

Local Plan Update

Cabinet Member for Housing and Local Plan

Date: 5 March 2024
Agenda Item: 4
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Key Decision? YES
Local Ward All wards.
Members



Lichfield
District Council

Cabinet

1. Executive Summary

- 1.1 Following the withdrawal of the Local Plan 2040 from examination in October 2023, we have begun work on a new local plan for the district which will ultimately replace the adopted [Local Plan Strategy](#) and [Allocations](#) documents. The initial work we have done so far includes initial evidence gathering and undertaking a call for sites to help inform the new plan as it progresses.
- 1.2 We are required to set out the proposed timetable to produce our Local Plan through a document called the Local Development Scheme (LDS); this report includes a revised LDS setting out our proposed timetable.
- 1.3 So that the new local plan can progress as expediently as possible, we need to ensure that the governance and procedures we use are fit for purpose. As part of a review of governance, it is proposed that Local Plan Briefing and Information Sessions are established to help steer the new local plan and ensure active member engagement throughout the production of the plan. It is also proposed that delegated authority is granted to the Cabinet Member for Housing & Local Plan for several matters relating to the production of the new local plan, its associated evidence base and future engagement on other neighbouring authorities' local plans.

2. Recommendations

- 2.1 That Cabinet notes the initial work that has started on a new local plan following the successful withdrawal of the Local Plan 2040.
- 2.2 That Cabinet approves the publication of the revised Local Development Scheme 2024 (**Appendix A**).
- 2.3 That Cabinet approves the proposal to establish 'Local Plan Member Briefing and Information Sessions'.
- 2.4 That Cabinet delegate authority to the Cabinet Member for Housing & Local Plan, in consultation with the Policy & Strategy Manager for the following:
 - Update and publish the council's Local Development Scheme as required when the timetable for local plan progression has changed.
 - Review and publish on the council's website the technical studies that form the evidence base that will underpin the new local plan when it becomes available.
 - Review and agree to the submission of formal responses on behalf of the council on neighbouring authorities local plan consultations, neighbourhood plan consultations, national government consultations or other consultations on plan-making matters where appropriate, and to sign agreements with neighbouring authorities on plan-making matters including Statements of Common Ground.

3. Background

- 3.1 As the local planning authority, Lichfield District Council understands that government requires all councils to have an up-to-date local plan contributing to the achievement of sustainable development. The adopted Lichfield District Local Plan is made up of two parts; the [Local Plan Strategy](#) (adopted in 2015) and the [Local Plan Allocations](#) (adopted in 2019) and any adopted [neighbourhood plans](#). Between 2018 and 2023 we had progressed a replacement local plan known as the Local Plan 2040 (LP2040) to examination.
- 3.2 At the meeting of [Full Council in October 2023](#) the decision was taken to withdraw the Local Plan 2040 from its examination and to start work on a new local plan for the district. Following that decision, officers successfully undertook the necessary work to withdraw the Local Plan 2040 in accordance with section 22 of the [Planning and Compulsory Purchase Act 2004](#). For clarity, this means that the LP2040 is no longer a material consideration on planning matters in the district. Planning officers will continue to determine planning applications in accordance with national policy and policies contained within the adopted Local Plan and any relevant neighbourhood plans.
- 3.3 This report sets out the proposed timetable for the new local plan and the approach, including the introduction of Local Plan Member Briefing and Information Sessions and changes to existing delegated authorities, which will be used to develop the new local plan.

Evidence base and Call for Sites

- 3.4 Following the withdrawal of the previous plan we are now in the early stages of preparing a new one. Officers have undertaken a review of the existing evidence base to establish which pieces of evidence that underpinned the withdrawn local plan need updating or replacing. Officers are also undertaking a review of the policies within our adopted local plan, and the withdrawn LP2040 to understand which policies are out of date, those that need to be amended and those which are still broadly fit for purpose.
- 3.5 Members will be aware that we have launched a '[call for sites](#)' on 29 January 2024 for a period of eight weeks. The call for sites presents landowners, developers, agents, site promoters and interested parties with the opportunity to submit sites with the potential for development for us to consider as we start work on our new local plan. Alongside this work we have begun updating several evidence base documents, including the Settlement Sustainability Study, Open Space Assessment, Housing and Economic Development Needs Assessment (HEDNA), Playing Pitch Strategy and the council's Land Availability Assessments.
- 3.6 Further evidence will continue to be developed as the new local plan progresses to inform the policies and proposals within that plan. It is an important test that a local plan is soundly based and justified by evidence, as we therefore need to ensure our evidence base is robust and up to date.

