

# Public Document Pack

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Monday, 8 July 2019

Dear Sir/Madam

## COUNCIL SUPPLEMENT

Please find attached supplement papers for Council on **TUESDAY, 16TH JULY, 2019 at 6.00 PM IN THE COUNCIL CHAMBER** District Council House, Lichfield.

Access to the Council Chamber is via the Members' Entrance.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner'.

Neil Turner BSc (Hons) MSc  
Director of Transformation & Resources

## SUPPLEMENT

5. Report of the Leader of the Council on Cabinet Decisions from the Meetings held on 13 June and 9 July 2019 (attached) and Cabinet Member Decisions 3 - 4
10. The Chairmen indicated below to move that the proceedings of the following Committees (Volume 47 Part 1 Minute Book) be received and, where necessary, approved and adopted

Committee	Date	Pages	Chairman
Regulatory & Licensing	4 July 2019	5 - 6	B W Yeates



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13. **Local Plan Allocations Adoption** 7 - 14  
*To approve the Cabinet recommendations made at the meeting on 9 July 2019 (report attached)*
14. **HS2 Draft Planning Memorandum - Decision on Qualifying Authority Status** 15 - 18  
*To approve the Cabinet recommendations made at the meeting on 9 July 2019 (report attached)*

**IN PRIVATE**

18. **Report of the Leader of the Council on Confidential Cabinet Decisions from the Meeting held on 9 July 2019** 19 - 20

This report is to be considered in private since it contains exempt information (as defined by Paragraphs 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972) relating to the financial and business affairs of the authority and other organisations, and information relating to consultations/negotiations in connection with employment matters.

20. **Friary Grange Leisure Centre** 21 - 26

*To approve the Cabinet recommendation made at the meeting on 9 July 2019:*

*It is recommended that Council updates the Medium Term Financial Strategy, given the decision by Cabinet regarding Friary Grange Leisure Centre, to allocate £75,000 (£25,000pa for 3 years from 2020) in revenue offset by contract savings of £101,202 (over 5 years from 2020) and to meet potential one-off costs of £520,400 to be funded from the earmarked reserve titled "Leisure VAT Reclaim".*

The background report is to be considered in private since it contains exempt information (as defined by Paragraphs 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972) relating to the financial and business affairs of the authority and other organisations, and information relating to consultations/negotiations in connection with employment matters.



**REPORT OF THE LEADER OF THE COUNCIL**

**CABINET DECISIONS – 9 JULY 2019**

**5. New Strategic Plan Process and Timeline**

The Cabinet:

- 5.1 Endorsed the creation of a cross-party Overview and Scrutiny Member Task Group to assist in the creation of the new plan.
- 5.2 Supported the principle of a public consultation exercise on the new plan in November - December 2019.
- 5.3 Supported the proposed timeline and process for the creation of the new strategic plan 2020 – 2024.

**6. Local Plan Allocations Adoption**

The Cabinet:

- 6.1 Noted the content of the Lichfield Local Plan Allocations Inspector's Report and Schedule of Main Modifications.
- 6.2 Recommended to Council the adoption of the Local Plan Allocations as submitted and subsequently amended by the main and minor modifications.
- 6.3 Recommended to Council the adoption Local Plan policy map which was submitted alongside the submission version of the Local Plan Allocations and subsequently amended by the main and minor modifications.
- 6.4 Noted the final versions of the Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) and Habitat Regulations Assessments (HRA) which accompany the final version of the Local Plan Allocations.
- 6.5 Noted the accompanying Local Plan adoption statement and Sustainability Appraisal adoption statement.
- 6.6 Noted the list of polices being deleted from the 1998 Local Plan.
- 6.7 Delegated to the Cabinet Member for Investment, Economic Growth & Tourism in consultation with the Head of Economic Growth authority to make any minor changes to the presentation of the final Local Plan Allocation documents.

