



## Decision Statement Regarding Fradley Neighbourhood Plan Proceeding to Referendum

### **1. Summary**

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Fradley Neighbourhood Plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was reported to Cabinet on 04 December 2018 where it was confirmed that the Fradley Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

### **2. Background**

- 2.1 On 21 May 2014 Fradley and Streethay Parish Council requested that the Fradley Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Fradley Neighbourhood Area on 9 December 2014.
- 2.2 In November 2017 Fradley Parish Council published the draft Fradley Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Fradley Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council in May 2018 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 22 May and 3 July 2018 (the Local Authority publicity consultation). Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.4 He has concluded that, subject to modifications, the Fradley Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.

- 2.5 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

### 3. Fradley Neighbourhood Plan Examiner’s recommended modifications<sup>1</sup> and Local Authority’s response

- 3.1 The District Council considered the Examiner’s report and the recommendations/modification contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Lichfield District Council’s consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Lichfield District Council with the reasons for these recommendations.
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner’s report to provide a more concise report. This document should be read in conjunction with the Examiner’s Final report. Which is available via: [www.lichfielddc.gov.uk/Fradleynp](http://www.lichfielddc.gov.uk/Fradleynp).

NB – Where modified text is recommended this will be shown in red with text to be deleted struck through (~~text to be deleted~~), and text to be added in bold type (**text to be added**). Explanatory text will be shown with *italic text*.

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Para 1.3	<p><i>Modify the text of paragraph 1.3 as follows:</i></p> <p>Some of the Neighbourhood Plan policies are general and apply throughout the Plan area, whilst others are site or area-specific and apply only to the appropriate areas illustrated on the relevant map. <del>Nevertheless, in considering proposals for development, the Parish and District Council will apply all relevant policies of the Plan. It is therefore assumed that the Plan will be read as a whole, although some cross-referencing between Plan policies has been provided</del> <b>Once made, the policies of the Plan form part of the development plan. Development should be carried out in accordance with</b></p>	The Local Planning Authority is responsible for determining planning applications in accordance with the development plan and it is a requirement that the plan is taken as a whole. Modification is therefore recommended to avoid confusion.	Yes – for clarity and avoid confusion.

<sup>1</sup> The neighbourhood plan was examined under the NPPF 2012 due to the transitional arrangements set out at paragraph 2014 of the NPPF 2018. Therefore references relating to the NPPF in this decision statement relate to the 2012 NPPF which was used for the purposes of the neighbourhood plan examination.

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	<p><b>the development plan, the policies of which should be taken as a whole.</b></p>		
<p>Para 1.13</p>	<p><i>Delete the text of paragraph 1.13 and replace with the following text:</i></p> <p><b>It is noted that the Lichfield Local Plan Allocations Document is emerging through the planning system. Plan-makers have considered this document and the information supporting it, during the drafting of the Plan.</b></p>	<p>Reference to an emerging document can quickly become out of date. The document referred to was not submitted at the time the Neighbourhood Plan was drafted and has not yet emerged through examination.</p>	<p>Yes – for clarity.</p>
<p>Policy FRANP1, Paras 4.1-4.4 and Fig 4.1</p>	<p><i>Delete paragraphs 4.1 to 4.4 inclusive and replace with the following:</i></p> <p><b>Fradley is designated in the Lichfield District Local Plan as a Key Rural Settlement. As such, development within Fradley will be supported, not least as this will help the settlement to continue to provide for the services and facilities required by a growing community.</b></p> <p><i>Delete policy FRANP1 and replace with new policy FRANP1 as follows:</i></p> <p><b>Development within the settlement boundaries, as shown on Figure 4.1 below, will be supported.</b></p>	<p>Examiners reasoning is provided at paragraphs 63 to 77 inclusive of the examiner's report.</p> <p>Rather than allocate land the policy seeks to establish a spatial strategy for the area. It aims to do this by supporting development within the established settlement boundaries and at the same time seeks to largely prevent development elsewhere in the neighbourhood area.</p> <p>Policy states development outside of the settlement boundaries 'will not be permitted' unless several specific criteria are met. Such an approach runs the risk of pre-determining the planning application process by failing to allow for the consideration of all relevant issues. Rather it</p>	<p>Yes – for clarity and to meet the basic conditions.</p>

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	<p><i>Delete Figure 4.1 which has been overtaken by events and does not related to Policy FRANP1.</i></p> <p><i>Provide a new figure, showing the settlement boundaries (as per the Local Plan). New figure is included at Appendix A of this decision statement and will be titled as Figure 4.1: Village settlement boundary.</i></p>	<p>seeks to limit development to such an extent it conflicts with national and local policy.</p> <p>The policy would not permit development other than adjacent to settlement boundaries. This would prevent for example the extension or the conversion of a building outside of the settlement boundary, contrary to paragraph 28 of the NPPF.</p> <p>Policy would require all forms of development outside of the settlement boundary to prove demonstrable need. This is not defined and is therefore vague and does not have regard to national guidance.</p> <p>Policy also serves to place a burden upon any applicant regardless of the relevance, need or materiality of the information required contrary to paragraph 193 of the NPPF.</p> <p>Criteria iii, v, vi of the policy are reliant on another document not within the control of the neighbourhood plan and the development plan needs to be taken as a whole.</p> <p>Policy requires all development outside of the settlement boundary to deliver additional community facilities. There is no evidence to demonstrate that this requirement would be viable</p>	

