

John Slater Planning Ltd

# Longdon Parish Neighbourhood Plan 2017 - 2029

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## Submission Version

A Report to Lichfield District Council on the Examination of the Longdon Parish Neighbourhood Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

[johnslaterplanning@gmail.com](mailto:johnslaterplanning@gmail.com)

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## Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Lichfield District Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Longdon Parish Council. A Neighbourhood Plan Group Steering Group was appointed to undertake the plan's preparation. This was made up of 50% councillors and 50% resident volunteers. Longdon Parish Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Longdon Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Lichfield District Council, the Local Planning Authority (LPA) for the neighbourhood plan area.

## The Examiner's Role

I was formally appointed by Lichfield District Council in March 2018, with the agreement of Longdon Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Lichfield District Council, and Longdon Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
- That the plan should proceed to referendum if modified.
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Longdon Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Lichfield District Council, for the Longdon Neighbourhood Plan on 9<sup>th</sup> July 2013.

I can also confirm that it does specify the period over which the plan has effect namely the period from 2017 up to 2029.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Longdon Parish Council as a parish council is a “qualifying body” (QB) under the terms of the legislation.

## **The Examination Process**

The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions, which I set out in the Plan Overview section.

I am satisfied that I am in a position to properly examine the plan without the need for a hearing.

I carried out an unaccompanied visit to the villages of Longdon, Longdon Green, Upper Longdon and Gentleshaw as well as the surrounding countryside on 21<sup>st</sup> March 2018. I spent over two and half hours driving and walking around the area. I did have some questions that arose from my site visit, which I referred to both the Parish Council and the Local Planning Authority, to which I received separate replies on 3<sup>rd</sup> and 4<sup>th</sup> April 2018. I had a subsequent exchange of correspondence with the Chair of the Steering Group regarding identifying the facilities that the plan proposed to be protected by Policy12. Copies of all the correspondence has been put on the respective websites.

## **The Consultation Process**

Once the neighbourhood plan had been designated, the Steering Group started building up an evidence base. Initial public meetings and briefings to local organisations were held throughout 2013 and 2014. In addition, publicity was given to the plan making process in the parish magazine Longdon Life and questionnaires were distributed to every household in March 2014. Other forms of community engagement including attending local events, conducting school bus stop interviews, “Youth Chat” meetings and specific engagement with schoolchildren.

As the plan came together, an executive summary was distributed to every household in the parish in September 2015. This was the prelude to the first Regulation 14 consultation which was held between 1<sup>st</sup> October 2015 and 14<sup>th</sup> November 2015 which included two public meetings held at different ends of the parish. As a result of comments made during this consultation, a second Regulation 14 consultation was held over six weeks, ending on 21 August 2016. This received 14 responses which have been set out in the table in Appendix 8 of the Consultation Statement.

I appreciate the difficulties engaging what are four separate settlements within the parish. I have received no comments from any party that they did not feel they were able to contribute to the neighbourhood planning process.

## **Regulation 16 Consultation**

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 26<sup>th</sup> January 2018 and 9<sup>th</sup> March 2018. This consultation was organised by Lichfield District Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

In total 13 individual responses were received from Historic England, Natural England (this arrived shortly after the deadline but I have noted its comments), Lichfield District Council, Highways England, Environment Agency, Staffordshire County Council, Network Rail, Health and Safety Executive, Canals and Rivers Trust, Derbyshire County Council, the Woodland Trust, Cannock Chase AONB Unit and the planning consultants, the Pegasus Group on behalf of Mr and Mrs Wright.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

## **The Basic Conditions**

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?

- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

## **Compliance with the Development Plan**

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the Lichfield District Local Plan Strategy 2008 – 2029, adopted in February 2015. The neighbourhood plan area falls within the Green Belt and part of the plan area also falls within the Cannock Chase AONB, including the settlement of Upper Longdon.

Core Policy 1 identifies the five villages in the district identified to be the focus for new rural housing growth. None of the settlements in the Plan area falls within that category and are only expected to deliver housing to meet local needs, mainly in village boundaries, although the policy does allow rural exception sites. The policy does allow limited infill development within the Green Belt villages, “with appropriate infill boundaries being determined through local consultation on the Site Allocation Plan”. The villages in the plan area which are washed over as Green Belt, are Longdon Green and Gentleshaw. Longdon and Upper Longdon are “inset” within the Green Belt. The neighbourhood plan is not promoting a boundary for these settlements where limited infilling would be allowed.

