to complete quarterly monitoring returns to the Council. These returns will form the basis of a quarterly monitoring report to the Joint Member Officer Group.

Appendix A



Appendix B

Community Infrastructure Levy

Guidance for Applicants Section One: Your Organisation

Please provide contact details including the name of the person that will receive correspondence concerning the bid application. We may request additional information or clarification during the bid evaluation process and therefore you may wish to include contact details of the person within your organisation best able to provide a response.

Section Two: Your Project Proposal

Please use this section to provide a brief summary of your project and its location. You may choose to use maps and plans to articulate the location or details of your project; if so these should be simple, easy to understand and ideally provided in A4, they should also be attached electronically at the end of the form. You should also indicate in this section the arrangements in place for the sound and proper implementation for the project for example who will manage the project.

Section Three: Bid Justification

Please use this section to provide your reasons why you think your project should be prioritised for CIL Funding. A copy of the District Council's Infrastructure Delivery Plan and CIL Regulation 123 List can be found online at www.lichfielddc.gov.uk. Please indicate in this section the arrangement for the sound and proper implementation of the project for example the professional competencies /previous experience. You may wish to include supporting evidence; this should be attached electronically at the end of the form.

Section Four: Current Status of the Project

This section provides you with the opportunity to illustrate what stage in its development your project is and how you will develop your project to enable it to become deliverable.

Section Five: Your Partners

A diagram of the partnership may be beneficial: if so these should be simple, easy to understand and ideally provided in A4, they should also be attached electronically at the end of the form. We would expect that partner support is evidenced in a Letter of Support; they should be attached electronically at the end of the form.

Section Six: Current funding for the Project

This section provides you with the opportunity to request the amount of CIL funding required to enable your project to be delivered. We would also like to understand the other funding streams that are supporting your project and when this funding will become available. Evidence of grant funding support should be attached electronically at the end of the form.

Please include in your response proposals for the ongoing maintenance and upkeep of the item of infrastructure. You should also include the costs associated with the implementation of the project for example professional fees, regulatory fees.

Section Seven: Delivery Timescales

This section enables you to articulate your programme for delivering your projects. You should include key milestones and identify any interdependences.

Section Eight: Constraints and Risks

In this section you should identify the constraints that will shape how your project will be delivered and how you intend to address these constraints. We would expect that the information in this section shapes your response to Section Seven: Delivery Timescales. You should also include a complete risk assessment which includes actions to manage those risks identified.

Section Nine: Declaration

Consideration should be given to who in your organisation should sign the Declaration. Information submitted through the Expression of Interest will if successful be used to form the Grant Agreement.

Appendix C

Lichfield District Council: Community Infrastructure Levy, Strategic Fund

Expression of Interest Form

Submission Deadline xx xx 20xx x.xxpm.

This application form is supported by the following documents

- Community Infrastructure Levy (CIL) Governance Structure and Administrative Arrangements and Allocating and Spending CIL
- An editable version of the application form can be provided on request.

Section One: Your Organisation

Name and address of your organisation	
Details of main contact person	
Describe your organisation's main purpose and regular activities	
What is the legal status of your organisation?	

Section Two: Your Project Proposal

In no more than 15 words please choose a title which you think best describes your projects aims

Where is your project located?

In no more than 150 words provide a description of the of the project proposal.

Please indicated your organisation's commitment to the project including for example Board/Committee or Cabinet resolutions.

Section Three: Project Justification

Does the project feature in the Council’s Infrastructure Delivery Plan?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, please indicate the paragraph number reference here.

Para Number

Does the project support the delivery of infrastructure identified on the Council’s Regulation 123 List?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, please select which category and where relevant the specific element the project falls under?

Category	Infrastructure	Select
Transport	Completion of the Lichfield Southern Bypass via provision of new underbridge section.	<input type="checkbox"/>
	Improvements to the Strategic Highway Network as identified by the Highways England at, Muckley Corner.	<input type="checkbox"/>
	Improvements to the Strategic Highway Network as identified by the Highways England at Swinfen.	<input type="checkbox"/>
	Improvements to the Strategic Highway Network as identified by the Highways England Further junction improvements an safer access to A38 (Hillards Cross and Fradley South)	<input type="checkbox"/>
Transport	Lichfield City Centre Transport Package including; Bus Network improvements.	<input type="checkbox"/>
	Lichfield City Centre Transport Package including Cycle and walking routes with the City.	<input type="checkbox"/>
	Lichfield City Centre Transport Package including Electric Charging Points.	<input type="checkbox"/>
	Lichfield City Centre Transport Package including Delivery of a traffic directional signage scheme.	<input type="checkbox"/>
	Lichfield City Centre Transport Package including Designated Coach Parking Area.	<input type="checkbox"/>
	Lichfield City Centre Transport Package including Real Time Passenger Information, including signage to car parks.	<input type="checkbox"/>
	East Lichfield Local Transport Package (including Fradley Including HVG routing and parking arrangements in Fradley	<input type="checkbox"/>
	Burntwood Transport Package including Cannock Road – public realm enhancements and access modifications	<input type="checkbox"/>
	Burntwood Transport Package including Improved walking and cycling links from southern to northern Burntwood	<input type="checkbox"/>
	Bus access and service improvements linking to Cannock and	<input type="checkbox"/>

	Lichfield	
	Burntwood Transport Package including Burntwood Bus interchange	
	District wide measures including A5 (T) and A38 (T)	
	District wide measures including Route signage Lichfield to Tamworth	
Education	A 105 place expansion of Hob Hill Primary school Rugeley to increase the school from 210 to 315 places.	
	A 77 place expansion of All Saints Alrewas Primary School to increase the school from 238 places to 315 places.	
	Delivery of five forms of entry of additional secondary education facilities through <ul style="list-style-type: none"> • Expansion to Nether Stowe School • Expansion to The Friary School • Expansion to King Edward VI School 	
Open Space, Sporting and recreational Facilities	Improvements to open space provision, including play provision for key sites, in line with the Open Space Assessment	
	Improving indoor sport provision to serve Lichfield City and its hinterland as set out in the Swimming Pool and Sports Hall Feasibility Study 2013.	
	Improving playing pitch provision in line with the deficiencies identified in the Play pitch, Tennis and Bowls Strategy.	
Environment and Biodiversity	Chasewater Country Park improvements	
	Central Rivers Initiative projects	
	Improvements to the canal network to improve green infrastructure links	
	Local Nature Reserves	
	Woodland and hedgerow project	
	Lichfield Canal	
Other	Flood Mitigation General measure	
	Health facilities: In response to local evidence supporting expansion requirement to support growth across the District.	
	Low Carbon Initiatives/Carbon investment fund: support the delivery of Local Plan Strategy Policy SC1.	

Explain how your project meets the following elements.

Explain the existing problem, issue or need that the project addresses.	
To what extent does the project resolve the issue?	
Who are the likely beneficiaries of the project?	
What evidence do you have of consultation with the community or stakeholder for	

this project?	
Would the project lead to any income generation?	
What measures do you intend to put in place to ensure your project reaches a successful completion.	

Section Four: Current Status of the Project

Aside from funding is the project ready to commence?

Yes	
No	

If the project is not ready to commence, please list briefly the main constraints (please note further information is requested in Section Seven)

Section Five: Your Partners

Identify any project partners and their role within the project, including supporting evidence confirming roles and commitment.

Partner	Role

Section six: Current Funding for the Project

Please indicate the total cost of the project.	
Please provide a detailed breakdown of the costs for the project.	
Please provide a detailed summary of the total CIL funding required, including phasing.	
How much funding does the project currently have?	
Are there any revenue costs (i.e. day-to-day running costs, maintenance cost) associated with the project and if so how will they be funded and has that funding	

been secured?

Please indicate in the table below the source of additional funding that has been secured/ is being sought.

Source	Amount	Conditions Attached	Use by Date	Funding Confirmed*

*if no, please provide a date of when a decision is expected.

Does the CIL funding help secure the release of additional funding?

Yes	
No	

Section Seven: Delivery Timescales

What is the delivery timescale for the Project?

Immediately	
Up to 5 years	
5-10 years	
10-15 years	
More than 15 years	

Please provide further details on the programme for delivering the project, including start and completion dates

Section Eight: Constraints and Risk

Please indicate which constraints (if any) apply to your project

- Physical and environmental impacts e.g. flood risk, contamination biodiversity, noise etc.
- Approvals of necessary consents e.g. planning permissions
- Ownership, acquisition or compulsory purchase order issues
- Partnership and governance issues
- Dependency on other projects going ahead

Please provide further information about any constraints identified or detail any constraints not listed.	
Please explain to what extent the constraints identified can be overcome.	

Please explain the risks involved in the project and identify measures to reduce or overcome such risks.

Risk	Management
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Risk: Financial	
Risk: Delivery	
Risk: Reputational	
Risk: Other	

Section Nine: Declaration

When you have completed the Expression of Interest, please sign the declaration below.

To the best of my knowledge the information I have provided on this application form is correct.

Signed

Position in Organisation

Date

Any Questions

If you have any questions, please email Ashley.Baldwin@Lichfielddc.gov.uk

Allocation of S106 monies: Application 07/00147/OUT (Land to the rear of the Royal Oak, Hill Ridware)



Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard

Date: 12th June 2018
 Agenda Item: 6
 Contact Officer: Maxine Turley/Ashley Baldwin
 Tel Number: 01543 308 206
 Email: Maxine.turley@lichfielddc.gov.uk
Ashley.baldwin@lichfielddc.gov.uk

CABINET

Key Decision? No
 Local Ward Cllr Shirley Barnett, Colton and The Ridware
 Members

1. Summary

- 1.1 The District Council is in receipt of £71,054.19 through the Section 106 Agreement associated with the planning application 14/00147/OUTM (Land to the rear of Royal Oak, Hill Ridware).
- 1.2 Cabinet approval requires that the Community Infrastructure Levy (CIL) Governance and Administration Procedures should be used to enable the allocation of such funds, which has resulted in the allocation being considered by the Strategic Infrastructure Group (SIG) and the Joint Members and Officer Group (JMOG) prior to Cabinet.
- 1.3 Funding applications have been encouraged from Mavesyn Ridware Parish Council for the provision of improvements to public open space.
- 1.4 Recommendations will result in available funding being distributed to support one project located in Mavesyn Ridware Parish Council which will result in improvements to play equipment enabling the continued and increased use of existing public open space.

2. Recommendations

- 2.1 Cabinet recommend the allocation of the Section 106 monies identified paragraph 1.1 of this report be allocated to:
 - Renovation and replacement of play equipment at Hill Ridware Village Hall - £71, 054.19.

3. Background

- 3.1 On the 5th December 2017 Cabinet approved the use of the established CIL Governance and Administration Procedures to enable the allocation of non-site specific Section 106 monies. As such this report articulates recommendations that have been considered and supported by both SIG and JMOG.

- 3.2 Mavesyn Ridware is a small parish situated in the Trent Valley. It forms part of what are locally known as The Ridwares, which includes the settlements of Mavesyn Ridware, Hill Ridware and Pipe Ridware. Hill Ridware is the largest of the villages, with a population of approximately 500.
- 3.3 The District Council is in receipt of £71,054.19 of developer contributions to support the **“provision of off – site public open space contribution purpose means the improvements to and/or provision of public open spaces within the vicinity of the Development and within the District of Lichfield”** secured through Schedule 3 Part 1 of the Section 106 Agreement associated with the planning application 14/00147/OUTM (Land to the rear of Royal Oak, Uttoxeter Road, Hill Ridware).
- 3.4 The planning application approval grants permission for the erection of 39 dwellings to the rear of the now demolished Royal Oak pub on Uttoxeter Road, Hill Ridware.
- 3.5 The Section S106 Agreement was secured before the District Council adopted its CIL Charging Schedule (April 2016) and current Regulation 123 List (February 2017).
- 3.6 The District Council encouraged the submission of funding applications for capital projects that would result in improvement or provision of public open space from Mavesyn Ridware Parish Council in February 2018.
- 3.7 One application was submitted which focuses on improvements to the outdoor play equipment at Hill Ridware Village Hall. The application illustrates a range of benefits relating to the provisions identified with the Agreement. Table 1 below summaries the project submitted.

Table 1

Applicant	Project Title	Project Summary	Project Costs
Mavesyn Ridware Parish Council	Renovation and replacement of play equipment at Hill Ridware Village Hall	To renovate and replace the play equipment, which is now over 8 years old, on the open space to the rear of the Village Hall. The surrounding fenced area will be extended by 2 metres to provide an increased play area and a greater range of play equipment can be provided.	£81,054.19

- 3.10 It should be noted that the Parish Council have allocated £10,000.00 of their own funds to facilitate delivery of the project.
- 3.11 It is recommended that the application to renovate and replace the play equipment at Hill Ridware Village Hall receives the full obligation available which has been secured through planning application 14/00147/OUT.

Alternative Options	1. Non-site specific Section 106 monies could be allocated to infrastructure priorities identified by the District Council. Without the input of the Parish Council it is very likely that those priorities would not address local infrastructure need.
Consultation	1. Allocation of Section 106 monies: Application 07/00147/OUT (Land to the rear of the Royal Oak, Hill Ridware) has been considered by the Strategic Infrastructure Group (SIG) and the Joint Members Officer Group (JMOG),

	<p>both groups support the recommendation articulated within Section 2 Recommendations of this report.</p> <p>2. An invitation to attend and make representations at JMOG was extended to relevant wards members.</p>
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Financial Implications	<p>1. The Section 106 Obligation identified within the report is time restrictive, failure to spend the secured monies within a set time period would enable the developer to claw back such funding. Specifically there is a seven year period from the date of payment spend requirement identified within (Schedule 3, Para 2.2). The District Council was in receipt of such monies in December 2017.</p> <p>2. The application process supported by the previously adopted CIL Governance Structure has ensured the meaningful allocation of developer contributions, thus reducing the impact on Council resources.</p>
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Contribution to the Delivery of the Strategic Plan	<p>1. The allocation, investment subsequent delivery of improved play equipment will contribute the following outcomes identified within the District Council's Strategic Plan 2016-20.</p> <ul style="list-style-type: none"> • More people will be active and healthy • More people will use parks and open spaces. <p>1. The allocation, investment and subsequent delivery of improved infrastructure will contribute the following outcomes identified within the District Council's Strategic Plan 2016-20.</p> <ul style="list-style-type: none"> • More people will be active and healthy. • More people will use parks and open spaces. • More people will be involved in volunteering and community activity. <p>Our heritage and open spaces will be well maintained or enhanced.</p>
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Equality, Diversity and Human Rights Implications	<p>1. None</p>
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Crime & Safety Issues	<p>1. None</p>
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That the Allocation of funding to a third party will reduce the District Councils ability to ensure timely delivery.	The Officer Working Group (OWG) that is part of the adopted CIL Governance and Administration Procedures will undertake a project monitoring role.	Yellow
C	That the monies are subject to claw back within a 7 year time horizon if projects are not delivered, and/ or money is not allocated.	The Officer Working Group (OWG) that is part of the adopted CIL Governance and Administration Procedures will undertake a project monitoring role.	Yellow

<p>Background documents</p> <p>CIL, Governance Structure and Administration Arrangements</p>
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Relevant web links

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Planning-obligations/Downloads/Community-Infrastructure-Levy-CIL/CIL-governance-administration-procedures.pdf>

Allocation of S106 monies: Application 07/00774/OUTM (Prologis Fradley)



Report of the Cabinet Member for Economic Growth, Environment & Development Services:

Councillor I. Pritchard

Date: 12th June 2018
 Agenda Item: 7
 Contact Officer: Maxine Turley/Ashley Baldwin
 Tel Number: 01543 308 206
 Email: maxine.turley@lichfielddc.gov.uk Ashley.baldwin@lichfielddc.gov.uk
 Key Decision? Yes
 Local Ward: Cllr Wilcox
 Members: Cllr Rayner, Cllr Stanhope

CABINET

1. Summary

- 1.1 The District Council is in receipt of £122,126.00 through the Section 106 Agreement associated with the planning application 07/00774/OUTM (Prologis Fradley).
- 1.2 Cabinet approval requires that the Community Infrastructure Levy (CIL) Governance and Administration Procedures should be used to enable the allocation of such funds, which has resulted in the allocation being considered by the Strategic Infrastructure Group (SIG) and the Joint Members and Officer Group (JMOG) prior to Cabinet.
- 1.3 Funding applications have been encouraged from Fradley and Streethay Parish Council and from the relevant Clinical Commissioning Group for the provision of and improvement to social, recreation, education, community and health facilities.
- 1.4 Recommendations result in available funding being distributed to support three projects located in Fradley and Streethay Parish Council which will enable the continued and increased use of existing social and community services and also provide for new provision.

2. Recommendations

- 2.1 Cabinet recommend the allocation of Section 106 monies identified and detailed in paragraph 1.1 be distributed as set out in Table 1 below.

Table 1

Project	Allocation
New Build Parish Office/Community Hub	£92,157.00
Fradley Village Heating & CCTV	£14,969.00
Fradley Youth & Community Centre Cladding & Porch	£15,000.00

- 2.2 Cabinet note the recommendation to direct and support future health provision applications through the CIL application process.

3. Background

- 3.1 On the 5th December 2017 Cabinet approved the use of the established CIL Governance and Administration Procedures to enable the allocation of non-site specific Section 106 monies. As such this report articulates recommendations that have been considered and supported by both SIG and JMOG.
- 3.2 Fradley is a settlement comprising two key parts: the original smaller residential area known as Fradley Village and the more recent housing development centred in the former airfield, known as Fradley South. The Local Plan Strategy identifies Fradley as a sustainable settlement that will play a significant role in meeting the districts housing need by providing growth of around 1,250 new dwellings over the plan period (2008-2029). Fradley also remains a major focus for employment through the implementation of existing planning application commitments. Currently Fradley residents' access health care facilities in either Alrewas or Lichfield City.
- 3.2 The District Council is in receipt of £122,126.41 of developer contributions to support the **“provision for new or improvements to existing social recreation education community and health facilities within the District of Lichfield”** secured through Schedule 1 Part 6, 7 and 8 of the Section 106 Agreement associated with the planning application 07/00774/OUTM (Prologis Fradley).
- 3.3 The planning application approval grants permission for industrial and warehouse development (use class B1, B2 B8) with ancillary offices, associated gatehouse, car parking and serving, landscaping, roads and footpaths for land at Easthill Farm, Wood End Lane Fradley. The development is located within an existing employment area adjacent to the settlement of Fradley.
- 3.4 The Section S106 Agreement was secured before the District Council adopted its CIL Charging Schedule (April 2016) and current Regulation 123 List (February 2017).
- 3.5 Following discussions with both Fradley and Streethay Parish Council and Clinical Commissioning Group for the area the District Council encouraged the submission of funding applications for capital projects that would deliver new or improved facilities relating to social, recreation, education, community and health provision.
- 3.6 Four applications were submitted which illustrate a range of benefits relating to the provisions identified with the Agreement. Table 2 below summaries the projects submitted.

Table 2

Applicant	Project Title	Project Summary	Project Costs
Fradley & Streethay Parish Council	New Build Parish Office/Community Hub	To build a parish office with community hub facilities for all age groups. The Parish Council has over the past had to move from one place to another in rented accommodation. The growing population need a village hub located within a permanent parish office including meeting rooms for general community and small business use.	£92,157.00
Fradley Village Hall	Fradley Village Hall Heating and CCTV	Replacement of outdated and inadequate heating and CCTV systems that are no longer sufficient for purpose. Maintaining local facilities to ensure that it is fit for use supports the	£14,969.00

		community and provides a good venue to enable residents to join activities.	
Fradley Youth & Community Centre	FYCC Cladding & Porch	The completion of Fradley Youth & Community Centre to include external cladding and front porch as per the original plans for the centre to carry out its charitable work. Completion will enable the building to fit in with the Village Hall, and no longer look unfinished.	£15,000.00
Westgate Practice	Westgate Practice Restructure	The Westgate Practice and Cloisters Practice have merged as from 1 st December 2017, in a bid to work at scale. The project aims to restructure the building at Greenhill Health Centre to increase clinical capacity of the Practice, to develop and increase minor surgery provision and essentially to ensure appropriate clinical staffing to meet the growing patient size of the Practice.	£390,000.00

- 3.7 Westgate Practice is located at Greenhill Health Centre, Church Street, and Lichfield. The Health Centre is owned by NHS Property Services and rented by the Partners of the Westgate Practice. The application submitted by Westgate Practice relating to the restructure of an existing building to increase clinical capacity through the conversion and improve the existing building. The improvements will be delivered through a phased approach to meet the growth in service demands generated by housing growth. The application does not identify a funding request, instead it provides a total project cost and includes supplementary information which identifies cost estimate breakdowns for each element of the proposed works.
- 3.8 It is difficult to identify which elements of the proposed works relate directly to an increase in health provision capacity and those that are associated with the more general building improvements or further the relationship between both.
- 3.9 Whilst the application identified an increase in service need it does not include evidence to support a direct link between the proposed improvements, housing growth in Fradley and the increase in services demand.
- 3.8 It should however be noted that the need for increased health provision in response to the allocated housing growth in Fradley is identified within the Local Plan Strategy and through its evidence base via the Infrastructure Delivery Plan (see Table 3). The District Councils Regulation 123 List identifies the following in relation to health facilities.

Table 3

Infrastructure to be funded in whole or in part by CIL
Health Facilities CIL funds may be used where evidence is provided that there is no local capacity and expansion of services is required to support growth across the district.

3.9 It is therefore recommended that this application does not receive obligations secured through planning application 07/00774/OUTM and that a submission to address Fradley’s health provision is redirected in the first instance to infrastructure funding available through the CIL strategic allocation.

3.10 The removal of the Westgate Practice Restructure application from the selection process enables all other submissions to be supported in full.

Alternative Options	1. Non-site specific Section 106 monies could be allocated to infrastructure priorities identified by the District Council. Without the input of the Parish Council and other service providers it is very likely that those priorities would not address local infrastructure need.
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Consultation	1. Allocation of Section 106 monies: Application 07/00774/OUTM (Prologis Fradley) has been considered by the Strategic Infrastructure Group (SIG) and the Joint Members Officer Group (JMOG), both groups support the recommendation articulated within Section Two of this report.
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Financial Implications	<p>1. The Section 106 Obligation identified within the report is time restrictive, failure to spend the secured monies within a set time period would enable the developer to claw back such funding. Specifically there is a five years from the date of payment spend requirement identified within (Schedule 2, Para 2). The District Council was in receipt of such monies in January 2017.</p> <p>2. The application process supported by the previously adopted CIL Governance Structure has ensured the meaningful allocation of developer contributions, thus reducing the impact on Council resources.</p>
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Contribution to the Delivery of the Strategic Plan	<p>1. The allocation, investment and subsequent delivery of improved infrastructure will contribute the following outcomes identified within the District Council’s Strategic Plan 2016-20.</p> <ul style="list-style-type: none"> • More people will be active and healthy. • More people will use parks and open spaces.
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Equality, Diversity and Human Rights Implications	1. None
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Crime & Safety Issues	1. None
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That the Allocation of funding to a third party will reduce the District Councils ability to ensure timely delivery.	The Officer Working Group (OWG) that is part of the adopted CIL Governance and Administration Procedures will undertake a project monitoring role.	Yellow
B	That the monies are subject to claw back within a 5 year time horizon if projects are not delivered, and/ or money is not allocated.	The Officer Working Group (OWG) that is part of the adopted CIL Governance and Administration Procedures will undertake a project monitoring role.	Yellow

Background documents CIL, Governance Structure and Administration Arrangements
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Relevant web links

<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Planning-obligations/Downloads/Community-Infrastructure-Levy-CIL/CIL-governance-administration-procedures.pdf>

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Allocation of S106 monies: Application 03/00627/OUT (Hawksyard)



Report of the Cabinet Member for Economic Growth, Environment & Development Services:

Councillor I. Pritchard

Date: 12th June 2018

Agenda Item: 8

Contact Officer: Maxine Turley/Ashley Baldwin

Tel Number: 01543 308 206

Email: maxine.turley@lichfielddc.gov.uk ashley.baldwin@lichfielddc.gov.uk

CABINET

Key Decision Yes

Local Ward Members Armitage with Handsacre
Cllr Cox
Cllr Marshall
Cllr Tittley
Cannock Chase Council Brereton and Ravenhill Parish Council
Cllr Dudson
Cllr Fisher
Cllr Foley

1. Summary

- 1.1 The District Council is in receipt of £401,000.00 through a Section 106 Agreement associated with the planning application 03/00627/OUT (Hawksyard).
- 1.2 In accordance with agreed procedures Cabinet approval is required for the allocation of the aforementioned monies and follows consideration of the matter by the CIL/S106 Strategic Infrastructure Group (SIG) and Joint Members and Officer Group (JMOG)¹.

2. Recommendations

- 2.1 Cabinet note the content of the report and consider the recommendations made by both Strategic Infrastructure Group (SIG) and JMOG in relation to the allocation of funding, noting the variances between the groups.
- 2.2 Cabinet approve the allocation of part of the Section 106 monies as set out in Table 1 below for projects within Armitage with Handsacre parish.

Table 1

Project	Allocation
Replacement of children's play equipment at Upper Lodge Play Area	£21,000.00
Armitage with Handsacre Village Hall heating upgrade	£19,821.71
Armitage with Handsacre Village Hall storage container	£15,700.00
Re-siting/improvement of Armitage War Memorial and surrounding area	£120,000.00
Replacement of canopy and installation of artificial grass at Armitage Pre-School	£13,000.00

¹ SIG (officer group consisting of Lichfield District Council and Staffordshire County Council officers) and JMOG (Member and officer group consisting of Lichfield District Council and Staffordshire County Council officers and Members) are the respective groups that exist within the Council's Community Infrastructure Levy governance procedures. They, inter alia, consider the applications for awarding non site specific Section 106 monies and CIL monies.

