

ALREWAS NEIGHBOURHOOD PLAN 2013-2029

Alrewas Neighbourhood Plan Examination,
A Report to Lichfield District Council

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Introduction

The Neighbourhood Plan

- 1 This Report provides the findings of the examination into the Alrewas Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Alrewas Neighbourhood Plan Steering Group on behalf of Alrewas Parish Council.
- 2 It provides a recommendation in respect of whether the Neighbourhood Plan should go forward to a Referendum. Were this to be the case and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Lichfield District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Alrewas Neighbourhood Area.
- 3 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” (Paragraph 183, National Planning Policy Framework)

- 4 As set out on in Section 1.0 on the third page of the Basic Conditions Statement, which was submitted alongside the Neighbourhood Plan, Alrewas Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. The Neighbourhood Plan relates only to the designated Alrewas Neighbourhood Area and there is no other neighbourhood plan in place in the Alrewas Neighbourhood Area.
- 5 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 6 I was appointed by Lichfield District Council, with the consent of the Qualifying Body, to conduct the examination of the Alrewas Neighbourhood Plan and to provide this Report.
- 7 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 8 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 9 I note that I was appointed by Lichfield District Council in 2015 to examine a previous version of the Alrewas Neighbourhood Plan. This previous version of the Alrewas Neighbourhood Plan was subsequently withdrawn by Alrewas Parish Council.
- 10 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 11 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Alrewas Neighbourhood Area to which the Plan relates.
- 12 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 13 A neighbourhood plan must specify the period during which it is to have effect.
- 14 The front cover of the Neighbourhood Plan provides a clear reference to the plan period, 2013 – 2029.
- 15 Also, in respect of the Plan period, Section 1.0 of the Basic Conditions Statement states that:

“The Plan covers a 16 year period 2013-2029.”
- 16 There is, however, an error on page 3 of the Neighbourhood Plan and I recommend:
 - **Neighbourhood Plan, page 3, fourth para, last line change to: “...period from 2013 to 2029.”**
- 17 Taking the above into account, the Neighbourhood Plan meets the requirements in respect of specifying the period during which it is to have effect.

Public Hearing

- 18 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 19 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 Further to consideration of the information submitted, I confirmed to Lichfield District Council that I was satisfied that the Alrewas Neighbourhood Plan could be examined without the need for a Public Hearing.
- 21 In making the above decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

2. Basic Conditions and Development Plan Status

Basic Conditions

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. 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 neighbourhood 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, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³
- 23 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 24 Subject to the content of this Report, I am satisfied that these three points have been met.
- 25 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

- 26 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 27 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 28 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 29 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 30 National advice then goes on to state⁶ that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 31 This process is often referred to as a screening report, opinion, determination or statement. If the screening report identifies likely significant effects, then an environmental report must be prepared.

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

⁵ Paragraph 027, *ibid.*

⁶ Planning Practice Guidance Reference ID: 11-028-20150209.

- 32 A Screening Report has been produced by Lichfield District Council. This concluded that the Neighbourhood Plan:

"...does not propose more development than is set out within the Local Plan Strategy, nor does it allocated sites for development...The conclusions of the...screening assessment...indicate that Strategic Environmental Assessment will not be required..."

"...this report concludes that the plan in its current form is not likely to have significant environmental effects and therefore SEA will not be required."

- 33 The statutory consultees, Natural England, Historic England and the Environment Agency were consulted and none of these bodies dissented from the conclusions reached by Lichfield District Council.
- 34 A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.
- 35 The Screening Report produced by Lichfield District Council also included a Habitats Regulations Assessment Screening. This identified four relevant Natura 2000 sites within 15km of the Alrewas Neighbourhood Area: Cannock Chase Special Area of Conservation (SAC); Cannock Extension Canal; River Mease SAC; Humber Estuary SAC-River Trent.
- 36 Appendix 2 of the Screening Report comprises a detailed assessment of the likely significant effects on European sites as a result of each policy with the Neighbourhood Plan. This assessment established that none of the policies within the Neighbourhood Plan are likely to have significant impacts upon the European sites identified. The HRA Screening Report concludes:
- "In relation to the requirement for the Alrewas Neighbourhood Plan to be subject to Habitats Regulations Assessment...this report concludes that there are no potential significant effects upon European Sites and no further work as part of the compliance with the Habitat Regulations will be required."*
- 37 Again, the statutory consultees were consulted and all of them agreed with the above conclusion.

- 38 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance⁷).

- 39 In undertaking the work that it has, Lichfield District Council has considered the Neighbourhood Plan's compatibility with EU regulations and it has not raised any concerns in this regard.
- 40 Given all of the above, I am satisfied that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

⁷ Planning Practice Guidance Reference ID: 11-031-20150209.

