

Local Plan and related spatial policy matters update

Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard



Date: 19th September 2018
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Key Decision? YES
Local Ward Members ALL

**Economic Growth,
Environment and
Development (Overview
and Scrutiny)
Committee**

1. Executive Summary

- 1.1 The Local Plan Allocations document has now been examined by the Planning Inspectorate. The Council now await the Inspectors Report.
- 1.2 Consultation on the Local Plan Review Scope, Issues and Options concluded on 11 June 2018. In total 1,637 responses were received from 260 individual consultees. The report identifies the key issues arising from the consultation and the next steps in developing the Review.
- 1.3 There is a need to review the draft Statement of Community Involvement before it is submitted to Cabinet for the purposes of public consultation.
- 1.4 In respect of Neighbourhood Plan progress this is positive with three referendums having taken place on the 5th September.

2. Recommendations

- 2.1 That the Committee notes the progress associated with the Local Plan Allocations and Local Plan Review.
- 2.2 That the Committee note the summary of representations received to the Local Plan Review Issues and Options consultation and the officer responses.
- 2.3 That the Committee note the need to review the content of the Statement of Community Involvement in more detail and subsequently present this to Cabinet to request permission consult on the proposed changes.
- 2.4 The Committee notes the recent progress in relation to neighbourhood plans within Lichfield District.

3. Background

Local Plan Allocations

- 3.1 In preparing the Local Plan Allocations document, Members will recall that the Council has undertaken a considerable amount of consultation and stakeholder engagement as part of the plan making process which has helped shape the final version of the document. Table 1 sets out the stages of public engagement on the Plan.

Table 1: Local Plan Allocations public engagement

| Date | Consultation Stage |
|-------------------------|---|
| August – October 2016 | Open Consultation (Regulation 18) on the scope and nature of the Plan. |
| March – May 2017 | Consultation on the publication version of the Plan (Regulation 19). |
| January – February 2018 | Additional ‘Focused Changes’ consultation on the publication version of the Plan (Regulation 19). This was a modified version of the plan that had been consulted upon in 2017. |
| September 2018 | 2 week examination on the Local Plan Allocations. |

- 3.2 The Council consulted on the proposed scope and nature of the Local Plan Allocations document between August and October 2016. In total 98 representations were received and those responses alongside the evidence base were used to inform the preparation and site selection for the publication version of the Local Plan Allocations document. The Council undertook consultation on this document between March and May 2017 and in total approximately 5,000 responses (including generic responses and petitions) were received. Officers assessed each of the representations received and reviewed the housing land supply position. As part of this review officers took account of several appeal decisions from the Secretary of State which had a bearing on the land supply position. This analysis identified that from an overall housing land supply perspective there is enough capacity within the District to deliver the 10,030 dwelling requirement in the adopted Local Plan Strategy without releasing sites from the Green Belt as part of the Local Plan Allocations. This resulted in a further consultation on a revised publication document entitled ‘Focused Changes’ between January and February 2018.
- 3.3 The Local Plan Allocations document has now been examined by the Planning Inspectorate. The Council now await the Inspectors findings. The Inspector can either find the plan sound, sound subject to modifications (this may require further consultation) or unsound.
- 3.4 The examination focused on specific matters raised by the Inspector (**APPENDIX A**). In total officers prepared 12 matter statement responses dealing with each of the matters raised by the Inspector. In addition officers worked with other parties to agree Statements of Common Ground to assist with the Examination proceedings.
- 3.5 In respect of third party submissions, 26 parties submitted matters statements to the Planning Inspector for his consideration. In addition to those who submitted matter statements a number of parties requested to attend hearing sessions. **APPENDIX B** provides a full breakdown of those who submitted matters statements and those who requested to attend against each matter. Officers will provide a verbal update to the Overview and Scrutiny Committee regarding the Examination process and any issues that arose. Matter statements can be viewed on the [Programme Officers website](#)¹.
- 3.6 In addition to those appearing at the sessions Walsall Metropolitan Borough Council (WMBC) submitted a statement to the Inspector. At the time of submission WMBC determined it not necessary to appear. Given the nature of the submission, the issues raised and the fact that WMBC were not appearing a response for Lichfield District Council was submitted to the Inspector. A copy of the Walsall’s submission and Lichfield District Council response is attached to this report (**APPENDIX C**)

