



## Decision Statement Regarding Longdon Neighbourhood Plan Proceeding to Referendum

### 1. Summary

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

### 2. Background

- 2.1 On 21 January 2013 Longdon Parish Council requested that the Longdon Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Longdon Neighbourhood Area on 9 July 2013.
- 2.2 In July and August 2016 Longdon Parish Council published the draft Longdon Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Longdon Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council in January 2018 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 26 January and 09 March 2018 (the Local Authority publicity consultation). Mr John Slater BA (Hons) DMS MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.4 He has concluded that, subject to modifications, the Longdon Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.

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

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

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

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

TABLE 1

| Section in Examined Document | Examiner’s Recommendation  | Examiner’s Reason   | Local Authority’s decision and reason                      |
|------------------------------|--|---|--|
| Policy 1                     | In the first sentence of the policy delete ‘projects and’ and also delete ‘in principle’. Modification as follows:<br><br>To protect and enhance the natural landscape and designated wildlife sites, <del>projects and</del> developments which increase wildlife habitats and species, in accordance with the Staffordshire and Lichfield District’s Biodiversity Action Plans, will be supported <del>in principle</del> . Where possible, the removal of hedgerows will be resisted. | A neighbourhood plan is a document used for determining planning applications. It is therefore not appropriate for the actual policy to be ‘supporting’ projects that do not constitute development. It is proper that support be registered either within supporting text or via a separate community action or aspiration. The purpose of a policy is to provide certainty as to how a planning application should be determined. Concern that throughout the plan the caveat ‘in principle’ is used which does not give sufficient confidence to applicants as to how an application will be determined. | Yes – to provide clarity and to meet the basic conditions. |
| Policy 2                     | Delete ‘In principle’ from the policy. Modification as follows:  | Issue is that the policy creates certainty and propose to delete the ‘in principle’ provision.  | Yes – to provide clarity and to                            |

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|                              | <p><del>In principle</del>, The creation of new public footpaths/bridleways, to improve access to the countryside, will be encouraged where this does not cause conflict with Policy 1.</p>  |   | meet the basic conditions.                                 |
| Policy 3                     | <p>Modify the wording of Policy 3 as follows:</p> <p>There will be a presumption against built development outside of the village settlement boundaries (rural exceptions notwithstanding) <b>except for purposes set out in the relevant section of the NPPF and Core Policy 6 of the Local Plan.</b> Proposals for new rural workers dwellings will need to be accompanied by a robust demonstration that the principal criteria <del>of need, distance etc., have been fully explored and can be justified</del> <b>set out in the Lichfield District Council Rural Development Supplementary Planning Document.</b></p>  | <p>Concerned that the presumption against all built development outside of the village boundary goes too far. National policy within the NPPF sets out what new buildings will be acceptable in the Green Belt. It would provide greater clarity if the criteria for considering a rural worker's dwelling should refer to the criteria set out in Appendix A of the District Council's Rural Development Supplementary Planning Document.</p>  | Yes – to provide clarity and to meet the basic conditions. |
| Policy 4                     | <p>Modify the wording of Policy 4 as follows:</p> <p>Applications for new development will be <del>encouraged to be accompanied by design statements that clearly required to</del> demonstrate how the design has regard to the traditional village vernacular (including the use of materials) and the impact of such development could have on existing landscapes, and vistas. <del>Acknowledging that whilst all development will be considered on its own merits, development will be resisted where inappropriate, artificial/contrived measures in general, such as ground re-modelling are proposed, to help protect the character and appearance of the rural landscape</del> <b>Any new buildings outside the village settlement boundaries must be</b></p> | <p>The documents to be submitted with a planning application are set out not in a development plan policy, but by the Town and Country Planning (Development Management Procedure) Order 2015. However, it is appropriate for the policy to set out that proposals should be required to demonstrate how they have had regard to traditional village vernacular and landscape impact. Concerned with the final sentence which presumes against 'artificial/contrived measures'. This element of the policy is not considered to be justified or based on evidence or is in accordance with national policy on design and setting.</p> | Yes – to meet the basic conditions.                        |