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		<p>or deliverable having regard to paragraph 173 of the NPPF.</p> <p>Criteria vii of the policy is not justified by evidence which demonstrates that the essential infrastructure delivery should be burdened by a requirement to demonstrate no other possible reasonable alternative location is available. Policy fails to have regard to paragraph 193 of the NPPF.</p> <p>The final part of the policy is vague and ambiguous.</p> <p>No plan has been provided to show where the settlement boundaries referred to actually are which makes interpretation of the policy difficult.</p> <p>The supporting text to the policy is confusing.</p>	
<p>Policy FRANP2, Para 5.3</p>	<p><i>Modify the text of Policy FRANP2 as follows:</i></p> <p>Proposals that would result in the loss of existing community facilities <del>will not be supported unless appropriate re-provision is made</del> <b>will only be supported where they are replaced by equivalent or better provision in terms of quantity and quality in a suitable location.</b> <del>Such re-provision will be required to demonstrate that the replacement facility:</del></p> <ul style="list-style-type: none"> <li>• <del>is at least of an equivalent scale to the existing facility; and</del></li> </ul>	<p>Examiners reasoning is provided at paragraphs 78 to 88 inclusive of the examiner's report.</p> <p>Policy seeks to prevent the loss of existing community facilities and in this respect it has regard to national policy.</p> <p>However the policy sets out an overly-detailed and confused approach that would be likely to place a significant barrier in the way of provision of new, fit-for-purpose community facilities. As a</p>	<p>Yes – for clarity and to meet the basic conditions and ensure conformity with national policy.</p>

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	<ul style="list-style-type: none"> <li><del>• is in a generally accessible location to the community of Fradley within the Neighbourhood Plan area; and</del></li> <li><del>• has a reasonable and demonstrable prospect of being delivered as soon as possible after the closure of the existing facility; and</del></li> <li><del>• can be secured by way of a unilateral undertaking or a Section 106 agreement; and</del></li> <li><del>• is of a quality fit for modern use.</del></li> </ul> <p><i>Modify text of paragraph 5.3 as follows:</i></p> <p>Given the limited number and capacity of existing community facilities, the loss of any existing community facility to an alternative use will be strongly resisted <b>by the Parish Council. The Parish Council would support the re-provision of community facilities so long as such re-provision would result in at least an equivalent, but preferably, a better new facility. It may be possible for the community facility in question to be re-provided as part of a proposed development. However, this would have to provide the facility to at least the size that it previously was and be of a quality fit for modern use. It must also be provided such that there is not a lengthy period between the demolition of the existing facility and its re-provision. The issue of the phasing arrangements between the availability of a new facility and the closure of the existing facility and the associated redevelopment of the site will ideally be</b></p>	<p>consequence, as worded, the policy does not contribute to the achievement of sustainable development and does not provide the decision maker with a clear indication of how to react to a development proposal having regard to paragraph 154 of the NPPF.</p> <p>The policy requires any replacement community facility to be of an equivalent 'scale' as that lost. It is not entirely clear why the 'scale' of the community facility is a key factor. Scale is undefined and could be interpreted in a number of ways. This part of the policy is vague and does not provide a decision maker with clarity having regard to paragraph 154 of the NPPF.</p> <p>It is not clear what the difference between a 'generally accessible' location and an 'accessible' location might be. The word 'generally' adds to the ambiguity of the policy.</p> <p>It is not clear why any replacement community facility needs to demonstrate that it 'can be secured' by a unilateral undertaking or section 106 agreement. Facilities can come forward in many ways. The need to demonstrate such a requirement may prevent simple replacement of a community facility and there is no substantive evidence to the contrary.</p>	

