

Little Aston Neighbourhood Plan Submission Version 2015 - 2029

Report of Examination

August 2015

**Undertaken for Lichfield District Council with the support of
Shenstone Parish Council on the submission version of the
plan.**



Independent Examiner:

Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI

Contents

	Page
Summary	3
1. Introduction and background	
1.1 Neighbourhood Development Plans	4
1.2 Independent Examination	4
1.3 The Basic Conditions	6
1.4 Planning Policy Context	6
2. Plan Preparation and Consultation	
2.1 Pre-submission Process and Consultation	7
2.2 Reg16 Consultation Responses	8
3. Compliance with Legislation and the Basic Conditions	11
4. Referendum Recommendation	16

Summary

- I have undertaken the examination of the Little Aston Neighbourhood Plan during August 2015 and detail the results of that examination in this report.
- Subject to the recommended modifications being made, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Abbreviations used in the text of this report:

The Little Aston Neighbourhood Plan is referred to as 'the Plan' or 'LANP'.

Shenstone Parish Council is abbreviated to 'Shenstone PC'.

Lichfield District Council is abbreviated to 'Lichfield DC'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The Lichfield Local Plan Strategy is abbreviated to the 'Lichfield LPS'.

Acknowledgements: Thanks to Local Authority staff for their assistance with this examination. My compliments to the local community volunteers and Shenstone Parish Council, who have produced a Concise and well-presented Plan.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowers local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Little Aston this is Shenstone PC. Little Aston is a part of the parish of Shenstone, developing the Neighbourhood Plan was undertaken by the Little Aston Neighbourhood Plan (LANP) Group, working to the Parish Council.

1.2 Independent Examination

1.2 1 Once the LANP Group and Shenstone PC had prepared their neighbourhood plan and consulted on it, they submitted it to Lichfield DC. After publicising the plan with a further opportunity for comment, Lichfield DC were required to appoint an Independent Examiner, with the agreement of Shenstone PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am

independent of any local connections to Little Aston, Shenstone PC, and Lichfield DC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the plan meets the 'Basic Conditions', as set out in section 1.3 below. The plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Little Aston Neighbourhood Plan (LANP) complies with all of the above. The Neighbourhood Area was designated on the 19th February 2013 by Lichfield DC. With minor changes detailed in section 3 below, the plan will not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2015 – 2029 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development.

1.2.5 I made an unaccompanied site visit to Little Aston to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 4 at the end of this report.

1.3 The Basic Conditions

1.3.1 The most significant role of the Independent Examiner is to consider whether a neighbourhood plan meets the “Basic Conditions.” These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

1.3.2 Section 3 of this report considers whether the plan meets the Basic Conditions, and where necessary recommends modifications to the plan in order that it does meet them.

1.4 Planning Policy Context

1.4.1 The Development Plan for Lichfield DC, not including documents relating to excluded mineral and waste development, is the Lichfield Local Plan Strategy (LPS) and saved policies in the 1998 Lichfield District Local Plan not superseded by the Lichfield LPS.

1.4.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Policy Guidance website offers guidance on how this policy should be implemented.

1.4.3 During my examination of the LANP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Little Aston Neighbourhood Plan (LANP)
- The Basic Conditions Statement submitted with the LANP
- The Consultation Statement submitted with the LANP

- The Strategic Environmental Assessment Screening Opinion for the LANP
- Neighbourhood Area Designation (map)
- Lichfield Local Plan Strategy 2008 – 2029: Adopted February 2015
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Little Aston is a village bordered by the West Midlands Green Belt, lying to the north of Sutton Coalfield in the County of Staffordshire. It has developed around the historic Little Aston Park and Hall and is mentioned in the Domesday Book. Much of the residential development is included in Little Aston Park, an area of large and individual houses set in an extensive setting of mature trees and a Conservation Area.

2.1.2 An application for designation as a neighbourhood planning area was made to Lichfield DC by Shenstone PC and approved on the 19th February 2013.

2.1.3 A Steering Group, the LANP Group and two working groups organised the work of developing the LANP, the groups being made up of Parish Councillors and volunteers from the local community. Minutes of meetings were made available on the LANP website.

2.1.4 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Local Groups were approached, and response monitored to check that a wide cross-section of the community were engaged. Several articles appeared in the local press.

