

Armitage with Handsacre Neighbourhood Development Plan 2017-2029

**A report to Lichfield District Council on the Armitage
with Handsacre Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Lichfield District Council in April 2018 to carry out the independent examination of the Armitage with Handsacre Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 23 April 2018.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and the Green Belt. It includes policies on community facilities and recreational facilities. It also incorporates a very distinctive policy on sites of ecological importance.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Armitage with Handsacre Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
18 May 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Armitage with Handsacre Neighbourhood Plan 2017-2029 (the Plan).
- 1.2 The Plan has been submitted to Lichfield District Council (LDC) by Armitage with Handsacre Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or indeed a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been carefully designed to be distinctive in general terms, and to be complementary to the development plan in particular.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by LDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both LDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be 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.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I make specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit 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. In order to comply with this requirement, LDC has prepared a screening report for both Strategic Environmental Assessment and Habitats Regulations Assessment. It properly assesses the environmental impacts of the implementation of the Plan's policies. It does so in an exemplary way.
- 2.7 I am satisfied that the screening report complies with the basic conditions. It helpfully includes the various letters received from the three statutory consultees. It concludes that the Plan is not likely to have any significant effects on the environment and that SEA is not required.
- 2.8 LDC also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is thorough, comprehensive and professionally-prepared. It concluded that the Plan was not likely to have any significant effect on a European site. In doing so it assessed a series of protected sites within 15km of the neighbourhood area. Natural England agreed with the outcome of the screening opinion.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and
 - the 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.

2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the LDC Screening reports.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Lichfield Local Plan Strategy 2008-2029
- the emerging Lichfield Local Plan Allocations document.
- the Rugeley Power Station Supplementary Planning Document (February 2018)
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 23 April 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised LDC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is very thorough and comprehensive. It includes a very detailed assessment of the consultation undertaken during the Plan's production. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the production of regular reports in the local newsletter and the parish website;
 - the arrangement of public meetings;
 - the setting up of a steering committee;
 - the use of a household questionnaire; and
 - the use of a Twitter feed.
- 4.4 The Statement also comments in significant detail about how its key policies were influenced by a variety of private and public bodies.
- 4.5 The latter parts of the Statement set out how the submitted Plan took account of consultation feedback. They set out the comments received as a result of the pre-submission consultation and the Parish Council's responses to those comments. They do so in a very thorough and effective way. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. LDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 6 April 2018. This exercise generated 29 comments from

a range of organisations and private individuals. In particular comments were received from the following organisations:

- Staffordshire Wildlife Trust
- Gladman Developments Limited
- Woodland Trust
- Taylor Wimpey Limited
- Environment Agency
- Walton Homes Limited
- Brereton and Ravenhill Parish Council
- Lichfield District Council
- Historic England
- Natural England
- Severn Trent
- Canal and River Trust

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Armitage with Handsacre. It is located approximately three miles to the east of Rugeley and five miles to the north of Lichfield. It is predominantly pleasant countryside. Its southern part is within the West Midlands Green Belt. The village itself is located on slightly higher ground to the south of the floodplain of the River Trent. Its population in 2011 was 5335 persons. It was designated as a neighbourhood area on 9 July 2013.
- 5.2 The wider neighbourhood area is mainly in agricultural use and sits within a rich landscape setting. In association with the Green Belt these important factors have been properly assessed in plan-making and the associated environmental assessments. The two villages are the principal focus of built development and sit within the middle of the neighbourhood area. The site of the now redundant Rugeley Power Station is located in the north-western corner of the Plan area.
- 5.3 The built-up part of the neighbourhood area is based on the adjacent settlements of Armitage with Handsacre. Their development and positions have been affected by the London to Glasgow railway line which runs through the villages in a NW-SE direction, by the Trent and Mersey Canal which runs to the north and by the River Trent. Both villages sit astride the A513.

