

Lichfield District Local Plan Allocations Modifications Consultation (main and minor)

Report of the Cabinet Member for Economic Growth, Environment & Development Services

Date: 18 December 2018
Agenda Item: 12
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Key Decision? YES
Local Ward All
Members


Lichfield
district council
www.lichfielddc.gov.uk

COUNCIL

1. Executive Summary

- 1.1 The purpose of this report is to inform Members that following the recent Examination in Public hearing sessions into the Local Plan Allocations document the Council is now in receipt of the 'Main Modifications'. The 'Main Modifications' have been sent to the Council by the Planning Inspector who conducted the hearing sessions.
- 1.2 'Main Modifications' are provided following hearing sessions to ensure that a Plan can be found sound. In order for the Plan to progress to adoption the Council need to accept the proposed modifications and update its Plan accordingly. Subject to Council accepting the modifications it is then necessary to undertake a period of public consultation for a minimum of six weeks. This consultation includes the schedule of minor modifications previously agreed by the Council in May 2018.
- 1.3 This report seeks Council approval to consult on the updated Local Plan Allocations Document (**APPENDIX A**), schedule of proposed modifications (**APPENDIX B**), accompanying Policies Maps (**APPENDIX C**)¹ and supporting documents for a minimum of six weeks.

2. Recommendations

- 2.1 That Council approves the Local Plan Allocations document (**APPENDIX A**), the schedule of proposed modifications (**APPENDIX B**), the accompanying Policies Map (**APPENDIX C**)¹ the Sustainability Appraisal (**APPENDIX D – Part 1 & Part 2**)¹ and Habitat Regulations Assessment (**APPENDIX E**)¹ for public consultation from 19th December – 06th February 2019.
- 2.2 That Council approve the guidance document (**APPENDIX F**) to accompany the consultation documents.
- 2.3 That delegated authority be given to the Cabinet Member for Economic Growth, Environment & Development Services in consultation with the Head of Economic Growth to submit the consultation findings to the Planning Inspectorate.
- 2.4 That delegated authority be given to the Cabinet Member for Economic Growth, Environment & Development Services in consultation with the Head of Economic Growth to make any minor changes to the appearance, format and text of the Local Plan Allocations Document or the supporting documents prior to submission in the interests of clarity and accuracy.

¹ Available on the Council's website – [Council info > Committees > Cabinet > 20 November 2018](#)

3. Background

Overview

- 3.1 The Local Plan Allocations document has now been examined by the Planning Inspectorate. The Council is now in receipt of the Inspectors 'Main Modifications' (MMs). These main modifications can be viewed [here](#)². The purpose of MMs is to enable the Plan to be sound. In order for the Plan to progress to adoption the Council need to accept the proposed modifications and update its Plan accordingly. Subject to Council accepting the modifications it is then necessary to undertake a period of public consultation for a minimum of six weeks. This consultation includes the schedule of minor modifications previously agreed by the Council in May 2018.
- 3.2 The examination process was intensive and focused on specific matters raised by the Inspector (**APPENDIX G**). In total officers prepared 12 statement responses addressing 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.
- 3.3 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 H**¹ provides a full breakdown of those who submitted matters statements and those who requested to attend against each matter. An update regarding the examination was provided to the Economic Growth, Environment and Development (Overview and Scrutiny) Committee on the 19th September 2018.
- 3.4 Following the examination process the Council was required to submit a number of additional notes in response to specific points raised at the examination. These notes were either requested by the Inspector or made in response to third party submission made outside of the hearing sessions. The Inspector has considered these notes along with the evidence provided during the hearing sessions. This process has assisted the Inspector with providing the Council with the MMs.

