



Decision Statement Regarding Burntwood Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Burntwood Neighbourhood Plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was considered via delegated authority on 29/05/2020, where it was confirmed that the Burntwood 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 18 December 2013 Burntwood Parish Council requested that the Burntwood 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 Burntwood Neighbourhood Area on 8 April 2014.
- 2.2 In April 2018 Burntwood Parish Council published the draft Burntwood Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Burntwood Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council in August 2019 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 9 August and 20 September 2019 (the Local Authority publicity consultation). Mr Nigel McGurk BSc (Hones) MCD MBA MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.4 He has concluded that, subject to modifications, the Burntwood 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. Burntwood 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/Burntwoodnp.

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
Introduction	<p><i>Page 8 – delete paragraphs 1.6 and 3.7 and replace with the following:</i></p> <p>1.6 The made Neighbourhood Plan forms part of the development plan for the Neighbourhood Area and as such, it will be used to help determine planning applications alongside the Local Plan Strategy, Local Plan Allocations document and other material considerations, including the National Planning Policy Framework (NPPF).</p> <p>The formal Regulation 14 consultation was carried out 20th April to 4th June 2018. Over 30 responses were received and the BNDP has been amended accordingly. Full details of the responses, how they were considered, and the agreed Town Council response can be found in the</p>	<p>Paragraphs 1.6 and 3.7 have been overtaken by events. Modification to provide clarity.</p>	<p>Yes – for clarity.</p>

BURNTWOOD NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

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	<p>Consultation Statement that accompanies this submission NDP.</p> <p>3.7 — After this current Regulation 16 consultation the NDP will be subject to an independent examination and then referendum. If there is a “yes” vote at the referendum, the NDP will then be made part of the development plan by Lichfield District Council and used to help determine planning applications alongside the Local Plan Strategy, Local Plan Allocations Document (once adopted) and other material considerations including the National Planning Policy Framework (NPPF).</p>		
Policy Context	<p><i>Page 11 – changes paragraph 2.3 as follows:</i></p> <p>Current strategic planning policy for the area is contained in the Lichfield District Local Plan Strategy 2009-2029 (adopted 2015). The Local Plan Allocations document includes a number of policies that relate directly to the Neighbourhood Area – Policy Burntwood 3: Burntwood Economy; Policy B1: Burntwood Housing Land Allocations; and Policy B2: Burntwood Mixed Use Allocations. and the saved policies of the 1998 Lichfield District Local Plan as set out at Appendix J of the adopted Local Plan Strategy. The Local Plan Strategy policies focussing specifically on the neighbourhood area are Place Policies Burntwood 1 to 5...</p>	Paragraph 2.3 has been overtaken by events. Modification to provide clarity.	Yes – for clarity.
	<p><i>Page 12 and Page 14 – delete paragraphs 2.5 and 2.6 on page 12 and paragraph 2.6 and heading ‘Local Plan Land Allocations’ on page 14:</i></p>	Paragraphs 2.5 and 2.6 on page 12 and paragraph 2.6 and heading on page 14	Yes – for clarity.

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	<p>2.5 — Soon to be added to the District wide planning policy framework is the Local Plan Allocations document. The examiner's report into this plan has been published and when adopted this will replace the saved policies of the 1998 Lichfield District Local Plan.</p> <p>2.6 — In addition, the Local Plan is also being reviewed and a Preferred Options and Policy Directions document has been produced. Until such a time as the Local Plan Allocations Document and the Local Plan are adopted the Burntwood NDP must be in general conformity with the adopted strategic policies for the area.</p> <p>Local Plan Land Allocations</p> <p>2.6 — As well as setting strategic planning policy, Lichfield District are also preparing a Local Plan Land Allocations document, and this will form the second part of the Lichfield District Local Plan. This emerging plan will look at allocating land for development and reviewing any remaining saved Local Plan policies. The Local Plan Land Allocations document reached examination stage in September 2018.</p>	<p>have been overtaken by events. Modifications to provide clarity.</p>	
Portrait of Burntwood	<p><i>Modify paragraph 3.12 as follows:</i></p> <p>Due to the sensitivity of its setting, the local landscape, Green Belt, proximity to the Cannock Chase Area of Outstanding Natural Beauty and Special Area of Conservation (SAC) the options for new housing</p>	<p>For clarity.</p>	<p>Yes – for clarity. Ensures that consistent terminology is used within the neighbourhood plan and local plan.</p>

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	<p>development are significantly limited within Burntwood. Thus, only one sustainable urban neighbourhood Strategic Development Allocation (SDA) has been identified for strategic housing growth, which is covered in Local Plan Strategy Policy Burntwood 5: Land East of Burntwood Bypass SDA. This site is nearing completion. Additionally, the Local Plan Allocations identifies fifteen smaller residential allocations within the Neighbourhood Area.</p>		
Whole document	<p><i>Delete each "Relevant Local Planning Policies" list after the "Background/Justification" text for each Policy in the Policy section of the neighbourhood plan.</i></p>	<p>Policy sections of the neighbourhood plan include subjective, limited and occasionally long lists of various policies from other documents thought to be relevant. Whilst this may have been useful as the plan emerged, the inclusion in the final version of the plan is unnecessary and detracts from its clarity and concise nature.</p>	Yes – for clarity.
Burntwood Town Centre	<p><i>Delete text of Policy B1 and replace with the following:</i></p> <p>In order to create and grow a vibrant and diverse Town Centre, mixed use development proposals within Burntwood Town Centre (see Policies Map 3) will be supported. Acceptable uses include new, redeveloped or enhanced retail, employment, community leisure, residential, recreational, health, education, car parking and a transport hub.</p>	<p>Overall objective of the policy is to redevelop and regenerate Burntwood Town Centre. In this regard policy has regard to national policy and is general conformity with the local plan. However, by limiting the range of uses within specific parts of the town centre, Policy B1 appears prescriptive and inflexible. The town centre is not currently thriving, substantive evidence has been provided through consultation to demonstrate that the approach in Policy B1 would frustrate and</p>	Yes – to meet the basic conditions and for clarity.

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	<p>The development of large format retail and leisure uses will be supported at Sites A and B, although mixed use development at these Sites is not limited to such uses.</p> <p>The creation of a new Town Square at Sankey's Corner will be supported, as will proposals that bring vacant upper floors into use.</p> <p>All development in the Town Centre should be of good design and contribute towards an attractive and distinctive environment.</p> <p>The creation of new green corridors with footpath and cycle links connecting with the Town Centre will be supported, as will improvements to the Town Centre's environmental quality and public realm.</p>	<p>not support redevelopment or regeneration. Policy goes on to 'prioritise' development however no clarity is provided in respect of how such prioritisation might be considered by a decision maker.</p>	
	<p><i>Modify the text of paragraph 7.1 as follows:</i></p> <p>The Lichfield Local Plan Strategy and Allocations 2008 – 2029 provides a supportive strategic planning framework for the provision of a new town centre for Burntwood and this is identified by the Town Council as, arguably, the biggest planning issue for the NDP.</p> <p><i>Modify the text of paragraph 7.4 as follows:</i></p> <p>... In developing the Town Square, the aim should be to provide new accommodation for a range of retail, leisure, food and drink, community and residential uses. This</p>	<p>To recognise the adoption of the Local Plan Allocations document. Also part of supporting text reads as though it comprises a policy requirement which it does not.</p>	<p>Yes – for clarity.</p>

