

## Draft Lichfield Local Plan Allocations Document – Part 2 Examination

### Inspector's Matters, Issues and Questions Discussion Note

#### Introduction

This note provides a summary of the matters and issues identified by the Inspector in the form of questions, and they will form the basis of the Examination Hearings which commence on Tuesday 4 September 2018 at the Council Offices, Frog Lane, Lichfield, Staffordshire, WS13 6YZ 1BP. This note may be refined in the light of the Inspector's consideration of the Hearing Statements received prior to the Examination Hearings.

Please note that the word limit for further statements is 3,000 words per matter (excluding supporting information, such as Appendices). Some flexibility, however, will be given to the Council, who will be expected to respond to all statements submitted by other parties.

#### Matter 1 - Legal Requirements, Scope of the Local Plan and Duty to Co-operate

##### 1.1 Legal Requirements:

*Does the Local Plan meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; and Local Development Regulations 2012)? Are there any other legal compliance issues?*

##### 1.2 Scope of this part of the Local Plan

- (i) *Is the scope of the Plan in line with its intended role, for example as set out in Section 1 and in particular in paragraphs 1.3, and 1.4 of the submitted Plan, in which clear reference is made to Lichfield's adopted Spatial Strategy which provides for the delivery of 10,030 homes from 2008 to 2029?*
- (ii) *Does the scope of the Plan accord with the recent Court of Appeal (COA) Judgment of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414; 29 April 2016)? This COA Judgment is in the Examination Library, and the paragraphs that I would particularly like to draw attention to are: 28, 31, 32 and 38. The third sentence of paragraph 38 states: **An Inspector conducting an examination must establish the true scope of the development plan document he is dealing with, and what it***

***is setting out to do. Only then will he be able to properly judge "whether or not, within the scope and within what it has set out to do", it is "sound" (Section 20(5)(b) [of the 2004 Act]).***

- (iii) *Are there any valid Part 2 issues which the Plan has failed to address?*

### **1.3 Duty to Cooperate (DTC):**

- (i) *Is the DTC, which covers strategic matters, applicable to the Plan, and if so, has the Council adequately discharged the DTC in preparing the Plan?*
- (ii) *In particular, does the Plan satisfy the DTC in relation to planning for the longer term growth of neighbouring areas?*

## **Matter 2 - Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)**

- 2.1 *Is the Plan supported by the SA and HRA?*
- 2.2 *What evidence is there that the SA has influenced the Plan and/or undertaken a full assessment of realistic alternatives?*
- 2.3 *Do any adverse effects identified in the SA require significant mitigation, and how does the Plan address these issues? Has appropriate account been taken of the recent Sweetman 2 Judgment in the ECJ?*

## **Matter 3 – Does the Plan deliver the strategic housing provision to meet the needs of the Plan area over the plan period?**

### **3.1 New Homes Quantum:**

- (i) *Does the quantum of new homes provided for in the Plan over the plan period (as set out in Table 4.1) accord with the growth requirements as set out in Core Policy 1 in the Local Plan Strategy (2015)?*
- (ii) *Is the proposed 'buffer' of around 15% sufficient to enable the Plan to ensure there is sufficient flexibility of housing land over the plan period?*

### **3.2 Proposed Distribution of new homes:**

- (i) Does the proposed distribution of new homes (also set out in table 4.1) accord with the principles of sustainable development, particularly as set out in the Local Plan Strategy (LPS) (2015), including taking account of considerations such as: the proportion of new housing planned for urban areas/most sustainable settlements; proximity to employment, sustainable transport and community facilities; and adverse impact on areas/zones of environmental importance?*
- (ii) What is the justification for increasing allocations in rural areas from 5% in Allocations Plan to 12.5% of overall housing figure in Focused Changes Document whilst correspondingly reducing the proportions in what are commonly regarded as the two most sustainable settlements of Lichfield and Burntwood? In particular, where are the housing needs for local people in Lichfield and Burntwood likely to be met?*

### **3.3 Housing Delivery over the Plan Period:**

- (i) Does the Plan provide sufficient evidence to demonstrate that the proposed new homes total can be implemented over the plan period?*
- (ii) Are the implementation rates of large sites, such as Arkall Farm (1,000 dwellings), the former Rugeley Power Station (800 dwellings) and land at Watery Lane (750 dwellings), realistic?*

### **3.4 Five Year Housing Land Supply:**

*Would the Plan at adoption be able to demonstrate that it has a five year supply of specific, viable and deliverable sites to achieve the Plan's requirements?*

### **3.5 Qualitative aspects of housing supply:**

*Is there a need for any qualitative parameters for housing provision in the Plan, such as provision for affordable housing, self-build, older persons' accommodation, care homes, accessible housing, student housing, and accommodation for gypsies and travellers (G&T)? Should policy GT1 meet identified G&T need?*

### **3.6 Other Housing Issues:**

*Are there any other housing issues which go to the soundness of the Plan?*

**Matter 4 - Can the Plan deliver its quantitative and qualitative housing requirements without the need to remove any Green Belt land?**

- 4.1 *Should the Green Belt, as set out in LPS Core Policy 1, remain in force in its entirety throughout the plan period, and continue to be a permanent constraint?*
- 4.2 *Do any circumstances exist to justify the alteration of the Green Belt boundaries in advance of a future review of the LPS, as set out in paragraph 83 of the Framework?*
- 4.3 *Should the Plan provide clearer guidance on Green Belt infill boundaries, as provided for in LPS Core Policy 1?*

**Matter 5 - How should the Plan deal with the housing shortfall in neighbouring authorities, such as Birmingham and Tamworth?**