3. Background Documents and the Alrewas Neighbourhood Area

Background Documents

41 In undertaking this examination, I have considered various information in addition to the Alrewas Neighbourhood Plan. This has included (but is not limited to) the following main documents and information:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The Lichfield District Local Plan Strategy 2008-2029 (2015)
- The Saved Policies of the Lichfield Local Plan (1998)
- Basic Conditions Statement
- Consultation Statement
- Alrewas Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment Screening Report (2017)

Also:

- Representations received

42 In addition, I spent an unaccompanied day visiting the Alrewas Neighbourhood Area.

Alrewas Neighbourhood Area

- 43 The boundary of Alrewas Neighbourhood Area is illustrated on the back page of the Basic Conditions Statement and by Figure 1 on page 11 of the Neighbourhood Plan. The Alrewas Neighbourhood Area boundary coincides with that of the Alrewas Parish Boundary.
- 44 Lichfield District Council formally designated the Alrewas Neighbourhood Area on 19th February 2013. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

- 45 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 46 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Alrewas Neighbourhood Plan Consultation

- 47 A Consultation Statement was submitted to Lichfield District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁸.
- 48 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Alrewas Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework.
- 49 In 2013, Alrewas Parish Council established a Neighbourhood Plan Steering Group, comprising local volunteers, to produce the Alrewas Neighbourhood Plan. In that year, more than 100 people attended two open meetings and 179 residents gave their views to a Steering Group-run stand at the Alrewas Canal Festival.
- 50 Five task groups were established to review key elements of policy. These involved more than fifty members of the community, including Parish Councillors, landowners, developers and community organisations.

⁸Neighbourhood Planning (General) Regulations 2012.

- 51 A Youth Forum was also established in order to capture the views of younger people; and Parish-wide surveys were undertaken. Meetings were also held with other neighbourhood planning groups in the wider area and the Neighbourhood Plan underwent Regulation 14 pre-submission consultation during 2014.
- 52 Further to the decision to withdraw the previous Alrewas Neighbourhood Plan in 2015, changes were considered at more than twenty public meetings and meetings also took place with Lichfield District Council and local landowners prior to the re-submission of the Neighbourhood Plan.
- 53 Consequently, the consultation process associated with the Neighbourhood Plan is quite unusual, in that much of the public information gathering and engagement occurred some time ago, between 2013 and 2015.
- 54 However, the Consultation Report provides evidence to show that public consultation formed an important part of the overall plan-making process. Matters raised were taken into account and the reporting process was transparent throughout the period 2013-2017.

5. The Neighbourhood Plan – Introductory Section

- 55 The opening section of the Neighbourhood Plan is clear and concise. It provides a helpful introduction to the Policies that follow.
- 56 In respect of the Introduction, Lichfield District Council has put forward a helpful suggestion which, I find, would add to the precision of the document.
- 57 I recommend:
- **Page 4, last sentence, add “...local community. *Alongside the community survey and engagement, the Plan has taken into account a wide range of evidence, including the evidence base published to support the District Council’s Local Plan.*”**
- 58 The Neighbourhood Plan includes Policies concerning heritage and heritage appears as an important theme throughout the document. Given this, the absence of reference to heritage within the Objectives is unreflective of the Policies that follow. For precision, I recommend:
- **“Page 5, add to list of Key objectives *“Conserve and/or enhance the historic environment and heritage assets for this and future generations.”*”**
- 59 The Neighbourhood Plan establishes a settlement boundary in Policy H1. Whilst it may do so in a manner that is in general conformity with the strategic policies of the development plan, there is no evidence that it does so *“in accordance with the Local Plan.”* Consequently, the reference to this in the list of Objectives is incorrect and confusing. I recommend:
- **Page 5, change third Key objective to *“Designate a new Settlement Boundary to help deliver sustainable development.”*”**
- 60 The Parish of Alrewas is not *“identified in the Local Plan as a key rural settlement,”* as stated on page 6 of the Neighbourhood Plan. Policy Rural 1 of the Lichfield District Local Plan Strategy 2015 (referred to in this Report as the Local Plan (2015)) identifies the settlement of Alrewas, not the Parish, as a Key Rural Settlement.

61 For clarity, I recommend:

- **Page 6, first sentence, change to “*The settlement of Alrewas is identified in the Local Plan as a Key Rural Settlement...*”**

62 The A38 runs alongside the eastern edge of Alrewas, rather than “*cuts through the village.*”

63 For clarity, I recommend:

- **Page 8, third para, second sentence, change to “...is a major dual carriageway *which runs alongside the eastern edge of the village...*”**

64 For clarity and precision, I recommend:

- **Page 13, second para, change last sentence to “...to produce a *land use plan that sets out the overall vision for the area, addressing the challenges and opportunities through objectives and policies, and forming part of the development plan for the area.*”**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Community Facilities

Policy CF1: Protection of Community Facilities

- 65 Paragraph 58 of the National Planning Policy Framework (the Framework) promotes:

“...the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”

- 66 Policy CF1 of the Neighbourhood Plan seeks to protect community facilities in Alrewas and in this way, it has regard to national policy.
- 67 National policy also seeks to protect and enhance public rights of way and access (Paragraph 75, the Framework). The latter part of Policy CF1 serves to protect access and has regard to national policy.
- 68 No changes are proposed to Policy CF1.

