

Submission of Local Plan Allocations Document for Independent Examination to the Secretary of State

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

Date:	1 st May 2018
Agenda Item:	4
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Key Decision?	YES
Local Ward Members	All

CABINET

1. Executive Summary

- 1.1 The purpose of this report is to inform Members that following the recent consultation on the publication version of the Local Plan Allocations Focused Changes document between 8 January and 19 February 2018, the submission version of Local Plan Allocations document is ready to be submitted for Independent Examination to the Secretary of State.
- 1.2 The Local Plan Strategy was adopted by Lichfield District Council in February 2015 and sets out the spatial strategy and settlement hierarchy for the District. The Local Plan Allocations document forms the second part of the Local Plan and once adopted, will set out site specific policies to guide future development and deliver the overall quantum of growth set out in the Local Plan Strategy.
- 1.3 This report seeks Members approval to submit the Local Plan Allocations Document ([APPENDIX A](#)), accompanying Policies Maps ([APPENDIX B](#)) and supporting documents for Independent Examination to the Secretary of State.

2. Recommendations

- 2.1 That Cabinet approves the Local Plan Allocations document ([APPENDIX A¹](#)), the accompanying Policies Map ([APPENDIX B²](#)) and the Regulation 19 Focused changes consultation document (Local Plan Allocations ([APPENDIX C](#)) and Policies map ([APPENDIX D](#)) for submission to the Secretary of State for Independent Examination.
- 2.2 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.
- 2.3 That Cabinet note the summary of representations and approve the Council's suggested responses ([APPENDIX E](#)) to the consultation on the Local Plan Allocations Focused Changes document.
- 2.4 That Cabinet approves the supporting submission documents which accompany the Local Plan Allocations as set out in Table 4.

¹ Reflects the proposed minor modifications

² Reflects the proposed minor modifications

- 2.5 That Cabinet approve the submission of the Local Plan Allocations March – May 2018 consultation document ([APPENDIX F & Map](#)), responses received ([APPENDIX G](#)) and summary of responses ([APPENDIX H](#))³.
- 2.6 That Cabinet note the contents of paragraph 3.12 which identifies additional documents which may be of benefit to the Planning Inspectorate. Cabinet have previously received these documents at its meeting on 5th December 2018, item 8.
- 2.7 That Cabinet note that the Planning Inspectorate may request the need for additional documents to be submitted prior and during the Examination process. To enable timely submission it is recommended Cabinet provide delegated authority be given to the Cabinet Member for Economic Growth, Environment & Development Services in consultation with the Head of Economic Growth to submit any requested documents.

3. Background

Overview

- 3.1 The Local Plan Strategy adopted in February 2015, sets out the strategic vision and objectives for Lichfield District. The Local Plan Allocations document, once adopted, will form the second part of the District’s development plan. The primary purpose of the Allocations document is to assist in encouraging appropriate development in Lichfield District which will contribute to sustainable and economic growth.
- 3.2 The Local Plan Allocations document covers:
- Employment and housing allocations to meet the growth requirements set out in the Local Plan Strategy;
 - Policy on Lichfield City Centre including defining primary and secondary retail frontages;
 - Policy on Burntwood Town Centre;
 - Changes to the Green Belt boundary to remove the developed area of the former St Matthews hospital as committed to within the adopted Local Plan Strategy;
 - Policy on accommodating the needs of Gypsy, Traveller and Travelling Show people; and
 - A review of the remaining saved policies emanating from the Lichfield District Local Plan June 1998.

Consultation Stages

- 3.3 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. The following rounds of consultation have taken place:

Table 1: Consultation Timetable

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)

³ See paragraph 3.22 for explanation.

- 3.4 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 has 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 Green Belt allocations 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.
- 3.5 The Council received 270 individual responses to the revised publication document. The key issues raised along with officers analysis and comments are outlined below.

