

Lichfield District Local Plan 2040

Frequently Asked Questions

What is a local plan?

A local plan sets out where new homes, workplaces and other developments should be built to meet the area's future needs, while conserving an area's most valuable environmental assets. The local plan provides policies and guidance on how planning applications are determined.

What will the Lichfield District Local Plan 2040 do?

The Lichfield District Local Plan 2040 covers the District of Lichfield and will, when adopted:

- Provide the strategy for the use of land and buildings up to and beyond 2040
- Set out where future homes, employment areas and services should be located
- Set out how the historic and natural environments should be conserved and enhanced
- Guide decisions on planning applications

The local plan 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.

What have we done already?

The preparation of the local plan has been informed by:

- National policy and legislation
- Extensive evidence gathering and technical assessment
- Ongoing liaison with neighbouring authorities, statutory bodies and infrastructure providers
- Feedback gained through formal consultation

Three rounds of public consultation have already been undertaken in accordance with Regulation 18 of the Town and Country Planning (Local planning) (England) Regulations 2012 and the Localism Act 2011. These sought views and comments on:

- Preferred Options in late 2019
- Preferred Options and Policy Directions in early 2019
- Scope Issues and Options in Spring 2018

All consultations have been carried out in compliance with the council's Statement of Community Involvement and a summary of comments and main findings for each of the consultation stages can be found on our consultation portal at <https://lichfielddc-consult.objective.co.uk/portal/>.

I submitted comments during the preceding consultations. What was the outcome of those consultations, how have my comments been taken into account?

All comments at the previous stages have been processed and are available to view online at <https://lichfielddc-consult.objective.co.uk/portal/>. A summary of the representations from the previous consultations were reported to Cabinet and have informed this Regulation 19 version of the Local Plan 2040

What is being consulted on now?

We are inviting representations on the Publication version of the local plan in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This publication plan reflects amendments and updates made to meet the district's housing and employment need, as well as amendments to the policies that will be used to make decisions on planning applications in accordance with changes to legislation and as a result of previous Regulation 18 responses.

What does 'Regulation 19' mean?

Regulation 19 is part of the Town and Country Planning (Local planning) (England) Regulations 2012. It says that, before submitting a draft local plan to the government's Planning Inspectorate for independent examination, the council must publish a draft of the local plan and formally invite comments (known as representations) on it. This version of the local plan is known as the publication plan.

The regulations make clear that the council must inform and invite representations/comments, not just from consultation bodies like the Environment Agency, Natural England and Historic England, but also from residents and businesses in the area covered by the local plan. The Regulation 19 consultation presents the opportunity to comment on the content of the local plan, within a specific remit. The focus for this consultation relates to receiving representations on:

Legal Compliance – does the plan meet the legal requirements made under various statutes?

Soundness – has the plan been positively prepared, justified, effective, and consistent with national policy?

Meets the Duty to Cooperate – has the council engaged and worked effectively with neighbouring authorities and statutory bodies?

What is legal compliance?

If you are seeking to make representations on the way in which Lichfield District Council has prepared the local plan, then your comment is likely best submitted against the matter of legal compliance.

At examination, the Inspector will first check that the plan meets the legal requirements with which plan-making should accord as set out in legislation including:

- The Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local planning) (England) Regulations 2012
- The Localism Act (2011)

- The Neighbourhood Planning Act (2017)
- The Public Sector Equality Duty contained in section 149 of the Equality Act 2010
- European Directives and English Regulations where they are relevant to statutory environmental assessments such as Sustainability Appraisal and Habitats Regulations Assessment.

Comments relating to legal compliance must be specific, stating how and why they believe the plan is, or is not, legally compliant and support this with evidence and justification in the context of the legislation.

What is soundness?

The tests of soundness against which the plan will be assessed are set out at Paragraph 35 of the National Planning Policy Framework (NPPF). In determining whether the local plan meets these tests and can be considered to have been soundly prepared, the Inspector has to be satisfied that the plan has been:

- **Positively Prepared:** The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. This includes accommodating unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. Where an authority has not met development needs in full, a plan, supported by evidence, must justify why needs are not met and what steps were taken in seeking to meet them.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF. Comments relating to soundness must be specific in terms of how and why they believe the plan is, or is not, sound referencing the tests relevant to the comment. Comments must be supported by evidence and justification.

What is the Duty to Cooperate?

The requirements of the duty to cooperate (DtC) are set out in Section 110 of the Localism Act 2011 and Section 33A of the Planning and Compulsory Purchase Act 2004. In short, the legislation requires all Local planning authorities to demonstrate that they have had active and on-going cooperation with key bodies, such as neighbouring authorities and other statutory bodies on strategic matters, including infrastructure, housing and employment needs and flooding. Comments relating to the duty to cooperate must be specific in terms of how and why they believe the plan has, or has not met its duty, and support this with evidence and justification.

