

Local Plan Issues and Options

Cabinet Member for Housing & Local Plan

Date: 9 October 2024
Agenda item: 3
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Key decision? YES
Local ward members All wards



Lichfield
District Council

Cabinet

1. Executive summary

- 1.1 Following the withdrawal of the Local Plan 2040 from examination in October 2023, work commenced on a new local plan for the district. Once adopted the new local plan, to be known as the Local Plan 2043, will replace the adopted [Local Plan Strategy](#) and [Allocations](#) documents. In March 2024 Cabinet approved a revised [Local Development Scheme](#) (LDS) which sets out the anticipated timetable for the preparation of the new plan.
- 1.2 The Local Plan 2043: Issues and Options (**Appendix A**) is the first formal consultation stage in the preparation of our new local plan for the district. In accordance with regulations, the council is required to consult with stakeholders about what it considers the scope of its plan to be and the key issues that will need to be addressed. The Issues and Options stage is an emerging stage in the Local Plan 2043's preparation and provides the opportunity to receive comments from interested parties that will inform the future stages of the plan's progression.
- 1.3 The purpose of this report is to seek Cabinet's approval to undertake public consultation on the first stage of the new local plan for Lichfield district, to be known as the Local Plan 2043. This report sets out the work to date on the new local plan and provides the draft consultation document along with the proposals for its consultation.
- 1.4 Consultation will take place for a period of six weeks between 30 October and 11 December 2024. The consultation methods which will be used are detailed below in paragraphs 3.14 to 3.16.

2. Recommendations

- 2.1 Cabinet notes the progress to date on the new local plan and its associated evidence base.
- 2.2 That Cabinet approves the Local Plan 2043: Issues and Options document (**Appendix A**), the Habitat Regulations Assessment (**Appendix B**) and Sustainability Appraisal (**Appendix C**) for public consultation between 30 October and 11 December 2024 and approve the approach to consultation at paragraphs 3.14 to 3.16.
- 2.3 That Cabinet delegate authority to the Cabinet Member for Housing & Local Plan, in consultation with the Policy and Strategy Manager, to make any minor changes to the appearance, format and text of the Issues and Options document (and associated evidence documents) in the interests of clarity and accuracy prior to their publication for consultation.
- 2.4 That Cabinet delegate authority to the Cabinet Member for Housing & Local Plan, in consultation with the Policy and Strategy Manager, to agree the arrangements for any consultation events or activities.

3. Background

- 3.1 As the local planning authority, Lichfield District Council is required by government to prepare a local plan contributing to the achievement of sustainable development for our area. 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](#). Following the withdrawal of the Local Plan 2040 from examination in October 2023 the Council has commenced work on a new local plan for the district, to be known as the Local Plan 2043. Once adopted the Local Plan 2043 will replace the adopted Local Plan.
- 3.2 Cabinet approved the timetable for the preparation of the new local plan in March 2024 and published this timetable in a document called the [Local Development Scheme](#) (LDS). The LDS is required by legislation and includes the anticipated dates for the commencement of each key stage of the plan-making process.

Call for sites and evidence base

- 3.3 Following the withdrawal of the Local Plan 2040, work commenced on preparation of the new Local Plan. The first stage of this was to undertake a '[Call for Sites](#)' between 29 January and 25 March 2024. The call for sites provided landowners, developers, agents, site promoters and other interested parties an opportunity to submit sites with the potential for development for us to consider as we work on our new local plan.
- 3.4 In total 140 sites were submitted during the consultation. Most of these had been submitted or promoted before through our work on previous plans, however 30 new sites were submitted. Most sites submitted are being proposed for residential developments of varying sizes, with most being located around our existing settlements. We did receive a small number of potential employment sites, and one site suggested for either affordable housing or a small gypsy and traveller site. A [Call for Sites Schedule](#) has been published alongside an [interactive map](#) which detail all the submissions which were made.
- 3.5 As a local plan needs to be supported and justified by a proportionate evidence base, we need to ensure our evidence base is robust and up to date. A range of studies and evidence have been progressed which have been used to inform the first formal stage of consultation. To date we have published updates to our [Housing](#) and [Employment](#) land availability assessments, [Five-year Housing Land Supply](#), [Brownfield Land Register](#), [Settlement Sustainability Study](#), [Open Space Assessment](#), [Authority Monitoring Report](#) and the [Sustainability Appraisal Scoping Report](#).
- 3.6 Further evidence has been commissioned and planned that will continue to be collected throughout the plan-making process to inform the policies and proposals within new local plan.

