

Lichfield City Council

Lichfield City Neighbourhood Development Plan

A report to Lichfield District Council of the Independent
Examination of the Lichfield City Neighbourhood Development
Plan

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Overall Finding

This is the report of the Independent Examination of the Lichfield City Neighbourhood Development Plan. The plan area is the entire civil parish of Lichfield. The plan period is 2016-2029. The Neighbourhood Plan includes policies relating to the development and use of land.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Lichfield Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Lichfield City Council (the City Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Lichfield City Neighbourhood Area which was formally designated by Lichfield District Council (the District Council) on 10 December 2013. The Neighbourhood Plan has been prepared through the Lichfield City Neighbourhood Plan Committee, made up of 11 City Councillors, and involving community participation.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the City Council for submission of the plan and accompanying documents to the District Council. Having received the submission, the District Council arranged a six-week period of publication between 7 July and 18 August 2017. The District Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the

¹ Paragraph 183 National Planning Policy Framework (2012)

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
8. I have been appointed by the District Council with the consent of the City Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the City Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have more than forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

³ Paragraph 198 National Planning Policy Framework 2012

9. As independent examiner, I am required to produce this report and must recommend either:
- that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵
11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The National Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”
12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.
13. I have noted no ‘health check’, to assess whether the draft Neighbourhood Plan meets the basic conditions and other legal requirements has been undertaken during the plan preparation process. A health check will often help both the qualifying body and the local planning authority to recognise matters that may potentially be remedied before submission. From the qualifying body’s point of view, acting on the recommendations emerging from a health check will increase the likelihood of a positive experience at examination, as well as lessening the burden on the examiner to seek to remedy problems through extensive plan modifications.

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other statutory requirements

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸

15. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

16. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

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

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

17. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 10 December 2013. A map of the Neighbourhood Plan boundary is included in page 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the civil parish of Lichfield. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole, or part of, a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version Plan clearly states the plan period to be 2016-2029.
20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as,

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.¹⁷

Documents

24. I have given consideration to each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Lichfield City Neighbourhood Plan 2016-2029 June 2017
- Lichfield City Neighbourhood Plan 2016-2029 Basic Conditions Statement June 2017
- Lichfield City Neighbourhood Plan Consultation Statement June 2017
- Lichfield Neighbourhood Plan evidence base available on the Lichfield District Council and Lichfield City Council websites
- Lichfield City Neighbourhood Plan Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment Screening Report February 2016
- Representations received during the Regulation 16 publicity period
- Lichfield District Local Plan Strategy 2008-2029 and Local Plan Strategy Policies Maps (adopted 17 February 2015)
- Draft Local Plan Allocations document (issued for consultation 20 March to 12 May 2017)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Permitted development for householders' technical guidance DCLG (June 2016) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource DCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning Act 2017
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

26. Neighbourhood Plan consultation commenced with a series of one-to-one interviews with a range of stakeholders including commercial agents; developers; business, tourism and economic development organisations; and representatives from arts, heritage, retail, education, and local government organisations. A workshop with the Lichfield City Forum was held which had 22 attendees, and meetings were held with County and District Council Estates Departments.

27. A total of 28 people, including local residents and representatives of

groups and businesses, attended two further workshop events held on the same day in November 2015 at which objectives and emerging draft policies were considered. Given the size of the Plan area this attendance was very small. The events were well publicised through a website; information sent to Councillors and community groups; fliers placed in community buildings; posters displayed; as well as in a 'City View' magazine supplement distributed to 18,000 homes and business premises in Lichfield and adjacent areas. From November 2015, social media has also been utilised to publicise plan preparation.

28. Limited response to invitations to attend meetings during plan preparation may result in low levels of community ownership of the plan produced. Alternative means of engagement including staffed attendance at community events, use of questionnaires, and direct engagement in schools and within other community organisations, have proven successful in many areas where neighbourhood plans are being prepared.
29. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period between 15 July and 9 September 2016. Documents could be examined on a website or at City Council offices and the library. Publicity included prominent coverage in the City View magazine, use of social media, direct notifications to 52 statutory and non-statutory consultees, and consultation through membership organisations such as the Lichfield Chamber of Trade. There were 21 recorded responses to the consultation, including 10 from statutory bodies. Summaries of the observations made are presented in Appendix G of the Consultation Statement where responses of the Neighbourhood Plan Committee, and subsequent substantive amendments to the Neighbourhood Plan, are set out.
30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 7 July and 18 August 2017. Representations from 18 different parties were submitted during the publicity period.
31. The South Lichfield Residents Group state "*The plan emphasises the importance of public participation, we have found that very few residents know of this Plan and great confusion exists between the Local Plan 2014 and this Plan. Fewer were aware that this Plan was out for public consultation. This raises the questions concerning the value of the outcome of the referendum*".

32. Sport England has provided general advice on the consideration of sport related matters in the preparation of neighbourhood plans. Network Rail has drawn attention to its role as a statutory consultee in respect of planning proposals; stated transport assessments should consider impact on footfall at railway stations; and encouraged consideration of impact of proposals on level crossings. The Sport England and Network Rail representations, and the responses of Armitage with Handsacre Parish Council, the Coal Authority, and the Environment Agency have not raised any issues that require consideration of modification of the Neighbourhood Plan to meet the Basic Conditions and other statutory requirements.
33. Historic England welcome the recognition afforded to the key role of the historic environment in shaping the City's "unique offer" and to the importance of ensuring its conservation and promotion. The Canal and River Trust state the Neighbourhood Plan should include specific reference to the Lichfield Canal restoration line within its policies. The Inland Waterways Association Lichfield Branch states it is a "*missed opportunity to include specific reference to the Lichfield Canal restoration and offer similar support to the project for its heritage, recreational and tourism benefits to the City should be rectified by an appropriate addition to the Neighbourhood Plan. It would also be helpful to include the canal restoration route on the appropriate plans in the Movement section*". The Lichfield and Hatherton Canals Restoration Trust propose further references and map insertions should be included in the Neighbourhood Plan in respect of employment, movement, and tourism. There is no requirement for a neighbourhood plan to include reference to a canal restoration project. Policy 1 relates to a site through which the restoration line passes and I have referred to this matter when considering that policy later in my report. It would be beyond my role to determine what should constitute a Primary Movement Route and I have therefore not recommended a modification of Policy 4 in this respect. Greater recognition of the undoubted tourism benefits of canals is not necessary in order to meet the Basic Conditions and other requirements.
34. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where appropriate I refer to those representations that relate to policies of the

Neighbourhood Plan in the later section of my report relating to the Plan policies.

35. In a consultation, Government, had put forward a question as follows “Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or order? If you do not agree is there an alternative approach that you suggest that can achieve our objective?” The published Government response to the consultation states “We do not intend to take forward the proposals to introduce a new basic condition...”¹⁸ The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) Explains how they were consulted;
 - c) Summarises the main issues and concerns raised by the persons consulted; and
 - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁹
36. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met. It is evident that whilst direct community engagement has been limited, stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

37. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in

¹⁸ Department for Communities and Local Government Neighbourhood Planning Government response to consultation December 2014 ISBN 978-1-4098-4416-7

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the background and supporting documents and copies of the representations provided to me.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

38. The Basic Conditions Statement at paragraph 5.1 states *“the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.”* I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁰ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.
39. Whilst no equalities impact assessment has been undertaken, from my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.
40. The objective of EU Directive 2001/42²¹ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of

²⁰ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²¹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

'plans and programmes'²² as the Local Planning Authority is obliged to 'make' the plan following a positive referendum result.²³

41. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the City Council to submit to the District Council either 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.
42. The District Council issued a Screening Report in February 2016 concluding with the opinion that a full Strategic Environmental Assessment (SEA) will not be required. The Screening Report states *"The LCNP does not propose more development than is set out within the Local Plan Strategy, nor does it allocate sites for development. However, it does include policies which relate to specific areas within the Neighbourhood Area. The Plan identifies key sites, particularly within the City Centre, which are the subject of specific policies. None of these policies restrict development or seek to propose greater development than is set out within the adopted Local Plan Strategy. The Policies within the Plan seek to provide greater clarity and more local distinction to those provided within the LPS. The conclusions of the above screening assessment on the Lichfield City Neighbourhood Plan indicate that Strategic Environmental Assessment will not be required for the Lichfield City Neighbourhood Plan."* The Screening Report confirms that all the Statutory Consultees (Historic England, Natural England, and the Environment Agency) have been consulted. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
43. The Screening Report prepared by the District Council in February 2016 also includes a Habitats Regulations Assessment review and concludes *"that there are no potential significant effects upon the identified designated European sites and as such further work as part of the compliance with the Habitats Regulations will not be required."* The Screening Report confirms that statutory consultation has been undertaken. On this basis, I agree it is not necessary to undertake a full Habitats Regulations Assessment 'appropriate assessment' to accompany the Neighbourhood Plan.
44. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site. There are

²² Defined in Article 2(a) of Directive 2001/42

²³ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

45. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

46. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive).

