

Local Plan 2040 - Submission

Cabinet Member for Economic Development, Leisure & Local Plan

Date:	7 th December 2021
Agenda Item:	5
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Key Decision?	YES
Local Ward Members	All



Cabinet

1. Executive Summary

- 1.1 Members will recall that at the [9th February 2021 Cabinet meeting](#), members approved the Publication (Regulation 19) version of the [Local Plan 2040](#) for formal consultation purposes and submission thereafter. This report notes the 718 representations received from 213 representors to the consultation that took place between the 5th July 2021 and the 30th August 2021. All representations made during the Regulation 19 consultation period (Appendix A) are passed to the Inspector appointed by Government to examine the Local Plan for them to consider as part of the Examination in Public following the submission of the plan.
- 1.2 Since the consideration of the February 2021 report, pandemic restrictions have been lifted and therefore evidence collection in non-restrictive conditions has been able to be progressed. Moving forward, the Local Plan 2040 and its evidence base can and will be tested at the Examination in Public. Given this context it is considered the plan can now be submitted. Submission by December 2021 would ensure the Council has met the commitment required by the inspector to commence an early review of the [Local Plan Strategy](#) (2015) and accepted by the Council as set out in the adopted [Local Plan Allocations](#) Development Plan Document (2019).
- 1.3 Attached to this report at Appendix B is a list of minor modifications to be submitted alongside the plan in the interests of ensuring clarity and accuracy.
- 1.4 This report also seeks delegated authority for the Cabinet member for Economic Development, Leisure & Local Plan in consultation with the Head of Economic Growth and Development to agree:
- A Regulation 22 Statement which sets out how the Council has complied with its statutory consultation requirements. A draft for informational purposes is attached at Appendix D and will be updated to take account of the Cabinet meeting decision and minutes using the delegated powers requested.
 - Sign off on an overall Duty to Cooperate Statement for submission and individual Statements of Common Ground (SoCG) with other neighbouring authorities and other statutory bodies prior to submission and or in the lead up to and during the Examination in Public in the interests of expediency. A draft for informational purposes of the overall Duty to Cooperate Statement is attached at Appendix E and a template for the Individual Statements of Common Ground is attached at appendix F.

2. Recommendations

- 2.1 That Cabinet approve the [Local Plan 2040](#) and accompanying [Proposals Map](#) for submission to the Planning Inspectorate (previously the regulation 19 version considered at 9th February 2021 Cabinet), together with the summary comments and officer responses at Appendix A and the list of minor modifications at Appendix B in the interests of clarity.
- 2.2 That delegated authority is given to the Cabinet Member for Economic Development, Leisure & Local Plan in consultation with the Head of Economic Growth & Development and the Leader of the Council

agree the finalised Regulation 22 – Statement of Consultation, the overall Duty to Cooperate Statement and individual Statements of Common Ground (SoCG) in the interests of expediency.

3. Background

- 3.1 The Local Plan 2040 sets out the Council’s strategic policies, including the levels of development to be delivered to 2040 (and sites to deliver these requirements), and a suite of ‘Local Policies’ which are principally focussed on development management issues relevant to the determination of planning applications. The plan and the specific policies and proposals it contains can be viewed at [Local plan 2040 \(lichfielddc.gov.uk\)](http://lichfielddc.gov.uk).
- 3.2 Members will recall Cabinet approved the Publication (Regulation 19) version of the Local Plan for formal consultation purposes at its meeting on the 9th February 2021 and its submission thereafter. Due to the ongoing pandemic restrictions at the time, the report to the publication (regulation 19 version) delegated precise details of the consultation strategy and its timing to be agreed with the relevant Cabinet member in conjunction with the Head of Economic Growth & Development. The report also included a safeguard that the Local Plan 2040 publication document would be brought back before Cabinet if some remaining on-going evidence gathering indicated the need for significant changes to the Local Plan or that work itself could not be progressed further due to the pandemic and the implications for the Local Plan needed to be reported back.

The outcome of the Consultation

- 3.4 Formal consultation took place over 8 weeks between the 5th July 2021 and the 30th August 2021. Due to the pandemic restrictions in place at the time, the consultation strategy involved a letter / email circulation from records held on the Council’s database and a combination of physical meetings with Covid secure measures in place and virtual consultation methods including using a presentation video and the offer of virtual drop-in sessions. Officers were also available throughout the consultation period via phone and email to assist with queries.
- 3.5 The Regulation 19 consultation is a statutory consultation and asked whether the plan was considered to be legally compliant and whether the tests of soundness as required in the National Planning Policy Framework have been met and then asks for representors to set out how the plan should be amended with justification for any such changes. A copy of the standard proforma which consultees were asked to complete can be found at Appendix C.
- 3.6 Appendix A summarises all of the 718 representations that were received from the 213 representors in response to the consultation together with summary officer responses. It should be noted that only a modest number of submissions, particularly from professional planning organisations followed the proforma. Most submissions, particularly from the general public did not complete the proforma by answering the questions posed but instead made comments as they saw fit in support or opposed to the plan. In such circumstances it would not be appropriate for officers to second guess the categorisation and so Appendix A in such circumstances simply registers the question as unanswered. However, this does not preclude the comments being valid for examination purposes and they will be forwarded on to the Inspector in full for their consideration. Where the questions have been answered, Appendix A captures whether the representation related to Duty to Cooperate, Legal Compliance or to Soundness. The vast majority of the representations will relate to tests of soundness. At this stage in proceedings, all of the representations received will be submitted with the Plan to the Planning Inspectorate for consideration at the Examination in Public. All representations can be viewed in full via the Council’s [consultation portal](#).
- 3.7 Five representations were received after the close of the consultation period. These have been summarised and a summary officer response prepared and are set out at Appendix G. Late responses will