Local Plan Review

¹ <http://www.hwa.uk.com/projects/lichfield-local-plan-allocations/>

3.7 The consultation on the first stage of the Local Plan Review generated significant interest. In total 1,637 responses were received from 260 individual consultees. This was despite the fact the Council was criticised for the quality of publicity for the consultation exercise. This feedback has been shared with the Council’s communications team and will inform future community engagement on such matters – see below. Table 2 identifies the marketing and consultation undertaken.

Table 2 – Local Plan Review consultation information

| What was done | Marketing or consultation |
|--|---------------------------|
| Emails to Parish Council clerks ahead of the consultation period offering a presentation | Marketing |
| Emails to District Councillors ahead of consultation period | Marketing |
| Press Releases | Marketing |
| Facebook updates | Marketing |
| Twitter updates | Marketing |
| Letters/ emails to all those on the Local Plan consultation database | Marketing |
| Presentations (with Q&A session) to Parish Councils | Consultation |
| Meetings with resident groups, stakeholders and private sector organisations | Consultation |
| Drop in events at Lichfield District Council and Burntwood library | Consultation |
| Executive summary produced | Consultation |
| Duty officer available during office hours | Consultation |
| Documents on deposit at Council offices, Lichfield library and Burntwood library | Consultation |

3.8 It is not uncommon to receive negative feedback during planning policy related consultations. However it is necessary to consider whether there are any lessons to be learnt and whether improvements can be made in the future. The primary suggestion put forward at events was for a letter drop across the District. This would certainly raise awareness of any consultation, however the cost is significant. The cost would certainly be in excess of the current allocated budget.

3.9 The next round of consultation is due in January 2019. Ahead of the consultation officers will analyse the primary objective of the consultation to identify potential methods of marketing and consultation delivery. This process will be undertaken with the support of the Council’s communications team.

3.10 In terms of the consultation responses these are summarised together with officer comments at **Appendix D**. A summary of the key themes arising from the consultation are set out in the table below.

Table 3: Local Plan Review – key themes arising from consultation

| Summary of response | Summary of analysis |
|---|---|
| The review should provide explicit consideration to the needs arising from the Greater Birmingham Housing Market Area (GBHMA), and this should be reflected throughout the vision, objectives and strategic priorities. | The Review does acknowledge the needs arising from the GBHMA. The needs of neighbouring authorities warrant reference within the Plan. However further consideration needs to be given as to whether this needs to be explicitly set out within the vision, |