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	<p><del>expected to be addressed either in a unilateral undertaking or a Section 106 agreement.</del></p>	<p>No information is provided as to who be the arbiter of whether a community facility is 'of a quality fit for modern use' or how this what be determined and on what basis. This fails to provide a decision maker with a clear indication of how to react to a development proposal having regard to paragraph 254 of the NPPF.</p> <p>Part of the supporting text reads as though it comprises a policy, which it does not.</p>	
<p>Policy FRANP3, Paras 5.12, 5.13</p>	<p><i>Modify text of policy FRANP3 as follows:</i></p> <p><del>A. Proposals for new and/or improved community facilities will be supported subject to the following criteria:</del></p> <p><del>a. the proposal would not have significant harmful impacts on the amenities of surrounding residents and other activities; and</del></p> <p><del>b. the proposal would not have significant harmful impacts on the surrounding local environment; and</del></p> <p><del>c. the proposal would not have unacceptable impacts on the local road network; and</del></p> <p><del>d. the proposal would provide appropriate car parking facilities; and</del></p> <p><del>e. the proposal is located within or immediately adjacent to the village settlement boundaries as defined in Policy FRANP1.</del></p>	<p>Examiners reasoning is provided at paragraphs 89 to 95 inclusive of the examiner's report.</p> <p>Policy seeks to provide for new and expanded sports facilities. In this regard it has regard to national policy.</p> <p>As set out the policy lists criteria that are ambiguous and which fail to provide for a balanced consideration of the benefits and possible harm arising from development proposals.</p> <p>Policy would prevent any new sports facilities that would have 'unacceptable' or 'harmful' impacts in respect of the amenities of residents, the amenities of 'other uses', the local environment and the local road network. This leaves the policy open to wide and subjective interpretation. It is not clear in the absence of any information what 'appropriate' car parking facilities might comprise.</p>	<p>Yes – for clarity and to meet the basic conditions.</p>



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	<p><b>A. Proposals for new and/or improved community facilities within, or adjacent to village settlement boundaries, that would respect local character and residential amenity, and which do not result in harm to highway safety, will be supported.</b></p> <p><del>B. The provision of the following sports facilities in a location that is generally accessible to the community of Fradley will be strongly supported:</del></p> <p><del>a. Two adult football pitches, with the provision of one pitch as an artificial surface (3G or equivalent), with floodlighting.</del></p> <p><del>b. A mini football pitch, preferably located alongside the adult pitches to allow sharing of associated facilities.</del></p> <p><del>c. A sports and social facility of at least 600m<sup>2</sup> floorspace incorporating:</del></p> <p><del>i. a main hall;</del></p> <p><del>ii. kitchen and WCs;</del></p> <p><del>iii. changing room facilities commensurate with the need to serve three football pitches;</del></p> <p><del>iv. provision of on-site parking totalling approximately 750m<sup>2</sup>.</del></p> <p><del>C. The provision of a cricket pitch and associated social/changing facilities will be strongly supported. The preferred location for such provision is as part of a shared offer with any</del></p>	<p>The second part of the policy sets out detailed aspirations but does not provide any information to demonstrate that it is viable and deliverable. A list of local aspirations does not form a land use planning policy but rather appears as a wish list.</p>	

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	<p><del>football pitches and social/changing facilities unless separate social/changing facilities can be provided.</del></p> <p><i>Modify text of paragraphs 5.12 and 5.13 as follows:</i></p> <p>5.12 Along with the additional pitch provision <del>there should be a</del>, <b>the parish Council would like to see a new</b> 600m2 sports and social facility which incorporates changing facilities to serve the additional pitches. <del>In addition there should be approximately 750m2 of car parking provision; and an additional circa 750m2 of car parking.</del></p> <p>5.13 <del>The provision of a cricket pitch is supported, which should be provided along with a pavilion and appropriate changing facilities. It would be efficient to provide this along with the football pitches and other facilities. This would enable the social/changing facilities to be shared.</del> <b>The Parish Council would also like to see the provision of a new cricket pitch, pavilion and appropriate changing facilities.</b></p>		
Policy FRANP4	<p><i>Modify text of policy FRANP4 as follows:</i></p> <p><del>A. — Proposals for a new community hub will be supported, the provision of which should seek to include:</del></p> <p><del>a. — a public house; and</del></p>	<p>Examiners reasoning is provided at paragraphs 96 to 97 inclusive of the examiner's report.</p> <p>Policy provides a detailed description of something that the community would like to see, but does not demonstrate deliverability or viability. The Policy</p>	<p>Yes – to meet the basic conditions.</p>

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	<p><del>b. community meeting space capable of internal adaptation to meet a range of needs; and</del>  <del>c. kitchen and WCs; and</del>  <del>d. a community library; and</del>  <del>e. managed workspace (Class B1c); and</del>  <del>f. meeting rooms; and</del>  <del>g. car and bicycle parking.</del></p> <p><del>A. Such provision should be located within or immediately adjacent to the village settlement boundaries as defined in Policy FRANP1 and be generally accessible to the community of Fradley.</del></p> <p><b>Proposals for a new community hub within, or adjacent to village settlement boundaries, will be supported.</b></p>	<p>appears as a wish-list rather than a land use planning policy.</p>	
Policy FRANP5	<p><i>Modify text of policy FRANP5 as follows:</i></p> <p><del>A. Proposals for new and/or improved play and youth facilities will be supported subject to the following criteria:</del></p> <p><del>a. the proposal would not have significant harmful impacts on the amenities of surrounding residents and other activities; and</del></p> <p><del>b. the proposal would not have significant harmful impacts on the surrounding local environment; and</del></p>	<p>Examiners reasoning is provided at paragraphs 98 to 100 inclusive of the examiner's report.</p> <p>The policy includes vague references to "significant" and "unacceptable". Part B of the policy comprises a local aspiration not supported by evidence relating to deliverability and viability and Part C contradicts part A by introducing an ambiguous approach to prioritisation.</p> <p>As worded the policy is imprecise and does not provide a decision maker with a clear indication of</p>	<p>Yes – to meet the basic conditions and be consistent with national policy and to provide clarity.</p>

