

Elford Neighbourhood Development Plan 2015-2029

**A report to Lichfield District Council on the Elford
Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Lichfield District Council in July 2018 to carry out the independent examination of the Elford Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 14 July 2018.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the local character and heritage of the village. It proposes the designation of a series of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Elford Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
4 September 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Elford Neighbourhood Plan 2015-2029 (the Plan).
- 1.2 The Plan has been submitted to Lichfield District Council (LDC) by Elford Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or indeed a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been carefully designed to be distinctive to Elford. It addresses the close relationship between the village and its surrounding agricultural hinterland.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by LDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both LDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be 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.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I make specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit 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. In order to comply with this requirement, LDC has prepared a screening report for both Strategic Environmental Assessment and Habitats Regulations Assessment. It properly assesses the environmental impacts of the implementation of the Plan's policies. It does so in an exemplary way.
- 2.7 I am satisfied that the screening report complies with the basic conditions. It helpfully includes the various letters received from the three statutory consultees. It concludes that the Plan is not likely to have any significant effects on the environment and that SEA is not required.
- 2.8 LDC also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. This report is thorough, comprehensive and professionally-prepared. In doing so it assessed a series of protected sites within 15km of the neighbourhood area as follows:
- River Mease SAC
 - Humber Estuary SAC
- It concluded that the Plan was not likely to have any significant effect on a European site. Natural England agreed with the outcome of the screening opinion.
- 2.9 Since the screening work was undertaken a case in the Court of Justice of the European Union (People Over Wind, Peter Sweetman and Coillte Teoranta, April 2018) has changed the basis on which competent authorities are required to undertake habitats regulations assessments. LDC has given this matter due consideration and has advised me that it has concluded that the recent Court of Justice judgement does not affect the integrity of its early screening work on this important matter. In particular it has advised that the original screening work was carried out on the precautionary principle basis.
- 2.10 I am satisfied that LDC has approached this issue in a sound and responsible manner. The outcome of the European Court case could not have been anticipated as the neighbourhood plan was being prepared.
- 2.11 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.12 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full

and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.13 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.14 Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the LDC Screening reports.
- the LDC update to the HRA screening report (July 2018).
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Lichfield Local Plan Strategy 2008-2029
- the emerging Lichfield Local Plan Allocations document.
- the National Planning Policy Framework (March 2012 and July 2018).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 14 July 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised LDC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. The examination of the submitted Plan was taking place on that date. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is very thorough and comprehensive. It includes a very detailed assessment of the consultation undertaken during the Plan's production. It is particularly effective in the way in which it lists the initial consultation exercises and provides specific details on the comments received.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the Community meeting-February 2016;
 - the Schools Workshop-February 2016;
 - the Visions and Objectives Workshop-February 2016;
 - the Theme Group Workshops-March 2016;
 - the Community Walkover-March 2016;
 - the Residents Survey-March 2016; and
 - the Housing Survey-February 2017.
- 4.4 The Statement also comments in detail about how the community was engaged in the consultation exercises for the pre-submission version of the Plan.
- 4.5 The latter parts of the Statement set out how the submitted Plan has evolved following the publication of the pre-submission Plan (September-October 2017). In particular they set out the comments received as a result of the pre-submission consultation and the Parish Council's responses to those comments. They do so in a very thorough and effective way. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. LDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 19 June 2018. This exercise generated comments from a range of organisations and private individuals as follows:

- Hodgetts
- Walton Homes Limited
- Reuben Bellamy
- Charlotte-Anne Lees
- Environment Agency
- Staffordshire County Council
- Historic England
- Lichfield District Council
- Woodland Trust
- Highways England
- Severn Trent
- Canal and River Trust
- Network Rail

4.9 I have taken all these representations into account in preparing this report. Where it is appropriate to do so I have mentioned the organisation concerned in commenting on certain policies.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Elford. It is located approximately equidistant between Alrewas to the north and Tamworth to the south. It is predominantly comprised of pleasant countryside. Its population in 2011 was 632 persons. It was designated as a neighbourhood area on 14 August 2015.
- 5.2 The wider neighbourhood area is mainly in agricultural use and sits within a rich landscape setting. These important factors have been properly assessed in plan-making and the associated environmental assessments. The village of Elford is the principal focus of built development and sit within the middle of the neighbourhood area. As the Plan comments the landscape around Elford village divides roughly into two sections. The floodplain and the alluvial plain lie to the west of the village. Rolling farmland lies on higher ground to the east of the village. The A513 (Alrewas to Tamworth) runs through the neighbourhood area in roughly a north-south direction.
- 5.3 The built-up part of the neighbourhood area based on Elford sits on the northern bank of the River Tame. It has two distinct parts. The first is the historic core at the western part of the village. It was designated as a conservation area in 1969 (and which was extended in 1972). It is based around a very attractive core consisting of St Peter's Church, Church Road and The Avenue. The second is a more modern part of the village based on The Beck, The Shrubbery and Croft Close. The Beck is the principal connection between the village and the A513. The Cricket Ground and the Sports Field are located to the immediate north of the village off Brickhouse Lane. They provide a useful and pleasant transition between the built-up village and the wider countryside.

