

# Local Plan Review Update

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



Date: 09<sup>th</sup> June 2020  
Contact: Craig Jordan/Stephen Stray  
Officer:  
Tel Number: 01543 308202/308147  
Email: craig.jordan@lichfielddc.gov.uk/stephen.stray@lichfielddc.gov.uk  
Local Ward Members: All Members

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

## 1. Executive Summary

- 1.1 Members will recall the previous update report presented to this committee on the 11<sup>th</sup> March 2020. This outlined progress of the Local Plan review including work undertaken to date on recording and analysing the comments received to the Preferred Options consultation held between 29<sup>th</sup> November 2019 and 24<sup>th</sup> January 2020. The report also identified the evidence base collection work still to be completed for the publication version (regulation 19) of the Local Plan and the next steps. The same report included a proposed revision to the Local Development Scheme (LDS) timetable to provide the estimated time needed to complete the further work identified. Members supported the proposed revision to the LDS timetable.
- 1.2 This report provides complete details of the representations received to the preferred options consultation together with a suggested response to each of the issues raised. In response to these representations, the Local Plan key issues report has duly been updated.
- 1.3 The report sets out the progress that has been made on the collection and updating of the evidence base. The report also sets out the next steps for the evidence base work still to be completed and potential timelines revisions that may be necessary.
- 1.4 The report also provides an update on Government Guidance related to Statements of Community Involvement.

## 2. Recommendations

- 2.1 That the Committee notes the updated record and analysis of the representations received following the consultation on the Preferred Options version of the Local Plan.
- 2.2 That the Committee notes the update on progress of the local plan evidence base and the revised timelines for collection and completion of the evidence due to the impacts of Covid 19 pandemic; and the relevant steps being taken to prepare the regulation 19 publication version of the Local Plan.
- 2.3 That the Committee supports the review of the Lichfield District Statement of Community involvement (SCI) to ensure that it is consistent with new government guidance on social distancing.

## 3. Background

- 3.1 Members will recall the previous Local Plan update report presented to this committee on the 11<sup>th</sup> March 2020. The report provided an update on the Local Plan review process including a brief outline

of the process undertaken in plan preparation to that date and changes in the content of the Preferred Options version of the plan from the previous version. The report also provided an update in relation to the consultation exercise undertaken on the emerging plan between the 29<sup>th</sup> November 2019 and the 24<sup>th</sup> January 2020. It set out the approximate scale of representations received, progress in their recording, and the key issues identified from the comments received to the consultation at the time of writing. The report advised that it would report back to this committee on all of the representations once they had been recorded together with a summary of officer responses. The report also set out the evidence base areas still to be undertaken, completed and updated to support the publication version (regulation 19). Finally it set out an amended timescale for Local Plan preparation in the Local Development Scheme (LDS). It proposed to change the date of the publication version from May 2020 to July 2020. It was envisaged that a report to this committee meeting would pave the way for the publication version (Regulation 19 version) of the plan to be reported to July Cabinet and then if approved, published for representations to be received over a 6 week period during July and August 2020.

### *Local Plan review progress*

- 3.2 Members will recall from the previous report, that whilst most representations had been recorded a fifth of representations still required inputting onto the Local Plan database system. The logging of all representations has now been completed. Appendix A of the report in March also identified the key issues and initial officer responses at the time of writing. An updated **Appendix A** has now been completed and is attached to this report. The only addition is a commentary on the Sustainability Appraisal having regard to the all of the representations received.
- 3.3 **Appendix B** provides a summary of each representation received to the Preferred Options version of the Local Plan and a summary officer response. There were 1084 individual representors including 685 standard responses prepared and circulated by the Burntwood Action Group (BAG). The final total of individual representations received is 1884.

### *Evidence base*

- 3.4 The March 2020 report to this committee indicated that further evidence base collection was required in respect of:
- Infrastructure evidence including transport modelling and updated Infrastructure Delivery Plan
  - Cannock Chase Special Area of Conservation (SAC)
  - Viability Evidence
  - Staffordshire Climate Adaption & Mitigation Strategy (previously entitled as 2 separate areas of work on a Low Carbon Study and Renewable Energy in the March 2020 report)
  - Stage 2 Strategic Flood Risk Assessment (SFRA)
  - Open Space and Green Infrastructure Study
- It was anticipated that evidence in respect of the above topic areas would become available between April 2020 and June 2020 in order to support the publication version being considered in July.
- 3.5 The previous report also identified that it was prudent to facilitate a ‘critical friend’ review of key areas of the existing evidence base to date and to also update the existing evidence base where possible.
- 3.6 With reference to the ‘critical friend’ review, this work has now been undertaken via a planning Barrister. Through this process the Council’s methodology towards evidence gathering has been confirmed to be acceptable and appropriate. Furthermore the Council has been informed how to take forward the evidence to support policy in the emerging plan including critically the application of

sustainability appraisal and compliance with habitat regulations in determining strategy and development locations/sites.

