



Decision Statement Regarding Lichfield City Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Lichfield City Neighbourhood Plan proceeds to referendum subject to the modifications set out in table 1 below. The decision statement was reported to Cabinet on 05/12/2017 where it was confirmed that the Lichfield City 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 5th August 2013 Lichfield City Council requested that the Lichfield City 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 Lichfield City Neighbourhood Area on 10th December 2013.
- 2.2 In August and September 2016 Lichfield City Council published the draft Lichfield City Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Lichfield City Neighbourhood Plan was submitted by the City Council to Lichfield District Council on 3rd July 2017 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 7th July and 18th August 2017 (the Local Authority publicity consultation). Mr Christopher Collison BA (Hons) MBA MRTPI MIED MCMI IHBC 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 Lichfield City 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. Lichfield City Neighbourhood Plan Examiner’s recommended modifications 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/lichfieldnp

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**).

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Policy 1, Page 15	<p>Independent Examiner’s Modification 1: Delete Policy 1: Cricket Lane Strategic Development Allocation and replace with the following “Non-Policy Action”.</p> <p>NON-POLICY ACTION A: CRICKET LANE STRATEGIC DEVELOPMENT ALLOCATION</p> <p>Lichfield City Council will liaise with developers and landowners to seek development of the employment part of the Cricket Lane Strategic Development Allocation that will maximise local economic and employment benefits, where this can be demonstrated to satisfy the sequential and impact tests; where good connections to adjacent residential areas and the City Centre can be achieved; and where development would not prejudice the re-instatement of the Lichfield Canal.</p>	<p>Policy 1 does not meet the Basic Conditions. The Policy is not consistent with strategic policy within the adopted Local Plan nor with National Policy within the NPPF with regards to sequential and/or impact tests. The neighbourhood plan does not include sufficient evidence to support the policy nor provide a practical frame work within which decisions on planning applications can be made. The neighbourhood plan process is a convenient mechanism to surface and test local opinion on matters considered to be important by the community and it is important that those matters should not be lost sight of.</p>	<p>Yes – to remove policy which does not meet the basic conditions and replace this with a non-policy action which makes clear an issue considered to be important to the community.</p>

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<p>Policy 2, Page 17</p>	<p>Independent Examiner’s Modification 2: Modify Policy 2: Managed Workspace as follows:</p> <p>The provision of managed employment space that is generally viable for occupation by business start-ups will be strongly supported. Such development should only occur in a sustainable location. This can be provided wither as a stand-alone development or as part of a mixed use development, including residential-led schemes.</p>	<p>The policy includes the term “strongly supported”, the determination of planning applications does not allow for differentiation of types of support. Core Policies 1 and 2 of the Local Plan establish a policy regime for the assessment of sustainable development. It is unnecessary and confusing for the neighbourhood plan to introduce a separate policy requirement in that respect. The policy does not provide a practical frame work within which decisions on planning applications can be made.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>
<p>Policy 3, Page 17</p>	<p>Independent Examiner’s Modification 3: Modify Policy 3: Lichfield Business Village, University of Staffordshire Campus as follows:</p> <p>The expansion of managed workspace at Lichfield Business Village on the University of Staffordshire Campus or elsewhere in the City where it complies with other planning policy will be supported.</p>	<p>The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>
<p>Policy 4, Page 22</p>	<p>Independent Examiner’s Modification 4: Modify text of Policy 4: Primary Movement Routes from the second paragraph onwards as follows:</p> <p>Proposals to enhance the identified Primary Movement Routes will be strongly supported.</p> <p>Development adjacent to Primary Movement Routes must will be expected to:</p> <ul style="list-style-type: none"> • Make developer contributions through the Community Infrastructure Levy (CIL) toward the enhancement of these Primary Movement Routes, particularly at key points of 	<p>The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF. The policy sets out ‘expectations’ of development adjacent to primary movement routes. An exception without implication does not provide a basis for decision taking.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>