Development Plan Context

- 5.4 The Lichfield Local Plan Strategy was adopted in February 2015. It sets out the basis for future development in the District up to 2029. The core policies (Core Policies 1-14) and the development management policies in this part of the Local Plan are the strategic policies of the development plan (see paragraph 2.5 of this report). It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following policies are particularly relevant to the Elford Neighbourhood Plan:

Core Policy 1	The Spatial Strategy
Core Policy 6	Housing Delivery
Core Policy 13	Our Natural Resources
Core Policy 14	Our Built and Historic Environment
Policy Rural 1	Rural Areas

- 5.5 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It

provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

- 5.6 Elford is one of a series of smaller villages in the adopted Local Plan Strategy (Core Policy 1). Collectively they are expected to deliver 500 new houses in the wider District.
- 5.7 LDC has recently consulted on the Local Plan Allocations – Focused Changes document. This will eventually be the second half of the Local Plan and will add detail to the adopted Local Plan Strategy. Its focus is on housing and employment allocations. No allocations are proposed within the neighbourhood area.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 14 July 2018. I was fortunate in selecting a dry and pleasant day in the long, hot Summer of 2018.
- 5.10 I drove into the neighbourhood area from the north along the A513. This allowed me to see its wider agricultural context and its relationship with the River Tame.
- 5.11 I looked initially at the western end of the village and its conservation area. I saw the pleasant arrangement of vernacular houses in generous plots. I looked at the Jubilee Memorial Playground, the Cricket Ground and the Sports Field. At the time of my visit the covers were being taken off the Cricket Ground wicket. The outfield looked very quick in the hot weather.
- 5.12 I then continued down Church Road to St Peter's Church. I saw its beautifully maintained grounds, the Mary Howard memorial and several Commonwealth War graves. I walked back towards the village centre along the rather splendid Avenue. I saw the various proposed local green spaces.
- 5.13 I then looked at the facilities in the village centre. I saw the Crown P.H. and the Village Hall.
- 5.14 I then took the opportunity to walk to the south and east to The Shrubbery. I saw the proposed local green space in its quiet position by the River Tame.
- 5.15 I then walked along The Beck. I saw the issue of parked cars as indicated on the Proposals Map. Thereafter I looked in detail at the proposed local green space to the north of The Beck.

- 5.16 I finished my visit by driving along the A513 to the south of the village as far as Comberford so that I could understand the nature of this part of the neighbourhood area.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF (2012) sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Elford Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and Local Plan Strategy 2008-2029;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning

policies and guidance in general terms. It sets out a vision for the future of the plan area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to ensure that local environmental and community facilities are protected. It identifies a series of local green spaces. It also aims to bring forward better design within the development management process. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for new residential development (HD1-4) and for local enterprise (LS1). In the social role, it includes a policy to protect community facilities (LS2), and to support improvements to leisure facilities (LS3). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on heritage assets (DH1/2/4) and on the natural environment (E3/4). It also proposes the designation of a suite of local green spaces. The Parish Council's assessment of sustainable development is set out in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Lichfield District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan Strategy. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan Strategy. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also identifies a series of proposals which are addressed separately.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Its proposals are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-4)

- 7.8 The presentation of Plan as a whole has been prepared to a good standard. It is well-organised and includes effective maps and photographs that give real depth and purpose to the Plan. It makes an appropriate distinction between the policies and their supporting text. It also ensures that the vision and the objectives for the Plan set the scene for the various policies. The use of different colours for the policies in the various topic-based sections is very effective.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies. Section 1 provides a very clear introduction to the preparation a neighbourhood plan in general and to its development and consultation timetable in particular.
- 7.10 Section 2 sets out provides very helpful background information on the neighbourhood area. It addresses its socio-economic profile, its landscape and wildlife, its history and its employment and services. It provides a useful context to the Plan for all concerned in the planning and development process.

- 7.11 Section 3 sets out key planning issues in the neighbourhood area. These then naturally flow into a vision for the Plan area and a series of objectives. The wider process is clear, concise and proportionate. All of the matters identified are distinctive to the neighbourhood area.
- 7.12 Section 4 then sets out in a table the relationship between each of the six objectives of the Plan and its policies. The use of colours for different blocks of policies flows through into this table. The presentation of this complex matter is handled in an exemplary way in the Plan. It has assisted greatly with the examination.
- 7.13 The policies are then set out in Section 5. The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy SP1- Parish Strategic Policy

- 7.14 This policy provides a strategic basis for the wider Plan. It seeks to focus new development within the settlement boundary and to resist development outside the settlement boundary. It also highlights the relationship between the village and the surrounding countryside.
- 7.15 In general terms the policy meets the basic conditions. In particular it seeks to focus new development in the more sustainable part of the neighbourhood area.
- 7.16 I recommend a series of modifications so that the policy has the clarity required by the NPPF. The modifications address the representations made by LDC and other organisations making representation on the policy in the following areas:
- the definition of ‘new development’ in the initial part of the policy;
 - the definition of ‘small scale development’ in the initial part of the policy; and
 - the reference to the potential for new development to the north of the village as captured in paragraph 5.6 of the Plan.
- 7.17 On the first matter I recommend that the policy’s coverage is clarified within the supporting text. Whilst housing matters are addressed in more detail in policies HD1-4 it would be appropriate for this strategic policy to refer to a wider range of development which may arise in the Plan period. On the second matter I have taken account of the Parish Council’s response to my clarification note. I recommend that the unspecified ‘small-scale development’ is replaced by a more generic relationship of new development to the character of the village.
- 7.18 On the third matter I recommend the deletion of any reference to the potential for new growth to the north of the village. Its references are insufficiently detailed to be included in a development plan document. In any event the site is not specifically identified in the submitted Plan. This approach is consistent with that which I have adopted in

respect of Policy HD2 which also addresses the potential for future residential development to the north of the village.

In the second sentence of the first paragraph of the policy replace ‘of small scale’ with ‘of a scale which respects the character and appearance of the village within the settlement boundary’.

In the second part of the policy replace ‘be resisted’ with ‘not be supported’.

