

# **Mavesyn Ridware Neighbourhood Development Plan**

A report to Lichfield District Council of the Independent  
Examination of the Mavesyn Ridware Neighbourhood  
Development Plan

Copy to Mavesyn Ridware Parish Council

Independent Examiner Christopher Collison

Christopher Collison

BA (Hons) MBA MRTPI MIED IHBC

Planning and Management Ltd

26 November 2024

# Contents

Summary of Main Findings .....	2
Neighbourhood Planning .....	3
Independent Examination.....	3
Basic Conditions and other Statutory Requirements .....	5
Documents .....	7
Consultation.....	9
The Neighbourhood Plan taken as a whole .....	13
The Neighbourhood Plan Policies .....	23
Policy MR01: Residential Development.....	25
Policy MR02: Land East of Hill Ridware .....	27
Policy MR03: Employment.....	33
Policy MR04: Blithbury Redevelopment .....	34
Policy MR05: Sustainable Design .....	36
Policy MR06: Heritage and Character .....	37
Policy MR07: Landscape and Nature .....	40
Policy MR08: Local Green Space .....	42
Policy MR09: Local Facilities .....	44
Policy MR10: Local Energy generation.....	46
Policy MR11: Movement and Active Travel.....	47
Policy MR12: Burial Ground .....	47
Conclusion and Referendum.....	48
Annex: Minor Corrections to the Neighbourhood Plan.....	49

## Summary of Main Findings

This is the report of the Independent Examination of the Mavesyn Ridware Neighbourhood Development Plan. The Neighbourhood Plan relates to the Parish of Mavesyn Ridware which was designated as a Neighbourhood Area by Lichfield District Council on 16 December 2019. Mavesyn Ridware Parish Council is the qualifying body that has submitted the plan to Lichfield District Council. The plan period runs until 2040. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates land east of Hill Ridware for residential development and local retail development, and allocates land for an additional burial ground at Mavesyn Ridware.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

## **Neighbourhood Planning**

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The parish of Mavesyn Ridware was designated as a Neighbourhood Area (the Neighbourhood Area) by Lichfield District Council (the District Council) on 16 December 2019. The Mavesyn Ridware Neighbourhood Development Plan (the Neighbourhood Plan) has been submitted by Mavesyn Ridware Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Neighbourhood Area. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group made up of a Parish Councillor and other volunteers from the local community supported by consultants Urban Vision.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council at its meeting on 25 July 2024 and submitted to the District Council on 30 August 2024. The District Council arranged a period of publication between 12 September 2024 and 24 October 2024. The District Council subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 7 November 2024.

## **Independent Examination**

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the District Council including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the District Council subsequently decide the Neighbourhood Plan should not be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the responses of the District and Parish Councils to my requests for clarification of matters; and the level of detail contained within the submitted Neighbourhood Plan and supporting documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations and comments; and an unaccompanied visit to the Neighbourhood Area undertaken on 18 November 2024.
14. This report should be read as a whole, and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by the District Council on 16 December 2019. A map of the Neighbourhood Area is included as Figure 1.1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure

projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. Section 1.2 of the Neighbourhood Plan confirms the plan period runs until the end of 2040.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

## **Documents**

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:



- Mavesyn Ridware Neighbourhood Plan 2022-2040 Submission Draft including Appendices A and B August 2024
- Mavesyn Ridware Neighbourhood Development Plan Basic Conditions Statement July 2024 [In this report referred to as the Basic Conditions Statement]
- Mavesyn Ridware Neighbourhood Plan Consultation Statement August 2024 [In this report referred to as the Consultation Statement]
- Strategic Environmental Assessment (SEA) for the Mavesyn Ridware Neighbourhood Plan SEA Environmental Report May 2024
- Mavesyn Ridware Report to Inform Habitats Regulations Assessment January 2024
- Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA) Screening Report September 2023
- Mavesyn Ridware Design Codes March 2023
- Information available on the Mavesyn Ridware Parish Council website including the Housing Needs Assessment; Employment Topic Paper; Local Green Space Assessment February 2023; Housing Questionnaire 2021 Analysis; NDP Vision and Objectives; SEA Scoping Report; and 2024 Exhibition Boards.
- Information available on the District Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the District Council and the Parish Council including: the initial letter of the Independent Examiner dated 7 November 2024; the letter of the Independent Examiner seeking clarification of matters dated 8 November 2024; and the joint response of the District and Parish Councils dated 12 November 2024
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- Lichfield District Local Plan Strategy 2008-2029 (adopted 17 February 2015) and Lichfield District Local Plan Allocations 2008-2029 (adopted 16 July 2019)
- Documents relating to the emerging Local Plan 2043
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance which should be taken to also include all Written Ministerial Statements]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019

- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods. A summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan are presented in an accompanying document. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. The Parish Council set up a Neighbourhood Plan Steering Group comprising a Parish Councillor and other volunteers from the local community in Summer 2022. A household survey had previously been circulated to all households within the parish in Spring 2021 which resulted in 105 responses. Two public meetings were held in Spring 2022. Drop-in exhibitions including display boards took place in late 2022. In addition to statutory consultations in respect of Strategic Environmental Assessment and Habitats Regulations Assessment, direct contact was made with the District Council; Staffordshire County Council; the Environment Agency; Henry Chadwick Primary School; and local landowners with respect to potential local green space, burial ground land, and potential development site options. Contact with local landowners also included consultation through a call for sites to identify potential options for meeting local housing needs.
28. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan for a period of six weeks between 12 April 2024 and 24 May 2024. The consultation was extended until 28 June 2024 following the publication of the SEA Environmental Report. A copy of the Pre-Consultation Draft Plan and supporting documentation was published, and could be downloaded from, the Parish Council website. The consultation was also publicised through leaflets distributed to households throughout the parish including

to each household in the smaller villages, and notices in the Messenger Magazine, on social media, and on the noticeboard outside the Village Hall. Drop-in exhibitions were held on 13 and 19 April 2024. Consultee bodies were notified directly. The 19 responses to the consultation are presented in Appendix G of the Consultation Statement which also sets out comments of the Steering Group in response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to the District Council.

