

Hammerwich Neighbourhood Plan 2018 - 2040

Submission Version

A Report to Lichfield District Council on the Examination of the
Hammerwich Neighbourhood Plan

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Executive Summary

My examination has concluded that the Hammerwich Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Splitting the local facilities policy by differentiating those which are truly community facilities covered by new Use Class F2 and those commercial businesses falling within by Use Class E, which is to be covered by Policy LEc 1.
- Deleting the part of the policy which requires the submission of a Transport Statement.
- Deleting the policy imposing a local parking standard.
- Removing the view from St John the Baptist church to Lichfield Cathedral from the key view point policy.
- Deleting the Canal Bridge as a non-designated heritage assets and differentiating between how heritage assets that are statutorily protected from those which are non-designated heritage assets.

The referendum area does not need to be extended beyond the Plan area.

Introduction

1. Neighbourhood planning is a process introduced by the Localism Act 2011 that allows local communities to create the policies that will shape the places where they live and work. A neighbourhood plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Lichfield District Local Plan Strategy 2008- 2029 and the Local Plan Allocations adopted in 2019. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Hammerwich Parish Council. A Neighbourhood Plan Steering Group was appointed to undertake the Plan's preparations which reported to the Parish Council.
3. This report is the outcome of my examination of the Submission Version of the Hammerwich Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Lichfield District Council.

The Examiner's Role

4. I was appointed by Lichfield District Council in May 2021, with the agreement of Hammerwich Parish Council to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 43 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Lichfield District Council and Hammerwich Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the Plan should proceed to referendum, if modified.

- That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Hammerwich Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions:
 - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
 9. I am able to confirm that, if amended in line with my modifications, the Plan does only relate to the development and use of land, covering the area designated by Lichfield District Council, for the Hammerwich Neighbourhood Plan, on 9th December 2014.
 10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2018 up to 2040.
 11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
 13. I am satisfied that Hammerwich Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

14. The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put forward a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I can properly examine the Plan without the need for a hearing.
17. I carried out an unaccompanied visit to Hammerwich on the afternoon of 27th June 2021. I spent the afternoon driving around the village and the Triangle Ward and

noted the location of the shops and other community facilities. I saw each of the parks and open spaces in the parish and I was able to get a strong sense of the settlement boundary and the boundaries of the Green Belt. I parked up at the St John the Baptist Church and walked through the churchyard and tried to appreciate the views of Lichfield Cathedral, but that view was totally obscured by trees and the height of the hedges. I was able to appreciate the three views described as 2a) – 2c) on Map 8.

18. Following my site visit, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Lichfield District Council, entitled Initial Comments of the Independent Examiner, dated 29th June 2021. I received the response from Lichfield District Council on 9th July 2021 and from the Parish Council on 11th July 2021.
19. On 26th July 2021, I issued a further document entitled Further Comments of the Independent Examiner seeking views on the implications of the changes to the National Planning Policy Framework. The Parish Council responded on 29th July 2021 and the District Council on 9th August 2021.
20. All these documents have been placed on the respective websites.

The Consultation Process

21. Once the Steering Group had been established, the first task was to prepare a parish survey, which was distributed between May and June 2014. This was sent to every household in the parish and it generated a 31% response rate.
22. There was then a period of relative inactivity whilst the District Council was preparing its Local Plan Allocations document. Whilst an initial draft of the neighbourhood plan was prepared, it was not published until 2018, although it was shared with the District Council for comments. Once the first draft was in a position to be distributed, a notification of its publication and an invitation to comment was sent to every household, and consultation took place with a number of local stakeholders and other organisations. The work of the Group was publicised on the website and by other publicity routes and three public events will held between 3rd and 17th December 2018.
23. A second draft the plan was then published and consulted upon between 22nd July and 2nd September 2019. This generated five responses including two on behalf of landowners seeking to have their sites released from the Green Belt.
24. All this activity culminated with the preparation of a third draft of the plan which was the Pre-Submission version of the Neighbourhood Plan which was the subject of a six - week consultation, known as the Regulation 14 consultation, which ran from 6th October to 16th November 2020. In total 5 representations were received. These are fully set out in the Consultation Statement which also sets out how the Steering Group responded to the comments made.
25. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and their input has helped shape the Plan.