In paragraph 5.5 (first sentence) replace ‘will avoid....in the village’ with ‘will support its future vitality and viability and bring forward new housing to meet the needs of the village.’ Insert a new sentence thereafter to read: ‘The policy addresses development in a wider sense. In the context of the neighbourhood area housing, commercial, community facilities and agricultural developments will generate a significant proportion of planning applications. The Plan includes specific policies on these matters.

In paragraph 5.6 delete the last two sentences

In paragraph 5.7 delete ‘Large scale’

Policy LS1- Encouraging Appropriate Local Enterprise

- 7.19 This policy offers support to local enterprise and development. Paragraph 5.10 of the Plan recognises that the accommodation of small businesses has an important role in maintaining the wider economic stability of the neighbourhood area.
- 7.20 The policy has regard to national policy. It is also in general conformity with the strategic policies in the development plan and Core Policy 7 in particular.
- 7.21 I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. They are as follows:
- in the opening section of the policy refer to support for proposals rather than planning applications;
 - in the first of the series of criteria refer to unacceptable traffic impacts rather than negative impacts on traffic flows. In most cases new development will add to traffic flow. The test is the acceptability or otherwise of that increase;
 - relating the second criterion to development plan standards rather than an unspecified “appropriate’ number;
 - in the fourth criterion changing the emphasis from a positive impact to not having an unacceptable impact on the natural environment; and
 - in the fifth criterion replace negatively with unacceptably.

Replace the first paragraph of the policy with: ‘Proposals which reflect the character of the neighbourhood area and would result in new economic development and enterprise will be supported.’

In the third paragraph of the policy (first bullet point) replace ‘negative’ with ‘unacceptable’.

In the third paragraph of the policy (second bullet point) delete ‘an appropriate number of’ and insert ‘to development plan standards for the proposal concerned’ between ‘provided’ and ‘to’.

In the third paragraph of the policy (fourth bullet point) replace ‘have a positive’ with ‘do not have an unacceptable’.

In the third paragraph of the policy (fifth bullet point) replace ‘negatively’ with ‘unacceptably’.

Policy LS2 – Community Facilities

- 7.22 This policy sets out to retain a series of business and community facilities within the neighbourhood area. The Plan recognises their importance to the overall sustainability and well-being of the neighbourhood area. The range of facilities identified in the policy are well-considered. I looked at them when I visited the neighbourhood area.
- 7.23 I recommend a modification to the first part of the policy to ensure that it adequately refers to proposals which require planning permission. I also recommend a modification to clarify that the alternative provision sought is also for community use. As submitted the policy is unclear on both these important issues.
- 7.24 The second part of the policy requires modifications to ensure that it adopts a policy format. I recommend accordingly. I also recommend that the schedule of identified community facilities is listed in the second paragraph rather than the third paragraph of the policy.
- 7.25 Finally I recommend that the third paragraph takes on a more general approach which supports proposal that would improve the community facilities rather than simply those which would benefit from financial contributions. This latter issue is best addressed in the supporting text.

In the first paragraph of the policy:

- **replace ‘sought’ with ‘required’;**
- **insert ‘use’ after ‘residential’; and**
- **replace ‘a suitable alternative can be demonstrated’ with ‘an appropriate alternative community facility is provided as part of the proposed development’**

In the second paragraph replace ‘must’ with ‘will only be supported where they’. List the schedule of nine community facilities after this part of the policy.

Replace the third part of the policy with ‘Proposals which will make improvements to the community facilities listed in this policy will be supported’.

In paragraph 5.15 insert the following additional sentences after the first sentence: ‘The third paragraph of the policy offers support for the improvement or enhancement of existing community facilities. In some cases, this may come about wholly or partly as a result of developer contributions’.

Policy LS3- Support Improvements to Leisure Facilities

- 7.26 This policy addresses proposals for either improved or new leisure facilities. Part of the focus of the policy is the ease of accessibility of such facilities. This relates to the high proportion of elderly persons living in the neighbourhood area. The policy has two related parts. The first offers support for improvements to existing facilities. The second offers support to proposals which provide financial on-site contributions for new sporting and leisure facilities.
- 7.27 The first part of the policy meets the basic conditions. The second part of the policy conflates several matters in a confusing way. It supports new leisure facilities, it suggests that they are unlikely to come forward without a degree of financial support and mentions the Lichfield Community Infrastructure Levy (CIL). As LDC comment the policy does not make a distinction between expenditure of the strategic element of the CIL (to be determined by LDC) and the local element to be applied in Elford (to be determined by the Parish Council).
- 7.28 In order to bring the clarity required by the NPPF I recommend modifications to the second part of the policy. In particular they remove the financial contribution element from the policy itself and consolidate the supporting text already included at paragraphs 5.17 and 5.18 of the Plan. In effect a policy should offer support for development that is acceptable in planning terms. Its potential financial arrangements are ancillary to the policy approach.

Replace the second paragraph of the policy with the following:

‘Proposals for new sporting and leisure facilities, recreational spaces and footpaths will be supported where they are accessible for all ages by means of walking or cycling’

At the end of paragraph 5.17 add:

‘The Parish Council acknowledges that new leisure facilities may come forward as part of a wider funding mechanism which may involve the Parish’s local element of the Lichfield Community Infrastructure Levy (CIL). Appendix D lists a series of facilities which the Parish Council considers may be appropriate for the application of its element of the CIL towards future projects. Plainly the list may change over time.’

Policy LS4- Agricultural Activities

- 7.29 This policy addresses proposals for new agricultural development in the neighbourhood area. It is important given that the majority of the neighbourhood area is in agricultural use.