- 2.3 Cabinet consider the allocation of part of the Section 106 monies of this report as set out in Table 2 below and if so minded recommend the allocation as set out in Table 2 below for projects in Brereton and Ravenhill parish (Cannock).

Table 2

Project	Allocation
Canal Towpath Improvements	£211,478.29

3. Background

- 3.1 On the 5th December 2017 Cabinet approved the use of the established CIL Governance and Administration Procedures to enable the allocation of non-site specific Section 106 monies.
- 3.2 The District Council is in receipt of £401,000.00 of developer contributions to support the **“provision of social, recreation, education, community and health”** secured through Schedule 2 Part 2 Paragraph 2(b) of a S106 Agreement associated with the planning application 03/00627/OUT (Hawksyard). The full wording of the referenced section of the agreement is as follows;
- “b. The remaining proportion of the Social and Community facilities Contribution shall be applied towards the provision of social recreation education community and health within the Parish of Brereton and Ravenhill or Armitage and Handsacre as appropriate which are affected by and of benefit to people residing within the Development;”
- 3.3 The development forms part of the East of Rugeley Strategic Development Allocation within the adopted Local Plan Strategy. This brownfield development site was considered to be a suitable location for development to help address the housing needs in both Lichfield District and those arising within Rugeley in Cannock Chase District.
- 3.4 In October 2017 both Armitage with Handsacre Parish Council (Lichfield District) and Brereton and Ravenhill Parish Council (Cannock Chase) were contacted. They were encouraged to submit funding applications by the 31st January 2018 to the District Council for capital projects which could benefit their communities in terms of social, recreation, education, community and health provision and potentially be eligible for Section 106 funding in line with the above agreement.
- 3.5 Correspondence with the Parish Councils during this period expressed the view that to remain in accordance with the relevant Section 106 Agreement the funding could only be awarded to one of the Parishes. The impact on and the need for improved infrastructure provision following housing delivery is not restricted by administrative boundaries and this principle is clearly captured within the agreement; it references both Parishes in relation to affect and the benefit within their communities. Maintaining such a narrow reading of this section of the Agreement would inhibit the creation of a sustainable community.
- 3.6 A number of projects, (seven in total) were duly submitted to the District Council. Table 3 below summarises the projects submitted.

Table 3

Parish	Project Title	Project Summary	Project Costs
Brereton & Ravenhill	Canal Towpath Improvements	To improve the canal towpath (1410 linear metres) to	£218,280.00

Parish	Project Title	Project Summary	Project Costs
		facilitate better access to Rugeley town centre. Towpath from Bridgewater Drive to Wheelhouse Road and then on from Wheelhouse Road to A51.	
Brereton & Ravenhill	Real time bus stop passenger information	To provide real time electronic information boards at all bus stops on the 825 bus service through the parish of Brereton and Ravenhill (from the point where the Chase Line crosses the A460 to the roundabout where Armitage meets the A51 by-pass).	£181,720.00
Armitage with Handsacre	Replacement of play equipment at Upper Lodge Play Area	The removal and replacement of play equipment and surfacing at an established site (Upper Lodge), provision for under 9s.	£21,000.00
Armitage with Handsacre	Village Hall heating upgrade	The heating system in the Village Hall is over 25 years old elements of which do not comply with current regulations or is difficult to source replacement parts. The improvements will enable provision of heating and hot water for over 2000 annual users of the hall.	£19,821.71
Armitage with Handsacre	Village Hall storage container	Storage is limited within the Village Hall the storage unit will be used by the local Scout group and other regular hall users. The space will enable the hall to provide appropriate provision for users with the aim of maintaining booking and extending users.	£15,700.00
Armitage with Handsacre	Re-siting/improvement of Armitage war memorial and surrounding area	The betterment and re-sitting of the war memorial, including notice board, speaker's podium and games area. The projects will improve safety for those attending events and create a new and improved area of public interest.	£120,000.00
Armitage with Handsacre	Replacement of canopy and installation of artificial grass at Armitage Pre-School	Armitage Preschool is located with Armitage Village Hall. The outdoor space requires investment to enable it to be used effectively by the children	£13,000.00

Parish	Project Title	Project Summary	Project Costs
		all year round. Improvements include replacing a damaged canopy and resurfacing.	

- 3.7 Following assessment of the bids it was considered that the application submitted by Brereton and Ravenhill in partnership with Staffordshire County Council relating to the Real Time Bus Stop Information provision concerned sustainable transport and as such would not fall under this aspect of the Section 106 agreement for which funding was available. This was therefore disqualified.
- 3.8 The Canal Towpath Improvements project has the largest funding request, representing more than half of the funding available. The project application identifies £30,000.00 match funding provided by the Canal and Rivers Trust, a charitable organisation who are a partner in the project and would deliver the improvements. The project will be delivered over two phases. The District Council's CIL SIG recommended to JMOG that this project should benefit from a £211,478.29 funding allocation. This represented a slight shortfall in the overall level of request however it was suggested that the phased delivery of the scheme and support of charitable partner would mean the shortfall would not be a major barrier to delivery.
- 3.9 Two projects submitted by Armitage with Handsacre Parish Council will result in the Village Hall being able to continue to operate effectively and also increase capacity. A further project submitted by Armitage Pre School (located in the Village Hall) will ensure outdoor facilities are available to children throughout the year. A scheme submitted by the Parish Council will see investment in play equipment in a location which historically has been used for play. Finally the Parish Council has requested a contribution of £120,000.00 to support the delivery of public realm improvements to an existing car park area - the project will include relocating the existing war memorial, creation of usable public space and a games area. It is intended to have this project completed in time for WW1 centenary events.
- 3.10 On the 18th April 2018 JMOG met and considered recommendations made by SIG. The meeting was also attended by ward members from Armitage with Handsacre who were invited to speak to this matter. An invite had also been extended to representatives from Brereton and Ravenhill Parish Council and Cannock Chase members to attend but this was not taken up. Following representations and discussion, JMOG members decided to support the recommendations presented to it save for the allocation of monies to the Canal Towpath scheme. In terms of the latter it was the view of members that the need for canal towpath improvements had not been fully justified.
- 3.11 The CIL Governance and Administration Procedures are clear that the final decision on such matters rests with Cabinet. It is therefore for Cabinet to consider the recommendations of both SIG and JMOG. In relation to this report, the only variance in recommendations relates to specifically the allocation of funding support to the Canal Towpath Improvement project.
- 3.12 It is the view of officers that there is little if no basis for the Canal Towpath scheme not being supported in accordance with the Section 106 agreement nor for it to be seen as any different to those projects being recommended for approval within Armitage with Handsacre. The Hawksyard scheme serves to meet the needs of Lichfield District and Cannock Chase and impacts on neighbouring communities within and without the district. With the exception of the transport project described above, all 7 remaining bids have been judged to conform with the Section 106 agreement. It should be noted that with or without support for the Canal Towpath Scheme 100% of the funding request for projects in Armitage with Handsacre would be met. The Cabinet is now asked to consider whether it wishes to support those projects together with the Canal Towpath scheme.

3.13 Finally, it should be noted that the aforementioned decision of JMOG did not result in a recommendation that unallocated monies be re-distributed amongst the other qualifying projects or to any one project or be allocated to Armitage with Handsacre Parish Council. If Cabinet is not minded to support the allocation of monies to the Canal Towpath scheme then the unallocated monies will need to be the subject of a subsequent bidding round in accordance with the Council's agreed procedures.

Alternative Options	<ol style="list-style-type: none"> 1. Non-site specific Section 106 monies could be allocated to infrastructure priorities identified by the District Council. Without the input of the Parish Councils and other service providers it is very likely that those priorities would not address local infrastructure need.
Consultation	<ol style="list-style-type: none"> 1. Allocation of Section 106 monies: Application 03/00627/OUT (Hawksyard) has been considered by the Strategic Infrastructure Group (SIG) and the Joint Members Officer Group (JMOG). 2. An invitation to attend and make representations at JMOG was extended to relevant ward members of both Lichfield and Cannock Chase Council's and the relevant Parish councils.
Financial Implications	<ol style="list-style-type: none"> 1. The Section 106 Obligation identified within the report is time restrictive, failure to spend the secured monies within a set time period would enable the developer to clawback such funding. Specifically there is a five year from the date of payment spend requirement identified within (Schedule 2 Part 2, Para 3). These monies were received by the District Council in March and November 2016. 2. The application process supported by the previously adopted CIL Governance Structure has ensured the meaningful allocation of developer contributions, thus reducing the impact on Council resources and in turn contributing to F4F.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The allocation, investment and subsequent delivery of improved infrastructure will contribute the following outcomes identified within the District Council's Strategic Plan 2016-20. <ul style="list-style-type: none"> • More people will be active and healthy. • More people will use parks and open spaces. • More people will be involved in volunteering and community activity. • Our heritage and open spaces will be well maintained or enhanced.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. None
Crime & Safety Issues	<ol style="list-style-type: none"> 1. None

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That the Allocation of funding to a third party will reduce the District Councils ability to ensure timely delivery.	The Officer Working Group (OWG) that is part of the adopted CIL Governance and Administration Procedures will undertake a project monitoring role.	Yellow
B	That the decision not to award monies to the canal project submitted to Brereton and Ravenhill is subject to Judicial Review.	Officers would need to need to secure Counsel advice on the matter.	Red

C	That the monies are subject to claw back within a 5 year time horizon if projects are not delivered, and/or money is not allocated.	The Officer Working Group (OWG) that is part of the adopted CIL Governance and Administration Procedures will undertake a project monitoring role.	Yellow
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Background documents
CIL, Governance Structure and Administration Arrangements

Alrewas Neighbourhood Plan – Referral to Referendum

Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard



Date:	12 June 2018
Agenda Item:	9
Contact Officer:	Patrick Jervis/Ashley Baldwin
Tel Number:	01543 308196
Email:	Patrick.jervis@lichfielddc.gov.uk Ashley.baldwin@lichfielddc.gov.uk
Key Decision?	No
Local Ward Members	All Alrewas ward members

CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Alrewas which has recently been the subject of formal examination by an Independent examiner.
- 1.2 The examiner of the Alrewas neighbourhood plan is recommending that subject to a number of modifications being made to the plan that it can proceed to referendum. The District Council now has to consider the examiner's report and recommendations and if it so wishes resolve to progress the Alrewas Neighbourhood Plan to referendum by way of issuing a Decision Statement.

2. Recommendations

- 2.1 That the Cabinet accepts and agrees to the making of modifications as set out in the 'Decision Statement regarding Alrewas Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement (**Appendix A**). This will enable the Plan to be proceed to the referendum stage.
- 2.2 That Cabinet approve the publication of the Decision Statement for the Alrewas neighbourhood plan (**Appendix A**).

3. Background

- 3.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents.
- 3.2 The Neighbourhood Planning (General) Regulations 2012 require that Neighbourhood Plans are subject to independent examination. The appointed independent examiner must consider whether a Neighbourhood Plan meets the 'Basic Conditions' as set out within the Independent Examiner's Report. Following the completion of an examination, the examiner must produce a report which can make one of three recommendations; 1) That the neighbourhood plan can proceed to referendum; 2) That subject to identified modifications the neighbourhood plan can proceed to referendum; 3) That the neighbourhood plan should not proceed to referendum.
- 3.3 The Alrewas Neighbourhood Plan has been independently examined and it is recommended in the examiners final report (**Appendix B**) that subject to the modifications outlined within the report the neighbourhood plan meets the 'basic conditions' and as such should proceed to referendum.

- 3.4 The Regulations require that upon receipt of the final report from an independent examination of a Neighbourhood Plan, the Local Planning Authority (Lichfield District Council) is required to consider the recommendations set out in the examiner's report. In addition there is a requirement to publish on our website a 'decision statement' which considers the recommendations of the independent examination within 5 weeks of receiving the report.
- 3.5 The examiner's report and its proposed modifications have been considered by officers. On the basis of the assessment of the report and the proposed changes it is recommended that the District Council accepts the recommendations of the examiner and agrees all the modifications to the Alrewas neighbourhood plan.
- 3.6 In line with the conclusions and recommendations of the examiner a proposed Decision Statement in respect of Alrewas Neighbourhood Plan is attached at **Appendix A**. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications ([Appendix C](#)).
- 3.7 The Cabinet is asked to note the examiner's report for the Alrewas neighbourhood plan, including the specific recommendations, and agree the Decision Statement allowing for the plans referendum to follow.
- 3.8 Following a decision to allow a Neighbourhood Plan to proceed to referendum, the District Council will need to publish the Decision Statement online and provide the decision statement to the Qualifying Body and any other stakeholder who has requested to be notified of the decision. Following this the referendum will need to be organised.

Alternative Options	<ol style="list-style-type: none"> 1. Lichfield District Council declines to send the Alrewas Neighbourhood Plan to referendum. This would mean the Neighbourhood Plan would retreat to an earlier stage of development. 2. The Qualifying Body withdraws the Neighbourhood Plan prior to Lichfield District Council making a formal decision as outlined within the Decision Statement. Again this would mean the Neighbourhood Plan would retreat to an earlier stage of development.
Consultation	<ol style="list-style-type: none"> 1. In line with the Regulations the draft Alrewas Plan has been consulted upon for at least the minimum required 6 week period at both the pre-submission and local authority publicity stages prior to their submission for Independent Examination. Alongside the submission of the Plan the Qualifying Body (Alrewas Parish Council) are required to submit a Consultation Statement detailing the consultation undertaken throughout the Neighbourhood Plan process. These statements have been considered by the respective Independent Examiner along with all representations made at the Local Authority publicity period.
Financial Implications	<ol style="list-style-type: none"> 1. The Government has made grant aid available to District Councils in recognition of the level of resourcing required in the administration of Neighbourhood Plans. Government guidance states that 'this money is to ensure LPAs receive sufficient funding to enable them to meet new legislative duties on neighbourhood planning. Specifically, it covers the neighbourhood planning duties in the Localism Act which are to provide advice and assistance; to hold an examination; and to make arrangements

	<p>for a referendum’. However it should be noted that the level of grant aid has decreased over time.</p> <ol style="list-style-type: none"> 2. Upon successful referendum the District Council becomes eligible and can apply for a grant of £20,000. 3. Communities with Neighbourhood Plans in place will also be entitled to 25% uncapped of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area. Communities with no Neighbourhood Plan will be entitled to 15% which is capped.
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Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The Neighbourhood Plan demonstrates that it is in broad conformity with the Local Plan Strategy which conforms with the Strategic Plan.
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Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community.
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Crime & Safety Issues	<ol style="list-style-type: none"> 1. Crime and Community safety issues may be considered as part of an emerging Neighbourhood Plan.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Plan received a ‘no’ vote in a referendum	Have regular dialogue with the Parish Council to ensure consultation and engagement gains ‘buy in’ from the community at the earliest opportunity. However there are limited controls available because the purpose of the referendum is to enable residents to decide whether they want a Plan.	Yellow
B	Parish decides to withdraw Neighbourhood Plan	Have regular dialogue with the parish Council to ensure understanding of process moving forward and the implications of withdrawing the plan.	Green

Background documents

1. [Neighbourhood Planning \(General\) Regulations 2012](#)
2. [Local Plan Strategy \(Adopted February 17 2015\)](#)
3. [Alrewas Neighbourhood Plan Independent Examination Final Report](#)
4. [Alrewas Neighbourhood Plan \(Submission version\)](#)
- 5.

Relevant web links

- [Local Plan](#)
- [Neighbourhood Plans](#)
- [My Community Funding & Support](#)
- [Alrewas Neighbourhood Plan](#)

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Decision Statement Regarding Alrewas Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Alrewas Neighbourhood Plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was reported to Cabinet on 12/06/2018 where it was confirmed that the Alrewas Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

2. Background

- 2.1 On 13 November 2013 Alrewas Parish Council requested that the Alrewas Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Alrewas Neighbourhood Area on 19 February 2013.
- 2.2 In May, June and July 2015 Alrewas Parish Council published the draft Alrewas Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Alrewas Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council in February 2015 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 6 March and 17 April 2015 (the Local Authority publicity consultation). Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.4 He has concluded that, subject to modifications, the Alrewas Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.

- 2.5 Following the publication of the examiner's report Alrewas Parish Council resolved to withdraw the neighbourhood plan from examination in order to undertake further work and revise the plan to try and address the examiner's concern but still meet the aspirations of the community. Alrewas Parish Council informed the District Council of the withdrawal of the Alrewas Neighbourhood Plan from examination on 11 February 2016. The District Council prepared a [withdrawal statement](#) which was published on the District Council's website. The District and Parish Council agreed that a revised plan would need to be submitted and consulted upon again in line with the regulations and any further examination would be undertaken by Mr Nigel McGurk to ensure consistency.
- 2.6 Following further work the Alrewas Neighbourhood Plan was re-submitted by the Parish Council to Lichfield District Council in January 2018 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for over six weeks between 5 January and 27 February (the Local Authority publicity consultation). As was agreed Mr Nigel McGurk was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.7 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

3. Alrewas Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response

- 3.1 The District Council considered the Examiner’s report and the recommendations/modification contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Lichfield District Council’s consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Lichfield District Council with the reasons for these recommendations.
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner’s report to provide a more concise report. This document should be read in conjunction with the Examiner’s Final report. Which is available via: www.lichfielddc.gov.uk/alrewasnp.

NB – Where modified text is recommended this will be shown in red with text to be deleted struck through (~~text to be deleted~~), and text to be added in bold type (**text to be added**).

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Page 3, para 4	Correct error on page 3 of the neighbourhood plan as follows: The Neighbourhood Plan covers the period from 2017 2013 to 2029.	To correct an error in the plan period.	Yes – to ensure correct plan period is noted.
Page 4, final para	Add the following text to the end of the final paragraph on page 4: Alongside the community survey and engagement, the Plan has taken into account a wide range of evidence, including the evidence base published to support the District Council’s Local Plan.	To add to the precision of the document.	Yes – to add precision.
Page 5, key objectives	Add the following to the list of key objectives on page 5: <ul style="list-style-type: none"> Conserve and/or enhance the historic environment and heritage assets for this and future generations. 	The neighbourhood plan includes policies concerning heritage which appears as an important theme throughout the document. Given this, the absence of reference to heritage	Yes – to ensure objectives reflect the policies

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
		within the Objectives is unreflective of the policies that follows.	within the document.
Page 5, key objectives	<p>Change the third key objective on page 5 as follows:</p> <ul style="list-style-type: none"> • Affirm-Designate a new Settlement Boundary to deliver development in accordance with the Local Plan help deliver sustainable development. 	The Neighbourhood Plan establishes a settlement boundary in Policy H1. Whilst it may do so in a manner that is in general conformity with the strategic policies of the development plan there is no evidence that it does so 'in accordance with the Local Plan'. Consequently finds the reference to this objective incorrect and confusing.	Yes – to provide clarity.
Page 6, para 1	<p>Change the first sentence on page 6 as follows:</p> <p>The Parish settlement of Alrewas is identified in the Local Plan as a key rural settlement within Lichfield District.</p>	The Parish of Alrewas is not 'identified in the Local Plan as a key rural settlement' as stated within the neighbourhood plan. The Lichfield District Local Plan Strategy identifies the settlement of Alrewas not the Parish as a Key Rural Settlement.	Yes – to provide clarity and for consistency with the Local Plan.
Page 8, para 3	<p>Change the second sentence of paragraph 3 on page 8 as follows:</p> <p>Today the A38 is a major dual carriageway which cuts through the eastern edge of runs alongside the eastern edge of the village, connecting local communities with major cities...</p>	The A38 runs alongside the eastern edge of Alrewas, rather than 'cuts through the village'. For clarity recommend the modification.	Yes – to provide clarity.
Page 13, para 2	<p>Change the last sentence of paragraph 2 on page 13 as follows:</p> <p>Neighbourhood Plans are prepared by local volunteers working collaboratively with the whole community to produce a development land use plan that sets out the overall vision for the</p>	For clarity and precision.	Yes – to provide clarity.

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>area, addressing the challenges and opportunities through objectives and policies, and forming part of the development plan for the area.</p>		
Policy CF2	<p>Delete all text of the policy and replace with the following:</p> <p>Improvements to existing community facilities and the provision of new community facilities will be supported subject to such development respecting local character and residential amenity, and being easily accessible by sustainable modes of transport including walking and cycling.</p>	<p>Policy as worded is imprecise and as such fails to have regard to national advice. The Policy refers to improvements to the quality and/or range of community facilities but no indication is provided of what improvements might comprise. The Policy refers to schools and healthcare provision but not to other community facilities referred to in the supporting text.</p>	<p>Yes – to provide clarity and to meet the basic conditions.</p>
Page 19 & Policy TT1	<p>Delete the last sentence of Policy TT1 on page 20:</p> <p>Traffic management proposals to direct traffic away from the historic village centre and include means of reducing congestion will be supported.</p> <p>Deleted text to be modified and moved to page 19 after the third paragraph as follows:</p> <p>The Parish Council will be generally supportive of traffic management proposals to direct traffic away from the historic village centre and include means of reducing congestion will be supported.</p>	<p>Traffic management does not fall within the responsibility of the Neighbourhood Plan and whilst it is noted that the Parish Council would support traffic management proposals that direct traffic away from the historic centre, such a reference comprises a Parish Council statement rather than a land use policy.</p>	<p>Yes – to ensure policy relates to land use matters.</p>

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
Policy TT6	<p>Modify the text of Policy TT6 as follows:</p> <p>Proposals to reduce noise and air pollution arising from the A38 and A513, and which respect local character, residential amenity and highway safety will be supported.</p>	<p>The policy could result in undue support for unsustainable forms of development. As worded the policy supports any proposal, so long as it reduced noise and air pollution. This could result in support for unsustainable forms of development.</p>	<p>Yes – to meet the basic conditions.</p>
Policy PR2	<p>Modify the text of Policy PR2 as follows:</p> <p>Development must protect any public right of way and/or access point that it effects. Where possible, such development should seek to provide disabled access to the public right of way The provision of disabled access to public rights of way will be supported. The provision of integrated cycling and walking infrastructure linking new development to services and facilities is supported.</p>	<p>The Policy intent is positive, taking into account advice in Planning Practice Guidance in respect of clarity and precision the approach set out is ambiguous. As worded, it could place an obstacle in the way of improvements to access points, or their replacement with more appropriate means of access. Consequently the first part of the policy may prevent sustainable development from going ahead.</p>	<p>Yes – to provide clarity and to meet the basic conditions.</p>
Policy PR3	<p>Modify the text of the final sentence of Policy PR3 as follows:</p> <p>...intrinsically dark landscapes and nature conservation will be supported. Proposals which improve the provision of litter bins and dog waste bins will also be supported The provision of waste bins and dog waste bins will also be supported.</p>	<p>The final part of the Policy supports any development proposals so long as they improve provision of litter bins and dog waste bins. This could result in support for unsustainable forms of development simply on the basis that they also provide waste bins.</p>	<p>Yes – to meet the basic conditions.</p>
Policy PR4	<p>Modify the text of the first paragraph of the policy as follows:</p> <p>Development proposals that damage or result in the loss of trees and hedges of good arboriculture, ecological and amenity value will not be supported unless it can be demonstrated that such loss can be suitably mitigated through re-provision of equal or greater</p>	<p>The first part of the policy seeks to protect trees and hedges. However, in doing so it does not have regards to the more flexible approach of national policy.</p>	<p>Yes – to meet the basic conditions.</p>

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	ecological, arboriculture and amenity value elsewhere. Proposals should be designed to retain trees and hedges of arboriculture, ecological and amenity value.		
Page 27, para 1	Delete the first paragraph on page 27 and replace with the following: Policy EC4 in this section of the Neighbourhood Plan designated two areas of Local Green Space. These are described below.	Part of the supporting text to this section reads as though it comprises a Policy which it does not.	Yes – for clarity.
Page 27. Para 4	Delete all text of the fourth paragraph on Page 27 which begins with <i>"Note – Although sites were identified..."</i>	The final paragraph is confusing and refers to something which might or might not happen in another planning document. The inclusion of the paragraph detracts from the clarity of the neighbourhood plan.	Yes – for clarity.
Page 26, para 4	Modify the text of the fourth paragraph in page 26 as follows: The Alrewas Conservation Area Management Plan and the Staffordshire Historic Environment Character Assessment set out the requirement to preserve and protect the Conservation Area and the importance of the open space take into account the statutory requirement to preserve and protect the Conservation Area and consider the importance of open space. This has been a key consideration in the formulation of these policies.	For precision.	Yes – for precision.
Page 26, para 5	Delete all text of the fifth paragraph on page 26 which begins with <i>"A detailed assessment of..."</i>	There is no need to refer to an assessment of a conservation area management plan. There is nothing to suggest the assessment carries material planning weight nor is it directly	Yes – for clarity.