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	<p>accommodation should be designed to be f Flexible and adaptable accommodation can help to meet future changes in consumption and accessing of goods and services...</p> <p><i>Modify the text of paragraph 7.5 as follows:</i></p> <p>Land for development outside the Town Square area includes the former Bridge Cross Garage site, this area is allocated in the emerging Site Allocations Plan Local Plan Allocations document for a mix of retail and residential uses and provides an opportunity. The developer of this site should seek to complement and provide stronger links to the new Town Square.</p> <p><i>Modify the text of paragraph 7.6 as follows:</i></p> <p>To promote greater local employment, office provision will be directed to sites can be encouraged to locate on sites within the Town Centre boundary. Within the Town Centre, accessibility by foot to and around, the centre will be improved. Proposals will be encouraged to promote and include provision of sustainable forms of travel The Town Council will encourage movements to from, and around the Town Centre by foot, cycle and by sustainable forms of transport.</p> <p><i>Modify the text of paragraph 7.9 as follows:</i></p>		

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	<p>... The measures set out in Policy B1 would help to support such development. Delivery of a town centre in Burntwood is seen as essential to the delivery of the Local Plan Strategy (Infrastructure Delivery Plan 2018) a key aim within the adopted Lichfield District Local Plan.</p> <p><i>Add the following text to the end of paragraph 7.10 as follows:</i></p> <p>Given the changing nature of town centres and high streets nationally, it is considered that a mixture of retail, residential, leisure, employment and community uses is appropriate. Policy B1 supports the sustainable development of Burntwood Town Centre.</p> <p><i>Modify map 3 and its associated key within the document as follows:</i></p> <ul style="list-style-type: none"> • <i>Change title of Map 3 to "Policies Map 3"</i> • <i>Remove "Improved links" notation from Map 3 and key.</i> • <i>Remove "Town centre redevelopment" notation from Map 3 and key.</i> • <i>Remove "Gateway improvements" notation from Map 3 and key.</i> • <i>Change Site A and B reference in Map 3 Key to "Potential for (but not limited to) new large format retail and leisure"</i> <p><i>Map to be inserted is included at Appendix A.</i></p>		

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	<p><i>Modify the text of Policy B2 – Improving the Environment of Burntwood Centre as follows:</i></p> <p>Within and on key road and pedestrian approaches to Burntwood Town Centre (Policies Map 3) the following environmental improvements will be supported</p> <p>Development of the following along Key Road and Pedestrian Approaches to the Town Centre (see Policies Map 3) will be supported:</p> <p>a) Public realm and landscaping improvements Temporary use of vacant sites and empty properties for main town centre uses that do not have a significant adverse impact on the environment, local business and residents; Public realm and other improvements (such as landscaping and improved signage) within the Town Centre, on key routes (A5190/Cannock Road and Cannock Road/Rugeley Road) and gateways (A5190/Bridge Cross Road/Cannock Road; Cannock Road/Rugeley Road; Cannock Road/Rugeley Street; A5190/High Street) and, where appropriate, at key links in to the surrounding green infrastructure network;</p> <p>b) Improvements to public rights of way, including pedestrian and cycle links Improvements to road, pedestrian and cycle links when they lead to all of the following improved safety, increased accessibility for all and a greener streetscene including street trees and planting;</p>	<p>The policy seeks to identify specific locations where environmental improvements will be supported and is to some extent in general conformity with the local plan. However, the policy is vague in respect of the 'temporary uses' which would be appropriate on vacant sites and no substantive evidence in respect of deliverability is provided. Policy is not supported by information in respect of how it might improve roads and signage which are the responsibility of the highways authority. There is an element of confusion and lack of clarity in the way that the policy supports development in specific locations but then also goes on to refer to different locations. Consequently part of the policy fails to have regard to national guidance which requires policies to be clear and unambiguous.</p>	<p>Yes – to meet the basic conditions and for clarity.</p>

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	<p>c) Public Art.</p> <p><i>Modify key of map 3 to state 'Key Road and Pedestrian Approaches for Environmental Improvements'.</i></p>		
	<p><i>Delete paragraph 7.12 as follows:</i></p> <p>As well as seeking to support the expansion of the Town Centre by supporting the development of new uses a number of environmental improvements will be identified and proposed through this NDP using Policy B2.</p> <p><i>Modify the text of paragraph 7.13 as follows:</i></p> <p>... This approach is line with Local Plan Strategy Core Policy 14, that seeks to improve the physical quality of the Town Centre...</p> <p><i>Delete paragraph 7.15 as follows:</i></p> <p>Temporary, main town centre uses (as defined in the NPPF) will be supported, such uses can help to maintain vitality in the centre ahead of more permanent proposals and to offer opportunities to provide short term spaces for ideas and initiatives that help generate activity in the centre, some of these initiatives may even be used to test the water and lead to more permanent solutions themselves.</p> <p><i>Modify the text of paragraph 7.16 as follows:</i></p>	<p>Part of the supporting text reads as though it comprises a policy requirement, which it does not.</p>	<p>Yes – for clarity.</p>

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	<p>The enhancement and improvement of Burntwood Town Centre is supported in adopted development plan Policy Burntwood 3 and in policy in the emerging Allocations Plan.</p>		
<p>Chasetown, Swan Island, other neighbourhood centres and local shops</p>	<p><i>Delete text of Policy B3 and replace with the following:</i></p> <p>Development that enhances or does not undermine the vitality and viability of the Neighbourhood Centres identified on Policies Maps 4, 5, 6 and 7 will be supported. Retail uses within the protected retail frontages should be retained unless the loss can be demonstrated not to undermine the vitality and viability of the Neighbourhood Centre.</p> <p><i>Delete paragraph 8.5 as follows:</i></p> <p>In line with strategic planning policy, development in the four defined neighbourhood centres will be supported when it is for retail, office, service and food and drink uses providing that such development serves a local need appropriate to the size and function of the particular neighbourhood centre. Policy B3 also sets out a range of more detailed measures that will help to improve the environment, appearance and movement within and through the centres.</p> <p><i>Modify the text of paragraph 8.6 as follows:</i></p>	<p>To some degree, the policy has regard to national policy. As presented, much of the policy seems vague. References to 'appropriate to the size and function...not undermine the health and vitality...where appropriate' are not supported by any substantive information to provide a decision maker with a clear indication of how to react to a development proposal. The plans referred to include large, mixed use areas including housing and yet the policy seeks to impose a highly restrictive approach to future development – excluding and limiting possible uses. The policy could serve to prevent sustainable development from coming forward from coming forward. The Policy goes on to refer to a prioritised approach to development, there is nothing to demonstrate this part of the policy is deliverable.</p>	<p>Yes – to meet the basic conditions.</p>

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	<p>In the neighbourhood centres key retail frontages have been identified following a walkabout of the centre and a workshop with the Neighbourhood Plan Committee and using feedback from our informal consultations. The retail uses within these frontages will be protected for retail use, unless the exceptions in Policy B3 can be met. The retail uses in these frontages make a significant contribution to the retail provision in these centres, the footfall in the centres and their loss would have a detrimental impact on the future viability of the centres. The need to protect retail uses and limit their loss was a key theme that emerged during the consultations on the NDP. Current planning policy in saved Local Plan Policy S.2 seeks to limit ground floor office uses in neighbourhood shopping centres.</p>		
	<p><i>Amend maps 4, 5 and 7 to accurately reflect the neighbourhood centre boundaries shown on the adopted development plans maps.</i></p> <p><i>Delete references to Environmental improvements, retained car parking and improved links and remove the annotations from Maps.</i></p> <p><i>Insert maps as shown at Appendix B of this decision statement.</i></p>	<p>Maps identify different local centre boundaries to the adopted development plan. No detailed information is provided to justify this different approach.</p>	<p>Yes - to meet the basic conditions.</p>
	<p><i>Modify the text of Policy B4 as follows:</i></p>	<p>The wording of the first six lines of the Policy appears convoluted and confusing and as such is neither concise nor precise.</p>	<p>Yes – to meet the basic conditions.</p>