- 3.7 With regard to the representations received from the Preferred Options version consultation in respect of the evidence base, Historic England which is a statutory consultee has identified that it considers Heritage Assessments (HA) for the four Strategic proposals should form an additional piece of evidence. This is so the significance of heritage assets both within the sites and with the potential to experience change to their settings as a consequence of development is understood. There are no other key additional areas of evidence identified as being required from the consultation process. It is considered that the HA evidence can be addressed during June and July providing any potential site survey work can be undertaken as the Covid 19 lockdown restrictions are eased.
- 3.8 With reference to the other areas of evidence base collection requiring completion or update, the impact of the lockdown on Covid 19 is now better understood. Whilst a greater emphasis has been made by officers on undertaking desk based work where possible, since the May Cabinet, it has been identified that some on site survey monitoring work for housing and employment completions will still be required to ensure the data is robust. This work will now need to be undertaken during June. In addition, Sport England has advised that inputs into the evidence base from some sporting bodies will not be possible until July. The Climate Change Adaption and Mitigation Strategy is a Staffordshire wide study being undertaken with neighbouring authorities. It will provide an evidence base on which to identify options for new development to adapt to climate change and allow us to develop local plan energy and climate change mitigation policies that satisfy the requirements of the National Planning Policy framework (NPPF). Since the time of writing the Cabinet report, a slightly revised timetable has been received which now anticipates completion of the work by mid-July rather than during June. The Green Infrastructure Study which is being prepared in-house is on course to be completed during June. The study will identify the network of green spaces that currently exists including parks, woodland and formal and informal green spaces. It can also assist in identifying new sites that will provide the potential for green links within the urban areas through to the rural areas beyond the settlement boundaries. The Cannock Chase Special Area of Conservation (SAC) study work considers the impact of anticipated increased visitor numbers from new development proposed in Lichfield District and other Neighbouring authorities Local Plans on the SAC. This would then inform any additional mitigation measures that may be required. This work can be completed during June subject to agreement by neighbouring authorities identified as impacting on the SAC. Finally, it is anticipated that study work by consultants on viability and on flood risk matters will be completed during June despite the lockdown restrictions.
- 3.9 Having regard to paragraphs 3.6 to 3.8 above, it is proposed that the additional evidence base work referenced can be completed and reported to the Local Plan sub group during July and August in readiness for a progress report by this committee in September 2020.
- 3.10 With regard to the infrastructure evidence including transport modelling, the impacts of Covid 19 restrictions on traffic modelling are still being understood. It is anticipated that the collection of survey data in line with the usual approach to informing traffic modelling will now not be possible until September at the earliest to ensure relatively normal traffic flows can be established. However, Lichfield District Council Officers are liaising with the County Council in seeking to establish if alternative ways of data collection are possible that can be fed into the traffic modelling system. This is to minimise delay and for contingencies to be put in place if traffic flows remain disrupted during the autumn. Finally, the District Council is impressing upon the County Council the importance of the traffic modelling work in preparing local plans for their communities. The Government has recently emphasised in guidance the importance of Local Plan preparation and as part of the Covid 19 Economic Recovery Plan.

3.11 Having regard to all of the above, and in light of the impacts of Covid 19, it is advised that it will not now be possible for the publication version of the plan to be reported to Cabinet in July. The May Cabinet recognised risks associated with CV19 and provided delegated authority to the Cabinet Member to agree further revisions to the timetable to enable local plan progress to be made, subject to any change not delaying the submission of the Local Plan beyond Spring 2021. It is considered that notwithstanding the issues identified in this report, that submission of Local Plan by the Spring of 2021 remains achievable. An update to this committee will be provided at the next meeting on progression on all of the evidence including in relation to traffic modelling.