Table 2: Key Issues and proposed responses to Regulation 19 Focused Changes Consultation

Key Issue	Response
The Allocations is not in conformity with the Local Plan Spatial Strategy as there is a significant over provision of dwellings attributed to 'Other Rurals', and under provision in other settlements including Burntwood, Shenstone, Whittington and Fazeley.	The Allocations document meets the overall dwelling requirement set out in the Local Plan Strategy.
Development industry challenge the removal of green belt sites within the Local Plan Allocations and question that the document is reactive as opposed to proactive in allocating development sites.	Further analysis of the housing supply was undertaken, taking into account any potential windfalls to re-assess the need for Green Belt release. This is in line with emerging Government policy of exploring all options before releasing designated Green Belt land. The Allocations document meets the overall dwelling requirement set out in the Local Plan Strategy without the need to remove Green Belt land.
Policy BE2: Heritage Assets is in conflict with National Policy	Officers have made changes seeking compliance with NPPF.
Development industry questioned the deliverability of a number of the allocations, such as Rugeley Power Station and Arkall Farm.	The proposed allocated sites are being promoted through the Local Plan process and are considered deliverable within the plan period. In relation to Rugeley Power Station, the Council has worked closely with the landowner to prepare a Development Brief SPD to guide the future redevelopment of the site. With regards to Arkall Farm, the Council is awaiting the outcome of the planning inquiry. The Local Plan Allocations includes flexibility in terms of housing supply to support any unanticipated under delivery.
Development industry challenged the approach to calculating housing supply, such as allocations with permission.	The approach towards calculating supply is considered consistent across the District and as such all sites with permission have been included within the allocations as they are intended to come forward within the plan period and contribute towards meeting the housing provision of 10, 030 dwellings set out in the Local Plan Strategy.
Need to deal with neighbouring authority's shortfall in housing provision within the allocations rather than review	The Council is committed to reviewing its Plan in full to address housing shortfall issues within the Greater Birmingham Housing Market Area as set out within both the Local Plan Strategy and reaffirmed in the Local Plan Allocations document. The Local Development Scheme sets

Key Issue	Response
	out that the Council will consult on its Scope, Issues & Options document in April 2018.
Comments relating to saved policies being deleted but not replaced, namely Saved Policy C9 and Saved Policy EMP5.	The District Council undertook a review of all saved policies in these circumstances it was not considered appropriate to carry these policies forward.
The proposal to protect the Borrowpit at Rugeley Power Station is challenged given its allocation in the Local Plan Strategy.	Rugeley Power Station is allocated to deliver a minimum of 800 dwellings within the plan period. Whilst the Borrowpit is allocated as part of the Local Plan Strategy, the Council consider it is worthy of retention as a landscape / water feature and acknowledge within the document there will be a net gain of 350 units on the former Power Station site.
The lack of provision for self-build sites was cited by a number of respondents.	The Allocations document meets the overall dwelling requirement set out in the Local Plan Strategy. The Local Plan Allocations does not include site specific allocations for self-build purposes. The Council maintains a self-build register.

3.6 In addition to the above, notable support was received from local residents for the retention of the Borrowpit as a key landscape/ water feature within the Rugeley Power Station site. Residents indicated support of the removal of proposed site allocations within the green belt, particularly at Burntwood and Shenstone.

3.7 A common theme associated with responses relates to the allocation of land for housing. For context Table 3 sets out the impacts on each of the settlements as a result of the current Strategic Development Allocations (identified in the Local Plan Strategy), completions, commitments and proposed allocations within the Local Plan Allocations.

