

Local Plan and related spatial policy matters update

Report of the Cabinet Member for Investment, Economic Growth & Tourism
Councillor I. Eadie



Date: 20 June 2019
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Key Decision? YES
Local Ward ALL
Members

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

1. Executive Summary

- 1.1 The Council is now in receipt of the Local Plan Allocations final Inspector Report. The Council now has to determine whether they wish to progress to adoption of the Local Plan Allocations. This will require the Council to accept the Inspectors Main Modifications.
- 1.2 Consultation on the Local Plan Review - Preferred Options & Policy Directions closed on the 18th March 2019. Responses have now been summarised and officer responses have been drafted for the Committee's consideration.
- 1.3 As a result of the consultation a revised Local Development Scheme has been prepared. A draft of the Local Development Scheme timetable is presented for the Committee's consideration.
- 1.4 In respect of Neighbourhood Plan progress there has been limited progress since the last Committee meeting. There are 11 'made' neighbourhood plans, leaving 6 areas where plans have not progressed to adoption.

2. Recommendations

- 2.1 That the Committee recommends that Cabinet approve the Local Plan Allocations for the purposes of adoption. (**APPENDIX A**)
- 2.2 That the Committee notes the progress associated with the Local Plan Review.
- 2.3 That the Committee recommends that Cabinet approves the summary of comments and officer responses in respect of the Local Plan Review (**APPENDIX B**).
- 2.4 That the Committee recommends that Cabinet approves the revised Local Development Scheme timetable set out at paragraph 3.13 of this report.
- 2.5 The Committee notes the recent progress in relation to neighbourhood plans within Lichfield District.

3. Background

Local Plan Allocations (ADPD)

- 3.1 Members of the Economic Growth Environment and Development Overview and Scrutiny Committee have received regular updates on the progress of the Local Plan Allocations. This report does not seek to repeat the history provided to previous Committee meetings but would refer members to those reports accessible via Modgov.
- 3.2 The Council is now in receipt of the Local Plan Allocations Inspector's report (**APPENDIX A**). This has been subject to fact checking. The Council will now need to make a decision regarding the adoption of the Plan.
- 3.3 To summarise the Inspector has recommended a number of Main Modifications to the Plan to ensure that it is sound. These Main Modifications (along with a set of minor modifications) were subject to consultation from 19th December 2018 to 6th February 2019.
- 3.4 Following consultation on the Main Modifications the Inspector requested the Council to provide a response to the comments raised by consultees. These were submitted to the Inspector who then issued the Council with his final report in May 2019.
- 3.5 In order to adopt the Plan the Council will need to accept the Inspectors recommendations. The alternative is for the Council to not accept those changes and therefore not to progress to adoption of the Plan.

Local Plan Review

- 3.6 Members of the Economic Growth Environment and Development Overview and Scrutiny Committee have received regular updates on the progress of the Local Plan Review. This report does not repeat the history provided to previous Committee meetings however as above would refer members to previous reports available via Modgov.
- 3.7 Consultation on the Local Plan Review - Preferred Options & Policy Directions closed on the 18th March 2019. In total 5, 045¹ in time representations were received from 1, 630 representors. The representations have now been summarised and officer responses have been drafted for the Committee's consideration. Of the 1, 630 representors, there were 1, 230 response from Burntwood Action Group (BAG) to question 3. Separately 100 generic 'Save our Shenstone' responses were received. A further 20 handwritten variations of the Shenstone response were received in the standard template.
- 3.8 While 5, 045 representations were received, of these 3, 330 are derived from the standard typed generic responses from either Burntwood or Shenstone, Little Aston & Stonnall. This comprises 1, 230 standard Burntwood Action Group (BAG) typed responses in regard to question 3 of the consultation and 2, 040 derived from the standard 'Save our Shenstone' response covering 20 of the 23 questions raised in the consultation. Therefore raising the same respective point or points. In preparing future consultations officers and Members will need to consider how to best approach dealing with generic representations. An issue for Committee to consider is the resources it takes to process these generic representations. In total circa 160 hours of officer time was spent on processing and responding to representations. In relation to generic representation this amounted to 75 hours. This is of limited

¹ Figures rounded to the nearest 5.

value as it is the content of the response rather than the volume of responses received which is of relevance from a planning perspective. Officers will consider options available to the Authority and present the Committee with recommendations.