be submitted to the appointed planning inspector alongside all those responses made prior to the close of the consultation. It will be for the planning inspector to determine whether to consider such responses.

- 3.8 Following the regulation 19 consultation and in response to the comments received, a list of minor modifications to the plan have been identified at Appendix B. It is proposed that this list is submitted to address factual corrections and any spelling and grammatical errors noted by the representations received.

Evidence base

- 3.9 Since the consideration of the February 2021 report, pandemic restrictions have been lifted and therefore transport evidence collection in non-restrictive conditions has been able to be progressed during the Autumn. Moving forward, the Local Plan 2040 and its evidence base can and will be tested at the Examination in Public. Given this context it is considered the plan can now be submitted.

Regulation 22 Statement, Duty to Cooperate Statement and Local Plan 2040 Submission

- 3.10 A Regulation 22 Statement setting out how Lichfield District Council has engaged with the community and stakeholders in preparing the plan and how this meets the requirements of the Statement of Community Involvement (SCI) and national regulations will be submitted with the plan. It is a requirement of the regulations that the Council sets out how it has undertaken this work when it submits the Local Plan. The Regulation 22 Statement can only be completed after the decision of Cabinet on the 7th December so that it captures the reporting undertaken. A draft Regulation 22 Statement can be found at appendix D.
- 3.11 The plan when submitted will be accompanied by a Duty to Cooperate Statement demonstrating how Lichfield District has worked with neighbouring authorities and other statutory bodies in the preparation of the submission version of the plan. The Duty to Cooperate is a legal and soundness test that requires cooperation between local planning authorities and other prescribed bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Under Duty to Co-operate requirements, the Council is preparing an overall Duty to Cooperate Statement on the work it has undertaken with neighbouring authorities and other prescribed bodies on cross boundary strategic issues. A draft for informational purposes is attached at Appendix E. Individual Statements of Common Ground are also being finalised for submission following analysis of the representations received from relevant bodies at the regulation 19 consultation stage and subsequent discussions. A template for the individual Statements of common Ground is attached at Appendix F for informational purposes. The Statements of Common Ground will cover matters such as housing, Infrastructure and the environment. A finalised Appendix E will be submitted alongside the Local Plan 2040 by the end of December 2021 to reflect an updated position on the Statements of Common Ground that have been agreed and which will also be submitted.
- 3.12 It is recommended that delegated authority is given to the Cabinet Member for Economic Development, Leisure & Local Plan in consultation with the Head of Economic Growth & Development and the Leader of the Council to agree the finalised Regulation 22 – Statement of Consultation, the overall Duty to Cooperate Statement and individual Statements of Common Ground (SoCG). This approach is consistent with the approach undertaken by other authorities we will be entering into Statements of Common Ground with. It ensures such technical requirements for submission are dealt with expediently prior to plan submission as discussions continue and subsequent to submission, should it become apparent in the lead up to and during the Examination in Public that amendments to or further Statements of Common Ground are required.

Local Plan Submission

3.13 The Plan will be submitted by the end of December 2021 together with its evidence base and relevant appendices. This submission date reflects a commitment made to the Planning Inspectorate in its consideration of the now adopted Local Plan Allocations DPD (2019). Policy LPR: Local Plan Review at paragraph 2.3 page 11 of the adopted Local Plan Allocations document sets out the requirement. This submission timescale also accords with the timetable set out in the Council’s Local Development Scheme (LDS) which the inspector for the Examination in Public will take into consideration.