The other relevant policy is Core Policy 6 which deals with housing delivery and requires the minimum of 10,030 homes to be built in the district between 2008 and 2029. The settlement boundaries are set out for Longdon in Map 20 and Upper Longdon in Map 25 of the Local Plan. Green Belt policy is set out in Policy NR2.

In addition to the Local Plan Strategy, there is also saved policies in the Lichfield Local Plan which was adopted in 1998. The only saved policies of relevance to this neighbourhood plan are the policies dealing with conservation areas and the Cannock Chase AONB. These saved policies will be replaced by the second stage of the Local Plan which is the Local Plan Site Allocation Document. A Focused Changes Version of that plan was the subject of public consultation between 8<sup>th</sup> January 2018 and 19<sup>th</sup> February 2018. This is emerging policy and there were no site allocations which affect the Plan area.

## **Compliance with European and Human Rights Legislation**

Lichfield District Council initially carried out a Screening Opinion on an earlier version of the Plan and produced an initial screening report dated October 2015. The report concluded that a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required. This was on the basis of a policy that encouraged new footpaths linking with Cannock Chase AONB which could have affected the Cannock Chase Special Area of Conservation.

The District Council, as competent authority, also carried out at the same time, the screening of the plan under the Habitat Regulations. The assessment concluded that the Plan that there were potential significant effects on this particular European protected site. It concluded that if the relevant policy were to be removed then an SEA and HRA would not be required. The relevant wording has now been removed from Policy 2 and the District Council has confirmed in its Regulation 16 consultation response that it no longer considers that an SEA or an HRA are now required. As the screening opinion is a formal stage in establishing that the Plan meets the basic condition regarding compliance with European legislation that a formal revised Screening Opinion be produced before the plan is submitted for referendum. The LPA has now prepared a revised screening report based on the amended Policy 2, which has concluded that neither an SEA nor an HRA are required. The 3 consultation bodies, Natural England, Historic England and the Environment Agency has confirmed that they concur with that view.

I am now satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights legislation.

## **The Neighbourhood Plan: An Overview**

A neighbourhood plan is an important planning document, as it is not just an expression of a Parish Council’s views, but it forms part of the development plan and establishes the policies which will be used to determine planning applications. Planning policies must be drafted carefully and in such a way that there is no ambiguity as to the intention of the policy. As the Planning Practice Guidance states, it “should be capable of being used with confidence by decision makers”. Throughout the plan, policies are expressed as offering support “in principle”. This is a qualified indication as to how an application should be determined, which appears to imply that there is some “wriggle room” which could suggest that a decision maker could take a different



view based on individual circumstances. That is not what the Secretary of State expects when he is requiring neighbourhood plans “to plan positively to support local development”. Plans should, as it sets out in Paragraph 17 of the NPPF, “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency”. One of my recurring recommendations has been to recommend the removal of the caveat “in principle” and other references to applications “being considered on their own merits”. It would not prevent an application being refused say on the basis of an unacceptable layout or inadequate drainage etc. However, the consideration of any appeal would be on the basis of the specific inadequacy of the scheme rather than the principle of the development.

Another area where I have had to remove a number of policies is where the plan ventures beyond the statutory requirement restricting policies to the “development and use of land”. That is particularly the case when the plan policies address traffic management issues, which are clearly of importance to the community, rather than being policies that can be used for the determination of planning applications.

Finally, I have had to significantly amend the plan in the area where there are expectations of extracting financial contributions from developers. There are legislative restrictions on what basis financial contributions can be sought for, especially when a CIL scheme is in place.

Whilst I have supported in the main, the design aspirations set out in the neighbourhood plan, my overall impression is that the evidence that supports those aspirations is not particularly strong and has not been as well substantiated as other neighbourhood plans, who have produced Character Assessments and Design Guides to support their design policies. The plan wishes to presume against “estates” and “cul de sacs”, neither of which are properly defined or evidenced and I have had to remove reference to them even though they are given as examples at the type of development the plan wishes to avoid.

The District Council in its Regulation 16 response has in particular suggested a number of changes to the supporting text. My consideration of the plan has concentrated on the wording of the development plan policies and I consider it beyond my remit as examiner to be proposing changes to the main body of the document, which are not used for the determination of planning applications. Many of the matters can and should be taken on board by the Steering Group, which will only improve the quality of the plan and I would urge that they sit down with the Lichfield planners and seek to incorporate as many as possible. Furthermore, for the final version of the plan to read as a coherent document, it will be necessary for some of the supporting text to be amended or removed to reflect the amendments I have recommended.