2.1.5 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Little Aston Draft Neighbourhood Plan ran from the 3rd November 2014 to the 14th December 2014. The draft LANP and notification of the consultation could be downloaded from the Neighbourhood Plan website. Hard copies were offered if people and organisations were not able to download the plan. Statutory bodies were notified of the consultation by letter, as were other stakeholders.

2.1.7 Representations were received from six organisations during the consultation period, and several amendments have been made to the plan as a result of constructive suggestions for changes. These are clearly detailed in the consultation statement.

2.1.8 I am satisfied that due process has been followed during the consultation undertaken on the Plan. The record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.9 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area (in the Consultation Statement) was submitted to Lichfield DC on the 6th March 2015.

2.1.10 Lichfield DC undertook the Reg 16 consultation and publicity on the LANP for six weeks, ending on the 24th April 2015. The representations received during this consultation are considered below and modifications required are detailed in section 3.

2.2 Regulation 16 Consultation Responses

2.2.1 Publicity and consultation on the plan undertaken by Lichfield DC after submission, as required by regulation 16 of the Neighbourhood Planning Regulations 2012, resulted in eight comments. Two of these, **Sport England** and the **Coal Authority**, had no specific comments to make on this plan but offered general guidance.

2.2.2 **Historic England** welcomed the recognition of the special character of Little Aston Park, and congratulated the group on a good plan. **Lichfield DC** generally welcomed the plan and its policies and the attention to previous comments they had made on earlier drafts.

2.2.3 **Natural England** suggested another evidence source, the National Character Area for the ward. This reference should be noted for use during any future review of the plan. Natural England also drew the group's attention to further guidance on mitigation for the Cannock Chase Special Area of Conservation published recently by Lichfield DC, and suggested this could be referenced in the justification for policy SAC1. This I leave to the discretion of Lichfield DC in consultation with Shenstone PC.

2.2.4 **Little Aston Golf Club** commented and objected, via agents the Pegasus Planning Group, to the settlement boundary excluding a large area of developed land to the NW of the Neighbourhood Area. The LANP does not define a new settlement boundary, it has repeated the boundary in the Lichfield LPS, a point that should be made clear on the LANP Proposals Map. The land the comment refers to includes Little Aston Hospital, residential and nursing homes and residential apartments. It is currently in the Green Belt and within the Neighbourhood Plan Area.

2.2.5 The recently adopted Lichfield Local Plan Strategy (LLPS) (para 4.16) refers to a strategic Green Belt review that will be undertaken and underpin any changes to the green belt that may be proposed in the forthcoming Local Plan Allocations Document. This issue will be properly left to that strategic Green Belt review therefore, and policy regarding a change in status for this land should be considered during the process of drawing up the Local Plan Allocations Document. Green Belt is a strategic issue and policy in a neighbourhood plan cannot alter green belt policy.

2.2.6 The Neighbourhood Plan (para 4.6) states that there is no local desire to see the Green Belt altered to any significant degree. The comparison this representation from the Golf Club makes with the recommendation in this neighbourhood plan for a change to the Green Belt boundary at Tufton Cottage is not accepted as a valid reason to have also considered the above site, which would be a very significant alteration to the Green Belt boundary.

2.2.7 **Staffordshire Council Council** welcomes the overview of the historic development of Little Aston, assuming that where there is a policy vacuum on historic environment

issues the higher level policy documents will apply. This assumption is of course correct, there is no requirement for a neighbourhood plan to deal with all landuse issues comprehensively. The recommendation for a review of the Conservation Area boundary has quite rightly been excluded from the Neighbourhood Plan proper, as this is a matter for the Local Planning Authority to consider under their Conservation Area legal duties and responsibilities.

2.2.8 The County Council, in their role as Highway Authority, support Policy MOV3, but have some reservations about Policies MOV1 and MOV2. With regard to their concerns concerning Policy MOV2, the constraints on provision of a bus stop on the north side of Aldridge Road could be mentioned in the justification for this policy, if acceptable to Lichfield DC in consultation with Shenstone PC.

2.2.9 The County Council are concerned that the LANP is dealing with development outside of the NPA in Policy MOV1, and there are modifications needed to the policy and justification in order to rectify this.