Policy CF2: New Community Facilities

69 As noted in respect of Policy CF1 above, national policy supports the development of community facilities. To some considerable degree, Policy CF2 has regard to national policy, as it supports the appropriate development of existing and new community facilities.

70 However, as worded, Policy CF2 is imprecise and as such, fails to have regard to national advice, as set out in Planning Practice Guidance,⁹ which 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.”

71 The Policy refers to improvements to the “*quality and/or range*” of community facilities, but no indication is provided of what such improvements might comprise, or of who might measure this and on what basis. I address this matter in the recommendations below.

72 The Policy refers specifically to schools and healthcare provision, but not to other community facilities referred to in the supporting text. In the absence of any detail, it is unclear why the Policy specifies selected individual uses and I find this detracts from the overriding purpose of the Policy, as introduced in the supporting text.

73 The Policy also seeks to ensure that the development of community facilities is appropriate, having regard to local character and accessibility. The supporting text refers to matters relating to amenity and taking this and the above into account, I recommend:

- ***Policy CF2, change to “Improvements to existing community facilities and the provision of new community facilities will be supported subject to such development respecting local character and residential amenity, and being easily accessible by sustainable modes of transport including walking and cycling.”***

⁹ Paragraph: 042 Reference ID: 41-042-20140306

Traffic and Transport

Policy TT1: Traffic

74 Paragraph 32 of the Framework states that:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

75 Policy TT1 states that proposals resulting in severe impacts will not be supported and such an approach has regard to national policy. In so doing, the Policy provides for flexibility, through reference to the scope for impacts to be mitigated.

76 However, traffic management does not fall within the responsibility of the Neighbourhood Plan and whilst I note that the Parish Council would support traffic management proposals that direct traffic away from the historic centre, such a reference comprises a Parish Council statement rather than a land use planning policy.

77 Taking the above into account, I recommend:

- **“Policy TT1, delete last sentence (“Traffic management...supported.”)**
- **Move this last sentence to the end of the supporting text on Page 19(above the Community Feedback section and change to “*The Parish Council will be generally supportive of traffic management proposals...traffic congestion.*”**

TT2: Pedstrian and Cycle Access

- 78 Policy TT2 is a positive land use planning policy which promotes the development of pedestrian and cycle access.
- 79 As such, the Policy has regard to the Framework, which supports the enhancement of public rights of way (Paragraph 75), requires development to provide safe and accessible environments (Paragraph 58) and promotes the development of sustainable modes of transport (Chapter 4, *"Promoting sustainable transport"*).
- 80 The Policy meets the basic conditions and no changes are recommended.

Policy TT3: Alrewas Railway Station

- 81 Policy ST1 (*Sustainable Travel*) of the Local Plan (2015) seeks to secure more sustainable travel patterns and in so doing, explicitly supports the improvement of:

"...services and facilities for non-car based travel..."

- 82 Policy TT3 supports the re-opening of Alrewas Railway station and related development, including car parking and station buildings.
- 83 The Policy is in general conformity with the strategic policies of the Local Plan (2015) and contributes to the achievement of sustainable development.
- 84 No changes are recommended.

Policy TT4: Car Parking

85 Policy TT4 supports improvements to public car parking in the village centre.

86 This has regard to Paragraph 40 of the Framework, which supports improvements to:

"...the quality of parking in town centres so that it is convenient, safe and secure..."

87 No changes to the Policy are recommended.

Policy TT5: Road Safety

- 88 Core Policy 5 (*Sustainable Transport*) of the Local Plan (2015) supports improvements to road safety.
- 89 Policy TT5 seeks to improve highway safety and is in general conformity with the strategic policies of the Local Plan (2015).
- 90 No changes are recommended.