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
		referred to within any policy within the neighbourhood plan.	
Policy EC1	<p>Change the title of Policy EC1 and modify the text of the policy as follows:</p> <p>Policy EC1 Protecting and Enhancing the Historic Character Built Environment</p> <p>Within the village, development proposals should demonstrate that a high quality of design, form and layout, consistent with the village character will be achieved must have regard to local character and demonstrate a high quality of design form and layout.</p>	<p>Consider that, in the absence of detailed evidence, it is not entirely clear what the 'village character' actually comprises. Consequently, it is difficult to understand how development can be consistent with something that is undefined. Consequently the policy has a lack of precision and fails to provide a decision maker with a clear indication of how to react to a development proposal having regard to paragraph 154 of the NPPF.</p>	<p>Yes – to provide precision and to meet the basic conditions.</p>
Policy EC2	Delete Policy EC2.	<p>There is an absence of relevant information in support of the onerous requirement if the policy for development "that has a significant effect on the special landscape" to enhance the "quality, character, destructiveness and amenity value of the landscape". Firstly there is no indication of what the "special landscape of Alrewas" comprises or no definition of what a "significant effect" might be, who would be the arbiter on this, or on what basis. There is no evidence to demonstrate that the requirement set out in the policy would be viable of deliverable. It is not clear why all development must improve landscape qualities identified in a Conservation Area Appraisal. Neither national nor local planning policy require such</p>	<p>Yes – to meet the basic conditions.</p>

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
		improvements and no justification for such an onerous requirement is provided. The Policy fails to provide a decision maker with a clear indication of how to react to a development proposal having regard to paragraph 154 of the NPPF.	
Policy EC3 & Section 10	<p>Delete Policy EC3. Move diagram to section 10 'Community Actions' and add additional Community Action as follows with diagram following this:</p> <p>Significant Views</p> <p>The Parish Council will encourage developers to take into account the general views shown on the diagram below, with the aim of ensuring that development respects important vistas from the village.</p> <p>NB - propose to renumber figures following move of diagram. See Table 2 of this decision statement.</p>	In the absence of any substantive supporting information, it is not entirely clear where the 'views' are from, what they comprise, why they are 'significant' or how development might respect them. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF.	Yes – to meet the basic conditions.
Policy EC4	<p>Modify the text of the first and second paragraph of Policy EC4 as follows:</p> <p>The following sites are designated as Local Green Space, where development is ruled out other than in exceptional very special circumstances.</p>	National policy is explicit that the development of Local green Space is rules out, other than in very special circumstances not exceptional circumstances as referred to in Policy EC4. The Policy does not have regard to national policy in this regard.	Yes – to meet the basic conditions.

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	A. STATFOLD WOOD... The area East of Statfold Lane, bounded by the River Trent and the Mill Stream. Designated by the Local Plan as Protected Open Space.		
Housing Policies	Change the housing policy reference numbers to "HP1, HP2" etc. Therefore polices are renumbered as follows (taking into account policy deletions recommended): <ul style="list-style-type: none"> • Policy H1 becomes Policy HP1; • Policy H2 becomes Policy HP2; • Policy H6 becomes Policy HP3; and • Policy H8 becomes Policy HP4. • 	Housing policy reference numbers could result in confusion with housing policy reference numbers within the Local Plan.	Yes – for clarity.
Policy H1	Delete all text of the Policy (not including Policy number and title) and replace with the following text: Development proposals within the Settlement Boundary identified on Figure 7 will be supported.	Mindful that the policy makes an unsupported statement in respect of the provision of housing, rather than set out a specific land use policy requirement. Policies of the development plan need to be considered as a whole, this removes the requirement for cross reference to other policies and plans.	Yes – to meet the basic conditions.
Policy H2	Modify the text of policy H1 as follows: Small scale In Alrewas village infill development and the development of brownfield sites is supported. Within this context, new developments of smaller properties (e.g. 3 bed or fewer) and those suitable for older people that provide for a recognised need will be supported.	Lichfield District Council has commented that there is no indication of what 'small scale' might comprise. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF. Policy H7 later in the neighbourhood plan also relates to housing development. In the interest of clarity and	Yes – to provide precision and to meet the basic conditions.

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
		precision it would make sense to combine policy H2 and H7 into a single policy.	
Policy H3	Delete Policy H3.	Policy refers to 'small scale' but does not define this and consequently is imprecise. Both Overley and Orgreave are very small hamlets outside of any village settlement boundary. Supporting development within these hamlets would fail to be in general conformity with the Local Plan which adopts a restrictive approach in such locations.	Yes – to meet the basic conditions.
Policy H4	Delete Policy H4.	Policy seeks to introduce an entirely different approach to flood mitigation than is set out in national policy and in doing so includes an ambiguous and imprecise reference to 'development proposals of an appropriate scale and where relevant'.	Yes – to meet the basic conditions.
Policy H5	Delete Policy H5.	Policy H5 is reliant upon policy within the Local Plan. It is not the purpose of neighbourhood plans to simply repeat the provisions of existing policies.	Yes – to avoid repetition of Local Plan policy.
Policy H6	Modify the text of Policy H6 as follows: Planning permission will be supported for the provision of affordable housing on rural exception sites which meet the criteria set out in policy H2 of the Local Plan Strategy and the following The provision of affordable housing on rural exception sites will be subject to:	As worded Policy is reliant upon Local Plan policy H2 and seeks to introduce management and occupational controls, without providing any evidence to demonstrate that these are something that cannot be controlled through a land use planning policy.	Yes – to meet the basic conditions.

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>a) the type and scale of affordable housing is justified by evidence of need from a local housing need survey; and</p> <p>b) the development consists entirely of affordable housing or is for low cost housing.</p> <p>And delete all text of criteria b) & c).</p>		
Policy H7	Merge policy H7 with Policy H2 (see above).	Policy relates to development within Alrewas village and it is therefore recommended that the policy is merged with Policy H2.	Yes – for clarity.
Policy H8	<p>Modify text of first paragraph of Policy H8 as follows:</p> <p>New residential development must respect its surroundings and result in the provision of high quality homes. To achieve this, proposals should where appropriate, demonstrate how the following factors have been taken into account New residential development must respect its surroundings and all residential development in the Neighbourhood Area should be of a high quality. To help achieve this, it is recommended that proposals consider the following:</p>	No indication of when it would, or would not be 'appropriate' for development proposals to take the long list of checkpoints and questions into account. Consequently the policy lacks precision and does not provide a decision maker with a clear indication of how to react to a development proposal. Notwithstanding this the criteria can provide helpful guidance and encourage the delivery of high quality development, thus contribution to the achievement of sustainable development.	Yes – to provide precision and to meet the basic conditions.
Page 44	Delete all text within the bullet point list on page 44.	The list of bullet points on page 44 does not relate to the housing policies or to the recommended revised policies.	Yes – for clarity.
Page 46, para 4 and 5	Modify the text of the penultimate paragraph on page 46 as follows:	Part of the supporting text to this section reads as though it comprises a policy which it does not.	Yes – for clarity.

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
	<p>Maintaining the east of the A38 primarily as a commercial development zone is appropriate and further development of the size and scale of the existing properties to the east of the A38 will be supported. It should be noted that The Parish Council would like to see the commercial area to the east of the A38 maintained. The Parish does not have any large scale manufacturing, distribution or industrial developments/buildings. This type of development would be inappropriate and would not be supported and the Parish Council would not be supportive of such development.</p> <p>Modify the text of the final paragraph on page 46 as follows:</p> <p>In order to preserve and encourage the vitality and sustainability of the village centre, further loss of shops and services must be resisted The Parish Council wishes to prevent the loss of shops and services in Alrewas. This Plan therefore includes policies...</p>		
Policy ED1	<p>Change the title and modify the text of Policy ED1 as follows to merge Policy ED1 and ED2:</p> <p>Policy ED1 – Business Expansion Sustainable Business Growth</p> <p>The small scale expansion of existing employment premises will be supported, subject to the proposals demonstrating that they respect local character and protect residential amenity. The sustainable growth and expansion of business and enterprise, through conversion, extension and well-designed new buildings, will be supported provided that such development:</p>	<p>It is not clear what ‘small scale’, ‘the nature of the Parish or ‘village ambience’ might comprise. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF. Further to this national policy support for economic growth in rural areas does not introduce a constraint limiting growth to that which is small scale. Note that Policy ED2 relates to sustainable new business. In the interests of clarity recommend policy ED2 and ED1 are merged. The phrase ‘no detrimental</p>	<p>Yes – to meet the basic conditions.</p>

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>a) respects local character including the massing and scale of surrounding buildings and protects residential amenity; and</p> <p>b) maintains or improves highway safety.</p>	<p>effect' runs the risk of preventing the balanced consideration of a development proposal and may prevent sustainable development. The phrase 'any adverse impact on the Parish' is broad and appears meaningless from a land use planning policy perspective. Development should only be prevented on transport grounds where its residual cumulative impacts are severe.</p>	
Policy ED2	Merge policy ED2 with Policy ED1 (see above).		Yes – for clarity.
Policy ED3 and Section 10	<p>Delete all text (not including policy reference and title) and replace with the following text:</p> <p>The provision of a new footbridge, connecting Alrewas with the commercial development to the east of the A38 will be supported.</p> <p>Add the following text to the community aspiration 'Footbridge' in section 10:</p> <p>The Parish Council will evaluate proposals which lead to construction of a footbridge over the A38. The Parish Council will work with third parties with the aim of delivering this and will consider using Community Infrastructure Levy receipts to help procure its delivery.</p>	<p>Lichfield District Council has stated that the policy lacks precision or clarity over what 'an appropriate contribution' to then provision of a footbridge would be. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF. Mindful of comments submitted by the National Memorial Arboretum (NMA) which note the approach to development in the policy is not precise and broad in nature and could lead to support for unsustainable forms of development.</p>	Yes – to meet the basic conditions.
Policy ED4	<p>Modify the text of Policy ED4 as follows:</p> <p>Development that results in the loss of shops Development requiring planning permission that results in the loss of shops</p>	<p>Changes to permitted development rights in recent years mean that some changes of use will not require planning permission.</p>	Yes – to meet the basic conditions.

ALREWAS NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	services or public houses as a result of proposals for change of use will be resisted unless...		
Policy ED5	Modify the text of policy ED5 as follows: Development providing facilities for visitors and tourists will be supported, subject to it being of an appropriate size, scale and character of the setting to it respecting local character and residential amenity.	The policy refers to the need to respect local character. Tourist uses also have the potential to impact upon residential amenity therefore modification is to provide precision.	Yes – for precision.
Pahe 51	Delete all text on page 51.	The neighbourhood plan does not allocate any housing sites and consequently the inclusion of this text is unnecessary and detracts from the precision of the document.	Yes – for precision.
Contents page	Update the contents page and page numbering taking into account the recommendation of the examiner's report.	Recommendations within the examiner report will have impact upon the contents page and page numbering.	Yes – for consistency with other modifications.

TABLE 2

Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
Title Page	Add text to the title page as follows to signify that the document is the version of plan being voted upon at referendum. "Referendum Version" .	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.

	NB – if the Plan is made “Referendum Version should be replaced with the date on which the plan is ‘Made’.	
Policy EC4	Delete ‘Designated by the Local Plan as Protected Open Space.’	Paragraph 139 of examiners report states that reference to Local Plan policy within Policy EC4 is unnecessary and detracts from the clarity of the neighbourhood plan policy. Therefore suggest removing this. The Local Green Space policy in effect replaces the protected open space policy noted within the neighbourhood plan.
Policy EC4, Page 27, 33	Renumber policy to EC2. Change references to policy EC4 to EC2.	To ensure consecutive numbering following examiners modification to remove policies EC2 and EC3.
Policy ED3, ED4, ED5	Renumber policies to be consecutive. ED3 becomes ED2, ED4 becomes ED3 and ED5 becomes ED4.	To ensure consecutive numbering following examiners modification to merge policies ED1 and ED2.
Whole Plan	Renumber figures to take account of move of Figure 5 from the Policy Section to Community Action section.	Yes – so that policy number is consecutive within the plan following the modification to remove specific policy.
Sections 10 & 11	Renumber sections 10 and 11 to 9 and 10 respectively.	To ensure consecutive numbering for sections within the plan following the modification to remove section 9 of the submitted plan.

ALREWAS NEIGHBOURHOOD PLAN 2013-2029

Alrewas Neighbourhood Plan Examination,
A Report to Lichfield District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

April 2018



EST. 2011

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Introduction

The Neighbourhood Plan

- 1 This Report provides the findings of the examination into the Alrewas Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Alrewas Neighbourhood Plan Steering Group on behalf of Alrewas Parish Council.
- 2 It provides a recommendation in respect of whether the Neighbourhood Plan should go forward to a Referendum. Were this to be the case and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Lichfield District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Alrewas Neighbourhood Area.
- 3 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” (Paragraph 183, National Planning Policy Framework)

- 4 As set out on in Section 1.0 on the third page of the Basic Conditions Statement, which was submitted alongside the Neighbourhood Plan, Alrewas Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. The Neighbourhood Plan relates only to the designated Alrewas Neighbourhood Area and there is no other neighbourhood plan in place in the Alrewas Neighbourhood Area.
- 5 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 6 I was appointed by Lichfield District Council, with the consent of the Qualifying Body, to conduct the examination of the Alrewas Neighbourhood Plan and to provide this Report.
- 7 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 8 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 9 I note that I was appointed by Lichfield District Council in 2015 to examine a previous version of the Alrewas Neighbourhood Plan. This previous version of the Alrewas Neighbourhood Plan was subsequently withdrawn by Alrewas Parish Council.
- 10 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 11 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Alrewas Neighbourhood Area to which the Plan relates.
- 12 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 13 A neighbourhood plan must specify the period during which it is to have effect.
- 14 The front cover of the Neighbourhood Plan provides a clear reference to the plan period, 2013 – 2029.
- 15 Also, in respect of the Plan period, Section 1.0 of the Basic Conditions Statement states that:

“The Plan covers a 16 year period 2013-2029.”
- 16 There is, however, an error on page 3 of the Neighbourhood Plan and I recommend:
 - **Neighbourhood Plan, page 3, fourth para, last line change to: “...period from 2013 to 2029.”**
- 17 Taking the above into account, the Neighbourhood Plan meets the requirements in respect of specifying the period during which it is to have effect.

Public Hearing

- 18 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 19 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 Further to consideration of the information submitted, I confirmed to Lichfield District Council that I was satisfied that the Alrewas Neighbourhood Plan could be examined without the need for a Public Hearing.
- 21 In making the above decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

2. Basic Conditions and Development Plan Status

Basic Conditions

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan 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.²
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³
- 23 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 24 Subject to the content of this Report, I am satisfied that these three points have been met.
- 25 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

- 26 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 27 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 28 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 29 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 30 National advice then goes on to state⁶ that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 31 This process is often referred to as a screening report, opinion, determination or statement. If the screening report identifies likely significant effects, then an environmental report must be prepared.

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

⁵ Paragraph 027, *ibid*.

⁶ Planning Practice Guidance Reference ID: 11-028-20150209.

- 32 A Screening Report has been produced by Lichfield District Council. This concluded that the Neighbourhood Plan:

"...does not propose more development than is set out within the Local Plan Strategy, nor does it allocated sites for development...The conclusions of the...screening assessment...indicate that Strategic Environmental Assessment will not be required..."

"...this report concludes that the plan in its current form is not likely to have significant environmental effects and therefore SEA will not be required."

- 33 The statutory consultees, Natural England, Historic England and the Environment Agency were consulted and none of these bodies dissented from the conclusions reached by Lichfield District Council.
- 34 A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.
- 35 The Screening Report produced by Lichfield District Council also included a Habitats Regulations Assessment Screening. This identified four relevant Natura 2000 sites within 15km of the Alrewas Neighbourhood Area: Cannock Chase Special Area of Conservation (SAC); Cannock Extension Canal; River Mease SAC; Humber Estuary SAC-River Trent.
- 36 Appendix 2 of the Screening Report comprises a detailed assessment of the likely significant effects on European sites as a result of each policy with the Neighbourhood Plan. This assessment established that none of the policies within the Neighbourhood Plan are likely to have significant impacts upon the European sites identified. The HRA Screening Report concludes:
- "In relation to the requirement for the Alrewas Neighbourhood Plan to be subject to Habitats Regulations Assessment...this report concludes that there are no potential significant effects upon European Sites and no further work as part of the compliance with the Habitat Regulations will be required."*
- 37 Again, the statutory consultees were consulted and all of them agreed with the above conclusion.

- 38 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance⁷).

- 39 In undertaking the work that it has, Lichfield District Council has considered the Neighbourhood Plan's compatibility with EU regulations and it has not raised any concerns in this regard.
- 40 Given all of the above, I am satisfied that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

⁷ Planning Practice Guidance Reference ID: 11-031-20150209.

3. Background Documents and the Alrewas Neighbourhood Area

Background Documents

41 In undertaking this examination, I have considered various information in addition to the Alrewas Neighbourhood Plan. This has included (but is not limited to) the following main documents and information:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The Lichfield District Local Plan Strategy 2008-2029 (2015)
- The Saved Policies of the Lichfield Local Plan (1998)
- Basic Conditions Statement
- Consultation Statement
- Alrewas Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment Screening Report (2017)

Also:

- Representations received

42 In addition, I spent an unaccompanied day visiting the Alrewas Neighbourhood Area.

Alrewas Neighbourhood Area

- 43 The boundary of Alrewas Neighbourhood Area is illustrated on the back page of the Basic Conditions Statement and by Figure 1 on page 11 of the Neighbourhood Plan. The Alrewas Neighbourhood Area boundary coincides with that of the Alrewas Parish Boundary.
- 44 Lichfield District Council formally designated the Alrewas Neighbourhood Area on 19th February 2013. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

- 45 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 46 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Alrewas Neighbourhood Plan Consultation

- 47 A Consultation Statement was submitted to Lichfield District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁸.
- 48 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Alrewas Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework.
- 49 In 2013, Alrewas Parish Council established a Neighbourhood Plan Steering Group, comprising local volunteers, to produce the Alrewas Neighbourhood Plan. In that year, more than 100 people attended two open meetings and 179 residents gave their views to a Steering Group-run stand at the Alrewas Canal Festival.
- 50 Five task groups were established to review key elements of policy. These involved more than fifty members of the community, including Parish Councillors, landowners, developers and community organisations.

⁸Neighbourhood Planning (General) Regulations 2012.

- 51 A Youth Forum was also established in order to capture the views of younger people; and Parish-wide surveys were undertaken. Meetings were also held with other neighbourhood planning groups in the wider area and the Neighbourhood Plan underwent Regulation 14 pre-submission consultation during 2014.
- 52 Further to the decision to withdraw the previous Alrewas Neighbourhood Plan in 2015, changes were considered at more than twenty public meetings and meetings also took place with Lichfield District Council and local landowners prior to the re-submission of the Neighbourhood Plan.
- 53 Consequently, the consultation process associated with the Neighbourhood Plan is quite unusual, in that much of the public information gathering and engagement occurred some time ago, between 2013 and 2015.
- 54 However, the Consultation Report provides evidence to show that public consultation formed an important part of the overall plan-making process. Matters raised were taken into account and the reporting process was transparent throughout the period 2013-2017.

5. The Neighbourhood Plan – Introductory Section

- 55 The opening section of the Neighbourhood Plan is clear and concise. It provides a helpful introduction to the Policies that follow.
- 56 In respect of the Introduction, Lichfield District Council has put forward a helpful suggestion which, I find, would add to the precision of the document.
- 57 I recommend:
- **Page 4, last sentence, add “...local community. *Alongside the community survey and engagement, the Plan has taken into account a wide range of evidence, including the evidence base published to support the District Council’s Local Plan.*”**
- 58 The Neighbourhood Plan includes Policies concerning heritage and heritage appears as an important theme throughout the document. Given this, the absence of reference to heritage within the Objectives is unreflective of the Policies that follow. For precision, I recommend:
- **“Page 5, add to list of Key objectives *“Conserve and/or enhance the historic environment and heritage assets for this and future generations.”*”**
- 59 The Neighbourhood Plan establishes a settlement boundary in Policy H1. Whilst it may do so in a manner that is in general conformity with the strategic policies of the development plan, there is no evidence that it does so *“in accordance with the Local Plan.”* Consequently, the reference to this in the list of Objectives is incorrect and confusing. I recommend:
- **Page 5, change third Key objective to *“Designate a new Settlement Boundary to help deliver sustainable development.”*”**
- 60 The Parish of Alrewas is not *“identified in the Local Plan as a key rural settlement,”* as stated on page 6 of the Neighbourhood Plan. Policy Rural 1 of the Lichfield District Local Plan Strategy 2015 (referred to in this Report as the Local Plan (2015)) identifies the settlement of Alrewas, not the Parish, as a Key Rural Settlement.

61 For clarity, I recommend:

- **Page 6, first sentence, change to “*The settlement of Alrewas is identified in the Local Plan as a Key Rural Settlement...*”**

62 The A38 runs alongside the eastern edge of Alrewas, rather than “*cuts through the village.*”

63 For clarity, I recommend:

- **Page 8, third para, second sentence, change to “...is a major dual carriageway *which runs alongside the eastern edge of the village...*”**

64 For clarity and precision, I recommend:

- **Page 13, second para, change last sentence to “...to produce a *land use plan that sets out the overall vision for the area, addressing the challenges and opportunities through objectives and policies, and forming part of the development plan for the area.*”**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Community Facilities

Policy CF1: Protection of Community Facilities

- 65 Paragraph 58 of the National Planning Policy Framework (the Framework) promotes:

“...the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”

- 66 Policy CF1 of the Neighbourhood Plan seeks to protect community facilities in Alrewas and in this way, it has regard to national policy.
- 67 National policy also seeks to protect and enhance public rights of way and access (Paragraph 75, the Framework). The latter part of Policy CF1 serves to protect access and has regard to national policy.
- 68 No changes are proposed to Policy CF1.

Policy CF2: New Community Facilities

69 As noted in respect of Policy CF1 above, national policy supports the development of community facilities. To some considerable degree, Policy CF2 has regard to national policy, as it supports the appropriate development of existing and new community facilities.

70 However, as worded, Policy CF2 is imprecise and as such, fails to have regard to national advice, as set out in Planning Practice Guidance,⁹ which states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

71 The Policy refers to improvements to the “*quality and/or range*” of community facilities, but no indication is provided of what such improvements might comprise, or of who might measure this and on what basis. I address this matter in the recommendations below.

72 The Policy refers specifically to schools and healthcare provision, but not to other community facilities referred to in the supporting text. In the absence of any detail, it is unclear why the Policy specifies selected individual uses and I find this detracts from the overriding purpose of the Policy, as introduced in the supporting text.

73 The Policy also seeks to ensure that the development of community facilities is appropriate, having regard to local character and accessibility. The supporting text refers to matters relating to amenity and taking this and the above into account, I recommend:

- ***Policy CF2, change to “Improvements to existing community facilities and the provision of new community facilities will be supported subject to such development respecting local character and residential amenity, and being easily accessible by sustainable modes of transport including walking and cycling.”***

⁹ Paragraph: 042 Reference ID: 41-042-20140306

Traffic and Transport

Policy TT1: Traffic

74 Paragraph 32 of the Framework states that:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

75 Policy TT1 states that proposals resulting in severe impacts will not be supported and such an approach has regard to national policy. In so doing, the Policy provides for flexibility, through reference to the scope for impacts to be mitigated.

76 However, traffic management does not fall within the responsibility of the Neighbourhood Plan and whilst I note that the Parish Council would support traffic management proposals that direct traffic away from the historic centre, such a reference comprises a Parish Council statement rather than a land use planning policy.

77 Taking the above into account, I recommend:

- **“Policy TT1, delete last sentence (“Traffic management...supported.”)**
- **Move this last sentence to the end of the supporting text on Page 19(above the Community Feedback section and change to “*The Parish Council will be generally supportive of traffic management proposals...traffic congestion.*”**

TT2: Pedstrian and Cycle Access

- 78 Policy TT2 is a positive land use planning policy which promotes the development of pedestrian and cycle access.
- 79 As such, the Policy has regard to the Framework, which supports the enhancement of public rights of way (Paragraph 75), requires development to provide safe and accessible environments (Paragraph 58) and promotes the development of sustainable modes of transport (Chapter 4, *"Promoting sustainable transport"*).
- 80 The Policy meets the basic conditions and no changes are recommended.

Policy TT3: Alrewas Railway Station

- 81 Policy ST1 (*Sustainable Travel*) of the Local Plan (2015) seeks to secure more sustainable travel patterns and in so doing, explicitly supports the improvement of:

"...services and facilities for non-car based travel..."

- 82 Policy TT3 supports the re-opening of Alrewas Railway station and related development, including car parking and station buildings.
- 83 The Policy is in general conformity with the strategic policies of the Local Plan (2015) and contributes to the achievement of sustainable development.
- 84 No changes are recommended.

Policy TT4: Car Parking

- 85 Policy TT4 supports improvements to public car parking in the village centre.
- 86 This has regard to Paragraph 40 of the Framework, which supports improvements to:
- “...the quality of parking in town centres so that it is convenient, safe and secure...”*
- 87 No changes to the Policy are recommended.

Policy TT5: Road Safety

- 88 Core Policy 5 (*Sustainable Transport*) of the Local Plan (2015) supports improvements to road safety.
- 89 Policy TT5 seeks to improve highway safety and is in general conformity with the strategic policies of the Local Plan (2015).
- 90 No changes are recommended.

Policy TT6: Road Noise and Air Pollution

- 91 Policy TT6 aims to reduce road noise and air pollution and this general aim contributes to the achievement of sustainable development and is in general conformity with Core Policy 5 of the Local Plan (2015), referred to above.
- 92 However, as set out, the Policy could result in undue support for unsustainable forms of development. As worded, the Policy simply supports any proposal, so long as it reduces noise and air pollution. It could be that a proposal might achieve these aims, but at the same time result in a development so harmful in respect of other matters that it would outweigh any benefits arising. This could result in support for unsustainable forms of development.
- 93 Given the above and the absence of any evidence to the contrary, I recommend the following slight change to the wording of the Policy.
- **Change the wording of Policy TT6 to “...and the A513, and which respect local character, residential amenity and highway safety, will be supported.”**

Public Realm

Policy PR1: Protection and Enhancement of Public Open Spaces

- 94 As noted earlier, national policy supports improvements to public rights of way. In addition, Paragraph 73 of the Framework recognises that:

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”

- 95 Policy PR1 seeks to protect and improve public open space and public rights of way and has regard to national policy.
- 96 No changes are recommended.