**7. HS2 Draft Planning Memorandum - Decision on Qualifying Authority Status**

- 7.1 Approved the signing of the Planning Memorandum to become a 'Qualifying Authority' for the purpose of the High Speed Rail (West Midlands - Crewe) Bill (the Bill).
- 7.2 Requested that Council amend the Constitution to include the determination of all planning matters submitted under Schedule 17 (the Planning Conditions Schedule) of the Bill, in line with the current provisions that already exist for Phase 1 of HS2 matters under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 as set out in the Appendix of the Cabinet report.

**8. Jigsaw Funding Agreement**

- 8.1 Agreed that the Council would not seek to enter into a further funding agreement for Jigsaw.
- 8.2 Acknowledged the commitment by Fusion Credit Union to maintain a signposting service and continue to make the room at Dimbles Lane, Lichfield available for hire.

**9. Contract for the Printing and Distribution of Garden Waste Permits**

The Cabinet:

- 9.1 Awarded the contract for the printing and distribution of garden waste permits to the preferred tenderer.
- 9.2 In the event that a preferred tenderer has not yet been identified, delegated authority to the Cabinet Member for Recycling and Leisure in consultation with the Director of Place and Community to appoint the contractor that provides the most economically advantageous tender, provided the value of the contract is within approved budgets.

**DOUG PULLEN  
LEADER OF THE COUNCIL**

**REGULATORY AND LICENSING COMMITTEE**

**4 JULY 2019**

**PRESENT:**

Councillors Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Parton-Hughes.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest

**3 MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 5 February 2019 as printed and circulated, were taken as read, approved and signed by the Chairman.

**4 WORK PROGRAMME**

The Committee's work programme for the forthcoming year was considered and noted.

Clarification was given as to what was included in Skin Treatments.

**RESOLVED:** That the work programme be noted.

**5 CHARITABLE COLLECTIONS LICENSING POLICY**

The Committee received a report on the outcome of the consultation for the Draft Charitable Collections Policy and seeking approval to submit it to Full Council for adoption.

During discussions it was raised that a number of Charity shops had been collecting with tins outside the shop and it was reported that a licence could be required for this operation, and it was agreed the Council would monitor the situation.

There was concern regarding the welfare of animals used to promote Charitable collections. The Committee was informed that this had been addressed in Paragraph 3.11 of the Policy and the use of animals would only be permitted with the consent of the Licensing Authority and with the necessary Public Liability Insurance in place.

It was questioned if the Policy accounted for the number of stalls outside dwellings selling goods to raise money for Charity. Paragraph 3.1 of the Policy covered these stalls under the regulations of the Police, Factories, etc, (Miscellaneous Provisions) Act 1916 as amended by Section 251, schedule 29 of the Local Government Act 1972.

It was suggested that Police assistance could be used to monitor they have the correct permissions. Assistance from the Police would be requested by Lichfield District Council, where necessary.

**RESOLVED:** (1) That the new Charitable Collections Policy be approved for submission to Full Council for adoption; and

(2) That the Chairman for Regulatory & Licensing Committee together with the Head of Regulatory Services, Housing & Wellbeing be delegated to make any minor amendments to the Policy.

## 6 REVIEW OF STREET TRADING POLICY

The Committee received a report giving feedback on the implementation of the Street Trading policy since its adoption in September 2018 along with some recommended interim changes. The report also identified that a more substantive review may be required, pending the outcome of the Events Management Review and the Economic Impact research commissioned from Bournemouth University.

The Committee was informed that Bournemouth University had been commissioned to produce a report on the economic impact of the street festivals within Lichfield.

Discussions around the policy included the merits of a wider choice of festivals and not just food related.

It was asked whether it was felt that the Safety Advisory Group (SAG) was effectual in their role in giving advice to organisers and it was reported that the Council chaired the group and the evidence was that their guidance is robust and based on good practice.