- 7.30 I sought clarification from the Parish Council on the remit of the policy given that an extensive range of agricultural development is permitted development and therefore beyond planning control. This was acknowledged by the Parish Council and I have taken its comments into account in recommending modifications to this policy.
- 7.31 In order to address the issue of permitted development I recommend that the first part of the policy is modified so that it only refers to agricultural development which requires planning permission. I recommend the deletion of the second paragraph of the policy which refers to the maintenance of borders and hedgerows. Whilst such an approach is environmentally-sensitive these works are beyond planning control. I also recommend detailed modifications to the third part of the policy. They make a clear distinction between acceptable and unacceptable impacts so that LDC will have the necessary clarity for the operation of the development management process within the Plan period.

At the beginning of the first paragraph of the policy add: ‘Insofar as planning permission is required’.

Delete the second paragraph.

In the third paragraph:

- **replace ‘will be resisted’ with ‘will not be supported’**
- **in the first bullet point replace ‘significantly’ with ‘unacceptably’.**
- **in the second bullet point replace ‘significant.... pollution’ with ‘unacceptable environmental harm’**
- **in the third paragraph replace ‘negatively’ with ‘unacceptably’.**

At the end of the first sentence of paragraph 5.19 add a new sentence to read: ‘Policy LS4 acknowledges that many aspects of agricultural development are permitted development and therefore beyond planning control. On this basis the policy only applies to agricultural development which requires planning permission’.

Policy HD1- Housing Type Mix

- 7.32 This policy sets out to support proposals that deliver a housing mix that meets the needs of the community and contribute to the diversification of the housing stock in the parish. It sets out an expectation that new housing developments deliver properties designed for older persons, for first time buyers and smaller family homes subject to viability and deliverability.
- 7.33 The policy proposes two size thresholds. The first is that proposals in excess of three dwellings will be expected to deliver the anticipated range of housing types included in the policy. The second indicates that proposals of more than four dwellings would not be supported. In its response to the clarification note the Parish Council advised about the evolution of the Plan and how the community had addressed the scale and nature of housing proposals which would be acceptable within the Plan period. Nevertheless, no direct evidence is provided in the Plan about the basis on which these figures have been generated. At the same time no analysis has been undertaken about the

relationship of the figures concerned and development opportunities within the built-up part of the neighbourhood area.

- 7.34 As submitted the size restrictions in the policy are not in general conformity with Policy H1 of the Local Plan Strategy. That policy takes a general approach to the matter in requiring an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need.
- 7.35 Taking all these matters into consideration I recommend the deletion of the two size restrictions in the policy. I am satisfied however that the focus on the three housing types in the policy is sufficiently-evidenced and is locally-distinctive. The removal of the three dwellings size restriction requires a consequential modification to the policy so that it takes on a supportive nature rather than one with absolute direction (as submitted). The references to viability and deliverability are appropriate and have regard to national policy.

Replace the initial part of the second paragraph with the following:

‘Subject to viability and deliverability considerations proposals which deliver some or all of the following house types will be particularly supported:’

Delete the third paragraph of the policy

Policy HD2- Overall Quantum of Housing Development

- 7.36 This policy sits at the heart of the Plan. It identifies that approximately 20 dwellings adjacent to the settlement boundary will be supported within the Plan period.
- 7.37 The policy has attracted a considerable degree of representation. I sought clarification from the Parish Council on the intentions of the policy. I was advised about the evolution of the Plan and the options that had been considered.
- 7.38 In summary three issues are playing out side-by-side. The first is the community’s expectation that some development is appropriate within the neighbourhood area both to sustain its own future and to assist in meeting the wider strategic needs of the District. The second is the earlier identification of a potential reserve housing site to the immediate north of the village. This featured in the pre-submission plan. The third is the granting of planning permission for 25 dwellings on land off The Shrubbery in 2017. Paragraphs 5.29/30 of the Plan comment that the community considers that the development of the site with planning permission would address the housing needs of the neighbourhood area up to 2029 and that further development is not required. The Plan also raises the scenario of the implications of the non-delivery of the recent planning permission.
- 7.39 As submitted the policy fails to meet the basic conditions for several reasons. Firstly, it does not directly seek to boost significantly the supply of housing land as required by paragraph 47 of the NPPF. Secondly it does not directly provide evidence to support its assertion that 20 houses are sufficient to address housing needs in the Plan period and that the recent planning permission for 25 dwellings meets the same need. Thirdly

it suggests that the community has a reserve site in mind (in the event that the Shrubbery site does not come forward) but does not identify that site in the Plan. Fourthly it does not identify the mechanism by which the potential non-delivery of The Shrubbery site would release the unspecified reserve site.

- 7.40 These matters are of a fundamental nature. As such the policy is incapable of modification to meet the basic conditions without fundamental revision. That approach is beyond my remit as the independent examiner. On this basis I recommend that it is deleted.

Delete policy

Delete paragraphs 5.25-5.30

Policy HD3-Infill Policy

- 7.41 This policy addresses infill development within the village settlement boundary. As paragraph 5.31 comments its ambition is to bolster the stock of housing in the village and to make use of vacant and undeveloped sites rather than committing to development outside the settlement boundary. The policy includes a series of environmental criteria in order to safeguard residential amenity within the village itself.
- 7.42 The opening part of the policy defines an infill site as one which is bounded by an existing development on two or more sides, is within the settlement boundary and fronts an existing highway. The reference to the settlement boundary is unnecessary in this part of the policy as it is already mentioned in the first sentence of the policy. LDC has drawn attention to the onerous nature of the other two definitions of an infill site. From my visit to the neighbourhood area I saw that the potential relationship between its character and layout and the application of the two policy tests. In my view it would have the ability to reduce the number of new dwellings which might naturally come forward in the village in the Plan period.
- 7.43 The submitted Plan does not offer any direct evidence for its definition of infill. Paragraph 5.32 comments that the general ambition of the policy is to ‘ensure that new properties amalgamate themselves appropriately with the existing street scene and character of Elford’s built up area’. The approach adopted also has the ability to conflict with the approach set out in Core Policy 3 of the Local Plan Strategy. In particular the restrictive neighbourhood plan approach would be in tension with the following key issues included in the Core Strategy policy:
- assisting in the regeneration and evolution of towns and villages and surrounding areas in meeting the changing needs of their populations over time and maintaining the vitality, viability and vibrancy of local communities;
 - encourage the re-use of previously developed land in the most sustainable locations; and
 - reduce the overall need to travel
- 7.44 On this basis I recommend that the second sentence of the policy which contains the definition of an infill sites is deleted. In any event there are already sufficient controls