- 3.9 In terms of the consultation outputs Appendix C provides a summary of the headline responses and officer responses. A full set of response summaries and officer comments is provided at Appendix D. A geographical break down of the responses will be prepared as part of a consultation analysis report which will be presented to the Local Plan sub group.
- 3.10 The next step scheduled for the Local Plan is to consult on a Publication version in September 2019 as is set out within the current Local Development Scheme. To remind Members the Publication stage represents the version of the Plan that the Council intend to submit to the Planning Inspectorate for Examination. As such the Publication stage offers little scope to change the Plan as a result of consultation feedback. However given the consultation feedback it is considered appropriate and justified to consider the timetable for the Plan Review. There is scope for a further round of public consultation before moving to a Publication version. Therefore given the responses indicating the need for policy revision, along with evidence being prepared that consultees will be interested in there is merit in adding an additional consultation stage. The next section of this report includes a proposed timetable for the Plan Review. The Plan timetable is set out within the Local Development Scheme.

Local Development Scheme (LDS)

- 3.11 Councils are required to produce an LDS under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). An LDS must specify the documents which when prepared will comprise the Local Plan for the area. It must be made publicly available on the Council's website and be kept up to date to enable local communities and interested parties to keep track of progress. It is for a 3 year period and sets the timetable for the production of the Local Plan. The last LDS was published in 2017 and the timetable within it is out of date following the delay in the publication of the Inspectors report and the modifications proposed which relate to the timescales for preparing the Local Plan Review.
- 3.12 The proposed timetable for the production of the Local Plan co-ordinates with the timetable prescribed in the Local Plan policy within the Allocations DPD proposed for adoption:
- Preferred Options consultation – November 2019
 - Publication – May 2020
 - Submission – January 2021
 - Examination in Public – May 2021
 - Adoption – February 2022
- 3.13 Other elements of the LDS which need to be updated include:
- References to the Statement of Community Involvement (SCI) which has been recently amended and adopted
 - Update on the number of made Neighbourhood Plans and designated Neighbourhood Plan areas
 - Update in relation to the adopted supplementary planning documents (SPD's)
 - Update in relation to the Local Plan Allocations following its adoption (subject to adoption following the recommendations within this report)
 - Update the saved Local Plan documents and Local Plan policies

- Update in relation to the background evidence which will inform the Local Plan Review
- Local Plan Documents profiles
- Timetable for production of the Local Plan Review

3.14 The LDS includes the following information as required by legislation:

- those documents that form the statutory Local Development Plan;
- each documents subject matter(s) and geographical coverage;
- if any documents are to be 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.

Neighbourhood Plans

3.14 Since the last report to EGED O&S Committee (March 2019) there has been limited progress on neighbourhood plans reported within the District. There are now eleven ‘made’ neighbourhood plans within the District, following the making of Fradley and Elford earlier this year. This leaves six neighbourhood areas where plans have not progressed to adoption. Of these areas there has been progress toward the submission of the plan in Burntwood. The District Council was asked to screen the draft Burntwood neighbourhood plan as part of the habitat regulations. Following this screening, expert opinion from Natural England and legal advice the Council advised Burntwood Town Council that further evidence would need to be undertaken for the Burntwood Neighbourhood Plan to ensure compliance with the habitat regulations. This work has been progressed by the Town Council and following consultation with Natural England the District Council has confirmed to the Town Council that the further work has demonstrated compliance with the habitat regulations. Following this the District Council await the progression of the Burntwood Neighbourhood Plan to the next stage of the process. Appendix D identifies the current Neighbourhood Plan coverage across the District.

3.15 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. It is anticipated that following the ongoing work on the Local Plan Review communities with existing neighbourhood plans will begin the process of reviewing those plans to ensure they comply with the emerging Local Plan Review. The District Council will continue to work with those communities.

Alternative Options	<ol style="list-style-type: none"> 1. The Committee could recommend that Council not adopt the Local Plan Allocations. This would leave the Authority with a part complete Plan. 2. The Committee could suggest alternative responses to those put forward by officers in respect of the Local Plan Review. The responses drafted by officers have been identified based on planning policy consideration. Any alternative recommendations must be drawn up in a similar regard. 3. The Committee could suggest an alternative timetable for preparing the Local Plan Review which is different to the timetable suggested at para 3.12 and different to the currently adopted timetable. Any alternative timetable will need to consider the various lead in dates required for the Council committee cycles, as well as taking account of the necessary evidence required for a draft plan. 4. That the Committee recommend the current timetable set out in the
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	approved Local Development Scheme be retained. This is not recommended because there is a risk the Council would submit an unsound Plan.
Consultation	<ol style="list-style-type: none"> 1. Consultation has been completed on the Local Plan Allocations Main Modifications. 2. Consultation has been completed on the Consultation on the Preferred Options and Policy Directions document.
Financial Implications	<ol style="list-style-type: none"> 1. Officer time will be needed to undertake future consultations on the Local Plan Review. 2. The costs of consultation will be met within approved budgets. 3. A budget has been established to support the Local Plan Review evidence base.
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
Crime & Safety Issues	<ol style="list-style-type: none"> 1. None.
GDPR/Privacy Impact Assessment	<ol style="list-style-type: none"> 1. A privacy impact assessment was completed for the Preferred Options and Policy Directions document.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The Local Plan Allocations is legally challenged following the recommended adoption.	Officers will review any legal challenges and work with legal services in presenting Members with the next steps.	Yellow
B	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
C	Other Local Planning Authorities across the GBHMA do not adequately address the housing shortfall. This would result in additional pressure being placed on Lichfield District.	Officers continue to review neighbouring authority consultations. Where appropriate officers will recommend the Council respond to these consultations citing concern over the approach taken by the relevant Authority. This has been the case in Bromsgrove and Solihull's recent consultation documents.	Yellow