A suggestion was put forward for the Policy to include more emphasis on stall holders to be more environmentally responsible in providing recyclable products in the form of paper bags, containers and cups. It was agreed that this could be part of the special event application bidding process.

When asked, it was confirmed that face painting and street entertainment was not covered by Street Trading legislation.

**RESOLVED:** (1) That the proposed interim changes be approved for consultation and if no adverse comments received, the Chairman of Regulatory & Licensing Committee in consultation with the Head of Regulatory Services, Housing & Wellbeing be authorised to introduce them from the 1<sup>st</sup> September 2019; and

(2) That a further review of the Street Trading Policy be noted as a potential requirement pending the outcome of the Events Management Review and the Economic Impact research commissioned from Bournemouth University.

(The Meeting closed at 7.02 pm)

CHAIRMAN

## Local Plan Allocations adoption

Report of the Cabinet Member for Investment, Economic Growth & Tourism  
Councillor I. Eadie



Date: 16<sup>th</sup> July 2019  
 Agenda Item: 13  
 Contact Officer: Ashley Baldwin  
 Tel Number: 01543 308147  
 Email: [ashley.baldwin@lichfielddc.gov.uk](mailto:ashley.baldwin@lichfielddc.gov.uk)  
 Key Decision? Yes  
 Local Ward ALL  
 Members

Council

### 1. Executive Summary

- 1.1 The Council is now in receipt of the Local Plan Allocations final Inspector's Report. The Council now has to determine whether they wish to progress to adoption of the Local Plan Allocations. This will require the Council to accept the Inspectors Main Modifications. This will mean the Council have a complete Local Plan in place consisting of the Local Plan Strategy (2015) and the Local Plan Allocations (2019).
- 1.2 Subject to adoption of the Local Plan Allocations the Council's saved policies from the 1998 Local Plan will be deleted.
- 1.3 The Council is subject to a six week period of legal challenge following the Local Plan Allocations adoption.

### 2. Recommendations

- 2.1 That Council note the content of the Lichfield Local Plan Allocations Inspector's Report ([APPENDIX A](#)) and Schedule of Main Modifications ([APPENDIX B](#)).
- 2.2 That Council adopt of the Local Plan Allocations ([APPENDIX C](#)) as submitted and subsequently amended by the main and minor modifications.
- 2.3 That Council adopt the Local Plan policy map ([APPENDIX D](#)) which was submitted alongside the submission version of the Local Plan Allocations and subsequently amended by the main and minor modifications.
- 2.4 That Council note the final versions of the Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) and Habitat Regulations Assessments (HRA) ([APPENDIX E](#) and [F](#) respectively) which accompany the final version of the Local Plan Allocations.
- 2.5 That Council note the accompanying Local Plan adoption statement ([APPENDIX G](#)) and Sustainability Appraisal adoption statement ([APPENDIX H](#)).
- 2.6 That Council note the list of polices being deleted from the 1998 Local Plan ([APPENDIX I](#))

### 3. Background

*Local Plan Allocations overview of purpose and key strategic issues*

- 3.1 A primary purpose of the Local Plan Allocations is to assist in encouraging appropriate development in Lichfield district which will contribute to sustainable and economic growth.

- 3.2 In considering the allocation of land to meet the growth requirements the Council had to grapple with issue of whether to release Green Belt land for the purpose of future growth. In early versions of the Plan there were proposals for Green Belt release in Burntwood, Fazeley Bonehill and Mile Oak, Shenstone and Whittington.
- 3.3 However following the Secretary of State’s decision in relation to Land at Watery Lane Curborough officers undertook a land supply assessment. This assessment sought to understand the housing supply position within the district following the secretary of state’s decision. This resulted in the Council being able to identify a supply sufficient to meet the requirements of plan without the need to identify sites within the Green Belt. The decision of the Secretary of State coupled with the commitment to sweat Brownfield supply where sound (in the context of the test of soundness which the Plan is measured against) resulted in allocations amounting to approximately 11, 515 dwellings (inclusive of the Strategy). The housing allocation distribution is detailed in Figure 1.

