

Decision statement regarding Mavesyn Ridware neighbourhood plan proceeding to referendum

1. Summary

1.1 Following an independent examination, Lichfield District Council has recommended that the Mavesyn Ridware neighbourhood plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was considered by delegated authority on 19 December 2024, where it was confirmed that the Mavesyn Ridware neighbourhood plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

2. Background

- 2.1 Mavesyn Ridware Parish Council requested that the Mavesyn Ridware neighbourhood area be designated for the purposes of producing a neighbourhood development plan for the area. Lichfield District Council designated the Mavesyn Ridware neighbourhood on 16 December 2019.
- 2.2 Mavesyn Ridware Parish Council published the draft neighbourhood plan in June 2024 for a six-week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Mavesyn Ridware neighbourhood plan was submitted by the Parish Council to Lichfield District Council in September 2024 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 12 September and 24 October 2024 (the local authority publicity consultation). Chris Collison of Planning and Management Ltd was appointed as the Independent Examiner and all comments received at the local authority publicity consultation were passed on for their consideration.
- 2.4 They concluded that, subject to modifications, the Mavesyn Ridware neighbourhood plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.
- 2.5 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft neighbourhood plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

3. Mavesyn Ridware neighbourhood plan recommended modifications and local authority's response

- 3.1 The district council considered the <u>examiner's report</u> and the recommendations/modification contained within. Table 1 (below) sets out the examiner's recommendations (in the order they appear in the examiner's report) and Lichfield District Council's consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Lichfield District Council with the reasons for these recommendations.
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner's report to provide a more concise report. This document should be read in conjunction with the <u>examiner's final report</u>.

NB – Where modified text is recommended this will be shown in red with text to be deleted struck through (text to be deleted), and text to be added in bold type (text to be added) Existing text which remains unchanged will be shown in black.

Table 1:Examiner recommendations

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
Policy MR01 & Figure 3.1	 Modify part 1 of the policy as follows: 1. Residential development will be supported in the following locations: a) within the Hill Ridware Settlement Boundary, which is amended by this Neighbourhood Plan (see Figure 3.1); b) within the site allocated in Policy MR-02; c) infilling of small gaps within existing building frontages within Hill Ridware; d) redevelopment of existing buildings, providing it does not involve the demolition of a heritage asset 	Reasoning is set out at paragraphs 79 to 84 of examiners report. Modification to provide clarity in respect of the village settlement boundary and how this relates to the housing allocation set out in Policy MR02. Patr 1c) of the policy is necessary as infill development is already supported by the policy providing support for development within the settlement boundary.	Yes – to meet the basic conditions.

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
	 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 1 of the Neighbourhood Plan). Redevelopment of existing buildings for residential use will be supported throughout the Neighbourhood Area. Retitle Figure 3.1 as follows and remove 'draft' from the map's key: Fig 3.1: Proposed Hill Ridware Settlement Boundary Extension Hill 	Part 1d) of the draft policy should apply across the neighbourhood area, not just the village settlement boundary.	
	Ridware village settlement boundary		
Policy MR02 including interpretation text	 Modify the policy as follows: 1. Land at Uttoxeter Road (see Map) is allocated for residential development and retail development (Use Class E). 2. Retail development should: a) be located to front onto Uttoxeter Road; b) should provide a maximum of 500 square metres of convenience retail floorspace. 3. Development of the site should meet the following design and landscape design, landscape and other requirements, in addition to the requirements in Policies MR05 and MR07: a) The scheme should present an active frontage the principal elevation of homes to Ridware/Uttoxeter Road to create an attractive approach to the village; b) the layout, landscape design and boundary treatments should create a soft transition between the built 	Reasoning is set out at paragraphs 85 to 101 of examiners report. Modification to provide clarity in terms of housing allocation frontage to Uttoxeter Road for clarity. Modification in relation to flooding for consistency with national policy. To avoid being overly prescriptive interpretation text should be modified in relation to the approximate number of dwellings which could be delivered by the allocation as it is not sufficiently justified to say the allocation is for 'up to 33 dwellings'.	Yes – for clarity and to meet the basic conditions.