29. Following submission of a plan proposal by a qualifying body, the local planning authority will check it includes all items set out in Regulation 15, and then publicise the plan in accordance with Regulation 16. The local planning authority then send the Independent Examiner all the documents set out in Regulation 17, which includes a copy of any representations that have been made in accordance with Regulation 16. The actions necessary under Regulation 16 and Regulation 17 are entirely matters to be undertaken by, and under the control of, the local planning authority. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication. The District Council arranged a period of publication between 12 September 2024 and 24 October 2024. The representations that were duly made have been published on the District Council website.
30. The District Council states support for the vision and objectives of the Neighbourhood Plan and Policy MR08; and support Policies MR01; MR02; MR06; MR08 and MR10 subject to suggested modifications. This representation also comments on Policy MR04. The District Council has also suggested some minor modifications and corrections to the Neighbourhood Plan which I refer to in the Annex to my report.
31. Historic England is “supportive of both the content of the document and the vision and objectives set out in it and consider that an admirably comprehensive approach is taken to the environment including the historic environment. The design parameters set out in the Mavesyn Ridware Design Guide (AECOM 2023) will no doubt prove invaluable as a context and guide for future development. This approach and those plan policies designed to conserve and enhance both the distinctive character of the settlements of the neighbourhood area and the surrounding countryside is highly commendable.” National Highways state “Principal interest is in safeguarding the operation of the Strategic Road Network (SRN), the nearest routes to the neighbourhood area are the A5 and M6 located 10.5km to the south and the A30 located 11km east of the plan area. The scale of development proposed is modest and will not have significant impact on the operation of the SRN. Therefore, have no further comments to make.” The representations of Natural England; Network Rail, National Gas Transmission; National Grid Electricity Transmission; the

National Forest Company; and the Canal and Rivers Trust do not necessitate any modification of the Neighbourhood Plan.

32. Staffordshire County Council state with respect to section 6 infrastructure “Previous concerns regarding on street parking have not been covered within the neighbourhood plan although it is acknowledged that it is in ‘Mavesyn Ridware Design Codes’ document. Previously raised concern that there is no specific reference to parking requirements in the plan. Incorporation of adequate parking within new development will be essential to ensuring design aspirations are met as without its indiscriminate parking it can negatively impact upon the street scene and place making. On-street parking was a key community issue through the Lichfield District Integrated Transport Strategy.” “The plan is clear and concise in its delivery. The policies within the plan are well writing and east to understand with supporting text, justification and interpretation text provided for each policy. Pleased to see previous concerns regarding terminology used within the plan relating to broadband have been addressed.” The Flood Risk Management Team of the County Council state with respect to section 2.3 “Should be noted in addition to areas of fluvial flood risk (Flood Zone 2 and 3) in the parish there are also extensive areas of Surface Water Flooding which are indicated on the Environment Updated Flood Risk Mapping for Surface Water. Continuous flow paths should be preserved where possible. No recent records of instances of reported property flooding in the parish.” With respect to the Design Guidance and Codes the Flood Risk Management Team state “Current guidance and best practice are for innovative SuDs to be maximally fully incorporated in development schemes possible.”
33. Hawksmoor Property Services Ltd state “Representations on behalf of its client who have a land interest in land to the east of Hill Ridware. Hawksmoor have undertaken an active role in support of the neighbourhood plan. Representations have been made to the call for sites and regulation 14 consultation. Robust support is given. Consider the parish council have undertaken a vast amount of work and followed a commendable process with residents having a meaningful say in the growth and shape of the neighbourhood area. Consider the neighbourhood plan process has been properly followed and is robust in informing the allocation of client’s land.” This representation supports Policies MR01; MR02; MR06; MR07; MR08; and MR11; and conditionally supports Policies MR05 and MR09. With respect to Appendix A the representation states “Note the contents of Appendix A which set out the site selection process. Hawksmoor and their client consider the proposed allocation is suitable and reaffirm the neighbourhood plan is robust in terms of the work undertaken and that the neighbourhood plan process has been properly followed.”
34. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are

relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

35. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did not comment on the representations.
36. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
37. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Committee has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## The Neighbourhood Plan taken as a whole

38. This section of my report considers whether the Neighbourhood Plan, when considered as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

### **Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

39. The Basic Conditions Statement states “Throughout the preparation of the MRNP emphasis has been placed to ensure that no sections of the community have been isolated and excluded. The MRNP is fully compliant with the requirements of the European Convention on Human Rights. There is no discrimination stated or implied. Nor any threat to the fundamental rights guaranteed under the convention.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

40. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
41. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
42. Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening opinions in September 2023 concluded that both a HRA and SEA was required because the plan seeks to allocate site(s) for development. The statutory consultee Natural England agreed that “The plan is likely to have significant environmental effects and will therefore require an SEA, and new residential/tourist accommodation in this area requires an HRA.”
43. The Strategic Environmental Assessment (SEA) Environmental Report May 2024 Appendix A includes the response of the Environment Agency dated 7 March 2024 to consultation on an SEA Scoping Report as follows “It is important the forthcoming NP offers robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period.”
44. The Strategic Environmental Assessment (SEA) Environmental Report May 2024 concludes “Table 5.2 summarises the overall effects of the policies within the draft MRNP for each SEA topic. It is important to differentiate between significant effects, which are predicted to lead to changes in the baseline position, and those effects that are broadly positive or negative, but are less likely to lead to substantial changes” and “Overall, neutral or positive effects are predicted across each SEA topic, with the exceptions being the ‘Flood Risk’ and ‘Landscape’ objectives, where uncertain negative effects are predicted relating to the allocation of ‘Land East of Hill Ridware’ and potential harm from fluvial flood risk. The effects on the Landscape objective are significant due to the potential for harm to landscape character.

Whereas, effects are not significant under the Flood Risk objective, as existing national and local planning policy should safeguard against any potential increase in flood risk and its implication on existing and future residents” Table 5.2 of the report sets out a summary of overall effects of each SEA topic as follows:

Biodiversity and Geodiversity - Neutral effect

Climate Change - Neutral effect

Flood Risk - Uncertain minor negative effect

Community Wellbeing - Minor positive effect

Historic Environment - Moderate positive effect

Land, Soil, and Water Resources - Neutral effect

Landscape - Uncertain negative effect

Transportation and Movement - Minor positive effect

The Report includes recommendations identified “to enhance the positive effects of the draft MRNP and mitigate any negatives. These are summarised below:

- Policy MR02 proposes housing and convenience retail floorspace (i.e. sensitive uses) on a site allocation which partially falls within Flood Zones 2 and 3. The MRNP evidence base does not include flood risk assessments that can help understand the extent of land at risk of fluvial and surface water flooding. The evidence base also does not include any masterplanning or design standards, which can help demonstrate how development can be delivered on site without having adverse effects on exacerbating flood risk or requiring major changes to land levels. The policy could be supported with adequate evidence and / or require flood risk assessments to be completed to avoid the uncertain negative effects predicted under the ‘Climate Change and Flood Risk’ and ‘Landscape’ objectives.
- Policy MR04 supports self-build homes in exceptional circumstances on the Blithbury site, where the scheme includes ‘significant measures to offset the unsustainable location’. The exceptional circumstances relate to addressing a specific need and environmental improvements. This does not address the negative impacts on the wellbeing of new residents by locating housing distant to other communities, facilities, and services. Therefore, it is recommended that C3 residential uses are discouraged, unless feasible improvements to address the unsustainable location can be delivered.
- Policy MR07 sets out that ‘with the exception of the allocated site, development should not involve the loss of the best and most versatile agricultural land’. Whilst this should help protect important agricultural land resources, the policy is very restrictive and could undermine wider positive effects. It is recommended that a threshold-based approach is adopted, where any harm or loss of agricultural land resource has to be offset by substantial community and environmental benefits.
- Policy MR07 could also be improved by requiring replacement trees and hedgerows to be of a similar level ‘or greater’. This should help support biodiversity net gain and landscape objectives.”