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|                              | <p><b>appropriately landscaped to sensitively integrate the development into the surrounding countryside.</b></p>  |   |  |
| Policy 5                     | <p>Modify the wording of the first paragraph of Policy 5 as follows:</p> <p>To assist the sustainability of the villages, <del>limited small scale infill residential</del> development within <del>village boundaries the settlement boundaries of Longdon (as shown on Map 20 of the Lichfield Local Plan Strategy 2008-2029) and Upper Longdon (as shown on Map 25 of the Lichfield Local Plan Strategy 2008-2029)</del> will be supported <del>in principle. For example, minor linear infilling (including courtyard development), as opposed to new 'estates', cul-de-sac are not appropriate.</del></p> | <p>Concerned that 'limited small-scale development is too vague. It will be difficult for the decision maker, or indeed and applicant to understand what the expectation of the plan is. As submitted the neighbourhood plan could deliver less housing than allowed for by local plan policy which would need meet the basic conditions. Without removing limited' and 'small scale' would have to conclude that the policy did not meet the basic conditions. Propose to make clear that the policy only refers to Longdon and Upper Longdon as currently could be misconstrued that the policy is seeking to allow development within settlements washed over by Green Belt. The term 'new estate' is not a term used in planning policy, it is unclear. Do not consider it has been justified why the policy opposes cul-de-sac type development.</p> | <p>Yes – to meet the basic conditions.</p>                 |
| Policy 6                     | <p>Modify the wording of Policy 6 as follows:</p> <p>New housing <del>primarily suitable for</del> Local people, especially for starter families and the elderly, will be supported within <del>appropriate village locations, so that the distance to travel for public transport, recreational activity, shopping etc., is reasonable</del> <b>the settlement boundaries of Longdon and Upper Longdon.</b></p>   | <p>The plan needs to be clear that the policy allowing residential development does not extend to the Green Belt washed over villages. As the District Council points out the terms 'reasonable distance' and 'appropriate locations' are imprecise and would be difficult to use in a development management context. Policy refers to 'new housing primarily' for local people which could imply local occupancy conditions to restrict occupation. Clarification has</p>   | <p>Yes – for clarity and to meet the basic conditions.</p> |

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|                              |  | <p>been sought and both the Parish and District Council confirm it is only the intention that the properties should be 'suitable' for occupation by local people.</p>  |  |
| Policy 7                     | <p>Modify the text of Policy 7 as follows:</p> <p>Conversion of non-residential properties to residential use, and windfall residential development on previously developed 'brownfield land' will be <b>considered on their merits supported</b>, provided the general design principles of local character, massing, appearance etc., are respected and that such development does not <del>lead to creeping encroachment into the Green Belt, leading to a merging of settlements adversely impact on the openness of the Green Belt.</del></p> | <p>Do not consider a policy which says 'applications will be considered on their own merits' offers the certainty required of a development plan policy. The conversion of properties will not lead to encroachment unto the Green Belts but do acknowledge that the redevelopment of brownfield sites could lead to encroachment. Do not consider the inclusion of 'leading to the merging of settlements' to be helpful, as it could introduce debate as to whether proposals which do not explicitly lead to merging of settlements could be viewed favourably.</p> | <p>Yes – to meet the basic conditions.</p> |
| Policy 8                     | Delete Policy 8.   | <p>It is not necessary for a neighbourhood plan, which will be part of the development plan to require proposals to have to comply with other policies within the development plan. Neighbourhood plan cannot remove statutory rights of occupiers. The only way a neighbourhood plan can exercise control over the occupation of new homes would have been to allocate an exception site or by promoting a Community Right to Build Order. Do not consider the policy meets the basic conditions as it is not a policy for the use of land.</p>                       | <p>Yes – to meet the basic conditions.</p> |

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| Policy 9                     | Delete Policy 9.<br><br>Examiner recommends the text of Policy 9 is retained as a 'community action' within the neighbourhood plan.   | This is a policy stating that the Parish Council will work with the Highway Authority rather than the Local planning Authority on matters relating to highway management and maintenance. Such policies can have a place in the plan as an expression of the community's view but not in a development plan policy. Highway improvements do not ordinarily require planning permission. It is not a policy which can be used in determining planning application. Whilst recommending the wording should be deleted the wording should be retained either in the supporting text or as a community action. | Yes – to meet the basic conditions.   |
| Policy 10                    | Delete Policy 10.   | Comments regarding speed limits, safety improvements, audits of road signs and highway maintenance are a policy that is not related to the use and development of land.  | Yes – to meet the basic conditions.   |
| Policy 11                    | Replace 'material' with 'significant'. Modification as follows:<br><br>Any new development (inc. change of use or conversion) within the Plan area must demonstrate that there would be no <del>material</del> <b>significant</b> adverse impact on the safe and efficient operation of the local road network, including residential roads, rural lanes and parking. | The threshold within the policy is that proposals should have 'no material adverse impact' on the safe and efficient operation of the local road network. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development area severe'. Policy is recommended to be modified to bring it in line with policy.  | Yes – to meet the basic conditions.   |
| Policy 12                    | Modify the text of Policy 12 as follows:  | Concern is the need to remove uncertainty as to what properties are protected by the plan. Qualifying Body confirmed that they are seeking to  | Yes – to meet the basic conditions.   |

