

Local Plan Review 2040 Publication (Regulation 19) consultation

Report of the Cabinet Member for Visitor Economy and Local Plan
Councillor I. Eadie



Date:	9 February 2021
Agenda Item:	3
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Key Decision?	YES
Local Ward Members	All

CABINET

1. Executive Summary

- 1.1 The Lichfield Local Plan 2040 (formerly known as the Local Plan Review) is the key document that provides the framework to guide future planning decisions in the District of Lichfield. It is based on national policy and guidance, an assessment of local housing and employment needs, and meeting objectives that have been defined through a number of consultations since 2018. The Local Plan 2040 once adopted will replace the current Local Plan Strategy and Allocations documents with the exception of a number of 'saved' policies, which are saved and maintained as part of the local plan due to their relevance.
- 1.2 The Regulation 19 (or Publication) version of the Local Plan 2040 represents the final stage of the plan-making process before the submission of the document to Government for examination in public. The document prepared at this stage is the document which the Council intends to submit for this examination. The publication version of the plan will be formally consulted upon prior to submission for examination. All representations made during the Regulation 19 consultation period are passed to the Inspector appointed by Government to examine the Local Plan for them to consider as part of the Examination in Public.
- 1.3 This report updates the committee on the progress of the Local Plan 2040 including the intended publication and consultation upon the publication version of the document prior to its submission for Examination in Public. It may also be necessary to return to Cabinet should the Covid-19 pandemic continue longer than expected and this has a substantial impact upon the gathering of the final elements of the evidence base.

2. Recommendations

- 2.1 That the Cabinet agree to the publication of the Local Plan 2040 publication document (**Appendix A**) and accompanying policy maps (**Appendix B**) for the purposes of public consultation with dates for public consultation yet to be decided due to current restrictions around Covid-19 and submission for Examination in Public thereafter. Consultation will take place as soon as is practicably possible in the spring, taking into account ongoing restrictions due to Covid-19.
- 2.2 That the Cabinet delegates authority to the Cabinet Member for Visitor Economy & Local Plan in consultation with the Head of Economic Growth and Development to agree the dates and strategy for the consultation having regard to national regulations and the Statement of Community Involvement (SCI), make any changes to the appearance, format and text of the Local Plan 2040 publication document or the supporting documents prior to consultation in the interests of clarity and accuracy.

- 2.3 That Cabinet note that the Local Plan 2040 publication document will be brought back before Cabinet if future evidence indicates the need for significant changes to the Local Plan 2040 publication document for further detailed consideration. It may also be necessary to return to Cabinet should the Covid-19 pandemic continue longer than expected and this has a substantial impact upon the gathering of the final elements of the evidence base.

3. Background

- 3.1 The purpose of this report is to present the Cabinet with the publication version (**Appendix A**) of the Local Plan 2040 (formally known as the Local Plan Review) and to update the Cabinet of the proposed next steps for the Local Plan.
- 3.2 Once adopted, the Local Plan 2040 will replace both the adopted Local Plan Strategy and Allocations documents, with the exception of a small number of 'saved policies' where these are still considered to be relevant to the development strategy for the district (such as the local allocations and retail policies) will be carried forward. Members of Cabinet will be aware of the need for the Council to review its local plan. The need for the review was established through the examination of the adopted local plan allocations document which requires the Council to submit its local plan review by the end of December 2021. If the Council does not meet this requirement then the adopted local plan could become 'out of date'.
- 3.3 The Local Plan 2040 has now reached an advanced and important stage of its preparation. The draft Local Plan 2040 publication document (**Appendix A**) and its accompanying policy maps (**Appendix B**), along with its supporting evidence base (**Appendix C**) has been prepared and represents the version of the plan which the Council intends to consult upon (Regulation 19 consultation) before submission to the Government for Examination in Public (EiP) by the Planning Inspectorate. The publication version of the Local Plan 2040 should be seen as the Council's settled view of the contents of the plan it intends to submit for examination. All responses received during the Regulation 19 consultation are in effect made to the Inspector and will be passed on the appointed Planning Inspector for their consideration once the Local Plan is submitted for examination.
- 3.4 The Local Plan 2040 publication document has built upon the extensive work which has taken place since 2018, when the process of reviewing the Local Plan began. The main stages of this have been as follows:
- [Scope, Issues and Options](#) (April 2018) – which marked the first stage on the process and set out the scope of the local plan review and presented its key issues along with a number of options;
 - [Preferred Options and Policy Directions](#) (January 2019) – this document set out potential spatial options for the district and the broad preferred approach to the managing development;
 - [Preferred Options](#) (November 2019) – this document set out the spatial strategy including proposed strategic sites and a number of policies for the management of development; and
 - Local Plan 2040 Publication (**Appendix A**) – this is the proposed submission plan (**The current stage**).
- 3.5 The Local Plan 2040 publication document completed this work and represents the full version of the plan which it is intended should be submitted for Examination in Public. The document includes a number of Strategic Policies, including the levels of development to be delivered to 2040 (and sites to deliver these requirements), and a suite of 'Local Policies' which are principally focussed on development management issues relevant to the determination of planning applications, for example such as those setting open space standards and the levels of affordable housing to be required.