| Summary of response | Summary of analysis |
|---|--|
| There needs to be greater emphasis on economic growth and the needs associated with employment. | objectives and strategic priorities. Economic growth is considered to be a fundamental component of the plan review process. In drafting the next stage of the review consideration will be given to ensure appropriate focus is provided to economic growth. |
| There is a clear requirement to release Green Belt land in order to meet future growth needs. | The Council will undertake a Green Belt review which will assist in determining Green Belt release (if required). |
| Some of the proposed locations for growth are in unsustainable locations, growth should be focused in and around the existing built up area. | This will need to be addressed as the Council move through the site selection process. |
| The existing urban areas are at capacity which triggers the needs to focus growth in other areas of the District. | This will need to be addressed as the Council move through the site selection process. |
| The needs associated with housing requires a more thorough analysis. In particular there should be greater reference to self-build/ custom build and housing for the elderly. | These additional areas warrant further consideration and will be considered as the Review is progressed. It is noted that a number of respondents suggested that a policy requiring self build is not appropriate. |
| There are infrastructure deficits across much of the District. | Infrastructure is a challenging matter which is best addressed through a Local Plan rather than piecemeal planning applications. The IDP will be the primary mechanism for identifying infrastructure needs. The evidence base being developed will assist in informing this work. In addition involvement of key stakeholders such as Staffordshire County Council will assist in developing the IDP. |
| Some respondents considered the plan period to be appropriate, others considered there to be a need to align with the other GBHMA Authorities. | This will need to be considered, however it is agreed that there is logic in aligning the Plan period with other Local Plan Authorities conducting Plan Reviews. |
| There is limited justification to include a density policy. | It is recognised that there needs to be flexibility within a Plan regarding density. Notwithstanding this it is important the District achieves suitable density delivery. This is something that is common across the GBHMA, arising from the GL Hearn and Wood Strategic Growth study. |
| Residents from Shenstone/ Stonall and Little Aston made a significant amount of generic objections opposing growth in this area. This is comparatively higher than other areas across the District. | From a planning policy perspective the number of respondents should not be a reason to halt progress with considering site allocations in the area. Growth in this area will need to be tested in line with the other options. |

3.11 The next step for officers is to commence work on providing the extensive evidence base required to inform the Review. This evidence base will consider the findings of the Local Plan Review consultation and also importantly the new National Planning Policy Framework (NPPF) (2018). The NPPF (2018) is a major milestone for the Plan Review. It provides the Authority with a revised approach to Plan making and it is essential that the Review addresses its contents.

3.12 It is disappointing that the release of the NPPF (2018) was not accompanied by a full suite of supporting guidance. This is important because the guidance will provide the Authority with the

direction for ensuring evidence is completed appropriately. This delay will undoubtedly impact the next round of consultation on the Local Plan Review. In developing the next stage of the Review officers will need to consider how long evidence will take to prepare as well as analysing the findings of evidence.

- 3.13 However, the Authority has made a commitment to progressing with the Review and it is important that the Authority continue to make good progress on the Plan Review in line with this commitment.

Statement of Community Involvement

- 3.14 Members will recall from a previous report that an update to the Council's Statement of Community Involvement (SCI) is required. A Statement of Community Involvement (SCI) is a statutory requirement and sets out how the Local Planning Authority will consult when undertaking its statutory planning functions such as the preparation of a Local Plan and determination of planning applications.

- 3.15 Our current SCI was adopted in 2016. Since this time there have been a number of legislative changes which need to be considered and reflected in an amended SCI to keep it up to date and easy to use. Officers are currently reviewing the existing SCI and this work will need to take account of any future guidance to be released by Government.

- 3.16 The following considerations will need to apply to any review as well as specific changes required to comply with legislation, regulations and guidance:

- Development Plan Documents;
 - How we prepare the Local Development Scheme;
 - How we publish evidence and supporting documents;
- Neighbourhood Planning;
 - Removing the need to publicise applications for the designation of a neighbourhood area, and aligned to this there is no requirement to seek public comment on potential designations;
 - Introduce flexibility for modifying neighbourhood plans that are in force to keep them up to date;
 - Facilitate the modification of a neighbourhood area and provide for what will happen to a made Neighbourhood Plan that is already in force in that area.
- Development Management
 - Adding neighbourhood planning qualifying bodies to those that are identified within the SCI and being notified of planning applications;
 - Noting that planning consultation timescales should include extra days where bank holidays occur;
 - Note that in relation to Permission in Principle, consultation will be undertaken in accordance with the Regulations.

- 3.17 The SCI update is on-going with officers drafting the relevant changes. A report requesting consultation on the SCI will in due course be presented to Cabinet. This will be followed by analysis of responses, and subject to the necessary changes a final draft will be developed which will be reported to this Committee prior to presentation to Cabinet for formal approval.