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²⁴

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

47. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The Basic Conditions Statement includes Table 2.1 which identifies components of the Framework that are relevant to the objectives of the Neighbourhood Plan and Table 2.2 which is stated to provide “*a summary of how each policy in the LCNP conforms specifically to the NPPF.*” The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of

²⁴ National Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

examinations of Local Plans²⁵ which requires plans to be “*consistent with national policy*”. Lord Goldsmith has provided guidance²⁶ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

48. The Neighbourhood Plan includes a positive vision for Lichfield City. This includes the statement that the City “*will be an important economic centre in the West Midlands*”. The vision includes economic components “*increasing high value economic activities*” and “*a first-choice destination*”, and by identifying sectors and areas that will “*continue to thrive*”. Reference is also made to social factors through the statements “*harnessed the potential of the highly qualified resident workforce*” and “*encouraging more entrepreneurial activity*”. The vision also refers to the “*growing attractiveness of Lichfield as a City to be in*”; “*the cultural offer*”; “*dedicated space for the arts*”; and reference to the Cathedral as the jewel in the crown of the City Centre. These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system. Staffordshire County Council states the vision should include for the maintenance and enhancement of the city’s historic character, particularly within its historic core. There is no requirement for the vision to include any particular issues.

49. A representation made by Pegasus Group on behalf of Persimmon Homes Ltd and St Modwen Developments Ltd states concerns regarding the Plan Vision as being based on a number of aspirations; failing to recognise specific opportunities; being narrow in focus; and containing elements that are unlikely to be delivered. Whilst the representation would prefer an alternative vision no modification is necessary to meet the Basic Conditions.

²⁵ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁶ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

50. The vision is supported by seven objectives of the Neighbourhood Plan “*identified through engagement with residents, business, tourism, and cultural stakeholders in the community.*” These objectives refer to increase in higher value employment activities; increased start-up businesses; increased capture of local retail spend; increased tourism; increased cultural, creative, medical and educational activity; improved pedestrian access; and maintenance and enhancement of the historic character of the City Centre. The Neighbourhood Plan taken as a whole seeks to shape and direct the development of the area. This is precisely the role national policy envisages for a neighbourhood plan.

51. The Neighbourhood Plan includes two “Non-Policy Actions”. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The Guidance states, “*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.*” The acknowledgement in the Neighbourhood Plan of issues raised during plan preparation is consistent with this guidance and represents good practice. The Guidance states, “*Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.*” I consider the approach adopted in the Neighbourhood Plan of establishing that the City Council will work with the County and District Councils to address points of conflict for safe pedestrian and cycle movement; and to support for the Lichfield Waterworks Trust in their efforts to refurbish Sandfields Pumping Station and to support appropriate economic development linked to other heritage assets is appropriate. The colour coding and use of the title “*non-policy actions*” is sufficient to satisfy the requirement to be “*clearly identifiable*”. I have recommended an addition to the first Non-Policy Action, and the introduction of two additional Non-Policy Actions with respect to influencing development at the Cricket Lane Strategic Development Allocation, and with respect to funding of signage.

52. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am

satisfied that need to *'have regard to'* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *"having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan."*

53. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁷ The Guidance states, *"This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions"*²⁸.

54. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

55. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Section 3 of the Basic Conditions Statement confirms the alignment of the Neighbourhood Plan with each dimension of sustainability.

²⁷ Paragraph 14 National Planning Policy Framework 2012

²⁸ National Planning Practice Guidance (Ref ID:41-072-20140306)

56. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes enhance economic development, which amongst other sustainability benefits will reduce the current significant levels of out-commuting, whilst achieving important social and environmental gains. In particular, I consider the Neighbourhood Plan seeks to:

- encourage new and expanded managed workspace schemes;
- facilitate active travel through enhancement of primary movement routes, strengthened linkages between Friarsgate and other parts of the City Centre, and improved signage;
- retain the attractiveness of shopping frontages and protect heritage assets;
- strengthen tourism and cultural activity;
- enhance linkages with, and views of, Lichfield Cathedral from the City Centre;
- support hotel development; and
- support schemes on redevelopment sites.

57. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

58. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.²⁹ “*Neighbourhood plans must be in general conformity with the*

²⁹ Paragraph 16 National Planning Policy Framework 2012

*strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.*³⁰

59. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”³¹

60. I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has confirmed that the Development Plan applying in the Lichfield City neighbourhood area and relevant to the Neighbourhood Plan is the Lichfield District Local Plan Strategy 2008-2029 and Local Plan Strategy Policies Maps adopted on 17 February 2015. The District Council has confirmed that all of the policies of the Local Plan Strategy are regarded as strategic for the purposes of neighbourhood planning.

61. Lichfield District Council has sought views on a Local Plan Allocations document between 20 March and 12 May 2017. This is the second part of the Lichfield Local Plan and will add detail to the first part of the Local Plan (which is the Local Plan Strategy). The Local Plan Allocations document covers a range of issues, from housing and employment land allocations through to reviewing planning policies used to determine planning applications. This emerging plan document does not currently form part of the Development Plan for the area.

62. A number of the policies saved from the 1998 Lichfield Local Plan have been superseded by the Lichfield District Local Plan Strategy. It is intended the remaining saved policies, which I have considered in the context of their degree of consistency with the Framework, will be superseded by the Local Plan Allocations document when that is adopted.

³⁰ Paragraph 184 National Planning Policy Framework 2012

³¹ National Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

63. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there to introduce a degree of flexibility.*”³² The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole. The District Council has confirmed to me that all of the policies of the Local Plan are considered to be strategic for the purposes of neighbourhood plan preparation.

64. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*”³³

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

65. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

³² Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

³³ National Planning Practice Guidance (ID ref: 41-074 201 40306)

The Neighbourhood Plan policies

66. The Neighbourhood Plan includes 12 policies as follows:

Policy 1: Cricket Lane Strategic Development Allocation

Policy 2: Managed Workspace

Policy 3: Lichfield Business Village, University of Staffordshire Campus

Policy 4: Primary Movement Routes

Policy 5: Signage

Policy 6: Pedestrian Linkage of Friarsgate with the rest of Lichfield City Centre

Policy 7: Non-retail Uses in the Retail Area, Lichfield City Centre

Policy 8: Tourism and Cultural Industry Employment

Policy 9: Linkages with Lichfield Cathedral

Policy 10: Views of Lichfield Cathedral

Policy 11: Hotel Provision

Policy 12: City Centre Redevelopment Sites

67. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁴

68. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*³⁵

69. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence*

³⁴ Paragraphs 184 and 185 National Planning Policy Framework 2012

³⁵ National Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan".³⁶

70. *"A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).*"³⁷

71. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy 1: Cricket Lane Strategic Development Allocation

72. This policy seeks to establish general conditional support for B1 office space at Cricket Lane and states this could provide for the needs of a medium sized business seeking a headquarters type facility and/or research and development space. Other commercial uses such as hotels and health and fitness centres are also conditionally supported. The policy also seeks to ensure good connection to adjacent residential development and the City Centre.

Matters raised in representations

73. The South Lichfield Residents Group state *"the Plan is restricted by its terms of reference primarily to economic and employment issues within the constraints of Lichfield Local Plan 2014. As local residents our prime concern is the nature of the development at the Cricket Lane employment site. In the Plan the Economic Profile (Section 2) currently shows a surprisingly low level of professional, scientific and technical employment in the City. Residents believe that this imbalance needs*

³⁶ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

³⁷ National Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

correction to boost the City's profile and to provide quality employment for the many qualified people residing in the City. The future is high-tech, high quality employment not low-tech low wage jobs many of which will be replaced by automation in the medium term. With 27% of the City population already below 24 years of age this demand for quality employment will grow as the planned 2100 new City dwellings are completed. Residents support the proposals in the Plan that promote development of the Cricket Lane employment site for high quality employment uses i.e. Professional, technical and business services as contained in planning use class orders A2 and B" and "The Cricket Lane employment site should be carefully considered within the wider context of the South Lichfield area which is currently residential. The employment land site design and adjacent new housing development should be sympathetic to the existing residential area" and "The planning use orders categories B2 and B8 in the Lichfield Local Plan 2014 are inappropriate for this site" and "Existing traffic problems in London Road require resolution before additional demands are placed on the road system". The South Lichfield Residents Group also state "Section 4.19 of the Plan suggests that the 'market' should ultimately decide the nature of commercial/ industrial development of the Cricket Lane employment land. This is contrary to the public participation issues raised in Section 1 and makes a mockery of the planning process. Residents strongly insist that such decisions cannot be left to 'market forces'."

74. In a representation Mr Dundas states *"Support for all areas where new working places could be developed should be mentioned in the plan, particularly those areas that are likely to be the most quickly developed. It is therefore regrettable that the areas along Eastern Avenue, the GKN site, the Crossfield Industrial Estate, the Britannia Enterprise Park and Liberty Park, only have a superficial mention in the plan, whereas the Cricket Lane SDA receives special emphasis when it only has 12 ha of land allocated in the Local Plan for employment and is far further from the City station than the northern areas are from Trent Valley station. The GKN site with its proximity to the Trent Valley station is immediately available for development and is an ideal location for a flagship building mentioned in 4.16 to accommodate the head office of a national company. The Norgren site on Eastern Avenue is also available now and could be the site of a major office, or developed into smaller units similar to those on the Britannia Enterprise Park. Whilst it is important to have a long-term vision about developments to the south of the City, it is equally*

important to support developments in the north of the City that can bring quicker results”.