Figure 1 – Extract from Appendix C

Settlement	Sub Housing Market Area	Completions 2008 - 2017 (Gross) <sup>(ii)</sup>	Committed supply (1-4 dwellings) 2017-2022 (Gross)	Strategic Development Allocations (SDAs)	Local Plan Allocation sites (LPAs) (Gross)	Totals (Gross)	Overall %
Lichfield City	City of Lichfield	660 (28%)	38 (13%)	2072 (56.5%)	1218 (24%)	3988	35%
Burntwood	Burntwood	389 (17%)	43 (15%)	240 (7%)	382 (7.5%)	1054	9%
East of Rugeley	Lichfield District North	573 (25%)	0 (0%)	49 (1%)	800 (16%)	1,422 <sup>(iii)</sup>	12.5%
North of Tamworth	Lichfield District South & East	36 (1.5%)	0 (0%)	0 (0%)	1129 (22%)	1,165 <sup>(iv)</sup>	10%
Fradley	Lichfield District North	34 (1.5%)	5 (2%)	1302 (35.5%)	80 (1.5%)	1421	12.5%



Settlement	Sub Housing Market Area	Completions 2008 - 2017 (Gross) <sup>(iii)</sup>	Committed supply (1-4 dwellings) 2017-2022 (Gross)	Strategic Development Allocations (SDAs)	Local Plan Allocation sites (LPAs) (Gross)	Totals (Gross)	Overall %
Armitage & Handsacre		84 (4%)	9 (4%)	0 (0%)	200 (4%)	293	3%
Alrewas		46 (2%)	5 (2%)	0 (0%)	142 (3%)	193	2%
Fazeley	Lichfield District South & East	128 (5%)	15 (5%)	0 (0%)	107 (2%)	250	2%
Shenstone		48 (2%)	6 (2%)	0 (0%)	50 (1%)	104	1%
Whittington		19 (1%)	1 (0.5%)	0 (0%)	18 (0.5%)	38	0.5%
Other Rural	Lichfield District North, South & East	314 (13%)	163 (27%)	0 (0%)	945 (19%)	1422	12.5%
<b>Approx. Total:</b>		<b>2331</b>	<b>285</b>	<b>3663</b>	<b>5071</b>	<b>11,350</b>	<b>100%</b>
Windfall allowance (55 dwellings per annum)						660	
Demolitions/loss of residential (2008-2016), annualised demolition rate (5 dwellings per annum) & 5% non-implementation/discount rate applied to committed supply, windfall allowance and Local Plan Allocation sites						-495	
<b>Approx. Total cumulative net dwellings:</b>						<b>11,515</b>	

3.4 Figure 1 illustrates the breakdown of supply provided by the ADPD, which amounts to 5,071 dwellings. This helps to illustrate the importance of the ADPD from a housing supply perspective. The table also illustrates the geographical breakdown of supply. This was subject to lengthy discussion during the hearing sessions. Specifically there was challenge regarding the lack of alignment with the adopted Strategy which proposed approximate distributional breakdown compared with the ADPD breakdown. Fundamentally the settlements identified in paragraph 3.2 of this report were not supplying the proposed housing land allocations to meet their respective housing targets indicated within the Strategy. Officers defended to Council's position of protecting the Green Belt. The Inspectors Report ([APPENDIX A](#)) supports the approach taken by the Council with explicit reference to the Inspectors analysis at paragraphs 34, 36, 75, 78 and 79 finding the approach sound and deliverable.

3.5 Another area of focus during the hearing sessions related to the Council's five year land supply position. This is a fundamental area that an Inspector needs to assess, specifically the Council need to demonstrate that by progressing with the Plan they will have a five year supply of housing. This is addressed within the Inspector Report ([APPENDIX A](#)) at paragraphs 57 – 64 where the Inspector concludes the Council has demonstrated the ADPD is able to provide a five year land supply. At the time of examining the Plan the land supply served to meet 4,449 of the housing target (10,030) which provides the Authority with a supply of 5.62 years.