The Levelling-up and Regeneration Act (LURA) and revised National Planning Policy Framework (NPPF)

- 3.7 Further to reports to [Cabinet in September 2023](#) and [Full Council in October 2023](#), following the enacting of the [Levelling up and Regeneration Act](#) (LURA) on 29 October 2023 and publication of a revised version of the [NPPF](#) on 19 December 2023, our new local plan will need to be developed in accordance with this subject to possible future changes as set out below.
- 3.8 A key part of the LURA is the future introduction of a more streamlined plan-making system with a statutory 30-month timeframe (plus an additional 4 months). The principal of this new approach will be to speed up the delivery of local plans in England by focusing the scope of local plans to general policies set nationally.
- 3.9 Although the LURA acts as the primary legislation for this change in approach, the detail of the new plan-making system is still to be defined by secondary legislation and no dates to produce this have been set out by government. However, the possible future introduction of a new 30-month timeframe indicates the level of time the government anticipate will be required to produce new local plans. At

present government have indicated that for plans to be examined under the current system, they need to be submitted for examination no later than June 2025. As was set out in the Cabinet and Full Council reports in September and October 2023, we believe that to prepare a plan under the current system would take a minimum of three years, which would be beyond the current ‘cut-off’ date of June 2025.

- 3.10 Draft proposals for the new approach indicated that councils would be invited by the government to begin work on a new plan in ‘waves’ every six months, potentially meaning the decision on when to start a new local plan would be taken by government and not the council. We will need to progress our new local plan in this context, which could mean that although work on our new local plan begins under the current ‘system’ it may need to shift to the new approach to enable the plan to reflect the latest national government policy and guidance ensuring that the plan is robust as possible.
- 3.11 This leaves the council with two options in terms of how it progresses the local plan:
1. Await the new plan-making system – this would mean not progressing a local plan until there is clarity over the new approach to plan-making. At present there is no timetable prepared for the secondary legislation required and, if the proposals remain as consulted upon, the council would not be in control of when it begins work on its new local plan.
 2. Progress with a new local plan under the current system – this is the recommended option as it ensures we continue to undertake our duty to prepare a local plan as expediently as possible. It is considered that, whilst there is uncertainty over the future of the plan-making process, we are better placed to be undertaking this work and should a new system be introduced look to utilise the work undertaken to progress a plan accordingly.

Local Development Scheme

3.12 The [current Local Development Scheme](#) (LDS) was published in 2022 to set the timetable for the Local Plan 2040. Following the withdrawal of that plan we need to prepare a new LDS¹ to clearly set out the timetable for the new local plan. The LDS includes the following information as required by legislation:

- The documents which will form the local development plan.
- The subject matters and geographical coverage of each proposed document.
- If any documents have been prepared jointly with another authority,
- Where the authority agrees to the constitution of a joint committee and a timetable for the preparation and revision of the Local Plan Documents.

3.13 The proposed LDS 2024 is included at **Appendix A** and if approved will supersede the previous LDS. The proposed timetable for the new local plan is set out below:

Table 1: Timetable for the new Lichfield District Local Plan

STAGE	DATE (AS PER LDS AT APPENDIX A)
Evidence base gathering	Commenced January 2024 (ongoing)
Call for sites	January to March 2024 (commenced)
Issues and Options consultation (Regulation 18 consultation)	September/October 2024
Publication consultation (Regulation 19 consultation)	October/November 2025
Submission for examination ²	March/April 2026
Examination	July/August 2026
Adoption	January/February 2027

¹ This is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

² It should be noted that following the submission of the plan the timetable for the examination is determined by the Planning Inspectorate. As such stages beyond the submission are subject to change which may be outside of the council’s control.