Regulation 16 Consultation

26. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six-week period, between 24th March 2021 and 5th May 2021. This consultation was organised by Lichfield District Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
27. In total, 11 responses were received, including Turley on behalf of Redrow Homes. National Grid, First City Ltd on behalf of local landowners, Lichfield and Hatherton Canal Restoration Trust, JVH Town Planning Consultants on behalf of Walton Homes Ltd, Severn Trent Water Ltd, Lichfield District Council, Inland Water Association, Pegasus Group on behalf of Building by Bespoke Ltd, Canal and River Trust, and Claremont Planning on behalf of Harworth Group PLC and a late representation was submitted by a local resident, which I have decided to take account of.
28. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

The Basic Conditions

29. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
30. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State? For the sake of clarity, this examination will look at how the plan has regard to the most up to date version of the NPPF, published on 20th July 2021 and the paragraph numbers of that version will be quoted throughout this report.
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
 - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

31. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the Lichfield District Local Plan Strategy 2008 – 2029, adopted in February 2015 and the Local Plan Allocations which was adopted in July 2019. Much of the neighbourhood plan area falls within the Green Belt.
32. Core Policy 1 identifies the town of Burntwood, of which Triangle Ward forms part, as an “Other Large Centre” which lies second in the settlement hierarchy, but the village of Hammerwich is not referred to within the “Other Rural” section of the hierarchy. Beyond the edge of the urban area of the Triangle Ward, the remainder of the parish lies within the Green Belt, although the village of Hammerwich is inset within the Lichfield Green Belt.
33. The most relevant policy is Core Policy 6 which deals with housing delivery and requires the minimum of 10,030 homes to be built in the district between 2008 and 2029. This allows residential development only as infill development within villages with settlement boundaries. All the district’s rural areas are expected to deliver around 500 dwellings, which is about 5% of the districts housing needs. The Local Plan’s specific Green Belt policy is set out in Policy NR2.
34. That part of the plan area within Burntwood built up area is covered by Policy Burntwood 4, which allows residential development within the urban area.
35. The 2019 Local Plan Allocations document does not make any allocations within the plan area, although it does have a policy, Policy IP2 which protects from development the line of the Lichfield Canal which is proposed to be completely restored.
36. Work is currently underway on a new Lichfield Local Plan which will extend the plan period to 2040. That plan is at its Regulation 19 stage and is currently subject to public consultation. That is emerging policy, which may change as it goes through its consultation and examination. The basic condition test is strictly against *adopted* development plan policy, but the emerging policy may have relevance to consideration of other basic conditions, particularly the question of whether the plan will deliver sustainable development and has regard to Secretary of State policy and advice. The evidence behind the draft Local Plan may be relevant to the consideration of this plan including for example the outcome of the Green Belt review, which is not proposing any changes to the Green Belt in the plan area.
37. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Lichfield District Council Local Plan.

Compliance with European and Human Rights Legislation

38. Lichfield District Council issued a Screening Opinion, in a report dated October 2020, which concluded that a full strategic environmental assessment, as required

by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.

39. The District Council, as competent authority, in the same report, issued a screening opinion, under the Conservation of Habitat and Species Regulations 2017. This concluded that a full Habitat Assessment would not be required on the basis that the plan would not have a significant impact upon European protected sites, the nearest are the Cannock Chase SAC, Cannock Extension Canal SAC, River Mease SAC, and the Humber Estuary SAC.
40. I am satisfied that the basic conditions regarding compliance with European legislation, including the more recent basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