Policy TT6: Road Noise and Air Pollution

- 91 Policy TT6 aims to reduce road noise and air pollution and this general aim contributes to the achievement of sustainable development and is in general conformity with Core Policy 5 of the Local Plan (2015), referred to above.
- 92 However, as set out, the Policy could result in undue support for unsustainable forms of development. As worded, the Policy simply supports any proposal, so long as it reduces noise and air pollution. It could be that a proposal might achieve these aims, but at the same time result in a development so harmful in respect of other matters that it would outweigh any benefits arising. This could result in support for unsustainable forms of development.
- 93 Given the above and the absence of any evidence to the contrary, I recommend the following slight change to the wording of the Policy.
- **Change the wording of Policy TT6 to “...and the A513, and which respect local character, residential amenity and highway safety, will be supported.”**

Public Realm

Policy PR1: Protection and Enhancement of Public Open Spaces

- 94 As noted earlier, national policy supports improvements to public rights of way. In addition, Paragraph 73 of the Framework recognises that:

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”

- 95 Policy PR1 seeks to protect and improve public open space and public rights of way and has regard to national policy.
- 96 No changes are recommended.

Policy PR2: Public Rights of Way

- 97 Public rights of way are protected by law. Given this, there is no need for Policy PR2 to state that development must protect public rights of way. Also, the first part of the first sentence of Policy PR2 goes on to state that all “*access point*” (sic) *affected by development must be protected.*”
- 98 Whilst, in this case, the Policy intent is positive, on consideration and taking into account advice in Planning Practice Guidance in respect of clarity and precision, I am mindful that the approach set out is ambiguous. As worded, it could serve to place an obstacle in the way of improvements to access points, or their replacement with more appropriate means of access. Consequently the first part of Policy PR2 may prevent sustainable development from going ahead, contrary to the requirements of national policy, which points out that:
- “Development that is sustainable should go ahead, without delay...”*
(Ministerial foreword, the Framework)
- 99 Also, again having regard to the advice set out in Planning Practice Guidance, the second line of Policy PR2 is imprecise. It refers to “*such development*” whereas its reference point is simply development. However, I note that, in general terms, the Policy seeks to encourage the provision of disabled access and that such an approach has regard to the national policy aim of enhancing public rights of way.
- 100 The final part of the Policy supports sustainable patterns of movement, having regard to Chapter 4 of the Framework and in general conformity with Core Policy 5 of the Local Plan (2015).
- 101 Taking all of the above into account, I recommend:
- **Policy PR2, change to “*The provision of disabled access to public rights of way will be supported. The provision...*”**

Policy PR3: Public Realm Design

102 With the exception of the final sentence, Policy PR3 has regard to Paragraph 58 of the Framework, which aims to ensure that developments:

"...function well and add to the overall quality of the area...establish a strong sense of place...respond to local character and history...are visually attractive..."

103 However, as worded, the final part of the Policy supports any development proposals so long as they improve provision of litter bins and dog waste bins. This could result in support for unsustainable forms of development, simply on the basis that they also provide waste bins.

104 I recommend:

- **Policy PR3, change final sentence to: *"The provision of waste bins and dog waste bins will also be supported."***

Policy PR4: Trees and Hedges

- 105 Paragraph 118 of the Framework aims to conserve and enhance biodiversity by requiring development to avoid, adequately mitigate for, or as a last resort, compensate for significant harm.
- 106 The first part of Policy PR4 seeks to protect trees and hedges. However, in doing so it does not have regard to the more flexible approach of national policy noted above. I address this matter in the recommendations below.
- 107 The second part of Policy PR4 is a positive land use planning Policy, which promotes tree planting. As such, it contributes to the achievement of sustainable development.
- 108 I recommend:
- ***Policy PR4, change to “...not be supported, unless it can be demonstrated that such loss can be suitably mitigated through re-provision of equal or greater ecological, arboricultural and amenity value elsewhere. Proposals should...”***

Environment and Conservation

109 Part of the supporting text to this section of the Neighbourhood Plan reads as though it comprises a Policy, which it does not. To address this, I recommend:

- **Page 27, change first Para to: "*Policy EC4 in this Section of the Neighbourhood Plan designates two areas of Local Green Space. These are described below.*"**

110 The last paragraph on Page 27 is confusing. It refers to something that might or might not happen in another planning document. The inclusion of this paragraph of text detracts from the clarity of the Neighbourhood Plan and I recommend:

- **Delete final paragraph on Page 27 ("Note...Plan")**

111 Also for precision, I recommend:

- **Page 26, change fourth paragraph of supporting text to: "*...Character Assessment take into account the statutory requirement to preserve and protect the Conservation Area and consider the importance of open space. This has...*"**

112 There is no need to refer to an assessment of a Conservation Area Management Plan. There is nothing to suggest that the assessment carries material planning weight and nor is it directly referenced in any of the Policies of the Neighbourhood Plan. Consequently, I find that the reference could result in unnecessary confusion. I recommend:

- **Page 26, delete final Para ("A detailed...(v)")**

Policy EC1: Protecting and Enhancing the Historic Character

113 Good design is recognised by the Framework as comprising:

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56)

114 In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”

115 Generally, Policy EC1 seeks to promote high quality design and has regard to national policy.

116 Grammatically, there appears to be an unnecessary *“the”* in the title to Policy EC1 and this is addressed in the recommendations below. In addition, I am mindful of the comments raised by Lichfield District Council in that the Policy addresses matters relating to design as a whole and not just *“historic character,”* which would only represent one aspect of design. Again, I address this point in the recommendations below.