within the policy to enable LDC to determine planning applications in a clear and consistent fashion. I also recommend that the format of the criteria is modified so that an applicant has to meet all of the four criteria. In doing so I have worked on the assumption that there are four criteria rather than three (as indicated by the bullet points) and that the density criterion is distinct from the size and scale criterion.

Delete the second sentence of the initial part of the policy.

Insert a bullet point before ‘Be of a similar density...’

Insert ‘; and’ after the third bullet point.

Policy HD4-Replacement Dwellings

- 7.45 This policy addresses the issue of replacement dwellings. The Plan identifies that the community supports proposals for replacement dwellings where they respect the character and setting of the village. However, it has concerns about the potential for the proposed replacement of individual dwellings with multiple dwellings and their effect on the character, appearance and density of the village.
- 7.46 The policy includes a series of criteria. The first addresses the scale, size, materials and the appearance of the replacement dwelling. The second addresses the amenities of existing dwellings. The third addresses historic properties. The fourth criterion acts more as a refinement of the overall policy approach by commenting that proposals for the replacement of a single dwelling with multiple dwellings are unlikely to be supported. In its response to my Clarification Note the Parish Council explained further its approach to the multiple replacement dwelling issue. It highlighted the double-edged sword issue it was addressing – on the one hand it wished to support new development in general and smaller houses in particular. On the other hand, it wished to retain the inherent character of the village.
- 7.47 I can appreciate the approach adopted by the Parish Council on this matter given the character of the village. Nevertheless, it has the ability to restrict unnecessarily the delivery of new housing within the neighbourhood area. This would be in conflict with paragraph 47 of the NPPF. LDC has the ability to apply development plan policies to applications which may propose the development of multiple houses on sites currently occupied by single dwellings. In any event the majority of the village is already included within the Elford Conservation Area where there is a statutory requirement for development proposals to preserve or enhance its character or appearance. In addition, these matters are developed further in Policies DH1 and DH2 of this Plan. On this basis I recommend the deletion of the fourth criterion of the policy. I also recommend some modifications and additions to paragraph 5.34.
- 7.48 I also recommend other modifications to the policy so that it has the clarity required by the NPPF. The first relocates supporting text from the first criteria into the bulk of the supporting text associated with the policy. The second proposes that historic buildings are addressed by way of a separate part of the policy rather than as a criterion to a supportive policy.

In the opening part of the policy replace ‘approved’ with ‘supported’ and ‘providing ...is met’ with ‘subject to the following criteria’.

Replace the first criterion with: ‘The proposals respect and reflect existing properties in their immediate locality in terms of scale, size, materials used and their appearance; and’

Delete the third and fourth criteria.

Insert a new part of the policy to read:

Proposals for the replacement of heritage assets in the neighbourhood area with replacement dwellings will not be supported.

After the first sentence of paragraph 5.33 add: ‘Proposals for modern housing designs will be supported where they reflect the character and appearance of existing properties in their immediate vicinity’.

After the first sentence of paragraph 5.34 add: ‘This is a matter than can be addressed on a case-by-case basis by Lichfield District Council. The majority of the built-up part of the village is contained within the Elford Conservation Area. The District Council has already prepared a Conservation Area Appraisal and Management Plan and this guidance will assist in the decision-making process.’

In paragraph 5.34 delete ‘and this is reflected in this part of the policy’.

Policy DH1- Design of New Development

- 7.49 This policy concentrates on the design of new development. It is the first of four policies which address building design, local character and heritage. This section of the Plan has attracted a significant degree of support from Historic England. Its comments are worthy of inclusion in this report. Historic England has commented that:
- ‘The Plan reads overall as a well written, well-considered document that is eminently fit for purpose. We consider that an exemplary approach is taken to the historic environment of the Parish and that the Plan constitutes a very good example of community-led planning. Those involved in the production of the Plan should be congratulated as in the view of Historic England it exemplifies constructive conservation’ (Historic England 14 June 2018)
- 7.50 These comments provide a helpful context for the examination of the DH policies in the Plan.
- 7.51 Policy DH1 addresses design issues in a positive and productive fashion. Its overall approach is that all new development should be of high quality in its design and use of materials and respond positively to the surrounding built character and the natural landscape. It then identifies a series of locally distinctive design features which should be considered by all new developments.

- 7.52 One of the 12 core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).
- 7.53 I recommend a modification to the second design feature in the policy so that it correctly applies the legislative test in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.54 LDC has made a technical comment on the text in paragraph 5.36. In effect the first sentence of the paragraph is correct and the second sentence is incorrect. On this basis I recommend the deletion of the second sentence of the paragraph. This modification secures technical accuracy. However, it does not detract from the applicability of the policy itself or the way in which it meets the basic conditions.

In the second bullet point replace ‘character and appearance’ with ‘character or appearance’.