- 3.14 The proposed timetable takes account of the required statutory consultation periods (regulation 18 and regulation 19), the time required to analyse consultation responses and to collect and collate the evidence base which will inform the local plan.
- 3.15 As set out at paragraphs 3.7 to 3.11 of this report the plan-making system in England is subject to change in the future. The introduction of a 30-month (plus 4 month) statutory timetable indicates the approximate streamlined timetable which government consider to be achievable for authorities. The timetable proposed within the LDS, although this relates to the current plan-making system, is broadly consistent with the 34-month timetable consulted upon by government. The draft LDS at **Appendix A** sets out that where possible the council will seek to expedite the timetable for the new local plan and deliver an adopted local plan as soon as practicably possible. Officers will explore options to further reduce the overall timetable to produce the local plan, whilst having regard to the regulatory requirements and ensuring the plan is informed by its evidence and meets the required tests. Where possible stages and evidence base requirements will be run concurrently to reduce the overall timeline for plan production where possible.

Local Plan delegations and Member Briefing and Information Sessions

- 3.16 A 'critical friend' review of the LP2040 identified several areas where the council's current processes, or 'machinery' did not enable sufficient member engagement and slowed down the progression of the plan and its evidence base. The key issues identified were:
- Formal member engagement on local plan documents is through Overview & Scrutiny and then Cabinet, at which point the local plan documents would often be at an advanced stage with more limited opportunities for members to engage and inform these documents.
 - A 'Local Plan sub-committee' met with officers on a semi-regular basis, however the remit of the sub-committee was to approve technical evidence for publication rather than specifically engage with the policy-making process.
 - Procedural matters such as the updating of the LDS, agreeing the submission of responses on behalf of the council to other authorities' consultations (including neighbourhood plans), including national consultations and the signing of Statements of Common Ground with other councils.
- 3.17 In order to ensure the new local plan progresses in accordance with the proposed timetable and to seek to address the issues identified above it is proposed that:
- Local Plan Member Briefing and Information sessions are established. The sessions will be held approximately every two to three months and as required throughout the progression of a new local plan to provide member engagement on the plan and to further engage the wider council on this work. Formal decision on the publication, consultation and submission of Local Plan documents will still be taken through the council's Overview & Scrutiny and Cabinet processes. It is proposed the sessions will be open to all members.
 - Delegated authority be granted to the Cabinet Member for Housing and Local Plan, in consultation with the Policy & Strategy Manager, for the following:
 - Agreement and publication of evidence base documents prepared by the councils' officers and consultants on behalf of the council which underpin the progression of the local plan. This will enable such evidence to be published expediently once it has been prepared and be available to all stakeholders.
 - Update and publish revision to the LDS when required where the timetable for plan production has changed.
 - Agree to the submission of responses to plan-making matters including on national policy consultations and other authorities' local plans and neighbourhood plans. Such

consultations often have strict deadlines within which it may not be possible to report proposed responses through O&S and Cabinet.

- Signing Statements of Common Ground (SoCGs) with neighbouring authorities in relation to the duty-to-cooperate on plan-making matters. Such agreements are a key component for all authorities demonstrating that they have met the Duty-to-Cooperate.

Next steps

- 3.18 Subject to Cabinet’s approval we will publish the revised LDS on our website to advise stakeholders of the proposed timetable. Officers will continue to progress the new local plan’s evidence base and present to the ‘Local Plan Member Briefing and Information Sessions’ as the plan beings to progress.