117 Following on from the above and taking into account further comments raised by Lichfield District Council, I consider that, in the absence of detailed evidence, it is not entirely clear what the *“village character”* actually comprises. Consequently, it is difficult to understand how all development can be consistent with something that is undefined. Consequently, the Policy requirement for development to be consistent with village character lacks appropriate precision, having regard to Planning Practice Guidance and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

118 I recommend:

- **Change the title of Policy EC1 to *“Protecting and Enhancing the Built Environment”***

- **Policy EC1, change to “*Within the village, development proposals must have regard to local character and demonstrate a high quality of design, form and layout.*”**

Policy EC2: Protecting and Enhancing the Historic and Natural Environment

- 119 Chapter 12 of the Framework, "*Conserving and enhancing the historic environment,*" recognises that heritage assets are irreplaceable and requires them to be conserved in a manner appropriate to their significance.
- 120 The supporting text in the Introduction refers to "*vital*" views, but the Policy provides no relevant protection, resulting in a confusing and unnecessary reference.
- 121 There is an absence of relevant information in support of the onerous requirement in Policy EC2 for development that has a "*significant effect on the special landscape of Alrewas*" to enhance the "*quality, character, distinctiveness and amenity value of that landscape.*"
- 122 Firstly, there is no indication in the Neighbourhood Plan of precisely what the "*special landscape of Alrewas*" comprises. Secondly, there is no definition of what a "*significant effect*" might be, who would be the arbiter of this, or on what basis. Similarly, it is not clear how the enhancement of quality, character, distinctiveness and amenity value would be measured, who by, or on what basis. Furthermore, there is no evidence to demonstrate that the requirement set out in the Policy would be viable or deliverable, having regard to Paragraph 173 of the Framework, which requires:
- "...careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable."*
- 123 Further to the above, it is not clear why all development must, where possible, improve landscape qualities identified in a Conservation Area Appraisal. Nowhere does national or local planning policy require such improvements and no justification is provided in the Neighbourhood Plan for such an onerous requirement. Similarly, it is not clear why all development should, where possible, improve visual amenity and scenic quality – neither of which are defined – or open fields adjacent to the Conservation Area boundary.
- 124 In respect of the latter requirement, the Neighbourhood Plan provides no clarity in respect of how, or why, a development could, or should, improve these fields.

- 125 The final part of Policy EC2 refers to "*this character*," which is not something that is defined and consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. Furthermore, the reference to "*appropriate mitigation*" is imprecise and thus fails to have regard to national planning advice.
- 126 Taking all of the above into account, Policy EC2 does not have regard to national policy and does not meet the basic conditions. I recommend:
- **Delete Policy EC2**

Policy EC3: Protection of Significant Views

127 Policy EC3 requires development proposals to respect a number of “views” and refers to an accompanying diagram.

128 However, in the absence of any substantive supporting information, it is not entirely clear where these “views” are from, precisely what they comprise, why they are “significant,” or how development might respect them.

129 Consequently, Policy EC3 appears imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

130 Taking the above into account, I recommend:

- **Delete Policy EC3**
- **Move diagram to Section 10, Community Actions and add a Community Action “*Significant Views. The Parish Council will encourage developers to take into account the general views shown on the diagram below, with the aim of ensuring that development respects important vistas from the village.*”**
- **NB, subsequent Figures within the plan will need to be renumbered as a result of Figure 6 moving to Section 10**

Policy EC4: Protection of Local Green Space

- 131 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

- 132 Consequently, Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land.

- 133 National policy establishes that:

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Paragraph 77)

- 134 Thus, when identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

- 135 Policy EC4 designates two areas of Local Green Space. Information in respect of these two areas is provided on page 27 of the Neighbourhood Plan and Appendix (iii) of the Evidence Base provides more detailed evidence to demonstrate that the two areas meet national policy requirements.

- 136 I note that a representation has been received in objection to the designation of the Canal and Riverbank Local Green Space. However, in respect of the size of this Local Green Space, I find that relative to the size of the settlement of Alrewas and taking into account its irregular shape, it does not appear as an extensive tract of land and there is no substantive evidence before me to the contrary.