Delete the second sentence of paragraph 5.36

Policy DH2-Heritage Assets

- 7.55 This policy addresses the range of heritage assets in the neighbourhood area. It has four related sections. The first relates to identified heritage assets. The second seeks to ensure that new development should be sensitive to such assets. The third element relates to the historic landscape pattern of the neighbourhood area and its archaeology. The fourth relates to historic farmsteads.
- 7.56 The overall design and approach of the policy is very effective. I recommend some technical modifications to bring the clarity required by the NPPF. They follow in the approach of other modifications to other policies.
- 7.57 The element of the policy addressing historic farmsteads is appropriate to the neighbourhood area. Paragraph 5.44 explains their importance in the rural community. It also addresses guidance produced by Staffordshire County Council on this matter. That guidance is particularly well-constructed and comments on a district by district basis. Plainly it is important that the submitted plan sits within this strategic context. Nevertheless, there is no need for the policy in the submitted Plan directly to repeat the approach already captured elsewhere. In any event the County Council document is produced for technical guidance rather than to act as a development plan policy as such. Taking all these matters into account I recommend modifications to the fourth

part of the policy so that it takes on a more general approach. I also recommend that the County Council guidance is both relocated to the supporting text and consolidated.

In the first paragraph of the policy replace ‘must’ with ‘should’ and ‘looked on favourably’ with ‘supported’.

Replace the fourth paragraph of the policy with ‘Proposals for development at any farmstead should demonstrate that it has taken account of its historic context and landscape setting’.

After the second sentence of paragraph 5.44 add:

‘The fourth paragraph of Policy DH/2 addresses this important matter in the context of the neighbourhood area. Any such planning applications will be expected to take account of the Staffordshire Farmsteads Assessment Framework (produced by Staffordshire County Council and English Heritage) and the associated Character Statement work’.

Policy DH3- Key Views

- 7.58 This policy seeks to safeguard key views in the neighbourhood area. They are shown on the Proposals Map. In general terms they are views within the village or views from the edge of the village into the surrounding countryside.
- 7.59 Paragraph 5.45 explains the purpose of the policy. The views are those identified in the Conservation Area Appraisal and Management Plan (CAAMP). The Parish Council wishes to give greater weight to their status by capturing them in a development plan policy.
- 7.60 I looked at the views identified when I visited the neighbourhood area and related them to the details included in the CAAMP. Most remained unchanged from the CAAMP. Others would be affected by the grant of planning permission for land off The Shrubbery (17/01379/OUTM). The CAAMP identifies three types of views: panoramic, specific and glimpses. The various views in each of the three categories are described in paragraphs 4.7-4.9 of that document.
- 7.61 I have some sympathy for the approach proposed in the submitted Plan. There is no doubt that the attractiveness of the village in general, and its conservation area in particular is partly related to its openness and the views and vistas within the village and from the village into the surrounding countryside. However, I am not satisfied that the policy meets the basic conditions. I have come to this conclusion for three reasons. The first is that the submitted Plan offers no additional information beyond that already included in the CAAMP. This is acknowledged in paragraph 5.45. Whilst the description of the views in the CAAMP is fit for purpose for that document it falls short of the evidence-based approach required for a development plan document. In particular neither the CAAMP nor the submitted Plan provides direct information about the nature of the identified views or vistas. As such it will be impractical for LDC to understand how any particular development would impact on each view. The second is that there

is already a statutory duty on LDC to preserve or enhance the character or appearance of the Elford Conservation Area and many of the views fall within or adjacent to that designated area. The third is that the two views into land at The Shrubbery are now directly affected by the recent granting of outline planning permission. Taking these matters into account I recommend the deletion of the policy and its associated supporting text. This is a matter that could be addressed with additional and up-to-date information in the event that any 'made' neighbourhood plan is reviewed in the future.

Delete policy

Delete paragraph 5.45 and the Key Views on the Proposals Map

Policy DH4- Design for Streets and Footpaths

- 7.62 This policy has a focus on the design of streets and footpaths. It also addresses opportunities to enhance the quality of the public realm. It also includes three specific design criteria.
- 7.63 In general terms the policy meets the basic conditions. I recommend two modifications to ensure that the policy has the clarity required by the NPPF. The first replaces 'looked upon favourably' with 'supported'. This will provide clarity and assurance for all concerned. The second ensures that each of the three criteria need to be met by any development proposal.

In the initial part of the policy replace 'looked upon favourably' with 'supported'.

At the end of the second bullet point add '; and'.

Policy E1- Renewable Energy Development

- 7.64 The policy addresses proposals for renewable energy development. The Plan recognises the benefits of renewable energy and wishes to encourage appropriate schemes within the Plan period.
- 7.65 The policy does not have the clarity required by the NPPF in two important areas. The first is that it comments that proposals will be determined on their own merits. As such it offers neither encouragement nor discouragement to developers and investors. The second is that its reference to small scale renewable energy schemes is not defined.
- 7.66 Given that the thrust of the policy relates well both to national and local planning policy I recommend modifications to the policy to secure the necessary clarity in general and to have regard to paragraphs 93-98 of the NPPF in particular. On the matter of the scale of such developments I recommend that the reference to small scale is replaced by one which requires proposals to respect the character and appearance of the neighbourhood area.

Replace the opening part of the policy with:

‘Proposals for renewable energy schemes will be supported where they respect the character and appearance of the neighbourhood area and where they do not generate unacceptable harm to the following matters:

[list the first four bullet points from the submitted policy]’

Delete the fifth bullet point to reflect the recommended modification to Policy DH3.