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	<p>Outside of the defined Town Centre and neighbourhood centres, development to retain and/or improve local shops and retail premises will be supported, subject to it respecting local character, residential amenity and highway safety. Development resulting in the loss of local shops and retail premises will be supported where it can be demonstrated that retail use is no longer viable, further to a minimum 12 month active and open marketing period. development that would help to retain and improve local shops and retail premises will be supported where it would not have a significant adverse impact on residential amenity and traffic congestion.</p> <p>Where development proposals would lead to the loss of local shops and retail premises such development will only be supported when:</p> <p>a) — The shop(s) have been vacant for an extended period of time (a minimum of 12 months) during which they have been actively marketed for retail uses, including in the neighbourhood plan area, and that marketing has failed to find a new retail owner or tenant; or</p> <p>b) — The applicant can demonstrate that the shop unit(s) is/are in such a poor state of physical repair that it/they cannot be economically brought back in to retail use.</p>	<p>Also as set out the policy appears to encourage shops to be vacant whilst being marketed as part of a viability exercise and to some degree rewards a 'poor state of repair' with a change of use away from retail. This is an unusual approach which runs the risk of failing to contribute to the achievement of sustainable development. It is also unnecessary if it can, in any case be demonstrated that, further to marketing, that retail use is unviable.</p>	
	<p><i>Modify the text of paragraph 8.9 as follows:</i></p>	<p>As above and as much of the text repeats the policy.</p>	<p>Yes – for clarity.</p>

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	<p>In protecting such shops, it is recognised that retail tastes change, and such shops are under significant pressure. Where such units are in a poor state of repair they may be financially difficult to bring back in to retail uses and, in these cases, where the applicant can demonstrate that this is the case other uses will be supported. In other cases, where applicants are seeking a non-retail use for existing local shop or retail premises, applicants must be able to demonstrate that the premises have been actively marketed for retail use, including in the neighbourhood plan area, for a minimum period of 12 months. This period of time will allow an adequate period of time for a new retail use to be found or if that does not prove possible, is not too long a period that allows the vacant unit to deteriorate or become a negative feature in the local area.</p>		
<p>A healthy Burntwood community that retains local identities</p>	<p><i>Modify the text of Policy B5 as follows:</i></p> <p>Development should seek to enhance and reinforce the distinctiveness of the different neighbourhoods within Burntwood. To help achieve this development proposals should give consideration to planning proposals should make appropriate use of the following:</p> <p>a) Traditional local building materials, building sizes and forms, and building lines, or where appropriate assessment of the surrounding context has been carried out and a sympathetic and complementary design solution identified the use of more contemporary materials' building sizes, forms, and building lines;</p>	<p>Generally the policy seeks to encourage good design and in this way it is in general conformity with the development plan and has regard to national policy. As presented, the introductory sentence of the Policy appears ambiguous. It requires 'appropriate use' to be made of the criteria listed in the Policy without setting out what uses would be appropriate. The second criterion of the Policy could be read as condoning the demolition of historic buildings and is without justification. Also, as public highways are the responsibility of the highways authority it is not clear, in the</p>	<p>Yes – to meet the basic conditions.</p>

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	<p>b) The incorporation of historical and architectural local characteristic features, such as datestones, ornamentation and mouldings Incorporation of existing on-site architectural and heritage features such as datestones, ornamentation and mouldings;</p> <p>c) The site's relationship to the street and road pattern Relationship to the street and road pattern;</p> <p>d) The strengthening of existing links, both physical and visual, to the surrounding area and the creation of new linkages to and from the proposed development Signage, street furniture and hard and soft landscaping to promote a sense of place clearly linked to the surrounding area and wider local neighbourhood.</p>	<p>absence of any detailed information, when or how the final criterion of the Policy might be delivered.</p>	
Housing	<p><i>Modify the text of Policy B6 as follows:</i></p> <p>New residential development should be of a good quality design. Development proposals should take account of the following In assessing development proposals, where appropriate to a proposal, the following design principles will be used:</p> <p>1. ——— Setting</p> <p>The visibility of the site from other parts of Burntwood should be considered, including which areas of the site can be seen and from where. This is particularly important if the proposed development will break the skyline. In some cases, a Landscape Visual Impact Assessment may be required by the local planning authority.</p> <p>2. ——— Public Realm</p>	<p>There is no requirement for the neighbourhood plan to allocate land for housing. Rather than allocate new housing sites, the neighbourhood plan through policy B6, seeks to ensure that new residential development is of good quality design. Good design is a key aspect of sustainable development. Planning guidance states that planning policies should be concise. Policy B6 introduces a number of unnecessary headings which add nothing of substance and detract from the concise nature of the policy. The neighbourhood plan cannot direct the decision making authority, in this case Lichfield District Council. The absence of</p>	<p>Yes – to meet the basic conditions and for clarity.</p>

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	<p>New development should give careful consideration to the surrounding public realm and, where appropriate, include measures to integrate with and make a positive addition to the surrounding public realm integrate with and make a positive addition to the public realm. In doing this, development should be designed so as to create a clear distinction between streets, other publicly accessible spaces, and areas that are intended for private use by the occupants.</p> <p>Larger developments should incorporate a designed sequence of public spaces. These spaces should connect with and relate to the pattern of spaces already present in the immediate area.</p> <p>3. ——— Layout and Accessibility</p> <p>Layouts should incorporate traffic calmed streets, changes of direction, and a sense of enclosure.</p> <p>New vehicle and pedestrian route networks should be designed to link with routes and facilities adjacent to the site. In larger developments a hierarchy of routes should be established.</p> <p>Public transport, pedestrian and cycle routes should be incorporated in the layout wherever possible, especially where these can provide safe and convenient routes to schools and local shops.</p>	<p>clarity in respect of precisely what 'frontage' comprises, the frontage section of the Policy appears ambiguous and consequently fails to meet the basic conditions.</p>	

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	<p>4. Making use of Existing Site Features and Characteristics Where they are present, site boundaries formed of local stone, traditional brick, cast iron or hedge planting should be retained and repaired. Any proposed openings in such existing boundaries should be kept to a minimum and salvageable materials used elsewhere on site. All trees, internal boundaries, water courses, structures and other features on the site should be identified and, wherever possible, incorporated into the new development.</p> <p>The aspect of the site should be considered and the ways in which the site contours and the remaining features are likely to produce areas of extensive shade or shelter. Advantage should be taken of sunny slopes in orientation of gardens and/ or main elevations. Exposed areas should be protected from wind, noise or intrusive views.</p> <p>All trees, internal boundaries, water courses, structures and other features on the site should be identified and, wherever possible, incorporated into the new development. Where they are present, site boundaries formed of local stone, traditional brick, cast iron or hedge planting should be retained and repaired. Any proposed opening in such existing boundaries should be kept to a minimum and salvageable materials used elsewhere in site.</p> <p>5. Frontages</p>		