*Statement of Community Involvement (SCI)*

3.12 Statements of Community Involvement (SCIs) set out how local authorities will engage with their communities including in respect of preparation of the Local Plan. The Lichfield Statement of Community Involvement (SCI) was last updated in 2019. Since the May 2020 Cabinet report was drafted, the government has published guidance in relation to meeting Local Plan consultation requirements and observing social distancing restrictions. Local planning authorities are strongly encouraged to use online engagement methods to their full potential. Authorities will also need to take reasonable steps to ensure sections of the community that don't have internet access are involved. Accordingly, the Local Authority will commence reviewing its SCI in readiness for the publication version of the Local Plan being issued. It is anticipated that the revised SCI will be reported to this committee and to Cabinet in September 2020.

Alternative Options	<ol style="list-style-type: none"> <li>1. Lichfield District could seek to issue a publication version of the plan in accordance with the agreed revised Local Development Scheme timetable, however, the evidence supporting policy would not be robust and lay the plan open to challenge with a likely high degree of success.</li> </ol>
Consultation	<ol style="list-style-type: none"> <li>1. Consultation has been undertaken on the previous stages of the Local Plan Review. The Preferred Options document consultation has now closed and responses recorded.</li> <li>2. The Publication version of the Local Plan when agreed will be open for interested parties to comment on.</li> </ol>
Financial Implications	<ol style="list-style-type: none"> <li>1. Officer time will be needed to undertake future consultations on the Local Plan Review.</li> <li>2. The costs of consultation will be met within approved budgets.</li> <li>3. A budget has been established to support the Local Plan Review evidence base.</li> </ol>
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. Supports the priority of 'Enabling People' through Local Plan preparation which makes provision for growth in housing and other land uses informed by public consultation so they can live healthy and active lives.</li> <li>2. Supports the priority of 'Shaping Place' through the Local Plan preparation for allocation of new land uses, preserving the districts assets and ensuring growth is done sustainably and with balanced infrastructure provision.</li> <li>3. Supports the priority of 'Developing Prosperity' through the Local Plan preparation which makes provision for land use allocations including</li> </ol>

	<p>employment and residential use, thereby encouraging economic growth, enhancing the district and providing certainty for investment.</p> <p>4. Supports the priority of being a 'Good Council' by accountability, transparency and responsiveness as the update enables the community, business, developers, service and infrastructure providers and other interested organisations to know how the Local Plan review is progressing.</p>
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Equality, Diversity and Human Rights Implications	<p>1. An Equality Impact Assessment accompanies the Local Plan Review document. This will require ongoing update.</p>
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Crime & Safety Issues	<p>1. None.</p>
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Environmental Impact	<p>1. The Council is required to assess the environmental impacts of any plan which it produces. Accordingly a Sustainability Appraisal Scoping report accompanied the earlier Scope, Issues and Options version of the plan. Subsequent versions of the emerging Local Plan have been accompanied by a Sustainability Appraisal and a Habitat Regulations Assessment. The Preferred Options Local Plan review version published in November 2019 was accompanied by updated versions of the Sustainability Appraisal and Habitat Regulations Assessment which were also subject to the consultation process. These documents form an important part of the supporting evidence to the local plan review and help the council to assess the possible impacts of the plan and its policies and therefore how impacts can be addressed or mitigated against. These processes will continue to be undertaken at each stage of the Local Plan review.</p>
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GDPR/Privacy Impact Assessment	<p>1. A privacy impact assessment was completed for the Preferred Options document.</p>
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The quantum of comments received means that officers do not meet the deadlines programmed.	The revision of the LDS approved by Cabinet in May 2020 has allowed for the logging of all of the comments received to the previous consultation.	Green
B	Evidence base requirements emerge that were unforeseen.	Officers will need to continue to assess the need for evidence. The report identifies the future evidence base requirements following review of the representations received to the preferred options consultation and 'critical friend' review of the evidence. The report identifies where possible the timelines required for completing the evidence base. It is considered that any delays can be accommodated within the timelines set out in the Cabinet	Yellow

		report in May 2020 that allow for delegated authority for revisions to the LDS providing the submission version of the Local Plan is by Spring 2021.	
C	Evidence base being undertaken now identifies a risk to the Plan being sound.	Officers will need to continue to monitor emerging evidence base outputs. Where the risk of soundness is identified officers will need to consider all aspects of this risk before recommending an alternative Plan.	Yellow
D	Covid 19 work restrictions cause delay in the collection of the evidence base to support the local plan	It is considered that any delays can currently be accommodated within the timelines set out in the Cabinet report in May 2020 that allow for delegated authority for revisions to the LDS providing the submission version of the Local Plan is by Spring 2021. However, it is important to minimise any delay to avoid the need to have to review whether the existing evidence base is sufficiently up to date and to reduce the potential for further impact on delivery from future changes in national guidance.	Yellow