- 3.6 As set out at paragraph 3.2 of this report there is an established need for the Council to review its local plan within the adopted local plan. In addition to this it is important to recognise the implications if the local plan is not progressed. Should the current local plan become out of date this will have implications for the control of development within Lichfield District making it more difficult to resist planning applications which do not conform with the current local plan. Once adopted the Local Plan 2040 will ensure the District has an up-to-date local plan for a number of years. Members of the Cabinet will also be aware of the proposals for a reformed planning system which were set out in the Governments 'Planning for the Future' white paper in 2020.
- 3.7 Whilst the outcomes of the Government's consultation are still awaited it is worth noting that the adoption of the Local Plan 2040 would likely mean the Council benefits from 'transitional arrangements' once any newly reformed planning system is introduced. This will mean that the Council will continue to use its adopted local plan whilst giving it time to develop a plan under any new system.

Key areas of the Local Plan 2040

- 3.8 This section of the report provides a brief overview and summary of some of the key aspects of the draft Local Plan 2040 (**Appendix A**). Members will note that the full text of the draft Local Plan 2040 provides the full detailed wording of all policies and proposals. The following bullet points summarise some of the key elements of the Local Plan:

Housing requirement and development:

- The overall housing requirement of the draft Local Plan 2040 is 9,727 within the plan period (2018-2040). The requirement is made up of Lichfield District's Local Housing Need (LHN) of 7,062 and a contribution of 2,665 homes towards meeting the unmet needs arising from the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). LHN is established through a nationally set standard calculation and this sets the minimum housing requirement for the District. As members will be aware National Planning Policy also requires authorities to help to meet unmet needs from neighbouring authorities where this exists. The Local Plan 2040 also includes a 'buffer' in the supply of homes to ensure that if circumstances change and any sites do not come forward then sufficient supply is available to compensate for this.
- The housing requirement will be delivered through a combination of existing committed developments and allocations from the current local plan alongside four proposed Strategic Housing Allocations which are detailed within the Local Plan 2040. These allocations are:
 - Land north east of Lichfield City Strategic Housing Allocation – approximately 3,300 homes.
 - Land west of Fazeley Strategic Housing Allocation – approximately 800 homes.
 - Land off Huddlesford Lane, Whittington – approximately 75 homes.
 - Land off Hay End Lane, Fradley – approximately 500 homes.
- The Local Plan includes a number of policies relating to the design and types of homes to be delivered within the District, including the level of affordable homes which will be required from residential development.

Employment and Economic Development

- The Local Plan will provide for approximately 85 hectares of land for employment uses. The Local Plan identifies that this requirement can be met at existing employment locations; and
- The local plan provides support for the District's visitor economy.

Looking to the future

- The Local Plan 2040 includes a range of measures to assist with managing the impacts of climate change. This includes policy to require the increased delivery of electric vehicle charging points in new development and the prioritisation of solar farms on brownfield land amongst other measures such as increasing energy efficiency of new development and locating development in proximity to areas which benefit from links to public transport; and
- The Local Plan 2040 also identifies a number of future actions of the District Council in respect of local planning which would follow the adoption of the Local Plan 2040. This includes the preparation of an Area Action Plan (AAP) for Burntwood which will focus on retail and brownfield sites within the settlement. The Local Plan also notes that the Council is seeking to look toward the identification of a 'new settlement' which could assist with the Council's growth beyond the plan period.