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	<p>Choice of frontage must be justified with reference to existing adjacent building lines and patterns.</p> <p>6. Innovation and responding to local context Proposals should be designed in such a way that the best of the varied, local building styles in the Burntwood neighbourhood area is used to inform new designs.</p> <p>7. Car Parking Standards Should be in accordance with those set in strategic planning policy.</p>		
Local heritage	<p><i>Delete and replace text of Policy B7 as follows:</i></p> <p>Development proposals should identify and assess any potential impact on local non-designated heritage assets. Non-designated heritage assets include buildings, structures, parks and landscapes that have a degree of local architectural or historic significance meriting consideration in planning decisions. The conservation and/or enhancement of non-designated heritage assets will be supported.</p> <p><i>Delete the first sentence of paragraph 11.3 and add a new paragraph after paragraph 11.3 as follows:</i></p> <p>Policy B7 sets out how local, non-designated heritage assets should be considered in the planning process, supporting the conservation and enhancement of such features and seeking appropriate recording if such</p>	<p>With the exception of the first part of the policy the policy does not have regard to national policy, but sets out a different approach to the conservation of non-designated heritage assets. Whilst this has emerged from an attempt to provide further detail to “a balanced judgement,” it results in a conflicting and confusing approach, unjustified by detailed evidence. There is no justification for the assertion that any form of development will be supported where it conserves and enhances a non-designated heritage asset. The last sentence on page 67 of the Policy conflicts with the first sentence on page 68. Part a) of the Policy appears vague and ambiguous. Part b) of the Policy relies on public benefit, without regard to</p>	<p>Yes – to meet the basic conditions.</p>

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	<p>features are to be lost. National planning policy sets out that applicants should describe the significance of any heritage asset affected by their proposal, including any contribution made by their setting. The level of detail to be provided by an applicant should be proportionate to the asset's importance and allow an understanding of the potential impact of proposal on the asset's significance.</p> <p>There are a number of ways in which non-designated heritage assets may be identified. Generally they are identified by their inclusion on a Councils local list or by being identified on the Historic Environment Record.</p>	<p>national policy. The last sentence of the Policy is a subjective statement, not a land use policy.</p>	
<p>Improving accessibility</p>	<p><i>Modify the text of Policy B8 as follows:</i></p> <p>The protection, enhancement and creation of new public rights of way, including walking and cycling routes, will be supported Outside of the Town Centre and neighbourhood centres as defined on the Policies Maps, new development should encourage walking and cycling by creating and providing linkages to local facilities, the town and neighbourhood centres, local employment areas and recreation resources. Where new routes are created they should promote healthy, active lifestyles, be safe and incorporate trees and landscaping.</p>	<p>As presented the policy seeks to impose obligations on all development without having regard to the relevant tests as set out within the NPPF. No substantive evidence is provided to demonstrate that the requirements of the second part of the policy are deliverable and as such, they could serve to prevent sustainable development from coming forward.</p>	<p>Yes – to meet the basic conditions.</p>
<p>Recreation, open spaces and community facilities</p>	<p><i>Modify the text of Policy B9 as follows:</i></p>	<p>Policy B9 seeks to protect local sports and recreation facilities and in this way, has regard to national policy.</p>	<p>Yes – to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>The improvement of the local recreational facilities listed below will be supported The following local sport and recreation facilities will be protected:</p> <ul style="list-style-type: none"> • The Scholars football field and Church Road car park • Burntwood Rugby Club and sports fields • St Matthews cricket field • Burntwood Leisure Centre • Burntwood Memorial Institute Sports Field <p>Development resulting in the loss of any of these facilities will not be supported unless:</p> <ol style="list-style-type: none"> a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. <p>Schemes to enhance and improve these local recreational facilities and open spaces will be supported.</p> <p>Development that will lead to the loss of these facilities will only be supported when equivalent, or better</p>	<p>As set out, the first part of the Policy appears inflexible, contrary to its latter section, which provides for flexibility having regard to the Framework. The Policy does not fully reflect national Policy and does not provide justification for its differences</p>	

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>provision of alternative facilities is provided within the neighbourhood area; or</p> <p>The development is for alternative sport and recreation facilities the need for which clearly outweighs the loss of the existing facility.</p>		
	<p><i>Modify the text of Policy B10 as follows:</i></p> <p>The following areas listed below and shown on Maps 7 and accompanying plans are designated as Local Green Spaces:</p> <ul style="list-style-type: none"> • Chase Terrace Park • Redwood Park • Ryecroft Chase View¹ Park • Burntwood Park • Chasetown Memorial Park <p>Local Green Space will be protected in a manner consistent with the protection of land within the Green Belt Development proposals for the designated Local Green Spaces must be consistent with national Green Belt policy.</p> <p><i>Provide new plans below map 7 that clearly identify the precise boundaries of each Local Green Space. Maps to be inserted are included at Appendix C.</i></p>	<p>Map 7 illustrates the general locations of each Local Green Space at a relatively small scale. However, as important designations, it is essential that the precise boundaries of each Local Green Space can be clearly identified and this is a matter addressed in the recommendations below.</p> <p>With respect to the management of development in areas of Local Green Space, national policy is clear in stating that this should be consistent with that for Green Belts. There is thus a nuanced difference to “development proposals being consistent with Green Belt policy.”</p>	<p>Yes – to meet the basic conditions and for clarity.</p>

¹ See Table 2: Modification proposed to change name to Chase View Park at request of Town Council as this is what the Park is known as locally.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><i>Modify the text of paragraph 13.6 as follows:</i></p> <p>...Appendix 2 analyses all the open spaces in the neighbourhood plan area against the key criteria in NPPF para. 100 to identify those select few spaces that should be protected as designated Local Green Spaces and, therefore, identified in Policy B10. These spaces will be given the highest level of protection and development will only be supported in very special circumstances. The five selected spaces are the main public parks in Burntwood all of which perform multiple functions in terms of providing amenity greenspace, children's play, sports and other community uses and value, such as the war memorial at Chasetown...</p>	<p>As above to be clear in respect to the management of development in areas of Local Green Space.</p>	<p>Yes – for clarity.</p>
	<p><i>Delete Policy B11 and its 'Background/Justification' paragraphs 80-84 inclusive.</i></p>	<p>Policy B11 seeks to protect areas of open space. However, Local Plan Strategy Core Policy 10 already protects open space and supports the creation of new open space. Policy B11 therefore largely repeats the provisions an existing Policy in the development plan and is unnecessary. I note that the adopted development plan provides for a clear evidence based approach and applies to areas of open space having regard to national policy.</p>	<p>Yes – to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><i>Delete text of Policy B12 and replace as follows:</i></p> <p>The enhancement of community facilities, including those referred to below, will be supported:</p> <p>pubs; churches; church halls; scout and guide halls; public health centres, public car parks; Burntwood Library; Burntwood Leisure Centre; Old Mining College Centre; Burntwood Memorial Institution and grounds.</p> <p>Development requiring planning permission that would result in the loss of a community facility will only be supported when it will be replaced with an easily accessible equal or better facility; or it can be demonstrated, further to an active and open 12 month marketing period, that the community use of the facility is no longer viable.</p>	<p>Generally, Policy B12 seeks to protect community facilities and supports development that would enhance them.</p> <p>Responsibility for schools lies with the Education Authority and it is not the role of the Neighbourhood Plan to seek to control their provision.</p> <p>It is not clear, in the absence of information, why private car parks and private health centres comprise community facilities.</p> <p>No information is provided in respect of how the final part of the Policy, in respect of viability, might be judged, who by, or on what basis.</p>	<p>Yes – to meet the basic conditions.</p>
How to comments on this document	<p><i>Delete all text on page 88.</i></p>	<p>Page 88 has been overtaken by events.</p>	<p>Yes – for clarity.</p>
Monitoring and Review	<p><i>Modify the text of paragraph 15.2 as follows:</i></p> <p>Where the need for change is identified the Town Council will consider revisions to the Neighbourhood Plan,</p>	<p>The Neighbourhood Plan cannot impose a requirement on the Local Planning Authority and there is no scope to simply update and amend the Neighbourhood</p>	<p>Yes – to reflect the role of the Local Planning Authority.</p>