Background documents:

Local Plan Allocations suggested main modifications
Schedule of Main modifications and other modifications
Local Plan Strategy 2015
Local Plan Review: Preferred Options & Policy Directions
Local Development Scheme

Relevant web links:

[Local Plan Allocations suggested main modifications](#)
[Local Plan Allocations examination and main modifications](#)
[Local Plan Strategy 2015](#)
[Local Plan Review](#)
[Local Development Scheme](#)

APPENDIX C – Headline issues arising from Local Plan Review consultation and officer response

Key Issues	Officer response
The vision provides no commitment to protect the Green Belt or an approach of favouring non green belt locations in advance of Green Belt. This is not consistent with the NPPF.	The vision provides a broad overarching statement at district wide level. The evidence base is being updated and will include a comprehensive Green Belt Review having regard to national policy. Green Belt policy is currently addressed in Chapter 17 of the POPD.
The vision should confirm a commitment to meeting a proportion of the unmet housing need from the wider HMA and be updated to acknowledge the requirement for release of green field Green Belt land to plan positively for the level of growth needed.	The vision provides a broad overarching statement at district wide level. Chapter 14 considers housing requirements and the evidence base is being updated and will include a HEDNA which has regard to meeting unmet need and a comprehensive Green Belt Review. LDC is working with other authorities in the wider Housing Market Area through the duty to cooperate.
The Local Plan Growth proposals for Shenstone, Stonnall and Little Aston contradict the vision. Growth needs from the wider HMA are not justified and housing needs are not comprehensively assessed. Housing pressures are not identified.	The vision provides a broad overarching statement at district wide level. The evidence base is being updated and LDC is working with other authorities in the wider Housing Market Area through the duty to cooperate in meeting housing needs identified through the Strategic Growth Study.
Strategic objectives should include commitment to meeting housing needs across the wider HMA of Birmingham and the Black Country.	Strategic objective 6 indicates housing need will be met for existing and new residents. The need for wider HMA unmet need to be met is a specific issue considered in Chapter 14 of the POPD. The evidence base is being updated and LDC is working with other authorities in the wider Housing Market Area through the Duty to Cooperate.
Assessment of Shenstone, Little Aston and Stonnall in the settlement hierarchy is flawed as services and facilities and station car parking considered deficient to support future development.	The settlement hierarchy in chapter 10 identifies Shenstone and Little Aston as level 3 centres and Stonnall as a level 4 settlement recognising their attributes (services +facilities) relative to other settlements within Lichfield District and neighbouring towns and settlements. A wide range of evidence base is being assembled to support the local plan review and to further refine the settlement hierarchy and spatial strategy.
The issues affecting Burntwood must not be under-stated, nor unrealistic reliance placed on urban capacity and upping densities. Green Belt releases are justified to provide the economic growth levels required to uplift Burntwood and its infrastructure as well as addressing the identified housing needs from the District and neighbouring authorities.	Specific sites will be considered as part of the local plan review. The evidence base is being updated and LDC is working with other authorities in the wider Housing Market Area through the duty to cooperate in preparing a comprehensive Green Belt review and in meeting housing needs. The evidence base being assembled will help to further refine the settlement hierarchy and spatial strategy.
Burntwood’s infrastructure and amenities do not adequately cater for the past growth and any significant increase in its population is not sustainable.	The proposed settlement hierarchy is informed by the Settlement Sustainability Study which assessed all settlements within the District including Burntwood. The evidence base being assembled will help to further refine the settlement hierarchy and

