



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>

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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>

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	<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>

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	<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>	

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	<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>

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	<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>

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	<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</p> <p>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.

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	<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>

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	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.

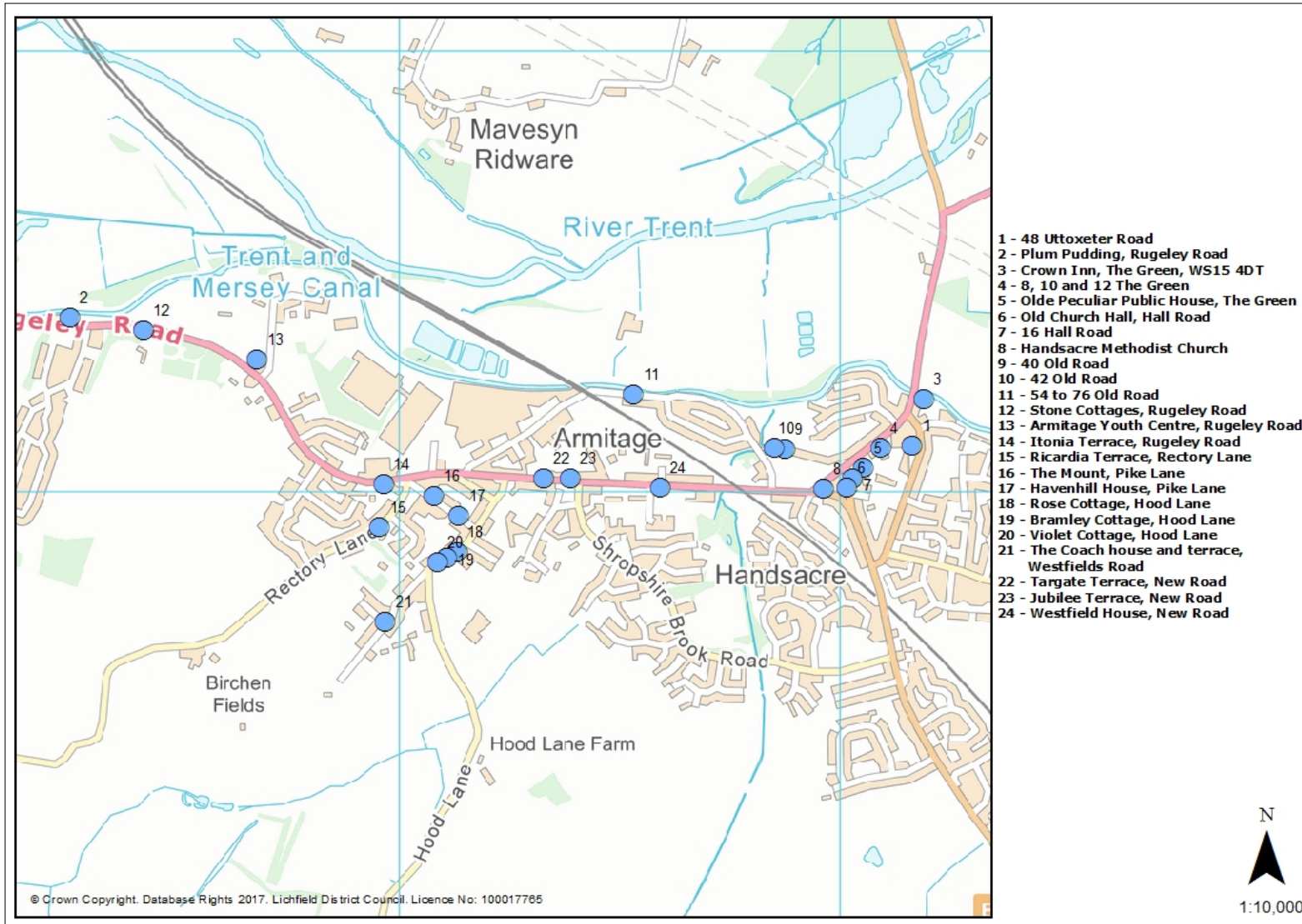
Policy AH5 - accept suggested change.