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	<p><del>e. — the proposal would not have unacceptable impacts on the local road network; and</del></p> <p><del>d. — the proposal is located within or immediately adjacent to the village settlement boundaries as defined in Policy FRANP1.</del></p> <p><del>B. — The provision of play and youth facilities in locations that are able to support the existing community will be strongly supported. The provision of a Neighbourhood Equipped Area for Play (NEAP), a Multi-Use Games Area (MUGA) and Local Equipped Areas for Play (LEAPs) that is accessible (based on a 10-minute/480m walk time/distance) to Fradley Village and, in particular, Fradley South, will be strongly supported.</del></p> <p><del>B. — If it is clearly demonstrated that such provision is not deliverable in these locations, then equivalent provision as part of other development in Fradley will be strongly supported, provided it is in a location that is generally accessible to the community of Fradley.</del></p> <p><b>Proposals for a new and/or improved play and youth facilities within, or adjacent to village settlement boundaries, that respect local character and residential amenity, and which do not result in harm to highway safety, will be supported.</b></p>	<p>how to react to a development proposal, having regard to paragraph 154 of the NPPF.</p>	

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Policy FRANP6, paras 6.5, 6.6, 6.7, 6.9, 6.10	<p><i>Modify the text of paragraph 6.5 as follows:</i></p> <p><del>The particular issues that must be considered in demonstrating that a development scheme is acceptable are as follows</del> <b>The Parish Council would like to see the following things taken into account by new development:</b></p> <ul style="list-style-type: none"> <li>Plot width - plots <del>must</del> <b>should</b> be of sufficient width to allow a building(s) to be sited with adequate separation between dwellings. The width of the remaining and the new plot should be similar to that prevailing in the immediate area.</li> <li>Building line - where the established building line of existing dwellings is a feature of the area, new development should respect that building line.</li> <li>Visual separation - new dwellings <del>must</del> <b>should</b> have similar spacing between buildings to that commonly found on the street frontage.</li> <li>Building height - new buildings should reflect the height of existing buildings. Where existing buildings are of a uniform height, new buildings should respect that height and vice versa.</li> <li>Daylight and sunlight - new buildings should not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows. Blocking direct sunlight from reaching neighbouring properties can cause overshadowing <del>and is not acceptable</del>.</li> </ul>	<p>Examiners reasoning is provided at paragraphs 101 to 109 inclusive of the examiner's report.</p> <p>Section B of the policy fails to provide for a balanced consideration of development proposals, such that benefits can be weighed against harm arising. As such it places an obstacle in the way of the achievement of sustainable development. It is not clear, in the absence of any detailed justification, why all developments must reflect the appearance of neighbouring properties; and there is nothing to demonstrate how all development might protect all aspects of residential amenity or why it must do so.</p> <p>Part B does not make grammatical sense and in the absence of any justification it is not clear how and why every development proposal must demonstrate a positive contribution to its character area, whether this would be deliverable and viable in all instances, and why a development proposal would necessarily fail to be sustainable if it failed to achieve this. This part of the policy does not have regard to paragraphs 173 and 193 of the NPPF in respect of deliverability, viability, necessity, materiality and relevance.</p> <p>Section C of the policy sets out a long list of requirements which appear subjective and ambiguous, and which are not supported by any</p>	

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	<ul style="list-style-type: none"> <li>• Bin storage – ensure adequate provision, either through access round the outside of the house, or if this is not possible, then specific bin stores to be designed at the front of properties to avoid bins just being left to dominate the frontage of properties.</li> <li>• Parking and access arrangements - satisfactory arrangements will be required for parking and access. Generally parking <del>areas to the front of the property using the front garden will not be acceptable unless this is the</del> <b>should not be to the front of the property using the front garden unless this is the</b> prevailing pattern of parking in the locality. <b>Frontage for parking may not be appropriate in areas where enclosed.</b></li> <li>• Boundary treatment - boundary treatment along the frontage should reflect that prevailing in the area. Proposals for open frontages or the use of the frontage for parking will not be acceptable in areas where enclosed front boundaries prevail. Existing hedgerows should be retained unless their location is required to serve the development, for example, access roads.</li> </ul> <p><i>Delete paragraph 6.6.</i></p> <p><i>Modify the text of paragraph 6.7 as follows:</i></p>	<p>evidence to demonstrate they have regard to paragraph 193 of the NPPF. Words and phrases within the section result in a vague policy that is open to wide interpretation and subjectivity and which 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 NPPF.</p> <p>Part of the supporting text reads as though it is a policy requirement which it is not.</p>	