The County Council in their role as Highway Authority also have concerns that Policy MOV1 encourages greater pedestrian activity along Forge Lane, a narrow rural road with no footways. Pedestrian use of this road is quite legal, and so the project is not contravening any highway law. There is an implicit acknowledgement of current safety issues in the policy justification, but it is in part too prescriptive about highway measures to remedy these which are the proper concern of the Highway Authority. This is dealt with in Modification 7.

2.2.10 **The Environment Agency** requested in their comments submitted for the Reg16 consultation that Policy HSG1 should have text added to include measures taken to reduce the risk of flooding in new development, and the need to locate development away from flood risk areas. The recently adopted Lichfield Local Plan Strategy (Lichfield LPS) has dealt with the issue of flood risk in Core Policy 3 of that document, and so the issue is already adequately covered by the current development plan for the Neighbourhood Plan Area.

3. Compliance with Legislation and the Basic Conditions.

3.1 The Basic Conditions the LANP needs to comply with are as follows:

- The LANP must comply with national policies and advice contained in guidance issued by the Secretary of State;
- It must contribute to the achievement of sustainable development;
- It must be in general conformity with the strategic policies of the development plan for the area; and
- be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The Basic Conditions Statement explains in paragraphs 3.3 to 3.5 how the plan promotes the social, economic and environmental goals of sustainable development. With the modifications to policy recommended below, I accept that this is so.

3.3 A screening opinion has been issued by Lichfield DC which considers whether Strategic Environmental Assessment (SEA) and/or Habitat Regulations Assessment (HRA) are required for the LANP. These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The Screening opinion states that:

- SEA is not required as the plan in its current form is not likely to have significant environmental effects;
- HRA is not required because whilst there are potential significant effects upon the Cannock Chase SAC the inclusion of Policy SAC1 ensures that development will only be permitted where it is demonstrated it will not have an adverse effect on the integrity of the SAC. The LANP has no potential significant effects upon other European sites.

3.4 The LANP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

3.5 Compliance with Legislation, National Policy and the existing Development Plan.

3.5.1 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions and other legislation concerning neighbourhood plans. Modifications required to bring the plan into conformity are highlighted in Bold.

3.5.2 Policy GB1: Green Belt Boundary

The third paragraph of Policy GB1 in the LANP is proposing an alteration to the Green Belt boundary, but the policy only requires that the alteration is considered during the Local Planning Authority's review of the Green Belt. This complies with due process and does not attempt to alter strategic policy directly, it is therefore acceptable.

3.5.3 The first two paragraphs of this policy are not actually concerned with the Green Belt Boundary. The first paragraph states that the NPPF sets out what is appropriate development in the Green Belt, a true statement but not needed as part of a policy. The second paragraph attempts to support the provision of a community hub in the Green Belt because it would be positive planning for community sports. Any such development proposal that comes forward will be judged against the relevant strategic policy in the Lichfield Development Plan and national policy in the NPPF. The Neighbourhood Plan cannot alter strategic green belt policy with regard to a specific development proposal. As presently written the second paragraph does not comply with paragraphs 89 and 90 of the NPPF because it does not acknowledge that the actual form and impact of any building will affect whether or not it is acceptable development in the green belt, even if the proposed use is acceptable. The purpose of this part of Policy GB1 is already dealt with acceptably in Policy CMH1, and so both the first and second paragraphs of this policy are also superfluous. These paragraphs should be removed from this policy.

Modification 1: The first two paragraphs of Policy GB1 should be removed.

3.5.4 **Policy SAC1** Complies with the Basic Conditions.

3.5.5 **Policy HSG1** Complies with the Basic Conditions.

3.5.6 **Policy LAP1** Complies with the Basic Conditions.

3.5.7 **Policy LAP2** Complies with the Basic Conditions.

3.5.8 Policy MOV1 'Provision of Footpaths and Cyclepaths' and associated justification and diagrams

Policy MOV1 provides a list of roads that a proposed circular cycle and walking route runs along, but as the Highway Authority pointed out in their reg16 representation, some of these roads are not within the designated Neighbourhood Plan Area (NPA). A Policy cannot deal with land outside of the NPA, and so the reference to these roads, which I believe to be Chester Road, Wood Lane and Fotherley Lane, need to be removed from the policy. In a similar way, the justification at paragraph 8.2 of the LANP needs to remove reference to roads outside of the plan area. The justification should also explain that the policy applies to Forge Lane and Mill Lane where they lie within the Neighbourhood Plan Area if these roads continue out of the NPA.