BURNTWOOD NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>following the appropriate consultation and related statutory neighbourhood planning process. will work with Lichfield District Council to produce updates and amendments where necessary.</p>	<p>Plan without going through the due statutory process.</p>	
<p>Whole document</p>	<p><i>Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report.</i></p>	<p>The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph and page numbering.</p>	<p>Yes – for consistency.</p>

TABLE 2

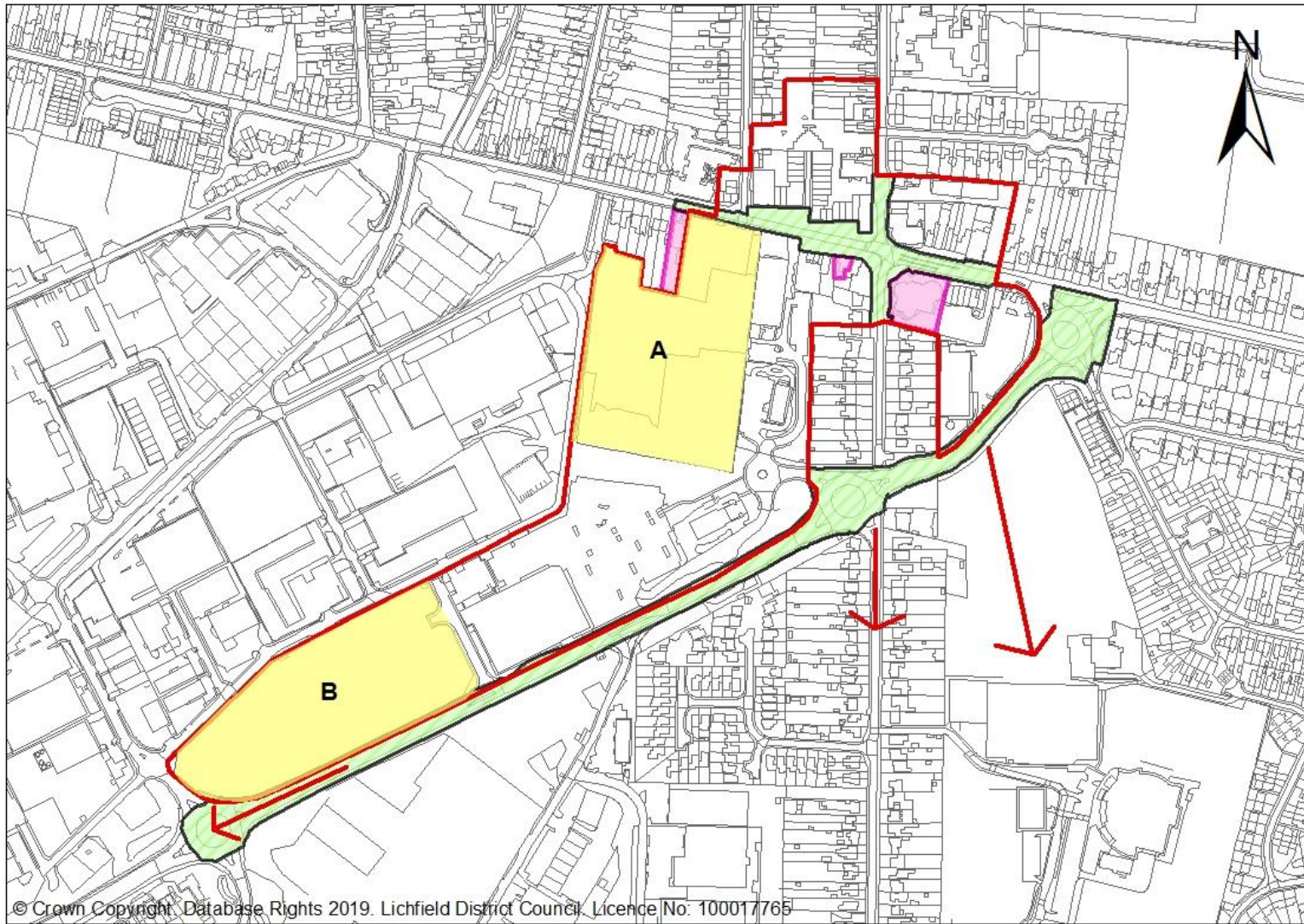
Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
Title Page and whole plan	<p>Add text to the title page as follows to signify that the document is the version of plan being voted upon at referendum. “Referendum Version”. Change text of page header to “Referendum Version”. 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>
Whole Plan	<p>Paragraph numbering following examiners modifications to delete paragraphs within the main body of the neighbourhood plan.</p>	<p>Yes – to ensure paragraph numbering is continuous.</p>
Forward	<p>Delete the following text from the ‘Forward’:</p> <p>The Neighbourhood Development Plan has now reached a very important stage. Following earlier consultations in spring 2016 and subsequent residents’ public meetings, and formal consultation on the Burntwood Neighbourhood Development Plan has reached the Regulation 16 “submission” consultation stage.</p> <p>Lichfield District Council will carry out this final consultation. Copies of the plan are available at [details to be inserted]. The consultation period runs from [dates to be inserted]. Comments should be sent in writing to: [to be inserted]</p>	<p>Yes – to remove text from the plan which refers to earlier stages in the neighbourhood plan’s preparation.</p>
Burntwood Town Centre	<p>Delete the final part of the final sentence of paragraph 7.4 as follows:</p> <p>... The enhancement and improvement of Burntwood Town Centre is supported in adopted development plan Policy Burntwood 3 and in policy in the emerging Allocations Plan.</p>	<p>Yes – to reflect that the Local Plan Allocations document is not adopted.</p>

BURNTWOOD NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

<p>Recreation, open spaces and community facilities</p>	<p><i>Delete 'Map 8: Protected Open Spaces'.</i></p>	<p>Yes – to be consistent with the examiners recommendation to delete Policy B11 and its supporting text. This would include deleting Map 8.</p>
<p>Policy B10 – Local Green Spaces and Map 7.4</p>	<p><i>Change name of 'Ryecroft Park' to 'Chase View Park' at request of Town Council.</i></p>	<p>Yes – to reflect the Town Councils suggestions to reflect the correct name for the Park.</p>