Policy PR2: Public Rights of Way

- 97 Public rights of way are protected by law. Given this, there is no need for Policy PR2 to state that development must protect public rights of way. Also, the first part of the first sentence of Policy PR2 goes on to state that all “*access point*” (sic) *affected by development must be protected.*”
- 98 Whilst, in this case, the Policy intent is positive, on consideration and taking into account advice in Planning Practice Guidance in respect of clarity and precision, I am mindful that the approach set out is ambiguous. As worded, it could serve to place an obstacle in the way of improvements to access points, or their replacement with more appropriate means of access. Consequently the first part of Policy PR2 may prevent sustainable development from going ahead, contrary to the requirements of national policy, which points out that:
- “Development that is sustainable should go ahead, without delay...”*
(Ministerial foreword, the Framework)
- 99 Also, again having regard to the advice set out in Planning Practice Guidance, the second line of Policy PR2 is imprecise. It refers to “*such development*” whereas its reference point is simply development. However, I note that, in general terms, the Policy seeks to encourage the provision of disabled access and that such an approach has regard to the national policy aim of enhancing public rights of way.
- 100 The final part of the Policy supports sustainable patterns of movement, having regard to Chapter 4 of the Framework and in general conformity with Core Policy 5 of the Local Plan (2015).
- 101 Taking all of the above into account, I recommend:
- **Policy PR2, change to “*The provision of disabled access to public rights of way will be supported. The provision...*”**

Policy PR3: Public Realm Design

102 With the exception of the final sentence, Policy PR3 has regard to Paragraph 58 of the Framework, which aims to ensure that developments:

"...function well and add to the overall quality of the area...establish a strong sense of place...respond to local character and history...are visually attractive..."

103 However, as worded, the final part of the Policy supports any development proposals so long as they improve provision of litter bins and dog waste bins. This could result in support for unsustainable forms of development, simply on the basis that they also provide waste bins.

104 I recommend:

- **Policy PR3, change final sentence to: *"The provision of waste bins and dog waste bins will also be supported."***

Policy PR4: Trees and Hedges

- 105 Paragraph 118 of the Framework aims to conserve and enhance biodiversity by requiring development to avoid, adequately mitigate for, or as a last resort, compensate for significant harm.
- 106 The first part of Policy PR4 seeks to protect trees and hedges. However, in doing so it does not have regard to the more flexible approach of national policy noted above. I address this matter in the recommendations below.
- 107 The second part of Policy PR4 is a positive land use planning Policy, which promotes tree planting. As such, it contributes to the achievement of sustainable development.
- 108 I recommend:
- ***Policy PR4, change to “...not be supported, unless it can be demonstrated that such loss can be suitably mitigated through re-provision of equal or greater ecological, arboricultural and amenity value elsewhere. Proposals should...”***

Environment and Conservation

109 Part of the supporting text to this section of the Neighbourhood Plan reads as though it comprises a Policy, which it does not. To address this, I recommend:

- **Page 27, change first Para to: “Policy EC4 in this Section of the Neighbourhood Plan designates two areas of Local Green Space. These are described below.”**

110 The last paragraph on Page 27 is confusing. It refers to something that might or might not happen in another planning document. The inclusion of this paragraph of text detracts from the clarity of the Neighbourhood Plan and I recommend:

- **Delete final paragraph on Page 27 (“Note...Plan”)**

111 Also for precision, I recommend:

- **Page 26, change fourth paragraph of supporting text to: “...Character Assessment take into account the statutory requirement to preserve and protect the Conservation Area and consider the importance of open space. This has...”**

112 There is no need to refer to an assessment of a Conservation Area Management Plan. There is nothing to suggest that the assessment carries material planning weight and nor is it directly referenced in any of the Policies of the Neighbourhood Plan. Consequently, I find that the reference could result in unnecessary confusion. I recommend:

- **Page 26, delete final Para (“A detailed...(v)”)**

Policy EC1: Protecting and Enhancing the Historic Character

113 Good design is recognised by the Framework as comprising:

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56)

114 In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”

115 Generally, Policy EC1 seeks to promote high quality design and has regard to national policy.

116 Grammatically, there appears to be an unnecessary *“the”* in the title to Policy EC1 and this is addressed in the recommendations below. In addition, I am mindful of the comments raised by Lichfield District Council in that the Policy addresses matters relating to design as a whole and not just *“historic character,”* which would only represent one aspect of design. Again, I address this point in the recommendations below.

117 Following on from the above and taking into account further comments raised by Lichfield District Council, I consider that, in the absence of detailed evidence, it is not entirely clear what the *“village character”* actually comprises. Consequently, it is difficult to understand how all development can be consistent with something that is undefined. Consequently, the Policy requirement for development to be consistent with village character lacks appropriate precision, having regard to Planning Practice Guidance and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

118 I recommend:

- **Change the title of Policy EC1 to *“Protecting and Enhancing the Built Environment”***

- **Policy EC1, change to “*Within the village, development proposals must have regard to local character and demonstrate a high quality of design, form and layout.*”**

Policy EC2: Protecting and Enhancing the Historic and Natural Environment

- 119 Chapter 12 of the Framework, "*Conserving and enhancing the historic environment,*" recognises that heritage assets are irreplaceable and requires them to be conserved in a manner appropriate to their significance.
- 120 The supporting text in the Introduction refers to "*vital*" views, but the Policy provides no relevant protection, resulting in a confusing and unnecessary reference.
- 121 There is an absence of relevant information in support of the onerous requirement in Policy EC2 for development that has a "*significant effect on the special landscape of Alrewas*" to enhance the "*quality, character, distinctiveness and amenity value of that landscape.*"
- 122 Firstly, there is no indication in the Neighbourhood Plan of precisely what the "*special landscape of Alrewas*" comprises. Secondly, there is no definition of what a "*significant effect*" might be, who would be the arbiter of this, or on what basis. Similarly, it is not clear how the enhancement of quality, character, distinctiveness and amenity value would be measured, who by, or on what basis. Furthermore, there is no evidence to demonstrate that the requirement set out in the Policy would be viable or deliverable, having regard to Paragraph 173 of the Framework, which requires:
- "...careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable."*
- 123 Further to the above, it is not clear why all development must, where possible, improve landscape qualities identified in a Conservation Area Appraisal. Nowhere does national or local planning policy require such improvements and no justification is provided in the Neighbourhood Plan for such an onerous requirement. Similarly, it is not clear why all development should, where possible, improve visual amenity and scenic quality – neither of which are defined – or open fields adjacent to the Conservation Area boundary.
- 124 In respect of the latter requirement, the Neighbourhood Plan provides no clarity in respect of how, or why, a development could, or should, improve these fields.

- 125 The final part of Policy EC2 refers to "*this character*," which is not something that is defined and consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. Furthermore, the reference to "*appropriate mitigation*" is imprecise and thus fails to have regard to national planning advice.
- 126 Taking all of the above into account, Policy EC2 does not have regard to national policy and does not meet the basic conditions. I recommend:
- **Delete Policy EC2**

Policy EC3: Protection of Significant Views

127 Policy EC3 requires development proposals to respect a number of “views” and refers to an accompanying diagram.

128 However, in the absence of any substantive supporting information, it is not entirely clear where these “views” are from, precisely what they comprise, why they are “significant,” or how development might respect them.

129 Consequently, Policy EC3 appears imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

130 Taking the above into account, I recommend:

- **Delete Policy EC3**

- **Move diagram to Section 10, Community Actions and add a Community Action “*Significant Views. The Parish Council will encourage developers to take into account the general views shown on the diagram below, with the aim of ensuring that development respects important vistas from the village.*”**

- **NB, subsequent Figures within the plan will need to be renumbered as a result of Figure 6 moving to Section 10**

Policy EC4: Protection of Local Green Space

131 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

132 Consequently, Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land.

133 National policy establishes that:

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Paragraph 77)

134 Thus, when identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

135 Policy EC4 designates two areas of Local Green Space. Information in respect of these two areas is provided on page 27 of the Neighbourhood Plan and Appendix (iii) of the Evidence Base provides more detailed evidence to demonstrate that the two areas meet national policy requirements.

136 I note that a representation has been received in objection to the designation of the Canal and Riverbank Local Green Space. However, in respect of the size of this Local Green Space, I find that relative to the size of the settlement of Alrewas and taking into account its irregular shape, it does not appear as an extensive tract of land and there is no substantive evidence before me to the contrary.

- 137 Figure 6, set out below Policy EC4, identifies the location of each Local Green Space on a clear plan.
- 138 National policy is explicit in stating that the development of Local Green Space is ruled out, other than in very special circumstances. However, no mention is made of the "*exceptional circumstances*" referred to in Policy EC4. The Policy does not have regard to national policy in this respect and this is a matter addressed in the recommendations below.
- 139 In addition to the above, the reference in Policy EC4 to a Local Plan provision is unnecessary and detracts significantly from the clarity of the Policy. Taking this and all of the above into account, I recommend:
- **Policy EC4, change to "...is ruled out other than in *very special circumstances.*" (Retain the text that follows, naming and describing the two designated areas)**

Housing

140 Lichfield District Council has pointed out that the Housing Policy title reference numbers could result in confusion with the Housing Policies in the Local Plan (2015). To avoid confusion, I recommend:

- **Change Housing Policy reference numbers to “HP1, HP2,” etc**

141 Whilst I am mindful that Lichfield District Council also raises the point that some of the supporting text in the Housing Section could be regarded to comprise “*broad statements*,” I note earlier that the document has emerged through consultation and I consider that, in this case, the supporting text provides a flavour of the views of the local community and is distinctive to Alrewas. There is nothing in the supporting text, in this case, which does not meet the basic conditions.

Policy HP1: Housing Provision

142 The Neighbourhood Plan does not allocate land for development and there is no requirement for it to do so.

143 However, Policy H1 establishes a settlement boundary around the village of Alrewas, where development proposals will be supported. This represents a positive land use planning approach that contributes to the achievement of sustainable development.

144 Whilst there is no substantive evidence before me to demonstrate that the Neighbourhood Plan promotes less development than that set out in the development plan – and there is no suggestion that Lichfield District Council has any concerns in this regard – I am mindful that Policy H1 goes on to make an unsupported statement in respect of the provision of housing, rather than set out a specific land use planning policy requirement in this respect and this is something I address in the recommendations below.

145 The Policies of the development plan need to be considered as a whole. This removes the requirement for cross-references to other Policies and plans, as per part of the first paragraph of Policy H1. Also, the final bullet point of Policy H1 is reliant upon other, non-Neighbourhood Plan policy requirements.

146 Taking all of the above into account, I recommend:

- **Policy HP1, change to: “*Development proposals within the Village Settlement Boundary identified on Figure 6 will be supported.*” (delete rest of Policy) (NB, Figure 7 becomes Figure 6 due to earlier recommendation)**

147 A representation has been submitted in objection to Policy H1 on the basis that it is not “*sound.*” As set out earlier in this Report, neighbourhood plans are examined against the basic conditions. “*Soundness*” is a test that applies to District-wide local plan-making.

Policy HP2: Alrewas Village

- 148 In general terms, Policy HP2 is a supportive land use planning Policy that contributes to sustainable development.
- 149 However, Lichfield District Council has commented that no indication is provided in the Neighbourhood Plan of what “*small scale*” might comprise. In the light of this, I consider that this part of the Policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 150 In making the recommendation below, I am also mindful that the Policy provides for infill development within Alrewas and in any case, there is no evidence that there is any scope for such development to comprise very large forms of development.
- 151 I note that the Policy supports the development of brownfield land and in doing so, it has regard to national policy, which supports the effective use of land by reusing brownfield land (Paragraph 17, the Framework).
- 152 Policy HP7, later in the Neighbourhood Plan also relates to housing development in Alrewas. In the interest of clarity and precision, I find that it would make sense to merge Policy HP7 with Policy HP2.
- 153 I recommend:
- **Policy HP2, change to “In Alrewas village, *infill development* and the development of brownfield sites is supported. *Within this context, new developments of smaller properties (eg 3 bed or fewer) and those suitable for older people that provide for a recognised need will be supported.*”**

Policy HP3: Overlay and Orgreave

154 Like Policy HP2, Policy HP3 refers to, but does not define, "*small scale*" and consequently, it is imprecise in this respect.

155 Both Overley and Orgreave are very small hamlets that fall outside any village settlement boundary. Simply supporting development within these hamlets would fail to be in general conformity with Local Plan (2015) Core Policy 6 (Housing Delivery), which adopts a restrictive approach to development in such locations. No substantive evidence has been provided in justification of a different approach to that set out in the Local Plan (2015).

156 Taking the above into account, I recommend:

- **Delete Policy HP3**

Policy HP4: Flood Mitigation

157 Paragraph 100 of the Framework establishes that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”

158 It goes on to set out the need for a sequential, risk based approach, to avoid where possible flood risk to people and property; and provides clear guidance in respect of the planning application process and addressing flood risk.

159 Policy HP4 seeks to introduce an entirely different approach to that set out in national policy and in doing so, includes an ambiguous and imprecise reference to *“Development proposals of appropriate scale and where relevant.”* No indication is provided of what these might be and why this would be a more relevant factor than, say, location or flood risk. The Policy goes on to set out various requirements, without demonstrating that they would, in all cases, have regard to Paragraph 173 of the Framework in respect of viability and deliverability.

160 In the absence of any substantive evidence, it is not clear upon what basis Policy HP4 is seeking to set its own approach to flood mitigation. Consequently, the Policy does not have regard to national Policy provides no justification for its alternative approach.

161 I recommend:

- **Delete Policy HP4**

Policy HP5: Affordable Housing

162 Policy HP5 is reliant upon Local Plan (2015) Policy H2 (*Provision of Affordable Homes*).

163 It is not the purpose of neighbourhood plans to simply repeat the provisions of existing policies.

164 The Policy also refers to "*nationally set thresholds*" but provides no indication of what these might be.

165 I recommend:

- **Delete Policy HP5**

Policy HP6: Rural Exception Sites

- 166 Paragraph 50 of the Framework establishes the national policy aim of delivering a wide choice of high quality homes and Local Plan (2015) Policy H2 (*Provision of Affordable Homes*) supports the delivery of rural exception housing.
- 167 In general terms, Policy HP6 seeks to provide for rural exception housing meets the basic conditions. However, as worded, the second criterion of the Policy is reliant upon Local Plan (2015) Policy H2 and seeks to introduce management and occupation controls, without providing any evidence to demonstrate that these are something that the Neighbourhood Plan can control through a land use planning Policy.
- 168 I also note that the phrase "*planning permission will be supported*" lacks clarity.
- 169 I recommend:
- **Change Policy HP6 to "*The provision of affordable housing on rural exception sites will be supported subject to: a) the type...survey; and b) the development consists entirely of affordable housing or is for...low cost housing.*"**

Policy HP7: Housing size

170 Policy HP7 is a positive land use planning Policy that supports the provision of smaller properties and properties for older people. It relates to development in Alrewas village and it is therefore recommended that the Policy is merged with Policy HP2. It has regard to the national policy aim of delivering a wide range of high quality housing.

171 I note that the words "*that together*" appear confusing and detract from the clarity and precision of the Policy. As worded, the Policy identifies smaller housing and housing for elderly people as two different things.

172 I recommend:

- **Merge Policy with Policy HP2 (see earlier in this Report)**

Policy HP8: Building for Life

173 As set out, Policy HP8 simply comprises a long list of checkpoints and questions. No indication is provided of when it would, or would not be "*appropriate*" for development proposals to take the long list of checkpoints and questions into account. Consequently, the Policy lacks precision and does not provide a decision maker with a clear indication of how to react to a development proposal.

174 Notwithstanding the above, Building for Life criteria can provide helpful guidance and encourage the delivery of high quality residential development, thus contributing towards the achievement of sustainable development.

175 Taking this and the above into account, I recommend:

- **Policy HP8, change first Para to: "*New residential development must respect its surroundings and all residential development in the Neighbourhood Area should be of a high quality. To help achieve this, it is recommended that proposals consider the following:*" (List a) to l) here)**

176 I also note that the list of bullet points on page 44 don't relate to the submitted Housing Policies, or to the recommended revised Policies, taking into account the recommendations of this Report. I therefore recommend:

- **Page 44, delete the list of bullet points**

Economic Development

177 Part of the supporting text to this Section reads as though it comprises a Policy, but it does not and I recommend:

- **Page 46, penultimate Para, change to “*The Parish Council would like to see the commercial area to the east of the A38 maintained. The Parish does not have any large scale.../buildings and the Parish Council would not be supportive of such development.*”**
- **Page 46, final Para, change to “*The Parish Council wishes to prevent the loss of shops and services in Alrewas. This Plan therefore...*”**

Policy ED1: Business Expansion

178 Chapter 3 of the Framework, “*Supporting a prosperous rural economy,*” seeks to support economic growth by taking a positive approach to sustainable new development in rural areas. In order to do so, it states that neighbourhood plans should:

“...support the sustainable growth and expansion of all types of business and enterprise...”

179 Whilst Policy ED1 is a supportive Policy that has regard to this, Lichfield District Council has raised the point that the reference to “*small scale*” is not supported by any definition and consequently, the Policy appears imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

180 Further to the above, national policy support for economic growth in rural areas does not introduce a constraint limiting such growth to that which is small scale.

- 181 I also note that the subsequent Policy, Policy ED2 "*Small Scale Business Development*" also relates to sustainable new business development, having regard to the requirements of national policy. Given this, in the interest of clarity, I recommend below that this subsequent Policy is merged with Policy ED1, as the two Policies essentially seek to achieve the same thing.
- 182 In the absence of definitions, it is not clear what "*the nature of the Parish*" is, or what "*village ambience*" might be or how development might respect them. Consequently, these elements of the Policy are imprecise and do not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 183 The phrase "*has no detrimental effect*" runs the risk of preventing the balanced consideration of a development proposal, such that any harm might be weighed against any benefits. Consequently, this part of the Policy may prevent sustainable development from coming forward.
- 184 In addition to the above, the phrase "*any adverse impact on the Parish*" is so broad as to appear meaningless from a land use planning policy perspective.
- 185 I note earlier in this Report that national planning policy, as set out in Paragraph 32 of the Framework, states that development should only be prevented on transport grounds where its residual cumulative impacts are severe and I take this into account in the recommendations below.
- 186 Consequently, I recommend:
- **Change the title of Policy ED1 to "*Sustainable Business Growth*"**
 - **Combine Policies ED1 and ED2 and change to "*The sustainable growth and expansion of business and enterprise, through conversion, extension and well-designed new buildings, will be supported, provided that such development: a) respects local character, including the massing and scale of surrounding buildings and protects residential amenity; and b) maintains or improves highway safety.*"**

Policy ED2: Small Scale Business Development

187 As above, Policy ED2 seeks to achieve similar Policy aims to Policy ED1, having regard to national policy, as set out in Chapter 3 of the Framework, *“Supporting a prosperous rural economy.”*

188 I recommend:

- **Merge Policy ED2 with Policy ED1 (see Policy ED1, above)**

Policy ED3: Commercial Development East of the A38

- 189 The supporting text to Policy ED3 identifies the provision of a footbridge across the A38 as a “*key aspiration.*” However, Lichfield District Council has submitted a representation pointing out that, as set out, the Policy lacks clarity or precision in respect of what “*an appropriate contribution*” to the provision of a footbridge might comprise.
- 190 Given this, Policy ED3, as set out, does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 191 With further reference to the above, I am also mindful of comments submitted by the National Memorial Arboretum, which note that the approach to commercial development suggested in Policy ED3 is not precise, but broad in nature. Taking this into account, I consider that the Policy’s general support for development “*to the east*” of the A38 lacks appropriate precision and could, as a consequence, result in support to unsustainable forms of development across a sweeping area.
- 192 However, it is clear that the provision of a footbridge is a significant community aspiration. Such provision would enhance the public right of way network, having regard to Paragraph 75 of the Framework and would provide for a safe and accessible environment, having regard to Paragraph 58 of the Framework. I therefore recommend:
- **Policy ED3, change to “*The provision of a new footbridge, connecting Alrewas with commercial development to the east of the A38 will be supported.*”**
 - **Section 10, add to the Community Aspiration, Footbridge “*...the A38. The Parish Council will work with third parties with the aim of delivering this and will consider using Community Infrastructure Levy receipts to help procure its delivery.*”**
- 193 In making the recommendations above, I am mindful that other Policies in the Neighbourhood Plan already provide a supportive land use planning policy context for development relating to business and the railway station (taking the recommendations of this Report into account).

Policy ED4: Support for existing shops and services

194 Paragraph 28 of the Framework promotes:

“...the retention and development of local services and community facilities in villages, such as local shops...public houses...”

195 Policy ED4 seeks to protect local shops and services and thus has regard to national policy.

196 Changes to Permitted Development Rights over recent years mean that some changes of use no longer require planning permission and the recommendation below takes this into account:

- **Policy ED4, change to “*Development requiring planning permission that results in the loss of shops, services or public houses as a result...*”**

Policy ED5: Tourism

197 Chapter 3 of the Framework, "*Supporting a prosperous community,*" promotes sustainable rural tourism. Policy ED5 has regard to this.

198 As a safeguard, the Policy refers to the need to respect local character. Tourist uses also have the potential to impact upon residential amenity and in the interest of precision, I recommend:

- **Policy ED5, change to "*...scale and to it respecting local character and residential amenity.*"**

7. The Neighbourhood Plan: Other Matters

199 The background text on page 51 reads as though it comprises a Policy requirement, which it does not. Further, the text also refers to "*the housing allocation.*" The Neighbourhood Plan does not allocate any housing sites and consequently, the inclusion of this Section appears unnecessarily confusing and detracts from the precision of the document.

200 I recommend:

- **Delete text on Page 51**

201 The recommendations made in this Report will have a subsequent impact on Contents and page numbering.

202 I recommend:

- **Update the Contents and page numbering, taking into account the recommendations contained in this Report.**

8. Summary

203 Having regard to all of the above, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

204 Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan 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.

205 Taking the above into account, I find that the Alrewas Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

206 I recommend to Lichfield District Council that, subject to the modifications proposed, **the Alrewas Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

207 I am required to consider whether the Referendum Area should be extended beyond the Alrewas Neighbourhood Area.

208 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

209 Consequently, I recommend that the Plan should proceed to a Referendum based on the Alrewas Neighbourhood Area approved by Lichfield District Council and confirmed by public notice on the 19th February 2013.

Nigel McGurk, April 2018
Erimax – Land, Planning and Communities



EST. 2011

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Armitage with Handsacre Neighbourhood Plan – Referral to Referendum



Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard

Date: 12 June 2018
 Agenda Item: 10
 Contact Officer: Patrick Jervis/Ashley Baldwin
 Tel Number: 01543 308196
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CABINET

Key Decision? No
 Local Ward Members All Armitage with Handsacre ward members

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Armitage with Handsacre which has recently been the subject of formal examination by an Independent examiner.
- 1.2 The examiner of the Armitage with Handsacre neighbourhood plan is recommending that subject to a number of modifications being made to the plan that it can proceed to referendum. The District Council now has to consider the examiner's report and recommendations and if it so wishes resolve to progress the Armitage with Handsacre Neighbourhood Plan to referendum by way of issuing a Decision Statement.

2. Recommendations

- 2.1 That the Cabinet accepts and agrees to the making of modifications as set out in the 'Decision Statement regarding Armitage with Handsacre Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement (**Appendix A**). This will enable the Plan to be proceed to the referendum stage.
- 2.2 That Cabinet approve the publication of the Decision Statement for the Armitage with Handsacre neighbourhood plan (**Appendix A**).
- 2.3 That Cabinet approve delegated authority to the Cabinet Member for Economic Growth, Environment & Development Services and the Head of Economic Growth to make factual changes to the maps as described at paragraph 3.7 of this report where necessary.

3. Background

- 3.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents.
- 3.2 The Neighbourhood Planning (General) Regulations 2012 require that Neighbourhood Plans are subject to independent examination. The appointed independent examiner must consider whether a Neighbourhood Plan meets the 'Basic Conditions' as set out within the Independent Examiner's Report. Following the completion of an examination, the examiner must produce a report which can make one

of three recommendations; 1) That the neighbourhood plan can proceed to referendum; 2) That subject to identified modifications the neighbourhood plan can proceed to referendum; 3) That the neighbourhood plan should not proceed to referendum.