Development Plan Context

- 5.4 The Lichfield Local Plan Strategy was adopted in February 2015. It sets out the basis for future development in the District up to 2029. The core policies (Core Policies 1-14). The development management policies and the relevant place policies (Arm 1-4) in this part of the Local Plan are the strategic policies of the development plan (see paragraph 2.5 of this report). It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Armitage with Handsacre Neighbourhood Plan:

Core Policy 1	The Spatial Strategy
Core Policy 6	Housing Delivery
Core Policy 13	Our Natural Resources
Core Policy 14	Our Built and Historic Environment
Policy Arm1	Armitage with Handsacre Environment
Policy Arm2	Armitage with Handsacre Services and Facilities
Policy Arm3	Armitage with Handsacre Economy
Policy Arm4	Armitage with Handsacre Housing

- 5.5 Section 2 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

- 5.6 Armitage is identified as a Key Rural Settlement in the adopted Local Plan Strategy (Core Policy 1). Armitage is one of five such settlements. They will be the focus for new rural housing in the wider district.
- 5.7 LDC has recently consulted on the Local Plan Allocations – Focused Changes document. This will eventually be the second half of the Local Plan and will add detail to the adopted Local Plan Strategy. Its focus is on housing and employment allocations. It proposes the allocation of a housing site to the east of Handsacre (site AH1) that is anticipated to yield around 200 dwellings. Plainly the timings involved have not permitted the submitted neighbourhood plan directly to take account of this emerging local planning context. Nevertheless, the fundamental approach of the Local Plan Allocations document does not directly affect the emerging neighbourhood plan.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 23 April 2018. I was fortunate in selecting a dry and pleasant day.
- 5.10 I drove into the neighbourhood area from the east along the A513. This allowed me to see its wider agricultural context and its relationship with the Trent and Mersey Canal.
- 5.11 I looked initially at the western end of the neighbourhood area around the former Rugeley Power Station site. I saw the recently-constructed dwellings off Priory Avenue. I took the opportunity to walk along the canal towpath from St Thomas Way to the east back towards Armitage. This part of the visit highlighted the importance of the Canal to the neighbourhood area. It also confirmed the importance of the approach in the Local Plan Strategy towards ensuring that new developments provide appropriate levels of accessibility to this important recreational and environmental resource.
- 5.12 I then looked at the area between the Rugeley Power Station site. I saw the impressive Hawkesyard Estate and the Lower Lodge Residential Mobile Home Park to its east.
- 5.13 I then looked at the Armitage Shanks workshops in Old Road. As the Plan comments it has been at the centre of the villages' prosperity for many generations.
- 5.14 I then took the opportunity to walk south along both Rectory Lane and Hood Lane. I saw that the character of the dwellings changed from those in New Road to become either larger or semi-rural. In both cases I saw the sharp and clearly-defined distinction between the village and the Green Belt to its south.

- 5.15 I then drove along New Road so that I could see the various retail facilities in the neighbourhood area. I also took the opportunity to look at the Surgery and the Village Hall in Shropshire Brook Road.
- 5.16 I finished my visit by looking at the range of residential properties in Handsacre and walking down as far as the Hayes Meadow Primary School.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Armitage with Handsacre Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and Local Plan Strategy 2008-2029;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas including protecting Green Belts;
- always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy and the scale of planned development set out in the development plan. It includes a series of policies

that seek to ensure that local environmental and community facilities are protected. It identifies a series of protected open spaces. It also aims to bring forward better design within the development management process. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for new residential development (AH8). In the social role, it includes a policy to protect recreational facilities (AH3), to safeguard community uses (AH7) and to identify and safeguard protected open spaces (AH4). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on heritage assets (AH1), on the natural environment (AH2) and to maintain the rural nature of the villages (AH6). The Parish Council's assessment of this matter is set out in Table 2 of the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Lichfield District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Table 3 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also identifies a series of proposals which are addressed separately.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Its proposals are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.
- The initial sections of the Plan (Sections 1-3)*
- 7.8 The presentation of Plan as a whole has been prepared to a good standard. It is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. It makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies. Section 1 provides a very clear context to the preparation a neighbourhood plan in general and the issues which the submitted plan sought to address in particular.
- 7.10 Section 2 sets out the planning policy context within which the Plan has been prepared. It comments in detail both on the NPPF and its relationship with the Lichfield District Local Plan Strategy 2009-2029.
- 7.11 Section 3 provides a very helpful portrait of Armitage and Handsacre. It addresses its history and geography to good effect. It also sets out interesting information on its demography and its current facilities.