75. In a representation, Lichfield Civic Society states *“The aspiration to seek provision of office development, and complementary uses, including hotel accommodation and health and fitness centre facilities, at this location is supported. The scale, appearance and environmental impact of these is much more appropriate for this sensitive “gateway” to the City from the strategic highway network than locating B2 industrial and B8 warehousing buildings here. Furthermore, office development will constitute a much more acceptable immediate neighbour to the adjoining residential development proposed within the remainder of the Strategic Development Allocation (SDA). The suggestion that this office development could accommodate spin-off research and development, and related activities, from the nearby strategic headquarters of the Defence Medical Services, Whittington seems well-founded, and should be pursued as an effective way of retaining and growing the type of high quality employment which both the Neighbourhood Plan and the Local Plan are seeking. The Society’s only concern is that this aspiration for significant office development here may be difficult to deliver unless the public-sector authorities become actively involved in its promotion and provision. The policy also referred to routes linking from the SDA to the City Centre and elsewhere in the City and this element of Policy 1 is considered and a response made under Policy 4 Primary Movement Routes.”*

76. A representation by the Pegasus Group on behalf of Persimmon Homes Ltd and St Modwen Developments Ltd states *“The Lichfield City Economic Action Plan (LCEAP) is intended to form a key part of the evidence base underpinning the Lichfield City Neighbourhood Plan when considering the future direction of economic growth in the City. The Neighbourhood Plan notes that the LCEAP identifies four sectors that should be the focus of job creation in Lichfield City: Retail food & drink; Computer, IT, financial, scientific, technical and other professional services; Education – secondary, sixth form and university and Creative, leisure and media. The Plan gives general support to B1 office space at Cricket Lane under Policy 1 and whilst the four sectors outlined are important components of the Lichfield economy, the LCEAP excludes a number of other industries that make a significant contribution to the area. Manufacturing is the second largest sector in Lichfield with 5,000 jobs equating to 10.2% of total employment and has been omitted from the LCEAP. Another concern*

with the LCEAP is that it draws largely on employment forecasts produced as part of a previous employment land study that used 2009 as the base year (Employment Land Review, 2014). This means a lot of the evidence that the LCEAP is based upon is now eight years out of date and unlikely to offer a robust view as to what the future economic trends will look like in the District.

77. Since the Pre-Submission (Reg 14) Version of the Lichfield City Neighbourhood Plan, Lichfield District Council have updated part of its employment evidence base through the publication of the 'Lichfield Centres Report', January 2017. The Submission (Reg 16) version of the Lichfield City Neighbourhood Plan no longer refers to the Employment Land Review, but instead refers to the Lichfield Centres Report as finding a split in the market at Lichfield between demand for small-scale, flexible, managed office and workspace and the ability to attract national and regional occupiers, through the offer at Lichfield South. The Neighbourhood Plan also notes that the report considered that Cricket Lane can offer a 'halfway house' between these two, in that 'it will have the benefit of having modern accommodation with parking and be accessible but still on the fringe of the city office use within the Local Plan Strategy'.

78. It is noted that the above quotation from the report is incomplete and should read "it will have the benefit of having modern accommodation with parking and be accessible but still on the fringe of the city, albeit the site is not allocated for office use within the Local Plan Strategy (only general employment)". This is an important section of wording to have been omitted from the text, as recognition should be made within the Neighbourhood Plan that the Cricket Lane SDA Allocation in the adopted Local Plan Strategy allows the flexibility to include a mix of employment uses within part of the site, and that the Local Plan Allocations also is not prescriptive on this issue.

79. The Submission Neighbourhood Plan sets out the Lichfield District Local Plan (Policy Lichfield 3) target of delivering 30,000 sqm of gross office space within the City centre area to 2029 and notes that the draft Local Plan Allocations document includes a revised target. However, no acknowledgement is made within the Neighbourhood Plan of this target having been revised downwards from what equates to 1,428 sqm per annum in the Local Plan Strategy to an annual requirement of 1,000 sqm – 1,4000 sqm; leading to an overall target of 21,000 sqm – 29,400 sqm and thereby effectively decreasing the amount of office space required in the City Centre during the Plan period.

80. *The Neighbourhood Plan refers to the Centres Report as considering that, with the exception of Lichfield South, the Cricket Lane SDA represents the best opportunity of securing good office space. However, it is found that the Lichfield Centres Report is not actually so specific on this matter, instead recognising that the Local Plan Strategy allocates the site for general employment and should be protected from conversion to residential use.*
81. *The Employment Land Review, in demonstrating an 85% job balance across the District by 2029, assumes that 75% of the employment element of the Cricket Lane SDA would be for B8 end users and the remaining 25% for B1c/B2 end users. It does not state that the Cricket Lane SDA would be attractive to office uses and places no reliance on the delivery of B1a/B1b floorspace within the Cricket Lane SDA to achieve this jobs balance aim, which is a core strand of the District Council's adopted spatial strategy.*
82. *The LCEAP recognises that most regional or national scale businesses would prefer to locate in a more prestigious 'office only' location. Whilst Cricket Lane SDA is identified as having potential for medium sized headquarters within the document, it is recognised that Lichfield South (Wall Island) has planning permission for a further 12,500 sqm of grade A office floorspace and upon completion would accommodate the vast majority of the identified B1a floorspace target for Lichfield City in the short term. However, the Neighbourhood Plan still fails to acknowledge this recent grant of permission for expansion. Furthermore, it should be noted that Lichfield South is an 'office only' location supported by a hotel, restaurants and a private gymnasium, whilst the Cricket Lane SDA will certainly not represent an office only location.*
83. *Lichfield South (Wall Island) is located less than 1.5 miles from Lichfield City Centre and less than 1.5 miles from the Cricket Lane SDA. Whilst it lies outside the Neighbourhood Development Area boundary it should not be discounted as a location that will influence economic growth within the City. With Lichfield South having an extant consent for a further 12,500 sqm of Grade A floorspace as a second phase to an existing 'office only' park, it is difficult to understand how the LCEAP can conclude that the main focus for higher quality growth should be within the Cricket Lane SDA. The 12,500 sqm of consented Grade A office provision seems to have been discounted purely on the basis of administrative boundaries rather than functional economic geography. This 12,500 sqm of additional office floorspace forms part*

of the 30,000 sqm gross target advocated within Policy Lichfield 3 (Lichfield Economy) of the Local Plan Strategy over the Plan period from 2008 to 2029.

84. *It is noted that the redevelopment sites, or windfalls, identified in the Neighbourhood Plan within Lichfield City Centre capable of delivering B1 workspace, no longer include the Quonians site, but Policy 12 of the Neighbourhood Plan still includes Bird Street Car Park and the Former Woolworths Building. However, it remains the case that these two sites could easily satisfy the residual B1a floorspace requirement alone. The evidence therefore demonstrates that the target of 21,000 sqm to 29,400 sqm of B1a floorspace to serve Lichfield City is likely to be delivered within the Plan period through windfalls alone without the need for further policy intervention. Therefore, requiring B1a/B1b floorspace within the Cricket Lane SDA could undermine the expressed aim of the Neighbourhood Plan to maintain Lichfield City's vibrancy as a City Centre and would be in clear conflict with the adopted Local Plan Strategy, emerging Local Plan Allocations document and with national guidance.*
85. *Conformity with Local Plan Strategy. There is no evidence in the emerging Neighbourhood Plan that its text, policies and proposals have been progressed in a manner that is complementary to the adopted Local Plan Strategy or the emerging Local Plan Allocations document with areas of conflict minimised. In contrast the opposite appears to be the case. Any reading of the emerging Neighbourhood Plan alongside the adopted Local Plan reveals that they are, in terms of the employment strategy, incompatible as drafted. It is contended that Policy 1 of the Neighbourhood Plan is still too prescriptive, and in limiting employment development here to B1, is not in general conformity with the strategic policies of the Local Plan Strategy as the Neighbourhood Plan seeks to deliver a level of B1a office floorspace that would significantly exceed the now revised downwards target of between 21,000 and 29,400 sqm. Information set out in section 3 of this representation highlights that Lichfield City is close to achieving this target and that this level of provision is therefore in conflict with the strategic policies contained within the adopted Local Plan. Objection: Policy 1 and the supporting text (including paras. 4.13, 4.14, 4.19, 4.20) should be deleted or reference to support being given for B1 office space and research and development (Use Class B1b) space, removed.*