Key Issues	Officer response
	spatial strategy.
There are no 'exceptional circumstances' in which Burntwood's Green Belt could be justified for housing when suitable sites for new settlements outside the Green Belt have been put forward.	The Local Plan Review will be supported by an extensive evidence base including an updated HEDNA, SHLAA, Urban Capacity Assessment and a comprehensive Green Belt Review which will inform the next stages of the plan.
The preference for growth option 2 in the Sustainability Appraisal (SA) is questionable. It would almost certainly require the further release of Green Belt land, when a viable proposal for growth option 4 has been submitted. The SA process is imprecise and relies on assumptions and subjectivity and cannot be relied upon. It tries to justify the extension of Burntwood which is barely sustainable now.	A wide range of evidence is being assembled to support the review of the local plan. The SA process is iterative with the Local Plan Review and will be applied consistently as the plan evolves.
Neither the spatial strategy nor the settlement hierarchy should seek to preclude development from coming forward in level 5 settlements where development would contribute to the vitality and viability of rural communities.	The settlement hierarchy is informed by the settlement sustainability study. The evidence base being assembled will help to further refine the settlement hierarchy and inform the spatial strategy.
The document has not considered the reasonable option of smaller new settlements and has missed a key opportunity of growth in well-connected and sustainable new villages. In this regard, Lichfield District Council's approach is inconsistent with national policy by setting out a preferred strategy which most likely relies on Green Belt releases before all other options outside of the Green Belt have been considered.	A wide range of evidence is being assembled including a comprehensive Green Belt Review to support the review of the local plan and will help to further refine the settlement hierarchy and spatial strategy.
Fradley should be a higher tier settlement than level 3 due to its unique offer of significantly greater and unique scale of housing and employment opportunities. There should also be a distinction between rural settlements that lie within the Green Belt and those rural settlements that lie outside of the Green Belt. The plan does not take a sequential approach to Green Belt release in line with the NPPF.	Fradley is identified as level 3 in the settlement hierarchy based on the settlement sustainability study. The evidence base being assembled including a Green Belt Review will help to further refine the settlement hierarchy and inform the spatial strategy.
There are exceptional circumstances that warrant further release of Green Belt. Namely to allow for necessary proportionate growth which fits with a sustainable hierarchy and assists existing and proposed services.	The evidence base being assembled including a Green Belt Review will help to further refine the settlement hierarchy and inform the spatial strategy.
The Strategy should recognise that a site being brownfield land does not automatically render the site sustainable, it may be in an isolated location or there may be difficulty in delivery because of site contamination / constraints.	The Local Plan Review will be supported by an extensive evidence base including a SHLAA and Urban Capacity Assessment which will inform the next stages of the plan.

Key Issues	Officer response
BREEAM sustainability assessment is not mandatory and should be left to discretion of the developer.	Comments in relation to BREEAM and preferences towards the proposed approach are noted.
The greatest sustainable transport potential for the growth options would come from electrification of the railway line to the north east of Lichfield. The reliability of the Cross-City line is also key to its use by commuters.	The consultation document sets out the preferred settlement hierarchy and growth option. Locations for growth will be considered as the local plan progresses.
The residential growth options approach in the POPD is inconsistent with approach of other Local authorities, e.g. South Staffs and Cannock Chase. A consistent approach would suggest the option of Local Housing Need plus minimum requirement of recommended areas of search in the Strategic Growth Study should also be tested. That is for the provision of 13,000 dwellings.	The Council have commissioned a HEDNA which will be prepared in accordance with national planning policy and practice guidance and test housing and employment growth scenarios. In addition further evidence base documents including an Urban Capacity Assessment will be prepared to inform the next stages of the Local Plan Review.
Housing mix should not be overly restricted and should be dependent on local circumstances, character, local need and the market signals.	The Local Plan Review will be supported by a range of evidence base studies including a HEDNA and plan wide viability assessment. This will inform the next stage of the review and help define policies relating to housing mix.
LDC should not impose a blanket density, but take into consideration local characteristics and site constraints.	The GBHMA Strategic Growth Study recommends authorities across the HMA increase housing density. The Local Plan Review will be supported by a range of evidence base studies including a HEDNA and plan wide viability assessment. This will inform the next stage of the review and help define the policy approach relating to housing mix and housing density.
A blanket requirement for the provision of self-build plots on major development sites would not boost housing supply and could prove difficult in respect of delivery.	This will be considered further as the Local Plan Review progresses. The Council maintains a self-build register in accordance with its legal requirements and monitors the demand for self-build plots within the District. The Local Plan Review will be supported by a plan-wide viability assessment.
It is important that the new criteria identified in the consultation document in respect of the A5 and A38 corridors for Gypsies and travellers, does actually enable a more proactive approach to provision given past shortfall in delivery.	The Local Plan Review will be supported by a range of evidence including a Gypsy and traveller needs accommodation assessment which will inform the next stage of the plan process.
Drayton Manor Park should be recognised as major employer and key tourist attraction. Specific support should be given for the site's future development and flexibility to the policy restraint of Green Belt.	Specific sites will be considered as part of the Local Plan review. A comprehensive Green Belt review is proposed as the evidence base for the Local Plan review is assembled.
The creation of Sustainable Urban Extensions (SUEs) to settlements within Lichfield District will assist in providing green infrastructure,	Noted – Specific sites will be considered as part of the local plan review.