Modification 2: The reference to roads outside of the NPA are to be removed from Policy MOV1 and paragraph 8.2.

3.5.9 Paragraph 8.3 of the justification for the policy does explain that part of the circular route is outside of the NPA, but this means that this section of the route is beyond the scope of the plan entirely, and the justification should state this rather than the current statement that these roads are "not subject to Policy MOV1".

Modification 3: Paragraph 8.3, first sentence to read:

"As shown in Figure 8.1, part of this route is outside the neighbourhood area boundary, ~~therefore is not subject to Policy MOV1~~ **it is shown for illustrative purposes only and is not affected by any part of this plan.**"

3.5.10 Figure 8.1 clearly shows that part of the route is outside of 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.

Modification 4: The Key to Figure 8.1 to replace '~~Ward Boundary~~' with 'Neighbourhood Plan Area**'**

3.5.11 Figure 8.1 may show the route outside of the NPA if it is clearly stated this is for illustrative purposes only, but it is not acceptable that the Proposals Map shows a development proposal that is not on land within the NPA.

Modification 5: The Proposals Map on page 33 of the LANP to be modified so that the circular route outside of the NPA is not shown and the reference in the key is removed. Arrows or another device may be used to show it continues out of the plan area.

3.5.12 The Vision (paragraph 3.3) in the LANP mentions roads outside of the Neighbourhood Plan Area in connection with this proposal. The Vision is the key expression of community aspirations and I am reluctant to interfere with it. However it should not refer to land outside the NPA, and I recommend therefore that the vision removes reference to roads outside the NPA.

Modification 6: Remove reference to roads outside of the NPA in the Vision Statement.

3.5.13 The justification for Policy MOV1 at paragraph 8.4 states that “signage ... will be used to alert motorists to the presence of pedestrians and cyclists”. This statement needs to be qualified, it is too prescriptive and the Neighbourhood plan is not able to require highway measures, these are the proper concern of the Highway Authority. I am also recommending that the safety concerns of Staffordshire County Council are made more explicit in the text.

Modification 7: paragraph 8.4 should be re-written as follows:

“The provision of this link **is likely to** ~~will~~ require funding to provide the necessary physical improvements **for improved safety and ease of vulnerable road users**. 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), **or other acceptable measures, should** ~~will~~ be used to alert motorists to the presence of pedestrians and cyclists.” *(Where text in bold is to be added, and text shown struck-through is to be removed)*

3.5.14 **Policy MOV2** Complies with the Basic Conditions

3.5.15 **Policy MOV3** Complies with the Basic Conditions

3.5.16 **Policy CMH1: Provision of a Community Hub**

The second paragraph needs to quote the strategic policy concerning the green belt in the Lichfield LPS and not the policy GB1 in this plan. Neighbourhood Plans cannot make policy that affects green belts.

Modification 8: The second paragraph of Policy CMH1 shall delete 'Policy GB1 in this Plan' and substitute 'Core Policy 1 of the Lichfield Local Plan Strategy'.

3.5.17 **Policy BBD1** Complies with the Basic Conditions

3.5.18 **Policy EE1** Complies with the Basic Conditions

3.5.19 **Proposals Map Key**

The Proposals Map needs to substitute the term 'Ward Boundary' for 'NPA Boundary' in the Key. The Key should also make it clear that the Settlement Boundary has been taken from the Lichfield Development Plan, as has the Green Belt designation.

Modification 9: The Proposals Map Key to be altered as described above.

There are several instances throughout the LANP of the term 'Ward Boundary' being used instead of 'NPA Boundary'. As discussed at the reg14 consultation stage, it would be more accurate if they were all amended, but this is not a formal required modification for the plan to comply with the Basic Conditions.

4. The Referendum Boundary

4.1 The Little Aston Neighbourhood Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Little Aston Neighbourhood Plan 2015 – 2029 shall be the boundary of the designated Neighbourhood Plan Area for the Plan.