- 3.6 The above background serves to highlight the most critical areas of debate at the hearing sessions that officers defended. However Council should also be cognisant that the ADPD deals with much more than housing. The length of debate relating to housing is typical at hearing sessions and reflects the area of pressure. It is important to note the wider and equally important components of the Plan that are set out within the ADPD ([APPENDIX C](#)) paragraph 1.3.
- 3.7 One of the other challenges the ADPD deals with relates to economic growth. The ADPD positively supports the Council's neighbouring planning authority, Tamworth Borough Council. The ADPD does this by incorporating 6.5 hectares of employment land need for Tamworth. This demonstrates the Council's positive approach to meeting the Duty to Cooperate requirements which is another test the Authority need to pass to be sound.

#### *Local Plan Allocations adoption process*

- 3.8 The Council has undertaken several rounds of public consultation on the Local Plan Allocations (these are set out in [Appendix J](#)). These consultations have assisted in producing the final version of the ADPD and the accompanying suite of supporting documents.
- 3.9 In addition to the consultation undertaken on the Plan the Planning Inspectorate have independently examined the Plan. This exercise is known as the Examination in Public. In conducting the examination a two week period of public hearings was undertaken during September 2018 (04.09.2018 – 13.09.2018). Following the hearing sessions the Inspector issued the Council with a series of main modifications to consider.
- 3.10 Members will be aware that Cabinet (20.11.2018) approved public consultation on the modifications for the ADPD. Following conclusion of the consultation a summary of the comments received and a set of Council responses was sent to the Planning Inspector.
- 3.11 The Inspector has issued his final report to Lichfield District Council (report dated 25.04.2019), having sent a draft for fact checking to the Authority on the 20<sup>th</sup> March 2019 (as permitted by the relevant regulations).
- 3.12 The Inspector's report was published soon after receipt in line with Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>1</sup>. It should be noted that the Planning Inspectorate do not publish the report, it is the Local Planning Authority's responsibility to do so. The report is available on the Council's website, the examination website and hard copies are available to view at the Council House. In addition those who responded at the Regulation 19 consultation stage have been notified of the reports publication. This is in line with Regulation 35.
- 3.13 Under the Planning and Compulsory Purchase Act 2004, (as amended) an Inspector, if finding the plan sound and having been prepared in accordance with the relevant regulations, must recommend that the document is adopted, and give their reasons. The Authority can then adopt taking into account the modifications that were recommended. In effect this means the Inspector's report is binding subject to minor changes (which the Authority has already consulted on). Alternatively the Authority can choose not to adopt the Plan.
- 3.14 The option of not adopting the Plan is not recommended. The Plan has been found sound subject to the recommended modifications. Adoption of the Plan provides the District with a comprehensive Local Plan framework. The Allocations and Strategy will then be given full weight in determining

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<sup>1</sup> Further reference to Regulations within this report relate to the Town and Country Planning (Local Planning) (England) Regulations 2012 unless otherwise stated.

applications and appeal decisions. If the Plan is not adopted there is uncertainty over the planning framework for the District. In turn this will assist in facilitating unplanned development across the District and would represent poor strategic planning increasing the risk of inappropriate development.

- 3.15 In addition to the written document that has been examined the Council are required to produce a policies map. The policies map illustrates the geographical application of the Policies in the adopted development plan. There were minor changes to the Policies map consulted upon during the modification consultation stage. The final policies map can be viewed at [Appendix D](#).