49. The neighbourhood plan area is a somewhat unusual mixture of urban and rural areas. The Triangle Ward is clearly part of the urban area of Burntwood and Hammerwich village is a compact rural settlement surrounded by attractive countryside, all of which lies within the Green Belt except of the village itself.
50. The neighbourhood plan does not allocate sites for new residential development, nor is it required to under the strategic local plan policies, that currently cover the plan area. The plan does reference the emerging local plan but, as previously mentioned, that plan is subject to unresolved objections and has to go through its examination and only limited weight can be attached to it.
51. A number of representations have been made at the Regulation 16 stage by landowners promoting development on land which is currently Green Belt and also advocating higher levels of development generally. These matters are essentially strategic planning matters and it would be totally inappropriate for the neighbourhood plan to be making decisions relating to releases from the Green Belt, indeed that would be contrary to paragraph 140 of the NPPF. The issues of the overall level of housing development and its distribution, as well as the need to review Green Belt boundaries will be resolved through the local plan rather than neighbourhood plan process.
52. I am satisfied that, subject to my amendments, the plan does meet the basic condition of having regard to Secretary of State policy and advice.
53. I am also required to have regard to the question whether the plan will deliver sustainable development. The plan seeks to support local services and facilities and, somewhat uniquely, the restoration of part of the canal network which runs through the parish, which upon completion will have major economic benefits. The plan meets its social objectives by providing for the delivery of a mixture of types of new housing, where it takes place, with placing a particular emphasis on meeting the needs for accommodation that is appropriate for an aging population. The plan also supports the retention and enhancement of community facilities.

The third environmental strand of sustainable development is met by the protection the historic environment of the parish.

54. Reference has been made to the end date of the plan being 2040, which is the same as the emerging local plan which could be subject to change. I consider that there are no grounds for requiring that the neighbourhood plan should take a shorter-term view, in that the Parish Council has prepared the plan having had regard to the emerging local plan. Clearly if there are changes to the emerging local plan, when it is adopted which impact on the planning of development in Hammerwich parish, these local plan policies will take precedence over the neighbourhood plan policies and/or the neighbourhood plan will need to be reviewed and updated otherwise its policies will be deemed out of date
55. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. Such changes are likely as a result of my recommendations, in order that the Plan will still read as a coherent planning document.
56. Following the publication of this report, I would urge the Parish Council and Lichfield's planners to work closely together to incorporate the appropriate changes which will ensure that the text and policies of the Referendum Version of the neighbourhood plan accord with my recommended modifications. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes.

The Neighbourhood Development Plan Policies

Policy CF1- Protecting and Enhancing Local Facilities

57. This policy raises issues as to the extent that policies in a neighbourhood plan can protect facilities with a local area.
58. It covers a wide range of facilities and services which are valued by the local community. However, the policy does not differentiate between commercial businesses, such as the butcher, vehicle services, fish and chip shop, the care home, Indian restaurant, funeral services and what are more traditionally referred to as community facilities, which allow voluntary and other groups to partake in their chosen pursuits, such as the Bowling Green, the Youth and Community Hall, and Women's Institute Hall. The list, which has been prepared by the Steering Group, in paragraph 6.2 also includes community groups such as the Environment Group and leisure classes. The protection of these groups is not within the remit of the planning system. Such groups can be set up and fold without the need for planning permission.
59. The planning system cannot control the specific use of the premises, even though that may be the wish of residents. The butcher's shop could change to become a greengrocer's or a clothes shop without any need for planning permission. It is the

use of the premises for retail purposes, including those that play a vital role in meeting the community's needs such as a pharmacy, that is controllable.