Habitat Regulations Assessment and Sustainability Appraisal

- 3.5 The Local Plan Allocations needs to be supported by a Habitat Regulations Assessment (HRA) because of the District's proximity to a number of European designated sites. The updated HRA focuses on the MMs and the minor modifications the Council had already agreed. The HRA concluded that there were no impacts arising from the changes that warranted amendment to the MMs and minor modifications.
- 3.6 The Sustainability Appraisal (SA) is a fundamental document for any Local Plan. It assists in ensuring the policies and allocations are appropriately developed when taking into account the agreed sustainability objectives. The updated SA focuses on the MMs and the minor modifications the Council had already agreed. The SA concluded that there were no impacts arising from the changes that warranted amendment to the MMs and minor modifications.

Next Steps

- 3.7 Subject to Council approval, the Local Plan Allocations document will be subject to a period of public consultation. Following this the Council will need to report the findings back to the Planning Inspector

² (<https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Local-plan/Downloads/Local-plan-allocations/Downloads/local-plan-allocations-suggested-main-modifications.pdf>)

who conducted the Examination in Public hearing sessions. Following the Inspectors consideration the Council will then be issued with a report by the Inspector. This report will make clear the next steps the Authority needs to take. The objective following receipt of the Inspectors report will be to progress the Plan to adoption.

3.8 To assist with the consultation a 'Guidance Note' (**APPENDIX F**) has been prepared which will make clear to consultees the purpose of the consultation.

Alternative Options	1. Council recommends to not take forward the proposed Main Modifications. This would mean the Council would need to go back to an earlier stage of the Plan process or abandon the Plan.
Consultation	1. A minimum of 6 weeks public consultation will be required.
Financial Implications	1. The cost of an Examination in Public has been estimated (at this stage it is not envisaged that this needs to increase) along with the need to engage Counsel support, this is reflected in the MTFS as follows: <ul style="list-style-type: none"> a. Local Plan Allocations Examination in Public costs 2018/19 £60, 000 b. Earmarked Reserves to cover legal fees and consultancy support £30, 000.
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 a 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	1. An Equality Impact Assessment (EIA) has been undertaken as part of preparing the Local Plan Allocations, following examination by the Planning Inspectorate the EIA was reconsidered and no changes were needed (APPENDIX I) ¹ .
Crime & Safety Issues	1. There are no crime and safety issues.
GDPR/Privacy Impact Assessment	1. No Privacy Impact Assessment has been undertaken.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Consultation on the modifications results in feedback which will require major changes to the Plan.	Officers will consider feedback and present this to the Inspector for his consideration.	Yellow

B	Main Modifications are made without prejudice. There is a risk the Inspector could still find the Plan unsound.	Officers will continue to respond to any of the Inspectors requests for further information. This will assist with his considerations. Should the Inspector conclude the Plan is unsound officers and their legal representatives will assess the reasoning's.	Yellow
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Background documents

Local Plan Strategy 2015
Statement of Community Involvement
Local Development Scheme
Regulation 18 consultation
Regulation 19 consultation
Regulation 19 Focused changes consultation

Relevant web links

[Local Plan Strategy 2015](#)
[Statement of Community Involvement](#)
[Regulation 18 consultation](#)
[Regulation 19 consultation](#)
[Regulation 19 Focused changes consultation](#)
[Examiners suggested main modifications](#)

Appendix C - <https://democracy.lichfielddc.gov.uk/documents/b3635/Item%203%20-%20Appendix%20C%2020th-Nov-2018%2018.00%20Cabinet.pdf?T=9>

Appendix D Part 1 - <https://democracy.lichfielddc.gov.uk/documents/b3637/Item%203%20-%20Appendix%20D%20Part%201%20Sustainabiity%20Appraisal%2020th-Nov-2018%2018.00%20Cabinet.pdf?T=9>

Appendix D Part 2 - <https://democracy.lichfielddc.gov.uk/documents/b3637/Item%203%20-%20Appendix%20D%20Part%201%20Sustainabiity%20Appraisal%2020th-Nov-2018%2018.00%20Cabinet.pdf?T=9>