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	<p>conflict between pedestrians/cyclists and vehicular traffic; and</p> <ul style="list-style-type: none"> • Not have a severe adverse unacceptable impact on the Primary Movement Routes, in particular through the creation of significant additional traffic movements which would have a detrimental impact on the safety or flow of pedestrian access. 		
<p>Non-Policy Action A, Page 22</p>	<p>Independent Examiner’s Modification 4: Rename Non-Policy Action A as Non-Policy Action B.</p> <p>Add the following as a second sentence to the non-policy action:</p> <p>The City Council propose to utilise developer contributions (including the City Council’s ‘meaningful proportion’ of the Community Infrastructure Levy) arising from developments adjacent to Primary Movement Routes to enhance those routes particularly at key points of conflict between pedestrians/cyclists and vehicular traffic.</p>	<p>To provide necessary clarification regarding the sources of funding.</p>	<p>Yes – to provide clarity in terms of the contributions being referred to.</p>
<p>Policy 5, Page 23</p>	<p>Independent Examiner’s Modification 5: Delete text of Policy 5: Signage and replace with the following:</p> <p>New or replacement directional signs will be supported where they do not visually detract from the historic city centre and other heritage assets.</p> <p>Insert new Non-Policy Action C: Funding Signage after policy 5 as follows:</p> <p>The City Council propose to utilise developer contributions (including the Council’s ‘meaningful proportion’ of the Community Infrastructure Levy) to fund directional sign provision. Within the</p>	<p>The policy should have regard to elements of national policy that relate to requiring good design and the conservation and enhancement of the historic environment. The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF.</p> <p>To provide necessary clarification regarding the sources of funding.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>

	<p>City Centre, assistance from the City Centre Business Improvement District will also be utilised.</p>		
<p>Policy 7, Page 28, Associated maps on pages 19,20,21 and 27</p>	<p>Independent Examiner’s Modification 6: Modify the text of Policy 7: Non-Retail Uses in the Retail Area, Lichfield City Centre as follows:</p> <p>In the Secondary Shopping Frontages of Lichfield City Centre (as defined on the Local Plan Proposals Maps and the Neighbourhood Plan Policies Maps), the introduction of non-A-class uses will be supported, provided it does not result in the loss of existing retail premises. Such uses include ‘pop up’ shops and cultural, creative and leisure uses introduced on a temporary basis or for specific events.</p> <p>Any conversion of ground and/or first floor A-class uses will only be supported should only be permitted where it can be demonstrated that the premises are no longer commercially viable. This should be demonstrated through a sustained marketing campaign of at least 12 months unless it can be demonstrated that an alternative marketing period is appropriate.</p> <p>Proposals in the City Centre conservation area and/or relating to listed buildings must ensure they protect and, where possible enhance these heritage assets. To be supported proposals that will harm the significance of the City Centre Conservation Area or a Listed Building in the City Centre must demonstrate the public benefit outweighs the harm to the heritage asset.</p> <p>Maps on pages 19, 20, 21 and 27 should be modified to reflect the Primary Frontages and Secondary Frontages shown on map 8.1 of the Local Plan Allocations document.</p>	<p>The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF. The policy as drafted does not adequately reflect paragraphs 133 and 134 of the NPPF which require the balancing of harm to the significance if a designated heritage asset against the public benefits of the proposal. The marketing period set out within the policy has not been sufficiently evidenced.</p> <p>To ensure there is consistency in respect of the primary and secondary frontages across the development plan as a whole and that these are based on the most up to date evidence.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>

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<p>Policy 8, Page 30</p>	<p>Independent Examiner’s Modification 7: Modify the text of Policy 8: Tourism and Cultural Industry Employment as follows:</p> <p>Development proposals that will create additional local jobs or protect existing jobs in the tourism or cultural industries will be strongly supported. This includes the temporary use of vacant retail/service (Use Class A) units or use if employment (Use Class B) units in the Primary Retail Frontages and Secondary Retail Frontages (identified on the Neighbourhood Plan Policies Map) where is it demonstrated the proposed use will not undermine the vitality and viability of the city centre This includes the use of vacant retail/service (Use Class A) or employment (Use Class B) units within the Primary Shopping Area.</p> <p>Rename Non-Policy Action B as Non-Policy Action D.</p>	<p>The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF. Modification to ensure Policies 7 and 8 become mutually consistent.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>
<p>Policy 9, Page 32</p>	<p>Independent Examiner’s Modification 8: Modify the text of Policy 9: Linkages with Lichfield Cathedral as follows:</p> <p>Proposals to improve linkages between Lichfield Cathedral and Lichfield City Centre will be strongly supported where they do not have a detrimental impact upon the context and setting of the Cathedral and other heritage assets and where they are consistent with other national and local planning policy.</p>	<p>The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF. The determination of planning applications does not allow for differentiation of types of support.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>
<p>Policy 10, Page 32</p>	<p>Independent Examiner’s Modification 9: Delete text of Policy 10: Views of Lichfield Cathedral and replace with the following:</p>	<p>Wording of the policy is imprecise. The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>