- 137 Figure 6, set out below Policy EC4, identifies the location of each Local Green Space on a clear plan.
- 138 National policy is explicit in stating that the development of Local Green Space is ruled out, other than in very special circumstances. However, no mention is made of the “*exceptional circumstances*” referred to in Policy EC4. The Policy does not have regard to national policy in this respect and this is a matter addressed in the recommendations below.
- 139 In addition to the above, the reference in Policy EC4 to a Local Plan provision is unnecessary and detracts significantly from the clarity of the Policy. Taking this and all of the above into account, I recommend:
- **Policy EC4, change to “...is ruled out other than *in very special circumstances.*” (Retain the text that follows, naming and describing the two designated areas)**

Housing

140 Lichfield District Council has pointed out that the Housing Policy title reference numbers could result in confusion with the Housing Policies in the Local Plan (2015). To avoid confusion, I recommend:

- **Change Housing Policy reference numbers to “HP1, HP2,” etc**

141 Whilst I am mindful that Lichfield District Council also raises the point that some of the supporting text in the Housing Section could be regarded to comprise “*broad statements*,” I note earlier that the document has emerged through consultation and I consider that, in this case, the supporting text provides a flavour of the views of the local community and is distinctive to Alrewas. There is nothing in the supporting text, in this case, which does not meet the basic conditions.

Policy HP1: Housing Provision

142 The Neighbourhood Plan does not allocate land for development and there is no requirement for it to do so.

143 However, Policy H1 establishes a settlement boundary around the village of Alrewas, where development proposals will be supported. This represents a positive land use planning approach that contributes to the achievement of sustainable development.

144 Whilst there is no substantive evidence before me to demonstrate that the Neighbourhood Plan promotes less development than that set out in the development plan – and there is no suggestion that Lichfield District Council has any concerns in this regard – I am mindful that Policy H1 goes on to make an unsupported statement in respect of the provision of housing, rather than set out a specific land use planning policy requirement in this respect and this is something I address in the recommendations below.

145 The Policies of the development plan need to be considered as a whole. This removes the requirement for cross-references to other Policies and plans, as per part of the first paragraph of Policy H1. Also, the final bullet point of Policy H1 is reliant upon other, non-Neighbourhood Plan policy requirements.

146 Taking all of the above into account, I recommend:

- **Policy HP1, change to: “*Development proposals within the Village Settlement Boundary identified on Figure 6 will be supported.*” (delete rest of Policy) (NB, Figure 7 becomes Figure 6 due to earlier recommendation)**

147 A representation has been submitted in objection to Policy H1 on the basis that it is not “*sound.*” As set out earlier in this Report, neighbourhood plans are examined against the basic conditions. “*Soundness*” is a test that applies to District-wide local plan-making.

Policy HP2: Alrewas Village

- 148 In general terms, Policy HP2 is a supportive land use planning Policy that contributes to sustainable development.
- 149 However, Lichfield District Council has commented that no indication is provided in the Neighbourhood Plan of what “*small scale*” might comprise. In the light of this, I consider that this part of the Policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 150 In making the recommendation below, I am also mindful that the Policy provides for infill development within Alrewas and in any case, there is no evidence that there is any scope for such development to comprise very large forms of development.
- 151 I note that the Policy supports the development of brownfield land and in doing so, it has regard to national policy, which supports the effective use of land by reusing brownfield land (Paragraph 17, the Framework).
- 152 Policy HP7, later in the Neighbourhood Plan also relates to housing development in Alrewas. In the interest of clarity and precision, I find that it would make sense to merge Policy HP7 with Policy HP2.
- 153 I recommend:
- **Policy HP2, change to “In Alrewas village, *infill development* and the development of brownfield sites is supported. *Within this context, new developments of smaller properties (eg 3 bed or fewer) and those suitable for older people that provide for a recognised need will be supported.*”**

Policy HP3: Overlay and Orgreave

- 154 Like Policy HP2, Policy HP3 refers to, but does not define, “*small scale*” and consequently, it is imprecise in this respect.
- 155 Both Overlay and Orgreave are very small hamlets that fall outside any village settlement boundary. Simply supporting development within these hamlets would fail to be in general conformity with Local Plan (2015) Core Policy 6 (Housing Delivery), which adopts a restrictive approach to development in such locations. No substantive evidence has been provided in justification of a different approach to that set out in the Local Plan (2015).
- 156 Taking the above into account, I recommend:
- **Delete Policy HP3**

Policy HP4: Flood Mitigation

157 Paragraph 100 of the Framework establishes that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”

158 It goes on to set out the need for a sequential, risk based approach, to avoid where possible flood risk to people and property; and provides clear guidance in respect of the planning application process and addressing flood risk.

159 Policy HP4 seeks to introduce an entirely different approach to that set out in national policy and in doing so, includes an ambiguous and imprecise reference to *“Development proposals of appropriate scale and where relevant.”* No indication is provided of what these might be and why this would be a more relevant factor than, say, location or flood risk. The Policy goes on to set out various requirements, without demonstrating that they would, in all cases, have regard to Paragraph 173 of the Framework in respect of viability and deliverability.