Local Plan 2043: Issues and Options

- 3.7 The next stage of the plan-making process for the new local plan is consultation on an Issues and Options document, which the LDS stated would commence in September/October 2024. The Issues and Options consultation (also known as the Regulation 18 consultation) is the first formal stage of consultation required by legislation for a local plan. Regulation 18 of the [Local Planning Regulations 2012](#) requires the council to consult upon the intended scope of the local plan it is preparing and invite comments from all stakeholders on this.
- 3.8 The Local Plan 2043: Issues and Options document (**Appendix A**) has been prepared for public consultation. The document provides the key national and local context within which the local plan is being prepared¹ and a portrait of the district that identifies some of the key spatial issues, informed by the evidence base collected, which the new local plan should seek to address.

¹ This includes consideration of the consultation undertaken by national government on proposed changes to the National Planning Policy Framework and wider changes to the planning system between 30 July and 24 September 2024.

- 3.9 The analysis of these key issues has resulted in the identification of 13 key objectives/themes for the Local Plan 2043 to address:
- Meeting our housing needs.
 - Delivery of affordable homes and meeting specialist housing needs.
 - Delivery of appropriate infrastructure.
 - Protecting our historic environment and assets.
 - Improving the design of new development.
 - Meeting our employment needs.
 - Enhancing the vitality of our centres.
 - Providing diverse employment opportunities and reducing the number of people commuting outside of the district for work.
 - Addressing pockets of deprivation.
 - Enhancing the tourist economy.
 - Encouraging healthy and active lifestyles.
 - Tackling the causes and adapting to the effects of climate change.
 - Protecting and promoting our natural environment.
- 3.10 Within the document the thirteen objectives are presented within the four themes of the Lichfield District 2050 strategic plan. Each objective and the potential options to address these are set out with a series of consultation questions asking for people's views on the issues and potential options the council could consider.
- 3.11 Members will be aware that government have recently consulted upon [proposed reforms to the National Planning Policy Framework \(NPPF\) and planning system](#). The consultation included a range of proposed changes which would, if introduced, impact upon the preparation of the new local plan. The Issues and Options document has, where appropriate and relevant, made direct reference to these proposed changes. Two key changes proposed by government relate to the calculation of the number of homes the local plan needs to provide for and changes to national policy in relation to Green Belt. In respect of housing numbers, the approach proposed by government would see the housing requirement for Lichfield District increase from 289 homes a year to 753, an increase of 160%. The [council's response to the governments consultation](#) and made clear its concerns regarding the proposed approach to housing numbers and the implications this could have for the district.
- 3.12 As set out above the purpose of this Regulation 18 consultation is to engage with our local community and relevant organisations to identify how planning policy, through the new local plan, can be used positively to help address key issues within the local authority area. The document does not at this stage identify specific sites for allocation, nor does it set out detailed policy wording as these are matters for the future stages of the plan-making process.
- 3.13 The Local Plan 2043 is required to be supported by a Habitat Regulations Assessment (HRA) and Sustainability Appraisal (SA). Both HRA and SA are important parts of the local plan process and are required to be carried out and updated throughout the plan's preparation. A draft HRA has been prepared to accompany the Local Plan 2043: Issues and Options document (**Appendix B**). The first stage of the SA process was the production and publication of the [Sustainability Appraisal Scoping Report](#) earlier this year. The SA has been updated and the draft Sustainability Appraisal accompanying the Issues and Options document has been prepared (**Appendix C**). Both the HRA and SA will be published alongside the Issues and Options document as part of the consultation.

Approach for consultation

- 3.14 Regulation 18 of the [Local Planning Regulations 2012](#) requires the council to consult upon the intended scope of the local plan for a period of at least six weeks. The council has an adopted [Statement of Community Involvement](#) (SCI) which sets out how we will engage on planning matters, including the

methods of consultation it will use to ensure that consultation meets the legal requirements and needs of the community.

3.15 It is proposed that the Local Plan 2043: Issues and Options consultation will take place for six weeks between 30 October and 11 December 2024. The following approaches will be used for the consultation:

- Publication of the consultation document (and supporting evidence) on the [council's website](#) and [consultation portal](#). The document will be made in alternative formats on request.
- Hard copies of the consultation document, response forms and other documentation will be available at District Council House and Burntwood Leisure Centre.
- Statutory notification of the consultation will be sent to statutory consultees and all of those who have registered on our consultation portal and/or have previously made comments upon local plan consultations either by email or letter.
- Additionally, an extensive communications and engagement programme will take place throughout November and December. A full communications plan is being drafted with further details to be confirmed. The engagement will include:
 - Drop in events at venues/events including the Guildhall Christmas Market, Burntwood Leisure Centre, Lichfield Golf and Country Club, Chase Terrace High School Careers Evening, Chasetown FC, South Staffs College and District Council House.
 - A project visiting several secondary schools throughout the district will aim to engage with Year 11 geography students and their parents with an aim to receive 500-600 comments on a simplified five question response form.
 - A social media campaign which will aim to encourage conversation with residents through AI generated mock ups of district landmarks with a 'tongue-in-cheek' tone.