Policy E2- Local Green Space

- 7.67 The Plan proposes the designation of nine Local Green Spaces (LGSs). They are shown on the Proposals Map. Appendix 2 provides an assessment of the sites against the criteria in paragraph 77 of the NPPF. It does so in a proportionate way.
- 7.68 I looked at the various sites when I visited the neighbourhood area. They each displayed their own characteristics. The Cricket Ground and the Sports Field to the north of the village form a key component of the sports and recreational facilities in the village. The land between the Shrubbery and the River Tame (the picnic area) has obvious informal recreational use and attractiveness. The Giants Garden, the Walled Garden, St Peters Church Grounds and The Avenue are all key components of the open green spaces at the heart of the conservation area. The first eight of the proposed LGSs in the list in the policy comfortably comply with the criteria in the NPPF.
- 7.69 I looked carefully at the proposed LGS at land off The Beck. I saw that it had an agricultural character and appearance. It is triangular in shape and is bounded by hedges to the south and east and by a track serving residential properties to the north. I saw the vehicular access into the site via the track to the residential properties to the north.
- 7.70 I sought clarification from the Parish Council about the extent to which the proposed site met the three criteria in paragraph 77 of the NPPF. It is clear that it is in close proximity to the community that it serves and is local in scale and not an extensive tract of land. On the issue of whether the proposed LGS was demonstrably special to the local community and hold a particular local significance the Parish Council drew my attention to the information contained within Appendix 2 in general terms and to its significance as an attractive gateway to the village.
- 7.71 I acknowledge that the proposed LGS has a visual relationship with the village and is separated from the wider countryside by the redundant highway to its east, by The Beck to the south and by the isolated dwellings to its north. However, I am not satisfied that it warrants designation as a local green space. I have reached this conclusion for two reasons. The first is that paragraph 77 of the NPPF is clear that local green space designation will not be appropriate for most green areas or open spaces. The second is that there is a noticeable difference between the characteristics of the other proposed LGSs and the Land off the Beck. The growth of wildflowers on the site during

the Summer months does not justify its designation as LGS. On this basis I recommend that the proposed LGS off The Beck is deleted from the policy.

- 7.72 I also recommend that the format of the policy is modified so that it fully reflects national policy captured in paragraph 78 of the NPPF.

Replace the opening part of the policy with:

‘The following areas as shown on the Proposals Map are designated as Local Green Spaces

[List the various sites minus Land off the Beck]

New development will not be supported on land designated as local green space except in very special circumstances.’

Delete ‘Land off The Beck’ from Appendix B and the Proposals Map.

Policy E3- Green Infrastructure and Green Links

- 7.73 This policy addresses the green infrastructure network in the neighbourhood area. It has two related parts. The first comments that new development should take account of the setting of existing footpaths and rights of way. The second seeks to ensure that new developments incorporate new green infrastructure into their designs and that they link into the wider green infrastructure.

- 7.74 Both elements meet the basic conditions in general terms. To bring the clarity required by the NPPF I recommend a series of technical modifications to the policy.

In the first part of the policy (first sentence) replace ‘must’ with ‘should’.

In the first part of the policy (second sentence) replace ‘be looked on favourably’ with ‘supported’

Policy E4- Biodiversity

- 7.75 This policy relates directly to biodiversity. It celebrates the strong connectivity between the village and its surrounding countryside.

- 7.76 It meets the basic conditions in general terms. To bring the clarity required by the NPPF I recommend a series of technical modifications to the policy.

In the first, second and third paragraphs replace ‘must’ with ‘should’.

Policy MD1- Parking Standards

- 7.77 The policy addresses car parking standards. It identifies specific standards for a range of house sizes. The parking standards promoted in the Plan for 2/3/4-bedroom houses require one more parking space than the respective standards in LDC’s Sustainable Development supplementary planning document.

- 7.78 I sought clarification from the Parish Council on this matter. It commented about public feedback about the effectiveness of parking standards in recent years and the well-

documented on street parking issues in The Beck. I saw the on-street parking issues when I visited this part of the neighbourhood area.

- 7.79 On balance I am satisfied that the Plan has made a strong case for the application of higher parking standards for residential development than those which otherwise apply elsewhere in the District.
- 7.80 The second part of the policy sets out specific guidance for garage sizes. It suggests that they should be of a sufficient size to include general storage. This part of the policy is not supported by evidence. It also has the ability to hinder good design as promoted by other policies in the Plan. It also offends the written ministerial statement of March 2015 which addresses building size and construction methods. As such I recommend its deletion.
- 7.81 The third part of the policy refers to non-residential development. It identifies that sufficient parking should be provided. For clarity I recommend that this is replaced with a direct reference to the LDC supplementary planning document.

Replace the first and the second parts of the policy with the following:

‘New residential development should provide on-site car parking facilities to meet the following minimum requirements [list the three bullet points]’.

Delete the third part of the policy.

Replace the fourth part of the policy with the following:

‘All other new development should provide on-site car parking facilities to meet the minimum requirements in the Lichfield District Council Sustainable Design Supplementary Planning Document December 2015’.

Policy MD2- Sustainable Transport

- 7.82 This policy offers support for proposals which would encourage accessibility to and from the development concerned and promote a modal shift toward public transport, cycling and walking. It also sets out an expectation that walking and cycling links should be included in the design of all new developments.
- 7.83 I recommend a series of modifications to the policy so that it has the clarity required by the NPPF. In particular I recommend that the thrust of the policy is modified so that it takes on a supporting nature rather than one which directly requires walking and cycling links. In addition, I recommend that the supporting text reflects that this policy has to be read with other development plan policies, including other policies in the submitted Plan. Read in isolation it could be taken as offering support to proposals which would otherwise conflict with the spatial approach adopted in the submitted Plan. I also recommend the repositioning of the second sentence of the second part of the policy to the supporting text. It is a statement of fact rather than a policy.

