

CABINET

12 JUNE 2018

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MONEY MATTERS 2017/18: REVIEW OF THE FINANCIAL PERFORMANCE AGAINST THE FINANCIAL STRATEGY APRIL TO MARCH 2018

1. Decision:

The Cabinet:

- 1.1 Noted the report and issues raised within.
- 1.2 Noted that Leadership Team with Cabinet Members will continue to closely monitor and manage the Medium Term Financial Strategy.
- 1.3 Noted 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.
- 1.4 Approved £917,500 of Capital Programme slippage related to 2017/18 being added to the Approved Budget in 2018/19 as outlined at APPENDIX C of the report.
- 1.5 Noted the Community Infrastructure Levy (CIL) financial year report which is in accordance with Regulation 62 of The Community Infrastructure Levy Regulations 2010 (as amended).
- 1.6 Recommended that Council approve the actual 2017/18 Prudential Indicators contained within the report.

2. Statement of Reasons:

- 2.1 The Medium Term Financial Strategy 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.
- 2.2 Throughout the financial year, Money Matters reports are provided to both Cabinet and Strategic (Overview and Scrutiny) Committee at three, six and eight month intervals to monitor financial performance.
- 2.3 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.

3. Any Alternative Options:

- 3.1 There were no alternative options

**COMPULSORY PURCHASE ORDER AT LAND AT THE WINDMILL, GRANGE LANE,
LICHFIELD**

1. Decision:

The Cabinet:

- 1.1 Agreed, in order to facilitate the carrying out and implementation of planning permission 17/01477/FULM, to the making of a compulsory purchase order (CPO) to enable the necessary acquisitions of land and interests in land.
- 1.2 Noted and approved the map at Appendix A of the report showing the extent of the proposed CPO ("the Order Land") and the draft statement of reasons at Appendix B of the report in support of the proposed CPO.
- 1.3 Authorised the Director of Place and Community to make the CPO as considered necessary.
- 1.4 Authorised 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").
- 1.5 Authorised 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.
- 1.6 Authorised 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.
- 1.7 Authorised 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.
- 1.8 Authorised 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.
- 1.9 Authorised 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.
- 1.10 Authorised 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.

- 1.11 Authorised 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.

2. Statement of Reasons:

2.1 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.

2.2 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.

2.3 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.

2.4 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.

2.5 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
-

2.6 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.

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

2.8 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.

2.9 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.

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

2.11 Benefits of the Scheme

2.12 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.

2.13 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).

2.14 Frontage planting, including trees, will be beneficial for the street scene and will mitigate for any existing trees to be lost to facilitate the development.

2.15 Compulsory Purchase Powers

2.16 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.

2.17 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 or 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.

2.18 **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 District's 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.

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

2.20 Case for Making the CPO

2.21 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.

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 The draft Statement of Reasons for the making of the Order, attached at Appendix 2 of the report fully sets out the case for the making of the CPO and is provided for the information of Members.
- 2.26 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.

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| 3. Any Alternative Options: |
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- 3.1 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.

COMMUNITY INFRASTRUCTURE LEVY: ALLOCATING AND SPENDING CIL: ADDITIONAL GUIDANCE

1. Decision:

- 1.1 The Cabinet approved the adoption of the proposed Allocating and Spending CIL: Additional Guidance as set out at Appendix A of the Cabinet report.

2. Statement of Reasons:

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.

3. Any Alternative Options:

- 3.1 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.
- 3.2 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.

**ALLOCATION OF NON SITE SPECIFIC SECTION 106 RELATING TO PLANNING
APPLICATION 07/00147/OUT (HILL RIDWARE)**

1. Decision:

- 1.1 The Cabinet agreed that the allocation of the Section 106 monies identified in the report be allocated to the renovation and replacement of play equipment at Hill Ridware Village Hall (£71, 054.19).

2. Statement of Reasons:

- 2.1 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.
- 2.2 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.
- 2.3 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).
- 2.4 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.
- 2.5 The Section S106 Agreement was secured before the District Council adopted its CIL Charging Schedule (April 2016) and current Regulation 123 List (February 2017).
- 2.6 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.
- 2.7 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 | £81,054.19 |

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| | | extended by 2 metres to provide an increased play area and a greater range of play equipment can be provided. | |
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- 2.8 It should be noted that the Parish Council have allocated £10,000.00 of their own funds to facilitate delivery of the project.
- 2.9 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.

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| 3. Any Alternative Options: |
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- 3.1 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.

**ALLOCATION OF NON SITE SPECIFIC SECTION 106 RELATING TO PLANNING
APPLICATION 07/00774/OUTM (FRADLEY)**

1. Decision:

The Cabinet:

- 1.1 Approved the allocation of Section 106 monies identified and detailed in the report be distributed as set out in the table below:

| 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 |

- 1.2 Noted the recommendation to direct and support future health provision applications through the CIL application process.

2. Statement of Reasons:

- 2.1 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.
- 2.2 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.
- 2.3 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).
- 2.4 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.
- 2.5 The Section S106 Agreement was secured before the District Council adopted its CIL Charging Schedule (April 2016) and current Regulation 123 List (February 2017).

2.6 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.

2.7 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 community and provides a good venue to enable residents to join activities. | £14,969.00 |
| 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 |

- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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

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| 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. |

- 2.12 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.
- 3.13 The removal of the Westgate Practice Restructure application from the selection process enables all other submissions to be supported in full.

(COUNCILLOR WILCOX DECLARED A PERSONAL INTEREST IN THIS ITEM AS A MEMBER OF FRADLEY AND STREETHAY PARISH COUNCIL)

3. Any Alternative Options:

- 3.1 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.