- 3.3 The Armitage with Handsacre Neighbourhood Plan has been independently examined and it is recommended in the examiners final report (**Appendix B**) that subject to the modifications outlined within the report the neighbourhood plan meets the ‘basic conditions’ and as such should proceed to referendum.
- 3.4 The Regulations require that upon receipt of the final report from an independent examination of a Neighbourhood Plan, the Local Planning Authority (Lichfield District Council) is required to consider the recommendations set out in the examiners reports. In addition there is a requirement to publish on our website a ‘decision statement’ which considers the recommendations of the independent examination within 5 weeks of receiving the report.
- 3.5 The examiner’s report and its proposed modifications have been considered by officers. On the basis of the assessment of the report and the proposed changes it is recommended that the District Council accepts the recommendations of the examiner and agrees all the modifications to the Armitage with Handsacre neighbourhood plans.
- 3.6 In line with the conclusions and recommendations of the examiner a proposed Decision Statement in respect of Armitage with Handsacre Neighbourhood Plan is attached at **Appendix B**. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications (**Appendix C**).
- 3.7 Two of the examiners proposed modifications include the recommendation that additional maps are produced and included within the neighbourhood plan to illustrate the proposed modification. These maps are shown at Appendix B, C and D of the proposed Decision Statement (**Appendix B**). The District Council has produced these maps on behalf of the Parish Council and is seeking clarification from the Parish that these are satisfactory to the Parish Council. The maps are factual illustrations of the polices as proposed to be modified by the examiner, therefore if there are any factual errors on the maps delegated authority will be sought to make changes to the maps and incorporate these into the Decision Statement (**Appendix B**) and the modified version of the Neighbourhood Plan ([Appendix C](#)).
- 3.8 The Cabinet is asked to note the examiner’s report for the Armitage with Handsacre neighbourhood plan, including the specific recommendations, and agree the Decision Statement allowing the plans referendum to follow.
- 3.9 Following a decision to allow a Neighbourhood Plan to proceed to referendum, the District Council will need to publish the Decision Statement online and provide the decision statement to the Qualifying Body and any other stakeholder who has requested to be notified of the decision. Following this the referendum will need to be organised.

Alternative Options	<ol style="list-style-type: none">1. Lichfield District Council declines to send the Armitage with Handsacre Neighbourhood Plan to referendum. This would mean the Neighbourhood Plan would retreat to an earlier stage of development.2. The Qualifying Body withdraws the Neighbourhood Plan prior to Lichfield District Council making a formal decision as outlined within the Decision Statement. Again this would mean the Neighbourhood Plan would retreat to an earlier stage of development.
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Consultation	<ol style="list-style-type: none"> 1. In line with the Regulations the draft Armitage with Handsacre Neighbourhood Plan has been consulted upon for at least the minimum required 6 week period at both the pre-submission and local authority publicity stages prior to their submission for Independent Examination. Alongside the submission of the Plan the Qualifying Body (Armitage with Handsacre Parish Council) are required to submit a Consultation Statement detailing the consultation undertaken throughout the Neighbourhood Plan process. These statements have been considered by the respective Independent Examiner along with all representations made at the Local Authority publicity period.
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Financial Implications	<ol style="list-style-type: none"> 1. The Government has made grant aid available to District Councils in recognition of the level of resourcing required in the administration of Neighbourhood Plans. Government guidance states that ‘this money is to ensure LPAs receive sufficient funding to enable them to meet new legislative duties on neighbourhood planning. Specifically, it covers the neighbourhood planning duties in the Localism Act which are to provide advice and assistance; to hold an examination; and to make arrangements for a referendum’. However it should be noted that the level of grant aid has decreased over time. 2. Upon successful referendum the District Council becomes eligible and can apply for a grant of £20,000. 3. Communities with Neighbourhood Plans in place will also be entitled to 25% uncapped of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area. Communities with no Neighbourhood Plan will be entitled to 15% which is capped.
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Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The Neighbourhood Plan demonstrates that it is in broad conformity with the Local Plan Strategy which conforms with the Strategic Plan.
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Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community.
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Crime & Safety Issues	<ol style="list-style-type: none"> 1. Crime and Community safety issues may be considered as part of an emerging Neighbourhood Plan.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Plan received a ‘no’ vote in a referendum	Have regular dialogue with the Parish Council to ensure consultation and engagement gains ‘buy in’ from the community at the earliest opportunity. However there are limited controls available because the purpose of the referendum is to enable residents to decide whether they want a Plan.	Yellow
B	Parish decides to withdraw Neighbourhood Plan	Have regular dialogue with the parish Council to ensure understanding of process moving forward and the implications of withdrawing the plan.	Green

Background documents

1. [Neighbourhood Planning \(General\) Regulations 2012](#)
2. [Local Plan Strategy \(Adopted February 17 2015\)](#)
3. [Armitage with Handsacre Independent Examination Final Report](#)
4. [Armitage with Handsacre Neighbourhood Plan \(Submission version\)](#)

Relevant web links

[Local Plan](#)

[Neighbourhood Plans](#)

[My Community Funding & Support](#)

[Armitage with Handsacre Neighbourhood Plan](#)



Decision Statement Regarding Armitage with Handsacre Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Armitage with Handsacre Neighbourhood Plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was reported to Cabinet on 12/06/2018 where it was confirmed that the Armitage with Handsacre Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

2. Background

- 2.1 On 19 April 2013 Armitage with Handsacre Parish Council requested that the Armitage with Handsacre Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Armitage with Handsacre Neighbourhood Area on 9 July 2013.
- 2.2 In May and June 2017 Armitage with Handsacre Parish Council published the draft Armitage with Handsacre Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Armitage with Handsacre Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council in February 2018 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 23 February 2018 and 6 April 2018 (the Local Authority publicity consultation). Mr Andrew Ashcroft BA (Hons) DMS MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.4 He has concluded that, subject to modifications, the Armitage with Handsacre Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule

4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.

- 2.5 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

3. Armitage with Handsacre Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response

- 3.1 The District Council considered the Examiner’s report and the recommendations/modification contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Lichfield District Council’s consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Lichfield District Council with the reasons for these recommendations.
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner’s report to provide a more concise report. This document should be read in conjunction with the Examiner’s Final report. Which is available via: www.lichfielddc.gov.uk/armitagenp.

NB – Where modified text is recommended this will be shown in red with text to be deleted struck through (~~text to be deleted~~), and text to be added in bold type (**text to be added**).

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Policy AH1	<p>Modify the first sentence of the policy as follows:</p> <p>The non-designated local heritage assets identified below and as shown on Map 6 will be conserved and enhanced.</p> <p>Replace the schedule of non-designated heritage assets in the policy with those in the schedule provided by the Qualifying Body in their ‘Clarification Note (Appendix A to this schedule)’ and shown the properties on a map (Map to be inserted Appendix B to this schedule).</p>	<p>Certain properties were not immediately identifiable from the schedule in the submitted plan. Following clarification from the Parish it is recommended the schedule be updated to more clearly reference the properties and show these on a map.</p>	<p>Yes – for clarity and to meet the basic conditions</p>
Policy AH2	<p>Modify the first paragraph of the policy as follows:</p> <p>Development proposals should seek to conserve and enhance the area’s natural environment assets, including habitats, brooks, streams, ponds, hedgerows, semi and unimproved</p>	<p>The policy defers to policies within the Local Plan Strategy. A neighbourhood policy should be self-contained rather than repeating local plan policies. Top reflect the approach in paragraph 113 of the NPPF which identifies the need for a criteria-based</p>	<p>Yes – to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>grassland and broadleaf native woodland. In particular, the following areas will be protected for their local natural environmental resource value.</p> <p>Modify the final paragraph of the policy as follows:</p> <p>Development proposals will be assessed against Local Plan Strategy Core Policy 13 and development management policies NR1 to NR6. Development proposals that would otherwise affect the neighbourhood area's natural environmental assets will only be supported where they would:</p> <ul style="list-style-type: none"> • Protect, enhance, restore and implement appropriate conservation management of the biodiversity or geodiversity value of the land of buildings concerned, or those listed in the first part of this policy in particular; and/or • Minimise fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats; and/or • Incorporate beneficial biodiversity and geological conservation features; and/or • Deliver a net gain for biodiversity and/or geodiversity in the neighbourhood area. 	<p>policy which makes an appropriate distinction between the hierarchy of such sites.</p>	
Para 6.11	<p>Modify paragraph 6.11 as follows:</p> <p>6.11 Our questionnaire shows that local people value and appreciate the surrounding natural environment. Policy AH2 seeks to protect this natural environment, and identifies five specific areas for protection, including the existing Trent and</p>	<p>Recommend modification to supporting text to refer to the Rugeley Power Station Development Brief Supplementary Planning Document (SPD). The document has been prepared by Lichfield District Council and Cannock Chase District Council. The SPD</p>	<p>Yes – to meet the basic conditions.</p>

ARMITAGE WITH HANDSACRE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>Mersey Canal Site of Biological Importance and, following responses made to the Regulation 14 consultation the Borrow Pit. The Borrow Pit was identified to be retained as a landscape/water feature in the Rugeley Power Station Development Brief Supplementary Planning Document which was jointly prepared by Lichfield District Council and Cannock Chase District Council in February 2018. In protecting sites in Armitage with Handsacre the neighbourhood plan will help to achieve a number of the targets set in the Biodiversity Strategy for Lichfield District, including:</p> <ul style="list-style-type: none"> • Prevention of further loss of native broadleaf woodland • Limiting the loss and degradation of hedgerows • Increasing the number of native trees of local provenance • Maintenance of areas of semi and unimproved grassland. • Maintenance of open water habitats • Increasing access to nature in urban areas <p>Development management decisions affecting these sites will also be taken with regard to existing Local Plan Strategy policy. Policy AH2 seeks to add local value and distinctiveness to Lichfield Local Plan Strategy Core Policy 13 and Policies NR1 to NR6.</p>	<p>safeguards the Borrow Pit within the wider context of the residential development of the site.</p>	
Policy AH3	<p>Modify the text of the policy as follows:</p> <p>The following sites as shown on Map 7 will be protected:</p> <ul style="list-style-type: none"> • Peak Close recreation area 	<p>Modifications recommended so that the policy has the clarity required by the NPPF. The first is to ensure that the various facilities are actually protected as 'local recreational facilities' and shown on a map base. The use of the word 'encouraged in</p>	<p>Yes - for clarity and to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<ul style="list-style-type: none"> • Canon Lane/Lower Fufin proposed site for a community building • Hawksyard play area • Bowling Green, Millmoor Avenue • Hard court play area including tennis, football and basketball at Shropshire Brook Road • St Barbara's Road Play Area • Cricket Ground (Ideal Standard) <p>Schemes to enhance and improve these local recreational facilities and open spaces will be supported and encouraged.</p> <p>Development that will lead to the loss of these facilities will only be supported when equivalent, or better provision of alternative facilities is provided within the neighbourhood area; or the development is for alternative sport and recreation facilities the need for which clearly outweighs the loss of the existing facility.</p> <p><i>(NB – examiner recommends combing third and fourth paragraphs of policy as above).</i></p> <p>Schemes to enhance and improve local recreational facilities will be supported and encouraged in the following locations</p> <ul style="list-style-type: none"> • Improved or new equipped play at Upper Lodge Road and Millmoor Avenue; • New amenity green space to the east around Tuppenhurst Lane; and • Provision of an additional football pitch in an appropriate location. 	<p>various parts of the policy is unclear and the use of the word 'supported' is adequate.</p>	

ARMITAGE WITH HANDSACRE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<i>(Map to be inserted Appendix C to this schedule)</i>		
Para 6.14	<p>Modify text of paragraph as follows:</p> <p>The majority of open spaces in the neighbourhood area are currently in the ownership of and managed by Lichfield District Council. The various sites already feature in the District Council's Open Space Assessment. Neighbourhood planning allows local people to identify open spaces and green areas that they want to see protected – something that is clearly in line with views expressed in response to the questionnaire survey. Work is taking place to work up proposals in particular parts of the neighbourhood area. Long term aspirations for the enhancement and improvement of local facilities include;</p> <ul style="list-style-type: none"> • Improved or new equipped play at Upper Lodge Road and Millmoor Avenue; • New amenity green space to the east around Tuppenhurst Lane; and • Provision of an additional football pitch in an appropriate location. 	<p>Recommend the final part of the policy is deleted and transposed into the policies supporting text. Concluded it would be inappropriate to keep this directly in the land use policy.</p>	<p>Yes – for clarity.</p>
Policy AH4	<p>Modify the text of the policy as follows and add numbering to corresponding maps (for replacement map see appendix D of this decision statement):</p> <p>The open spaces identified on the Policies Map (Map 6a and Map 6b) will be protected. Development of these areas for built development will only be supported when The open</p>	<p>For clarity recommend the inclusion of a list of the various open spaces within numbering so that these can be clearly identified on the maps.</p>	<p>Yes – for clarity.</p>

ARMITAGE WITH HANDSACRE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>space listed below and shown on maps 6a and 6b are identified as protected open spaces:</p> <ol style="list-style-type: none"> 1. Pinfold Drive 2. The Green 3. St Barbara's Road 4. Moat Way 5. Reeve Court 6. Leet Court 7. Manor Court Drive 8. Shropshire Brook Road/New Road 9. Warren Croft 10. Wordsworth Close 11. Hazel Drive 12. Peak Close 13. Chase View 14. Millmoor Avenue 15. War Memorial, New Road 16. Upper Lodge Road 17. Playing field and bowling green, Millmoor Avenue <p><i>(NB – see second modification in table 2 – refers to changing map numbers to ensure consecutive numbering within the plan).</i></p>		
Policy AH5	<p>Modify the text of the first paragraph of the policy as follows:</p> <p>New residential development should be of a good quality design. Where appropriate development proposals should take account of the character of the historic village centre, their proximity and accessibility to the Trent and Mersey Canal</p>	<p>The policy as submitted added little value. Nevertheless, rather than delete the policy it is recommended that it is modified to have the clarity required by the NPPF and has a degree of local distinctiveness.</p>	<p>Yes – for clarity and to meet the basic conditions.</p>

ARMITAGE WITH HANDSACRE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>Conservation Area and their location in relation to open spaces and play and recreational facilities. To assess development proposals, the following factors should be considered when assessing the design of a planning proposal Development proposals will be supported where these characteristics are respected and where their design responds positively to the following factors.</p>		
Para 6.17	<p>Add the following text after the first sentence of the policy:</p> <p>Policy AH5 captures key design and environmental considerations that were considered to be important to the local community as part of the Plan preparation process.</p>	For clarity.	Yes – for clarity.
Policy AH6	<p>Modify the text of the policy as follows:</p> <p>Development proposals should seek to maintain the rural nature of the village. In assessing how proposals maintain Armitage and Handsacre as separate free-standing communities within a rural setting proposals will be assessed against the following Proposals will be supported which maintain Armitage and Handsacre as separate free-standing communities within a rural setting and which:</p> <ul style="list-style-type: none"> a) Impact on the open land and landscape setting of the settlements respect the landscape setting of the settlement concerned; b) Impact on the free-standing nature and separation of the settlements of Armitage and Handsacre from other settlements and larger areas of built development 	Sought clarification from the Parish Council on its ambitions for the policy. It was confirmed that the five factors to be seen as criteria within the context of a supporting policy. Recommend a detailed modification to the fifth criteria so that its role and purpose have the clarity required by the NPPF. Also recommend the deletion of the fourth criteria as no public views are defined and as such the policy would be impractical for LDC to implement this element of the policy.	Yes – for clarity and to meet the basic conditions.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>maintain the distinction between Armitage and Handsacre from other settlements;</p> <p>c) Impact on the Conservation Area and its setting respect the character and appearance of the Trent and Mersey Canal Conservation Area and its setting; and</p> <p>d) Impact on significant public views in to and out of settlement(s) and safeguard existing outdoor sport and recreational facilities and, where appropriate, create new opportunities for such facilities.</p> <p>e) Ability to limit impact on existing and to create new opportunities for outdoor sport and recreation.</p>		
Policy AH7	<p>Modify the text of the first two paragraphs of the policy as follows:</p> <p>The following community facilities should be protected will be safeguarded. Proposals for their enhancement will be supported.</p> <ul style="list-style-type: none"> • Village Hall • Pavilion • Public houses • Shops <p>Proposals for their enhancement will be supported.</p> <p>Insofar as planning permission is required development that would result in the loss of these facilities will only be supported when an equivalent or better facility is provided within the neighbourhood plan area, or where it can be demonstrated by</p>	<p>Recommend that viability matters are included within the policy to take account of the commercial nature of retail uses. Recommend other modifications so that the policy has the clarity required by the NPPF.</p>	<p>Yes – for clarity and to meet the basic conditions.</p>

ARMITAGE WITH HANDSACRE NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	the applicant there is no longer a need for a particular community facility or that is no longer commercially viable.		
Para 6.23	<p>Add the following text to the end of paragraph 6.23:</p> <p>The policy recognises that the shops in the neighbourhood area play an important role in the vitality of the local community. Nevertheless, it also recognises that there may be circumstances where an on-going retail use of particular premises is no longer commercially viable. In addition, the second part of the policy provides active support for new community facilities. Plainly it is impractical to identify the range of facilities which may be promoted within the Plan period. However, the second part of the policy is intended to be wide-ranging and is not restricted to the four facilities highlighted in the first part of the policy.</p>	For clarity.	Yes – for clarity.
Policy AH8	<p>Modify the first paragraph of the policy as follows:</p> <p>In order to retain the rural character of the village proposals for new housing within the settlement boundary as defined on the Local Plan Policies Maps (Map 6a) will be supported when it meets the following criteria.</p> <p>Modify the settlement boundary shown on map 6a so that it is identical to that shown within the adopted development plan.</p>	The policy needs to reference the correct boundary rather than make an indirect reference to the Local Plan.	Yes – to meet the basic conditions.

TABLE 2

Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
Title Page	Add text to the title page as follows to signify that the document is the version of plan being voted upon at referendum. “Referendum Version” . NB – if the Plan is made “Referendum Version should be replaced with the date on which the plan is ‘Made’.	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.
Policy AH4	Change reference to maps 6a and 6b to 8a and 8b to ensure consecutive numbering of maps within the plan following examiners proposed modifications which add additional maps into the document.	Yes – to ensure consecutive numbering of maps within the document.

Decision Statement Appendices Content:

APPENDIX A – Armitage with Handsacre Parish Council clarification cote response

APPENDIX B – MAP 6 to be included with Policy AH1

APPENDIX C – MAP 7 to be included with Policy AH2

APPENDIX D – Amended MAP 6a (to become Map 8a) with numbering



Armitage and Handsacre Neighbourhood Development Plan

Response to Independent Examiner's Clarification Note

Points for Clarification

Policy AH1

Can the properties be identified on a map base and/or targeted by postcodes? For example, where is 'Yew Tree Cottage'?

- **48 Uttoxeter Road, WS15 4DN**
- **Plum Pudding Rugeley Road WS 15 4AZ**
- **Crown Inn, The Green, WS15 4DT**
- **8, 10 and 12 The Green, WS15 4DP**
- **Olde Peculiar Public House, The Green, WS15 4DP**
- **Old Church Hall, Hall Road, WS15 4DD**
- **16 Hall Road, WS15 4DD**
- **Handsacre Methodist Church, Lichfield Road, WS15 4DP**
- **40 Old Road, WS15 4DR**
- **42 Old Road, WS15 4DR**
- **54 to 76 Old Road, WS15 4BU**
- **Stone Cottages, Rugeley Road WS15 2LL**
- **Armitage Youth Centre, Rugeley Road, WS15 4AZ**
- **Itonia Terrace, Rugeley Road WS15 4AR**
- **Ricardia Terrace, Rectory Lane WS15 4AN**
- **The Mount, Pike Lane, WS15 4AF**
- **Havenhill House, Pike Lane, WS15 4AF**
- **Rose Cottage, Hood Lane, WS15 4AG**
- **Bramley Cottage, Hood Lane, WS15 4AG**
- **Violet Cottage, Hood Lane, WS15 4AG**
- **The Coach house and terrace, Westfields Road, WS15 4AH**
- **Targate Terrace, New Road, WS15 4AA**
- **Jubilee Terrace, New Road WS15 4AA**
- **Westfield House, New Road, WS15 4BJ**

Policy AH2

To what extent if any did the Plan take account of the Rugeley Power Station Supplementary Planning Document that was emerging at approximately the same time?

Full account was taken on the Rugeley Power Station Supplementary Planning Document was taken during the preparation of the NDP.



The final paragraph of the policy is supporting text rather than policy. I am intending to recommend a modification accordingly. Do you have any comments?

We would support this amendment.

Policy AH3

The final paragraph takes on a different character to that of the bulk of the policy. This is fine in principle. However, is there any clarity on the viability and deliverability of the three facilities listed?

No specific work has been undertaken on viability and deliverability. These are long-term aspirations.

Policy AH4

I suggest that the policy would have far more clarity if the various open spaces were listed in a similar fashion to the recreation facilities in AH3. Is this possible? Can they be identified with letters or numbers and those numbers shown on Map 6a/b?

1. Pinfold Drive
2. The Green
3. St Barbara's Road
4. Moat Way
5. Reeve Close
6. Leet Court
7. Manor Court Drive
8. Shropshire Brook Road/New Road
9. Warren Croft
10. Wordsworth Close
11. Hazel Drive
12. Peak Close
13. Chase View
14. Millmoor Avenue
15. War Memorial, New Road
16. Upper Lodge Road
17. Playing field and bowling green, Millmoor Avenue

Policy AH5

To what extent does the policy add local distinctiveness to national and local policies?

We accept very little.

Policy AH6

I understand the purpose of the policy. Nevertheless, it merely lists a series of points against which proposals will be assessed rather than to identify what a developer would need to achieve to secure planning permission. Did you intend points a-e to be criteria to be met within the context of a supportive policy?

The intention was for criteria a) to e) to be met within the context of a supportive policy?

Policy AH7



Can the properties be identified on a map base and/or targeted by postcodes?

Yes, if required. But given fluid nature of some of the uses it was felt a plan-wide generic approach was more appropriate.

Could shops sensibly sit as a distinct part of this policy? Plainly they have a community function. Nevertheless, they operate in a purely commercial capacity.

We would suggest amending title to Retaining and Enhancing Existing Community Facilities and Local Shops

Policy AH8

Do you have any comments on the District Council's representation on the village settlement boundary?

If the event that the submitted Plan is explicitly proposing to amend the boundary in the development plan:

- in which locations is this taking place; and
- what is the evidence for doing so?

Parish Council were of the view the boundaries were the same – we accept need to amend settlement boundary as suggested.

Representations made to the Plan

Does the Parish Council wish to make any observations on any of the representations made to the Plan?

Canal And River Trust and Staffordshire Wildlife Trust

We accept the suggested amendments.

Woodland Trust

We agree the suggested changes can be happily incorporated into a revised plan.

Taylor Wimpey

No change to plan – the NDP does not allocate sites and this site is in the Green Belt. Green Belt boundaries can only be revised by LDC so not an NDP matter.

Walton Homes

No change. NDP is not too prescriptive its says “normally two storeys” i.e. in certain circumstances additional storeys may be acceptable.

LDC comments

AHNP13 – reference to emerging plan can be accommodated. In preparing the plan the Parish Council have had appropriate regard to emerging planning policy. On the comment on designated heritage assets we do not to agree with this – this can be dealt with via LDC planning policy.

AHNP16 – Points 1 to 4 – agree to proposed changes.

Para 6.7 – accept suggested change.

Policy AH2 - accept suggested change.



Policy AH3 - accept suggested change.

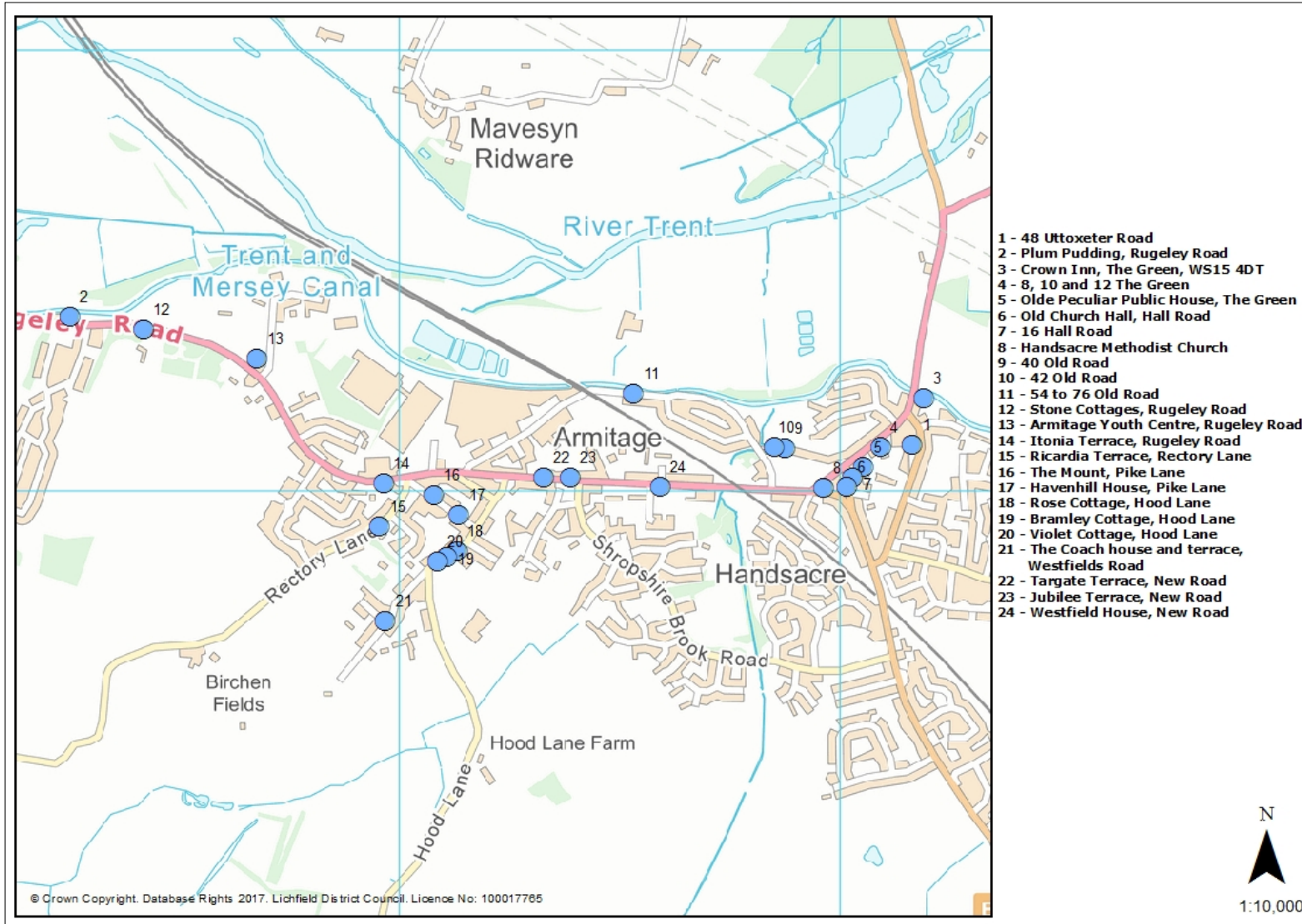
Policy AH4 – Policy is clear these will be protected open spaces. The Local Green Space designation and the associated tests are not being used.