#### *Habitat Regulations Assessment and Sustainability Appraisal*

- 3.16 The Local Plan Allocations needs to be supported by a Habitat Regulations Assessment (HRA) because of the District's proximity to a number of European designated sites. The HRA was updated ([APPENDIX E](#)) to take account of the main modifications and the minor modifications the Council had already agreed. The HRA concluded that there were no impacts arising from the changes that warranted amendment to the main and minor modifications. The final Inspector's Report did not materially alter the main modifications from those consulted upon previously meaning that there is considered no requirement to further update the HRA. The conclusion of the HRA process is that the Plan will have no significant effects alone or in combination upon European Sites and will have no adverse effect on the integrity of the European Sites.
- 3.17 The Sustainability Appraisal (SA) is a fundamental document for any Local Plan. It assists in ensuring the policies and allocations are appropriately developed when taking into account the agreed sustainability objectives. The final SA ([APPENDIX E](#)) focused on the main modifications and the minor modifications the Council had already agreed. The SA concluded that there were no impacts arising from the changes that warranted amendment to the main modifications and minor modifications.
- 3.18 The SA is accompanied by an adoption statement ([APPENDIX H](#)). The purpose of this Post adoption statement is to meet the legislative requirements of European Directive. Specifically the SA adoption statement includes information on:
- How sustainability considerations have been integrated into the Plan;
  - How the SA has been taken into account;
  - How the results of public consultation have been taken into account;
  - The reasons for choosing the Plan as adopted, in light of the other reasonable alternatives considered;
  - How any significant effects of implementation the Plan will be monitored.

#### *1998 Saved Policies*

- 3.19 In 2006 the Council decided to save a number of policies within the 1998 Local Plan ([APPENDIX I](#)). This was undertaken in consultation with the former Government Office for the West Midlands (GOWM). As part of the ADPD process there was a commitment to review the suitability of these saved policies. In doing so the policies that are contained within the 1998 Local Plan will be deleted upon adoption of the ADPD. This will not result in a policy vacuum because the policies have been reviewed and where feasible have been incorporated in the ADPD (where policies have been included in the ADPD they have been reviewed and updated to ensure they are fit for purpose).

### Next steps

3.20 If Council adopt the ADPD, the Council are to:

- Make available:
  - The Local Plan (ADPD);
  - An adoption statement;
  - The Sustainability Appraisal and SA / SEA Adoption Statement; and
  - Details of where the ADPD is available for inspection and the places and times at which it can be inspected.
- Send a copy of the adoption statement to:
  - Any person who has asked to be notified of the adoption of the ADPD; and
  - The Secretary of State.

### The Challenge period

3.21 Section 113(4) of the 2004 Act allows for an application to quash the development plan document to be made to the High Court within six weeks of adoption (the “legal challenge period”). The six weeks will commence from the 17<sup>th</sup> July 2019. During this period the full weight of the ADPD can be applied in decision making.

### Local Plan Review

3.22 The Local Plan (Strategy and Allocations) is subject to a review which has already commenced. The review was established in the Local Plan Strategy and during the ADPD hearing sessions there was discussion regarding the Council’s review process. While the review process is under way (two rounds of public consultation have been undertaken) adoption of a revised Plan is not expected until 2022. Therefore the adoption of the ADPD is considered important to ensure the Council has a full suite of planning policy documents in place now.

3.23 Members should be aware that the Plan review will need to address the unmet need arising from the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). This was another area of length discussions during the hearing sessions. The Inspectors Report ([APPENDIX A](#)) recognises the efforts of the Authority in demonstrating extensive and ongoing engagement with neighbouring authorities (paragraph 11). However at paragraph 91 the Inspector is clear that the Authority need to address this through the Plan review.

Alternative Options	Council decide not to adopt the ADPD. As set out in paragraph 3.14 this is not recommended. Adoption of the Plan provides the District with a comprehensive Local Plan framework. The Allocations and Strategy will then be given full weight in appeal decisions. If the Plan is not adopted there is uncertainty over the planning framework for the District. In turn this will assist in facilitating unplanned development across the District and would represent poor strategic planning increasing the risk of inappropriate development.
Consultation	1. Consultation has informed the development of the ADPD. The consultation stages are set out in <a href="#">Appendix J</a> .
Financial Implications	1. There are no financial implications from this report.

Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. Supports the priority of a vibrant and prosperous economy as it assists in the delivery of the planning function of the Council.</li> <li>2. Supports the priority of Healthy and Safe communities by ensuring the provision of housing.</li> <li>3. Supports the priority of clean, green and welcoming places to live by assisting in allocating land for affordable housing, as well as supporting the delivery of residential and commercial developments.</li> </ol>
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. An Equality Impact Assessment accompanies the ADPD (<a href="#">Appendix K</a>).</li> </ol>
Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. There are no crime and safety issues.</li> </ol>
GDPR / Privacy Impact Assessment	<ol style="list-style-type: none"> <li>1. A privacy impact assessment has been undertaken.</li> </ol>

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The ADPD does not progress to adoption and the Council are left with an incomplete Development Plan.	The Council would need to operate with a part complete Local Plan.	Yellow
B	Following adoption the ADPD is legally challenged.	If the Plan is subject to legal challenge officers will review the challenge and if necessary instruct legal representation. As part of the ADPD Giles Cannock QC was instructed to provide the Council with legal support.	Yellow

Background documents:  
 Local Plan Strategy 2015  
 Statement of Community Involvement  
 Local Development Scheme  
 Regulation 18 consultation  
 Regulation 19 consultation  
 Regulation 19 Focused changes consultation

Relevant web links:  
[Local Plan Strategy 2015](#)  
[Statement of Community Involvement](#)  
[Regulation 18 consultation](#)  
[Regulation 19 consultation](#)  
[Regulation 19 Focused changes consultation](#)

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# HS2 Draft Planning Memorandum – Change to Constitution

Cabinet Member: Councillor A Lax and Councillor I Eadie

Date: 16th July 2019

Agenda Item: 14

Contact Officer: Mr Jeff Upton

Tel Number: 01543 308199

Email: jeff.upton@lichfielddc.gov.uk

Key Decision? YES

Local Ward Members All Wards within Phase 2a of HS2 – Alrewas and Fradley, and Armitage with Handsacre, Colton and The Ridwares



**COUNCIL**

## 1. Executive Summary

- 1.1 The purpose of this report is to seek a change to the constitution to ensure appropriate delegated authority and Committee procedures are in place to deal with requests for approval of detailed design and external appearance of buildings and structures along the route of Phase 2a of HS2. The route is anticipated to be approved in principle via the enactment of the High Speed Rail (West Midlands - Crewe) Bill (the Bill). This change to the constitution will enable the council to handle requests for approval of relevant details in an expeditious manner.

## 2. Recommendations

- 2.1 That Council approves the amendment to the Constitution to include the determination of all planning matters submitted under Schedule 17 (the Planning Conditions Schedule) of the Bill, in line with the current provisions that already exist for Phase 1 of HS2 matters under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 as set out in the attached Appendix A.

## 3. Background

- 3.1 The Bill will grant planning permission for the construction of a high speed railway between the West Midlands and Crewe. The line would be built between a junction with Phase 1 of HS2, near Fradley Wood, and a junction with the West Coast Main Line, near Crewe. The permission will be subject to a number of conditions requiring the nominated undertaker (the party/parties who will construct the railway) to obtain the approval of Local Planning Authorities along the route for matters of detail, including the design of buildings and structures – such as bridges and tunnel portals.
- 3.2 The Bill gives each Local Planning Authority a choice between having a wide or narrow range of controls over the approval of such details. Local Authorities opting for a wider range of control are referred to as ‘Qualifying Authorities.’ At its meeting of 9 July 2019, Cabinet approved the signing of the Planning Memorandum to become a Qualifying Authority for the purposes of the High Speed Rail (West Midlands – Crewe) Bill.
- 3.3 The Cabinet on 9 July also resolved to request that Council amend the constitution to include the determination of all planning matters submitted under Schedule 17 (the Planning Conditions Schedule) of the Bill, in line with the current provisions that already exist for Phase 1 of HS2 matters under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017.
- 3.4 This is important as the Planning Memorandum accompanying the Bill requires the Council to commit to dealing with applications in an expeditious manner (i.e. within 8 weeks), and to being sufficiently

resourced to do so. The applications are likely to be for relatively minor works, but could be substantial in number and frequency.