Subject to the modifications I have recommended to the relevant policies later in my report I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

45. With respect to Habitats Regulation Assessment AECOM produced a HRA screening on behalf of the Parish Council. The outcome of the HRA screening is that Policy MR02: Land East of Hill Ridware, is considered to have the potential to result in Likely Significant Effects (LSEs), therefore Appropriate Assessment was undertaken. The Mavesyn Ridware Report to Inform Habitats Regulations Assessment January 2024 concluded “This HRA undertook ToLSEs screening of the Mavesyn Ridware (Working Draft Neighbourhood Plan July 2023). All NP policies were assessed in relation to the following Habitat sites: • Cannock Chase SAC • Midland Meres & Mosses – Phase 1 Ramsar. • River Mease SAC • West Midlands Mosses SAC. Following ToLSEs screening, it was concluded that one policy, Policy MR-02: Land East of Hill Ridware, had the potential to cause a likely significant effect and was discussed with regards to recreational impacts upon Habitat sites. Appropriate Assessment determined that no adverse effect on the integrity of Cannock Chase SAC through air quality impacts would arise. It also concluded that provided reference was made in the Neighbourhood Plan to the need for net new housing development to make a financial contribution to the strategic mitigation framework for Cannock Chase SAC, a sufficient policy framework would exist to ensure no adverse effects on the integrity of the SAC.” Subject to my recommended modification of Policy MR02 in this respect I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
46. There are other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
47. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
48. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

**Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development**

49. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
50. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
51. The most recent National Planning Policy Framework published on 19 December 2023, and amended on 20 December 2023, sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 14 February 2024. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance, as well as Written Ministerial Statements. In July 2024 Government has issued a consultation document proposing revisions to the Framework. Those revisions are subject to change and have not been taken into consideration in the preparation of my report.
52. Table 1 of the Basic Conditions Statement demonstrates how each of the Neighbourhood Plan policies have regard for the Framework and Guidance. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
53. The Neighbourhood Plan includes in part 2.3 a positive vision for Mavesyn Ridware Parish that has economic, social, and environmental dimensions. Six objectives are

identified relating to: creating sustainable communities; protecting and enhancing local services; housing needs; high quality design; natural environment; and managing change. The vision and objectives elements provide a framework for the policies that have been developed.

54. The Neighbourhood Plan, on pages 55 and 56, identifies community facilities which local people think are needed in the Neighbourhood Area to complement existing services and facilities which are presented and discussed in Appendix B of the Neighbourhood Plan. It is stated “To ensure planned growth to meet local needs is supported by infrastructure, the priorities for this Neighbourhood Plan for the use of Community Infrastructure Levy monies will be informed by the services and facilities listed above.” The community aspirations relate to: provision of a small convenience shop; improved open spaces for recreation and biodiversity; expansion of Henry Chadwick Community Primary School to support planned growth; improved pedestrian/cycleway connectivity between settlements; provision of community transport/bus service; and increased burial space. Appendix B describes existing community facilities and includes some community aspirations relating to those facilities. Whilst some of these matters are addressed in the policies of the Neighbourhood Plan others are not. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the Parish Council and the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.” The community aspirations relating to infrastructure priorities are presented in a dedicated Infrastructure Priorities section and Appendix of the Neighbourhood Plan. I am satisfied the community aspirations for infrastructure priorities are adequately distinguished from the policies of the Neighbourhood Plan. It is legitimate for the Neighbourhood Plan to identify priorities for use of any locally determined Community Infrastructure Levy charges. I confirm the Infrastructure Priorities and Appendix B have not been subject to Independent Examination.

55. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it

has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

56. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). To demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”
57. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
58. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Tables 2, 3, and 4 of the Basic Conditions Statement demonstrate ways in which identified policies of the Neighbourhood Plan support the economic, social, and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.
59. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:
- Support residential development in identified locations, subject to stated requirements;

- Allocate land at Uttoxeter Road for residential development and retail development, subject to conditions and requirements;
- Conditionally support employment development;
- Support redevelopment of the Blithbury site for stated uses subject to conditions and requirements;
- Establish design principles for development;
- Ensure development preserves or enhances heritage assets and complements local historic and rural character;
- Protect the landscape and nature;
- Designates 8 Local Green Spaces;
- Conditionally supports new community facilities and seeks to avoid unnecessary loss of community facilities;
- Seeks to ensure new dwellings are capable of suitable broadband connection;
- Establish conditional support for local energy generation schemes;
- Ensure development supports active travel; and enhances and has no significant adverse impact on the right of way network; and
- Allocates land for additional burial ground use.

60. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

61. Paragraph 13 of the Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Paragraph 21 of the Framework states “plans should make explicit which policies are strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.” Paragraph 29 of the Framework states “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”
62. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The

District Council has confirmed the Development Plan applying in the Mavesyn Ridware Neighbourhood Area comprises the Lichfield District Local Plan Strategy 2008-2029 (adopted 17 February 2015) and the Lichfield District Local Plan Allocations 2008-2029 (adopted 16 July 2019). Whilst the Minerals Local Plan for Staffordshire (2015-2030), the Staffordshire and Stoke-on-Trent Waste Local Plan (2010 to 2026) and the review of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026 form part of the Development Plan they are not relevant to the Neighbourhood Plan.

63. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The District Council has confirmed for the purposes of neighbourhood planning the strategic policies of the development plan comprise the Core Policies within the Local Plan Strategy and the ‘Rural Areas’ policies within the same document to be the strategic policies of relevance. Additionally, the ‘rural areas’ policies within the Local Plan Allocations document would also be considered strategic.
64. The District Council has begun the preparation of a new Lichfield District Local Plan for the area to provide the future strategic planning framework up to 2043. The Local Development Scheme published in March 2024 indicates the new Local Plan will be adopted in January/February 2027.
65. The Neighbourhood Plan can proceed ahead of preparation of the new Local Plan. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:
- the emerging neighbourhood plan;
  - the emerging Local Plan;
  - the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

66. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the new Local Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. To satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging new Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan.”

67. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the whole development plan.

68. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

69. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 5 of the Basic Conditions Statement that demonstrates how the policies of the Neighbourhood Plan are in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

70. The Neighbourhood Plan includes 12 policies as follows:

- Policy MR01: Residential Development
- Policy MR02: Land East of Hill Ridware
- Policy MR03: Employment
- Policy MR04: Blithbury Redevelopment
- Policy MR05: Sustainable Design
- Policy MR06: Heritage and Character
- Policy MR07: Landscape and Nature
- Policy MR08: Local Green Space
- Policy MR09: Local Facilities
- Policy MR10: Local Energy generation
- Policy MR11: Movement and Active Travel
- Policy MR12: Burial Ground



71. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

72. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”

73. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

74. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

75. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”

76. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the

neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

77. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.” “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
78. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

### **Policy MR01: Residential Development**

79. This policy seeks to establish support for residential development in identified locations. The policy also includes measures establishing requirements relating to housing mix; affordable housing; facilities; and design.
80. In response to my request for clarification regarding the reference to amendment of the settlement boundary in part 1a of the policy the District and Parish Councils stated “The neighbourhood plan proposes an extension to the existing village settlement boundary which is illustrated on the Local Plan policies maps which can be viewed on the district council’s website. The only amendment to the settlement boundary is to reflect the proposed housing allocation proposed through Policy MR02. The proposed amendment to the settlement boundary has been drawn around the area of proposed built development and not the area of associated open space. This is shown on Figure 3.1 within the submitted Neighbourhood Plan. Should the neighbourhood plan be ‘made’ then the Local Plan policies maps would be updated to reflect the village settlement boundary as amended by the neighbourhood plan.”

81. Paragraph 70 d) of the Framework states Local Planning Authorities should support the development of windfall sites through their policies and decisions – giving greater weight to the benefits of using suitable sites within existing settlements for homes. In response to my request for clarification the District and Parish Councils confirm part 1c of the policy is unnecessary as infill development in Hill Ridware is also supported by part 1a of the policy. The District and Parish Councils have also confirmed part 1d of the policy should apply throughout the Neighbourhood Area and that the reference to heritage assets should be deleted as paragraphs 207 and 208 of the Framework provide for demolition of heritage assets in stated circumstances. I have not adopted the suggestion of the District and Parish Councils that part 6 of the policy should refer to Policy MR05 as the Neighbourhood Plan should be read as a whole and I have not recommended the inclusion of the term “other local and national policies” as this, like the submission wording, is imprecise and does not provide a basis for the determination of development proposals. The requirement in part 6 of the policy to create a locally distinctive sense of place unnecessarily repeats the requirement of Policy MR05. Paragraph 16f of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. Rather than several policies (Policy MR01, MR03, MR04, and MR09) all seeking to influence aspects of design in much the same way I consider a preferable and less confusing approach is for design requirements to be dealt with in Policy MR05 only. Indeed, the interpretation section below the policy states design requirements are contained in other policies of the Neighbourhood Plan. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

82. Paragraph 64 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on site. Paragraph 63 of the Framework (which should be read in the context of establishing need) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The policy will remain relevant throughout the plan period, should housing needs change locally. Paragraph 86 of the Framework states planning policies should allow for new and flexible working practices such as live-work accommodation. I am satisfied the provisions of the policy relating to housing mix; affordable housing; provision of facilities; and flexibility over time have sufficient regard for national policy.

83. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

84. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 1:**

##### **In Policy MR01**

- **replace part 1 with “New residential development will be supported within the Hill Ridware Settlement Boundary which is extended to include the site allocated for residential development in Policy MR02 (see Figure 3.1 of the Neighbourhood Plan). Redevelopment of existing buildings for residential use will be supported throughout the Neighbourhood Area.”**
- **delete part 6**

**Retitle Figure 3.1 as “Hill Ridware village settlement boundary” and remove draft from the key**

##### **Policy MR02: Land East of Hill Ridware**

85. This policy seeks to allocate land at Uttoxeter Road (identified on Figure 3.2) for residential development and retail development (Use Class E) and for green infrastructure.

86. Having considered the submitted Neighbourhood Plan documents, representations, and comments I now address relevant matters within the context of the following issues:

- firstly, whether the Neighbourhood Plan promotes less development than set out in the strategic policies for the area or undermines those strategic policies;
- secondly, whether the decision to select the site on land at Uttoxeter Road for allocation for housing development is supported by appropriate, proportionate, and relevant evidence; and
- thirdly, whether the criteria which Policy MR02 requires housing development to meet are appropriate and sufficient to achieve sustainable development on the site.

87. Paragraph 29 of the Framework states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic

Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and has regard for the Guidance.

88. The Guidance states:

“The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”

“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”

“Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it.”

“The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies”

“A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.”

“A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory

Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”

89. It is explained on pages 20 and 21 of the Neighbourhood Plan that a Housing Needs Assessment for the Neighbourhood Area undertaken in February 2023 has evidenced a housing need of 19 to 33 dwellings between 2022 and 2040 and that it is proposed this need should be met on a single site at Ridware Road to maximise affordable housing delivery.
90. Lichfield District Local Plan Strategy 2008-2029 (adopted 17 February 2015) Core Policy 1 includes “In relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing will be supported. This includes taking account of plans which have been produced by local communities provided that these have been formulated using clear and robust evidence and are in broad conformity with the Local Plan.” Policy Rural 1 includes “smaller villages will only deliver housing to accommodate local needs” and “around 5% of the District's housing (around 500 dwellings) will be met within the village boundaries of these smaller villages, through the conversion of existing buildings and to meet identified local needs on rural exception sites. Allocations of sites for new rural housing will be considered through the Local Plan Allocations document or through a community led plan where this is in broad conformity with the Local Plan.” Rural Policy 2 states “Support will be given to rural settlements wishing to provide small scale development to meet local needs, where the need for this can be clearly and robustly evidenced by the local community and where this accords with policies in the Local Plan.” The Lichfield District Local Plan Allocations 2008-2029 (adopted 16 July 2019) through Policy OR1 included residential site allocations of 1.1 hectares at School Lane and 2.1 hectares at Uttoxeter Road both of which have been built out.
91. With respect to retail development, Core Policy 1 states “In the key rural villages, centres will be protected and enhanced to meet the day-to-day needs arising within these settlements and from the wider rural areas that they serve.” The explanation to Policy Rural 2 refers to provision of a small convenience store as an example of appropriate small scale development meeting local needs in smaller rural communities.
92. The District Council state “The Council is supportive of the approach taken to allocate Land East of Hill Ridware for a residential led (including retail development) allocation. This is a positive and proactive decision which seeks to meet the development needs identified within the plan's accompanying evidence” and “the adopted Local Plan does not identify a specific housing requirement for the parish, nor any of the settlements within the neighbourhood area. The Housing Needs

Assessment which has been prepared to support the plan is an appropriate evidence base which identifies local needs.”