Alternative Options	<ol style="list-style-type: none"> 1. To not submit the plan. This would result in the plan going back to an earlier stage of progress and would delay the plan making process. The Council would not be in accordance with its’ published Local Development Scheme and will not have addressed the commitment made when the Local Plan Allocations document was adopted. The decision could lead to a significant amount of the evidence base work becoming out of date with additional financial implications for subsequent updating of the evidence. There is an increased risk that planning proposals will be submitted and would be approved on appeal if refused as time progressed and the existing adopted Development Plan was found to be time expired. 2. To delay submission. The Council would not be in accordance with its’ published Local Development Scheme and will not have addressed the commitment made when the Local Plan Allocations document was adopted. The decision could lead to a significant amount of the evidence base work becoming out of date with additional financial implications for subsequent updating of the evidence. There is an increased risk that planning proposals will be submitted and would be approved on appeal if refused as time progressed and the existing adopted Development Plan was found to be time expired.
Consultation	<ol style="list-style-type: none"> 1. Consultation has been undertaken on the previous stages of the Local Plan Review. 2. The Regulation 19 Publication version of the Local Plan was consulted upon between the 5th July 2021 and the 30th August 2021. All representations received during the Regulation 19 consultation will now be submitted to the Planning Inspectorate as part of the Examination in Public. It should be noted that as such representations are, as required by the regulations are made to the Inspector and the District Council has not responded back to each representor.
Financial Implications	<ol style="list-style-type: none"> 1. The District Council is required to enter into a Service Level Agreement with the Planning Inspectorate and pay their fees for undertaking the Examination. 2. The District Council is required to appoint an Independent Programme Officer to manage the administration of the Examination in Public 3. There is an earmarked reserve set aside for the Local Plan examination and review costs at 1 April 2021 of £257,000. At present, taking into account committed costs, £171,000 remains available to fund legal advice, a

	programme officer and the fees of the planning inspectorate and any additional work that the Inspector may recommend to the Council it undertakes in order for the plan to be found sound.
Approved by Section 151 Officer	Yes
Legal Implications	<ol style="list-style-type: none"> 1. There is a statutory duty for the Local Authority to prepare a Local Plan and to review and keep it up to date by review at least every 5 years. 2. The Local Plan is required to be submitted in accordance with Regulation 22 of the of the Town and Country Planning (Local Planning) (England) Regulations 2012
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. Supports the priority of 'Enabling People' through Local Plan preparation which makes provision for growth in housing and other land uses informed by public consultation so they can live healthy and active lives. 2. Supports the priority of 'Shaping Place' through the Local Plan preparation for allocation of new land uses, preserving the districts assets and ensuring growth is done sustainably and with balanced infrastructure provision. 3. Supports the priority of 'Developing Prosperity' through the Local Plan preparation which makes provision for land use allocations including employment and residential use, thereby encouraging economic growth, enhancing the district and providing certainty for investment. 4. Supports the priority of being a 'Good Council' by accountability, transparency and responsiveness as the update enables the community, business, developers, service and infrastructure providers and other interested organisations to know how the Local Plan review is progressing.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. An Equality Impact Assessment has been undertaken at all previous stages of the Local Plan Review process including the Regulation 19 Publication version of the plan which is to be Submitted to the Planning Inspectorate.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. There are no crime and safety issues.
Environmental Impact	The Council is required to assess the environmental impacts of any plan which it produces. Accordingly, a Sustainability Appraisal Scoping report accompanied the Issues & Options version of the plan and a Sustainability appraisal appropriate to each stage of the plan has subsequently been published including at the Regulation 19 Publication plan stage. The Council has also published a Habitat Regulations Assessment at each relevant consultation stage including the regulation 19 Publication stage. These evidence base documents will be tested at Examination.
GDPR / Privacy Impact Assessment	A Privacy Impact Assessment into the plan has been undertaken

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Objections from omission site promoters results in changes to the plan	Likelihood: Red Impact: Yellow Risk: Red	Use evidence base and prepare topic papers and hearing statements for consideration at examination to provide additional narrative for Local Plan strategy and site selection to counter objections made during the Reg 19 consultation.	Likelihood: Green Impact: Yellow Risk: Yellow
B	Objections from neighbouring authorities re the quantum and location of development result in changes to the plan	Likelihood: Red Impact: Yellow Risk: Red	Under the Duty to Cooperate and undertake meetings and agree SoCG. Use evidence base and prepare topic papers and hearing statements for consideration at examination to provide additional narrative for Local Plan strategy and site selection.	Likelihood: Green Impact: Yellow Risk: Yellow
C	Objections from statutory consultees re the quantum and location of development result in changes and or delay to the plan	Likelihood: Red Impact: Red Risk: Red	Under the Duty to Cooperate, undertake meetings and agree SoCG. Use evidence base and prepare topic papers and hearing statements for consideration at examination to provide additional narrative for Local Plan strategy and site selection.	Likelihood: Green Impact: Red Risk: Yellow
E	Submission doesn't meet statutory requirements and results in delay	Likelihood: Yellow Impact: Red Risk: Red	Use PAS & PINS templates and use Counsel for best practice advice as a checklist for submission.	Likelihood: Green Impact: Red Risk: Yellow

Background documents

[Agenda for Cabinet on Tuesday, 9th February, 2021, 6.00 pm \(lichfielddc.gov.uk\)](#) - Agenda item 3

Relevant web links

[Agenda for Cabinet on Tuesday, 9th February, 2021, 6.00 pm \(lichfielddc.gov.uk\)](#) - Agenda item 3

[Local plan 2040 \(lichfielddc.gov.uk\)](#)

[Evidence base \(lichfielddc.gov.uk\)](#)