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
	development and surrounding landscape setting to fit in with the local context of the site, including the retentio of the hedgerow to the east boundary;		
	 providing good pedestrian and cycle permeability and connectivity with the village to the west and playing fiel to the northeast; 	d	
	 d) green infrastructure provision should include garden an street trees and hedges to create a high-quality public realm; 	d	
	 e) sustainable Drainage Systems (SuDS) should be incorporated into landscape design and green infrastructure; 		
	 f) any proposed development scheme for the site must b 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 th site; 		
	 any proposed development scheme for the site must demonstrate sufficient waste water infrastructure is in place to accommodate the development; 		
	 h) any proposed development scheme for the site must b supported by a financial contribution to the strategic mitigation framework for Cannock Chase SAC unless it demonstrated this is not required as a result of being 		

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	 offset by the extent and nature of on-site green infrastructure provision; 4. Vehicular access should be made from Uttoxeter Road 5. Development should include the retention and enhancement of the Public Right of Way (CP15) to the west boundary of the site, meeting the requirements of Policy MR11. 6. The green open space requirement should be met by the flood plain land to the north of the site (identified on Figure 3.2), with good connectivity to the built development and a new link to the playing fields to the east of the site. 		
	Modify the interpretation text as follows: It is envisaged that the site could accommodate up to approximately 33 dwellings.		
Policy MR03	 Modify the policy as follows: Development to provide employment (Use Class E) will be supported within the Hill Ridware village settlement boundary, subject to there being no adverse impact on the amenities of residential properties or on the historic environment, having regard to Policy MR7 MR06. Development to diversify the rural economy will be supported, subject to there being no adverse impact on the amenities of residential properties or on the area's natural or historic environments, having regard to Policies MR06 and MR07. 	Reasoning is set out at paragraphs 102 to 106 of examiners report. Correction of policy reference in part 1 of the policy so this refers to the correct policy. Part 4 of the policy to be removed as it is imprecise, does not provide a basis for the determination of applications and includes an incorrect policy reference and duplicates parts of Policy MR05.	Yes – to ensure policy is precise and to meet the basic conditions.

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
	 New employment space should be supported by high-speed broadband infrastructure within the site, so as to be ready as local services are improved. Development for employment facilities should demonstrate high standards of design to create a locally distinctive sense of place, meeting the requirements of Policy MR04. 		
Policy MR04	 Modify the policy as follows: Redevelopment of the Blithbury site will be supported for the following uses: residential institutions (Use Class C2); education or other community facilities (Use Class F1). Residential development (Use Class C3) will only be supported in exceptional circumstances, where the scheme includes significant measures to offset the unsustainable location including: self-build housing to meet specific local need; design and construction to fully or substantially achieve carbon neutrality; half or more of the site forming green infrastructure, including landscape features to achieve biodiversity net gain and provide for local food growing. The design and layout of development should include the retention of mature trees in and around the site the site unless it is demonstrated retention is not possible, for example, to achieve safe access. 	Reasoning is set out at paragraphs 107 to 113 of examiners report. Modification to part 3 of the policy required to ensure consistency with national policy in respect of the protection of trees and does not relate to trees beyond the site. Modification to remove reference to self- build is not sufficiently justified and therefore should be removed. Part 4 of the policy to be removed as it is imprecise, does not provide a basis for the determination of applications and includes an incorrect policy reference and duplicates parts of Policy MR05.	Yes – to ensure policy is precise and to meet the basic conditions.

Section in examined document	Examiner's reco	ommendation	Examiner's reasoning	Local authority's decision and reason
	design, t	ment of the site should demonstrate high standards of pased on the specific site characteristics and context, the requirements of Policy MR04.		
Policy MR05	1. Develog be desig distinct this pol Modify part 4 o 4. Green i layout o a)	f the policy as follows: pment should demonstrate high standards of design and gned for the specific site and context, to create a locally ive sense of place, meeting the following requirements of icy proportionate to the scale and nature of the scheme. f the policy as follows: nfrastructure should be an integral part of the design and of development and should: use local native species of other species with high environmental value; take opportunities to provide garden and street trees; incorporate Sustainable Drainage Systems, where possible. 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.	Reasoning is set out at paragraphs 114 to 120 of examiners report. Modification to part 1 of the policy to be in accordance with other modifications and the Mavesyn Ridware Design Codes document. Modification to part 4 of the policy to recognise that the delivery of sustainable urban drainage for major development may occur off site and be acceptable in accordance with national policy.	Yes – to meet the basic conditions.