93. The interpretation text below Policy MR02 states it is envisaged that the site allocated could accommodate up to 33 dwellings. I have recommended this is modified to state approximately 33 to avoid being prescriptive to an extent that is not sufficiently justified and in recognition of the representation of Hawksmoor Property Services Ltd which suggests the site could have capacity to deliver more than 33 dwellings. I consider it is reasonable to assume there will be at least some windfall supply of dwellings during the Plan period, in addition to the site allocation, which will boost the supply of homes in the Neighbourhood Area. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation and provides the necessary justification for those policies (after recommended modification) that are relevant to housing supply. The provision for a maximum of 500 square metres of convenience retail floorspace on the allocation site is in general conformity with the strategic policies of the development plan. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies.
94. The decision to select the site on land at Uttoxeter Road for allocation for housing development is supported by appropriate, proportionate, and relevant evidence, including a detailed site scoring assessment, set out in Appendix 1 of the Neighbourhood Plan. Whilst the representation of Hawksmoor Property Services Ltd comments on some elements of the detailed site scoring assessment I have not found the points made to be determinative in my consideration whether the Neighbourhood plan meets the Basic Conditions.
95. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for the Neighbourhood Area and provides the necessary justification that those policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies. The approach taken and the choices made in the Neighbourhood Plan regarding housing provision are sufficiently evidenced and justified and have sufficient regard for the Framework and Guidance.
96. I have considered whether the criteria which Policy MR02 requires housing development to meet are appropriate and sufficient to achieve sustainable development on the site. In response to my request for clarification as to the

meaning of the term “active frontage” in part 3a of the policy the District and Parish Councils have stated “the term ‘active frontage’ seeks to ensure that development fronts on to Uttoxeter/Ridware Road and does not back on to the road through a line of rear boundary walls/fences.” I have recommended a modification to clarify the intention of the provision. I have also adopted the suggestion of the District Council that part 3b should refer to the local context of the area, and I have recommended part 6 of the policy is made sufficiently precise. I have recommended these modifications so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

97. In response to my request for clarification the District and Parish Councils stated they are content with a proposed modification to the policy to state that a site-specific flood risk assessment would be required at the planning application stage. Given the likely scale of development this would be required by national guidance, they consider it could be included in the explanatory text rather than the policy itself. Using the Environment Agency Flood Map for Planning I have been able to identify an area of 1.45 hectares within the allocation site that is in Zone 1 which would be sufficient land to achieve the scale of development envisaged in the policy. Given the need for precision in drawing developable area boundaries I consider it important to ensure any proposed development scheme for the site must be supported by a site-specific flood risk assessment that demonstrates the development is appropriately flood resistant and resilient and the development will not result in flood risk to any existing properties outside the site. I have recommended a modification on this basis so that the policy has sufficient regard for national policy. In the context of the letter of the Environment Agency dated 7 March 2024 included in the SEA Environmental Report May 2024 I have also recommended a modification to require development schemes to demonstrate sufficient waste water infrastructure is in place to accommodate the development.

98. I have also recommended a modification to require a financial contribution to the strategic mitigation framework for Cannock Chase SAC as identified in the Habitats Regulations Assessment, unless it is demonstrated the extent and nature of on-site open space will mitigate any impact on the SAC.

99. I have noted the representation of Hawksmoor Property Services Ltd states “Earlier representations supported the site having capacity to reserve future land for a new village Convenience Store or farm shop, details of which, and market demand can be agreed and investigated at a later planning application stage.” Policy MR02 relates to a site allocation with two primary land use elements – residential and retail. Both elements are appropriate in the context of national and strategic planning policy, and both elements would clearly bring community benefits. The policy



includes limitations on the retail element in terms of positioning within the site, and in respect of a maximum floorspace. Being an allocation for two uses neither element should be designed or extend to prevent the other element being delivered. Policy MR02 does not include any phasing requirements relating to delivery of the two elements of residential development and retail development within the allocation. On this basis neither element represents an obligation on the other element which would need to have regard for paragraphs 55 to 58 of the Framework.

100. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

101. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 2:**

##### **In Policy MR02**

- **in part 3 in the opening text replace “design and landscape” with “design, landscape and other”**
- **in part 3a replace “an active frontage” with “the principal elevation of homes”**
- **in part 3b after “setting” insert “to fit in with the local context of the area”**
- **insert part 3f “any proposed development scheme for the site must be supported by a site-specific flood risk assessment that demonstrates the development is appropriately flood resistant and resilient, and the development will not result in flood risk to any existing properties outside the site.”**
- **insert part 3g “any proposed development scheme for the site must demonstrate sufficient waste water infrastructure is in place to accommodate the development.”**
- **insert part 3h “any proposed development scheme for the site must be supported by a financial contribution to the strategic mitigation framework for Cannock Chase SAC unless it is demonstrated this is not required as a result of being offset by the extent and nature of on-site green infrastructure provision.”**
- **in part 6 after “north of the site” insert “(Identified on Figure 3.2)”**

**In the Interpretation replace “up to 33” with “approximately 33”**

### **Policy MR03: Employment**

102. This policy seeks to establish that employment development within the Hill Ridware village settlement boundary, and development to diversify the rural economy, will be conditionally supported. The policy seeks to require new employment space to be supported by high-speed broadband infrastructure. The policy also seeks to establish design requirements on new employment development.
103. Paragraph 85 of the Framework states planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 88 of the Framework states plans should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 88 of the Framework also states planning policies should enable the diversification of agricultural businesses. Paragraph 124 of the Framework states planning policies should give substantial weight to the value of using suitable brownfield land within settlements and support the development of underutilised land and buildings. Paragraph 118 of the Framework states planning policies should support the expansion of electronic communication networks including full fibre connections. Paragraph 86 of the Framework states planning policies should allow for new and flexible working practices (such as live-work accommodation).
104. The reference in part 1 of the policy to impact on the historic environment requires correction to Policy MR06. Part 4 of the policy is imprecise and does not provide a basis for the determination of development proposals. The requirement in part 4 of the policy to create a locally distinctive sense of place unnecessarily repeats the requirement of Policy MR05. Paragraph 16f of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. Rather than several policies (Policy MR01, MR03, MR04, and MR09) all seeking to influence aspects of design in much the same way I consider a preferable and less confusing approach is for design requirements to be dealt with in Policy MR05 only. Indeed, the interpretation section below the policy states design requirements are contained in other policies of the Neighbourhood Plan. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am satisfied the reference to Use Class E in part 1 of the policy is appropriate and that proposals for any other type of employment would require specific consideration.

105. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

106. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:**

**In Policy MR03**

- in part 1 replace “MR7” with MR06”
- delete part 4

**Policy MR04: Blithbury Redevelopment**

107. This policy seeks to establish support for redevelopment of the Blithbury site for residential institutions (Use Class C2) and education or other community facilities (Use Class F1). The policy seeks to establish residential development will only be supported in exceptional circumstances where the scheme includes significant measures to offset the unsustainable location. Examples of such measures are identified. The policy also seeks to establish the design and layout of development should include the retention of mature trees in and around the site. The policy also refers to design requirements.