	<p>Development proposals in Lichfield City Centre must demonstrate that their design takes every opportunity to incorporate and enhance views of Lichfield Cathedral.</p>		
<p>Policy 11, Page 33</p>	<p>Independent Examiner’s Modification 10: Modify the text of Policy 11: Hotel Provision as follows:</p> <p>The provision of new hotel and other visitor accommodation space in Lichfield City, and particularly in Lichfield City Centre, will be strongly supported, subject to the sequential test being met. Potential sites for consideration include the Cricket Lane and former Quonians sites.</p>	<p>The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF. The determination of planning applications does not allow for differentiation of types of support. The policy as drafted is imprecise in terms of the type of accommodation being referred to. The reference to potential sites within the policy has not been sufficiently justified through the evaluation of options and application of the sequential test.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>
<p>Policy 12, Page 35</p>	<p>Independent Examiner’s Modification 11: Modify the text of Policy 12: City Centre Redevelopment Sites as follows:</p> <p>Redevelopment schemes will be supported sites within Lichfield City Centre, including Bird Street Car Park and the former Woolworths building, which deliver high quality design that demonstrates full regard for the historic environment of the City Centre, and demonstrate that any main town centre and residential uses proposed will positively contribute to the viability and vitality of the City Centre. and a mix of the following will be supported:</p> <ul style="list-style-type: none"> • Managed B1-class workspace • B1-class office • A class retail that complements the existing offer in the City Centre 	<p>The policy does not provide a practical frame work within which decisions on planning applications can be made as is required by the NPPF and particularly has regard for national policy in relation to conservation and enhancement of the historic environment.</p> <p>It is unnecessary and confusing for the policy to refer to key views of the cathedral as Policy 10 within the neighbourhood plan establishes a development management approach in this respect.</p>	<p>Yes – to be in accordance with national guidance and meet the basic conditions.</p>

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	<p>• Car parking on or off site Any development that does not provide for these uses as part of a mixed use development will be required to demonstrate, through a viability assessment, that inclusion of such uses would render a scheme unviable. Development proposals will be expected to ensure that they respect the historic environment of the City Centre and incorporate the key views of Lichfield Cathedral (Policy 10).</p>	Policy not supported by sufficient evidence in terms of why all schemes must include a mix of all the uses specified.	
Throughout document	<p>Independent Examiner’s Modification 12: Modification of general text [throughout the neighbourhood plan] will be necessary to achieve consistency with the modified policies and non-policy actions, and to correct identified errors including those arising from updates.</p> <p>The modifications are listed in the Annex to Report of Independent Examination October 2017. The annex does not specify the exact wording of any text changes, as such text changes relating to those areas identified in the annex and modification 12 are provided by the District Council and are set out within Table 2 below.</p>		Yes – for consistency with other modifications (see above)

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. “Referendum Version” . 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 Plan	Renumber Policies to take account of Policy deletion recommend by Modification 1.	Yes – so that policy number is consecutive within the plan following the modification to remove specific policy.
Para 4.7	Modification part of Independent Examiner’s Modification 12.	Yes – to provide clarity as to the latest position identified within the Local Plan evidence.

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	<p>The District Council suggest the first sentence of paragraph 4.7 should be extended to state “a revised target of 1000-140m² per annum of office floorspace”. This clarification would be useful.</p> <p>Add the following to the end of the first sentence of the paragraph: ...of 1000-1400m² per annum of office floorspace.</p>	
Para 4.10	<p>Modification part of Independent Examiner’s Modification 12. The District Council considers the context of the quote from the Employment Land Review 2014 in paragraph 4.10 should be clarified and that the paragraph should be updated to reflect the emerging Local Plan Allocations document. Consideration should be given to the suggestion of the District Council that the words after “notably” in paragraph 4.10 should be deleted.</p> <p>Delete all text from “notably those in the...” to the end of the paragraph.</p>	Yes – to remove text which would be inconsistent with emerging policy based on up to date evidence and in line with Independent Examiner’s modification 12.
Figure 5.1, para 5.5	<p>Modification part of Independent Examiner’s Modification 12. Figure 5.1 comprises of 3 maps. The second and third of these maps include areas of land described in the key as ‘proposed residential and employment development’ and ‘proposed residential developments’. It should be made clear that these are not development proposals of the neighbourhood plan [rather they are allocations within the adopted Local Plan].</p> <p>Add additional sentence to the end of paragraph 5.5 as follows: It should be noted that ‘proposed residential developments and ‘proposed residential and employment development’ identified on figure 5.1 are allocated through the Local Plan Strategy not this neighbourhood plan.</p>	Yes – to provide clarity in line with Independent Examiner’s modification 12.
Para 5.11	<p>Modification part of Independent Examiner’s Modification 12. The District Council suggest reference to the Bird Street car park in paragraphs 5.11, 7.6, 8.3-8.7 should be modified.</p>	Yes – to remove be consistent with Independent Examiner’s modification 11 and in line with Independent Examiner’s modification 12.