Neighbourhood Plans

3.18 There has been further progress on a number of Neighbourhood Plans which can be summarised as follows:

- Alrewas, Armitage with Handsacre and Longdon Neighbourhood Plans – have successfully passed through examination to referendum. The referendums for all three plans took place on Wednesday 5 September 2018. Local residents voted in favour of all three neighbourhood plans.
- Elford Neighbourhood Plan – Elford Parish Council recently submitted their neighbourhood plan for examination. At the time of writing the examiner’s final report has not been published. A verbal update will be provided as to the progress of the examination.
- Fradley Neighbourhood Plan – Fradley Parish Council recently submitted their neighbourhood plan for examination. The examination is scheduled to take place this month.
- Fazeley Neighbourhood Plan – Fazeley Town Council have recently had their parish area designated as a neighbourhood area as the first stage in the preparation of a neighbourhood plan. The District Council will provide advice and guidance to the community as they progress their plan.

3.19 The District Council will continue to work with communities providing advice and guidance throughout the Neighbourhood Plan process. This includes providing detailed comments and representations on drafts of the Neighbourhood Plans when requested by the Parish Councils.

| | |
|--|---|
| Alternative Options | <ol style="list-style-type: none"> 1. That in respect of the Local Plan Review the Committee suggest alternative responses to those proposed by officers. 2. That the Committee do not support the proposed updates to the SCI. |
| Consultation | <ol style="list-style-type: none"> 1. Consultation may be required should the Local Plan Allocations Inspector propose any modifications 2. Consultation will be required on the next stages of Local Plan Review. 3. Consultation will be required on the proposed revised SCI. |
| Financial Implications | <ol style="list-style-type: none"> 1. Officer time will be needed to undertake future the consultation on the Local Plan Review. 2. The costs of consultation will be met within approved budgets. 3. There will be a need to commission evidence associated with the Local Plan Review. 4. Officer time will be needed to run the consultation on the revised SCI. |
| Contribution to the Delivery of the Strategic Plan | <ol style="list-style-type: none"> 1. Supports the priority of a vibrant and prosperous economy as it assists in the delivery of the planning function of the Council. 2. Supports the priority of Healthy and Safe communities by ensuring the provision of housing. 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. |
| Equality, Diversity and Human Rights Implications | <ol style="list-style-type: none"> 1. An Equality Impact Assessment accompanies the Local Plan Allocations. 2. An Equality Impact Assessment accompanies the Local Plan Review 3. An Equality Impact Assessment will accompany the SCI |
| Crime & Safety Issues | <ol style="list-style-type: none"> 1. None. |

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
|---|--|---|------------------------|
| A | Clarity over the GBHMA shortfall is not achieved and the Council are unable to effectively progress with the Local Plan Review. | Officers continue dialogue with neighbouring authorities on this matter. | Yellow |
| B | Evidence required to support the Local Plan Review has a detrimental impact on the proposed timescales and allocated budget. | 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. | Yellow |
| C | Modification requirements are proposed by the Local Plan Allocations Inspector which detrimentally impacts the timetable for adoption. | Officers will consider Inspector findings and if modifications are required an updated timetable will be presented to Members. | Yellow |

Background documents:

Local Plan Allocations Inspectors Matters Issues and Questions

Local Plan Allocations – matter statements

Local Plan Strategy 2015

Local Plan Allocations Regulation 19 (Focused Changes)

Local Plan Review April – June 2018 consultation document

Statement of Community Involvement

Local Development Scheme

Relevant web links:

[Local Plan Allocations Inspectors Matters Issues and Questions](#)

[Local Plan Allocations – full set of Lichfield District Council matter statements and third party matter statements](#)

[Local Plan Strategy 2015](#)

[Local Plan Allocations Regulation 19 \(Focused Changes\)](#)

[Local Plan review April – June 2018 consultation document](#)

[Statement of Community Involvement](#)

[Local Development Scheme](#)