86. *The Local Plan Strategy, through Core Policy 8 (Our Centres), directs development proposals for retail, leisure and cultural facilities to the commercial centres of Burntwood and Lichfield City. LCNP Policy 1 (Cricket Lane Strategic Development Area) as drafted supports other commercial uses such as hotels and health and fitness centres as “complementary uses that assist in creating an attractive office market location, provided this does not fundamentally undermine the role of the Strategic Development Allocation.” Such wording is in conflict with the strategic policies contained within the Local Strategy, namely Core Policy 8. Objection: Policy 1 should be deleted as set out above or reference to assisting the creation of an attractive office market location, removed.”*

87. Referring to paragraph 4.18 of the Neighbourhood Plan the District Council state *“Sufficient evidence would need to be provided to show that the Cricket Lane SDA would be an appropriate location for hotel provision as neither Policy Lichfield 6 nor the Cricket Lane SDA Concept Statement within the Local Plan make reference to the site being suitable for such uses. Indeed, hotel provision would usually be considered a town centre use and such proposals would therefore need to satisfy the sequential test. It is recommended that this paragraph be removed from the neighbourhood plan as there is not sufficient justification to support the assertion that such uses would be appropriate at this location”*. The District Council also state *“The other commercial uses referred to within the third paragraph are primarily town centre uses and may not be appropriate for the Strategic Development Allocation which is identified within the adopted Local Plan Strategy to provide a significant contribution towards both the employment and housing requirements of the District. It is recommended that the following additional sentence be added to the third paragraph of the policy: ‘Where such uses are considered to be town centre uses this will need to be justified including satisfying the sequential plan test where appropriate’”*

Local Plan Strategy

88. The Local Plan Strategy Core Policy 7 includes the allocation for employment purposes of *“approximately 12 hectares within the Cricket Lane SDA (xxx), informed by the employment portfolio as shown within the Employment Land Review.”* The footnote (xxx) states *“Use Classes B1,2 and 8. For class B1(a) offices, regard must be had to policy CP8 (Our Centres)”*.

89. The explanation presented below Core Policy 7 includes *“The main aim of the policy is to focus on attracting high-value employment into the District and ensuring that the appropriate skills are available locally, with strengthened links between employers and the local community”* and *“The Employment Land Review 2012 forecasts job growth in the District of around 7,130 jobs between 2010 and 2028 but to achieve a job balance ratio of 85% it is forecast that 8,926 jobs should be created. Flexibility will need to be allowed for to cater for a potential increase in this number of jobs as a result of changing occupational structure within the District particularly in relation to key growth sectors such as the role played by manufacturing supply chains, the medical technologies sector (especially relating to the development of the Defence Medical Services site at Whittington), the potential for developing a cluster of low carbon technologies, and the expansion of the care industry related to the ageing population. These opportunities will lead to a higher proportion of those in higher earning professional positions living and also working within the District instead of commuting further afield to seek jobs which match their abilities and aspirations”*.
90. Local Plan Strategy Core Policy 8 states *“development proposals for retail, leisure, office and cultural facilities will be focussed within the commercial centres of Burntwood and Lichfield City.”* Local Plan Strategy Core Policy 9 states *“In line with local evidence, proposals for new hotel developments should be directed within town centres”*.
91. Local Plan Policy Lichfield 3 includes: *“Lichfield City Centre will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified in the City Centre whilst retaining the special architectural and historical character of the City. Lichfield City will be the focus for new employment, office, leisure and shopping development. New employment uses will be focused on the Burton Old Road/Streethay area, close to existing employment sites, around Trent Valley Station, within smaller estates in the south of the city and within the South of Lichfield (Cricket Lane) Strategic Development Allocation. Office development within the city centre is encouraged, but due to the historic core there is limited capacity”* and *“Up to 30,000m² gross of office provision will be supported in Lichfield City, focused on the City Centre. All proposals should have regard to*

the need to protect and enhance the City's historic character. A sequential approach to the location of offices will be applied and where there is clear evidence that there are no suitable office sites within the city centre, locations on the edge of the city centre will be considered before locations elsewhere within and accessible to Lichfield City. All sites should benefit from excellent public transport links to Lichfield City and should not prejudice further office development within other town centres, including those outside the district."

92. Local Plan Policy Lichfield 6 includes *"Provision of approximately 12 hectares of employment development within the Cricket Lane Strategic Development Allocation..."*. The Local Plan Appendix 1 Cricket Lane South of Lichfield SDA Concept Statement states *"Development may include a mix of employment uses within part of the site. Any employment development will have regard to the residential amenity of the SDA and the road network which defines the site."*

Emerging Local Plan Allocations Document

93. The Guidance states *"Although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested"*. Local Plan Allocations Policy EMP1 maintains the definition of employment land as including B1, B2, and B8 uses and states *"These employment areas and allocations provide sufficient flexibility to accommodate a range of uses and be flexible to meet changing circumstances within the employment land market across the plan period"*. I have noted emerging policy EMP1 refers to uses that will enhance or compliment an employment offer. Policy Lichfield 3 of the emerging Local Plan Allocations document states *"Lichfield City Centre will be the focus for new office, leisure and shopping development"* and *"The provision of new office space will be supported within the City centre boundary in order to meet the evidence based annual floorspace requirement of 1,000 m²-1,400m². Managed workspace style office accommodation will be encouraged as part of mixed use schemes and new proposals should have regard to the potential development sites set out in the City Centre Development Strategy. All proposals for new office floorspace should have regard to the need to protect and enhance the City's historic character. A sequential approach to the location of offices will be applied and where there is clear evidence that there are no suitable office sites within the city centre, locations on the edge of the city*

centre will be considered before locations elsewhere within and accessible to Lichfield City.”

General conformity with the strategic policies of the Development Plan

94. Local Plan Strategy Core Policy 7 allocates approximately 12 hectares of land within the Cricket Lane SDA for employment development, to be informed by the employment portfolio within the Employment Land Review. Footnote (XXX) clarifies the uses to be Use Classes B1, B2 and B8, and states *“For Class B1(a) offices, regard must be had to policy CP8 (Our Centres)”*. Local Plan Strategy Core Policy 8 states office facilities will be focused within the commercial centres of Lichfield and Burntwood in respect of which town centre boundaries are defined in the Local Plan Strategy.
95. Local Plan Policy Lichfield 3 provides for new employment uses within the Cricket Lane SDA. Policy Lichfield 3 also states office development within the city centre is encouraged, but due to the historic core there is limited capacity and states *“Up to 30,000m² gross of office provision will be supported in Lichfield City, focused on the City Centre.³⁸ All proposals should have regard to the need to protect and enhance the City's historic character. A sequential approach to the location of offices will be applied and where there is clear evidence that there are no suitable office sites within the city centre, locations on the edge of the city centre will be considered before locations elsewhere within and accessible to Lichfield City. All sites should benefit from excellent public transport links to Lichfield City and should not prejudice further office development within other town centres, including those outside the district.”*
96. Local Plan Policy Lichfield 6 makes provision for approximately 12 hectares of employment development within the Cricket Lane SDA and establishes concept statements. The Cricket Lane South of Lichfield SDA Concept Statement (Appendix I) states *“Development may include a mix of employment uses within part of the site. Any*

³⁸ The emerging Local Plan Allocations document recently subject to consultation states *“Lichfield City Centre will be the focus for new office, leisure and shopping development”* and *“The provision of new office space will be supported within the City centre boundary in order to meet the evidence based annual floorspace requirement of 1,000 m²-1,400m². Managed workspace style office accommodation will be encouraged as part of mixed use schemes and new proposals should have regard to the potential development sites set out in the City Centre Development Strategy”* and *“In order to meet the requirements from national/regional office market, the committed Lichfield South Business Park extension site (SiteL30) is to be allocated for Grade A office development (up to 12,500 m²).”*

employment development will have regard to the residential amenity of the SDA and the road network which defines the site.”

97. Policy 1 of the Neighbourhood Plan is not in general conformity with the strategic policies contained in the Development Plan for the following reasons:

- Referring to B1 office space and research and development space Policy 1 states *“such a development will need to meet the sequential test and demonstrate that there are no other suitable sites in the City Centre.”* This is not in general conformity with the Policy Lichfield 3 which states *“A sequential approach to the location of offices will be applied and where there is clear evidence that there are no suitable office sites within the city centre, locations on the edge of the city centre will be considered before locations elsewhere within and accessible to Lichfield City. All sites should benefit from excellent public transport links to Lichfield City and should not prejudice further office development within other town centres, including those outside the district.”* Policy 1 does state a need to meet the sequential test but then goes on to state only part of that test. Policy 1 fails to refer to the need to consider edge of city centre sites for office developments before locations elsewhere. There is also insufficient evidence that prejudice to further office development within other town centres, including those outside the District has been considered;
- Local Plan Strategy Core Policy 7 includes the measure: *“Proposals for facilities for employees within large industrial estates will be encouraged where there are no suitable and easily accessible facilities nearby”*. Policy 1 seeks to establish support for commercial uses such as hotels and health and fitness centres *“as complimentary uses that will assist in creating an attractive office market location, provided this does not fundamentally undermine the role of the Strategic Development Allocation.”* Hotels would not be in general conformity with the *“facilities for employees within large industrial estates”* element of Core Policy 7. Policy 1 is also not in general conformity with Core Policy 9 which states proposals for new hotel developments should be directed within town centres;

- By supporting commercial uses “such as hotels and health and fitness centres” Policy 1 is not in general conformity with the Strategic Development Allocation Concept Statement established through Policy Lichfield 6 of the adopted Local Plan Strategy where the SDA is anticipated to accommodate employment (and housing) development that will help meet the requirements of the District.