- 7.12 Section 4 sets out key planning issues in the neighbourhood area. These then naturally flow into a vision for the Plan area and a series of objectives. The wider process is clear, concise and proportionate. All of the matters identified are distinctive to the neighbourhood area.
- 7.13 The policies are then set out in Section 6. They follow the identified objectives addressed in the previous section.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy AH1 – Conserving and Enhancing Non-Designated Heritage Assets

- 7.15 This policy provides a basis to conserve and enhance a series of non-designated heritage assets. All the identified assets are suggested to make a positive contribution to the distinctiveness and identity of the area. They do so for various reasons which include their architecture, their history or their cultural or local associations. The policy context properly supports proposals that would preserve (and possibly enhance) the identified assets. It also sets out circumstances where some works to the assets will be supported.
- 7.16 The policy sets out a positive and supportive context for the future of non-designated heritage assets. This part of the policy meets the basic conditions.
- 7.17 The schedule of proposed non-designated heritage assets is both appropriate and distinctive. However certain properties are not immediately identifiable from the schedule. I sought clarification from the Parish Council on this matter and was provided with a more detailed schedule which included postcodes. I recommend a modification to include this revised schedule in the Plan. I also recommend that the properties are shown on a map base.

Replace the schedule of non-designated heritage assets in the policy with those in the schedule in the response to the Clarification Note.

Show the properties on a map base

In the opening part of the policy insert ‘and as shown on Map [insert number]’ between ‘below’ and ‘will be’

Policy AH2 - Conserving and Enhancing the Local Natural Environment

- 7.18 The policy identifies that development proposals should seek to conserve and enhance the area’s natural environmental assets. In particular it identifies five areas that will be protected. The identification of the Borrow Pit (within the former Rugeley Power Station site) has attracted a significant level of public support.
- 7.19 The policy itself defers to policies in the Local Plan Strategy. Whilst I can understand the nature of the approach taken a neighbourhood plan policy should be self-contained rather than repeating local plan policies (and which by definition already have effect in the neighbourhood area). I recommend a modification to address this matter. In doing

so I reflect the approach adopted in paragraph 113 of the NPPF which identifies the need for a criteria-based policy which makes an appropriate distinction between the hierarchy of such sites.

- 7.20 I also recommend a modification to the supporting text to the policy insofar as it refers to the Borrow Pit. The Pit is addressed within the context of the Rugeley Power Station Development Brief Supplementary Planning Document. This document was jointly prepared by LDC and Cannock Chase District Council in February 2018. It safeguards the Borrow Pit within the wider context of the residential development of the site. In its helpful response to my clarification note the Parish Council advised that it had taken account of this policy document in the preparation of its own Plan.

In the first part of the policy insert ‘local’ between ‘their’ and ‘natural’

Replace the final paragraph of the policy with:

‘Development proposals that would otherwise affect the neighbourhood area’s natural environmental assets will only be supported where they would:

- **protect, enhance, restore and implement appropriate conservation management of the biodiversity or geodiversity value of the land or buildings concerned, or those listed in the first part of this policy in particular; and/or**
- **minimise fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats; and/or**
- **incorporate beneficial biodiversity and geological conservation features; and/or**
- **deliver a net gain for biodiversity and/or geodiversity in the neighbourhood area.’**

At the end of the first sentence of paragraph 6.11:

‘The Borrow Pit was identified to be retained as a landscape/water feature in the Rugeley Power Station Development Brief Supplementary Planning Document which was jointly prepared by Lichfield District Council and Cannock Chase District Council in February 2018’

At the end of paragraph 6.11 add:

‘Policy AH2 seeks to add local value and distinctiveness to Lichfield Local Plan Strategy Core Policy 13 and Policies NR1 to NR6.’

Policy AH3 – Protecting and Enhancing Local Recreational Facilities

- 7.21 The policy sets out to identify and safeguard local recreational facilities. It does so to good effect in setting out a series of seven such facilities. The policy itself supports proposals to enhance and improve the various facilities. It also sets out the limited circumstances in which the loss of the facilities may be supported.

- 7.22 I recommend a series of modifications so that the policy has the clarity required by the NPPF. The first is to ensure that the various facilities are actually protected as ‘local
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recreational facilities’ and shown on a map base. The second is the use of the word ‘encouraged’ in various parts of the policy. In the context of a development plan the use of the word ‘supported’ is entirely adequate in its own right. The third is that the two paragraphs identifying the exceptional circumstances within which these facilities might be lost are combined.