3.16 The approach proposed for the consultation is in accordance with the legislative requirements and those requirements set out within the adopted SCI. The agreement of the dates and arrangements (including locations and timings) for the drop-in is proposed to be delegated to the Cabinet Member for Housing and the Local Plan. Full details of all the engagement activities will be communicated to members prior to the start of the consultation period.

Next steps

3.17 Subject to Cabinet's approval we will publish the Local Plan 2043: Issues and Options document for consultation, as described above.

3.18 Following the consultation, comments received will be collated and reported to members through future updates on the local plan. Those responses received will, alongside further evidence gathering, inform the future stages of the local plan process.

Alternative options	<ul style="list-style-type: none"> • To not undertake Regulation 18 consultation 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. This would mean a longer period until the adoption of a new local plan.
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Consultation	<ul style="list-style-type: none"> • Cabinet and Full Council were consulted about 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. • The council undertook a Call for Sites between January and March 2024 which provided stakeholders an opportunity to submit sites for future consideration through the council's plan-making process.
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	<ul style="list-style-type: none"> • A Local Plan Update report was presented to Cabinet in March 2024 which included the updated Local Development Scheme in March and the implementation of the Local Plan Member Briefing Sessions. • Local Plan Briefing Sessions for all members took place in May and August 2024 providing an opportunity to engage all members on matters relating to the local plan. Further briefing sessions have been scheduled. • The Local Plan Issues and Options document will be presented to Overview and Scrutiny committee on 2 October 2024. A supplementary report, noting the comments from O&S will be prepared following that meeting and presented to Cabinet alongside this report. • The new local plan 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. • This Issues and Options consultation represents the first formal public consultation and is undertaken in accordance with Regulation 18 of the above legislation for a period of six weeks. There will be further formal periods of consultation upon the new local plan.
<p>Financial implications</p>	<ul style="list-style-type: none"> • The costs associated with undertaking consultation, including consultation materials, room hire etc. will be met within existing budgets. Considerable officer time will be required to run the consultation, including any consultation events and to collate the responses to the consultation. • There will be cost implications associated with taking forward the new local plan, including further evidence base work, that can be met within existing budgets. Costs will be minimised by using expertise in house, however there will be a need to commission specialist expertise on certain matters. • Members are reminded of their duty to consider best value and the implications of progressing a new plan having through to adoption regard to the associated costs which will be accrued. The Local Plan Update Cabinet Report September 2023 set out the associated costs with progressing the withdrawn Local Plan 2040 through to examination.
<p>Approved by Section 151 Officer</p>	<p>Yes</p>
<p>Legal implications</p>	<ul style="list-style-type: none"> • There is a statutory duty for local planning authorities to prepare a local plan to cover their administrative area. The Local Plan 2043: Issues and Options represents the first formal stage in the preparation of a new local plan for Lichfield District. • The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for the council when preparing is local plan. Regulation 18 requires the council to set out the “subject of a local plan which the local planning authority propose to prepare” and invite representations “about what a local plan with that subject ought to contain”. The Local Plan: Issues and Options consultation is undertaken under Regulation 18. • The Planning and Compulsory Purchase Act 2004 sets out the requirement for authorities to prepare and maintain a Statement of Community Involvement which sets out how it will engage with the community in respect of plan-making. The consultation approach proposed conforms with the guidance within the council’s SCI.