Table 3: Settlement outputs

Settlement	Completions 2008-2017 (Gross) ⁴	Committed supply (0-5 dwellings) 2017-2022 (Gross)	Strategic Development Allocation (SDAs)	Local Plan Allocation sites (LPAs) (Gross)	Totals Gross	Overall %
Lichfield City	660 (28%)	38 (13%)	2072 (56.6%)	1218 (24%)	3988	35%
Burntwood	389 (17%)	43 (15%)	240 (7%)	382 (7.5%)	1054	9%
East of Rugeley ⁵	573 (25%)	0 (0%)	49 (1%)	800 (16%)	1422	12.5%
North of Tamworth ⁶	36 (1.5%)	0 (0%)	0 (0%)	1129 (22%)	1165	10 (%)
Fradley	34 (1.5%)	5 (2%)	1302 (35.5%)	80 (1.5%)	1421	12.5%
Armitage with Handsacre	84 (4%)	9 (4%)	0 (0%)	200 (4%)	293	3%
Alrewas	46 (2%)	5 (2%)	0 (0%)	142 (3%)	193	3%
Fazeley	128 (5%)	15 (5%)	0 (0%)	107 (2%)	250	2%
Shenstone	48 (2%)	6 (2%)	0 (0%)	50 (1%)	104	1%
Whittington	19 (1%)	1 (0.5%)	0 (0%)	18 (0.5%)	38	0.5%
Other Rural	314 (13%)	163 (27%)	0 (0%)	954 (19%)	1422	12.5%
Approx. Total	2331	285	3663	5071	11,350	100%
Windfall allowance (55 dwellings per annum)					660	
Approx. total cumulative net dwellings					11,515	

3.8 A full summary of all responses received can be found at [APPENDIX E](#).

⁴ Includes completions from SDAs and LPAs where these have been delivered between 2008 and 2017

⁵ Including 500 to meet needs arising within Rugeley

⁶ Including 500 to meet needs arising within Tamworth Borough

Submission Documents

3.9 The Council has prepared a submission version of the Local Plan Allocations document ([APPENDIX A](#)) and this is supported by a number of other submission documents as set out in table 4. [APPENDIX A](#) is in conformity with the Council's adopted Statement of Community Involvement ([APPENDIX I](#)) and Local Development Scheme ([APPENDIX J](#)) which will also need to be submitted to the Inspectorate.

Table 4: Supporting submission documents

Document	Overview	Appendix
Consultation Statement	Outlines the process community participation and stakeholder engagement the Council has undertaken for the Local Plan Allocations.	K
Schedule of Proposed Minor Modifications	A schedule of minor modifications to the Allocations which is linked to the Council's response to representations.	L
Schedule of Supporting Document Changes	A schedule of changes to the documents which support the Local Plan Allocations.	M
Sustainability Appraisal	Assesses the environmental, economic and social impact of the Local Plan Allocations. Further information on this is provided at paragraphs 3.21 – 3.23.	N
Infrastructure Delivery Plan	Sets out the infrastructure required for the Local Plan Allocations.	O
Duty to Cooperate Statement	Sets out the cross boundary issues and where agreement has been reached with neighbouring authorities. Further information on this is provided at paragraphs 3.14 – 3.17.	P
Habitat Regulations Assessment ⁷	Ensures the Local Plan Allocations does not adversely affect any nature conservation sites protected by European legislation. Further information on this is provided at paragraphs 3.18 – 3.20.	Q
Soundness Self Assessment Checklist	Checklist to ensure and evidence that the Local Plan Allocations document is sound.	R
Legal Self Assessment Checklist	Checklist to evidence that the Local Plan Allocation document is legally compliant.	S
Equality Impact Assessment	Ensures the Local Plan Allocations document contributes to an equal society.	T
Legal Notice	Legal notice submitted alongside the Local Plan Allocations.	U

3.10 In addition to the supporting documents, an extensive evidence base has informed the Local Plan Allocations. This has been developed during the various stages of document preparation. Upon submitting the Plan for Examination the evidence base in the form of technical documents will also be submitted. The list of technical documents includes:

- Authority Monitoring Report 2016 & 2017
- Brownfield Land Register 2017
- Cannock AONB Landscape Character Assessment 2017
- Cannock Chase SAC Evidence Base Review 2016
- Employment Land Availability Assessment 2016 & 2017
- Employment Land Capacity Assessment 2016
- Five year supply paper 2016 & 2017
- Green Belt Supplementary report 2016

