



## Decision Statement Regarding Little Aston Neighbourhood Plan Proceeding to Referendum

### **1. Summary**

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Little Aston Neighbourhood Plan proceeds to referendum subject to the modifications set out in table 1 below. The decision statement was reported to Cabinet on 03/11/2015 where it was confirmed that the Little Aston Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

### **2. Background**

- 2.1 On 20<sup>th</sup> November 2012 Shenstone Parish Council requested that the Little Aston Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Stonnall Neighbourhood Area on 19<sup>th</sup> February 2013.
- 2.2 In November and December 2014 Shenstone Parish Council published the draft Little Aston Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Little Aston Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council on 6<sup>th</sup> March 2015 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 13<sup>th</sup> March and 24<sup>th</sup> April 2015 (the Local Authority publicity consultation). Ms Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for her consideration.
- 2.4 She has concluded that, subject to modifications, the Little Aston Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.

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

**3. Little Aston Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response**

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

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

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Policy GB1	Modification 1: The first two paragraphs of policy GB1 should be removed.	The first paragraph repeats NPPF Green Belt policy and is not needed. The second paragraph does not comply with paragraphs 89 and 90 of the NPPF.	Yes – to ensure the policy meets the basic conditions.
Policy MOV1 and associated justification and diagrams	Modification 2: The reference to roads outside of the Neighbourhood Plan Area (NPA) are to be removed from Policy MOV1 and paragraph 8.2.	Reference to roads outside the designated neighbourhood area should be removed as a policy cannot deal with land outside the NPA.	Yes – to ensure the policy relates only to land within the designated Neighbourhood Area.
Paragraph 8.3	Modification 3: Modify Para 8.3, first sentence to read: “As shown in figure 8.1, part of this route is outside the neighbourhood area boundary, <del>therefore is not subject to Policy MOV1</del> <b>it is shown for illustrative purposes only and is not affected by any part of this plan</b> ”	So that the justification to Policy MOV1 is clear that the section of the route outside of the neighbourhood area is beyond the scope of plan entirely.	Yes – for clarity and to be consistent with recommended Modification 2.

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<p>Figure 8.1 (key)</p>	<p>Modification 4: The key to Figure 8.1 to <b>replace ‘Ward Boundary’ with ‘Neighbourhood Plan Area’</b>.</p>	<p>Figure 8.1 clearly shows that part of the route is outside the NPA, but the key to figure 8.1 needs to indicate that this is the ‘Neighbourhood Plan Area’ not the current definition of ‘Ward Boundary’. The former is the relevant point for this Neighbourhood Plan.</p>	<p>Yes – to be clear that it is the designated Neighbourhood Area to which the policies in the Neighbourhood Plan relate. Also provides clarity as Little Aston ward has changed following a boundary review and the general election of 2015.</p>
<p>Proposals Map (Page 33)</p>	<p>Modification 5: The Proposals Map on page 33 of the Little Aston Neighbourhood Plan to be modified so that the circular route outside of the Neighbourhood Plan Area is not shown and the reference in the key is removed. Arrows or another devise may be used to show it continues out of the plan area.</p>	<p>It is not acceptable that the Proposals Map shows a development proposal that is not on land within the Neighbourhood Plan Area.</p>	<p>Yes – to be consistent with other recommended modifications relating to land outside the designated Little Aston Neighbourhood Area.</p>
<p>Vision (paragraph 3.3)</p>	<p>Modification 6: Removed reference to the roads outside of the Neighbourhood Plan Area in the Vision Statement.</p>	<p>The Vision should not refer to land outside the Neighbourhood Plan Area.</p>	<p>Yes – to be consistent with other recommended modifications relating to land outside the designated Little Aston Neighbourhood Area.</p>
<p>Paragraph 8.4</p>	<p>Modification 7: Paragraph 8.4 should be rewritten as follows: “The provision of this link <b>is likely to will</b> require funding to provide the necessary physical improvements <b>for improved safety and ease of vulnerable road users</b>. It is unlikely that the entire route will be capable of being provided away from car traffic. In these areas, signage (both on the roadside and on the road itself), <b>or other acceptable measures, should will</b> be used to alert motorists to the presence of pedestrians and cyclists”.</p>	<p>The statement needs to be qualified and is too prescriptive. The Neighbourhood Plan is not able to require highway measures as these are the proper concern of the Highways Authority. Also recommending that the safety concerns of Staffordshire County Council are made more explicit.</p>	<p>Yes – to give clarity in the text and to avoid the plan in being too prescriptive in relation to requirements which remain the concern of the Highways Authority.</p>

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Policy CMH1	Modification 8: The second paragraph of Policy CMH1 shall delete ' <del>Policy GB1 in this Plan</del> ' and substitute ' <b>Core Policy 1 of the Lichfield Local Plan Strategy</b> '.	The policy needs to quote the strategic policy concerning the Green Belt in the Lichfield District Local Plan Strategy and not policy GB1 of this plan. Neighbourhood Plans cannot make policy that affects Green Belts.	Yes – to be consistent with recommended modification 1 and strategic policy within the Local Plan Strategy.
Proposals Map	Modification 9: The Proposals Map Key to be altered – substitute the term 'Ward Boundary' for ' <b>NPA Boundary</b> '. The key should also make clear that the Settlement Boundary has been taken from the Lichfield development plan as has the Green Belt designation.	The key should also make clear that the Settlement Boundary has been taken from the Lichfield Development Plan as has the Green Belt designation.	Yes – for clarity and to be consistent with other recommended modifications.
Whole Plan	There are several instances through the Little Aston Neighbourhood Plan where the term 'Ward Boundary' is used instead of 'NPA Boundary'.	Whilst it is not a formally required modification for the Plan to comply with the basic conditions it would be more accurate if all references to 'Ward Boundary' were modified to 'NPA Boundary'.	Yes – for clarity and to be consistent with other recommended modifications with the exception of those references to (the former) Little Aston ward with regards to census data which was collected at the ward level prior to the changing of ward boundaries within Lichfield District.

TABLE 2

Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
Title Page	Delete text " <del>Submission Consultation Version (Regulation 15) February 2015</del> " from title page and replace with " <b>Referendum Version</b> ".	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.

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	NB – if the Plan is made “Referendum Version should be replaced with the date on which the plan is ‘Made’.	
Whole Plan	Delete text from header on each page “ <del>Submission Stage Consultation (Regulation 15)</del> ”.	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.
Figure 8.1	The Proposals Map Key to be altered – delete ‘ <del>Route outside the ward boundary</del> ’ and replace with ‘ <b>Route outside Neighbourhood Plan Area</b> ’.	Yes – to be consistent with examiner’s recommended modifications in relation to the removal of the term ‘ward boundary’ from the Neighbourhood Plan.