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	<p><del>It is important that the guidance in the Fradley Character Areas Assessment, or any successor document, is followed in respect of the two character areas in Fradley. These character areas that have been identified cover Fradley Village and Fradley South. The character areas in the Fradley Character Area Assessment cover Fradley Village and Fradley South.</del></p> <p>The extent of the Character Areas are shown in Figure 6.1 below, with the two character areas of Fradley Village and Fradley South shown, along with the period when they were developed.</p> <p><i>Modify the text of paragraph 6.9 as follows:</i></p> <p>For each, their landscape character, townscape, built form, vegetation and hard landscape and boundary treatment are described. It provides guidance in respect of each character area and identifies specific features which are encouraged to be replicated or avoided. <del>It is particularly important that this guidance is followed by development proposals.</del></p> <p><i>Modify the text of paragraph 6.10 as follows:</i></p> <p><del>It is also important that development respects</del> <b>Development should respect</b> the rich heritage of Fradley, as outlined in Section 2. <del>Development within the conservation areas is encouraged by national planning policy to preserve and, where possible, enhance its setting. Equally, development should avoid</del></p>		

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	<p><del>or minimise the impact on designated heritage assets, depending on their significance.</del></p> <p><i>Modify the text of Policy FRANP6 as follows:</i></p> <p>A. Proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Fradley. They should demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design.  <b>Development should respect the residential amenity of neighbouring occupiers and have regard to the Fradley Character Area Assessment.</b></p> <p><del>B. All development shall protect the amenity of neighbours, and reflect the scale, mass, height and form of neighbouring properties. Development should also demonstrate, through good urban design, that it will have a positive effect on Development proposals must demonstrate how they contribute positively to the features of the respective character areas, as described in the Fradley Character Area Assessment.</del></p> <p><del>C. In particular, development proposals shall:</del></p>		



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	<p><del>i. — ensure that they are not designed at densities which could harm amenity through insufficient provision of public and private amenity space; and</del></p> <p><del>ii. — avoid the appearance of cramming; and</del></p> <p><del>iii. — be in keeping with the form of development of properties in the immediate surrounding area, unless otherwise indicated in the Fradley Character Area Assessment; and</del></p> <p><del>iv. — ensure that new buildings do not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight or window; and</del></p> <p><del>v. — demonstrate that they have appropriately addressed any impact either on the setting of designated heritage assets or on the assets themselves; and</del></p> <p><del>vi. — use high quality materials; and</del></p> <p><del>vii. — ensure that it does not unacceptably reduce the level of existing private amenity space provision for existing residential properties; and</del></p> <p><del>viii. — provide adequate bin storage; and</del></p> <p><del>ix. — provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected; and</del></p> <p><del>x. — reflect the prevailing boundary treatments including, where possible, the retention of hedgerows; and</del></p>		