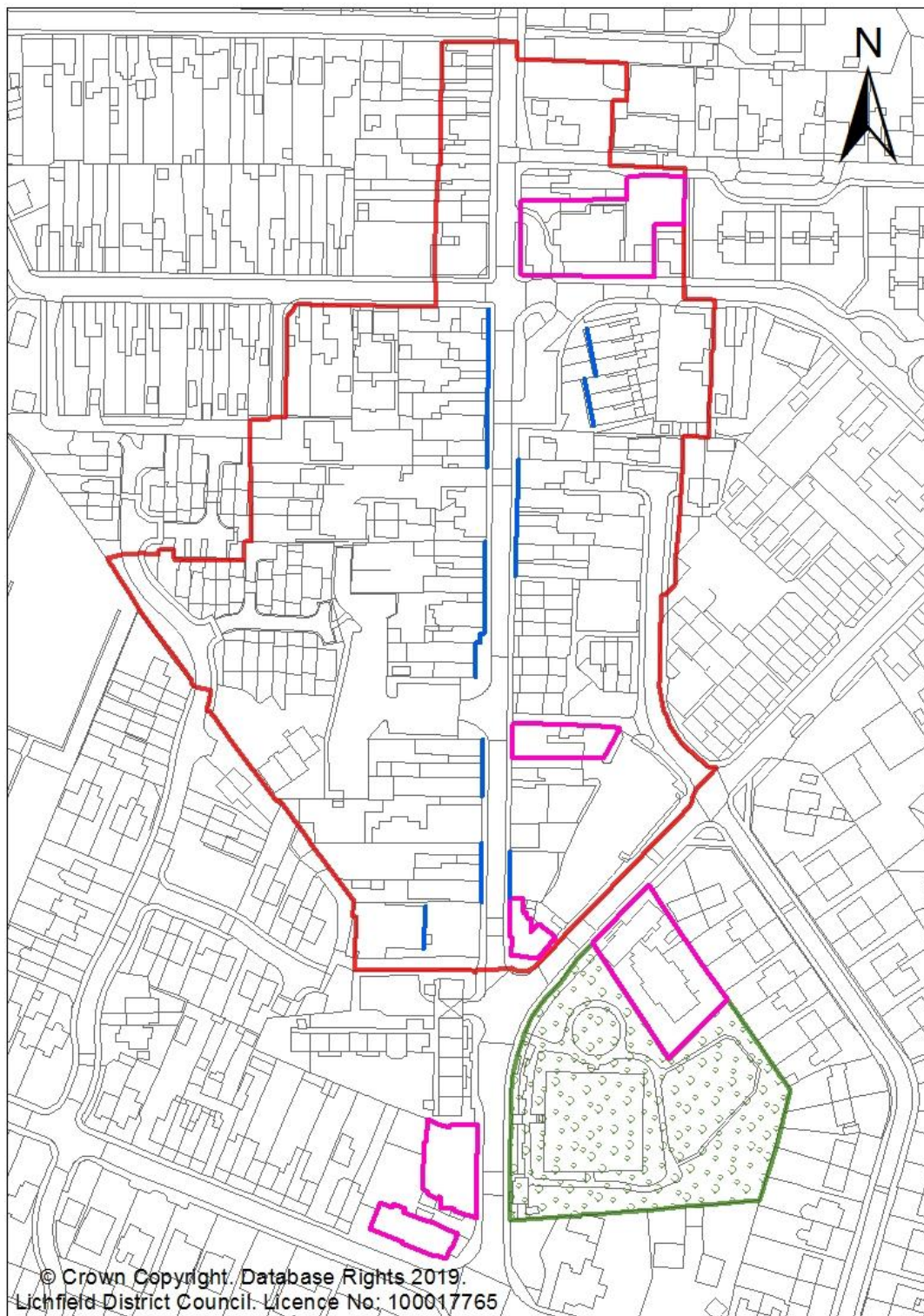
Appendix A

Map 3 - Policies Map 3



Appendix B

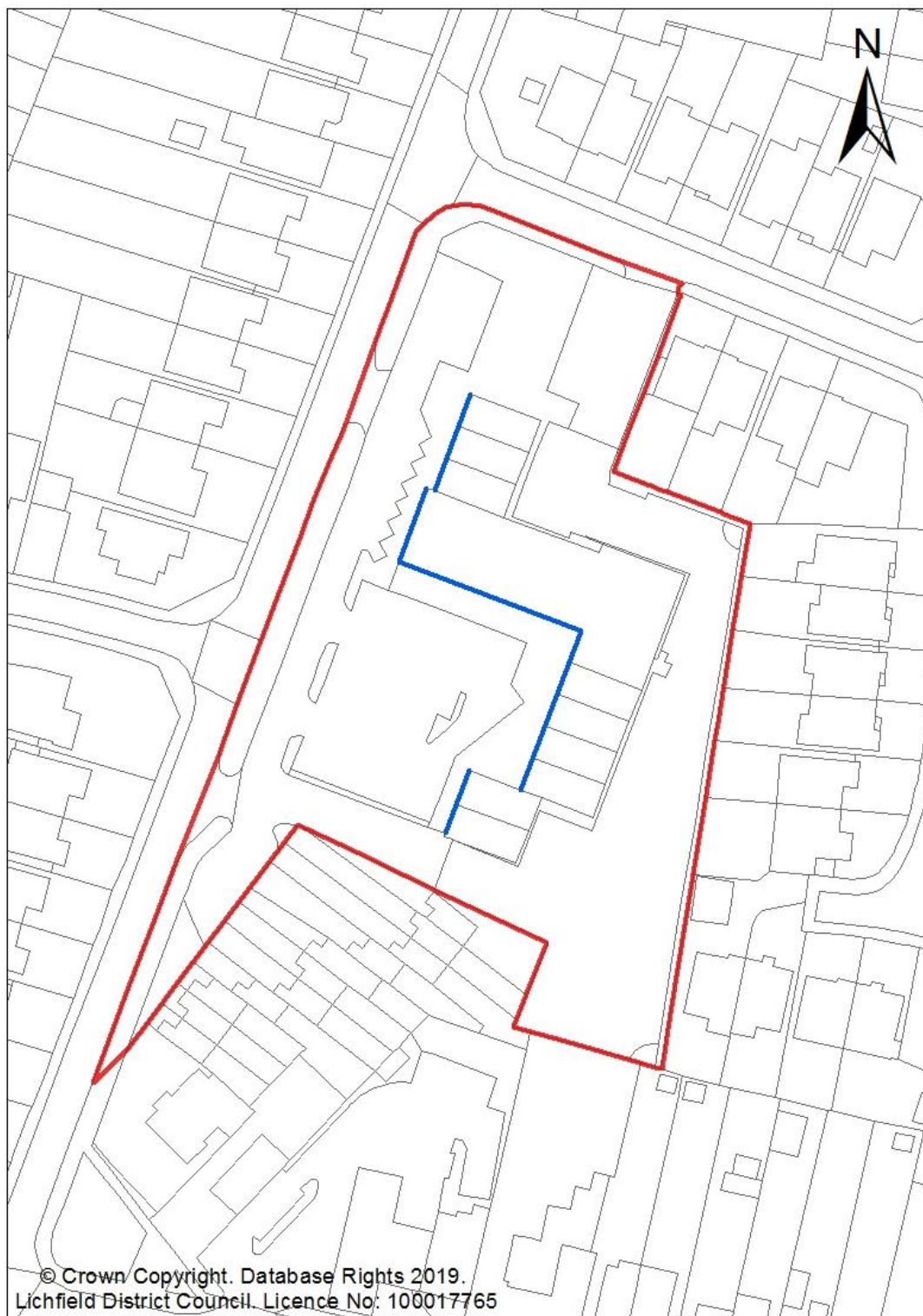
Policy Map 4 – Chasetown



Policy Map 5 – Swan Island

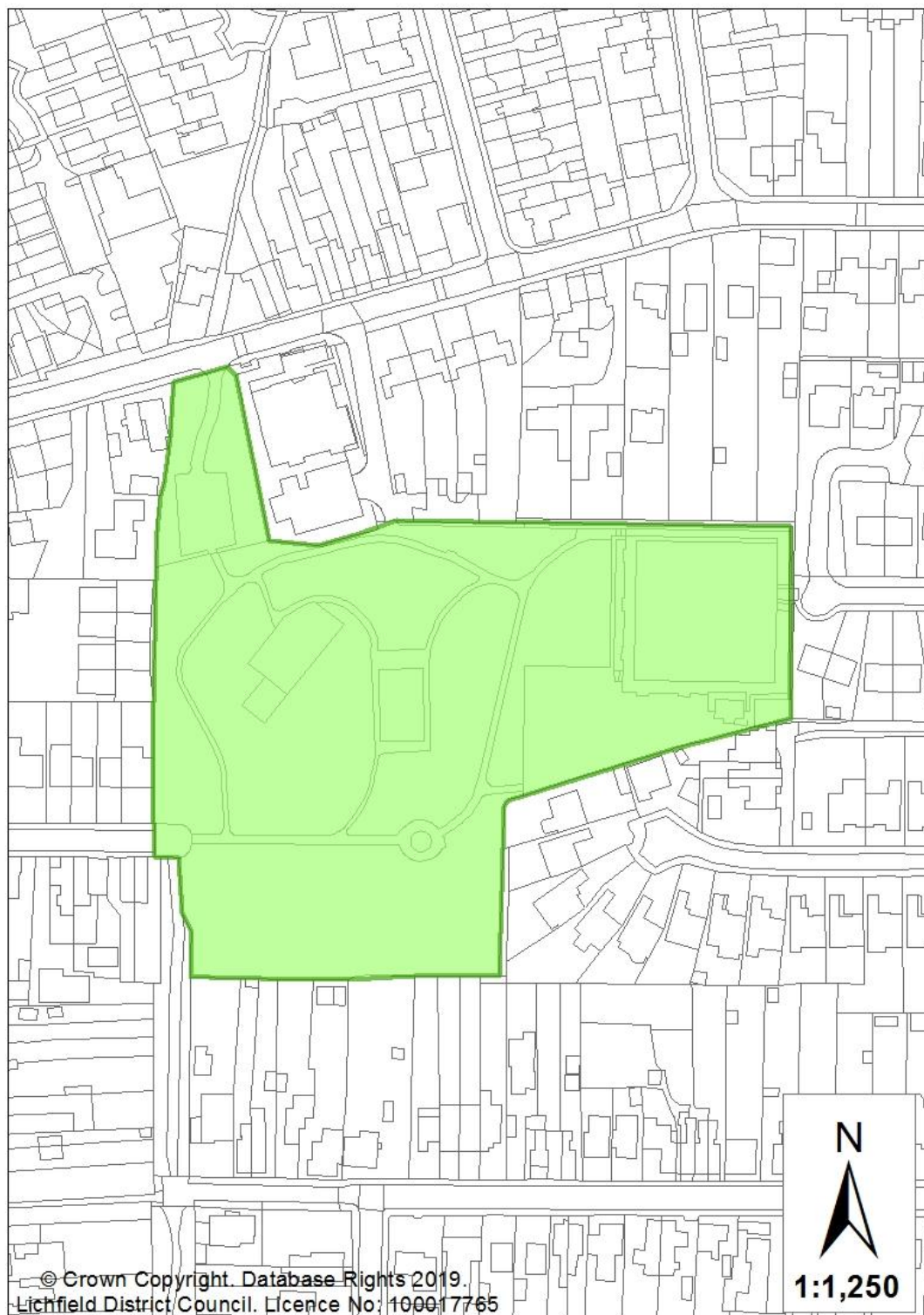