National policies and advice contained in guidance issued by the Secretary of State

98. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is not appropriate to make the Neighbourhood Plan if it contains Policy 1 for the following reasons:

- The Framework states “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies*”. Policy 1 seeks to establish general support for B1 office space and research and development space. The Cricket Lane Strategic Development Allocation for B1, B2 and B8 uses is a strategic policy. Strategic Policy provides for B1, B2 and B8 development, and full flexibility in implementation across those uses, subject to the restriction that for B1(a) offices, regard must be had to policy CP8. Policy 1 does not plan positively to support the land use range and flexibility of strategic policy with respect to development within the employment allocation at the Cricket Lane SDA.
- The Framework states it is “*outside the strategic elements*”, that neighbourhood plans will be able to shape and direct sustainable development in their area. Policy 1 is seeking to shape development within a strategic element of an up to date Local Plan;
- The Framework states “*Local planning authorities should apply a sequential test to planning applications for main town centre*

uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale” and “When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm). This should include assessment of: • the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and • the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. Where an application fails to satisfy the sequential test, or is likely to have significant adverse impact on one or more of the above factors, it should be refused”. With respect to B1 office space Policy 1 does not include consideration of edge of city centre sites before locations elsewhere, nor does Policy 1 include any requirement for impact assessment;

- The commercial uses, hotels and health and fitness centres, referred to in Policy 1 are clearly identified as main town centre uses in the Glossary to the Framework. With regard to these uses Policy 1 fails to recognise the requirement to satisfy the sequential test and possible requirement for impact assessment set out in paragraphs 24 to 27 of the Framework;
- A representation has identified what are stated to be available locations that could accommodate a medium sized business headquarters type facility. The Guidance states “*Proportionate,*

robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan".³⁹ The Neighbourhood Plan does not include sufficient evidence of the identification and evaluation of spatial alternatives;

- The Policy includes the terms “*general support*” and “*could provide for*”. These imprecise terms do not provide a basis for the determination of planning applications. Whilst the policy title includes the words “*Strategic Development Allocation*” the policy itself does not, but states “*at Cricket Lane*”. In this respect the policy is incapable of spatial application. The policy refers to “*Use Class 1b*”. The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. The Order gives an indication of the types of use which may fall within a use class. It is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which use class a particular use falls into. Use Class 1b does not exist in the Use Classes Order 1987 (as amended). The final sentence of the policy includes the term “*such uses*” but it is unclear which uses are referred to. For these reasons the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

99. Policy 1 does not meet the Basic Conditions. I recommend it is deleted. I have earlier in my report stated the Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. It is important that those matters, raised as important by the local community and other stakeholders, should not be lost sight of. I recommend Policy 1 should be replaced with a Non-Policy Action stating the City Council will seek to liaise with developers and landowners to achieve the community aspiration to maximise the local economic and employment benefits from development of the employment part of the Cricket Lane Strategic Development Allocation subject to sequential test and impact assessment considerations; where good connections to adjacent residential areas and the City

³⁹ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

Centre can be achieved; and also recognising the need to safeguard the restoration of the Lichfield Canal referred to in representations of the Canal and River Trust; the Inland Waterways Association Lichfield Branch; and the Lichfield and Hatherton Canals Restoration Trust.

Recommended modification 1:

Replace Policy 1 with:

“Non-Policy Action A: Cricket Lane Strategic Development Allocation

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.”

Policy 2: Managed Workspace

100. This policy seeks to establish support for provision of managed employment space that is generally viable for business start-ups either as stand-alone developments or part of mixed use developments in sustainable locations.
101. In a representation, Lichfield Civic Society states support for the policy “*in the right locations*” for example, the Cricket Lane SDA, but not as part of the development of Bird Street Car Park, and refers to the need to avoid loss of open space on The Friary site. Policy 2 is not site specific. The representation also expresses the view provision would only be likely to be achieved if the public sector were fully involved. There is no requirement for the policy to consider means of implementation of potential schemes.
102. The policy includes the term “*strongly supported*”. The determination of planning applications does not allow for differentiation of types of support. I have recommended a modification in this respect.
103. The Development Plan should be read as a whole. The Local Plan, in particular through Core Policy 1 and Core Policy 2, establishes 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 this respect. The term “*Such development should only occur in a sustainable location*” is in any case imprecise. The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect.

104. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 7. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy 2:

- **delete “strongly”**
- **delete “Such development should only occur in a sustainable location.”**

Policy 3: Lichfield Business Village, University of Staffordshire Campus

105. This policy seeks to establish support for 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.

106. In a representation, Lichfield Civic Society states in principle, support for the policy provided it does not result in further significant loss on this site of the area of open space which under the previous Local Plan was designated as Framework Open Space. The representation also asserts the main public car park was given consent as a temporary use and states progression of the Business Village proposal may need public sector backing to succeed. The Lichfield Business Village is situated within the Lichfield Campus shared by South Staffordshire College and Staffordshire University

accessed from The Friary. Whilst part of the Campus is identified as Framework Open Space in the Local Plan Strategy 2008-2029 adopted 2015 this would not restrict all options for development that could expand the managed workspace at the Lichfield Business Village. The car park consent issue and the comment on implementation do not require modification of the policy to meet the Basic Conditions.

107. The term “*or elsewhere in the City*” is imprecise. Policy 2 establishes support for managed workspace in the Plan area. It is unnecessary and confusing for Policy 3 to also seek to establish support for managed workspace “*elsewhere in the City*”. The term “*where it complies with other planning policy*” is also imprecise. The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended modification in these respects.

108. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 7. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy 3: delete “or elsewhere in the City where it complies with other planning policy”

Policy 4: Primary Movement Routes

109. This policy seeks to protect from development, and support proposals to enhance, the Primary Movement Routes, identified on the Policies Map. The policy sets out expectations of development adjacent to the Primary Movement Routes.

110. In a representation, Lichfield Civic Society support the policy in principle, but state certain of the route alignments are not considered to be acceptable, and could be more appropriately located to ensure

attractive and safe pedestrian and cycle movements. An alternative to the route between the Cricket Lane SDA and the City Centre is suggested. The representation also states the key nodes of conflict are not comprehensive, highlighting two examples, namely: the crossing in Bird Street on the bend at the junction with Swan Road which is stated to be dangerous for pedestrians and cyclists; and at the St John Street/Birmingham Road junction the crossing from Birmingham Road to the City Centre has no pedestrian refuge nor do the traffic lights have a phase for pedestrians or cyclists to cross. It is not within my role to assess the soundness of the Neighbourhood Plan including the selection of primary movement routes or identification of key points of conflict. My role is not to produce an alternative plan but to examine whether the submitted plan meets the Basic Conditions and other requirements.

111. Lichfield Civic Society also state “*section 106 contributions should also be mentioned in the Policy as a potential funding source*”. In a representation the District Council state “*The policy should state that it is the City Councils ‘meaningful proportion’ of CIL that will be used. Improvements to the proposed primary movement routes are not on the District Councils Regulation 123 List and therefore cannot be funded by the District Councils proportion of CIL. The first bullet point in the policy should be amended as follows: “make developer contributions through the City Council’s ‘meaningful proportion’ of the Community Infrastructure Levy...”*”. I agree that clarification is necessary regarding sources of funding and have recommended a modification in this respect.
112. The policy includes the term “*strongly supported*”. Decision taking in respect of development proposals does not enable the nature or extent of support to be distinguished. The policy sets out “*expectations*” of development adjacent to the identified Primary Movement Routes. An expectation without implication does not provide a basis for decision taking. In this respect the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The Framework states “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. I have recommended modification of the Policy in these respects. I have also, in the Annex to my report, included reference to the maps that comprise Figure 1.

113. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 5, and Development Management Policy ST1. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy 4:

- delete “strongly”
- delete “will be expected to” and insert “must”
- delete “through the Community Infrastructure Levy (CIL)”
- delete “unacceptable” and insert “severe adverse”

In non-policy Action A (which should be retitled Action B) add a second sentence “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.”

Policy 5: Signage

114. This policy seeks to establish support for the provision of carefully considered and improved signage, in particular in the City Centre. The policy also seeks to establish that signage will be one use of CIL funds.

115. In a representation, Lichfield Civic Society states “*Tourism is recognised by the Society as an important element in the economy of the City, but the Society considers insufficient positive proposals are included in the Plan both for the future and to resolve current failings. The proposal to improve signage is welcomed, but it is considered there are many other elements in the City Centre requiring positive action based on explicit policies that require inclusion in the Plan. Various examples can be put forward, including: improved heritage interpretation signs and boards, general and widespread*

improvements to many elements of the street scene, such as landscape and street furniture maintenance and renewal. A significant negative element within the City Centre at present is the 'pedestrianisation' scheme which is inadequate and in need of review."