Evidence Base

- 3.9 The previous stages of the Local Plan 2040 including their three public consultations, has been informed by a significant body of technical evidence. Such evidence has been prepared and as detailed in previous 'Local Plan Update' reports to the Economic Growth, Environment and Development O&S committee has been presented to the Local Plan sub-committee for their consideration. A key test of the Examination in Public is that the Local Plan has been robustly prepared and is justified by technical evidence. The Local Plan 2040 publication document has been prepared having regard to its evidence base.
- 3.10 The ongoing impacts of Covid-19 are continuing to hinder the ability of the Highway Authority and Staffordshire County Council to begin the work required to complete the Infrastructure evidence, specifically the transport modelling. It had been hoped that the traffic counts which provide data for this work would be able to commence in autumn 2020 and spring 2021. It is unclear when modelling work can take place now that we are in a third national lockdown, since transport networks are not yet fully in normal operation and it is important to gather reliable data on existing travel patterns. Lichfield Local Plan officers and the County Council are in regular talks to see if there is a way this can be expedited – but at present this remains a significant risk to delivery of the programme. Officers have sought assurance from the County Council that this work will be expedited as soon as is possible and that work undertaken to present has not, so far, indicated any 'show stoppers' in terms of transport issues which could significantly impact upon the delivery of the Local Plan's spatial strategy.
- 3.11 The Sustainability Appraisal (SA) and Habitats Regulations Assessments (HRA) updates have both been commissioned and earlier versions of these reports are included in the evidence list at **Appendix C**. An interim SA report has been produced to support the Cabinet version of the Plan (**Appendix D**), along with an updated HRA statement (**Appendix E**). The SA and HRA assessments will continue to be produced, and impacts assessed as these pieces of work are iterative in nature, and must examine any new evidence base elements, along with any changes to the plan, even as part of main modifications if needed. Elements of the work relevant to air quality are related to the further transport assessment work which is ongoing and is delayed by the Covid-19 restrictions on transport survey work. The

consultants are instructed to complete the work as soon as the removal of restrictions permit and have provided written assurance at this stage that the draft Local Plan 2018 - 2040 is in compliance with regulations and guidance.

- 3.12 Whilst ideally this evidence base work would be fully complete at this time, the Covid-19 situation and the need to progress plan making mean that it is reasonable and proportionate to act on the evidence gathered to date. Since the work to collect this evidence has already begun, and interim reports on the outstanding evidential areas related to SA and HRA have been prepared, the evidence base collection is not retrospective. Given the evidence base which has been collected to date, and the three previous consultations on the Plan during the years of Plan preparation from 2018 the Council has enough evidence to shape the plan and take its settled view of what it should contain.
- 3.13 In the unlikely event that severe harm which cannot be mitigated to either transport or habitats emerge during the final stages of evidence gathering, the plan will be returned to Cabinet for further consideration. It may also be necessary to return to Cabinet should the Covid-19 pandemic continue longer than expected and this has a substantial impact upon the gathering of the final elements of the evidence base.

Consultation with Members

- 3.14 The Local Plan 2040 was considered by members of the Economic Growth, Environment and Development Overview and Scrutiny committee in January 2020. The committee was asked to note the content of the Local Plan document and the next steps (as set out below in this report). An online recording is available via the [Council's website](#). The following represents an officer summary of the key areas of debate which were held at the overview and scrutiny meeting:

- Support for the amount of work which Officers and members have put into bringing forward the Local Plan 2040 and its associated evidence to this stage;
- It is important to progress with a Local Plan and get to the stage where the plan is adopted as this will give the Council the ability to determine planning applications in accordance with an up-to-date plan and reduce the risk of losing control of decision-making;
- Important to progress the plan now in order to meet housing needs which are arising now;
- There were some views expressed by an elected member that the Council should stop or pause the process of progressing a local plan at this time to await the full transport evidence, consider alternative site options, or, as some other authorities have, await the outcome of the government's 'planning for the future' white paper;
- Support for the approach of securing affordable homes which is considered to be likely to provide greater numbers of affordable homes in the future;
- Concerns were expressed over the housing requirement and some of the strategic housing sites, in particular that at Fazeley. Concerns raised related to infrastructure issues and previous levels of public objection; and
- Concern over the loss of Green Belt, although some members felt that the plan as drafted minimises such losses.