108. The District Council state “It is noted that planning permission for redevelopment of the site to provide a residential care home for young persons was approved in July 2023 (reference 23/00221/FULM) which would appear to be broadly in accordance with the proposed draft allocation/policy.”

109. Paragraph 136 of the Framework states existing trees should be retained wherever possible. Paragraph 186 c) of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. It is inappropriate for a policy to require development proposals to ensure retention of trees on other land “around the site.” I have recommended a modification in these respects so that the policy has sufficient regard for national policy.

110. In response to my request for clarification how a house that is a “self-build” to meet specific local need includes significant measures to offset the unsustainable location the joint response of the District and Parish Councils states “a house that is

'self-build' would provide no significant measures to offset locational sustainability. However:

- There is a relatively small need for self-build properties as demonstrated by the District Council's self and custom build register (5 persons in 2022/23 and 2 persons in 2023/24).
- Of those that are on the register, many are seeking a plot in the rural area.
- Evidence produced by the NaCSBA has demonstrated that 'self-build' properties result in lower energy consumption and reduced CO2 emissions over typical new build properties. In addition, through construction self-builders are more likely to purchase materials locally and utilise local labour through SME trades.

It should be noted that a new hourly bus service has been secured within the Neighbourhood Area. The Chaserider service (63) stops at Blithbury and connects the village to Abbots Bromley and Uttoxeter to the north and Armitage with Handsacre, Hednesford and Cannock to the south. The site is approx. 400m from the Blithbury bus stop but is not connected by an existing footway." I have recommended part 2a of the policy is deleted as it is not sufficiently justified.

111. Part 4 of the policy is imprecise, does not provide a basis for the determination of development proposals, and includes an incorrect policy reference. The requirement in part 4 of the policy to require development to be based on the specific site characteristics and context duplicates the requirement of Policy MR05. Paragraph 16f of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. Rather than several policies (Policy MR01, MR03, MR04, and MR09) all seeking to influence aspects of design in much the same way I consider a preferable and less confusing approach is for design requirements to be dealt with in Policy MR05 only. Indeed, the interpretation section below the policy states design requirements are contained in other policies of the Neighbourhood Plan. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

112. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

113. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 4:  
In Policy MR04**

- in part 2 delete sub heading a.
- in part 3 replace the text after “trees in” with “the site unless it is demonstrated retention is not possible, for example, to achieve safe access”
- delete part 4

### **Policy MR05: Sustainable Design**

114. This policy seeks to establish sustainable design principles for development.
115. To be read alongside the Guidance, Government published the National Design Guide on 1 October 2019 to set out the characteristics of well-designed places and demonstrate what good design means in practice. The National Design Guide was updated on 30 January 2021 to align with the National Model Design Code and Guidance Notes for Design Codes published separately (as forming part of the Guidance) on 20 July 2021, and have been last updated on 14 October 2021.
116. Paragraph 127 of the Framework states “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. Policy MR05 is supported by the Mavesyn Ridware Design Codes March 2023. The policy has regard for paragraph 135 of the Framework which sets out design principles of development that planning policies should ensure. The Design Codes and Guidance encourage high quality sustainable design whilst recognising that innovative and contemporary approaches may be appropriate where they positively respond to local character and context as referred to in paragraph 135 of the Framework. I am satisfied that through use of the term “proportionate to the scale and nature of the scheme” the policy avoids being overly prescriptive. The design principles included within Policy MR05 are consistent with the approach and principles recommended in national policy.
117. With respect to the representation of Hawksmoor Property Services Ltd I am satisfied the height to eaves of the proposed retail unit referred to in part 2 of Policy MR02 would not be unduly constrained by part 2 of Policy MR05. The County Council flood risk management team advise current guidance and best practice are for innovative SuDs to be maximally fully incorporated in development schemes possible. I have noted from the representation of Hawksmoor Property Services Ltd that an off-site solution may be necessary in respect of the site allocated in Policy MR02. I have recommended a modification of part 4c of Policy MR05 to recognise delivery of sustainable drainage systems for major developments may occur off-site where that is demonstrated to be necessary and maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development in accordance with paragraph 175 of the Framework.

118. I have earlier in my report recommended that the duplication of part of Policy MR05 in Policies MR01, MR03, and MR045 should be deleted. The deleted parts of those policies included reference to high quality design. I have recommended a modification so that Policy MR05 should require demonstration of high standards of design in accordance with the Mavesyn Ridware Design Codes March 2023.
119. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:**

**In Policy MR05**

- **in part 1 after “Development should” insert “demonstrate high standards of design and”**
- **continue part 4c. with “For major developments Sustainable Drainage Systems, including any storm water balancing ponds, should be located in the most efficient practical location within the site, or if demonstrated to be necessary, may be located off-site where maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development.”**

**Policy MR06: Heritage and Character**

121. This policy seeks to establish that development should preserve or enhance the character or appearance of the Mavesyn Ridware Conservation Area and take account of stated characteristics. The policy also seeks to establish a development management regime for identified listed buildings and their settings and identified non-designated heritage assets and their settings. The policy also seeks to establish development should complement identified elements of the historic and rural character of the village. In this latter respect I am satisfied it is appropriate for this policy to refer to design matters relating to the historic and rural character of the Neighbourhood Area complementing the more general design guidance set out in Policy MR05 of the Neighbourhood Plan. However, the incorrect references to other policies in part 4 of the policy are unnecessary as the Neighbourhood Plan should be read as a whole.

122. I have adopted the suggestions of the District Council that part 1 of the policy should also refer to key views in and out of the Conservation Area, and that part 2 of the policy should refer to significance, so that the policy has sufficient regard for national policy which recognises the significance of heritage assets includes any contribution made by their setting.
123. In response to my request for clarification the District and Parish Councils have confirmed the heritage assets referred to in parts 2a and 2b of the policy are grade II\* listed and grade II respectively and that those buildings and structures are of greatest importance to the Neighbourhood Area outside the Conservation Area referred to in part 1 of the policy. Whilst it is not necessary for part 2 of the policy to highlight identified listed buildings it is appropriate for the policy to highlight listed buildings and structures that are particularly locally valued. Paragraph 206 of the Framework states “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. It is made clear substantial harm to or loss of grade II listed buildings should be exceptional and in the case of grade II\* listed buildings this should be wholly exceptional. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
124. It is confusing for a policy to unnecessarily refer to other policies of the Neighbourhood Plan as the plan should be read in its entirety. The references are in any case in error. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and to correct an error.
125. In response to my request for clarification whether the heritage assets identified in part 3 of the policy are being identified as non-designated heritage assets, and if so, what were the criteria for their selection the District and Parish Councils stated “The heritage assets identified in part 3 of the policy are being identified as non-designated heritage assets that are locally listed. Their selection has been guided by feedback through consultation (including engagement with The Ridwares History Society) and evidence set out in the Mavesyn Ridware Conservation Area Appraisal and Management Plan published by the District Council. The following criteria were considered in identifying the proposed non-designated heritage assets, as set out in the CAA&MP: • Special architectural or landscape interest i.e. is it the work of a particular architect or designers of regional or local note? Is the building/designed landscape a particularly good example of its type/style? • Special historic (social, economic, cultural) interest. • Association with well-known local historic persons or events. • Contribution to the streetscape or townscape i.e. a group of unrelated buildings that make up an aesthetically pleasing group or a view that offers an attractive scene. Buildings may be illustrative of a