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
Policy MR06	 Modify the policy as follows: 1. Development should preserve or enhance the character or appearance of the Mavesyn Ridware Conservation Area, taking account of the following key characteristics: a) the survival of Medieval character; b) low density townscape, based on separate buildings in landscaping or set back behind grass verges; c) traditional boundary treatments including brick and stone walls and hedges; d) green infrastructure, including grass verges, hedges, mature trees and the small triangular green in front of the church; e) the group value of listed buildings, including two Grade I, one Grade II* and six Grade II listed buildings; f) the Church of St Nicholas as the focal point, with its open churchyard setting including graves, stone boundary wall and gates; g) the mixed vernacular of traditional materials and features, including red brick, stone, half-timber construction, plain clay tiles, thatch, chimneys, and timber doors and windows; h) the open farmland setting of the village. j) key views in and out of the Conservation Area. 	Reasoning is set out at paragraphs 121 to 128 of examiners report. Modification to part 1 of the policy to reference key views in and out of the Conservation Area and to part 2 to have reference to the significance of heritage assets in order to have sufficient regard to national policy. Modification to part 4 of the policy remove reference to other policies within the neighbourhood plan.	Yes – to meet the basic conditions.

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
	 Development should preserve or enhance and seek to avoid harm to listed buildings and their settings in a manner appropriate to their significance, including: 		
	 a) the High Bridge (iron bridge) and its river and landscape setting; 		
	 b) the group value of buildings and structures at Ridware Hall, including the Hall, dovecote remains, walls and gat piers. 	e	
	3. Development should preserve or enhance the following non- designated heritage assets and their settings 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:		
	a) Monks Cottage, Uttoxeter Road, Hill Ridware		
	b) Pipe Ridware Church and churchyard, Pipe Ridware		
	c) Thatch Cottage, 90 Uttoxeter Road, Hill Ridware		
	d) Bothy, Church Lane, Mavesyn Ridware		
	e) Manor Farm Cottage, Manor Lane, Mavesyn Ridware		
	f) Former Mavesyn Ridware Residential Home, Church Lane, Mavesyn Ridware		
	g) Outbuildings approx. 4m NW of Church Cottage, Church Lane, Mavesyn Ridware		
	h) Stable Cottage, Manor Lane, Mavesyn Ridware		

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
	4. Development should complement the historic and rural character of the village in design, materials and finishes, adding to the architectural quality and diversity of the village, and also meeting the requirements of Policy MR04 and MR06 area in design, materials and finishes adding to the architectural quality, and diversity of the Neighbourhood Area.		
Policy MR07	 Modify part 4 of the policy as follows: 4. Development should have no significant adverse impacts on woodland areas 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. Modify parts 6 and 7 of the policy as follows: 6. With the exception of the allocated site, development should not involve the loss of the best and most versatile agricultural land unless it is demonstrated the loss of agricultural land is outweighed by substantial environmental or community benefits. 7. Development should maintain the open landscape setting of Mavesyn Ridware and its visual separation from other settlements. 	Reasoning is set out at paragraphs 129 to 135 of examiners report. Modification to part 4 of the policy to have regard to national policy and to ensure the policy is clearly written and unambiguous. Modification to part 6 of the policy to reflect the more balanced approach set out in national policy. Modification to part 7 of the policy to ensure that the policy is consistent with national policy and be clear that the policy is avoid adverse visual effects.	Yes – to meet the basic conditions.
Policy MR08	 Replace part 2 of the policy as follows: 2. Development should cause no harm to the open and green character, amenity, safety or accessibility of Local Green Space 	Reasoning is set out at paragraphs 166 to 146 of examiners report.	

