

Guidance Note on Main Modifications to Lichfield District Local Plan Allocations Document

Introduction

The Local Plan Allocations Document (ADPD) is being examined by an independent Planning Inspector (Mr Mike Fox) whose role is to assess whether the plan complies with the legal requirements and is sound.

Following the ADPD hearing sessions we have now received notification from the Planning Inspector that a number of changes to plan, known as 'Main Modifications' are considered necessary to address the issues of soundness.

These modifications are put forward without prejudice to the Inspector's final conclusions on the ADPD and following the close of this consultation, the representations will be passed to the Inspector before the publication of his final report.

Lichfield District Council has prepared a Schedule of Proposed Main Modifications to the ADPD which is a formal stage of the examination process. This document has been published for consultation along with an updated Sustainability Appraisal Report and Habitat Regulations Assessment and other supporting documents.

The consultation runs from **19 December 2018 until 6 February 2019**.

The Consultation

The consultation is seeking views on the proposed main modifications. It is not an opportunity to raise matters that either were, or could have been, part of the earlier representations or hearings on the submitted plan. Comments should focus on whether the proposed modifications complies with the legal requirements and is considered sound.

Legal Compliance and Duty to Co-operate

The Inspector has assessed whether the ADPD meets the legal requirements under section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended), which includes whether the council has complied with the Duty to Co-operate when preparing the ADPD, before moving on to the test the ADPD for soundness.

In relation to the current consultation, comments regarding legal compliance and duty to co-operate should only be submitted where they relate to the Proposed Main modifications.

You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the plan in question should be in general accordance with the Council's Statement of Community Involvement (SCI).
- The plan should comply with the Town and Country Planning (Local Planning) (England) Regulations (2012).
- The Council is required to provide a Sustainability Appraisal Report and carry out a Habitat Regulations Assessment when it published a plan.
- The Council is required to comply with the Duty to Co-operate.

Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF) 2012. The Inspector has to be satisfied that the ADPD is positively prepared, justified, effective and consistent with national policy.

- Positively prepared – this means the plan should be prepared based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- Justified – the plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- Effective – the plan should be deliverable over its plan period and based on effective joint working on cross- boundary strategic priorities
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with policies in the NPPF.

General Advice

If you wish to make a representation seeking a change to a proposed Main Modification you should make it clear in what way the Main Modification is not sound having regard to the legal compliance and the four soundness requirements set out above.

You should try to support your representation with evidence showing why it should be amended.

It will be helpful if you also say precisely how you think the plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification. There will not normally be a subsequent opportunity to make further submissions.

Further information

The Council has also published a track changes version of the ADPD which sets out the changes proposed by the Main Modifications using ~~red strike through~~ for deleted text and **red text** for new text.

In addition to the proposed Main Modifications, the Council has identified further minor amendments it considers necessary to improve the clarity of the Plan. These are known as minor modifications and are set out in the track changes plan and include the correction of typos and updates to factual information.

Further information relating to the preparation of the ADPD and the examination can be found online at: <http://www.hwa.uk.com/projects/lichfield-local-plan-allocations/>