160 In the absence of any substantive evidence, it is not clear upon what basis Policy HP4 is seeking to set its own approach to flood mitigation. Consequently, the Policy does not have regard to national Policy provides no justification for its alternative approach.

161 I recommend:

- **Delete Policy HP4**

Policy HP5: Affordable Housing

162 Policy HP5 is reliant upon Local Plan (2015) Policy H2 (*Provision of Affordable Homes*).

163 It is not the purpose of neighbourhood plans to simply repeat the provisions of existing policies.

164 The Policy also refers to "*nationally set thresholds*" but provides no indication of what these might be.

165 I recommend:

- **Delete Policy HP5**

Policy HP6: Rural Exception Sites

- 166 Paragraph 50 of the Framework establishes the national policy aim of delivering a wide choice of high quality homes and Local Plan (2015) Policy H2 (*Provision of Affordable Homes*) supports the delivery of rural exception housing.
- 167 In general terms, Policy HP6 seeks to provide for rural exception housing meets the basic conditions. However, as worded, the second criterion of the Policy is reliant upon Local Plan (2015) Policy H2 and seeks to introduce management and occupation controls, without providing any evidence to demonstrate that these are something that the Neighbourhood Plan can control through a land use planning Policy.
- 168 I also note that the phrase "*planning permission will be supported*" lacks clarity.
- 169 I recommend:
- ***Change Policy HP6 to "The provision of affordable housing on rural exception sites will be supported subject to: a) the type...survey; and b) the development consists entirely of affordable housing or is for...low cost housing."***

Policy HP7: Housing size

170 Policy HP7 is a positive land use planning Policy that supports the provision of smaller properties and properties for older people. It relates to development in Alrewas village and it is therefore recommended that the Policy is merged with Policy HP2. It has regard to the national policy aim of delivering a wide range of high quality housing.

171 I note that the words "*that together*" appear confusing and detract from the clarity and precision of the Policy. As worded, the Policy identifies smaller housing and housing for elderly people as two different things.

172 I recommend:

- **Merge Policy with Policy HP2 (see earlier in this Report)**

Policy HP8: Building for Life

173 As set out, Policy HP8 simply comprises a long list of checkpoints and questions. No indication is provided of when it would, or would not be “appropriate” for development proposals to take the long list of checkpoints and questions into account. Consequently, the Policy lacks precision and does not provide a decision maker with a clear indication of how to react to a development proposal.

174 Notwithstanding the above, Building for Life criteria can provide helpful guidance and encourage the delivery of high quality residential development, thus contributing towards the achievement of sustainable development.

175 Taking this and the above into account, I recommend:

- **Policy HP8, change first Para to: “*New residential development must respect its surroundings and all residential development in the Neighbourhood Area should be of a high quality. To help achieve this, it is recommended that proposals consider the following:*” (List a) to l) here)**

176 I also note that the list of bullet points on page 44 don't relate to the submitted Housing Policies, or to the recommended revised Policies, taking into account the recommendations of this Report. I therefore recommend:

- **Page 44, delete the list of bullet points**

Economic Development

177 Part of the supporting text to this Section reads as though it comprises a Policy, but it does not and I recommend:

- **Page 46, penultimate Para, change to *“The Parish Council would like to see the commercial area to the east of the A38 maintained. The Parish does not have any large scale.../buildings and the Parish Council would not be supportive of such development.”***
- **Page 46, final Para, change to *“The Parish Council wishes to prevent the loss of shops and services in Alrewas. This Plan therefore...”***

Policy ED1: Business Expansion

178 Chapter 3 of the Framework, *“Supporting a prosperous rural economy,”* seeks to support economic growth by taking a positive approach to sustainable new development in rural areas. In order to do so, it states that neighbourhood plans should:

“...support the sustainable growth and expansion of all types of business and enterprise...”

179 Whilst Policy ED1 is a supportive Policy that has regard to this, Lichfield District Council has raised the point that the reference to *“small scale”* is not supported by any definition and consequently, the Policy appears imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

180 Further to the above, national policy support for economic growth in rural areas does not introduce a constraint limiting such growth to that which is small scale.