Key Issues	Officer response
opportunities for the provision of indoor and outdoor sports and recreation facilities, support sustainable transport measures and contribute towards health care facilities, which will encourage healthy lifestyles and thereby assist in tackling obesity.	
Shenstone, Little Aston and Stonnall have several protected green spaces which are actively used within their Neighbourhood Plan. Greenfield amenity land adding to overall well-being should not be considered for housing.	Noted, the comments will be considered as part of the local plan review as the evidence base is assembled
Green Belt is not a natural resource but an artificial constraint and therefore should not be included within a policy on natural resources.	Noted, the comments will be considered as part of the local plan review as the evidence base is assembled
It is considered that a policy which seeks to impose a blanket protection for the countryside does not comply with national guidance. Landscape is only valued if it has physical attributes which take it out of the ordinary having regard to the Landscape Institute Guidelines.	Noted, the comments will be considered as part of the local plan review as the evidence base is assembled.
Masterplans are not justified with regard to small scale and medium scale schemes. Such initiatives add cost to the development process and make development less viable and reduce flexibility and slow down delivery.	Noted. Any impact upon viability / delivery will be tested through the Local Plan review process.
Neighbourhood Plans are mechanisms for the protection of a quality environment and open space and for identifying appropriate housing need, density and housing mix. They should have a stronger role in any future Local plan. This should be a stated recommendation.	Not all areas have a Neighbourhood Plan. Neighbourhood Plans are required to be kept up to date as are Local Plans and will continue to provide local opportunities for protection of the environment. A Neighbourhood Plan should support the delivery of strategic policies set out in the Local Plan.
Requirements for heritage statements should be in the validation policy not the Local Plan.	A heritage statement is currently a requirement of the local validation process.
The Plan should define what precisely the heritage assets are, where they are, their character and then relate policies to these elements in order to ensure explicit requirements to preserve and enhance them.	The Local Plan provides a strategic role within a suite of documents that will seek to preserve and enhance heritage assets.
Table 19.1 is principally based on potential constraints, however the scope for mitigation should not be ignored.	Mitigation will be considered in relation to specific sites considered as part of the Local Plan Review.
In Table 19.1, there is seemingly little regard for the consideration of transport and infrastructure matters that are critical to the deliverability of the broad options or the potential benefits that strategic growth can realise.	The Settlement Sustainability Study used to identify the settlement hierarchy had regard to access to services and facilities. A wide range of evidence is being assembled to support the review of the local plan and will help to further refine the settlement hierarchy and spatial strategy.
Green Belt purposes should be assessed at site	A wide range of evidence is being assembled to

Key Issues	Officer response
level not broad parcels due to site specific factors.	support the review of the local plan including a Green Belt review. The Green Belt Review will be undertaken having regard to National policy and agreed principles through the duty to cooperate within the wider HMA.
Alternative options including a new settlement / large sites have dis-benefits including requiring significant investment in infrastructure, long lead in times and uncertainty over delivery.	Comments noted. Site specific proposals will be considered as part of the local plan review.
The Little Aston to Shenstone Green Belt strategic gap, is one of the most important in the Greater Birmingham area. The Council are not able to demonstrate exceptional circumstances exist to develop in the Green Belt when there are potentially large sustainable development areas outside the Green Belt north-east of Lichfield city and to the north of Tamworth.	Site specific proposals will be considered as part of the local plan review process. A wide range of evidence is being assembled including a comprehensive Green Belt review and HEDNA to support the review of the local plan and to further refine the settlement hierarchy and spatial strategy.

Appendix D - Lichfield District Neighbourhood Plan coverage

Neighbourhood Plan	Made – Yes/ No
Alrewas	Yes
Armitage with Handsacre	Yes
Burntwood	No
Colton	No
Elford	Yes
Fazeley	No
Fradley	Yes
Hammerwich	No
Lichfield City	Yes
Little Aston	Yes
Longdon	Yes
Shenstone	Yes
Stonnall	Yes
Streethay	No
Wall	No
Whittington & Fisherwick	Yes
Wigginton, Hopwas and Comberford	Yes