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

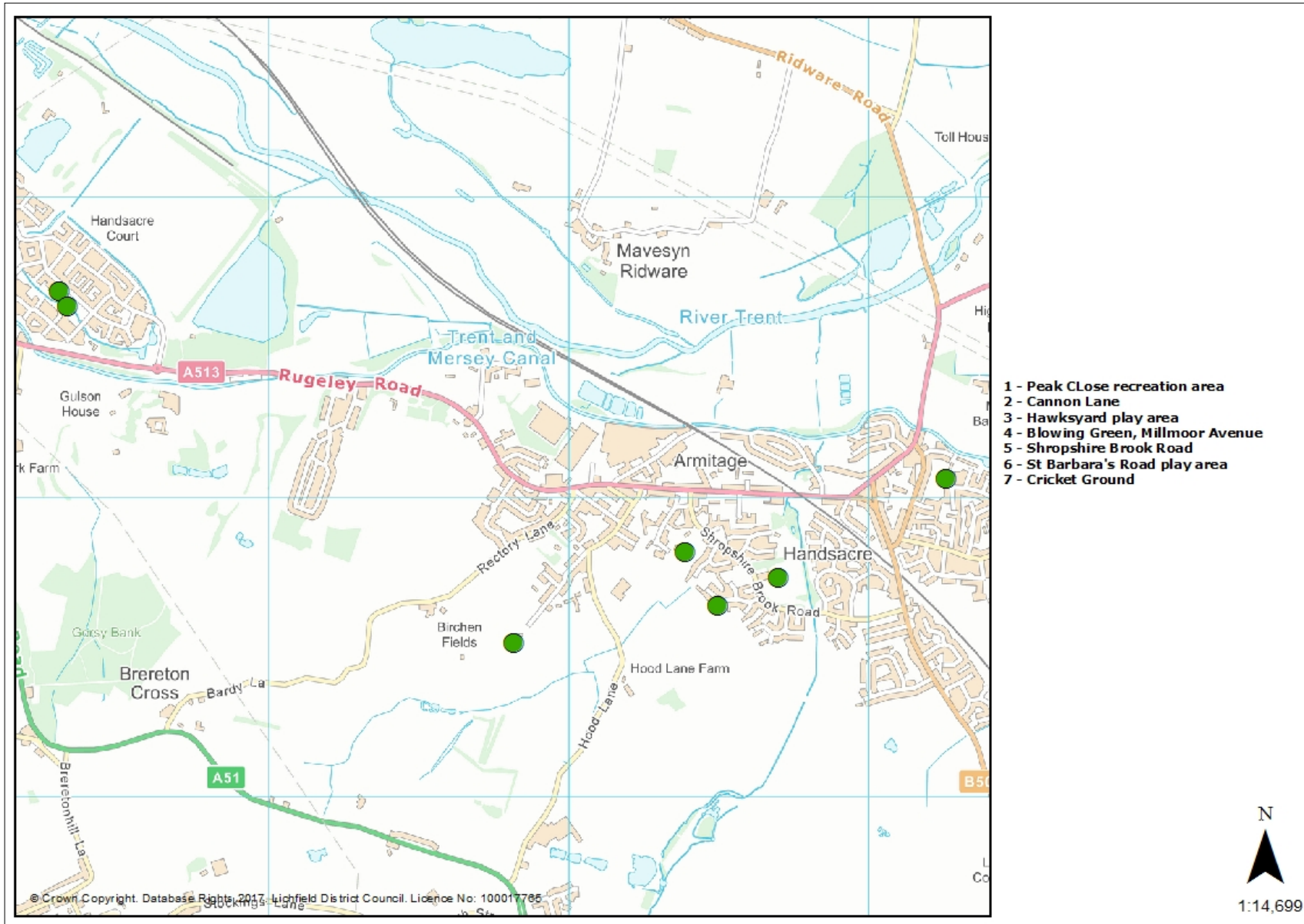
AHNP15 - accept suggested changes.

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

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