- 7.23 I also recommend that the final paragraph of the policy is deleted and transposed into the supporting text. It sets out three possible proposals for the improvement of local facilities. In their different ways they would be very helpful. Nevertheless, in its response to my clarification note the Parish Council commented that the schemes have not been worked up in any detail and/or costed. As such it would be inappropriate to include them directly in a land use policy. I also recommend a contextual modification that links the policy to LDC’s wider assessment of the importance of the identified facilities.

In the first sentence of the policy add ‘sites as shown on Map [insert number] between ‘following’ and ‘will’ and ‘as Local Recreational Facilities’ after ‘protected’

In various places delete ‘and encouraged’

Combine the third and fourth paragraphs of the policy.

Delete the final paragraph of the policy.

At the end of the first sentence of paragraph 6.14 add ‘The various sites already feature in the District Council’s Open Space Assessment’

At the end of 6.14 add: ‘Work is taking place to work up proposals in particular parts of the neighbourhood area. Long term aspirations for the enhancement and improvement of local facilities include [insert here the three bullet points from the submitted final paragraph of the policy]’

Policy AH4 – Protected Open Spaces

- 7.24 This policy identifies a series of open spaces and seeks to protect them from built development other than in two defined circumstances. The range of open spaces are identified on Maps 6a and 6b. They are practical and appropriate open spaces within the context and geography of the built-up form of the neighbourhood area. In its comments on the representations received to the Plan the Parish Council is very clear that it has not sought to identify the various open spaces as ‘local green spaces’ (as defined in the NPPF). Clearly this is a matter for the Parish Council to determine as it saw fit as part of the Plan’s preparation.
- 7.25 I recommend that the policy is clarified by the inclusion of a list of the various open spaces and that the numbering used in the list is also used to identify the various open spaces on the two maps. Within this context I also recommend wording changes to the policy itself.

Replace the first sentence of the policy with the following:

‘The open spaces listed below and shown on maps 6a and 6b are identified as protected open spaces:

[Include the list of seventeen protected open spaces as set out in the Parish Council’s response to the clarification note]’

On both map 6a and 6b include a key showing the site numbers and names.

Policy AH5 – Better Design

- 7.26 This policy aims to improve the quality of design in the neighbourhood area. It sets out a series of factors which should be considered in assessing the design and quality of any planning application. LDC queried the extent to which the policy added value to its own policies in general, and to the Sustainable Design Supplementary Planning Document approved in 2015.
- 7.27 I raised this issue with the Parish Council in seeking to understand the extent to which the policy adds local distinctiveness to national or local policy on this important matter. It accepted that as submitted little value was added. Nevertheless, rather than delete the policy I recommended that it is modified so that it has the clarity required by the NPPF in general terms and has a degree of local distinctiveness in particular. I recommend this approach for two reasons. The first is that the NPPF has a focus on the importance of good design. The second is that the LDC Supplementary Planning Document does not directly address all the features that the submitted plan has in mind in formulating its policy.
- 7.28 On this basis I recommend that the policy is modified so that it directly addresses the relevant issues which were raised with the local community at the outset of the production of the Plan and which captured the wish to see better design in new development.
- 7.29 One of the twelve core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. In this context the approach recommended in the modification by way of consolidating the policy in the submitted Plan has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

Insert the following between the first and second sentences:

‘Where appropriate development proposals should take account of the character of the historic village centre, their proximity and accessibility to the Trent and Mersey Canal Conservation Area and their location in relation to open spaces and play and recreational facilities.’

Replace the third sentence of the policy with the following:

Development proposals will be supported where these characteristics are respected and where their design responds positively to the following factors [list 1-9 inclusive as already included in the submitted Plan]

Insert the following after the first sentence of paragraph 6.17: 'Policy AH5 captures key design and environmental considerations that were considered to be important to the local community as part of the Plan preparation process.'

Policy AH6 – Maintaining the Rural Nature of the Village

- 7.30 This policy sets out to reflect the community feedback that the rural nature of the village is very important to local people. The policy identifies five factors against which development proposals will be assessed to ensure that Armitage and Handsacre are maintained as freestanding communities within a rural setting.
- 7.31 I sought clarification from the Parish Council on its ambitions for the policy. It confirmed that it was for the five factors to be seen as criteria within the context of a supporting policy. I recommend accordingly. I also recommend a detailed modification to the fifth criterion so that its role and purpose has the clarity required by the NPPF. Finally, I recommend the deletion of the fourth criterion. No significant public views are defined. On this basis it would be impractical for LDC to implement this aspect of the policy in a fair and consistent fashion throughout the Plan period.