- 181 I also note that the subsequent Policy, Policy ED2 "*Small Scale Business Development*" also relates to sustainable new business development, having regard to the requirements of national policy. Given this, in the interest of clarity, I recommend below that this subsequent Policy is merged with Policy ED1, as the two Policies essentially seek to achieve the same thing.
- 182 In the absence of definitions, it is not clear what "*the nature of the Parish*" is, or what "*village ambience*" might be or how development might respect them. Consequently, these elements of the Policy are imprecise and do not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 183 The phrase "*has no detrimental effect*" runs the risk of preventing the balanced consideration of a development proposal, such that any harm might be weighed against any benefits. Consequently, this part of the Policy may prevent sustainable development from coming forward.
- 184 In addition to the above, the phrase "*any adverse impact on the Parish*" is so broad as to appear meaningless from a land use planning policy perspective.
- 185 I note earlier in this Report that national planning policy, as set out in Paragraph 32 of the Framework, states that development should only be prevented on transport grounds where its residual cumulative impacts are severe and I take this into account in the recommendations below.
- 186 Consequently, I recommend:
- **Change the title of Policy ED1 to "*Sustainable Business Growth*"**
 - **Combine Policies ED1 and ED2 and change to "*The sustainable growth and expansion of business and enterprise, through conversion, extension and well-designed new buildings, will be supported, provided that such development: a) respects local character, including the massing and scale of surrounding buildings and protects residential amenity; and b) maintains or improves highway safety.*"**

Policy ED2: Small Scale Business Development

187 As above, Policy ED2 seeks to achieve similar Policy aims to Policy ED1, having regard to national policy, as set out in Chapter 3 of the Framework, *“Supporting a prosperous rural economy.”*

188 I recommend:

- **Merge Policy ED2 with Policy ED1 (see Policy ED1, above)**

Policy ED3: Commercial Development East of the A38

- 189 The supporting text to Policy ED3 identifies the provision of a footbridge across the A38 as a “*key aspiration.*” However, Lichfield District Council has submitted a representation pointing out that, as set out, the Policy lacks clarity or precision in respect of what “*an appropriate contribution*” to the provision of a footbridge might comprise.
- 190 Given this, Policy ED3, as set out, does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 191 With further reference to the above, I am also mindful of comments submitted by the National Memorial Arboretum, which note that the approach to commercial development suggested in Policy ED3 is not precise, but broad in nature. Taking this into account, I consider that the Policy’s general support for development “*to the east*” of the A38 lacks appropriate precision and could, as a consequence, result in support to unsustainable forms of development across a sweeping area.
- 192 However, it is clear that the provision of a footbridge is a significant community aspiration. Such provision would enhance the public right of way network, having regard to Paragraph 75 of the Framework and would provide for a safe and accessible environment, having regard to Paragraph 58 of the Framework. I therefore recommend:
- **Policy ED3, change to “*The provision of a new footbridge, connecting Alrewas with commercial development to the east of the A38 will be supported.*”**
 - **Section 10, add to the Community Aspiration, Footbridge “*...the A38. The Parish Council will work with third parties with the aim of delivering this and will consider using Community Infrastructure Levy receipts to help procure its delivery.*”**
- 193 In making the recommendations above, I am mindful that other Policies in the Neighbourhood Plan already provide a supportive land use planning policy context for development relating to business and the railway station (taking the recommendations of this Report into account).

Policy ED4: Support for existing shops and services

194 Paragraph 28 of the Framework promotes:

“...the retention and development of local services and community facilities in villages, such as local shops...public houses...”

195 Policy ED4 seeks to protect local shops and services and thus has regard to national policy.

196 Changes to Permitted Development Rights over recent years mean that some changes of use no longer require planning permission and the recommendation below takes this into account:

- **Policy ED4, change to “*Development requiring planning permission that results in the loss of shops, services or public houses as a result...*”**

Policy ED5: Tourism

197 Chapter 3 of the Framework, "*Supporting a prosperous community,*" promotes sustainable rural tourism. Policy ED5 has regard to this.

198 As a safeguard, the Policy refers to the need to respect local character. Tourist uses also have the potential to impact upon residential amenity and in the interest of precision, I recommend:

- **Policy ED5, change to "*...scale and to it respecting local character and residential amenity.*"**

7. The Neighbourhood Plan: Other Matters

199 The background text on page 51 reads as though it comprises a Policy requirement, which it does not. Further, the text also refers to "*the housing allocation.*" The Neighbourhood Plan does not allocate any housing sites and consequently, the inclusion of this Section appears unnecessarily confusing and detracts from the precision of the document.

200 I recommend:

- **Delete text on Page 51**

201 The recommendations made in this Report will have a subsequent impact on Contents and page numbering.

202 I recommend:

- **Update the Contents and page numbering, taking into account the recommendations contained in this Report.**

8. Summary

203 Having regard to all of the above, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

204 Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

205 Taking the above into account, I find that the Alrewas Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

206 I recommend to Lichfield District Council that, subject to the modifications proposed, **the Alrewas Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

207 I am required to consider whether the Referendum Area should be extended beyond the Alrewas Neighbourhood Area.

208 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

209 Consequently, I recommend that the Plan should proceed to a Referendum based on the Alrewas Neighbourhood Area approved by Lichfield District Council and confirmed by public notice on the 19th February 2013.

Nigel McGurk, April 2018
Erimax – Land, Planning and Communities



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