**ALLOCATION OF NON SITE SPECIFIC SECTION 106 RELATING TO PLANNING
APPLICATION 03/00627/OUT (HAWKSYARD)**

1. Decision:

- 1.1 The Cabinet:
- 1.2 Noted the content of the report and considered 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 Approved 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 |

- 2.3 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 |

2. Statement of Reasons:

- 2.1 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.
- 2.2 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;"
- 2.3 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.

- 2.4 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.
- 2.5 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.
- 2.6 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 facilitate better access to Rugeley town centre. Towpath from Bridgewater Drive to Wheelhouse Road and then on from Wheelhouse Road to A51. | £218,280.00 |
| 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 | £19,821.71 |

| Parish | Project Title | Project Summary | Project Costs |
|-------------------------|---|--|---------------|
| | | provision of heating and hot water for over 2000 annual users of the hall. | |
| 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 all year round. Improvements include replacing a damaged canopy and resurfacing. | £13,000.00 |

- 2.7 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.
- 2.8 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.
- 2.9 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.

- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.

3. Any Alternative Options:

- 3.1 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.

DECISION STATEMENT REGARDING ALREWAS NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Decision:

The Cabinet:

- 1.1 Accepted and agreed 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. This will enable the Plan to be proceed to the referendum stage.
- 1.2 Approved the publication of the Decision Statement for the Alrewas Neighbourhood plan.

2. Statement of Reasons:

- 2.1 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.
- 2.2 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.
- 2.3 The Alrewas Neighbourhood Plan has been independently examined and it is recommended in the examiners final report (Appendix B of the report) that subject to the modifications outlined within the report the neighbourhood plan meets the 'basic conditions' and as such should proceed to referendum.
- 2.4 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.
- 2.5 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.
- 2.6 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 of the report. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications Appendix C of the report.
- 2.7 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.

- 2.8 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.

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| 3. Any Alternative Options: |
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- 3.1 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.
- 3.2 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.

DECISION STATEMENT REGARDING ARMITAGE WITH HANDSACRE NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Decision:

The Cabinet:

- 1.1 Accepted and agreed 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. This will enable the Plan to be proceed to the referendum stage.
- 1.2 Approved the publication of the Decision Statement for the Armitage with Handsacre Neighbourhood Plan.
- 1.3 Approved 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 in the report where necessary.

2. Statement of Reasons:

- 2.1 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.
- 2.2 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.
- 2.3 The Armitage with Handsacre Neighbourhood Plan has been independently examined and it is recommended in the examiners final report (Appendix B of the report) that subject to the modifications outlined within the report the neighbourhood plan meets the 'basic conditions' and as such should proceed to referendum.
- 2.4 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.
- 2.5 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.
- 2.6 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 of the report. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications (Appendix C of the report).

- 2.7 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 of the report). 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 of the report) and the modified version of the Neighbourhood Plan (Appendix C of the report).
- 2.8 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.
- 2.9 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.

3. Any Alternative Options:

- 3.1 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.
- 3.2 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.

DECISION STATEMENT REGARDING LONGDON NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Decision:

The Cabinet:

- 1.1 Accepted and agreed to the making of modifications as set out in the 'Decision Statement' as updated at the meeting regarding Longdon Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement. This will enable the Plan to be proceed to the referendum stage.
- 1.2 Approved the publication of the Decision Statement for the Longdon neighbourhood plan.

2. Statement of Reasons:

- 2.1 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.
- 2.2 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.
- 2.3 The Longdon Neighbourhood Plan has been independently examined and it is recommended in the examiners final report (Appendix B of the report) that subject to the modifications outlined within the report the neighbourhood plan meets the 'basic conditions' and as such should proceed to referendum.
- 2.4 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.
- 2.5 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.
- 2.6 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 of the Cabinet report. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications (Appendix C).

- 2.7 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.
- 2.8 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.

VERBAL UPDATE TO LONGDON NEIGHBOURHOOD PLAN DECISION STATEMENT REPORT TO CABINET.

The following is a verbal update to Appendix A of this Cabinet report

Following the publication of the Cabinet reports, Longdon Parish Council contacted officers to raise concerns regarding the modifications proposed within Appendix A and queried whether any additional text could be incorporated into the neighbourhood plan.

In light of this request a meeting took place last week between officers and the parish council. Following the meeting officers recommended that the following additional modifications be made to the Longdon Neighbourhood Plan and added to the Decision Statement at Appendix A of this report. Officers are satisfied that the additional modifications are appropriate and that the recommendations within the Cabinet report remain the same.

The additional modifications are:

1. A 'Community Action' will be added to page 28 of the neighbourhood plan after the first paragraph of the 'Partnership Working' section. This will be worded as follows: *Community Action: The Parish Council by working with stakeholders will seek to encourage good design in new development ensuring that artificial measures such as ground re-modelling are sensitive to the location of a proposed development.*
2. The following text will be added to the final paragraph of text on page 20 of the neighbourhood plan: *Care must be taken to ensure future development does not lead to creeping encroachment into the Green Belt, leading to the merging of settlements.*
3. A 'Community Action' will be added to page 28 of the neighbourhood plan after the first paragraph of the 'Partnership Working' section. This will be worded as follows: *Community Action: Working with the highways authority and stakeholders the Parish Council will seek to explore opportunities to review the following:*
 - *Speed limits throughout the Plan area and traffic calming measures;*
 - *Creation of safer access at junctions with the A51; and*
 - *The proliferation of traffic regulation signs along the A51.*
4. Move the 'Community Action' that was proposed to be inserted at page 23 of the neighbourhood plan to page 28 of the same document after the first paragraph of the 'Partnership Working' section. The wording of this community action is included at page 11 of Appendix A of the Cabinet report.

3. Any Alternative Options:

- 3.1 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.
- 3.2 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.