range of historic periods which, taken together, illustrate the development of the locality. Views may be famously recognisable and regarded as an historic asset in their own right for example, views of Lichfield Cathedral from various points around the city. • Group value of buildings designed as an architectural entity, especially as examples of town planning (e.g. model villages, squares, terraces) The above criteria were applied to buildings within the Neighbourhood Area beyond the Mavesyn Ridware Conservation Area.”

126. The Guidance refers to advice on local lists published on Historic England’s website (Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019). Historic England 2022 Neighbourhood Planning and the Historic Environment Historic England Advice Note 11 (Second Edition) states “Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of non-designated heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria is important to provide the processes and procedures against which assets can be nominated and their suitability assessed for addition to the local planning authority’s heritage list. The consultation and examination processes confirm the suitability of features for inclusion in a list of non-designated heritage assets, which can be integrated within a local list maintained by the local authority, subject to discussion with them.” It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify non-designated heritage assets that are locally valued. I am satisfied the process adopted and the criteria used are satisfactory. As a Member of the Institute of Historic Building Conservation I confirm I am also satisfied the identified heritage assets are suitable to be included in a local list of non-designated heritage assets.

127. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

128. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:  
In Policy MR06**

- **in part 1 add point i. “key views in and out of the Conservation Area.”**



- in part 2 after “enhance and” insert “seek to” and after “settings” insert “in a manner appropriate to their significance”
- in part 3 replace the text before the list a - h with “The following buildings and structures are identified as non-designated heritage assets. Development proposals affecting those assets or their settings will be determined having regard to the scale of any harm or loss of significance of the heritage asset.”
- replace part 4 with “Development should complement the historic and rural character of the area in design, materials and finishes adding to the architectural quality, and diversity of the Neighbourhood Area.”

### **Policy MR07: Landscape and Nature**

129. This policy seeks to establish a range of policy principles to limit the impact of development on landscape character; habitats; the River Trent and surroundings; woodland; trees and hedgerows; the best and most versatile agricultural land; and the open landscape setting of Mavesyn Ridware and its separation from other settlements.

130. I am satisfied parts 1,2 and 3 of the policy have sufficient regard for the parts of paragraph 180 of the Framework that relate to protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and providing net gains for biodiversity. I am also satisfied part 2 of the policy has sufficient regard for paragraph 185 b) of the Framework which states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

131. In response to my request for clarification how part 4 of the policy has sufficient regard for national policy as set out in paragraph 186 of the NPPF which refers to ancient woodland the District and Parish Councils stated “The NPPF, at paragraph 186c, provides policy in respect of the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees). Within the Neighbourhood Area there are two areas of ancient woodland (Pipe Wood and Spring Cawarden Farm). These two areas of woodland are also designated as Sites of Biological Importance. Part 4 of Policy MR07 is intended to be complementary to national policy by seeking to provide a level of protection on other, locally valued, non-ancient woodland within the parish. Whilst these other areas of non-ancient woodland may not be considered irreplaceable habitat, they form an important element of the rural landscape within the parish. Consider additional text

could be added to the policy or interpretation text to make this clear such as ‘Beyond areas of Ancient Woodland and areas including ancient or Veteran trees development should have no significant adverse impacts on existing woodland areas.’” Paragraph 136 of the Framework states existing trees should be retained wherever possible. Paragraph 186 c) of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am satisfied the inclusion of the term “significant” in part 4 of the policy provides flexibility to accommodate unavoidable limited loss of woodland, for example to accommodate the construction of a safe site access. I am also satisfied part 5 of the policy has sufficient regard for national policy relating to trees and hedgerows.

132. Paragraph 180 of the Framework includes “Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.” I have recommended a modification of part 6 of Policy MR07 so that it has sufficient regard for the more balanced approach of national policy with respect to best and most versatile agricultural land.

133. The use of the term “separation” in part 7 of Policy MR07 has the effect, without sufficient justification, of seeking to prevent any form of development which would be a stricter regime than even national Green Belt policy that provides for a range of types of development that are not inappropriate. There are some limited forms of development that may be appropriate in the open landscape setting of Mavesyn Ridware. I am satisfied sustainable development, through careful consideration to siting and design, or other mitigation measures, may be shown to not significantly adversely affect the rural character of the setting. I have recommended a modification of the policy to make it clear it is not seeking to prevent all development within the identified setting but is seeking to avoid adverse visual effect on the rural character of that area, which in turn will ensure Mavesyn Ridware will maintain its distinctive character and separate identity as a self-contained village surrounded by countryside. In this way the Neighbourhood Plan is seeking to shape and direct development. I have recommended a modification in this respect so that

the policy has sufficient regard for national policy and is clearly written and unambiguous as required by paragraph 16 of the Framework.

134. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

135. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a 'made' neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

#### **Recommended modification 7:**

##### **In Policy MR07**

- **replace part 4 of the policy with “Development proposals resulting in the loss of ancient woodland or ancient trees will only be supported in wholly exceptional circumstances. Proposals that will have significant adverse impact on other woodland areas will not be supported.”**
- **continue part 6 with “unless it is demonstrated the loss of agricultural land is outweighed by substantial environmental or community benefits”**
- **in part 7 insert “visual” before “separation”**

##### **Policy MR08: Local Green Space**

136. This policy seeks to designate eight identified sites as Local Green Space where development proposals will only be supported in very special circumstances.

137. The District Council is supportive of the identification and designation of Local Green Spaces within the Neighbourhood Plan and considers the supporting evidence provides appropriate justification for the identification of these spaces.

138. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figures 5.1 to 5.9 of the Neighbourhood Plan. The scale and discrete nature of the areas of land in question assists in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Space have been adequately identified.

139. Paragraph 107 of the Framework states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts.” The

part of the Framework that relates to 'Protecting Green Belt land,' including paragraphs 152 to 156, sets out statements regarding the types of development that are not inappropriate in Green Belt areas. I have recommended a modification so that it is clear the policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812).