## The Neighbourhood Plan Policies

### Policy 1

A neighbourhood plan is a document that is used for determining planning applications. It is therefore not appropriate for the actual development plan policy to be “supporting” *projects* that do not constitute development. It is perfectly proper that the support be registered in the neighbourhood plan document, either within the supporting text or via a separate Community Action or Aspiration.

The purpose of a local plan policy is to provide certainty as to how a planning application should be determined. The Planning Practice Guidance states that neighbourhood planning policies “should be clear and unambiguous” and “be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence”. My concern is that throughout the plan it uses the caveat that proposals will be supported “in principle”. Such a wording does not give sufficient confidence to applicants to know how a planning application is to be determined. Section 38 of the Town & Country Planning Act 1990 states that planning applications must be determined in accordance with the development plan policy unless material circumstances dictate otherwise. In this case, the proposal to increase wildlife habitats and species should be supported i.e. approved. If there are reasons not to approve in line with the presumption in favour of the development plan, then reasons to depart can be dealt with as a material consideration.

#### *Recommendation*

**In the first sentence, delete “projects and” and also delete “in principle”.**

### Policy 2

Again, the issue is that the policy creates uncertainty and I propose to delete the proviso “in principle”. In other respects, the policy meets basic conditions. I note that reference to the footpaths linking to the AONB have now been removed from the plan.

#### *Recommendation*

**Delete “In principle”**

### Policy 3

I am concerned that the presumption against all built development outside the village boundary goes too far. For example, it would presume against buildings erected for agricultural purposes or building required for leisure development. National policy in the NPPF sets out what new buildings will be acceptable in the Green Belt. It would provide greater clarity if the criteria for considering a rural worker’s dwelling, should refer to the criteria set out in Appendix A of the District Council’s Rural Development Supplementary Planning Document.

### *Recommendations*

**At the end of the first sentence, add “except for purposes set out in the relevant section of the NPPF and Core Policy 6 of the Local Plan”.**

**In the second sentence replace “of need, distances, have been fully explored and can be justified” with “set out in Appendix A of the Lichfield District Council’s Rural Development Supplementary Planning Document”.**

### **Policy 4**

The documents which are required to be submitted with a planning application are set out not in a development plan policy, but by the Town and Country Planning (Development Management Procedure) Order 2015. That requires the submission of a Design and Access Statements only to be required for sites in conservation areas, or in terms of *major* schemes i.e. residential development of 10 or more units. Having said that it is entirely appropriate for the policy that planning applications should be required to demonstrate how they have had regard to traditional village vernacular and landscape impact.

I am concerned regarding the final sentence, which presumes against what it describes as “artificial/contrived measures” to assimilate development into the rural landscape. It gives the example of ground remodelling. I do not consider that this element of policy is either justified, or is based on evidence or is in accordance with national policy on design and setting the development in its landscape context. In my experience, it is often possible to achieve screening of new buildings and their integration into the landscape through the submission of landscaping schemes which can soften the appearance of new development, integrating it into the rural landscape. I have seen no evidence in any other supporting documents that justifies this part of the policy. I propose to change the emphasis of the policy to require, where necessary that buildings outside settlements should be appropriately landscaped in such a way as to sensitively integrate the building into the countryside.

### *Recommendation*

**In the first sentence delete “encouraged to be accompanied by design statements that clearly “and insert “required to”.**

**Replace the second sentence with “Any new building outside or on the edge of the village settlement boundaries must be appropriately landscaped to sensitively integrate the development into the surrounding countryside”.**

## Policy 5

This policy allows “Limited small-scale developments within the village of boundaries”. I am concerned that “limited small-scale development” is too vague, is it that it is a limited small scale development in the context of an individual site, or in the context of the actual village? I consider that it will be difficult for the decision maker, or indeed an applicant, to understand what the expectation of the plan is when it refers to “limited and small-scale”.

The Lichfield District Local Plan Strategy in Core Policy 6 allows “infill development within settlement boundaries.” To meet the basic condition of being in general conformity with that a strategic policy, the policy cannot set conditions that would deliver lower levels of development. As submitted, this neighbourhood plan policy could indeed potentially deliver less housing than allowed for by the local plan policy. I consider that within the settlement boundaries of Longdon and Upper Longdon, it is the availability of infill sites and the size of those sites, which should dictate the scale of development as well as the requirements to meet local housing need. It is a national policy requirement, that development should make efficient use of land.