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
	Within the designated Local Green Spaces development proposals will be managed in accordance with national Green Belt policy.		
Policy MR09	 Modify policy as follows: Development to provide community facilities will be supported within the Hill Ridware village settlement boundary, subject to there being no adverse impact on the amenities of residential properties or on the historic environment, having regard to Policy MR7. Community facilities requiring the use of open land will be supported outside of the Hill Ridware village settlement 	Modification to parts 1 and 2 of the policy remove reference to other policies within the neighbourhood plan. Modification to part 4 and part 5 of the policy to ensure consistency with national policy in respect of contributions from development not	Yes – to meet the basic conditions.
	 Loss of existing community facilities will only be supported where: a) It can be demonstrated that there is no longer a need for the facilities or that they are no longer viable; or b) A similar of better facility is provided in close proximity. New dwellings should be supported by gigabit capable broadband infrastructure within the site, including the curtilage of each dwelling, so as to be ready as local services are improved. Proposals for new dwellings must include cabling 		

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
Policy MR10	 infrastructure from the site boundary into each dwelling to facilitate future full fibre broadband connection. 5. Development for community facilities should demonstrate high standards of design to create a locally distinctive sense of place, meeting the requirements of Policy MR04. Modify policy as follows: Local energy generation schemes will be supported, subject to 	Reasoning is set out at paragraphs 153 to 154 of examiners report.	Yes – to meet the basic conditions.
	 there being no significant adverse impact on: a) the amenities of residential properties; b) the area's natural environment and habitats, having regard to Policy MR06; c) the area's historic environment, having regard to Policy MR07; d) the best and most versatile agricultural land unless it is demonstrated the loss of agricultural land is outweighed by substantial environmental or community benefits. 	Modification to part 1 of the policy remove reference to other policies within the neighbourhood plan. Modification to part 1(d) of the policy to have regard to national policy in respect of the best and most versatile agricultural land. Modification to part 2 of the policy to refer to long range views having regard to national policy.	conditions.
	 Local energy generation schemes should be located, designed and, where necessary, include screening and landscaping to minimise any adverse visual impacts, including impacts on long range views. 		
Policy MR11	 Modify the policy as follows: 1. Development should be designed to support active travel, maximising pedestrian and cycle permeability and connectivity, 	Reasoning is set out at paragraphs 159 to 163 of examiners report.	Yes – for clarity.

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
	 including links to surrounding paths and community facilities, also meeting the requirements of Policy MR05. 2. Development should have no significant adverse impact on, and should take opportunities to enhance, the amenity, accessibility and safety of footpaths and public rights of way. 	Modification to part 1 of the policy remove reference to other policies within the neighbourhood plan.	
Throughout document	 Examiner recommends (at paragraph 171 of his report) that a number of minor modifications as proposed by the district council are made to the document. These are as follows: 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. 	Recommends this minor modifications are made to update and correct minor points.	Yes – for clarity.

Section in examined document	Examiner's recommendation	Examiner's reasoning	Local authority's decision and reason
Throughout document	Examiner recommends (at recommended modification 12) that the explanatory text, general text, figures, images and supporting documents be modified where necessary to ensure they are consistent with the modified policies. Where such modifications are proposed these are set out in Table 2 of this decision statemen (below).	To achieve clarity with proposed modifications.	Yes - for clarity.

Table 2: Additional modifications

Section in examined document	District council recommendation	Local authority's decision and reason
Title Page and throughout document	Modify general text and explanatory text where necessary to signify that the document is the version of plan being voted upon at referendum. "Referendum Version ". NB – if the Plan is made "Referendum Version should be replaced with the date on which the plan is 'Made'.	Yes –to reflect the stage the neighbourhood plan has reached.
Forward	 The following modifications to the forward have been suggested by Parish Council, this updates the forward to reflect the stage the plan as now reached: We are pleased to present our Neighbourhood Development Plan for Mavesyn Ridware Parish. The plan has been drawn up for the Parish Council by a Steering Group approved in accordance with the Parish designation as a neighbourhood area on 16th December 2019. Provided the plan is approved at the local referendum, tThe plan attains the same legal status as a local plan (e.g. Lichfield District Council's plan). This means that any future development plan. Neighbourhood planning enables us to play a much greater role in shaping the area in which we live and work. A neighbourhood planning authority (Lichfield District Council). Decisions on 	Yes – updates the forward to reflect the stage the neighbourhood plan has reached.