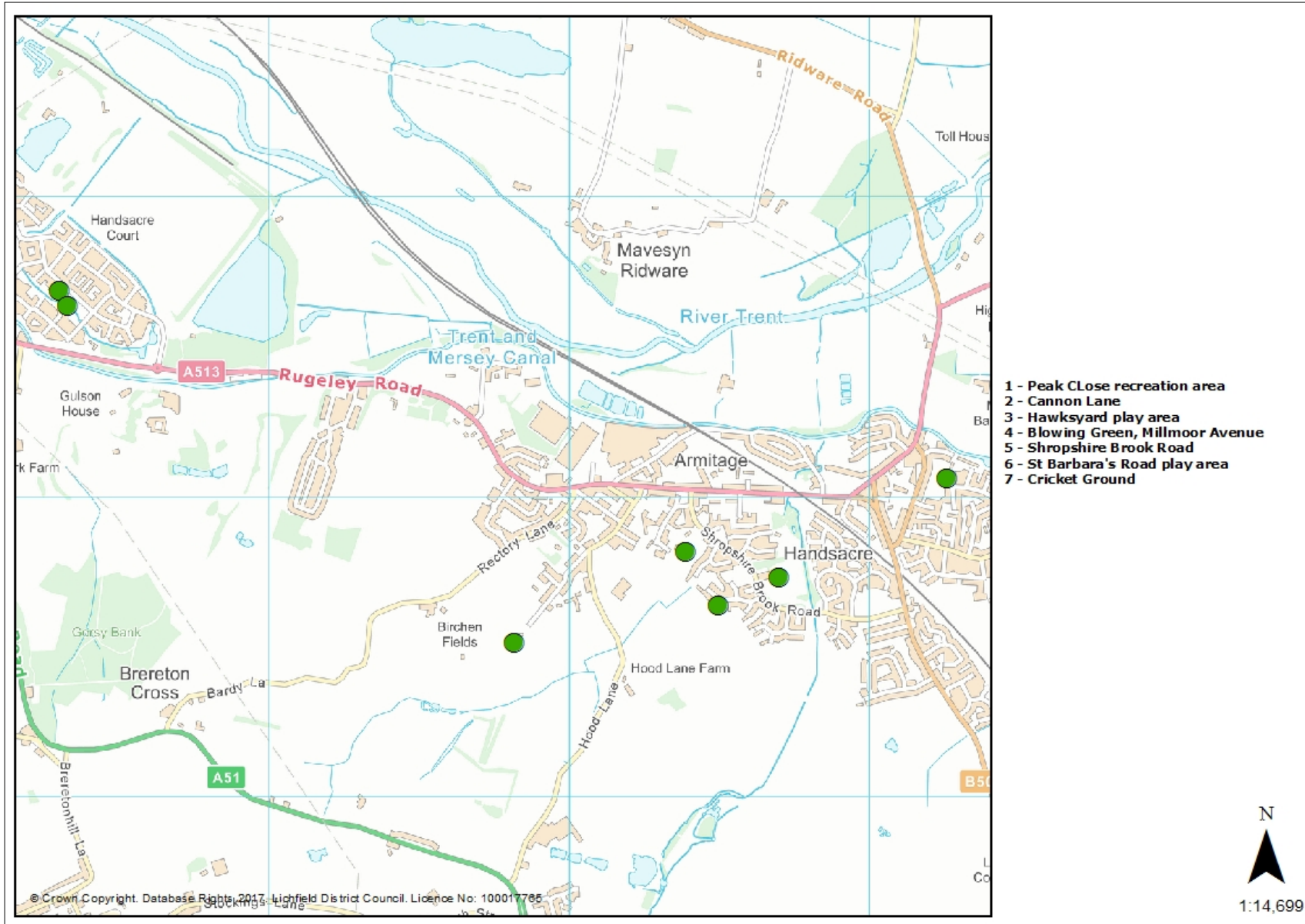
Policy AH5 - accept suggested change.

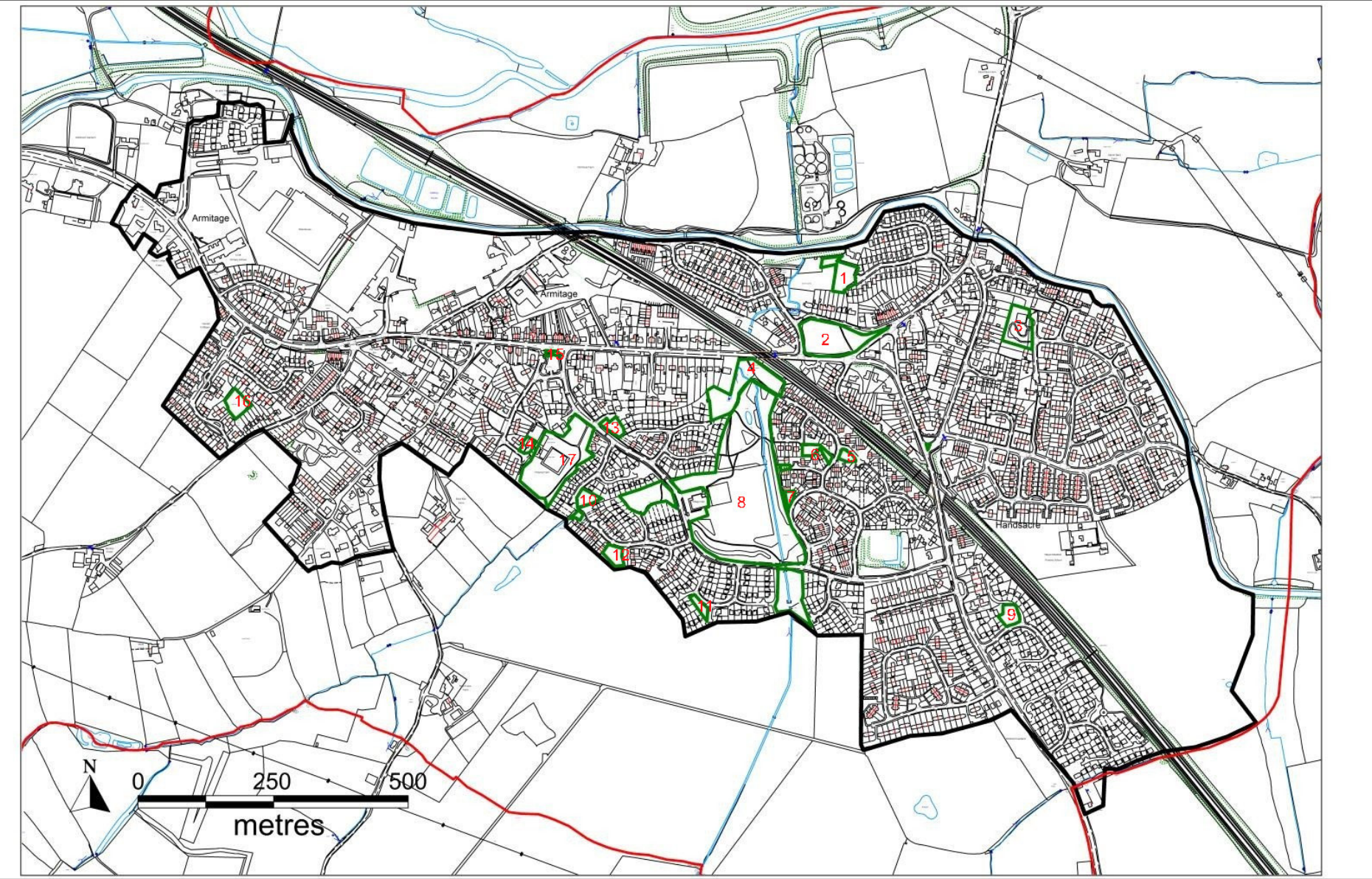
Policy AH8 - accept need to amend settlement boundary as suggested.

AHNP15 - accept suggested changes.

AHNP14 – disagree with this suggested change. NPPF is out for consultation – it may change/it may not.







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Armitage with Handsacre Neighbourhood Development Plan 2017-2029

**A report to Lichfield District Council on the Armitage
with Handsacre Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Lichfield District Council in April 2018 to carry out the independent examination of the Armitage with Handsacre Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 23 April 2018.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and the Green Belt. It includes policies on community facilities and recreational facilities. It also incorporates a very distinctive policy on sites of ecological importance.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Armitage with Handsacre Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
18 May 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Armitage with Handsacre Neighbourhood Plan 2017-2029 (the Plan).
- 1.2 The Plan has been submitted to Lichfield District Council (LDC) by Armitage with Handsacre Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or indeed a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been carefully designed to be distinctive in general terms, and to be complementary to the development plan in particular.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by LDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both LDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be 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.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I make specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, LDC has prepared a screening report for both Strategic Environmental Assessment and Habitats Regulations Assessment. It properly assesses the environmental impacts of the implementation of the Plan's policies. It does so in an exemplary way.
- 2.7 I am satisfied that the screening report complies with the basic conditions. It helpfully includes the various letters received from the three statutory consultees. It concludes that the Plan is not likely to have any significant effects on the environment and that SEA is not required.
- 2.8 LDC also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is thorough, comprehensive and professionally-prepared. It concluded that the Plan was not likely to have any significant effect on a European site. In doing so it assessed a series of protected sites within 15km of the neighbourhood area. Natural England agreed with the outcome of the screening opinion.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. 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, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the LDC Screening reports.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Lichfield Local Plan Strategy 2008-2029
- the emerging Lichfield Local Plan Allocations document.
- the Rugeley Power Station Supplementary Planning Document (February 2018)
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 23 April 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised LDC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is very thorough and comprehensive. It includes a very detailed assessment of the consultation undertaken during the Plan's production. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the production of regular reports in the local newsletter and the parish website;
 - the arrangement of public meetings;
 - the setting up of a steering committee;
 - the use of a household questionnaire; and
 - the use of a Twitter feed.
- 4.4 The Statement also comments in significant detail about how its key policies were influenced by a variety of private and public bodies.
- 4.5 The latter parts of the Statement set out how the submitted Plan took account of consultation feedback. They set out the comments received as a result of the pre-submission consultation and the Parish Council's responses to those comments. They do so in a very thorough and effective way. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. LDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 6 April 2018. This exercise generated 29 comments from

a range of organisations and private individuals. In particular comments were received from the following organisations:

- Staffordshire Wildlife Trust
- Gladman Developments Limited
- Woodland Trust
- Taylor Wimpey Limited
- Environment Agency
- Walton Homes Limited
- Brereton and Ravenhill Parish Council
- Lichfield District Council
- Historic England
- Natural England
- Severn Trent
- Canal and River Trust

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Armitage with Handsacre. It is located approximately three miles to the east of Rugeley and five miles to the north of Lichfield. It is predominantly pleasant countryside. Its southern part is within the West Midlands Green Belt. The village itself is located on slightly higher ground to the south of the floodplain of the River Trent. Its population in 2011 was 5335 persons. It was designated as a neighbourhood area on 9 July 2013.
- 5.2 The wider neighbourhood area is mainly in agricultural use and sits within a rich landscape setting. In association with the Green Belt these important factors have been properly assessed in plan-making and the associated environmental assessments. The two villages are the principal focus of built development and sit within the middle of the neighbourhood area. The site of the now redundant Rugeley Power Station is located in the north-western corner of the Plan area.
- 5.3 The built-up part of the neighbourhood area is based on the adjacent settlements of Armitage with Handsacre. Their development and positions have been affected by the London to Glasgow railway line which runs through the villages in a NW-SE direction, by the Trent and Mersey Canal which runs to the north and by the River Trent. Both villages sit astride the A513.

Development Plan Context

- 5.4 The Lichfield Local Plan Strategy was adopted in February 2015. It sets out the basis for future development in the District up to 2029. The core policies (Core Policies 1-14). The development management policies and the relevant place policies (Arm 1-4) in this part of the Local Plan are the strategic policies of the development plan (see paragraph 2.5 of this report). It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Armitage with Handsacre Neighbourhood Plan:

Core Policy 1	The Spatial Strategy
Core Policy 6	Housing Delivery
Core Policy 13	Our Natural Resources
Core Policy 14	Our Built and Historic Environment
Policy Arm1	Armitage with Handsacre Environment
Policy Arm2	Armitage with Handsacre Services and Facilities
Policy Arm3	Armitage with Handsacre Economy
Policy Arm4	Armitage with Handsacre Housing

- 5.5 Section 2 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

- 5.6 Armitage is identified as a Key Rural Settlement in the adopted Local Plan Strategy (Core Policy 1). Armitage is one of five such settlements. They will be the focus for new rural housing in the wider district.
- 5.7 LDC has recently consulted on the Local Plan Allocations – Focused Changes document. This will eventually be the second half of the Local Plan and will add detail to the adopted Local Plan Strategy. Its focus is on housing and employment allocations. It proposes the allocation of a housing site to the east of Handsacre (site AH1) that is anticipated to yield around 200 dwellings. Plainly the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, the fundamental approach of the Local Plan Allocations document does not directly affect the emerging neighbourhood plan.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 23 April 2018. I was fortunate in selecting a dry and pleasant day.
- 5.10 I drove into the neighbourhood area from the east along the A513. This allowed me to see its wider agricultural context and its relationship with the Trent and Mersey Canal.
- 5.11 I looked initially at the western end of the neighbourhood area around the former Rugeley Power Station site. I saw the recently-constructed dwellings off Priory Avenue. I took the opportunity to walk along the canal towpath from St Thomas Way to the east back towards Armitage. This part of the visit highlighted the importance of the Canal to the neighbourhood area. It also confirmed the importance of the approach in the Local Plan Strategy towards ensuring that new developments provide appropriate levels of accessibility to this important recreational and environmental resource.
- 5.12 I then looked at the area between the Rugeley Power Station site. I saw the impressive Hawkesyard Estate and the Lower Lodge Residential Mobile Home Park to its east.
- 5.13 I then looked at the Armitage Shanks workshops in Old Road. As the Plan comments it has been at the centre of the villages' prosperity for many generations.
- 5.14 I then took the opportunity to walk south along both Rectory Lane and Hood Lane. I saw that the character of the dwellings changed from those in New Road to become either larger or semi-rural. In both cases I saw the sharp and clearly-defined distinction between the village and the Green Belt to its south.

- 5.15 I then drove along New Road so that I could see the various retail facilities in the neighbourhood area. I also took the opportunity to look at the Surgery and the Village Hall in Shropshire Brook Road.
- 5.16 I finished my visit by looking at the range of residential properties in Handsacre and walking down as far as the Hayes Meadow Primary School.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Armitage with Handsacre Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and Local Plan Strategy 2008-2029;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas including protecting Green Belts;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy and the scale of planned development set out in the development plan. It includes a series of policies

that seek to ensure that local environmental and community facilities are protected. It identifies a series of protected open spaces. It also aims to bring forward better design within the development management process. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for new residential development (AH8). In the social role, it includes a policy to protect recreational facilities (AH3), to safeguard community uses (AH7) and to identify and safeguard protected open spaces (AH4). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on heritage assets (AH1), on the natural environment (AH2) and to maintain the rural nature of the villages (AH6). The Parish Council's assessment of this matter is set out in Table 2 of the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Lichfield District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Table 3 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also identifies a series of proposals which are addressed separately.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Its proposals are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-3)

- 7.8 The presentation of Plan as a whole has been prepared to a good standard. It is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. It makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies. Section 1 provides a very clear context to the preparation a neighbourhood plan in general and the issues which the submitted plan sought to address in particular.
- 7.10 Section 2 sets out the planning policy context within which the Plan has been prepared. It comments in detail both on the NPPF and its relationship with the Lichfield District Local Plan Strategy 2009-2029.
- 7.11 Section 3 provides a very helpful portrait of Armitage and Handsacre. It addresses its history and geography to good effect. It also sets out interesting information on its demography and its current facilities.

- 7.12 Section 4 sets out key planning issues in the neighbourhood area. These then naturally flow into a vision for the Plan area and a series of objectives. The wider process is clear, concise and proportionate. All of the matters identified are distinctive to the neighbourhood area.
- 7.13 The policies are then set out in Section 6. They follow the identified objectives addressed in the previous section.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy AH1 – Conserving and Enhancing Non-Designated Heritage Assets

- 7.15 This policy provides a basis to conserve and enhance a series of non-designated heritage assets. All the identified assets are suggested to make a positive contribution to the distinctiveness and identity of the area. They do so for various reasons which include their architecture, their history or their cultural or local associations. The policy context properly supports proposals that would preserve (and possibly enhance) the identified assets. It also sets out circumstances where some works to the assets will be supported.
- 7.16 The policy sets out a positive and supportive context for the future of non-designated heritage assets. This part of the policy meets the basic conditions.
- 7.17 The schedule of proposed non-designated heritage assets is both appropriate and distinctive. However certain properties are not immediately identifiable from the schedule. I sought clarification from the Parish Council on this matter and was provided with a more detailed schedule which included postcodes. I recommend a modification to include this revised schedule in the Plan. I also recommend that the properties are shown on a map base.

Replace the schedule of non-designated heritage assets in the policy with those in the schedule in the response to the Clarification Note.

Show the properties on a map base

In the opening part of the policy insert ‘and as shown on Map [insert number]’ between ‘below’ and ‘will be’

Policy AH2 - Conserving and Enhancing the Local Natural Environment

- 7.18 The policy identifies that development proposals should seek to conserve and enhance the area’s natural environmental assets. In particular it identifies five areas that will be protected. The identification of the Borrow Pit (within the former Rugeley Power Station site) has attracted a significant level of public support.
- 7.19 The policy itself defers to policies in the Local Plan Strategy. Whilst I can understand the nature of the approach taken a neighbourhood plan policy should be self-contained rather than repeating local plan policies (and which by definition already have effect in the neighbourhood area). I recommend a modification to address this matter. In doing

so I reflect the approach adopted in paragraph 113 of the NPPF which identifies the need for a criteria-based policy which makes an appropriate distinction between the hierarchy of such sites.

- 7.20 I also recommend a modification to the supporting text to the policy insofar as it refers to the Borrow Pit. The Pit is addressed within the context of the Rugeley Power Station Development Brief Supplementary Planning Document. This document was jointly prepared by LDC and Cannock Chase District Council in February 2018. It safeguards the Borrow Pit within the wider context of the residential development of the site. In its helpful response to my clarification note the Parish Council advised that it had taken account of this policy document in the preparation of its own Plan.

In the first part of the policy insert ‘local’ between ‘their’ and ‘natural’

Replace the final paragraph of the policy with:

‘Development proposals that would otherwise affect the neighbourhood area’s natural environmental assets will only be supported where they would:

- **protect, enhance, restore and implement appropriate conservation management of the biodiversity or geodiversity value of the land or buildings concerned, or those listed in the first part of this policy in particular; and/or**
- **minimise fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats; and/or**
- **incorporate beneficial biodiversity and geological conservation features; and/or**
- **deliver a net gain for biodiversity and/or geodiversity in the neighbourhood area.’**

At the end of the first sentence of paragraph 6.11:

‘The Borrow Pit was identified to be retained as a landscape/water feature in the Rugeley Power Station Development Brief Supplementary Planning Document which was jointly prepared by Lichfield District Council and Cannock Chase District Council in February 2018’

At the end of paragraph 6.11 add:

‘Policy AH2 seeks to add local value and distinctiveness to Lichfield Local Plan Strategy Core Policy 13 and Policies NR1 to NR6.’

Policy AH3 – Protecting and Enhancing Local Recreational Facilities

- 7.21 The policy sets out to identify and safeguard local recreational facilities. It does so to good effect in setting out a series of seven such facilities. The policy itself supports proposals to enhance and improve the various facilities. It also sets out the limited circumstances in which the loss of the facilities may be supported.

- 7.22 I recommend a series of modifications so that the policy has the clarity required by the NPPF. The first is to ensure that the various facilities are actually protected as ‘local
Armitage with Handsacre Neighbourhood Plan – Examiner’s Report

recreational facilities’ and shown on a map base. The second is the use of the word ‘encouraged’ in various parts of the policy. In the context of a development plan the use of the word ‘supported’ is entirely adequate in its own right. The third is that the two paragraphs identifying the exceptional circumstances within which these facilities might be lost are combined.

- 7.23 I also recommend that the final paragraph of the policy is deleted and transposed into the supporting text. It sets out three possible proposals for the improvement of local facilities. In their different ways they would be very helpful. Nevertheless, in its response to my clarification note the Parish Council commented that the schemes have not been worked up in any detail and/or costed. As such it would be inappropriate to include them directly in a land use policy. I also recommend a contextual modification that links the policy to LDC’s wider assessment of the importance of the identified facilities.

In the first sentence of the policy add ‘sites as shown on Map [insert number] between ‘following’ and ‘will’ and ‘as Local Recreational Facilities’ after ‘protected’

In various places delete ‘and encouraged’

Combine the third and fourth paragraphs of the policy.

Delete the final paragraph of the policy.

At the end of the first sentence of paragraph 6.14 add ‘The various sites already feature in the District Council’s Open Space Assessment’

At the end of 6.14 add: ‘Work is taking place to work up proposals in particular parts of the neighbourhood area. Long term aspirations for the enhancement and improvement of local facilities include [insert here the three bullet points from the submitted final paragraph of the policy]’

Policy AH4 – Protected Open Spaces

- 7.24 This policy identifies a series of open spaces and seeks to protect them from built development other than in two defined circumstances. The range of open spaces are identified on Maps 6a and 6b. They are practical and appropriate open spaces within the context and geography of the built-up form of the neighbourhood area. In its comments on the representations received to the Plan the Parish Council is very clear that it has not sought to identify the various open spaces as ‘local green spaces’ (as defined in the NPPF). Clearly this is a matter for the Parish Council to determine as it saw fit as part of the Plan’s preparation.
- 7.25 I recommend that the policy is clarified by the inclusion of a list of the various open spaces and that the numbering used in the list is also used to identify the various open spaces on the two maps. Within this context I also recommend wording changes to the policy itself.

Replace the first sentence of the policy with the following:

‘The open spaces listed below and shown on maps 6a and 6b are identified as protected open spaces:

[Include the list of seventeen protected open spaces as set out in the Parish Council’s response to the clarification note]’

On both map 6a and 6b include a key showing the site numbers and names.

Policy AH5 – Better Design

- 7.26 This policy aims to improve the quality of design in the neighbourhood area. It sets out a series of factors which should be considered in assessing the design and quality of any planning application. LDC queried the extent to which the policy added value to its own policies in general, and to the Sustainable Design Supplementary Planning Document approved in 2015.
- 7.27 I raised this issue with the Parish Council in seeking to understand the extent to which the policy adds local distinctiveness to national or local policy on this important matter. It accepted that as submitted little value was added. Nevertheless, rather than delete the policy I recommended that it is modified so that it has the clarity required by the NPPF in general terms and has a degree of local distinctiveness in particular. I recommend this approach for two reasons. The first is that the NPPF has a focus on the importance of good design. The second is that the LDC Supplementary Planning Document does not directly address all the features that the submitted plan has in mind in formulating its policy.
- 7.28 On this basis I recommend that the policy is modified so that it directly addresses the relevant issues which were raised with the local community at the outset of the production of the Plan and which captured the wish to see better design in new development.
- 7.29 One of the twelve core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. In this context the approach recommended in the modification by way of consolidating the policy in the submitted Plan has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

Insert the following between the first and second sentences:

‘Where appropriate development proposals should take account of the character of the historic village centre, their proximity and accessibility to the Trent and Mersey Canal Conservation Area and their location in relation to open spaces and play and recreational facilities.’

Replace the third sentence of the policy with the following:

Development proposals will be supported where these characteristics are respected and where their design responds positively to the following factors [list 1-9 inclusive as already included in the submitted Plan]

Insert the following after the first sentence of paragraph 6.17: 'Policy AH5 captures key design and environmental considerations that were considered to be important to the local community as part of the Plan preparation process.'

Policy AH6 – Maintaining the Rural Nature of the Village

- 7.30 This policy sets out to reflect the community feedback that the rural nature of the village is very important to local people. The policy identifies five factors against which development proposals will be assessed to ensure that Armitage and Handsacre are maintained as freestanding communities within a rural setting.
- 7.31 I sought clarification from the Parish Council on its ambitions for the policy. It confirmed that it was for the five factors to be seen as criteria within the context of a supporting policy. I recommend accordingly. I also recommend a detailed modification to the fifth criterion so that its role and purpose has the clarity required by the NPPF. Finally, I recommend the deletion of the fourth criterion. No significant public views are defined. On this basis it would be impractical for LDC to implement this aspect of the policy in a fair and consistent fashion throughout the Plan period.