Replace the policy with:

‘New developments will be supported where they:

- **encourage accessibility to and from the development and the village and promote a modal shift towards public transport, cycling and walking; and**
- **include walking and cycling links in their design’**

At the end of paragraph 5.64 add: ‘[the second sentence of the second paragraph of the submitted policy]’

In paragraph 5.65 replace ‘be expected to’ with ‘be supported where they’.

At the end of paragraph 5.65 add: ‘This policy has been designed to consolidate and clarify the spatial strategy of the Plan as set out in Policy SP1. In particular it would also relate to Policy HD1 and HD3 insofar as housing development is concerned’

Policy MD3-Sustainable Design and Construction

7.84 This policy addresses sustainable design matters. It does so in a general rather than a specific fashion. As such it does not offend the written ministerial statement of March 2015.

7.85 It meets the basic conditions.

Policy MD4- Flood Risk Management

7.86 As its title suggests the policy addresses flood risk management issues. It does so in a very comprehensive fashion. It reflects the proximity of the built-up part of the village to the River Tame. It has five related sections. The first seeks to prevent any increase in flood risk in the neighbourhood area. The second requires new development to address flood risk and climate change issues. The third seeks to prevent the removal of hedgerows. The fourth addresses the potential to open up culverted watercourses. The final part takes a sequential approach to new development and flood risk.

7.87 It meets the basic conditions in general terms. To bring the clarity required by the NPPF I recommend a series of technical modifications to the policy.

In the first paragraph replace ‘must’ with ‘should’ and ‘looked on favourably’ with ‘supported’.

In the third paragraph replace ‘must’ with ‘should’ in both the first and second sentences.

In the fourth paragraph replace the final sentence with: ‘The culverting of open watercourses will not be supported’

In the fifth paragraph replace ‘be resisted’ with ‘not be supported’. In the second sentence replace ‘must’ with ‘should’.

Policy MD5- Traffic

- 7.88 This policy addresses traffic flows in the village. They are primarily based around the key junctions listed in the policy.
- 7.89 I recommend a series of modifications to bring the clarity required by the NPPF. The first relates to the range of proposals to which the policy would apply. As submitted the policy applies to all new planning applications. As most applications in the Plan period will be of a minor and/or domestic nature this approach would be both unreasonable and onerous. I recommend accordingly. The second relates to the second paragraph of the policy which refers to developments not causing negative impacts on traffic levels. Plainly most developments will have some impact. However, the test is the acceptability or unacceptability of that impact. The same issue applies to the fourth paragraph of the policy. I recommend accordingly.

In the first paragraph of the policy replace

- **‘regardless of scale or size’ with ‘other than householder proposals’**
- **negatively with unacceptably; and**
- **looked on favourably with supported.**

In the second paragraph replace ‘negative’ with ‘unacceptable’.

In the fourth paragraph replace ‘significant’ with ‘unacceptable’.

Aspirations

- 7.90 The Plan includes two aspirations. They are recognised to be non-land use policies and are identified as such. Planning Practice Guidance comments that such aspirations should be captured in a separate part of the Plan. However, given their direct relationship with two policies in the Plan I am satisfied that they should remain in the positions in the submitted plan (subject to my recommended modifications).

Housing Aspiration (page 21)

- 7.91 This aspiration immediately follows Policy HD2. It seeks to relate the provision of new open space to potential new residential development to the north of the village.
- 7.92 I have already recommended the deletion of Policy HD2. I recommend the deletion of the Aspiration. They are so closely linked that it would be impractical not to recommend the deletion of the related Aspiration.

Delete Aspiration

Sustainable Transport Aspiration (page 34)

- 7.93 This aspiration relates to the improvement of the bus service to and from Elford. This approach is entirely appropriate for the neighbourhood area.

Technical Matters

- 7.94 In its representations LDC has raised a series of technical matters. They relate to details contained in the various appendices to the Plan and are very helpful.
- 7.95 I recommend the following series of modifications to the various appendices insofar as they are necessary to secure clarity and correctness. In certain areas (such as the details for the various local green spaces) modifications are not necessary to ensure that the Plan meets the basic conditions.

Appendix C

Replace the title with 'Listed Buildings'

Replace the first bullet point with: 'The Parish includes a wealth of heritage assets including those that are designated as listed buildings. These heritage assets and their settings will be required to be preserved or enhanced by new development'

Replace the second bullet point with: The Conservation Area Appraisal and Management Plan was adopted on 14 July 2015. It identifies a series of key spaces and views/vistas that are important to the character or appearance of the conservation area.

Appendix C Table 2

Change the second part of the title to 'Schedule of locally-listed properties'.

Other Matters

- 7.96 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for LDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

- 7.97 The Plan provides commentary about a potential extension of the Conservation Area in its paragraph 5.39. Details of the proposal and a map showing the proposed extension is included at Appendix E.
- 7.98 This is a matter that will be determined independently from the neighbourhood plan directly by LDC as the local planning authority. It is not within the gift of a neighbourhood plan to designate a conservation area or to extend the boundary of an existing conservation area. As such I recommend that Appendix E is deleted from the

Plan. I also recommend that the language used in paragraph 5.39 is modified so that it adopts a more neutral approach.

Delete Appendix E and the following map of the proposed conservation area extension.

Replace the final two sentences of paragraph 5.39 with the following:

'There are current proposals to extend the boundary of the conservation area. In the event that its boundary is amended the relevant policies in this Plan in general, and Policies DH1 and DH2 in particular, will apply to that amended area.'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2029. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Elford Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Lichfield District Council that subject to the incorporation of the modifications set out in this report that the Elford Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 14 August 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's responses to my Clarification Note were very helpful in preparing this report. The District Council's technical comments were also helpful to the process.

Andrew Ashcroft
Independent Examiner
4 September 2018