Without removing this restriction to development being “limited” and “small scale”, I would have had to conclude that the policy did not meet basic conditions, having regard to the conflict with national and local planning policy. It would also not necessary deliver sustainable development. In order to bring it in line with the local plan, I will recommend replacing “limited small-scale” with “infill residential development”. As with previous policies it is not appropriate to caveat a planning policy by offering only support “in principle”.

The policy refers to “assisting the sustainability of the villages” and it could be misconstrued as to whether the policy is seeking to allow development within the settlements of Gentleshaw and Longdon Green, which are both settlements which are “washed over by the Green Belt”. I propose to make clear that this policy only relates to the settlements of Longdon and Upper Longdon.

I find that the second sentence, which gives *examples* of what form of residential development would be acceptable and what would not be appropriate, most problematical in terms of my assessment of basic conditions. Firstly, there would be uncertainty for a decision maker, for example, in deciding whether a residential development constitute “a new estate?” – what is the characteristic of a new *estate* over any other type of residential development. It is not a term used in planning policy whether it be national or local. I fully appreciate the aspiration of the neighbourhood plan to seek to improve upon the design of residential development, compared to that which took place in the 1970s and 1980s within the village, so as to be more

responsive to the local context, but this needs to be achieved through strong and well evidenced design policy. As such that would not rule out quality modern design that also responds to the local context. My concern is that the plan has not produced any systematic evaluation of the settlement's defining characteristics, of the different areas within the settlements, highlighting those aspects which it wishes to be used as the basis for new development, irrespective of whether the plan is amending village boundaries. This would demonstrate an understanding and evaluation of the defining characteristics of the plan area, which is a requirement set out in paragraph 58 of the NPPF, to justify design policies which set out the quality of development that will be expected. Usually neighbourhood plans provide such evidence via a Character Assessment or Design Guides or similar, which sets out clearly the specifics of the vernacular style and the elements that the plan aspires to have regard to it. The absence of such material will inevitably weaken the strength of the policy, as it places more onus on the judgement of decision-makers to assess whether the design of new development reflects local distinctiveness, rather than the Plan offering stronger, more prescriptive design guidance.

Equally I do not consider it has been justified in only requiring residential development to be "linear infilling (including courtyard developments)" as to large extent, the form of development will be driven by the size and shape of the development site, the type of housing being proposed e.g. smaller units for starter homes, compared to large family houses. Similarly, I entirely agree with the Lichfield District Council's Regulation 16 representations, that in some instances, a cul-de-sac layout could be a most appropriate design response. In other contexts, it would not be an acceptable response. Notwithstanding that this is a policy that has been included in early versions of the plan and which it is claimed is a recognition of local feelings (although I did not detect a significant consensus on the subject of cul de sacs when reading the Consultation Statement), I do not think a development plan policy can dismiss in every eventuality a particular form of road layout. I read with interest the Parish Council's response to the District Councils Regulation 14 comments on this issue, when it was stated that "link road improve access; cul-de-sacs only benefit of residents living there". I find this to be unsustainable position, as it should be a response to the site's configuration, its location and its relationship to other roads, which dictate the opportunities to make the connections at each end of the road to connect to existing roads. It would be perverse to refuse an otherwise acceptable scheme to create new homes on the basis of a road with only one access point. The importance of creating quality places is a more holistic process, which is well set out in the document, Manual for Streets.

My concerns have also picked up on points made by both the District Council and also Pegasus Group planning consultancy.

### *Recommendations*

**Replace “limited, small scale” with “infill residential” and replace “village boundaries” with “the settlement boundaries of Longdon (as shown on Map 20 of the Lichfield District Local Plan Policies Maps) and Upper Longdon (as shown on Map 25 of the Lichfield District Local Plan Policies Maps)**

**Delete all of the first paragraph after “supported”.**

### **Policy 6**

Again, the plan needs to be clear that the policy allowing residential development does not extend to the villages who are “washed over” by the Green Belt. I will make it clear through my recommendations that the policy only applies to within the settlement boundaries of Longdon and Upper Longdon. As the District Council point out reference to “reasonable distance” and “appropriate locations” are all imprecise terms, open to interpretation, and would be difficult to use in a development management context.

The policy refers to “new housing primarily for local people”. This could imply the need for residential development to be subject to local occupancy conditions to restrict occupation only to persons who are already living in the area or have connections to it. I have sought clarification on this matter from both the Qualifying Body and the District Council and both confirm it is only the intention that the properties should be “suitable” for occupation by local people.