60. Since September last year, the position has been further liberalised through the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which places uses which are previously fallen within Use Class A1 (shops), plus Class A2 (financial and professional service services,) Class A3 (restaurants and cafes) and Class B1 (business) into the new Use Class E – commercial, business and services. That class also includes such activities as gyms, medical facilities, creches and light industry uses. This means that planning control could not prevent say the local vets becoming an office use as the change would not constitute development.
61. The new regulations do provide for a new local community Use Class F2, which includes “a shop mostly selling essential goods, including to visiting members of the public, in circumstances where the shop premises is no larger than 280 m² and there is no such facility within 1000 metre radius of the shops location”. This category would ordinarily cover such facilities as a village shop.
62. Also, within Use Class F2, there is “a hall or meeting place for the principal use of the local community, areas or places for outdoor sports and recreation including swimming pools and skating risks”. Clearly the new use class would cover the community halls and sports facilities listed in paragraph 6.2.
63. The supporting text to this policy does acknowledge that the loss of some of these valued facilities to other uses could take place without the need to planning permission. Since the plan's preparation, the inherent weakness in the policy position has been further exacerbated through the recent changes to the permitted development regime, which allow vacant Class E premises to be converted to residential uses.
64. I consider that the best way to protect the retail and similar services within the plan area which the community wishes to protect, would be to enhance the remit of Policy LEc1- Support for Retail and Commercial Uses which can include a presumption in terms of their retention although not the specifics of the types of shops and services for the reasons outlined above. I believe that this policy should seek to support local community facilities and the title of the policy should be amended accordingly. The policy cannot protect existing community groups, only the buildings and land where they meet. I therefore recommend that that the list in paragraph 6.2 either be radically amended or deleted altogether and instead for the policy to refer to uses that fall within Use Class F2.

Recommendations

Retitle policy “Protecting and Enhancing Local Community Facilities”.

In the first sentence, insert “community” before “facilities”.

In the second sentence after “community facilities” insert “including those within Use Class F2.

Policy VB1 – Village Boundary of Hammerwich village

65. I have no comments to make on the alignment of the proposed village boundary. Whilst the District Council has suggested that the policy could be incorporated into Policy H1, I do not see any justification based on the basic conditions, that would allow me to be making a recommendation to that effect.

Policy H1 – New Housing Development – Siting and Mix of Housing Types

66. The District Council has expressed a concern that on sites large enough to support a mix of housing types, the policy is “too non-specific” in that older people can live in any type of property. For the sake of clarity, I consider the previous requirements that accommodation should be “suitable for older people” can equally apply and I will recommend accordingly.
67. I have no other comments regarding compliance with the basic conditions.

Recommendation

In the second sentence of the second paragraph after” accommodation” insert “suitable”

Policy H2 – Housing Development Design

68. The first part of the policy effectively requires applicants to comply with another development plan policy and SPD, which will already be applying to Hammerwich parish. That is unnecessary and there would only an issue if there is a conflict between non-strategic local plan policy and the neighbourhood plan. I will recommend the first sentence be removed from the policy.
69. Similarly, I will propose a new introduction section to preface the 14 requirements and that they be set out as a single block of policy requirements rather than split into two sections.
70. I have one minor issue which relates to the final sentence of requirement 14 – that local knowledge should be sought on drainage patterns. A neighbourhood plan policy is a policy to indicate how a planning application is to be determined rather than have a planning application is to be prepared or processed. I acknowledge that it is good practice to seek the views of the Parish Council and other bodies, as well as drainage experts such as the Environment Agency and the Lead Local Flood Authority, prior to the submission of any application and that is encouraged by the NPPF in paragraph 39–42. However, an acceptable development could not be refused even though “local knowledge” had not been sought. I would suggest that this “advice” is removed as it is already referenced in the explanatory text at paragraph 7.9.
71. I will recommend that the cross referencing to other policies in the neighbourhood plan be removed as development proposals will have to have regard to all

relevant policies in the plan, not just those which are “signposted” by the policy. Furthermore, these policies will be quoted, outside the context of the actual neighbourhood plan document, such as on planning decision notices, where such text would be inappropriate.

Recommendations

Replace the first two sentences with “All new development will be expected to:” and then list the 14 requirements

Delete the first paragraph of b)

Delete the last sentence of 14.

Delete in 13 “(see Policy T2 below) and in c) “see also Policy LEnv2 below” and “See also Policy T1 below”

Policy T1 –Increased Traffic from New Development

72. A neighbourhood plan policy is to be used to determine how a planning application is to be decided. The documents which are required to be submitted with a planning application are set out in the Local Validation Checklist which covers the whole district, as stipulated by the Town and Country Planning (Development Management Procedures) Order 2015. I will recommend that the final sentence should be deleted from the policy.