Next Steps

Consultation proposals

- 3.15 The Council are required to undertake a formal consultation on the Local Plan 2040 publication document, as required by Regulation 19 of the Local Plan Regulations. As noted in paragraph 3.3 of this

report all representations which are duly made during the consultation will be provided to the appointed Planning Inspector for consideration as part of the Examination in Public. Members should note that all representations made during that consultation are in effect made to the Planning Inspector rather than the Council.

- 3.16 The Council has an adopted [Statement of Community Involvement](#) (SCI) which sets out the process for engagement at different stages of Plan making. The Council's SCI was updated in 2020 to take account of temporary legislation regarding Covid-19 (Coronavirus) to ensure that any consultation which takes place follows the latest guidance in relation to the pandemic.
- 3.17 The plan will be subject to transfer onto the Council's consultation system and improvements to graphics and presentation will be made, along with arrangements for the consultation. The date of the consultation to begin and end will be agreed by the Cabinet Member for the Visitor Economy and the Local Plan in consultation with the Head of Economic Growth and Development at that time and it is recommended that delegated authority be granted to do this.
- 3.18 The anticipated timescale for the consultation and submission of the Local Plan 2040, subject to the decision of Cabinet, is as follows:
- Regulation 19 Consultation – Spring/Summer 2021;
 - Submission – Summer/Autumn 2021; and
 - Examination in Public – Winter 2021/2022.
- 3.19 An update to the Local Development Scheme will be required to reflect the above prior to the submission of the Local Plan 2040 to Examination in Public.
- 3.20 Consultation on the publication document will be undertaken in accordance with the adopted SCI, legislation and will include the following:
- 6 weeks of consultation;
 - Publish the document on the Councils website;
 - Make available in alternative formats if requested; and
 - Engage with stakeholders using a range of methods set out within the adopted SCI.

Drafting of the publication document

- 3.21 Members will note that the Local Plan 2040 publication document and its policy maps appended to this report represents a draft 'plain text' version of the document. Further work to finalise this document, including the addition of graphics, figures and further formatting will be required. Additionally, further to the above it may be necessary to make some minor changes to the appearance, format and text of the Local Plan 2040 publication document or the supporting documents prior to consultation in the interests of clarity and accuracy. It is recommended that such any such changes be agreed by the Cabinet Member for the Visitor Economy and the Local Plan in consultation with the Head of Economic Growth and Development.
- 3.22 Should there be any major changes to the key aspects of the Plan as a result of the ongoing work on the evidence base, the plan will come back to Cabinet for these changes to be considered. It may also be necessary to return to Cabinet should the Covid-19 pandemic continue longer than expected and this has a substantial impact upon the gathering of the final elements of the evidence base.

Alternative Options	<ol style="list-style-type: none"> 1. Cabinet determine not to publish and consult upon the Publication version of the Local Plan 2040. This would result in the plan going back to an earlier stage of progress, and would delay the plan making process 2. Cabinet seek changes to the Publication version of the Local Plan 2040. This would result in the plan going back to an earlier stage of progress, and would delay the plan making process
Consultation	<ol style="list-style-type: none"> 1. Consultation has been undertaken on the previous stages of the Local Plan Review. 2. The Local Plan 2040 has been presented to members of the Economic Growth, Environment and Development Overview & Scrutiny Committee in January 2020. 3. The Publication version of the Local Plan when agreed will be consulted upon as described within this report. The District Council will collate and catalogue all representations received during the Regulation 19 consultation and submit these to the Planning Inspectorate as part of the Examination in Public. It should be noted that as such representations are, as required by the regulations, made to the Inspector and the District Council will not respond individually to each representation.
Financial Implications	<ol style="list-style-type: none"> 1. Officer time will be needed to run the consultation on the Lichfield District Plan 2040 2. The costs of consultation will be met within approved budgets. 3. Officer time will be needed to run consultation events and / or e-consultations on the Lichfield Local Plan 2040
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 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. 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. 3. Supports the priority of 'Developing Prosperity' through the Local Plan preparation which makes provision for land use allocations including employment and residential use, thereby encouraging economic growth, enhancing the district and providing certainty for investment. 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.
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. An Equality Impact Assessment has been undertaken at previous stages of the Local Plan Review process. An Equality Impact Assessment will accompany the Local Plan 2040 regulation 19 consultation.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. There are no crime and safety issues.
Environmental Impact	<ol style="list-style-type: none"> 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. The Proposed Submission Plan will also be released for consultation alongside an updated Sustainability Appraisal which appraises any new elements of the plan not previously tested, and the history of previous reasonable alternatives considered.