⁷ No changes to the Habitat Regulations Assessment were required following the Focused Changes consultation

- Gypsy and Traveller methodology paper 2016
- Lichfield Canal Water Supply study 2016
- Lichfield Centres report 2017
- National Forest Background paper 2017
- Open Space Assessment 2016
- Rural Settlement Sustainability Study 2016
- Sequential test paper 2017
- Strategic Flood Risk Assessment Level 2 2017
- Strategic Housing Land Availability Assessment 2016 & 2017
- Submission method paper 2017
- Supplementary Green Belt report addendum 2017
- Urban Capacity Assessment 2016

- 3.11 Other evidence exists that will have a bearing on the Local Plan Allocations. This will include evidence prepared to inform the Local Plan Strategy. This evidence will be presented to the Inspector upon their request.
- 3.12 The Inspector may also wish to consider the consulted version of the Local Plan Allocations Focused changes accompanying documents. Specifically it is envisaged that the Inspector may need to consider the Sustainability Appraisal ([APPENDIX V part 1, part 2, part 3 & part 4](#)), Habitat Regulations Assessment ([APPENDIX W](#)) and Infrastructure Delivery Plan ([APPENDIX X](#)) that accompanied this consultation. To facilitate this process these documents will be submitted to the Inspectorate. The Inspectorate will also receive full copies of representations received for the Focused Changes consultation and the March – May 2017 Regulation 19 consultation.

Overview of Duty to Cooperate, Habitat Regulations Assessment and Sustainability Appraisal matters

- 3.13 While all of the supporting submission documents and evidence base is important the three documents referenced above are the most significant for the purpose of the Examination. These documents will be considered by the Examiner to ensure that the Authority has complied with and met the relevant national legislation and guidance.

Duty to Cooperate

- 3.14 The duty to cooperate is both a legal and soundness test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It places a duty upon the Local Planning Authority to engage constructively, actively and on an on-going basis when preparing a Local Plan and requires the local planning authority to have regard to the activities of other prescribed authorities.
- 3.15 All the prescribed authorities have been contacted to identify the strategic matters which pertain to the preparation of the Local Plan Allocations document. The strategic matters relate to cross boundary issues and have been identified as housing, employment, Rugeley Power Station Redevelopment Site, Cannock Chase AONB, Cannock Chase SAC, River Mease SAC, Gypsies and Travelling Show People, Transport, Water Abstraction and Flooding.
- 3.16 All of the prescribed authorities who responded to the Local Plan (Focused changes) document consider that the Plan complies with the Duty to Cooperate.
- 3.17 Whilst some matters remain the subject of ongoing discussions a duty to cooperate statement has been prepared to support the submission of the Local Plan to the Secretary of State updating the Council's position ([APPENDIX P](#)). The key issues are:

- Strategic housing issues relate to an ongoing request from Tamworth Borough Council who are unable to meet some of their housing, employment and gypsy and traveller requirements within their administrative boundary.
- In addition a request from Birmingham City Council to assist in meeting their housing requirement as they are unable to meet all of their requirement within their administrative area.
- Tamworth BC consider that their request for some of their housing requirement to be met within Lichfield District's administrative area should be addressed within this Plan although they recognise that positive discussions have taken place to seek to address cross boundary issues.

Habitat Regulations Assessment

- 3.18 The only representation made to the Habitats Regulations Assessment (HRA) is from Staffordshire County Council who have queried whether additional mitigation measures over and above those proposed within the existing mitigation strategy should be sought to mitigate the impact upon Cannock Chase SAC arising from the increase in housing at Rugeley Power Station, because of its proximity to the SAC.
- 3.19 The need for 'mitigation measures' is considered through the HRA for the Local Plan Allocations Focused changes document and at Appendix E, para 16 which requires that regard be had to the SAC. Policy NR7 in the adopted Local Plan Strategy and the adopted 'Guidance to Mitigate' provides sufficient mitigation and the opportunity to provide bespoke mitigation should the developer wish.
- 3.20 No representations have been received from Natural England. Natural England have contributed to the preparation of the recently adopted Rugeley Power Station Redevelopment Brief SPD and raised no issues in respect of compliance with the Habitat Regulations indicating that matters could be achieved either through the existing mitigation measures as part of the Cannock Chase SAC Strategic Project or within the site.