- 5.1 *In view of the urgency of making housing provision to meet the needs of Greater Birmingham, what are the arguments for delaying a positive response until the Local Plan Review? Does the GBHMA suggest a timeframe and quantum for contributions from Councils such as Lichfield? Is the estimated date for adopting such a review still December 2020? Should not this Plan be aiming to contribute towards these wider needs before December 2020, a date which may slip? [An MOU or SCG between the GBHMA and/or Birmingham CC and Lichfield DC would be helpful.]*
- 5.2 *Should the Plan deal with Tamworth's housing shortfall during the same review process, or is the need sufficiently urgent for it to be addressed in this Plan? What role would the development at Arkall Farm play in this, and if planning permission is not forthcoming, what should be included in the Plan to address the shortfall? [An MOU or SCG between the Tamworth BC and Lichfield DC would be helpful.]*
- 5.3 *If the review of the Plan is more than an aspiration, should there be a specific policy committing the review process to start by a specific date?*

**Matter 6 - Are the Plan's provisions for the protection and enhancement of its environmental, landscape, biodiversity and heritage assets in accordance with national policy?**

- 6.1 *Is policy BE2 (Heritage Assets) compliant with NPPF 133 and 134?*
- 6.2 *In the absence of saved policy C9, what is the approach of the Plan towards the protection of Local Green Space?*

## **Matter 7 - Are the policies to manage and promote the Local Economy and Employment Areas and Allocations sound?**

- 7.1 *With reference to policy EMP1, are the expectations in the Plan for employment growth (79.1 ha drawn from the employment portfolio, plus the identification of three sites which are allocated to meet a further requirement of 10 ha), soundly based on a coherent framework?*
- 7.2 *Is the 6.5 ha of employment land allocated to meet the needs of Tamworth justified?*
- 7.3 *Are the specific sites identified in policy EMP1 (sites F2; OR6; and A6) justified and deliverable within the plan period?*
- 7.4 *How effective is the Plan in protecting existing and allocated employment sites from other uses, e.g. housing? Should the Plan set out the parameters of an 'independent assessment' in relation to the attractiveness of the market, and over what period of time?*
- 7.5 *Does the Plan address the need for a housing/employment balance? Is there a balance between housing provision and maintaining an adequate supply of employment land?*
- 7.6 *Is there scope to consider mixed use areas where there is evidence of underuse/closure of industrial/commercial uses?*
- 7.7 *Does policy Lichfield 3 set a sound framework for promoting Lichfield city centre as a retail and commercial centre, and is the proposed primary shopping area extension justified? Should the Plan aim for a town centres first approach for office development?*
- 7.8 *Does policy Burntwood 3 set a sound framework for promoting Burntwood as a retail and commercial centre?*

## **Matter 8 – Are the Transport, Infrastructure, Implementation and Monitoring provisions of the Plan sound?**

- 8.1 *Are there any necessary infrastructure needs that are not addressed in the Plan?*
- 8.2 *Are any of the high impact sewerage constraints classified as 'show stoppers'?*
- 8.3 *In view of Highways England's comments, can the 2017 IDP be relied upon to support specific allocations in the Plan?*
- 8.4 *The Environment Agency expresses concern that it is not immediately apparent that a sequential test has been undertaken by the Council*

*regarding flood risk. Has agreement subsequently been reached on the acceptability of sites proposed for the housing and other uses in the Plan?*

**Matter 9 – Are the Plan’s provisions for Lichfield city centre, including policy Lichfield 3 and Map 8.1 justified and effective?**

- 9.1 *Is the Plan sufficiently focused on protecting and enhancing the character and appearance of the city centre?*
- 9.2 *What is the rationale for deleting policies L37 (Lichfield Linear Park) and L49 (Framework Open Space)?*

**Matter 10 – Development Management, Uncertainties and Risks**

- 10.1 **Development Management:** *Should the Plan provide sufficient guidance to cover aspects of development management which are not explicitly covered in the LPS?*
- 10.2 **Uncertainties and Risks:** *Overall, does the Plan take sufficient account of uncertainties and risks? How flexible is it?*
- 10.3 **Monitoring:** *Are the monitoring arrangements soundly based?*

**Matter 11 – Site Allocations in the Plan**

- 11.1 *Are the Site Allocations in the Lichfield area (Sites L1-31) acceptable in terms of (a) environmental impact; (b) impact on the living conditions of existing and/or future residents; (c) whether a safe and acceptable vehicular access can be secured; (d) whether there is a willing land owner(s) for all the land concerned; and (e) any other relevant infrastructure, planning or viability constraints in addition to the Key Development Considerations already set out?*
- 11.2 *Are the Site Allocations in the Burntwood area (Sites B1-21) acceptable in terms of (a) environmental impact; (b) impact on the living conditions of existing and/or future residents; (c) whether a safe and acceptable vehicular access can be secured; (d) whether there is a willing land owner(s) for all the land concerned; and (e) any other relevant infrastructure, planning or viability constraints in addition to the Key Development Considerations already set out?*
- 11.3 *Are the Site Allocations in the remainder of the District (Sites NT1-2; R1; F1-2; A1-6; AH1; FZ2-3; GT1; S1; W2-3; H1; and OR1-8)) acceptable in terms of (a) environmental impact; (b) impact on the living conditions of*

*existing and/or future residents; (c) whether a safe and acceptable vehicular access can be secured; (d) whether there is a willing land owner(s) for all the land concerned; and (e) any other relevant infrastructure, planning or viability constraints in addition to the Key Development Considerations already set out?*

**Matter 12 – Are there any other issues of soundness which this Examination should cover?**

12.1 *Do any additional soundness issues, relevant to this Plan, arise from the newly published NPPF?*

12.2 *Are there any other soundness issues which this Examination should cover?*

*Mike Fox*

Planning Inspector

20 July 2018