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	<p><del>xi. demonstrate effective permeability for vehicles, pedestrians and cyclists both through a site and in connecting the site to its surrounding areas.</del></p>		
<p>Policy FRANP7, Paras 6.21, 6.22, 6.23</p>	<p>Delete paragraphs 6.21, 6.22 and 6.23 and the two photographs above these paragraphs.</p> <p>Modify the text of Policy FRANP7 as follows:</p> <p>A. The following areas shown on the Proposals Map are designated as a Local Green Spaces:</p> <ol style="list-style-type: none"> <li>1. Watersmeet public open space</li> <li>2. Fradley skate park and MUGA</li> <li>3. Worthington Road play area</li> <li>4. Statfold Lane large public open space</li> <li>5. Statfold Lane small public open space</li> <li>6. Public open space at the junction of Williams Avenue and Rumbold Avenue</li> <li><del>7. Fradley Wood, Gorse Lane</del></li> </ol> <p><del>B. Proposals for built development on these Local Green Spaces will not be permitted unless:</del></p> <ul style="list-style-type: none"> <li><del>• the proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space; or</del></li> <li><del>• the proposal would result in the development of local community infrastructure as required by Policy FRANP3.</del></li> </ul>	<p>Examiners reasoning is provided at paragraphs 110 to 119 inclusive of the examiner's report.</p> <p>The NPPF sets out the requirements for the designating of local green spaces. Plan-makers should demonstrate that these requirements are met in full. These 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 not an extensive tract of land.</p> <p>The first six listed local green spaces are also in close proximity to the communities they serve, local in character and do not form extensive tracts of land.</p> <p>However, the proposed local green space at Fradley Wood appears as an extensive tract of land relative to the size of the neighbourhood area and its settlements. The proposed space is many times the size of other areas of local green space. Further, the space is some considerable distance from the settlements and as such it is not clear to</p>	<p>Yes – to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><b>B. Areas of Local Green Space will be protected in a manner consistent with the protection of land within Green Belts.</b></p> <p><i>Provide a new figure in the Proposals Maps section which clearly shows the precise Local Green Spaces and which removes the 'Fradley Wood' local green space. These maps are included at Appendix B of this decision statement.</i></p>	<p>the examiner that it is located in reasonably close proximity to the community it serves.</p> <p>National policy is explicit that managing development within a local green space is consistent with policy for green belt. The policy wording does not have regard to this but seeks to impose its own policy for managing development.</p> <p>Policies map shows the areas at a very small scale.</p>	
Policy FRANP8	<p><i>Modify the text of Policy FRANP8 as follows:</i></p> <p>A. <del><i>Developments proposals are expected to have regard to the existing natural and heritage features on a site and to retain these wherever possible. Development should provide net gains in biodiversity wherever possible. In particular, development should retain and enhance river habitats where relevant.</i></del> <b>Development must respect important natural and heritage features and provide net gains in biodiversity where possible. The retention and enhancement of river banks will be supported.</b></p> <p>B. <del><i>Where natural features have to be removed, development proposals are expected to incorporate new green infrastructure, including the planting of new linear features, such as hedgerows, in order to ensure that the character of the settlement and the ecological and natural</i></del></p>	<p>Examiners reasoning is provided at paragraphs 120 to 123 inclusive of the examiner's report.</p> <p>The policy does not distinguish between 'natural features' which could apply to any number of things. Further, it is not clear, in the absence of any information, when it would and would not be 'relevant' to retain and enhance river habitats.</p>	Yes- for clarity and meet the basic conditions.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><del>resources in the area are protected</del>  <b>Development should not result in the net loss of biodiversity or green infrastructure, including hedgerows.</b></p>		
<p>Policy FRANP9 and Para 7.1</p>	<p>Modify the text of paragraph 7.1 as follows:</p> <p>7.1 Within the Fradley Neighbourhood Plan area, Fradley Park provides a significant number of jobs principally in the warehousing and distribution sector. As a strategic employment location, its role is of significant importance, not least for the jobs that it provides. <del>This is expected to be reinforced by the allocation of further land south of Fradley Park for employment use in the Lichfield Local Plan Allocations Focused Changes DPD and development there is supported by the Neighbourhood Plan, subject to compliance with other policies within the Plan.</del></p> <p>Modify the text of Policy FRANP9 as follows:</p> <p><del>A. — Development proposals to provide small-scale office and/or light industrial (B1-class) employment opportunities will be supported. In particular, proposals to provide a new facility as part of a multi-functional community facility (in line with the requirements of Policy FRANP4) will be particularly strongly supported.</del></p>	<p>Examiners reasoning is provided at paragraphs 124 to 128 inclusive of the examiner's report.</p> <p>It is not clear why "in particular...particularly strongly supported" is any different to "supported". This part of the policy along with the part which refers to the Local Plan is not concise.</p>	<p>Yes – for clarity and to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><del>A. This policy applies within the village settlement boundaries and within the Fradley Park employment area, as identified in the Lichfield District Local Plan.</del></p> <p><b>Within the settlement boundaries and the Fradley Park employment area, the development of small-scale office and/or light industrial (B1 class) employment opportunities, including a new facility as part of a multi-functional community facility will be supported.</b></p>		