<p>Alternative options</p>	<ol style="list-style-type: none"> 1. To not begin work on a new local plan and await clarity on the introduction of the new approach to plan-making enabled by the Levelling-Up and Regeneration Act. At present further detail is required to be set out through secondary legislation 2. Cabinet recommends an alternative timetable for the new local plan. For example, the inclusion of additional public consultations. Such an approach could lead to lengthening of the timetable. An alternative timetable to further shorten the timetable could be proposed. However, the timetable proposed takes account of the required regulatory stages and timetable for preparing appropriate evidence. Additionally, it is unlikely any such timetable would enable the plan to be delivered by June 2025. 3. Decide not to set up the Member Briefing and Information Sessions and maintain current approach which sees local plan matters considered by Overview & Scrutiny and Cabinet only. It is considered the briefing sessions will enable greater member engagement with the plan-making process throughout plan production. 4. Choose not to delegate authority for matters as set out at paragraph 2.4 and maintain existing authorities. Such an approach would potentially lead to delays in the plan-making process, including the publication of technical evidence which is used to inform the plan as it progresses.
<p>Consultation</p>	<ol style="list-style-type: none"> 1. There is no requirement to undertake further consultation on the Local Development Scheme. 2. Cabinet and Full Council were consulted upon the withdrawal of the Local Plan 2040 in September and October respectively. That report identified the requirement to begin work on a new local plan. Full Council requested that a timetable for that work be prepared, this is as set out within the LDS appended to this report. The reports also identified the changing landscape of plan-making and the likely challenges this could bring. 3. All stages of a new local plan will be presented to Overview & Scrutiny Committee and Cabinet prior to formal public consultation with all stakeholders. 4. The proposed ‘Local Plan Member Briefing Sessions’ will provide an opportunity for all members to be engaged on matters relating to the local plan throughout the plans progression. 5. The new local plan 2040 will be subject to formal public consultation, undertaken in accordance with the Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The proposed LDS includes an additional stage of consultation undertaken in accordance with regulation 18.

<p>Financial implications</p>	<ol style="list-style-type: none"> 1. There will be no cost implications about the production of the LDS as this is solely a document detailing how the development plan for the district will be progressed. 2. There will be cost implications associated with taking forward the new local plan that can be met within exiting budgets. Costs will be minimised by using expertise in house, however there will be a need to commission specialist expertise on certain matters. 3. The development of a local plan and its associated evidence base represents a significant cost to the authority. There is an earmarked reserve set aside for the local plan, on 1 April 2023 of £241,040. The MTF5 to 2026/2027 includes a total budget of £360,000 (£90,000 per annum for four years). Therefore, the total available budget is £601,040. This will be used to pay for updating the evidence base and other consultancy advice to ensure that the plan progresses as expediently as possible. 4. As noted within the risks section of this report, there is risk of speculative planning applications being submitted which do not accord with the adopted Local Plan and such applications progressing to planning appeals. Such appeals have a financial cost to the authority, including potential award of costs to appellants. Appropriate budget will need to be considered and set aside for the council to defend such appeals.
<p>Approved by Section 151 Officer</p>	<p>Yes</p>
<p>Legal implications</p>	<ol style="list-style-type: none"> 1. There is a statutory duty in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 for the local authority to prepare a Local Development Scheme setting out the timetable for local development plan documents. The LDS appended at Appendix A has been developed to meet this duty. 2. A new local plan will need to be prepared and submitted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and other associated policy, guidance and legislation.
<p>Approved by Monitoring Officer</p>	<p>Yes</p>
<p>Contribution to the delivery of the strategic plan</p>	<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 new local plan will progress.

Equality, diversity and human rights implications	<ol style="list-style-type: none"> 1. An Equality Impact Assessment will be taken at all relevant stages of the progression of a new local plan. 2. It is important that local communities and interested parties can keep track of the progress of the council's local development documents. This opportunity is provided through the LDS which will be published on the District Council's website and will be made in alternative formats where requested. 3. The development of the Development Plan documents, through a process of engagement and consultation, ensures that all sectors of the local and wider community have an opportunity to input into the planning process. 4. A new local plan will need to make provision for the delivery of specialist accommodation for the needs of people with a protected characteristic. The adopted Local Plan includes policies which provide support for such provision.
EIA logged by Equalities Officer	Equalities Officer confirmed not required.
Crime & safety Issues	There are no crime and safety issues.
Data assessment	Not applicable.
Environmental impact (including climate change and biodiversity)	In making planning decisions it will still be possible to engage the policies of the adopted plan and refer to national guidance in respect of environmental impact, climate change and biodiversity. A new local plan, inclusive of policies in respect of environmental impact will be progressed to adoption within as short a timescale as possible.
GDPR / Privacy impact assessment	A Privacy Impact Assessment has not been undertaken.