### *Recommendation*

**Replace “primarily” with “suitable for” and delete all text after “supported within” and insert “the settlement boundaries of Longdon and Upper Longdon”**

### **Policy 7**

I do not consider that a policy which states that “Applications will be considered on their merits” offers the certainty required of a development plan policy, which should indicate how an application will be determined, “unless material circumstances dictate otherwise”.

I do not see how the conversion of properties will lead to encroachment into the Green Belt but I do acknowledge that the redevelopment of brownfield sites could lead to encroachment into the countryside unless the new buildings do not extend significantly beyond the footprint of the buildings they replace and does not impinge on the “openness” of the Green Belt. I do not consider that the inclusion of the reason for “leading to the merging of settlements” to be helpful, as it could introduce debate as to whether proposals that explicitly did not lead to the merging of settlements should be viewed favourably, whilst it would still be inappropriate development in the Green Belt. The primary objective of Green Belt is to keep the land permanently open. This

will still achieve the objective of the Parish Council to prevent “growth areas” merging with settlements in the plan area.

### *Recommendations*

**Replace “considered on their merits” with “supported”.**

**Replace “lead to creeping encroachment into the Green Belt, leading to a merging of settlements” with “adversely impact on the openness of the Green Belt”.**

### **Policy 8**

It is not necessary for a neighbourhood plan, which will be part of the development plan to require a development proposal to also have to comply with policies in another part of the development plan i.e. local plan. The requirement for residential schemes is acknowledged in the policy to be delivered through the Local Plan, Policy H2 and this will *provide* the affordable accommodation.

A neighbourhood plan policy cannot remove statutory rights of occupiers to either buy their leasehold properties or staircase arrangements for shared equity properties. Similarly, the allocation of affordable houses is not a policy undertaken by local planning authority but it is the responsibility of the local housing authority to allocate new homes. The only way the neighbourhood plan can exercise control over occupation to persons with a local connection would have been by allocating exception sites outside the settlement boundaries and it has not taken that opportunity. It can also do so by promoting a Community Right to Build Order or through Community Land Trusts which can also control leasehold enfranchisement. I do not believe the policy meets basic conditions, as it is not a policy for the use and development of land, rather it is a policy for the allocation of affordable homes. This confirms the view of the District Council.

### *Recommendation*

**That the policy be deleted.**

### **Policy 9**

A fundamental requirement of a neighbourhood plan policy is that it should be a policy for the development and use of land. It is to be used to determine planning applications. This proposal is a policy stating that the Parish Council will work with the Highway Authority, rather than the Local Planning Authority, on matters relating to highway management and maintenance. Such policies can have a place in the neighbourhood plan as an expression of the community’s views but it cannot be in a development plan policy. Highway improvements do not ordinarily require planning permission. Similarly, the support for public transport is essentially a budgetary matter.

In either case, it is not a policy that can be used to determine planning applications. I will be recommending that the policy be deleted and the wording should be retained either in the supporting text or as a community action setting out the intentions of the Parish Council as clearly this is a matter of importance to the community.

*Recommendation*

**That the policy be deleted.**

**Policy 10**

The comments regarding speed limits, safety improvements, audits of road signs and highway maintenance are again a policy that is not related to the use and development of land. I will again be recommending that the policy be deleted as a development plan policy.

*Recommendation*

**That the policy be deleted.**

**Policy 11**

The threshold set out in this policy is that proposals should have “no material adverse impact” on the safe and efficient operation of the local road network”. Paragraph 32 of the NPPF states that “developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. I will recommend that this policy be amended to bring it in line with Secretary of State policy and advice.

*Recommendation*

**Replace ‘material’ with “significant”.**

**Policy 12**

My only concern with this policy is on the need to remove uncertainty as to what properties are protected by the plan. I have referred the matter back to the Qualifying Body and who have confirmed that they are seeking to cover the range of facilities covering both local pubs, shops, schools, community and recreational facilities which I will be recommending. The Parish Council has since further clarified that the intention was only to protect the non-commercial facilities and so the public houses and the village post office and store has been removed from the list.

There is an area of land which is identified in the Lichfield Local Plan Strategy 2008 - 29 in Map 20 as Public Open Space. This is the land to the rear of the Swan with Two Necks. It appears that the land is not currently available as public open space and there is no public access, although a public footpath lies adjacent to the land. As such



it is not an *existing* community facility and therefore cannot be covered by this neighbourhood plan policy. It would not be appropriate to have a policy to resist the loss of a facility that has not yet been provided although it is designated for future community use.