Section in examined document	District council recommendation	Local authority's decision and reason
	planning applications will be made using both the local plan and our neighbourhood plan. This means that plans made outside the Parish will find it very difficult to push through excessive development, which does not meet the wishes of the Parish. This is particularly important in Lichfield District because much of the district is protected to a degree by falling in Green Belt. Mavesyn Parish, along with Colton and Kings Bromley are not surrounded by Green Belt. Fradley and Alrewas are also not surrounded by Green Belt. Lichfield District Council also do not have a current up to date plan. Our plan means that we are giving a greater degree of protection to Mavseyn Mavesyn Ridware Parish than we would have without our Neighbourhood Development Plan.	
	Our Neighbourhood Development Plan gives has given us direct power to develop our vision for the Parish and shape future development and growth in the Parish. It states where we want any new homes to be built and considers provision of amenities such as a shop. The plan also provides provided us with the opportunity to have our say on how many new homes should be built and where, as well as what any new buildings should look like. This includes issues such as the provision of affordable homes for sale that meet the needs of local people.	
	The Plan allows Mavesyn Parish to set out a positive vision for how they want the Parish to develop up until 2040 that meet identified local needs and make sense for local people. If adopted, the The Plan will also enable the Parish to benefit from 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in the area.	
1.1 Background	Modify first paragraphs of section as follows: The Neighbourhood Plan is based on extensive engagement and evidence and analysis of local issues. This will result in a document describing the desired plans plan sets out the policies and proposals for the Parish of Mavesyn Ridware until 2040 and contains the areas aspects the majority of residents feel are important. It covers topics such as housing, employment, design, sustainable development, biodiversity, landscape, heritage and infrastructure.	Yes - to reflect the stage the neighbourhood plan has reached.

Section in examined document	District council recommendation	Local authority's decision and reason
1.2 Status of the Plan	 Modify the second, third and fourth paragraphs of the section as follows: A Neighbourhood Plan Steering Group was set up in April 2022 to assist in development of the plan. The Steering Committee met for the first time in May 2022 and their minutes are published on the Parish Council Website. Once made, the The Mavesyn Ridware Neighbourhood Plan forms part of the statutory development plan, together with the adopted Lichfield Local Plan. Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan, unless material considerations indicate otherwise. So, the Neighbourhood Plan carries real weight in the determination of planning decision making applications. Where the Neighbourhood Plan and Local Plan differ, the later plan carries more weight. The Neighbourhood Plan will be is in force from the date it is made until the end of 2040. 	Yes - to reflect the stage the neighbourhood plan has reached.
1.3 Acknowledgements	Modify final bullet point as follows: Parishioners for completing the household questionnaire in 2021 and attending meetings, drop in exhibitions and comment commenting at Regulation 14 stage to shape policies and proposals.	Yes - to reflect the stage the neighbourhood plan has reached.
2.2 Community Engagement	Delete the second and first and final paragraphs of this section (inclusive of bullet points) and delete the final paragraph of this section as these are no longer necessary within the plan. This section was for the purposes of the consultation draft plan.	Yes - to reflect the stage the neighbourhood plan has reached.
Section 3, page 21	Modify general text and explanatory text to correct past tenses where these should be amended to reflect the stage the neighbourhood plan has now reached: Page 21, Site analysis: To address the housing requirement a 'call for sites' has been was undertaken to identify a range of sites for meeting local housing needs. These sites have been were subject to a site selection process and Sustainability Appraisal (SA).	Yes –to reflect the stage the neighbourhood plan has reached.

Section in examined document	District council recommendation	Local authority's decision and reason
Feedback & Next Steps	Remove this section to reflect the stage the neighbourhood plan has reached.	Yes - to reflect the stage the neighbourhood plan has reached.