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	Delete “the...of the Bird Street Car Park (Policy 12)” from the second sentence of the paragraph.	
Para 6.2	<p>Modification part of Independent Examiner’s Modification 12. Consideration should be given to whether the retail evidence base has subsequently been updated by WYG’s Centres Report of 2017,</p> <p>Add additional sentence to the end of paragraph 6.2 as follows: Updated evidence relating to retail and town centre matters was published in 2017 through the Lichfield Centres Report.</p>	Yes – to include reference to the latest retail and centres evidence.
Para 6.6	<p>Modification part of Independent Examiner’s Modification 12. The District Council states the reference to ‘Local Plan Proposals Map’ should be changed to ‘Local Plan Policies Map’ to be consistent with terminology used within the Local Plan.</p> <p>Change reference to Local Plan Proposals Map to Local Plan Policies Map.</p>	Yes – to use consistent terminology through the development plan and in line with Independent Examiner’s modification 12.
Para 8.5	<p>Modification part of Independent Examiner’s Modification 12. The District Council state that in paragraph 8.5 the word ‘heritage’ is replaced with ‘historic environment’ in the first bullet point of the paragraph to use the correct terminology.</p> <p>Replace ‘heritage’ with ‘historic environment’ in the first bullet point.</p>	Yes – to use the correct terminology.
Figure 5.1 – Map on page 19	Remove ‘retail area (Policy 7) from the map and the key.	Retail Area does not link to Policy 7 as recommended to be modified by the Independent Examiner.
Policies Maps, pages 37-38	Replace the primary and secondary frontages and primary shopping area shown on the policies maps with those from the emerging Local Plan Allocations policies maps which reflect the most up to date evidence.	To ensure there is consistency in respect of the primary and secondary frontages across the development plan as a whole and that these are based on the most up to date evidence.

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Policies Maps, pages 37-38	Modify text within key for both Policies Maps to ensure consistency with renumbered policies.	To ensure consistency with modifications to renumber policies within the plan following Independent Examiner's modification 1.
Para 4.14	Remove paragraph.	Yes – to remove be consistent with Independent Examiner's modification 1 which deletes Policy 1: Cricket Lane Strategic Development Allocation and replaces with a Non-policy Action.
Para 4.18	Remove paragraph	Yes – to remove be consistent with Independent Examiner's modification 1 which deletes Policy 1: Cricket Lane Strategic Development Allocation and replaces with a Non-policy Action.
Para 5.6	Replace '4' with '3'.	Yes – to be consistent with modification to renumber policies so that they are consecutive.
Para 5.9	Delete 'This is particularly important if the Cricket Lane SDA is going to successfully integrate a high quality employment offer into its mix of uses, as required by Policy 1.'	Yes – to remove be consistent with Independent Examiner's modification 1 which deletes Policy 1: Cricket Lane Strategic Development Allocation and replaces with a Non-policy Action.
Para 6.5	Replace '12' with '11'.	Yes – to be consistent with modification to renumber policies so that they are consecutive.
Para 7.2	Replace '7' with '6'.	Yes – to be consistent with modification to renumber policies so that they are consecutive.
Para 7.5	Replace '12' with '11'. Replace '4' with '3'.	Yes – to be consistent with modification to renumber policies so that they are consecutive.
Para 7.8	Replace '12' with '11'.	Yes – to be consistent with modification to renumber policies so that they are consecutive.
Para 8.5	Replace '10' with '9'.	Yes – to be consistent with modification to renumber policies so that they are consecutive.