116. In a representation Staffordshire County Council states "*Key within the provision of signage is the development of an appropriate strategy including considerations regarding design, scale, colour palette. This could extend to consider current and future historic interpretation within the city centre. This should also consider approaches to decluttering and could be part of a broader public realm strategy. – English Heritage (Historic England) Streets for All: West Midlands. This approach should link into the strategy regarding pedestrian linkages particularly within Lichfield's historic medieval core*".
117. Policy 5 relates to signage. There is no requirement that the other matters referred to in the Civic Society and County Council representations should be the subject of policies in the Neighbourhood Plan.
118. The District Council state "*The policy should clarify the need to carefully consider the location, design of signage to ensure it does not visually detract from the historic city centre and in particular the conservation area and setting of listed buildings.*" I agree the policy should have regard for those elements of national policy that relate to requiring good design, and the conservation and enhancement of the historic environment. I have recommended a modification in this respect.
119. The District Council also state "*the policy should be modified to be clear that it is the City Council's 'meaningful proportion' of CIL which is being referred to within the policy.*" I agree that clarification is necessary regarding sources of funding. I have recommended a modification in this respect.
120. The term "*in addition to existing legislative requirements relating to new development signage*" is imprecise. It is unclear how a proposal will be judged to be "*carefully considered*". The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended modification in these respects.

121. Signage erected or installed by a Local Authority will often be permitted development in terms of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is evident from paragraph 5.11 the policy relates to directional signage and not signage in general. I have recommended a modification to clarify this.

122. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 5. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 5:

Replace Policy 5 with:

“New or replacement directional signs will be supported where they do not visually detract from the historic city centre and other heritage assets.”

Insert new “Non-Policy Action C: Funding Signage

The City Council propose to utilise developer contributions (including the City Council’s ‘meaningful proportion’ of the Community Infrastructure Levy) to fund directional sign provision. Within the City Centre, assistance from the City Centre Business Improvement District will also be utilised.”

Policy 6: Pedestrian Linkage of Friarsgate with the rest of Lichfield City Centre

123. This policy seeks to establish support for improved pedestrian linkages between any new retail and cultural uses at Friarsgate and the rest of the City Centre.

124. A representation made by WYG on behalf of Development Securities (Lichfield) Ltd states support for initiatives to provide strong linkages and footfall between Friarsgate and the existing city centre but object to the portrayal of a negative image of the Friarsgate

scheme as a 'potential threat' to the existing amenities and services within the city centre.

125. In a representation, Lichfield Civic Society support the policy in principle but express concern at the possibility of Friarsgate drawing shoppers away from the rest of the shopping area. It is stated the present pedestrianisation scheme is adversely affecting pedestrian links, and the suggestion that the development of Bird Street Car Park can assist in improving links between Friarsgate and the Cathedral is questioned. A representation made by Orchard Street Investment Management (OSIM), asset managers of the Three Spires Centre, on behalf of Railway Pension Nominees Ltd (stated to be owners of that centre) support the policy but recommends that it is strengthened to ensure integration (rather than supporting) and provides for a vibrant and active functional link, as well as a physical link characterised by new or improved urban realm.

126. I have earlier in my report explained my role is to consider whether the Neighbourhood Plan meets the Basic Conditions and other requirements. It is not within my role to take a view on how the Friarsgate scheme is described in the Neighbourhood Plan. There is no requirement for the policy to include detail as to how pedestrian linkages should be improved. None of the points made in representations require modification of the Policy in order to meet the Basic Conditions and other requirements. The policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Policy Lichfield 1, and Policy Lichfield 2. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; promoting sustainable transport; and conserving and enhancing the historic environment. This policy meets the Basic Conditions.

Policy 7: Non-retail Uses in the Retail Area, Lichfield City Centre

127. This policy seeks to establish that within defined Secondary Shopping Frontages the introduction of non-A-class uses will be supported provided it does not result in the loss of existing retail premises. The policy seeks to establish circumstances where

conversion of ground and/or first floor A-class uses will be permitted. The policy also seeks to establish that proposals in the City Centre Conservation Area and /or relating to listed buildings must ensure they protect and where possible enhance these heritage assets.

128. A representation made by WYG on behalf of Development Securities (Lichfield) Ltd states *“Whilst this policy is not considered to present any direct implications for the units within Friarsgate, which benefit from flexibility (A1 to A5) as to their uses by virtue of the planning permission in place, our client would not want to see unnecessary widespread restrictions placed on units which could hinder attracting tenants into the city centre”*.

129. In a representation, Lichfield Civic Society states concern *“about potential adverse effects of such a policy if carried to extremes, eg.an excessive proliferation of cafes, restaurants and, particularly, coffee shops. It would be of concern if the retail proportion of ground floor uses across the core was so diminished that the City Centre became dominated by subsidiary activities and uses, to the overall detriment of the Centre’s attractiveness to shoppers”*. The policy does seek to introduce viability related requirements where conversion of ground or first floor A-class uses are proposed. The Policy title confirms this requirement applies across the whole of the retail area. The Civic Society also consider issues relating to unused and underused upper floors and empty premises within the core require more emphasis. It is beyond my role to recommend additional policies.

130. The District Council state *“Figure 5.1 Primary Movement Routes: The ‘Retail Areas’ as shown on the figure are not consistent with the primary shopping areas shown on the Local Plan Policies maps (nor the primary shopping areas shown later in the neighbourhood plan) which accompany the emerging Local Plan Allocations document. These areas are based upon up to date evidence within the Lichfield Centres Report 2017. The figures/maps within the neighbourhood plan should either be amended to reflect the latest evidence and the Local Plan Allocations document or the figures could be removed and replaced with a simple text reference to the Local Plan Policies Maps. The reference to ‘Local Plan Proposals Map’ should be changed to ‘Local Plan Policies Map’ to ensure consistent terminology is used within the neighbourhood plan. It is also recommended to remove reference within the policy to the neighbourhood plan policies maps as these may become outdated. The policy requires demonstration of marketing for a period of at least*

12 months, however little justification is given as to how this period has been selected. It is recommended that justification is provided and included within the explanatory text to the policy.” It is good practice for a Neighbourhood Plan to be self-contained. The need to refer to a map in another Development Plan document is not user friendly and does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect and in respect of ensuring consistency of definition of primary and secondary frontages across the Development Plan as a whole and that these are based on the most up to date information.

131. The final paragraph of the policy seeks to establish that proposals in the City Centre Conservation Area and /or relating to listed buildings must ensure they protect and where possible enhance these heritage assets. This approach does not adequately reflect paragraphs 133 and 134 of the Framework which require the balancing of harm to the significance of a designated heritage asset against the public benefits of the proposal. I have recommended a modification in this respect.
132. Rigid adherence to a marketing period of not less than 12 months has not been sufficiently evidenced. The Framework states *“policies should be flexible enough to accommodate needs not anticipated in the plan to allow a rapid response to changes in economic circumstances.”* I have recommended modification in this respect.
133. Use of the word *“should”* introduces uncertainty. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The policy includes the term *“permitted”*. The policy uses the term *“permitted”*. With regard to the issue of decision making the Framework states *“the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”*. This basis for decision making should be made clear. Policies should use the term *“will be supported”* in recognition that the basis of decision making is the development plan unless material considerations indicate

otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

134. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 8. I have not regarded Local Plan Saved Policies L.15 and L.16, which are to be replaced by the Local Plan Allocations document, as strategic policies for the purposes of neighbourhood planning. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy 7:

- **delete “the Local Plan Proposals Maps and”**
- **delete “should only be permitted” and insert “will only be supported”**
- **after “12 months” insert “unless it can be demonstrated that an alternative marketing period is appropriate”**
- **replace the final paragraph with “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.”**

The maps on pages 19, 20, 21, and 27 should be adjusted to reflect the Primary Frontages and Secondary Frontages shown on Map 8.1 of the Lichfield District Allocations document.

Policy 8: Tourism and Cultural Industry Employment

135. This policy seeks to establish support for development proposals that will create additional local jobs, or protect existing jobs, in the tourism or cultural industries. The policy states this includes use

of vacant retail/service (Use Class A) or employment (Use Class B) units within the Primary Shopping Area.