In the first sentence delete 'seek to'

Replace the second sentence with the following: 'Proposals will be supported which maintain Armitage and Handsacre as separate free-standing communities within a rural setting and which:

- a) respect the landscape setting of the settlement concerned;**
- b) maintain the distinction between Armitage and Handsacre from other settlements;**
- c) respect the character and appearance of the Trent and Mersey Canal Conservation Area and its setting; and**
- d) safeguard existing outdoor sport and recreational facilities and, where appropriate, create new opportunities for such facilities.'**

Policy AH7 – Retaining and Enhancing Existing Community Facilities

- 7.32 This policy seeks to retain and enhance existing community facilities. Four such facilities are addressed by the policy – the village hall, the pavilion, public houses and shops. The second part of the policy supports proposals for new community facilities.
- 7.33 I sought clarification from the Parish Council on its inclusion of shops within the policy given that they are both community and commercial facilities. The Parish Council suggested that I change the title of the policy to reflect the inclusion of retail premises.

- 7.34 On balance I am satisfied that the inclusion of retail premises in this policy meets the basic conditions. I can see that the various shops play an important community role within the neighbourhood area. Nevertheless, I recommend that viability matters are included within the policy to take account of the commercial nature of retail uses. I also recommend other modifications so that the policy has the clarity required by the NPPF. In particular I recommend that the support for new community facilities should extend more widely than simply to those facilities included in the first part of the policy.

In the first sentence replace ‘should be protected’ with ‘will be safeguarded’

Relocate the second sentence of the policy so that it is located immediately after the four identified facilities rather than before the list.

At the start of the second paragraph of the policy insert ‘Insofar as planning permission is required’.

At the end of the second paragraph of the policy insert ‘or that it is no longer commercially viable’

At the end of paragraph 6.23 add:

‘The policy recognises that shops in the neighbourhood area play an important role in the vitality of the local community. Nevertheless, it also recognises that there may be circumstances where an on-going retail use of particular premises is no longer commercially viable. In addition, the second part of the policy provides active support for new community facilities. Plainly it is impractical to identify the range of facilities which may be promoted within the Plan period. However, the second part of the policy is intended to be wide-ranging and is not restricted to the four facilities highlighted in the first part of the policy.’

Policy AH8 – New Housing Development

- 7.35 This policy adopts an overarching nature towards new residential development. It sets out a series of criteria against which development proposals can be assessed within the defined settlement boundary in the adopted Local Plan. Plainly this approach ensures that the Plan is in general conformity with the strategic policies in the development plan.
- 7.36 LDC comments that whilst the settlement boundary identified in the submitted Plan is largely similar to that in the development plan there are certain circumstances where the two boundaries differ. The Parish Council has advised that this scenario was not its ambition. On this basis I recommend accordingly. In this context the policy needs only refer to the settlement boundary as shown on Map 6a (in the neighbourhood plan) rather than to make an indirect reference to the Local Plan.

Modify the settlement boundary as shown on Map 6a so that it is identical to that incorporated within the adopted development plan.

In the first paragraph of the policy delete ‘the Local Plan Policies Maps’ and remove the brackets from Map 6a.

Parish Council Actions

- 7.37 The Plan proposes an extensive series of community actions. It is anticipated that non-land use community actions will arise out of the process of preparing a land use-based neighbourhood plan. National guidance recommends that community actions of this nature are included in a separate part of the Plan. This approach has been correctly adopted in the submitted Plan.
- 7.38 In general terms I am satisfied that the Actions are appropriate within the context of the Plan and that they are distinctive to the neighbourhood area. They properly reflect the broader range of issues that have arisen as the Plan has been developed. Their focus is primarily on traffic issues. They set out an appropriate functional connection with Staffordshire County Council as the highways authority.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2029. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Armitage with Handsacre Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some technical modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Lichfield District Council that subject to the incorporation of the modifications set out in this report that the Armitage with Handsacre Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 9 July 2013.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
18 May 2018