	Risk description & risk owner	Original score (RYG)	How we manage it	New score (RYG)
A	Not meeting the timetable proposed within the LDS. Failure to have an up-to-date LDS may lead to a compliance issue at examination.	Likelihood: Yellow Impact: Yellow Risk: Yellow	Ensure that the LDS is reviewed and updated where necessary to ensure that the timetable is correct and reflect the progression of the local plan. By utilising the delegated authority proposed within this report the LDS will be able to be updated by the Cabinet Member should it become necessary to do so.	Likelihood: Green Impact: Green Risk: Green
B	Changes to national planning policy/legislation including the potential for a new plan-making approach to be introduced. There is the potential for further changes at a national level should a new government be elected at a future general election.	Likelihood: Red Impact: Yellow Risk: Yellow	When/if changes to national policy/legislation are introduced ensure that these are considered in the context of the new local plan and its progression. Where such changes mean the timetable needs to change ensure the LDS (or future equivalent document) are updated accordingly to set out an up-to-date timetable. Should/when national changes be implemented officers will consider the implications of these for the progression of the local plan and advise accordingly. Should this advice result in proposed changes to the council's approach this will be reported to cabinet for any decision to be made.	Likelihood: Green Impact: Green Risk: Green
C	Loss of control over development, risk of speculative	Likelihood: Red Impact: Red	Whilst a new local plan is prepared there will be longer period where the council is without an up-to-date local	Likelihood: Red

	planning applications and loss at planning appeal.	Risk: Red	<p>plan and as such will continue to rely on the adopted Local Plan, parts of which may be out of date. The determination of planning applications takes account of diminished weight of some local plan policies and other material considerations having regard to the lack of up-to-date policies.</p> <p>Where planning appeals are made, the council will need to defend such appeals appropriately having regard to the policy context at the time of any such decision. As set out in the financial risks section of this report, such appeals will have financial implications for the council.</p> <p>Progression of a new local plan, in accordance with a realistic timetable will ensure the council has a new local plan in place as soon as is practicably possible.</p>	Impact: Yellow Risk: Yellow
D	Policy & Strategy (Planning) team resources directed away from local plan work. For example, planning appeals, additional planning obligations work.	Likelihood: Yellow Impact: Red Risk: Red	<p>Ensure work programme and timetable set out within LDS is realistic and includes a degree of flexibility. Delegated authority to Cabinet member to amend LDS where changes in circumstance dictate the timetable should change.</p> <p>Consideration of addition resources for team to ensure impacts of additional work can be absorbed.</p>	Likelihood: Yellow Impact: Yellow Risk: Yellow
E	Staff turnover/unexpected absences in Policy & Strategy (Planning) positions.	Likelihood: Yellow Impact: Red Risk: Yellow	<p>Consideration of addition temporary/permeant resources for team to ensure impacts of additional work can be absorbed.</p>	Likelihood: Yellow Impact: Yellow Risk: Yellow
F	Committee timetable does not align with local plan timetable and/or committees make decision which would impact upon local plan timetable.	Likelihood: Yellow Impact: Red Risk: Yellow	<p>Changes to delegations to ensure specific decisions can be made by delegated authority including changes to LDS timetable where needed.</p> <p>Local Plan Member Information & Briefing Sessions used to brief members of respective groups throughout local plan process and achieve member support for the plan.</p>	Likelihood: Yellow Impact: Green Risk: Green

Background documents	Local Plan Update Cabinet Report September 2023 Local Plan Update Full Council Report October 2023
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Relevant web links	Planning and Compulsory Purchase Act 2004 The Town and Country Planning (Local Planning) (England) Regulations 2012 National Planning Policy Framework (Revised 2023) Levelling-up and Regeneration Act 2023
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