Policy FRANP11 and Para 8.4	<p><i>Modify the text of paragraph 8.4 as follows:</i></p> <p>Where improvements are needed, <b>the Parish Council will seek to encourage</b> contributions will be sought through Section 106 agreements and will be used to part-fund these and lever in match funding from other sources.</p> <p><i>Modify the text of Policy FRANP11 as follows:</i></p> <p>A. <del>Development proposals to improve cycling and walking will be supported. In particular, provision of cycle and pedestrian routes that are physically separated from vehicular traffic and from one another will be strongly supported. Such routes should also ensure that access by disabled users and users of mobility scooters is secured</del> <b>Development proposals to improve cycling, walking and disability access, including those that separate cycle and</b></p>	<p>Examiners reasoning is provided at paragraphs 132 to 137 inclusive of the examiner's report.</p> <p>The policy is not concise. There is no evidence to demonstrate that it would be viable or deliverable for all development to ensure safe pedestrian access to link up with existing footways that directly serve movement routes and this part of the policy does not have regard to paragraph 173 of the NPPF in respect of viability and deliverability.</p> <p>NPPF paragraph 32 is explicit in establishing that development should only be prevented on transport grounds where the residual cumulative impacts of development are serve and part D of the policy does not have regard to this.</p> <p>Part E of the policy is unclear. There is no evidence to demonstrate that access provision might only be</p>	Yes – to meet the basic conditions to ensure compliance with national policy.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><b>pedestrian routes from vehicular traffic will be supported.</b></p> <p><del>B. To ensure that residents can access public transport facilities, schools, leisure and other important facilities serving Fradley, all new developments should ensure safe pedestrian access to link up with existing footways that, in turn, directly serve the Movement Routes shown on the Policies Map.</del></p> <p><b>C.B. Proposals to enhance the identified Movement Routes will be strongly supported. Proposals to enhance the identified Movement Routes will be supported.</b></p> <p><del>D. Development will be expected to not have an unacceptable impact on Movement Routes and to provide a strategy to mitigate the impact of additional traffic movements on the safety and flow of pedestrian and cycle access.</del></p> <p><del>E. Where pedestrian, cycle and disabled access provision is not addressed by dedicated provision of crossings, improvements to existing crossing points will be supported. This includes provision of dropped kerbs for disability and pushchair access.</del></p>	<p>provided through the provision of crossings or dropped kerbs and access might not be addressed by dedicated provision of crossings in all manner of circumstances where dropped kerbs may be irrelevant, unnecessary or inappropriate.</p>	
Policy FRANP12 and para 8.10	<p><i>Modify the text of paragraph 8.10 as follows:</i></p> <p><del>In order to consider the cumulative impacts, any Transport Assessment or Transport Statement will need to provide a common methodology that relates to previous assessments or statements</del> <b>The Parish Council</b></p>	<p>Examiners reasoning is provided at paragraphs 138 to 139 inclusive of the examiner's report.</p> <p>Policy FRANP12 is predicated upon the provision of information to satisfy the Highway Authority. This</p>	<p>Yes – to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><b>will seek to work with applicants, the highway authority and other parties to encourage the provision of Transport Assessments or Statements that address the cumulative transport impact on road junctions, particularly Hilliard's Cross and Fradley Village on the A38 and the Gorse Lane Bridge.</b></p> <p><i>Delete Policy FRANP 12.</i></p> <p><i>Delete the 'Highway capacity at key road junctions' from the policies maps. These maps are included at Appendix C of this decision statement.</i></p>	<p>is not something the neighbourhood plan can control.</p>	
<p>Policy FRANP13 and paras 8.11, 8.12, 8.13, 8.14, 8.15</p>	<p><i>Delete policy FRANP13 and paragraphs 8.11 to 8.15 inclusive and the photograph on page 49 of the plan.</i></p>	<p>Examiners reasoning is provided at paragraphs 140 to 143 inclusive of the examiner's report.</p> <p>First part of the policy repeats existing policies but in a less detailed manner.</p> <p>Second part of the policy states that garages/car ports must be permanently available for car parking use. No information is provided as to how such an onerous requirement might be monitored and/or controlled. In the absence of such information this part of the policy is unjustified as it is not apparently deliverable having regard to paragraph 173 of the NPPF.</p>	<p>Yes – for clarity and the meet the basic conditions to be in conformity with national policy.</p>
<p>Policy FRANP14 and para 9.3</p>	<p><i>Modify the text of paragraph 9.3 as follows:</i></p>	<p>Examiners reasoning is provided at paragraphs 144 to 148 inclusive of the examiner's report.</p>	<p>Yes – for clarity and to meet the basic conditions.</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p>For older people, changing needs will not only concern type of housing. For many people, their needs will relate to the type of social care they receive, as some may be unable to continue living in their own homes as they age. There is interest in delivering care facilities for the elderly in Fradley and such provision is supported by the Neighbourhood Plan. <del>In particular, such provision should seek to be</del> <b>The Parish Council will seek to ensure that such provision is</b> well integrated with existing or newly planned development so that residents of any care facilities who are mobile are not isolated from the wider community.</p> <p><i>Modify the text of Policy FRANP14 as follows:</i></p> <p>A. In order to ensure that existing residents of Fradley can continue to live in their community as they age and their housing needs change, the provision of dwellings that demonstrably meet the needs of older people or are capable of adaptation to meet such needs <del>is encouraged</del> <b>will be supported</b>. This is particularly the case for 2- and 3-bed units which are the most appropriate dwelling sizes to address these needs.</p> <p><del>B. If reasonable provision of such units as a proportion of the total number of dwellings is not made, then it should be demonstrated why this would make the development unviable or why it is technically unfeasible.</del></p>	<p>Generally the first part of the policy supports the provision of housing to meet the needs of older people and as such has regard to national policy. It is not clear how this part of the policy might be encouraged.</p> <p>Part B of the policy is ambiguous as no indication is provided as to what would comprise "reasonable provision". This part of the policy 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 NPPF.</p> <p>The final part of the policy supports the delivery of facilities to support the care needs of older people and has regard to paragraph 70 of the NPPF.</p>	