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|                              | <p>There will be a presumption against the loss <del>of any</del> of the <b>following</b> existing community and recreational facilities (<del>meeting halls, sports field etc.</del>), unless it can be demonstrated that there will be a net gain in both the quantity and the quality of any new provision:</p> <ul style="list-style-type: none"> <li>• <b>The Red Lion PH, Longdon Green</b></li> <li>• <b>The Swan with Two Necks PH, Brook End, Longdon</b></li> <li>• <b>The Windmill PH, Gentleshaw</b></li> <li>• <b>The Redmore PH, Gentleshaw</b></li> <li>• <b>The Longdon Post Office and Store, Brook End, Longdon</b></li> <li>• <b>St James Academy, Brook End, Longdon</b></li> <li>• <b>Gentleshaw School, Gentleshaw</b></li> <li>• <b>Longdon Village Hall, Brook End, Longdon</b></li> <li>• <b>The Memorial Hall, Brook End, Longdon</b></li> <li>• <b>The WI Hall, Ford Lane, Longdon</b></li> <li>• <b>Longdon Cricket Club, Red Lion Ground, Longdon Green</b></li> </ul> | <p>cover the range of facilities including schools, shops, community and recreational facilities. There is an area identified as public open space in the Lichfield Local Plan. It appears the land is not currently available as public open space and there is no public access. As such it is not an existing community facility and therefore cannot be covered by this neighbourhood plan policy.</p> |                                       |
| Policy 13                    | <p>Delete 'in principle' from the wording of Policy 13. Modification as follows:</p> <p>Opportunities to create a purpose built, multi-functional community 'Hub' in Longdon Village will be supported <del>in</del> <b>principle</b>.</p>  | <p>To provide certainty recommend the removal of the 'in principle' caveat from the policy.</p>  | Yes – for clarity.                    |
| Policy 14                    | <p>Delete 'in principle' and '(and maintenance)' from the wording of Policy 14. Modification as follows:</p>  | <p>To provide certainty recommend the removal of the 'in principle' caveat from the policy. The ongoing maintenance of facilities is not a matter that involves</p>  | Yes – for clarity.                    |



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|                              | <p>To enable parents and children to play together outside in a safe environment, improving fitness and building confidence, support <del>in principle</del> will be forthcoming for the development <del>(and maintenance)</del> of a dedicated children's playground within the main village settlements.</p>   | <p>a planning application and should be removed from the policy.</p>  |  |
| <p>Policy 15</p>             | <p>Delete 'in principle' and '(and maintenance)' from the wording of Policy 15 and criteria b). Modification as follows:</p> <p>To promote outdoor community activity and general fitness;</p> <p>(a) Support <del>in principle</del> will be forthcoming for the creation <del>(and maintenance)</del> of a multi-purpose outdoor recreation ground (with appropriate equipment), capable of accommodating team games, creating opportunities for healthy competition, including any necessary small scale build facilities to support such use.</p> <p><del>(b) Should suitable locations be identified, all appropriate development generating a s106/CIL contribution within the Plan area will be expected to contribute towards delivering the facility(s).</del></p> | <p>To provide certainty recommend the removal of the 'in principle' caveat from the policy. The ongoing maintenance of facilities is not a matter that involves a planning application and should be removed from the policy. Paragraph (b) does not meet the basic conditions. Financial contributions via planning obligations can only be collected if the requirement meets the three criteria set out in regulation 122 of the CIL Regulations 2010. Furthermore obligations can only be sought if the project is not funded by CIL payments. These projects are set out on the District Councils Regulation 123 list which includes 'improvements to open space provision'. Therefore the only appropriate source of funding will be CIL payments, however, a neighbourhood plan policy cannot dictate how the District Council distributes its CIL payments. Its distribution is budgetary not a land-use decision. However, the Parish Council could choose to specify how it intends to spend its 25% element of CIL, but this is a budgetary decision for the Parish Council. Do not consider this policy element meets the basic conditions.</p> | <p>Yes – for clarity and to meet the basic conditions.</p> |