Policy Map 7 – Morley Road Shops

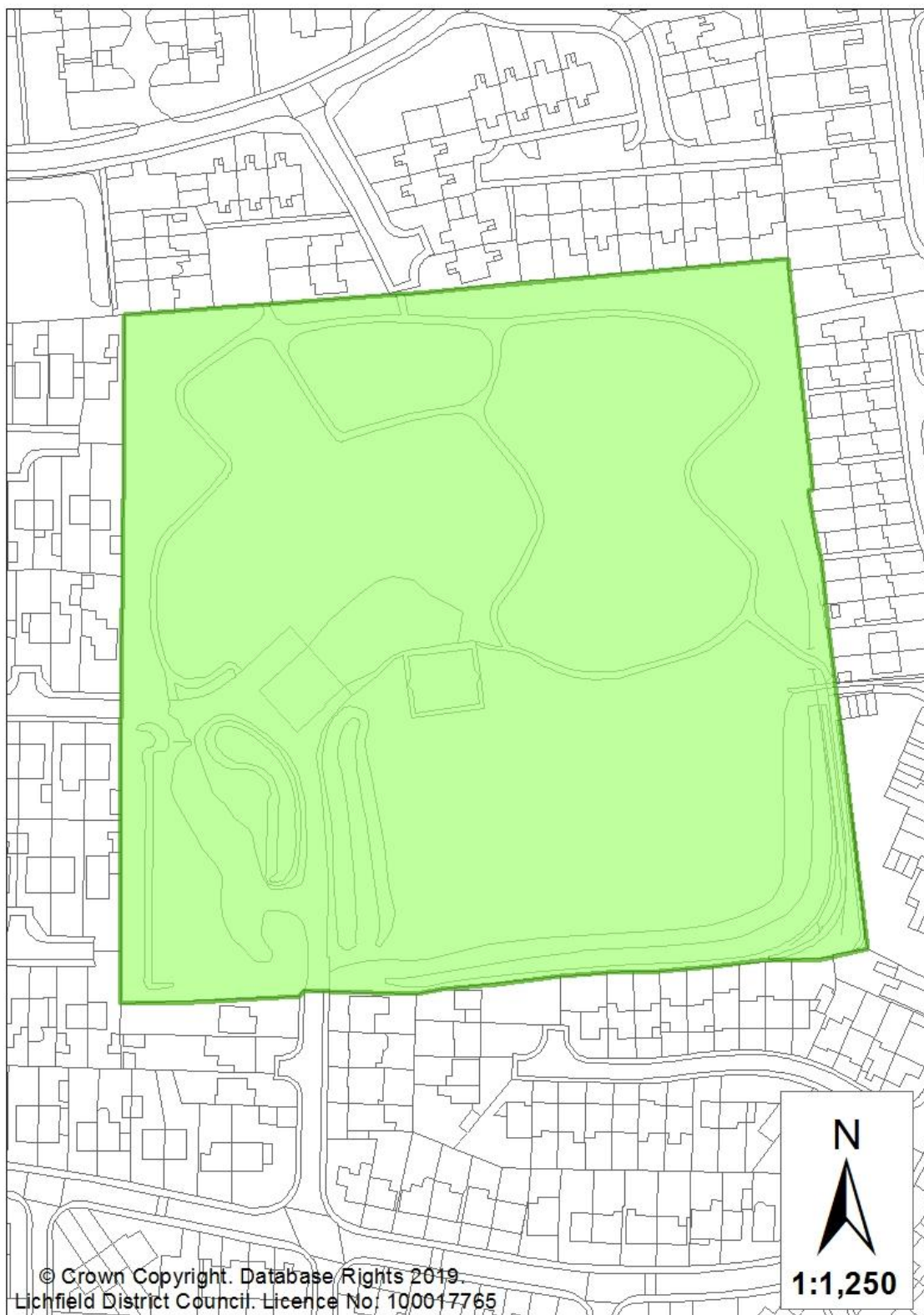


Appendix C

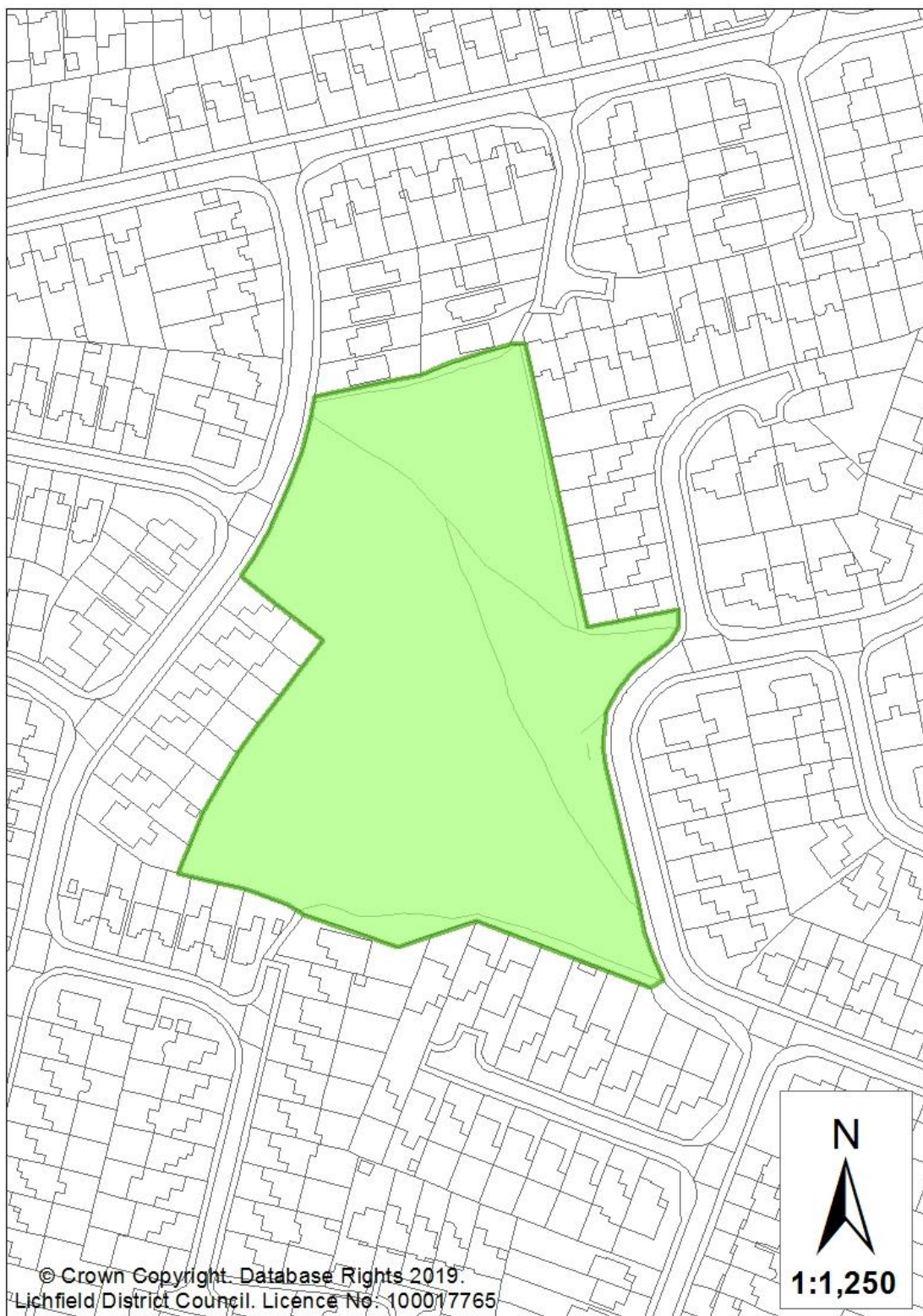
Map 7.1 – Protected Local Green Spaces: Chase Terrace Park



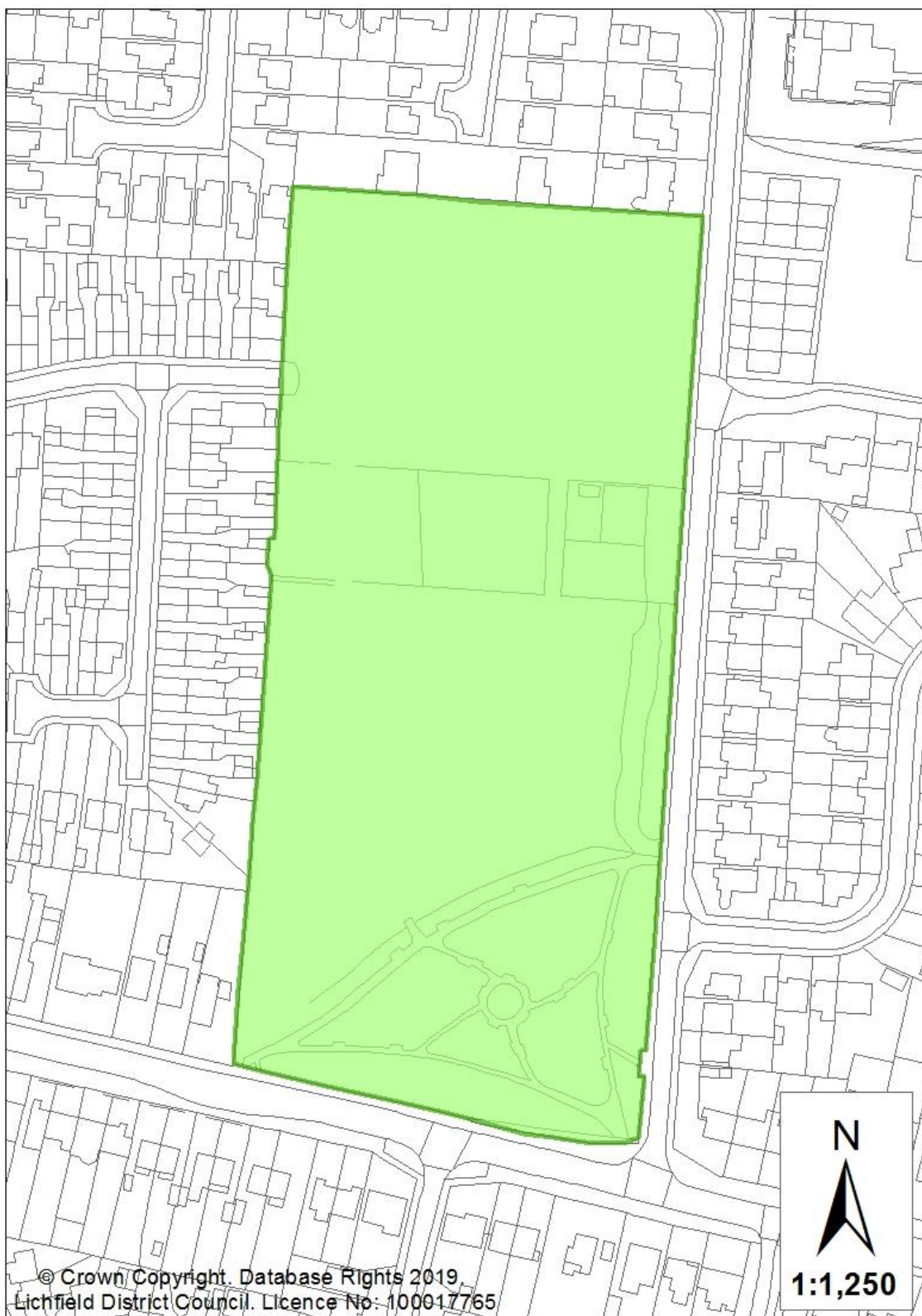
Map 7.2 – Protected Local Green Spaces: Redwood Park



Map 7.3 – Protected Local Green Spaces: Chase View Park



Map 7.4 – Protected Local Green Spaces: Burntwood Park



Map 7.5 – Protected Local Green Spaces: Chasetown Memorial Park