3.5 In view of the level of interest that is likely to be generated by the proposals that come forward; the possibility that numerous such applications will be submitted either at the same time or in short succession; and the need to ensure they are dealt with particularly expeditiously, there is a risk that the anticipated volume of work could have significant impact upon the capacity of the Planning Committee to consider these additional items within the required period.

3.6 For this reason, in relation to Phase 1, delegated authority was given to Senior Officers to determine approvals under Schedule 17 (the Planning Conditions Schedule) of the Bill, subject to conditions in which such approvals will be reported to the Planning Committee. The approach to Committee reporting reflected that of the existing process for determining planning applications, allowing Members the opportunity to ‘call-in’ such approvals – subject to specifying planning reasons. It is recommended that this approach is also taken for the consideration of Schedule 17 submissions for Phase 2a. This will require the necessary update of the wording of the scheme of delegation to include reference to HS2 Phase 2a.

<b>Alternative Options</b>	1. Should the Council not amend the Constitution it would have no delegated authority to determine Schedule 17 approvals – impacting on its ability to determine applications expeditiously within the required timeframes. Failure to meet those timeframes could result in the Council losing the additional powers of a Qualifying Authority.
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<b>Consultation</b>	1. None.
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<b>Financial Implications</b>	1. None – there would be a Service Level Agreement, as there is for the Phase 1 HS2 work, to ensure that the work undertaken by Council in determining these applications is fully reimbursed on a cost recovery basis.
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<b>Contribution to the Delivery of the Strategic Plan</b>	1. Being able to deliver an effective service as a Qualifying Authority will ensure that the Council has influence over the physical development of HS2 - seeking to preserve the historic, built and natural environment along its route and maintaining the District as a clean, green and welcoming place to live.
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<b>Equality, Diversity and Human Rights Implications</b>	1. Being able to deliver an effective service as a qualifying authority will ensure the Council can engage with stakeholders in the process, thus enabling them to contribute and influence the decision making process in an open and transparent manner.
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<b>Crime &amp; Safety Issues</b>	1. There will be no impact upon our duty to prevent crime and disorder within the District (Section 17 of the Crime and Disorder Act, 1988).
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	<b>Risk Description</b>	<b>How We Manage It</b>	<b>Severity of Risk (RYG)</b>
A	The Constitution is not updated to ensure appropriate delegated powers are in place to handle applications within the required timescales.	Amend the Constitution at Full Council.	Yellow. Without appropriate delegated authority in place the Council runs the risk of losing powers conferred as a result of not being able to



		meet those challenging deadlines.
c		

Background documents : Cabinet Report of 9 July 2019

Relevant web links:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627556/E177 Draft EMRs Planning Memorandum WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627556/E177_Draft_EMRs_Planning_Memorandum_WEB.pdf)

## Appendix A

### CONSTITUTION

#### PART 3

#### SCHEME OF DELEGATION TO OFFICERS

#### APPENDIX A

#### SCHEME OF DELEGATION OF PLANNING DECISIONS

1.17 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of either the High Speed Rail (London-West Midlands) Act 2017 or the High Speed Rail (West Midlands – Crewe) Act 20xx, unless the application includes Council owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in. In relation to any application (Schedule 17 approval), which benefits from delegated authority to determine, if in the opinion of at least two of the following officers: Director of Place and Community; Head of Development Services, Planning Development Manager, and Principal Planning Officers, it is considered appropriate for the Planning Committee to determine the application, then the matter shall be reported accordingly.

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By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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