## FRADLEY NEIGHBOURHOOD PLAN REFERENDUM DECISION STATEMENT

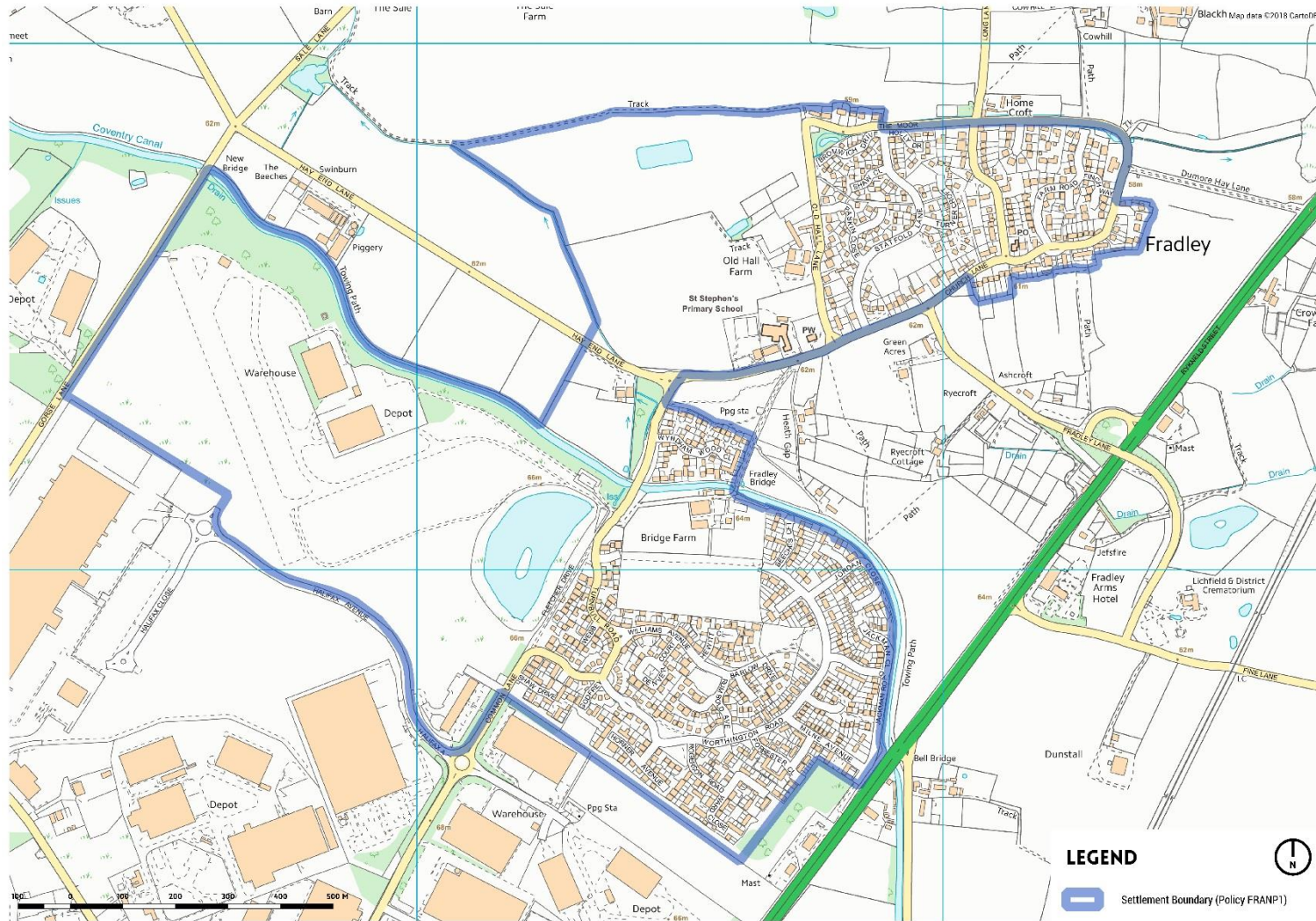
Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's decision and reason
	<p><del>C</del>.B. Provision of facilities in Fradley to support the care needs of elderly people (Class C2) will be supported.</p>		
Page 51, para 10.2, Table 10.1	<p><i>Modify the text of paragraph 10.2 as follows:</i></p> <p>The areas in which issues to work on have arisen in the course of consultations are noted in Table 10.1.  <del>Ownership of the issues has been suggested and when agreed active action planning should follow.</del> Inclusion in this list is not meant to signify approval or prioritisation of these issues.</p> <p><i>Delete the final column of table 10.1 'lead agencies and partner'.</i></p>	<p>Examiners reasoning is provided at paragraphs 149 to 150 inclusive of the examiner's report.</p> <p>The neighbourhood plan cannot impose requirements on other bodies or organisations.</p>	Yes – for clarity.
Whole document	<p><i>Update the contents page, policy numbering, paragraph numbering, policies maps, figures and page numbering to take account the recommendations contained within the examiners report.</i></p>	<p>Examiners reasoning is provided at paragraphs 151 to 152 inclusive of the examiner's report.</p> <p>Recommendations from the examiner's report will have subsequent impact on contents, policy numbering, paragraph numbering, policies maps, figures and page numbering.</p>	Yes – for consistency with other recommendation modifications.

TABLE 2

Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
Title Page	Add text to the title page as follows to signify that the document is the version of plan being voted upon at referendum. <b>“Referendum Version”</b> . NB – if the Plan is made “Referendum Version should be replaced with the date on which the plan is ‘Made’.	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.
Whole document	Delete ‘Submission Stage (Regulation 16) draft’ from the header on each page.	Yes – to show the progression of the plan.

Appendix A

Figure 4.1: Village settlement boundary



Appendix B

Local Green Space Maps







## Appendix C

### Proposals Maps