Recommendation

Delete the final sentence.

Policy T2 – Parking Standards for New Development

73. The Secretary of State’s advice, in the neighbourhood planning section of the Planning Practice Guidance requires that neighbourhood plan policies should be “supported by appropriate evidence”. The policy imposes higher car parking standards than will apply in the plan area which would be different from the rest of Litchfield District. The supporting text refers to higher levels of car ownership in both the village and elsewhere in the existing residential areas and the evidence base quotes a figure of 1.72 cars per household, but it does not provide comparative data to substantiate the difference to the rest of the district, which would be the basis of a case to impose the higher standards. This lack of evidence has also been identified by at least one of the Regulation 16 objectors.

74. I therefore do not consider the policy meets the basic conditions, as it is unsubstantiated by any evidence and should be removed

Recommendation

That the policy be deleted and the accompanying supporting text in paragraphs 8.3 to 8.5.

Policy T3 – New Cycle Routes and Improvements to Walking Routes

75. My only comment relating to this policy is that the line of the Lichfield Canal Towpath restoration should be either be included in Map 5 or Map 6 should be either replaced or supplemented by a more detailed OS-based map that shows the alignment of the canal route through the parish.

Recommendation

That the line of the Lichfield Canal running through the parish shall be included within the neighbourhood plan on an OS based map.

Policy T4 – Reinstatement of the Litchfield to Walsall Railway Line

76. As the necessary equipment remains in place to allow the reintroduction of passenger services, their reintroduction would not need planning consent, but I am satisfied that the building of the new replacement station within the parish can be covered by the planning system. As such I am happy to confirm that this locally distinct policy does meet the basic conditions.

Policy LEnv 1 – Parks and Public Open Spaces

77. I visited each of the sites and I am satisfied that the policy meets the basic conditions.

Policy LEnv 2 – Protecting the Key Views across the Countryside to and from Hammerwich

78. I made a point on my site visit to try to assess the views shown on Map 8. I was able to see for myself the views of the St John the Baptist church and also to some extent the windmill, from long distances. However, I was unable to take in the view from the church towards Lichfield Cathedral. I attempted to see it from both the church car park, the Church grounds and also when walking down the lane between the church and the village. I raised the absence of this view with the Parish Council when I submitted my Initial Comments document. I was advised that the view of the cathedral was currently obstructed by tree foliage. The Parish Council could not take a photograph of that view. The photograph in the plan is looking back towards Hammerwich, rather than from it, looking eastward.

79. The purpose of a viewpoint policy is that it allows a decision maker to assess the impact of a development on that valued view. If that view is not always present, due it being obscured by tree growth or the height of hedges, it raises questions as to how that view can be a material consideration in determining a planning permission. For example, how would an Inspector assess a proposal and an alleged adverse impact on that view, if that view is not there?

80. In this case, I am unable to recommend the retention of the view to Lichfield Cathedral from any particular vantage points when that view is dependent upon the cutting or lopping of trees or the reduction in the height of hedges. I will therefore be recommending that View 1 be removed from Map 8. The views back towards St John the Baptist church from the east are already protected by the countryside protection policies in the local plan and the Green Belt. However, there are no specific viewpoint of the church that have been identified from that direction and hence the view from these points cannot be protected by this policy.