In the first sentence delete 'seek to'

Replace the second sentence with the following: 'Proposals will be supported which maintain Armitage and Handsacre as separate free-standing communities within a rural setting and which:

- a) respect the landscape setting of the settlement concerned;**
- b) maintain the distinction between Armitage and Handsacre from other settlements;**
- c) respect the character and appearance of the Trent and Mersey Canal Conservation Area and its setting; and**
- d) safeguard existing outdoor sport and recreational facilities and, where appropriate, create new opportunities for such facilities.'**

Policy AH7 – Retaining and Enhancing Existing Community Facilities

- 7.32 This policy seeks to retain and enhance existing community facilities. Four such facilities are addressed by the policy – the village hall, the pavilion, public houses and shops. The second part of the policy supports proposals for new community facilities.
- 7.33 I sought clarification from the Parish Council on its inclusion of shops within the policy given that they are both community and commercial facilities. The Parish Council suggested that I change the title of the policy to reflect the inclusion of retail premises.

- 7.34 On balance I am satisfied that the inclusion of retail premises in this policy meets the basic conditions. I can see that the various shops play an important community role within the neighbourhood area. Nevertheless, I recommend that viability matters are included within the policy to take account of the commercial nature of retail uses. I also recommend other modifications so that the policy has the clarity required by the NPPF. In particular I recommend that the support for new community facilities should extend more widely than simply to those facilities included in the first part of the policy.

In the first sentence replace ‘should be protected’ with ‘will be safeguarded’

Relocate the second sentence of the policy so that it is located immediately after the four identified facilities rather than before the list.

At the start of the second paragraph of the policy insert ‘Insofar as planning permission is required’.

At the end of the second paragraph of the policy insert ‘or that it is no longer commercially viable’

At the end of paragraph 6.23 add:

‘The policy recognises that shops in the neighbourhood area play an important role in the vitality of the local community. Nevertheless, it also recognises that there may be circumstances where an on-going retail use of particular premises is no longer commercially viable. In addition, the second part of the policy provides active support for new community facilities. Plainly it is impractical to identify the range of facilities which may be promoted within the Plan period. However, the second part of the policy is intended to be wide-ranging and is not restricted to the four facilities highlighted in the first part of the policy.’

Policy AH8 – New Housing Development

- 7.35 This policy adopts an overarching nature towards new residential development. It sets out a series of criteria against which development proposals can be assessed within the defined settlement boundary in the adopted Local Plan. Plainly this approach ensures that the Plan is in general conformity with the strategic policies in the development plan.
- 7.36 LDC comments that whilst the settlement boundary identified in the submitted Plan is largely similar to that in the development plan there are certain circumstances where the two boundaries differ. The Parish Council has advised that this scenario was not its ambition. On this basis I recommend accordingly. In this context the policy needs only refer to the settlement boundary as shown on Map 6a (in the neighbourhood plan) rather than to make an indirect reference to the Local Plan.

Modify the settlement boundary as shown on Map 6a so that it is identical to that incorporated within the adopted development plan.

In the first paragraph of the policy delete ‘the Local Plan Policies Maps’ and remove the brackets from Map 6a.

Parish Council Actions

- 7.37 The Plan proposes an extensive series of community actions. It is anticipated that non-land use community actions will arise out of the process of preparing a land use-based neighbourhood plan. National guidance recommends that community actions of this nature are included in a separate part of the Plan. This approach has been correctly adopted in the submitted Plan.
- 7.38 In general terms I am satisfied that the Actions are appropriate within the context of the Plan and that they are distinctive to the neighbourhood area. They properly reflect the broader range of issues that have arisen as the Plan has been developed. Their focus is primarily on traffic issues. They set out an appropriate functional connection with Staffordshire County Council as the highways authority.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2029. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Armitage with Handsacre Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some technical modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Lichfield District Council that subject to the incorporation of the modifications set out in this report that the Armitage with Handsacre Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 9 July 2013.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
18 May 2018

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Longdon Neighbourhood Plan – Referral to Referendum



Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard

Date:	12 June 2018
Agenda Item:	11
Contact Officer:	Patrick Jervis/Ashley Baldwin
Tel Number:	01543 308196
Email:	Patrick.jervis@lichfielddc.gov.uk Ashley.baldwin@lichfielddc.gov.uk
Key Decision?	No
Local Ward Members	All Longdon ward members

CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Longdon which has recently been the subject of formal examination by an Independent examiner.
- 1.2 The examiner of the Longdon neighbourhood plan is recommending that subject to a number of modifications being made to the plan that it can proceed to referendum. The District Council now has to consider the examiner's report and recommendations and if it so wishes resolve to progress the Longdon Neighbourhood Plan to referendum by way of issuing a Decision Statement.

2. Recommendations

- 2.1 That the Cabinet accepts and agrees to the making of modifications as set out in the 'Decision Statement regarding Longdon Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement (**Appendix A**). This will enable the Plan to be proceed to the referendum stage.
- 2.2 That Cabinet approve the publication of the Decision Statement for the Longdon neighbourhood plan (**Appendix A**).

3. Background

- 3.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents.
- 3.2 The Neighbourhood Planning (General) Regulations 2012 require that Neighbourhood Plans are subject to independent examination. The appointed independent examiner must consider whether a Neighbourhood Plan meets the 'Basic Conditions' as set out within the Independent Examiner's Report. Following the completion of an examination, the examiner must produce a report which can make one of three recommendations; 1) That the neighbourhood plan can proceed to referendum; 2) That subject to identified modifications the neighbourhood plan can proceed to referendum; 3) That the neighbourhood plan should not proceed to referendum.

- 3.3 The Longdon Neighbourhood Plan has been independently examined and it is recommended in the examiners final report (**Appendix B**) that subject to the modifications outlined within the report the neighbourhood plan meets the ‘basic conditions’ and as such should proceed to referendum.
- 3.4 The Regulations require that upon receipt of the final report from an independent examination of a Neighbourhood Plan, the Local Planning Authority (Lichfield District Council) is required to consider the recommendations set out in the examiners reports. In addition there is a requirement to publish on our website a ‘decision statement’ which considers the recommendations of the independent examination within 5 weeks of receiving the report.
- 3.5 The examiner report and its proposed modifications have been considered by officers. On the basis of the assessment of the report and the proposed changes it is recommended that the District Council accepts the recommendations of the examiner and agrees all the modifications to the Longdon neighbourhood plan.
- 3.6 In line with the conclusions and recommendations of the examiner a proposed Decision Statement in respect of Longdon Neighbourhood Plan is attached at **Appendix A**. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications ([Appendix C](#)).
- 3.11 The Cabinet is asked to note the examiner’s report for the Longdon Neighbourhood Plan, including the specific recommendations, and agree the Decision Statement allowing for the plans referendum to follow.
- 3.12 Following a decision to allow a Neighbourhood Plan to proceed to referendum, the District Council will need to publish the Decision Statement online and provide the decision statement to the Qualifying Body and any other stakeholder who has requested to be notified of the decision. Following this the referendum will need to be organised.

Alternative Options	<ol style="list-style-type: none"> 1. Lichfield District Council declines to send the Longdon Neighbourhood Plans to referendum. This would mean the Neighbourhood Plan would retreat to an earlier stage of development. 2. The Qualifying Body withdraws the Neighbourhood Plan prior to Lichfield District Council making a formal decision as outlined within the Decision Statement. Again this would mean the Neighbourhood Plan would retreat to an earlier stage of development.
Consultation	<ol style="list-style-type: none"> 1. In line with the Regulations the draft Longdon Neighbourhood Plans has been consulted upon for at least the minimum required 6 week period at both the pre-submission and local authority publicity stages prior to their submission for Independent Examination. Alongside the submission of the Plan the Qualifying Body (Longdon Parish Council) are required to submit a Consultation Statement detailing the consultation undertaken throughout the Neighbourhood Plan process. These statements have been considered by the respective Independent Examiner along with all representations made at the Local Authority publicity period.
Financial Implications	<ol style="list-style-type: none"> 1. The Government has made grant aid available to District Councils in recognition of the level of resourcing required in the administration of Neighbourhood Plans. Government guidance states that ‘this money is to ensure LPAs receive sufficient funding to enable them to meet new legislative duties on neighbourhood planning. Specifically, it covers the neighbourhood planning duties in the Localism Act which are to provide

	<p>advice and assistance; to hold an examination; and to make arrangements for a referendum’. However it should be noted that the level of grant aid has decreased over time.</p> <ol style="list-style-type: none"> 2. Upon successful referendum the District Council becomes eligible and can apply for a grant of £20,000. 3. Communities with Neighbourhood Plans in place will also be entitled to 25% uncapped of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area. Communities with no Neighbourhood Plan will be entitled to 15% which is capped.
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Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The Neighbourhood Plan demonstrates that it is in broad conformity with the Local Plan Strategy which conforms with the Strategic Plan.
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Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community.
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Crime & Safety Issues	<ol style="list-style-type: none"> 1. Crime and Community safety issues may be considered as part of an emerging Neighbourhood Plan.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Plan received a ‘no’ vote in a referendum	Have regular dialogue with the Parish Council to ensure consultation and engagement gains ‘buy in’ from the community at the earliest opportunity. However there are limited controls available because the purpose of the referendum is to enable residents to decide whether they want a plan.	Yellow
B	Parish decides to withdraw Neighbourhood Plan	Have regular dialogue with the parish Council to ensure understanding of process moving forward and the implications of withdrawing the plan.	Green

<p>Background documents</p> <ol style="list-style-type: none"> 1. Neighbourhood Planning (General) Regulations 2012 2. Local Plan Strategy (Adopted February 17 2015) 3. Longdon Neighbourhood Plan Independent Examination Final Report 4. Longdon Neighbourhood Plan (Submission version)
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<p>Relevant web links</p> <p>Local Plan</p> <p>Neighbourhood Plans</p> <p>My Community Funding & Support</p> <p>Longdon Neighbourhood Plan</p>

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Decision Statement Regarding Longdon Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Longdon Neighbourhood Plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was reported to Cabinet on 12/06/2018 where it was confirmed that the Longdon Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

2. Background

- 2.1 On 21 January 2013 Longdon Parish Council requested that the Longdon Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Longdon Neighbourhood Area on 9 July 2013.
- 2.2 In July and August 2016 Longdon Parish Council published the draft Longdon Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Longdon Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council in January 2018 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 26 January and 09 March 2018 (the Local Authority publicity consultation). Mr John Slater BA (Hons) DMS MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.4 He has concluded that, subject to modifications, the Longdon Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.

- 2.5 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

3. Longdon Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response

- 3.1 The District Council considered the Examiner’s report and the recommendations/modification contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Lichfield District Council’s consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Lichfield District Council with the reasons for these recommendations.
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner’s report to provide a more concise report. This document should be read in conjunction with the Examiner’s Final report. Which is available via: www.lichfielddc.gov.uk/longdonnp.

NB – Where modified text is recommended this will be shown in red with text to be deleted struck through (~~text to be deleted~~), and text to be added in bold type (**text to be added**).

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Policy 1	In the first sentence of the policy delete ‘projects and’ and also delete ‘in principle’. Modification as follows: To protect and enhance the natural landscape and designated wildlife sites, projects and developments which increase wildlife habitats and species, in accordance with the Staffordshire and Lichfield District’s Biodiversity Action Plans, will be supported in principle . Where possible, the removal of hedgerows will be resisted.	A neighbourhood plan is a document used for determining planning applications. It is therefore not appropriate for the actual policy to be ‘supporting’ projects that do not constitute development. It is proper that support be registered either within supporting text or via a separate community action or aspiration. The purpose of a policy is to provide certainty as to how a planning application should be determined. Concern that throughout the plan the caveat ‘in principle’ is used which does not give sufficient confidence to applicants as to how an application will be determined.	Yes – to provide clarity and to meet the basic conditions.
Policy 2	Delete ‘In principle’ from the policy. Modification as follows:	Issue is that the policy creates certainty and propose to delete the ‘in principle’ provision.	Yes – to provide clarity and to

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
	<p>In principle, The creation of new public footpaths/bridleways, to improve access to the countryside, will be encouraged where this does not cause conflict with Policy 1.</p>		meet the basic conditions.
Policy 3	<p>Modify the wording of Policy 3 as follows:</p> <p>There will be a presumption against built development outside of the village settlement boundaries (rural exceptions notwithstanding) except for purposes set out in the relevant section of the NPPF and Core Policy 6 of the Local Plan. Proposals for new rural workers dwellings will need to be accompanied by a robust demonstration that the principal criteria of need, distance etc., have been fully explored and can be justified set out in the Lichfield District Council Rural Development Supplementary Planning Document.</p>	<p>Concerned that the presumption against all built development outside of the village boundary goes too far. National policy within the NPPF sets out what new buildings will be acceptable in the Green Belt. It would provide greater clarity if the criteria for considering a rural worker’s dwelling should refer to the criteria set out in Appendix A of the District Council’s Rural Development Supplementary Planning Document.</p>	Yes – to provide clarity and to meet the basic conditions.
Policy 4	<p>Modify the wording of Policy 4 as follows:</p> <p>Applications for new development will be encouraged to be accompanied by design statements that clearly required to demonstrate how the design has regard to the traditional village vernacular (including the use of materials) and the impact of such development could have on existing landscapes, and vistas. Acknowledging that whilst all development will be considered on its own merits, development will be resisted where inappropriate, artificial/contrived measures in general, such as ground re-modelling are proposed, to help protect the character and appearance of the rural landscape Any new buildings outside the village settlement boundaries must be</p>	<p>The documents to be submitted with a planning application are set out not in a development plan policy, but by the Town and Country Planning (Development Management Procedure) Order 2015. However, it is appropriate for the policy to set out that proposals should be required to demonstrate how they have had regard to traditional village vernacular and landscape impact. Concerned with the final sentence which presumes against ‘artificial/contrived measures’. This element of the policy is not considered to be justified or based on evidence or is in accordance with national policy on design and setting.</p>	Yes – to meet the basic conditions.

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
	<p>appropriately landscaped to sensitively integrate the development into the surrounding countryside.</p>		
Policy 5	<p>Modify the wording of the first paragraph of Policy 5 as follows:</p> <p>To assist the sustainability of the villages, limited small scale infill residential development within village boundaries the settlement boundaries of Longdon (as shown on Map 20 of the Lichfield Local Plan Strategy 2008-2029) and Upper Longdon (as shown on Map 25 of the Lichfield Local Plan Strategy 2008-2029) will be supported in principle. For example, minor linear infilling (including courtyard development), as opposed to new ‘estates’, cul-de-sac are not appropriate.</p>	<p>Concerned that ‘limited small-scale development is too vague. It will be difficult for the decision maker, or indeed and applicant to understand what the expectation of the plan is. As submitted the neighbourhood plan could deliver less housing than allowed for by local plan policy which would need meet the basic conditions. Without removing limited’ and ‘small scale’ would have to conclude that the policy did not meet the basic conditions. Propose to make clear that the policy only refers to Longdon and Upper Longdon as currently could be misconstrued that the policy is seeking to allow development within settlements washed over by Green Belt. The term ‘new estate’ is not a term used in planning policy, it is unclear. Do not consider it has been justified why the policy opposes cul-de-sac type development.</p>	Yes – to meet the basic conditions.
Policy 6	<p>Modify the wording of Policy 6 as follows:</p> <p>New housing primarily suitable for Local people, especially for starter families and the elderly, will be supported within appropriate village locations, so that the distance to travel for public transport, recreational activity, shopping etc., is reasonable the settlement boundaries of Longdon and Upper Longdon.</p>	<p>The plan needs to be clear that the policy allowing residential development does not extend to the Green Belt washed over villages. As the District Council points out the terms ‘reasonable distance’ and ‘appropriate locations’ are imprecise and would be difficult to use in a development management context. Policy refers to ‘new housing primarily’ for local people which could imply local occupancy conditions to restrict occupation. Clarification has</p>	Yes – for clarity and to meet the basic conditions.

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
		been sought and both the Parish and District Council confirm it is only the intention that the properties should be 'suitable' for occupation by local people.	
Policy 7	<p>Modify the text of Policy 7 as follows:</p> <p>Conversion of non-residential properties to residential use, and windfall residential development on previously developed 'brownfield land' will be considered on their merits supported, provided the general design principles of local character, massing, appearance etc., are respected and that such development does not lead to creeping encroachment into the Green Belt, leading to a merging of settlements adversely impact on the openness of the Green Belt.</p>	Do not consider a policy which says 'applications will be considered on their own merits' offers the certainty required of a development plan policy. The conversion of properties will not lead to encroachment onto the Green Belts but do acknowledge that the redevelopment of brownfield sites could lead to encroachment. Do not consider the inclusion of 'leading to the merging of settlements' to be helpful, as it could introduce debate as to whether proposals which do not explicitly lead to merging of settlements could be viewed favourably.	Yes – to meet the basic conditions.
Policy 8	Delete Policy 8.	It is not necessary for a neighbourhood plan, which will be part of the development plan to require proposals to have to comply with other policies within the development plan. Neighbourhood plan cannot remove statutory rights of occupiers. The only way a neighbourhood plan can exercise control over the occupation of new homes would have been to allocate an exception site or by promoting a Community Right to Build Order. Do not consider the policy meets the basic conditions as it is not a policy for the use of land.	Yes – to meet the basic conditions.

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
Policy 9	Delete Policy 9. Examiner recommends the text of Policy 9 is retained as a 'community action' within the neighbourhood plan.	This is a policy stating that the Parish Council will work with the Highway Authority rather than the Local planning Authority on matters relating to highway management and maintenance. Such policies can have a place in the plan as an expression of the community's view but not in a development plan policy. Highway improvements do not ordinarily require planning permission. It is not a policy which can be used in determining planning application. Whilst recommending the wording should be deleted the wording should be retained either in the supporting text or as a community action.	Yes – to meet the basic conditions.
Policy 10	Delete Policy 10.	Comments regarding speed limits, safety improvements, audits of road signs and highway maintenance are a policy that is not related to the use and development of land.	Yes – to meet the basic conditions.
Policy 11	Replace 'material' with 'significant'. Modification as follows: Any new development (inc. change of use or conversion) within the Plan area must demonstrate that there would be no material significant adverse impact on the safe and efficient operation of the local road network, including residential roads, rural lanes and parking.	The threshold within the policy is that proposals should have 'no material adverse impact' on the safe and efficient operation of the local road network. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development area severe'. Policy is recommended to be modified to bring it in line with policy.	Yes – to meet the basic conditions.
Policy 12	Modify the text of Policy 12 as follows:	Concern is the need to remove uncertainty as to what properties are protected by the plan. Qualifying Body confirmed that they are seeking to	Yes – to meet the basic conditions.

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>There will be a presumption against the loss of any of the following existing community and recreational facilities (meeting halls, sports field etc.), unless it can be demonstrated that there will be a net gain in both the quantity and the quality of any new provision:</p> <ul style="list-style-type: none"> • The Red Lion PH, Longdon Green • The Swan with Two Necks PH, Brook End, Longdon • The Windmill PH, Gentleshaw • The Redmore PH, Gentleshaw • The Longdon Post Office and Store, Brook End, Longdon • St James Academy, Brook End, Longdon • Gentleshaw School, Gentleshaw • Longdon Village Hall, Brook End, Longdon • The Memorial Hall, Brook End, Longdon • The WI Hall, Ford Lane, Longdon • Longdon Cricket Club, Red Lion Ground, Longdon Green 	<p>cover the range of facilities including schools, shops, community and recreational facilities. There is an area identified as public open space in the Lichfield Local Plan. It appears the land is not currently available as public open space and there is no public access. As such it is not an existing community facility and therefore cannot be covered by this neighbourhood plan policy.</p>	
Policy 13	<p>Delete 'in principle' from the wording of Policy 13. Modification as follows:</p> <p>Opportunities to create a purpose built, multi-functional community 'Hub' in Longdon Village will be supported in principle.</p>	<p>To provide certainty recommend the removal of the 'in principle' caveat from the policy.</p>	Yes – for clarity.
Policy 14	<p>Delete 'in principle' and '(and maintenance)' from the wording of Policy 14. Modification as follows:</p>	<p>To provide certainty recommend the removal of the 'in principle' caveat from the policy. The ongoing maintenance of facilities is not a matter that involves</p>	Yes – for clarity.

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
	<p>To enable parents and children to play together outside in a safe environment, improving fitness and building confidence, support in principle will be forthcoming for the development (and maintenance) of a dedicated children’s playground within the main village settlements.</p>	<p>a planning application and should be removed from the policy.</p>	
<p>Policy 15</p>	<p>Delete ‘in principle’ and ‘(and maintenance)’ from the wording of Policy 15 and criteria b). Modification as follows:</p> <p>To promote outdoor community activity and general fitness;</p> <p>(a) Support in principle will be forthcoming for the creation (and maintenance) of a multi-purpose outdoor recreation ground (with appropriate equipment), capable of accommodating team games, creating opportunities for healthy competition, including any necessary small scale build facilities to support such use.</p> <p>(b) Should suitable locations be identified, all appropriate development generating a s106/CIL contribution within the Plan area will be expected to contribute towards delivering the facility(s).</p>	<p>To provide certainty recommend the removal of the ‘in principle’ caveat from the policy. The ongoing maintenance of facilities is not a matter that involves a planning application and should be removed from the policy. Paragraph (b) does not meet the basic conditions. Financial contributions via planning obligations can only be collected if the requirement meets the three criteria set out in regulation 122 of the CIL Regulations 2010. Furthermore obligations can only be sought if the project is not funded by CIL payments. These projects are set out on the District Councils Regulation 123 list which includes ‘improvements to open space provision’. Therefore the only appropriate source of funding will be CIL payments, however, a neighbourhood plan policy cannot dictate how the District Council distributes its CIL payments. Its distribution is budgetary not a land-use decision. However, the Parish Council could choose to specify how it intends to spend its 25% element of CIL, but this is a budgetary decision for the Parish Council. Do not consider this policy element meets the basic conditions.</p>	<p>Yes – for clarity and to meet the basic conditions.</p>

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
Policy 16	<p>Modify the wording of Policy 16 as follows:</p> <p>Development that creates local employment opportunities will be supported in-principle where they add to the diversification of the rural economy, provided that their impact does not compromise other policies and objectives contained within this Plan contained within the development plan.</p>	<p>To provide certainty recommend the removal of the 'in principle' caveat from the policy. Proposals cannot be required to comply with objectives of a plan as they are not development plan policies used for the determination of planning applications. It is a requirement to have regard to all relevant policies within the development plan which also includes the Local Plan.</p>	<p>Yes – for clarity.</p>
Policy 17	<p>Delete 'in principle' from the text of Policy 17. Modification as follows:</p> <p>Delivery of a comprehensive Superfast Broadband network across the Parish (not only within the principal settlements) will be supported in-principle.</p>	<p>To provide certainty recommend the removal of the 'in principle' caveat from the policy.</p>	<p>Yes – for clarity.</p>
Policy 18	<p>Delete Policy 18.</p>	<p>Policy misunderstands the basis of CIL payments, which are not discretionary and not dependant on a neighbourhood plan policy. The rates of CIL are set out in the CIL charging schedule. The policy does not set out what parish wide infrastructure the plan is seeking contributions, what it considers to be a 'worthwhile contribution' or what infrastructure is required to contribute 'to the sustainability of the communities'. As written he policy does not meet the basic conditions.</p>	<p>Yes –to meet the basic conditions</p>

TABLE 2

Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
Title Page	Add text to the title page as follows to signify that the document is the version of plan being voted upon at referendum. “Referendum Version” . NB – if the Plan is made “Referendum Version should be replaced with the date on which the plan is ‘Made’.	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.
Page 11, Principles and Objectives	Delete the last sentence of Principle/Objective 6: Regardless of past development layouts, cul-de-sac are not considered to be in keeping with this principle. Delete all text of Principle/Objective 8: 8. To deliver community benefits, appropriate new development within the Plan area should be required to contribute to a Parish wide package of measures intended to improve recreational facilities, environmental quality and community safety, including speed reduction measures. Delete reference to objective 8 from later sections.	Yes – to be consistent with independent examiners recommended modifications to policies. This ensures the explanatory text of the document reflects the modifications proposed and considered in Table 1 of this decision statement.
Page 19	Remove ‘8’ from ‘The Principles and Objectives that underpin the Landscape and Built Environment’	To be consistent with other modification which removes Principle/Objective 8.
Page 23	As per examiner’s recommended modification with regards to Policy 9, the text of the policy should be included as a ‘Community Action’ on Page 23. Community Action – Improving Access: Working with the Highways Authority and landowners, this Plan will in principle, support proposals within the plan area that improve safety, create footways where lacking, enhance public footpaths/bridleways and cycle routes across the	Yes – as recommended by independent examiners modification to Policy 9.

LONGDON NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

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	<p>area, including better facilities along and across the A51 for pedestrians and cyclists; Working with bus operators, this Plan will support improvements to public transport provision, providing bus services into the principal settlements, with supporting infrastructure.</p> <p>Remove '8' from 'The Principles and Objectives that underpin Movement'</p>	
Page 25	Remove '8' from 'The Principles and Objectives that underpin Community Facilities and Leisure'	To be consistent with other modification which removes Principle/Objective 8.
Page 27	<p>Delete final paragraph of explanatory text before 'The Principles and Objectives that underpin Rural Economy and Infrastructure' section as follows:</p> <p>Where possible, receipts received from New Homes Bonus and Community infrastructure Levy will be used to delivery new community infrastructure, and, where necessary, planning obligations will be used to address the impacts of development proposals.</p>	Yes – to be consistent with independent examiners recommended modifications to policies. This ensures the explanatory text of the document reflects the modifications proposed and considered in Table 1 of this decision statement.
Page 28	<p>Delete the following text from the third paragraph of page 28:</p> <p>Therefore, in addition to the above policies;</p> <p>Also delate the following text from the sixth paragraph (centre column) of page 28:</p> <p>and New Homes Bonus to the District Council as a result of development</p>	Yes – to be consistent with independent examiners recommended modifications to policies. This ensures the explanatory text of the document reflects the modifications proposed and considered in Table 1 of this decision statement.
Whole Plan	Renumber figures to take account of move of Figure 5 from the Policy Section to Community Action section.	Yes – so that policy number is consecutive within the plan following the modification to remove specific policy.