Approved by Monitoring Officer	Yes
Contribution to Lichfield District 2050	The Local Plan 2043: Issues and Options document has been drafted with direct reference to and is informed by Lichfield District 2050. The document identifies a range of key spatial issues and objectives which the plan should seek to address and relates these to the key themes of Lichfield District 2050. Several of the key themes and issues are directly related to those identified within Lichfield District 2050.
Data assessment	The Local Plan 2043: Issues and Options document has been prepared having regard to a range of data including the council's social progress index . This has directly informed the identification of the issues within the preferred options document.
Equality, diversity, and human rights implications	<ul style="list-style-type: none"> • An Equality Impact Assessment (EIA) will be taken at all relevant stages of the progression of a new local plan. EIA of Local Plan 2043: Issues and Options document undertaken (Appendix D) • The development of the local 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. • 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	Yes
Crime & safety Issues	There are no crime and safety issues.
Environmental impact (including climate change and biodiversity)	<p>The council is required to assess the environmental impacts of any plan it produced so, a Sustainability Appraisal and Habitat Regulations Assessment have been prepared alongside the Issues and Options document (see paragraph 3.12 above). These will be updated throughout the progression of the new local plan and inform the policies and proposals within the plan.</p> <p>The new local plan once adopted will include planning policies relating to the environment, biodiversity and climate change and guide these principles within development. 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.</p>
GDPR / privacy impact assessment	Persons and/or organisations making comments upon the local plan will be required to provide personal details including name and contact details. This data is stored within our secure consultation portal and is provided in accordance with the planning policy privacy notice . Privacy notice and Issues and Options consultation document make clear that person and/or organisations name and content of any representations made to the consultation will be publicly available in accordance with local plan regulations.

A Privacy Impact Assessment has been undertaken and no issues have been identified.

	Risk description & risk owner	Original score (RYG)	How we manage it	New score (RYG)
A	A high level of response is received to the consultation which could have a detrimental impact on the proposed timescales.	Likelihood: Yellow Impact: Yellow Risk: Yellow	Should the level of response to the consultation be significant then additional resources from the wider Policy & Strategy service and external resource could be used to ensure representations are processed as expediently as possible. Officers will review the level of response and identify any issues in terms of the timetable for the local plan.	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.	Likelihood: Red Impact: Red Risk: Red	When changes to national policy/legislation are introduced which is very likely to take place in the immediate short term, 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. Officers also to consider whether such changes necessitate revision/new evidence to be prepared. 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: Red Impact: Yellow Risk: Yellow
C	Submission of a plan that is subsequently found unsound plan and risk of government intervention in plan-making. Where government intervenes is can direct the council to undertake specific actions including make changes to a plan or adopting the plan. Or plan preparation can be taken over by the Secretary of State or a higher tier authority such as the County Council.	Likelihood: Yellow Impact: Red Risk: Red	Progress a new Local Plan in accordance with the timetable set out within the LDS and maintain updates to ensure programme reflected is correct. Government has the power to intervene in plan-making where it concludes an authority is not making satisfactory progress in the preparation of its development plan. Detail of such powers was set out in the Local Plan Update Cabinet Report September 2023. Progress a new local plan in accordance with relevant version of the NPPF. Should the council prepare a plan which is not then it could be found unsound and/or risk direct intervention by government in plan making.	Likelihood: Yellow Impact: Red Risk: Yellow
D	The Council receive criticism for the methods	Likelihood: Yellow Impact: Yellow	Approach to consultation to be carried out in accordance with regulations and	Likelihood: Green Impact: Green

	of consultation and process of engagement.	Risk: Yellow	the council's adopted SCI. The proposed approach goes above the minimum requirements and includes various methods of consultation. Should criticism be received officers will review this and look to address in a future review of the SCI scheduled for 2025.	Risk: Green
E	Evidence required to support the Local Plan Review has a detrimental impact on the proposed timescales.	Likelihood: Yellow Impact: Red Risk: Red	Consideration of evidence base requirements is an iterative process. Officers will continue engagement with stakeholders involved in shaping evidence base requirements to ensure the initial scope is clear. Project management practices are followed in the preparation and delivery of evidence base. New requirements arising from external factors such as future consultations will be considered by officers.	Likelihood: Green Impact: Yellow Risk: Yellow
F	Loss of control over development, risk of speculative planning applications and loss at planning appeal.	Likelihood: Red Impact: Red Risk: Red	Whilst a new local plan is progressed, or if a plan is not progressed, then there will be a period where the council will need 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. 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. 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.	Likelihood: Yellow Impact: Red Risk: Yellow
G	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	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. Consideration of addition resources for team to ensure impacts of additional work can be absorbed.	Likelihood: Yellow Impact: Yellow Risk: Yellow
H	Staff turnover/unexpected absences in Policy & Strategy (Planning) positions.	Likelihood: Yellow Impact: Red Risk: Yellow	Consideration of addition temporary/permanent resources for team to ensure impacts of additional work can be absorbed.	Likelihood: Yellow Impact: Yellow Risk: Yellow

Background documents

[Local Plan Update Cabinet Report September 2023](#)
[Local Plan Update Full Council Report October 2023](#)
[Local Plan Update Cabinet Report March 2024](#)

Relevant web links	Planning and Compulsory Purchase Act 2004 The Town and Country Planning (Local Planning) (England) Regulations 2012 National Planning Policy Framework (Revised December 2023) Consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system & council's response to the consultation
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