Background documents

[Local Plan Review Preferred Options](#)

Relevant web links

[Local Plan Review](#)

[Local Plan Review Preferred Options](#)

[Evidence Base](#)

[Neighbourhood Plans](#)

Appendix A: Summary of key Issues

Key Issues	Officer response
<p>Objection and concern at the consultation process undertaken by the Council. Suggestion that not enough was done to promote the consultation, particularly in those areas where strategic development is proposed.</p>	<p>The approach taken for the consultation was reported to members prior to the beginning of the consultation (Cabinet 12/11/2019). The consultation was conducted in accordance with the Council’s adopted Statement of Community Involvement (SCI) which sets out how the Council will undertake consultations. The approach to consultation (set out below) was in excess of the requirements of the adopted SCI.</p> <p>The consultation lasted for eight weeks (extended from six weeks to account for the Christmas and New Year period) during which;</p> <ul style="list-style-type: none"> <li>• Letters (approx.3,200) and emails (approx. 2,400) were sent to all registered stakeholders on the Councils ‘planning policy portal’ to advise of the consultation;</li> <li>• Nine ‘drop-in’ events/exhibitions were held at venues across the District, including in those communities where development was proposed, these were attended by at least three members of the Spatial policy &amp; Delivery Team where exhibition materials and copies of all relevant documentation were available;</li> <li>• ‘Un-manned’ exhibition was set up in Burntwood Library and posters advertising the consultation were placed in Lichfield Library;</li> <li>• Consultation was advertised in the local press and online via the Council’s website and social media platforms;</li> <li>• Members of the team were made available each day throughout the consultation for queries over the phone and in person at District Council House.</li> </ul>
<p>The proposed allocations and strategy within the preferred options document has moved away from the settlement hierarchy and approach set out within the previous consultation document (Preferred Options &amp; Policy Directions 2019). Such an approach does not appear to be based upon the supporting evidence and results in development being directed away from certain settlements identified as sustainable within both the evidence and earlier consultation documents. In</p>	<p>Preferred options document includes four strategic development allocations and further allocated housing requirements to settlements within the settlement hierarchy. Locations identified for growth and the associated supporting evidence will be considered as the Local Plan progresses and the additional evidence work is completed.</p>

Key Issues	Officer response
<p>particular, some representors make the case that Burntwood should be allocated a greater level of growth given its location within the settlement hierarchy and that other settlements considered to be 'less sustainable' within the evidence and settlement hierarchy are receiving a higher level of growth.</p>	
<p>There is a lack of clarity/justification as to how the allocations and housing requirements for settlements have been arrived at.</p>	<p>A site selection paper discusses the approach to identification of proposed strategic sites. A Suite of evidence is used in forming a planning judgement as to the appropriate distribution and location of growth to meet requirements. The location of proposals will be considered as the Local Plan progresses and the additional evidence work is completed.</p>
<p>Consideration should be given to the distribution of housing in particular wider distribution to 'service villages' identified within the settlement hierarchy. Plan as written only allows for allocated sites, development within village settlement boundaries or as rural exception sites. Where settlements are allocated a housing number the presence of a neighbourhood plan or neighbourhood area designation does not necessarily mean sites will be allocated.</p>	<p>Preferred options document includes four strategic development allocations and further allocated housing requirements to settlements within the settlement hierarchy. Where neighbourhood plans do not progress and/or do not seek to allocate to meeting housing requirements such issues will be addressed through a local plan allocations document.</p>
<p>The Council should provide less homes to meet the unmet needs arising from within the wider housing market area and that the contribution within the preferred options document has not been justified.</p>	<p>The previous consultation document suggested the Council consider testing a contribution of between 3,000 and 4,500 homes to meet unmet needs. The preferred options document refines this and suggests a contribution of 4,500 homes could be accommodated and be deliverable within the plan period. LDC is working with other authorities in the wider Housing Market Area through the duty to cooperate.</p>
<p>The Council should provide more homes to meet the unmet needs arising from within the wider housing market area and that the contribution within the preferred options document has not been justified.</p>	<p>The previous consultation document suggested the Council consider testing a contribution of between 3,000 and 4,500 homes to meet unmet needs. The preferred options document refines this and suggests a contribution of 4,500 homes could be accommodated and be deliverable within the plan period. LDC is working with other authorities in the wider Housing Market Area through the duty to cooperate.</p>