Where can I view the documents that are being consulted on?

The documents undergoing formal consultation are:

- The Lichfield District Local Plan 2040 (Regulation 19)
- Sustainability Appraisal (2021)
- Habitats Regulation Assessment (2021)
- Local Plan: Policies Map(s) 2021

In addition to these documents there is a large amount of supporting evidence which is published alongside the local plan. These do not form part of the statutory documents being consulted on, however, where relevant, evidence can be referenced in support of the comment(s) you are making.

The local plan Regulation 19 consultation documents and associated evidence base can be viewed on the council's website at: www.lichfielddc.gov.uk/localplan2040.

Hard copies of the local plan and associated documents are available on request by emailing developmentplans@lichfielddc.gov.uk or by calling 01543 308192.

Are there going to be any public events for the local plan?

We will be holding drop in sessions in Lichfield and Burntwood where members of the planning team will be available to talk to you. Further information on when and how these will be held in a Covid secure way will be made available online at www.lichfielddc.gov.uk/localplan2040 or by calling 01543 308192.

The potential for further drop in sessions will be kept under review subject to Covid restrictions and updated information on these will be provided at the link above.

We recognise that not everybody is able to attend an event or access the local plan online. To help with this, we have a designated phone number: 01543 308192 where you will be able to:

- Ask questions
- Request a paper copy of the local plan and representation form

How do I make my representations on the local plan?

Comments on the local plan must be made in writing. At this stage, representations must relate only matters of legal compliance, the 'tests of soundness' and compliance with the Duty to Cooperate. If possible, we encourage people to submit comments through the [online response form](#).

If you are unable to comment using the online system, the response form is available to download from our [website](#). This can be completed and sent via email to developmentplans@lichfielddc.gov.uk.

For those who cannot access a computer, paper copies of the response form are available on request by emailing developmentplans@lichfielddc.gov.uk or telephoning 01543 308192. Response forms can be sent by post to Spatial Policy & Delivery, Lichfield District Council, Frog Lane, Lichfield, WS14 9FJ.

Why do I have to give my personal details?

The council is unable to accept anonymous comments and for a comment to be formally accepted, a name and contact address (preferably e-mail) must be provided. If an agent or consultant has been engaged to act on your behalf, please fill in only your name then the agent's details in full. All correspondence will then be sent directly to the agent, unless otherwise specified clearly on the form.

In submitting comments to this consultation, we are required, under the Town and Country Planning (Local Planning) (England) Regulations 2012, to notify you when the independent examination will take place. We will use the contact details you have provided to do this. **Please note:** At the end of

the consultation period all comments will be made public and will be submitted to the Secretary of State along with the local plan and other relevant supporting documents.

It is important that the Inspector and all participants in the examination process are able to know who has given feedback on the plan. Therefore, all feedback received, including contact details, will be passed onto the Inspector. In addition, all comments will be made public on our website including the names of those who submitted them. All other personal information will remain confidential.

In line with General Data Protection Regulations (2018), your details are stored on a secure system and are used only for the purposes of consultation for the Local plan and associated documents. If you do not wish to receive further updates from the council in relation to the local plan once it has been adopted, please email developmentplans@lichfielddc.gov.uk. The council reserves the right not to publish or take into account any representations which are openly offensive or contain comments that do not accord with the Equalities Act 2010.

When does the representation period for the consultation begin and end?

The consultation period begins on 5th July 2021, **and comments should be received by 5pm on 30th August 2021**. Only those representations made within this period will be taken into account by the Inspector as part of the examination. Individual acknowledgement of receipt will not be possible.

What will happen to my comments or representations, once I have made them?

Representations received will be reviewed, made public on the council's website, and formally submitted with the local plan and other supporting documents to the government's Planning Inspectorate for independent examination.

What happens next?

Following consideration of your feedback and any amendments that are required, we will submit the local plan to the government for approval. A Planning Inspector will be appointed to consider the plan and comments from the consultation on behalf of the Secretary of State.

If you wish to take part in the hearing session(s) you must outline why you think this is necessary in your representations at this time. The Inspector will decide the most appropriate procedure to hear from members of the public who would like to participate in hearing(s). This may be in writing, or they may invite you to attend and speak at the hearing sessions.

It is vital that you express your wish to engage in the examination at this stage. Not doing so may mean that you do not have the ability to write to or speak at the hearings. You can always change your mind later but without indicating a potential wish now, there is no way for the Inspector, or their Programme Officer, to know to contact you.