Recommendation

In the first sentence delete “two” and “above” and “and”

Delete (i)

Amend Map 8 to remove View 1

Policy LEnv 3 - Local Heritage Assets

81. There will be some development, which will take place well away from any identified heritage assets and it will be inappropriate to place a requirement that every development proposal should take account of its impact on these heritage assets. I will therefore restrict this policy to those that affect directly the heritage asset or its setting.
82. The District Council has suggested that the title of the policy should be amended to “heritage assets” and I concur, to avoid confusion as to whether it only relates to “locally listed” buildings. The Parish Council has agreed to that suggestion and I recommend accordingly.
83. The Parish Council has confirmed that the 13 properties in paragraph 9.14 have already been designated by Lichfield District Council as non-designated heritage assets. The plan is proposing to designate two further properties - Hammerwich Hall Farm and its timber framed barn, and the Anglesey Branch of the Wyrley and Essington Canal Extension. The submission version of the plan did include the Canal Bridge at Ogley Junction, but it has been pointed out that the latter falls outside the plan area, being within the jurisdiction of Walsall Borough Council. I am satisfied that there is evidence to support the historic significance of the two assets, remaining in paragraph 9.15.
84. However, the four assets set out in paragraph 9.16 have not been assessed as to their heritage significance and therefore at this stage cannot be treated as being non-designated heritage assets. I will recommend that they be omitted from the Local Heritage Assets section as their inclusion could by implication offer them an illusory “prospective non designated heritage asset status” which could create issues for development management officers. However there is no issue with their continued inclusion within Appendix 1, which does not form part of the actual development plan but is a statement of the intentions of the Parish Council to pursue a range of issues that came up through the neighbourhood plan process but cannot be taken forward as a policy for the use and development of land.
85. The policy needs to be specific in differentiating between how designated heritage assets and non-designated heritage assets are to be treated and there are different tests set out in the NPPF and these should be recognised in the policy. I will suggest appropriate amendments.
86. The reference in the penultimate paragraph to the historic environment records is not a statement of policy and, although sound advice, it should be moved to the supporting text. The policy does not need to require demonstrating compliance with Core Policy 14 of the Local Plan as that policy already applies to Hammerwich Parish.

Recommendations

Retitle policy “Heritage Assets”.

Remove the third bullet from paragraph 9.15.

Delete paragraph 9.16.

Replace the first paragraph with “All new development that has an impact on identified heritage assets - both designated and non-designated local

heritage assets - and their setting, should seek to protect and, where appropriate, enhance their significance.”

Insert a new second paragraph “Hammerwich Hall Farm and its timber framed Barn and the Anglesey Branch of the Wyrley and Essington Canal Extension are added as non-designated heritage assets to the Burntwood, Hammerwich and Wall Local List”.

Add a new sentence to the end of the current second paragraph “Proposals affecting a non-designated heritage asset will be expected to balance the scale of any loss or harm against the significance of the asset.”

Delete the final sentence of the third paragraph of the policy.

Move the penultimate paragraph of the policy which reads “Applicants should consider the Historic Environment Record....” to the supporting text.

Policy LEc 1 – Support for Retail and Commercial Uses

87. A proposal needs to be considered against all relevant policies in the development plan, so I will recommend removing unnecessary reference to the specific policies in the plan and local plan or its subsequent replacement.
88. I will introduce a presumption in favour of the retention of uses in Use Class E unless it is shown to be non-viable.

Recommendations

Replace the policy text with “Proposals which result in the loss of uses which fall within Use Class E will only be supported unless it can be shown through appropriate marketing evidence over a 12-month period, that the continuation of the current use is not viable. Proposals to improve existing, or provide new retail and commercial facilities, and appropriate reuse of redundant farm buildings will be supported where they accord with other policies in the development plan.”

Policy Ed1 – Supporting Local Education Provision

89. I have no comments to make on this policy.

The Referendum Area

90. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Hammerwich Neighbourhood Plan as designated by Lichfield District Council on 9th December 2014 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

91. I congratulate Hammerwich Parish Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production and the Parish Council can be proud of the final document.
92. The plan specifically addresses issues that are relevant to the parish and many of the policies are particularly specific to projects in the parish. I consider that the policies will be a sound basis for considering planning applications into the next decade or so. It will of course be necessary to keep the plan under review to have regard to changes in the strategic planning context of the district.
93. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
94. I am therefore delighted to recommend to Lichfield District Council that the Hammerwich Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

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John Slater Planning Ltd
31st August 2021