Key Issues	Officer response
<p>Support for a new settlement approach in future plan period. However, this is unclear at this stage.</p>	<p>Preferred Options document sets out the approach to look for and support a new settlement within the District in future plan periods.</p>
<p>Objection to proposed strategic housing allocation to the West of Fazeley (Policy SHA2). Concern is raised with regard to the following issues:</p> <ul style="list-style-type: none"> <li>• Existing infrastructure, in particular roads, health facilities and schools, will not be able to cope with the level of growth.</li> <li>• Pressure will be on infrastructure within Tamworth Borough.</li> <li>• The scale of the allocation (800 homes) when compared to the current size of the village and that such growth is disproportionate.</li> <li>• No 'exceptional circumstances' to release Green Belt for development.</li> </ul>	<p>The preferred options document details the supporting infrastructure which would be required to be delivered alongside the strategic housing allocation. This includes provision of appropriate school facilities, access and highways infrastructure. The District Council will continue to engage with infrastructure providers to ensure appropriate infrastructure can and will be provided and planned for.</p>
<p>There are no 'exceptional circumstances' demonstrated to release Green Belt within the District.</p>	<p>Green Belt Review 2019 makes clear that 'exceptional circumstances' would need to be demonstrated if changes to the Green Belt boundary are proposed. This has been judged to be the case in the preferred options document as stated at paragraph 16.5 in terms of meeting development needs and the identification of new Green Belt to the north of Lichfield City.</p>
<p>Objection to the release of Green Belt around Burntwood for safeguarded land (at Coulter Lane). A number of responses were also related to this issue but considered that Green Belt was being released for development.</p>	<p>The preferred options document does not propose to release Green Belt at any location around Burntwood for development within the plan period. The document identifies land at Coulter Lane to be identified as 'Safeguarded Land' as defined within national policy. National policy states that consideration should be given that where changes to the Green Belt boundary are being proposed then areas of land between the urban area and the Green Belt (Safeguarded Land) should be identified to ensure the Green Belt boundary is capable of enduring beyond the plan period. The preferred options document identifies areas of such safeguarded land in conformity with national planning policy.</p>
<p>Objection to Green Belt release for development in Hammerwich off Norton Lane &amp; Hospital Road and the 'downgrading' of Green Belt in the area.</p>	<p>There is no allocation or development proposed within the Green Belt in this location. The Green Belt has not been 'downgraded'. The Green Belt Review provides an assessment of parcels of Green Belt as</p>

Key Issues	Officer response
	required by national guidance but does not change the status of Green Belt land.
The Green Belt Review 2019 is not a robust piece of evidence and should be removed from the evidence base supporting the Local Plan Review.	The Green Belt Review 2019 has been conducted based upon the methodology set out within the document. The methodology was subject two consultation with external stakeholders and the public prior to the commencement of the assessment work. The Green Belt Review has been subjected to a 'critical friend' (ARUP) review to ensure the evidence is sound.
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.
Identification of a strategic housing allocation in Whittington is a different approach to many other villages. Why has the opportunity to identify through a review of the neighbourhood plan not been afforded to the village.	Site identified was considered to be strategic in the context of the village of Whittington. Evidence has been prepared which details the site selection process.
There is a lack of a specific affordable housing requirement (set out as a percentage) within the policy. This does not provide sufficient clarity for development proposals.	Evidence within the HEDNA suggests the Council will be justified in seeking to achieve as much affordable housing as viably possible on appropriate development sites. Further viability evidence is being collected which will inform the policy and provide a clear position in terms of the appropriate level of affordable housing to be sought.
With regard to employment land it should be made clear where new allocations are to be made and where existing allocated employment areas area. Council should consider whether a higher employment requirement is required considering the level of housing growth being proposed.	Existing allocated employment areas are identified on the policies maps which accompanied the Preferred Options document. Current evidence suggests there are limited additional options for locating employment growth, this is explicitly referred to within the consultation document. All possible options will need to be considered as the local plan review progresses.
The Sustainability Appraisal (SA) needs to set out further narrative to explain how the spatial strategy and allocations were selected over reasonable alternatives and the assumptions made in respect of mitigation	Further narrative will be provided as the Local Plan progresses and as additional evidence is collected in order to inform the judgments made.