136. Lichfield Civic Society states *“The Civic Society support this Policy, but would wish to emphasise that “tourism” will only continue to grow if the unique and special character of the “Heritage Asset” of the City and Historic Core is not only safeguarded but enhanced, and not over-whelmed by new development of a scale and appearance out of character and not in keeping with the very essence of the Attraction. A further element necessary to support growth of the tourism and cultural industry relates to the need to maintain and improve the quality of the “public realm” in all its aspects.”*
137. The South Lichfield Residents Group state *“Section 2 of the Plan clearly recognises tourism as a major contributor to the City economy, but also indicates that this important sector is underperforming. The problem is not confined to the issues identified in the Plan and would be exacerbated should visitors find the London Road approach to the City marred by inappropriate industrial and commercial development. The current planning categories in Lichfield Local Plan 2014 would permit the development of huge warehousing and distribution centres, which would detract from the ethos of the ancient City and further exacerbate existing traffic problems on London Road.”*
138. Staffordshire County Council suggest the Neighbourhood Plan might draw attention to the Staffordshire Hoard.
139. Lufton and Associates in a representation made on behalf of Cher Varya Group Ltd state the Neighbourhood Plan *“fails to acknowledge the wider tourism offer of the sub-region and the synergy between attractions in and outside the City. We believe there is a strong and growing tourism economy and greater effort should be to recognise the linkages between attractions and the wider tourism and accommodation offer. Leisure, sports facilities and the vibrancy of the night-time economy and offer appear understated”* and *“The Neighbourhood Plan does not appear to be supported by robust evidence that underpins the economic benefits and opportunities sought. It does little to link desired improvement in the local economy from tourism to how any specific proposals might contribute to wider economic, social and environmental goals.”* The representation also states *“there is no robust evidence or justification given as to why general A-class and B-class uses should be given over to the tourism*

and leisure sector. The Plan appears to be substituting employment in the tourism sector for employment in services and B-class manufacturing”.

140. I am satisfied the approach adopted of supporting existing tourism and cultural activities and supporting growth of those sectors is sufficiently justified. There is no requirement that the Plan should include reference to public realm works; the Staffordshire Hoard; developments in the vicinity of the London Road approach to the City; linkages to the wider tourism and leisure offer beyond the neighbourhood area; or the other matters referred to in representations. Consideration of these matters is not necessary to meet the Basic Conditions.
141. Whilst Policy 7 requires demonstration ground and/or first floor premises are no longer commercially viable before conversion from A-class use can occur, Policy 8 supports use of A-Class units for tourism or cultural purposes where they are vacant. The term “*use of*” is imprecise. The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended modification in this respect to clarify that temporary use is supported. In this way Policies 7 and 8 become mutually consistent.
142. Local Plan Core Policy 9 supports the growth of sustainable tourism including new tourist initiatives, and Core Policy 12 supports provision for art and culture. The Guidance states “*Although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested*”. Policy Lichfield 3: Lichfield Economy of the emerging Local Plan Allocations document states “*Within the primary frontages, any change of use applications from retail to other non-retail uses will be resisted where it would undermine the vitality and viability of the city centre. Other town centre uses, such as cafés, restaurants and offices should be directed towards the secondary frontages.*” The Framework refers to the need to support the viability and vitality of town centres.
143. The Glossary to the Framework includes within ‘main town centre uses’ a category of “*culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference*

facilities)”. These uses fall within a number of Use Classes⁴⁰ including C1, D1, D2, and others are Sui Generis. I am satisfied the term “*tourism and cultural industries*” used in the policy is capable of interpretation so that Policy 8 can provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

144. The policy includes the term “*strongly supported*”. The determination of planning applications does not allow for differentiation of types of support. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

145. The Non-Policy Action relating to the Sandfields Pumping Station is consistent with the approach adopted in Policy 8. The Non-Policy Action should be re-designated as Non-Policy Action D.

146. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 9. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy 8:

- **delete “strongly”**
- **replace the second sentence with “This includes the temporary use of vacant retail/service (Use Class A) units or use of employment (Use Class B) units in the Primary Retail Frontages and Secondary Retail Frontages (identified on the Neighbourhood Plan Policies Map) where it is demonstrated the proposed use will not undermine the vitality and viability of the city centre.”**

⁴⁰ The Town and Country Planning (Use Classes) Order 1987 (as amended)

Re-title Non-Policy Action B as Non-Policy Action D

Policy 9: Linkages with Lichfield Cathedral

147. This policy seeks to establish conditional support for proposals to improve linkages between Lichfield Cathedral and the City Centre.
148. Lufton and Associates in a representation made on behalf of Cher Varya Group Ltd express general support for this Policy. In a representation, Lichfield Civic Society states *“The Civic Society support this Policy, but, as Dam Street already provides the most direct line from the City Centre to the Cathedral, would query how development of Bird Street Car Park can improve this linkage, since it would be a diversion away from the direct line”*. The Civic Society refer to other routes. The Policy seeks to establish general conditional support for proposals to improve linkages between the Cathedral and the City Centre. The supporting text in paragraph 7.5 expresses views regarding the potential development of the Bird Street Car Park that in themselves do not mean the Policy fails to meet the Basic Conditions. I have in the Annex to my report recommended paragraph 7.5 is reworded.
149. The policy includes the term *“strongly supported”*. The determination of planning applications does not allow for differentiation of types of support. I have recommended a modification in this respect.
150. The term *“and where they are consistent with other national and local planning policy”* is imprecise. The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended modification in this respect.
151. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 8. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres; promoting sustainable transport; requiring good design;

and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 8:

In Policy 9:

- delete “strongly”
- delete “and where they are consistent with other national and local planning policy”

Policy 10: Views of Lichfield Cathedral

152. This policy seeks to establish that views of Lichfield Cathedral from Lichfield City Centre should be incorporated into any development which would otherwise impact on those views.

153. In a representation Lichfield Civic Society states “*The Civic Society support this Policy, but consider there should be a widening of the approach to ensure views of and across the City Centre and the ‘Heritage Asset’ should be safeguarded and enhanced in a more comprehensive manner. We are concerned that insufficient regard has been had in the recent past to protection of views of the Cathedral and it is essential this situation is not continued*”. In a representation the District Council state “*As currently drafted the intent of the policy is unclear. If the policy is seeking to require development to consider their impact upon any views toward the Cathedral then the policy should be reworded.*” I agree the wording of the policy is imprecise. The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended modification in this respect.

154. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 14 and Policy Lichfield 1. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres; requiring good design; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 9:

Replace Policy 10 with: “Development proposals in Lichfield City Centre must demonstrate that their design takes every opportunity to incorporate and enhance views of Lichfield Cathedral.”

Policy 11: Hotel Provision

155. This policy seeks to establish support for new hotel and other accommodation space, particularly in Lichfield City Centre. The policy identifies the Cricket Lane and former Quonains sites as potential sites for consideration. Support for proposals is subject to the sequential test being met.
156. The District Council state *“This policy simply provides repetition of Core Policy 9 (Tourism) of the Local Plan Strategy which provides support for proposals which would improve the overnight visit capacity of the city and states that in line with local evidence proposals for new hotel developments should be directed within town centres. However, the policy then references Cricket Lane as a suitable location for a hotel, as mentioned previously this would need justification and demonstration of how the sequential test could be met. It is therefore recommended that the final sentence of the policy be removed as the plan does not demonstrate that Cricket Lane is a suitable location of hotel provision”*.
157. Lichfield Civic Society consider *“the most appropriate sites for new hotels are within the Quonains site and the Cricket Lane SDA. Too many potentially conflicting uses have been suggested for the Bird Street Car Park, including a hotel, and, therefore, this element is opposed”*.
158. The policy includes the term *“strongly supported”*. The determination of planning applications does not allow for differentiation of types of support. I have recommended a modification in this respect.
159. The policy uses the term *“other accommodation space”*. Whilst I appreciate the need to include a range of types of visitor accommodation the term *“accommodation space”* is imprecise. The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of

predictability and efficiency as required by paragraph 17 of the Framework. I have recommended modification in this respect.

160. The Framework states *“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”*

161. Local Plan Core Policy 9 states *“In line with local evidence, proposals for new hotel developments should be directed within town centres.”*

162. The Guidance states *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”*.⁴¹ The reference to two specific *“potential sites for consideration”* has not been sufficiently justified through evaluation of options and application of the sequential test. I recommend a modification so that the references to the Cricket Lane and former Quonians sites are deleted.

163. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 9. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; and promoting sustainable transport. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy 11:

- delete **“strongly”**

⁴¹ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

- insert “visitor” before “accommodation space”
- delete the final sentence

Policy 12: City Centre Redevelopment Sites

164. This policy seeks to establish support for high quality design schemes that deliver a mix of specified uses on redevelopment sites, including Bird Street Car Park and the former Woolworths building. In respect of schemes that do not include the specified uses the policy requires demonstration that inclusion of such uses would render the scheme unviable. The policy also seeks to establish an expectation that development proposals will respect the historic environment of the City Centre and incorporate the key views of Lichfield Cathedral (Policy 10). At the time of my visit the Bird Street car park was almost fully occupied and the former Woolworths building housed a multiple discount retailer.
165. Staffordshire County Council state *“Bird Street Car Park is highlighted as a potential redevelopment site. As part of the outline the text identifies ‘certain key issues’ which any development would need to address. The site lies within the historic core of Lichfield, the Lichfield Extensive Urban Survey (EUS, 2011) identified this site as lying within Historic Urban Character Area (HUCA) 1 which it considered to have high evidential (archaeological), historical, aesthetic and cultural significance. As such archaeological concerns would represent a key issue in a development proposal for the site. Any scheme proposed for this site must, at the earliest opportunity, a full and detailed Historic Environment Desk-Based Assessment (HEDBA) to inform discussions and any future design process.”* The term “*expected to*” introduces uncertainty. I have recommended a modification so that the policy provides a practical framework for decision making as required by paragraph 17 of the Framework, and has regard for national policy in relation to the conservation and enhancement of the historic environment.
166. In a representation, Historic England states *“Provisions that seek to protect important views of the cathedral and improve access to it are equally welcomed”*. It is unnecessary and confusing for the policy to refer to key views of Lichfield Cathedral as Policy 10 establishes a development management approach in this respect. I have recommended deletion of the reference to views of Lichfield Cathedral

so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

167. A representation made by WYG on behalf of Development Securities (Lichfield) Ltd states *“Although our client would support the successful redevelopment of the site for uses which will complement the city centre, the focus for larger format retailing should remain with the commitment at Friarsgate. Policy 12 would benefit from being strengthened to ensure that any retail uses on the site would not directly compete with the existing city centre and Friarsgate, and should complement the wider delivery of the Bird Street site by being of an appropriate scale and format.”* Paragraph 26 of the Framework requires impact assessment of applications for retail, leisure and office development over a locally set floorspace threshold outside town centres, which are not in accordance with an up-to-date Local Plan. As Policy 12 relates to City Centre sites only, a requirement that any redevelopment scheme should not directly compete with a future Friarsgate scheme is not necessary in order to meet the Basic Conditions. The Policy includes a requirement that states *“A-class retail that complements the existing offer in the City Centre”*. The term *“complements the existing offer”* is imprecise. It is unclear how complementarity is to be assessed. The Framework supports the promotion of *“competitive town centres that provide customer choice and a diverse retail offer”*. I have recommended a modification that removes the requirement of the Policy that A class retail uses should complement the existing offer in the City.

168. In a representation, Lichfield Civic Society states *“One significant omission from the Policy is the failure to require the development to contain provision for a significant public open space / events space, complementing and adding to the open space corridor running across the City and City Centre and following the line of the Pools. In the opinion of the Civic Society this is a fundamental principle which should be incorporated in any future development of this site. As mentioned in our comments on Policy 3 the Framework Open Space policy in the previous Local Plan was an important safeguard of the open space corridor across the City and the environmental principle involved should be maintained and if the Bird Street site is redeveloped it should exploit the potential to enhance it. If Bird Street Car Park development cannot accommodate all the current and*

additional needs of the redeveloped site it raises again the issue of the absence of a parking strategy for the City in the Local Plan. Housing growth in the plan period combined with additional shopping and leisure provision, e.g. In Friarsgate, underlines the need for this to be addressed.” Neither the Bird Street car park nor the former Woolworths building are identified as Framework Open Space on Inset 2 of the Lichfield District Local Plan Strategy Policies Maps. I have earlier in my report explained my role is not to consider the soundness of the Neighbourhood Plan, nor to consider whether some alternative plan would offer a more sustainable solution, but is to examine whether the Neighbourhood Plan meets the Basic Conditions and other requirements.

169. Lichfield Civic Society also states *“The Civic Society has great concern about the development ideas expressed for Bird Street Car Park. We consider too many uses are being suggested in the Plan and this is not helpful as it may lead to the wrong mix, an over-intensive development or incompatibility between uses. Neither Hotels nor Managed Workshops are considered appropriate for inclusion in this site, particularly as there are various better alternatives available for these uses.”* The District Council states *“It has been raised in previous representations that the policy is unclear as to whether it is allocating the sites mentioned, it would perhaps benefit the policy to remove the specific sites from the wording of the policy and leave this in the explanatory text so as to avoid confusion. The following should be deleted from the first sentence of the policy: “including Bird Street Car Park and the former Woolworths building”.* The text supporting Policy 12 identifies the Bird Street Car Park and former Woolworths building as *“the largest site located within the City Centre which has potential for redevelopment”*. It is appropriate for a Neighbourhood Plan to identify a site as having potential for redevelopment and to support redevelopment. It is however not appropriate for a neighbourhood plan to specify future land uses for a named site unless that allocation is supported by evidence of consideration of spatial and land use options and explanation of the choices made.

170. The District Council also state *“the policy does not mention the potential for residential elements to any redevelopment despite acknowledging that this may be part of a suitable mix of uses within its explanatory text. The policy as written appears to only support a select range of uses, this should be expanded to acknowledge that other town centre uses may be appropriate as part of any mixed-use*

development. It is recommended to add the following additional bullet point to the policy: ‘Other appropriate town centre uses’. Paragraph 8.6 of the Neighbourhood Plan recognises residential use is a potential use at the Bird Street car park and former Woolworths building. The Framework refers to the important role residential development can play in ensuring the vitality of centres.

171. The requirement of Policy 12 that schemes should provide specific uses may have little effect, for example the requirement for car parking on or off site could be satisfied by identification of one car parking space. Similarly, very limited provision of other specified uses would satisfy the policy requirement. The policy relates to all redevelopment sites within Lichfield City Centre. Throughout the plan period proposals for redevelopment may arise in respect of a variety of types and sizes of site. In the case of a proposal for redevelopment of a single building the requirement to demonstrate through viability assessment why the full range of uses cannot be provided could in itself represent an inappropriate policy burden. Achievement of a mix of uses even though viable may not be appropriate in the case of a redevelopment scheme for a single use, for example a hotel. Policy 12 is allocating the Bird Street car park and former Woolworths building for the uses specified without sufficient evidence of the surfacing and evaluation of site and use options, and in the context of Strategic Environmental Assessment having been screened out on the basis the Neighbourhood Plan does not allocate sites for development, and that none of the policies restrict development or seek to propose greater development than is set out within the adopted Local Plan Strategy. The Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*”.⁴² With respect to the Bird Street car park and former Woolworths building in particular, but also in respect of all redevelopment sites Policy 12 is not supported by evidence why all schemes must include a mix of all of the uses specified unless they can be shown to render a scheme unviable. The Framework refers to the pursuit of policies to support the viability and vitality of town centres. I have recommended a modification so that the policy supports redevelopment for main town centre uses and residential development, and requires demonstration of a positive contribution to the viability and vitality of the City Centre.

⁴² National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

172. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the Lichfield District Local Plan Strategy 2008-2029, and in particular Core Policy 8, Policy Lichfield 1, and Policy Lichfield 3. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; requiring good design; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 11:

In Policy 12:

- **delete “sites” and insert “schemes will be supported”**
- **delete all text after “high quality design” and insert “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.”**

Summary and Referendum

173. I have recommended 11 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

174. I am satisfied that the Neighbourhood Plan⁴³:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the City and Country Planning Act 1990 and meets the Basic Conditions:

⁴³ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁴⁴

I recommend to Lichfield District Council that the Lichfield City Neighbourhood Development Plan for the plan period up to 2029 should, subject to the modifications I have put forward, be submitted to referendum.

175. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁵ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 10 December 2013.

⁴⁴ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴⁵ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

176. A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. An example of this is adjustment of Section 4 in order to reflect the recommended modification with respect to Policy 1.

177. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁶ I recommend the following minor changes only in so far as they are to correct errors or where they are necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:

Figure 5.1 Primary Movement Routes comprises of 3 maps. The second and third of these maps include areas of land described in the key as “*Proposed residential and employment developments*” and “*Proposed residential developments*”. It should be made clear these are not development proposals of the Neighbourhood Plan.

A representation made by WYG on behalf of Development Securities (Lichfield) Ltd states Page 24 of the document references the retail evidence base of 2012 undertaken by England and Lyle. Consideration should be given to the question whether the retail evidence base has subsequently been updated by the WYG’s Centres Report of 2017.

The District Council has queried the status of the Lichfield City Economic Action Plan. That document is named on the Evidence List provided to me by the District Council.

The District Council suggest the first sentence of paragraph 4.7 should be extended to state “a revised target of 1000-1400m² per annum of office floorspace”. This clarification would be helpful.

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 allocations document. Consideration should be given to the suggestion

⁴⁶ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

of the District Council that the words after “notably” in paragraph 4.10 should be deleted.

The District Council suggest removal of paragraph 4.15. The final sentence of the paragraph appears to state a policy of the Neighbourhood Plan which it does not.

The District Council suggest reference to the Bird Street car park in paragraph 5.11, 7.6, 8.3 – 8.7 should be modified.

The District Council states the reference to ‘Local Plan Proposals Map’ should be changed to ‘Local Plan Policies Map’ to be consistent with the terminology used within the Local Plan.

Paragraph 7.5 should be reworded so that the meaning is clearer.

The District Council state in Paragraph 8.5 the word ‘heritage’ should be replaced with ‘historic environment’ in the first bullet point of the paragraph to use the correct terminology.

Recommended modification 12:

Modification of general text will be necessary to achieve consistency with the modified policies and non-policy actions, and to correct identified errors including those arising from updates

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26 October 2017
REPORT ENDS