John Slater Planning Ltd

Longdon Parish Neighbourhood Plan 2017 - 2029

Submission Version

A Report to Lichfield District Council on the Examination of the Longdon Parish Neighbourhood Plan

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10th May 2018

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Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Lichfield District Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Longdon Parish Council. A Neighbourhood Plan Group Steering Group was appointed to undertake the plan's preparation. This was made up of 50% councillors and 50% resident volunteers. Longdon Parish Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Longdon Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Lichfield District Council, the Local Planning Authority (LPA) for the neighbourhood plan area.

The Examiner's Role

I was formally appointed by Lichfield District Council in March 2018, with the agreement of Longdon Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Lichfield District Council, and Longdon Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified.
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Longdon Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Lichfield District Council, for the Longdon Neighbourhood Plan on 9th July 2013.

I can also confirm that it does specify the period over which the plan has effect namely the period from 2017 up to 2029.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Longdon Parish Council as a parish council is a “qualifying body” (QB) under the terms of the legislation.

The Examination Process

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions, which I set out in the Plan Overview section.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing.

I carried out an unaccompanied visit to the villages of Longdon, Longdon Green, Upper Longdon and Gentleshaw as well as the surrounding countryside on 21st March 2018. I spent over two and half hours driving and walking around the area. I did have some questions that arose from my site visit, which I referred to both the Parish Council and the Local Planning Authority, to which I received separate replies on 3rd and 4th April 2018. I had a subsequent exchange of correspondence with the Chair of the Steering Group regarding identifying the facilities that the plan proposed to be protected by Policy12. Copies of all the correspondence has been put on the respective websites.

The Consultation Process

Once the neighbourhood plan had been designated, the Steering Group started building up an evidence base. Initial public meetings and briefings to local organisations were held throughout 2013 and 2014. In addition, publicity was given to the plan making process in the parish magazine Longdon Life and questionnaires were distributed to every household in March 2014. Other forms of community engagement including attending local events, conducting school bus stop interviews, “Youth Chat” meetings and specific engagement with schoolchildren.

As the plan came together, an executive summary was distributed to every household in the parish in September 2015. This was the prelude to the first Regulation 14 consultation which was held between 1st October 2015 and 14th November 2015 which included two public meetings held at different ends of the parish. As a result of comments made during this consultation, a second Regulation 14 consultation was held over six weeks, ending on 21 August 2016. This received 14 responses which have been set out in the table in Appendix 8 of the Consultation Statement.

I appreciate the difficulties engaging what are four separate settlements within the parish. I have received no comments from any party that they did not feel they were able to contribute to the neighbourhood planning process.

Regulation 16 Consultation

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 26th January 2018 and 9th March 2018. This consultation was organised by Lichfield District Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 13 individual responses were received from Historic England, Natural England (this arrived shortly after the deadline but I have noted its comments), Lichfield District Council, Highways England, Environment Agency, Staffordshire County Council, Network Rail, Health and Safety Executive, Canals and Rivers Trust, Derbyshire County Council, the Woodland Trust, Cannock Chase AONB Unit and the planning consultants, the Pegasus Group on behalf of Mr and Mrs Wright.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?

- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

Compliance with the Development Plan

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the Lichfield District Local Plan Strategy 2008 – 2029, adopted in February 2015. The neighbourhood plan area falls within the Green Belt and part of the plan area also falls within the Cannock Chase AONB, including the settlement of Upper Longdon.

Core Policy 1 identifies the five villages in the district identified to be the focus for new rural housing growth. None of the settlements in the Plan area falls within that category and are only expected to deliver housing to meet local needs, mainly in village boundaries, although the policy does allow rural exception sites. The policy does allow limited infill development within the Green Belt villages, “with appropriate infill boundaries being determined through local consultation on the Site Allocation Plan”. The villages in the plan area which are washed over as Green Belt, are Longdon Green and Gentleshaw. Longdon and Upper Longdon are “inset” within the Green Belt. The neighbourhood plan is not promoting a boundary for these settlements where limited infilling would be allowed.

The other relevant policy is Core Policy 6 which deals with housing delivery and requires the minimum of 10,030 homes to be built in the district between 2008 and 2029. The settlement boundaries are set out for Longdon in Map 20 and Upper Longdon in Map 25 of the Local Plan. Green Belt policy is set out in Policy NR2.

In addition to the Local Plan Strategy, there is also saved policies in the Lichfield Local Plan which was adopted in 1998. The only saved policies of relevance to this neighbourhood plan are the policies dealing with conservation areas and the Cannock Chase AONB. These saved policies will be replaced by the second stage of the Local Plan which is the Local Plan Site Allocation Document. A Focused Changes Version of that plan was the subject of public consultation between 8th January 2018 and 19th February 2018. This is emerging policy and there were no site allocations which affect the Plan area.

Compliance with European and Human Rights Legislation

Lichfield District Council initially carried out a Screening Opinion on an earlier version of the Plan and produced an initial screening report dated October 2015. The report concluded that a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required. This was on the basis of a policy that encouraged new footpaths linking with Cannock Chase AONB which could have affected the Cannock Chase Special Area of Conservation.

The District Council, as competent authority, also carried out at the same time, the screening of the plan under the Habitat Regulations. The assessment concluded that the Plan that there were potential significant effects on this particular European protected site. It concluded that if the relevant policy were to be removed then an SEA and HRA would not be required. The relevant wording has now been removed from Policy 2 and the District Council has confirmed in its Regulation 16 consultation response that it no longer considers that an SEA or an HRA are now required. As the screening opinion is a formal stage in establishing that the Plan meets the basic condition regarding compliance with European legislation that a formal revised Screening Opinion be produced before the plan is submitted for referendum. The LPA has now prepared a revised screening report based on the amended Policy 2, which has concluded that neither an SEA nor an HRA are required. The 3 consultation bodies, Natural England, Historic England and the Environment Agency has confirmed that they concur with that view.

I am now satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights legislation.

The Neighbourhood Plan: An Overview

A neighbourhood plan is an important planning document, as it is not just an expression of a Parish Council’s views, but it forms part of the development plan and establishes the policies which will be used to determine planning applications. Planning policies must be drafted carefully and in such a way that there is no ambiguity as to the intention of the policy. As the Planning Practice Guidance states, it “should be capable of being used with confidence by decision makers”. Throughout the plan, policies are expressed as offering support “in principle”. This is a qualified indication as to how an application should be determined, which appears to imply that there is some “wriggle room” which could suggest that a decision maker could take a different

view based on individual circumstances. That is not what the Secretary of State expects when he is requiring neighbourhood plans “to plan positively to support local development”. Plans should, as it sets out in Paragraph 17 of the NPPF, “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency”. One of my recurring recommendations has been to recommend the removal of the caveat “in principle” and other references to applications “being considered on their own merits”. It would not prevent an application being refused say on the basis of an unacceptable layout or inadequate drainage etc. However, the consideration of any appeal would be on the basis of the specific inadequacy of the scheme rather than the principle of the development.

Another area where I have had to remove a number of policies is where the plan ventures beyond the statutory requirement restricting policies to the “development and use of land”. That is particularly the case when the plan policies address traffic management issues, which are clearly of importance to the community, rather than being policies that can be used for the determination of planning applications.

Finally, I have had to significantly amend the plan in the area where there are expectations of extracting financial contributions from developers. There are legislative restrictions on what basis financial contributions can be sought for, especially when a CIL scheme is in place.

Whilst I have supported in the main, the design aspirations set out in the neighbourhood plan, my overall impression is that the evidence that supports those aspirations is not particularly strong and has not been as well substantiated as other neighbourhood plans, who have produced Character Assessments and Design Guides to support their design policies. The plan wishes to presume against “estates” and “cul de sacs”, neither of which are properly defined or evidenced and I have had to remove reference to them even though they are given as examples at the type of development the plan wishes to avoid.

The District Council in its Regulation 16 response has in particular suggested a number of changes to the supporting text. My consideration of the plan has concentrated on the wording of the development plan policies and I consider it beyond my remit as examiner to be proposing changes to the main body of the document, which are not used for the determination of planning applications. Many of the matters can and should be taken on board by the Steering Group, which will only improve the quality of the plan and I would urge that they sit down with the Lichfield planners and seek to incorporate as many as possible. Furthermore, for the final version of the plan to read as a coherent document, it will be necessary for some of the supporting text to be amended or removed to reflect the amendments I have recommended.

The Neighbourhood Plan Policies

Policy 1

A neighbourhood plan is a document that is used for determining planning applications. It is therefore not appropriate for the actual development plan policy to be “supporting” *projects* that do not constitute development. It is perfectly proper that the support be registered in the neighbourhood plan document, either within the supporting text or via a separate Community Action or Aspiration.

The purpose of a local plan policy is to provide certainty as to how a planning application should be determined. The Planning Practice Guidance states that neighbourhood planning policies “should be clear and unambiguous” and “be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence”. My concern is that throughout the plan it uses the caveat that proposals will be supported “in principle”. Such a wording does not give sufficient confidence to applicants to know how a planning application is to be determined. Section 38 of the Town & Country Planning Act 1990 states that planning applications must be determined in accordance with the development plan policy unless material circumstances dictate otherwise. In this case, the proposal to increase wildlife habitats and species should be supported i.e. approved. If there are reasons not to approve in line with the presumption in favour of the development plan, then reasons to depart can be dealt with as a material consideration.

Recommendation

In the first sentence, delete “projects and” and also delete “in principle”.

Policy 2

Again, the issue is that the policy creates uncertainty and I propose to delete the proviso “in principle”. In other respects, the policy meets basic conditions. I note that reference to the footpaths linking to the AONB have now been removed from the plan.

Recommendation

Delete “In principle”

Policy 3

I am concerned that the presumption against all built development outside the village boundary goes too far. For example, it would presume against buildings erected for agricultural purposes or building required for leisure development. National policy in the NPPF sets out what new buildings will be acceptable in the Green Belt. It would provide greater clarity if the criteria for considering a rural worker’s dwelling, should refer to the criteria set out in Appendix A of the District Council’s Rural Development Supplementary Planning Document.

Recommendations

At the end of the first sentence, add “except for purposes set out in the relevant section of the NPPF and Core Policy 6 of the Local Plan”.

In the second sentence replace “of need, distances, have been fully explored and can be justified” with “set out in Appendix A of the Lichfield District Council’s Rural Development Supplementary Planning Document”.

Policy 4

The documents which are required to be submitted with a planning application are set out not in a development plan policy, but by the Town and Country Planning (Development Management Procedure) Order 2015. That requires the submission of a Design and Access Statements only to be required for sites in conservation areas, or in terms of *major* schemes i.e. residential development of 10 or more units. Having said that it is entirely appropriate for the policy that planning applications should be required to demonstrate how they have had regard to traditional village vernacular and landscape impact.

I am concerned regarding the final sentence, which presumes against what it describes as “artificial/contrived measures” to assimilate development into the rural landscape. It gives the example of ground remodelling. I do not consider that this element of policy is either justified, or is based on evidence or is in accordance with national policy on design and setting the development in its landscape context. In my experience, it is often possible to achieve screening of new buildings and their integration into the landscape through the submission of landscaping schemes which can soften the appearance of new development, integrating it into the rural landscape. I have seen no evidence in any other supporting documents that justifies this part of the policy. I propose to change the emphasis of the policy to require, where necessary that buildings outside settlements should be appropriately landscaped in such a way as to sensitively integrate the building into the countryside.

Recommendation

In the first sentence delete “encouraged to be accompanied by design statements that clearly “and insert “required to”.

Replace the second sentence with “Any new building outside or on the edge of the village settlement boundaries must be appropriately landscaped to sensitively integrate the development into the surrounding countryside”.

Policy 5

This policy allows “Limited small-scale developments within the village of boundaries”. I am concerned that “limited small-scale development” is too vague, is it that it is a limited small scale development in the context of an individual site, or in the context of the actual village? I consider that it will be difficult for the decision maker, or indeed an applicant, to understand what the expectation of the plan is when it refers to “limited and small-scale”.

The Lichfield District Local Plan Strategy in Core Policy 6 allows “infill development within settlement boundaries.” To meet the basic condition of being in general conformity with that a strategic policy, the policy cannot set conditions that would deliver lower levels of development. As submitted, this neighbourhood plan policy could indeed potentially deliver less housing than allowed for by the local plan policy. I consider that within the settlement boundaries of Longdon and Upper Longdon, it is the availability of infill sites and the size of those sites, which should dictate the scale of development as well as the requirements to meet local housing need. It is a national policy requirement, that development should make efficient use of land.

Without removing this restriction to development being “limited” and “small scale”, I would have had to conclude that the policy did not meet basic conditions, having regard to the conflict with national and local planning policy. It would also not necessary deliver sustainable development. In order to bring it in line with the local plan, I will recommend replacing “limited small-scale” with “infill residential development”. As with previous policies it is not appropriate to caveat a planning policy by offering only support “in principle”.

The policy refers to “assisting the sustainability of the villages” and it could be misconstrued as to whether the policy is seeking to allow development within the settlements of Gentleshaw and Longdon Green, which are both settlements which are “washed over by the Green Belt”. I propose to make clear that this policy only relates to the settlements of Longdon and Upper Longdon.

I find that the second sentence, which gives *examples* of what form of residential development would be acceptable and what would not be appropriate, most problematical in terms of my assessment of basic conditions. Firstly, there would be uncertainty for a decision maker, for example, in deciding whether a residential development constitute “a new estate?” – what is the characteristic of a new *estate* over any other type of residential development. It is not a term used in planning policy whether it be national or local. I fully appreciate the aspiration of the neighbourhood plan to seek to improve upon the design of residential development, compared to that which took place in the 1970s and 1980s within the village, so as to be more

responsive to the local context, but this needs to be achieved through strong and well evidenced design policy. As such that would not rule out quality modern design that also responds to the local context. My concern is that the plan has not produced any systematic evaluation of the settlement's defining characteristics, of the different areas within the settlements, highlighting those aspects which it wishes to be used as the basis for new development, irrespective of whether the plan is amending village boundaries. This would demonstrate an understanding and evaluation of the defining characteristics of the plan area, which is a requirement set out in paragraph 58 of the NPPF, to justify design policies which set out the quality of development that will be expected. Usually neighbourhood plans provide such evidence via a Character Assessment or Design Guides or similar, which sets out clearly the specifics of the vernacular style and the elements that the plan aspires to have regard to it. The absence of such material will inevitably weaken the strength of the policy, as it places more onus on the judgement of decision-makers to assess whether the design of new development reflects local distinctiveness, rather than the Plan offering stronger, more prescriptive design guidance.

Equally I do not consider it has been justified in only requiring residential development to be "linear infilling (including courtyard developments)" as to large extent, the form of development will be driven by the size and shape of the development site, the type of housing being proposed e.g. smaller units for starter homes, compared to large family houses. Similarly, I entirely agree with the Lichfield District Council's Regulation 16 representations, that in some instances, a cul-de-sac layout could be a most appropriate design response. In other contexts, it would not be an acceptable response. Notwithstanding that this is a policy that has been included in early versions of the plan and which it is claimed is a recognition of local feelings (although I did not detect a significant consensus on the subject of cul de sacs when reading the Consultation Statement), I do not think a development plan policy can dismiss in every eventuality a particular form of road layout. I read with interest the Parish Council's response to the District Councils Regulation 14 comments on this issue, when it was stated that "link road improve access; cul-de-sacs only benefit of residents living there". I find this to be unsustainable position, as it should be a response to the site's configuration, its location and its relationship to other roads, which dictate the opportunities to make the connections at each end of the road to connect to existing roads. It would be perverse to refuse an otherwise acceptable scheme to create new homes on the basis of a road with only one access point. The importance of creating quality places is a more holistic process, which is well set out in the document, Manual for Streets.

My concerns have also picked up on points made by both the District Council and also Pegasus Group planning consultancy.

Recommendations

Replace “limited, small scale” with “infill residential” and replace “village boundaries” with “the settlement boundaries of Longdon (as shown on Map 20 of the Lichfield District Local Plan Policies Maps) and Upper Longdon (as shown on Map 25 of the Lichfield District Local Plan Policies Maps)

Delete all of the first paragraph after “supported”.

Policy 6

Again, the plan needs to be clear that the policy allowing residential development does not extend to the villages who are “washed over” by the Green Belt. I will make it clear through my recommendations that the policy only applies to within the settlement boundaries of Longdon and Upper Longdon. As the District Council point out reference to “reasonable distance” and “appropriate locations” are all imprecise terms, open to interpretation, and would be difficult to use in a development management context.

The policy refers to “new housing primarily for local people”. This could imply the need for residential development to be subject to local occupancy conditions to restrict occupation only to persons who are already living in the area or have connections to it. I have sought clarification on this matter from both the Qualifying Body and the District Council and both confirm it is only the intention that the properties should be “suitable” for occupation by local people.

Recommendation

Replace “primarily” with “suitable for” and delete all text after “supported within” and insert “the settlement boundaries of Longdon and Upper Longdon”

Policy 7

I do not consider that a policy which states that “Applications will be considered on their merits” offers the certainty required of a development plan policy, which should indicate how an application will be determined, “unless material circumstances dictate otherwise”.

I do not see how the conversion of properties will lead to encroachment into the Green Belt but I do acknowledge that the redevelopment of brownfield sites could lead to encroachment into the countryside unless the new buildings do not extend significantly beyond the footprint of the buildings they replace and does not impinge on the “openness” of the Green Belt. I do not consider that the inclusion of the reason for “leading to the merging of settlements” to be helpful, as it could introduce debate as to whether proposals that explicitly did not lead to the merging of settlements should be viewed favourably, whilst it would still be inappropriate development in the Green Belt. The primary objective of Green Belt is to keep the land permanently open. This

will still achieve the objective of the Parish Council to prevent “growth areas” merging with settlements in the plan area.

Recommendations

Replace “considered on their merits” with “supported”.

Replace “lead to creeping encroachment into the Green Belt, leading to a merging of settlements” with “adversely impact on the openness of the Green Belt”.

Policy 8

It is not necessary for a neighbourhood plan, which will be part of the development plan to require a development proposal to also have to comply with policies in another part of the development plan i.e. local plan. The requirement for residential schemes is acknowledged in the policy to be delivered through the Local Plan, Policy H2 and this will *provide* the affordable accommodation.

A neighbourhood plan policy cannot remove statutory rights of occupiers to either buy their leasehold properties or staircase arrangements for shared equity properties. Similarly, the allocation of affordable houses is not a policy undertaken by local planning authority but it is the responsibility of the local housing authority to allocate new homes. The only way the neighbourhood plan can exercise control over occupation to persons with a local connection would have been by allocating exception sites outside the settlement boundaries and it has not taken that opportunity. It can also do so by promoting a Community Right to Build Order or through Community Land Trusts which can also control leasehold enfranchisement. I do not believe the policy meets basic conditions, as it is not a policy for the use and development of land, rather it is a policy for the allocation of affordable homes. This confirms the view of the District Council.

Recommendation

That the policy be deleted.

Policy 9

A fundamental requirement of a neighbourhood plan policy is that it should be a policy for the development and use of land. It is to be used to determine planning applications. This proposal is a policy stating that the Parish Council will work with the Highway Authority, rather than the Local Planning Authority, on matters relating to highway management and maintenance. Such policies can have a place in the neighbourhood plan as an expression of the community’s views but it cannot be in a development plan policy. Highway improvements do not ordinarily require planning permission. Similarly, the support for public transport is essentially a budgetary matter.

In either case, it is not a policy that can be used to determine planning applications. I will be recommending that the policy be deleted and the wording should be retained either in the supporting text or as a community action setting out the intentions of the Parish Council as clearly this is a matter of importance to the community.

Recommendation

That the policy be deleted.

Policy 10

The comments regarding speed limits, safety improvements, audits of road signs and highway maintenance are again a policy that is not related to the use and development of land. I will again be recommending that the policy be deleted as a development plan policy.

Recommendation

That the policy be deleted.

Policy 11

The threshold set out in this policy is that proposals should have “no material adverse impact” on the safe and efficient operation of the local road network”. Paragraph 32 of the NPPF states that “developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. I will recommend that this policy be amended to bring it in line with Secretary of State policy and advice.

Recommendation

Replace ‘material’ with “significant”.

Policy 12

My only concern with this policy is on the need to remove uncertainty as to what properties are protected by the plan. I have referred the matter back to the Qualifying Body and who have confirmed that they are seeking to cover the range of facilities covering both local pubs, shops, schools, community and recreational facilities which I will be recommending. The Parish Council has since further clarified that the intention was only to protect the non-commercial facilities and so the public houses and the village post office and store has been removed from the list.

There is an area of land which is identified in the Lichfield Local Plan Strategy 2008 - 29 in Map 20 as Public Open Space. This is the land to the rear of the Swan with Two Necks. It appears that the land is not currently available as public open space and there is no public access, although a public footpath lies adjacent to the land. As such

it is not an *existing* community facility and therefore cannot be covered by this neighbourhood plan policy. It would not be appropriate to have a policy to resist the loss of a facility that has not yet been provided although it is designated for future community use.

Recommendation

Delete “of any” and insert “following” before “existing”

Delete the wording in parenthesis

At the end of the policy insert

- **St James Academy, Brook End Longdon**
- **Gentleshaw School, Gentleshaw**
- **Longdon Village Hall, Brook End Longdon**
- **The Memorial Hall, Brook End, Longdon**
- **The WI Hall, Ford Lane, Longdon**
- **Longdon Cricket Club, Red Lion Ground, Longdon Green**

Policy 13

In the light of my previous comments regarding policies offering certainty, I will be recommending that the “in principle” caveat be removed.

Recommendation

Delete “in principle.”

Policy 14

The “in principle” comments equally apply to this policy. The ongoing maintenance of facilities it is not a matter that involves a planning application but the policy can seek contributions if the playground were to be provided as part of a developer’s obligation.

Recommendation

Delete “in principle” and also “(and maintenance) and insert at the end of the sentence “(including seeking developer contributions to its ongoing maintenance, where appropriate).

Policy 15

Again, the usual of “in principle” support arises, as it is the question of ongoing maintenance. Paragraph (b) does not meet basic conditions. Financial contributions via planning obligations can only be collected if the requirement meets the three criteria set out in Regulation 122 of the Community Infrastructure Levy Regulations

2010, namely the contributions:

- are necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development

This is repeated in Paragraph 204 of the NPPF. Furthermore, a local planning authority is only able to collect a maximum of five contributions to any one project.

Furthermore, a planning obligation can only be sought if the project is not funded by CIL payments. These projects are set out in the District Councils Regulation 123 list which I note includes “improvements to open space provision”.

Therefore, the only appropriate source of funding will be CIL payments. However, a neighbourhood plan policy cannot dictate how a District Council will choose to distribute its CIL payments, which are collected into a single pot across the district and distributed based on infrastructure priorities it identifies. Its distribution is a budgetary, not a land-use decision. However, the Parish Council could choose to specify how it intends to spend its 25% element of CIL receipts on this project, but that is a budgetary decision for the Parish Council to make. I do not consider that this policy element meets the basic conditions and I will propose that it be deleted.

Recommendations

In a) delete “in principle” and “(and maintenance)”

Delete b)

Policy 16

This policy is generally in line with national policy. I need to make the same point regarding support being given “in principle”. Equally proposal cannot be required to comply with objectives of a plan, as they are not development plan policies which are to be used for the determination of planning applications. It is also a requirement to have regard to all relevant policies in the development plan, which also includes the local plan, as well as this neighbourhood plan.

Recommendations

Delete “in principle”

Replace all of text after “other policies” and replace with “contained in the development plan”.

Policy 17

The only issue is the deletion of the “in principle” caveat. Apart from that I have no issues with regards basic conditions.

Recommendation

Delete “in principle”.

Policy 18

I have serious misgivings regarding the policy which again misunderstands the basis of CIL payments, which are not discretionary and are not dependent on a neighbourhood plan policy. These rates are set out in the CIL charging scheme. Similarly, the limits on financial contributions via planning obligations, which I referred to under Policy 15, apply equally in this case.

The policy does not set out what parish wide infrastructure the plan is seeking contributions, what it considers to be a “worthwhile contribution” or what infrastructure is required to contribute “to the sustainability of the communities”.

As written the policy does not meet the basic conditions and should be deleted.

Recommendation

The policy be deleted.

The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Longdon Neighbourhood Plan as designated by Lichfield District Council on 9th July 2013, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

Notwithstanding the changes that I have had to make, which ensure that the Longdon Neighbourhood Plan does meet basic conditions, the document will still be a sound basis for determining planning applications in the parish over the next decade or so. It sets out clearly the expectations for new development and protects the facilities that are clearly are important to the community

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The Neighbourhood Plan Group and the Parish Council are to be congratulated for producing a concise and locally distinctive neighbourhood plan and for persevering with the plan since work started in 2013. Clearly a lot of hard work has gone into its production. The policies cover the matters which are clearly of importance to the communities of the settlements that make up the Plan area.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

I am therefore delighted to recommend to the Lichfield District Council that the Longdon Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

10th May 2018

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