***Recommendation***

**Delete “of any” and insert “following” before “existing”**

**Delete the wording in parenthesis**

**At the end of the policy insert**

- **St James Academy, Brook End Longdon**
- **Gentleshaw School, Gentleshaw**
- **Longdon Village Hall, Brook End Longdon**
- **The Memorial Hall, Brook End, Longdon**
- **The WI Hall, Ford Lane, Longdon**
- **Longdon Cricket Club, Red Lion Ground, Longdon Green**

**Policy 13**

In the light of my previous comments regarding policies offering certainty, I will be recommending that the “in principle” caveat be removed.

***Recommendation***

**Delete “in principle.”**

**Policy 14**

The “in principle” comments equally apply to this policy. The ongoing maintenance of facilities it is not a matter that involves a planning application but the policy can seek contributions if the playground were to be provided as part of a developer’s obligation.

***Recommendation***

**Delete “in principle” and also “(and maintenance) and insert at the end of the sentence “(including seeking developer contributions to its ongoing maintenance, where appropriate).**

**Policy 15**

Again, the usual of “in principle” support arises, as it is the question of ongoing maintenance. Paragraph (b) does not meet basic conditions. Financial contributions via planning obligations can only be collected if the requirement meets the three criteria set out in Regulation 122 of the Community Infrastructure Levy Regulations

2010, namely the contributions:

- are necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development

This is repeated in Paragraph 204 of the NPPF. Furthermore, a local planning authority is only able to collect a maximum of five contributions to any one project.

Furthermore, a planning obligation can only be sought if the project is not funded by CIL payments. These projects are set out in the District Councils Regulation 123 list which I note includes “improvements to open space provision”.

Therefore, the only appropriate source of funding will be CIL payments. However, a neighbourhood plan policy cannot dictate how a District Council will choose to distribute its CIL payments, which are collected into a single pot across the district and distributed based on infrastructure priorities it identifies. Its distribution is a budgetary, not a land-use decision. However, the Parish Council could choose to specify how it intends to spend its 25% element of CIL receipts on this project, but that is a budgetary decision for the Parish Council to make. I do not consider that this policy element meets the basic conditions and I will propose that it be deleted.

#### *Recommendations*

**In a) delete “in principle” and “(and maintenance)”**

**Delete b)**

#### **Policy 16**

This policy is generally in line with national policy. I need to make the same point regarding support being given “in principle”. Equally proposal cannot be required to comply with objectives of a plan, as they are not development plan policies which are to be used for the determination of planning applications. It is also a requirement to have regard to all relevant policies in the development plan, which also includes the local plan, as well as this neighbourhood plan.

#### *Recommendations*

**Delete “in principle”**

**Replace all of text after “other policies” and replace with “contained in the development plan”.**

### Policy 17

The only issue is the deletion of the “in principle” caveat. Apart from that I have no issues with regards basic conditions.

#### *Recommendation*

**Delete “in principle”.**

### Policy 18

I have serious misgivings regarding the policy which again misunderstands the basis of CIL payments, which are not discretionary and are not dependent on a neighbourhood plan policy. These rates are set out in the CIL charging scheme. Similarly, the limits on financial contributions via planning obligations, which I referred to under Policy 15, apply equally in this case.

The policy does not set out what parish wide infrastructure the plan is seeking contributions, what it considers to be a “worthwhile contribution” or what infrastructure is required to contribute “to the sustainability of the communities”.

As written the policy does not meet the basic conditions and should be deleted.

#### *Recommendation*

**The policy be deleted.**

### The Referendum Area

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Longdon Neighbourhood Plan as designated by Lichfield District Council on 9<sup>th</sup> July 2013, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

### Summary

Notwithstanding the changes that I have had to make, which ensure that the Longdon Neighbourhood Plan does meet basic conditions, the document will still be a sound basis for determining planning applications in the parish over the next decade or so. It sets out clearly the expectations for new development and protects the facilities that are clearly important to the community

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The Neighbourhood Plan Group and the Parish Council are to be congratulated for producing a concise and locally distinctive neighbourhood plan and for persevering with the plan since work started in 2013. Clearly a lot of hard work has gone into its production. The policies cover the matters which are clearly of importance to the communities of the settlements that make up the Plan area.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**I am therefore delighted to recommend to the Lichfield District Council that the Longdon Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

10<sup>th</sup> May 2018