Sustainability Appraisal

- 3.21 The Sustainability Appraisal 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.
- 3.22 A total of 17 representations were received associated with the Sustainability Appraisal which accompanied the Local Plan Allocations Focused changes consultation. No representations are considered to identify any concerns of a crucial and fundamental nature. Some representations disagreed with the scoring however there is not considered a need to update the Sustainability Appraisal as a result of feedback.
- 3.23 The consultation has triggered the need for two additional sites to be appraised, this work has been undertaken and is included within the submission version of the Sustainability Appraisal ([APPENDIX N part 1, part 2, part 3 & part 4](#)).

3.24 Table 1 documents the stages of document preparation. The above consultation was presented as a Regulation 19 stage consultation. As such the Council will need to submit the responses received to this consultation.

Next Steps

3.24 Subject to Cabinet approval, the Local Plan Allocations document will be submitted to the Secretary of State for an Examination to be held by an Independent Inspector. The Examination will establish whether the submission Local Plan Allocations complies with the relevant legal requirements and is considered ‘sound’. To be sound the document should be positively prepared, justified, effective and consistent with national policy.

3.25 The timescales and programme for the examination will be dictated by the Planning Inspectorate once the Local Plan Allocations document has been submitted.

Local Plan Review

3.26 Members of Cabinet received a report regarding the Local Plan Review on the 27th April 2018. The report sought Cabinet to endorse the Local Plan Review (and supporting documents) for a period of six weeks consultation. Consultation commenced on the 30th April.

3.27 The Local Plan Review is a separate piece of work and will cover the period 2020 – 2036. It will consider strategic issues such as the Greater Birmingham Housing Market Area shortfall, whereas the Local Plan Allocations will complete the Council’s current Local Plan and is driven by the content of the Local Plan Strategy which covers the period 2008 – 2029. The pertinent point here is that the Local Plan Allocations and Local Plan Review are separate entities.

Alternative Options	<ol style="list-style-type: none"> 1. Cabinet recommends to not submit the Local Plan Allocations and concentrates instead on the Local Plan Review; 2. Cabinet recommends an alternative Local Plan Allocations be prepared. This would require further public consultation before submission.
Consultation	<ol style="list-style-type: none"> 1. No consultation is required at this stage.
Financial Implications	<ol style="list-style-type: none"> 1. The cost of an Examination in Public has been estimated along with the need to seek Counsel support, this is reflected in the MTFs as follows: <ol 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	<ol style="list-style-type: none"> 1. An Equality Impact Assessment has been undertaken as part of preparing the Local Plan Allocations (APPENDIX T)

Implications	
Crime & Safety Issues	1. There are no crime and safety issues.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The Planning Inspector may recommend that further modifications are required in order to make the Plan sound.	Officers will represent the Council at the Examination in Public. This will seek to support and defend the draft document. However it is common for additional modifications to arise during the Examination process.	Amber
B	The housing supply work is undermined by the loss of the Arkall Farm appeal decision.	There is flexibility within the Plan to accommodate some under delivery. However the initial step will require the Council to consider the implication of any future decision.	Amber
C	The Inspectorate consider that the minor modifications proposed by Lichfield District Council are major. This would require us to consult before submitting.	Officers have provided an explanation for each of the modifications.	Yellow
D	The settlements with a shortfall in provision will not meet the level of growth envisaged within the adopted Local Plan Strategy	As part of the Plan Review the settlement hierarchy will need to be reconsidered, this will include a review of infrastructure needs and settlement sustainability	Red

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](#)