140. Paragraph 105 of the Framework states "The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period." In respect of each of the eight areas proposed for designation as Local Green Space I find the designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

141. Paragraph 106 of the Framework states "The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land." The sites proposed for designation are small, well defined, and substantially enclosed by boundaries made up of walls or hedgerows. The sites are easily recognised as discrete areas of land. The proposed designations both singly and in combination do not constitute a blanket designation of open countryside adjacent to existing settlement as a back door way to achieve what would amount to a new area of Green Belt by another name. I find that in respect of the intended Local Green Spaces the designations relate to green spaces that are in reasonably close-proximity to the community they serve, are local in character, and are not an extensive tract of land.

142. The Guidance states the Qualifying Body (Parish Council) "should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan." (Planning Practice Guidance Paragraph: 019

Reference ID:37-019-20140306 Revision date 06 03 2014). The areas proposed for designation as Local Green Spaces have been subject to extensive consultation with the local community.

143. The Local Green Space (LGS) Assessment report February 2023 includes information which seeks to justify the proposed designations as Local Green Space. For each proposed designation a statement of community value is set out with other information including recent usage and an assessment of impact if the space is lost. Relevant reasons for designation are indicated as applying in respect of each of the sites including matters referred to in the Framework. I have visited the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan provides sufficient evidence for me to conclude that the areas proposed for designation as Local Green Spaces are demonstrably special to a local community and hold a particular local significance.
144. I find that the areas proposed as Local Green Spaces are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.
145. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
146. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**In Policy MR08 replace part 2 with “Within the designated Local Green Spaces development proposals will be managed in accordance with national Green Belt policy”**

**Policy MR09: Local Facilities**

147. This policy seeks to establish conditional support for development of community facilities within the Hill Ridware village settlement boundary, and conditional support for community facilities requiring use of open land outside the Hill Ridware village settlement boundary. The policy also seeks to establish that loss of

community facilities will only be supported in stated circumstances, and seeks to ensure new dwellings are capable of suitable future broadband connection.

148. Paragraph 97 of the Framework states planning policies should plan positively for the provision of community facilities, guard against the unnecessary loss of valued facilities and services, and ensure established shops facilities and services are able to develop and modernise and are retained for the benefit of the community. Paragraph 118 of the Framework states planning policies should support full fibre broadband connections.

149. Hawksmoor Property Services Ltd whilst supporting part 4 of the policy comment that broadband requirements must not require off-site infrastructure that makes the development unviable. I have recommended a modification in this respect so that the policy has sufficient regard for paragraph 34 of the Framework which requires contributions from development not to undermine delivery.

150. It is confusing and unnecessary for parts 1 and 2 of the policy to refer to other policies of the Neighbourhood Plan as the plan should be read in its entirety. The reference in part 1 is incorrect in any case. The requirement in part 5 of the policy to create a locally distinctive sense of place unnecessarily repeats the requirement of Policy MR05. Paragraph 16f of the Framework states plans should avoid unnecessary duplication of policies that apply in a particular area. Rather than several policies (Policy MR01, MR03, MR04, and MR09) all seeking to influence aspects of design in much the same way I consider a preferable and less confusing approach is for design requirements to be dealt with in Policy MR05 only. Indeed, the interpretation section below the policy states design requirements are contained in other policies of the Neighbourhood Plan. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

151. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

152. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 9:**

##### **In Policy MR09**

- **in part 1 delete “, having regard to Policy MR7”**

- in part 2 delete “, having regard to Policies MR06 and MR07”
- replace part 4 with “Proposals for new dwellings must include cabling infrastructure from the site boundary into each dwelling to facilitate future full fibre broadband connection.”
- delete part 5

### **Policy MR10: Local Energy generation**

153. This policy seeks to establish conditional support for local energy generation schemes.
154. Paragraph 158 of the Framework states policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
155. It is confusing and unnecessary for parts 1b and 1c of the policy to refer to other policies of the Neighbourhood Plan as the plan should be read in its entirety. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
156. Paragraph 180 of the Framework includes “Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.” I have recommended a modification so that it has sufficient regard for the more balanced approach of national policy with respect to best and most versatile agricultural land. I have also adopted the suggestion of the District Council that part 2 of the policy should be extended to refer to impacts on long range views so that the policy has sufficient regard for parts a and b of paragraph 180 of the Framework.
157. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
158. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 10:**

#### **In Policy MR10**

- in part 1b delete “, having regard to Policy MR06”
- in part 1c delete “, having regard to Policy MR07”
- in part 1d after “land” insert “unless it is demonstrated the loss of agricultural land is outweighed by substantial environmental or community benefits”
- continue part 2 with “, including impacts on long range views”

### **Policy MR11: Movement and Active Travel**

159. This policy seeks to ensure development supports active travel; and enhances and has no significant adverse impact on the right of way network.
160. Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks.
161. It is confusing and unnecessary for part 1 of the policy to refer to other policies of the Neighbourhood Plan as the plan should be read in its entirety. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
162. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 11:**

#### **In Policy MR11 delete “, also meeting the requirements of Policy MR05”**

### **Policy MR12: Burial Ground**

164. This policy seeks to allocate land identified on Figure 6.1 as an additional burial ground. The policy also seeks to establish that development of the site or



surrounding land that would compromise or prevent the use of the site as a burial ground will not be supported.

165. I am satisfied it is important to plan for additional burial ground facilities to serve future requirements arising in the community, and that it is appropriate to not support development on the land or surrounding land that would compromise or prevent the intended use.

166. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

167. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

## **Conclusion and Referendum**

168. I have recommended 11 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**I recommend to Lichfield District Council that the Mavesyn Ridware Neighbourhood Development Plan for the plan period up to 2040 should, subject to the modifications I have put forward, be submitted to referendum.**

169. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Lichfield District Council as a Neighbourhood Area on 16 December 2019.**

## **Annex: Minor Corrections to the Neighbourhood Plan**

170. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

171. The District Council has proposed the following minor modifications:

- Page 20 fourth paragraph replace “that provide a local policy context” with “it does provide strategic policy context, specifically through those policies relating to the other rural areas of the district”.
- Page 20 sixth paragraph amend reference of Annual Monitoring Report to Authority Monitoring Report.
- Page 21 first paragraph after “bedroom homes” insert “, which is consistent with the preferred dwelling mix within the Local Plan”.
- Page 26 first paragraph after “plan” insert “, local and national policies”
- Page 31 Delete repetition of “NPPF – Conserving & Enhancing the Natural Environment”.

- Pages 24, 27 and 29 update the final paragraph to include reference to the Lichfield District Design Code

I recommend these minor modifications including updates and corrections are made.

**Recommended modification 12:**

**Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.**

Chris Collison  
Planning and Management Ltd  
26 November 2024  
REPORT END