GDPR/Privacy Impact Assessment	1. A Privacy Impact Assessment has been undertaken at previous stages of the Local Plan Review process A Privacy Impact Assessment has been undertaken.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The Council determine not to progress the Local Plan 2040 to its regulation 19 consultation and subsequent submission to Examination in Public in accordance with the recommendations of this report.	Should the recommendations of this report not be accepted by the Council, there is likely to be a considerable delay in the production of the Proposed Submission Plan. Should the Plan making process fail to move forward, this will impact the progress the associated Infrastructure Delivery Plan, the associated final transport modelling work, any Community Infrastructure Levy review preparatory work based on the revised local plan, and the commencement of the initial stages of the Burntwood Area Action Plan. A delay in agreeing the Local Plan may result in difficulties in defending against inappropriate development, which may lead to the need to incur significant expenditure on defending refusal decisions at appeal. This risk is exacerbated by the commitment in the adopted local plan which requires the Council to submit its local plan review by the end of December 2021. If the Council does not meet this requirement then the adopted local plan could become 'out of date'.	Likelihood: Yellow Impact: Red Severity of Risk: Red
B	An unusually high level of responses are received which has a detrimental impact on the proposed timescales.	Upon close of the consultation officers will review the quantum and complexity of responses. Officers will report progress to Members. Responses made at this stage are made to the inspector so will be passed on for their consideration as part of the examination in public.	Likelihood: Yellow Impact: Green Severity of Risk: Yellow
C	Delays to the collation of evidence base including transport and habitats evidence caused primarily by the impacts of Covid-19.	Officers will continue to work with Officers at Staffordshire County Council and consultants in relation to the transport work and the appointed	Likelihood: Yellow Impact: Red Severity of Risk: Red

	Risk Description	How We Manage It	Severity of Risk (RYG)
		consultants in respect of Habitat Regulations Assessment to expedite the completion of this evidence as soon as practicably possible. As noted with the report should such evidence be completed and indicate the need for significant changes to the Local Plan 2040 publication document then the document will be reported for further detailed consideration by members. There is a risk that if there is a significant delay in completing the transport modelling work, then this would have a knock on effect in delays to the remaining Habitats work, and may mean the report should return to Cabinet (depending on the scale of the delay), or could delay the examination process	
D	Evidence required to support the Local Plan Review has a detrimental impact on the proposed timescales and allocated budget.	Consideration of evidence base requirements is an iterative process. Officers will continue engagement with stakeholders involved in shaping evidence base requirements to ensure the initial scope is clear. Project management practices are followed in the preparation and delivery of evidence base. New requirements arising from external factors such as future consultations will be considered by officers.	Likelihood: Yellow Impact: Red Severity of Risk: Red
E	The Council receive criticism for the methods of consultation and process of engagement.	Officers will work with the communications team in regard to the consultation. Consultation will be conducted in accordance with the adopted Statement of Community Involvement and the latest guidance in relation to Covid-19 to ensure the safety of Officers and other Stakeholders.	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow

Background documents

[Preferred Options consultation document](#)
[Statement of Community Involvement](#)
[Local Development Scheme](#)

Relevant web links

[Statement of Community Involvement](#)
[Local Development Scheme](#)
[Lichfield District Local Plan Review](#)
[Adopted Lichfield District Local Plan](#)