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| Policy 16                    | <p>Modify the wording of Policy 16 as follows:</p> <p>Development that creates local employment opportunities will be supported <del>in-principle</del> where they add to the diversification of the rural economy, provided that their impact does not compromise other policies <del>and objectives contained within this Plan</del> <b>contained within the development plan.</b></p> | <p>To provide certainty recommend the removal of the 'in principle' caveat from the policy. Proposals cannot be required to comply with objectives of a plan as they are not development plan policies used for the determination of planning applications. It is a requirement to have regard to all relevant policies within the development plan which also includes the Local Plan.</p>   | <p>Yes – for clarity.</p>                |
| Policy 17                    | <p>Delete 'in principle' from the text of Policy 17. Modification as follows:</p> <p>Delivery of a comprehensive Superfast Broadband network across the Parish (not only within the principal settlements) will be supported <del>in-principle</del>.</p>  | <p>To provide certainty recommend the removal of the 'in principle' caveat from the policy.</p>   | <p>Yes – for clarity.</p>                |
| Policy 18                    | <p>Delete Policy 18.</p>   | <p>Policy misunderstands the basis of CIL payments, which are not discretionary and not dependant on a neighbourhood plan policy. The rates of CIL are set out in the CIL charging schedule. The policy does not set out what parish wide infrastructure the plan is seeking contributions, what it considers to be a 'worthwhile contribution' or what infrastructure is required to contribute 'to the sustainability of the communities'. As written he policy does not meet the basic conditions.</p> | <p>Yes –to meet the basic conditions</p> |

TABLE 2

| Section in Examined Document       | Lichfield District Council Recommendation  | Lichfield District Council decision and reason  |
|------------------------------------|--|---|
| Title Page                         | <p>Add text to the title page as follows to signify that the document is the version of plan being voted upon at referendum. <b>“Referendum Version”</b>.<br/>                     NB – if the Plan is made “Referendum Version should be replaced with the date on which the plan is ‘Made’.</p>  | <p>Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.</p>  |
| Page 11, Principles and Objectives | <p>Delete the last sentence of Principle/Objective 6:<br/> <del>Regardless of past development layouts, cul-de-sac are not considered to be in keeping with this principle.</del></p> <p>Delete all text of Principle/Objective 8:<br/> <del>8. To deliver community benefits, appropriate new development within the Plan area should be required to contribute to a Parish wide package of measures intended to improve recreational facilities, environmental quality and community safety, including speed reduction measures.</del></p> <p>Delete reference to objective 8 from later sections.</p> | <p>Yes – to be consistent with independent examiners recommended modifications to policies. This ensures the explanatory text of the document reflects the modifications proposed and considered in Table 1 of this decision statement.</p> |
| Page 19                            | <p>Remove ‘8’ from ‘The Principles and Objectives that underpin the Landscape and Built Environment’</p>   | <p>To be consistent with other modification which removes Principle/Objective 8.</p>  |
| Page 23                            | <p>As per examiner’s recommended modification with regards to Policy 9, the text of the policy should be included as a ‘Community Action’ on Page 23.</p> <p><b>Community Action – Improving Access:<br/>                     Working with the Highways Authority and landowners, this Plan will in principle, support proposals within the plan area that improve safety, create footways where lacking, enhance public footpaths/bridleways and cycle routes across the</b></p>  | <p>Yes – as recommended by independent examiners modification to Policy 9.</p>  |

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|            | <p><b>area, including better facilities along and across the A51 for pedestrians and cyclists; Working with bus operators, this Plan will support improvements to public transport provision, providing bus services into the principal settlements, with supporting infrastructure.</b></p> <p>Remove '8' from 'The Principles and Objectives that underpin Movement'</p>   |  |
| Page 25    | Remove '8' from 'The Principles and Objectives that underpin Community Facilities and Leisure'   | To be consistent with other modification which removes Principle/Objective 8.  |
| Page 27    | <p>Delete final paragraph of explanatory text before 'The Principles and Objectives that underpin Rural Economy and Infrastructure' section as follows:</p> <p><del>Where possible, receipts received from New Homes Bonus and Community infrastructure Levy will be used to delivery new community infrastructure, and, where necessary, planning obligations will be used to address the impacts of development proposals.</del></p> | Yes – to be consistent with independent examiners recommended modifications to policies. This ensures the explanatory text of the document reflects the modifications proposed and considered in Table 1 of this decision statement. |
| Page 28    | <p>Delete the following text from the third paragraph of page 28:</p> <p><del>Therefore, in addition to the above policies;</del></p> <p>Also delate the following text from the sixth paragraph (centre column) of page 28:</p> <p><del>and New Homes Bonus to the District Council as a result of development</del></p>  | Yes – to be consistent with independent examiners recommended modifications to policies. This ensures the explanatory text of the document reflects the modifications proposed and considered in Table 1 of this decision statement. |
| Whole Plan | Renumber figures to take account of move of Figure 5 from the Policy Section to Community Action section.  | Yes – so that policy number is consecutive within the plan following the modification to remove specific policy.   |