The Planning Inspectorate

Report to Lichfield District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE LICHFIELD DISTRICT LOCAL PLAN: STRATEGY

Document submitted for examination on 22 March 2013

Examination hearings held between 24 June and 10 July 2013 and between 9 October and 17 October 2014

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Non-Technical Summary

This report concludes that the Lichfield District Local Plan: Strategy provides an appropriate basis for the planning of the District, as long as a number of modifications are made. Lichfield District Council has specifically requested me to recommend any modifications necessary to enable this plan to be adopted.

All of the necessary modifications were proposed by the Council.

The Main Modifications can be summarised as follows:

- That the Council will carry out an early review or partial review of the plan if further housing provision is needed to meet the needs of Birmingham or Tamworth. Alternatively, in the case of Tamworth, the need for further housing provision could be dealt with through the Lichfield District Local Plan: Allocations document (**MM1**);
- That the housing requirement is expressed as a minimum (**MM2**);
- That the role of the sites identified as having the greatest opportunity for wind energy development be clarified (**MM3**);
- That phasing restrictions be removed from the Strategic Development Allocations and the Broad Development Location identified in the plan (**MM4- MM8**);
- That the extent of the zone of influence of the Cannock Chase Special Area of Conservation be defined (**MM9**);
- That the end date of the plan be extended from 2028 to 2029 (**MM10**)**;**
- That the minimum housing requirement for the period 2008 – 2029 be increased to 10,030 dwellings (**MM11);**
- That additional Strategic Development Allocations at Cricket Lane, Deanslade Farm and Fradley East be identified (**MM12 – MM24**); and
- That Policy H2 be amended to bring it in line with nationally set thresholds (**MM25**).

Introduction

1. This report contains my assessment of the Lichfield District Local Plan: Strategy (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the proposed submission draft of the Plan dated July 2013.

3. My report deals with the main modifications that are needed to make the Plan sound and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. These main modifications are set out in the Appendix.

4. The Main Modifications that are necessary for soundness all relate either to matters that were discussed at the examination hearings or to changes in national policy which occurred after the hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation. I have taken account of the consultation responses in coming to my conclusions in this report.

Preamble

5. The hearings stage of the examination commenced in June 2013 and ran into July of that year after which, on 28 August 2014, I issued my interim findings on a number of matters[1]. Broadly speaking I endorsed the steps taken by the Council to discharge its duty to cooperate; I endorsed the Sustainability Appraisal as a reliable piece of evidence; and I endorsed the Strategic Development Allocations and Broad Development Location identified in the Plan. I was, however, concerned that the Plan did not make adequate provision for the objective assessment of housing need contained in its own evidence base. There was, in other words, a need to remedy a shortfall in housing land.

6. There followed a period in which the Council identified further sites to meet this shortfall, carried out further Sustainability Appraisal and undertook the necessary consultations on the resulting Main

[1] HD-64a. Inspector's Interim Findings.

Modifications. These consultations engendered a number of representations, many of which questioned the soundness of the Council's decision to take land out of Green Belt to meet its need for additional housing land. Consequently, the hearings were resumed in October 2014 to deal with such matters. These will be referred to as the resumed hearings. The earlier hearings will be called the initial hearings.

7. This report incorporates my interim findings either unchanged or, where either a review of existing evidence or new evidence dictates, in a modified form.

8. The Council's decision to endorse the Main Modifications was challenged at the High Court[2]. This challenge was dismissed as was an application to appeal against this decision.

Assessment of Duty to Cooperate

9. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.

Tamworth and Cannock

10. It was established at the initial hearings that the Council had agreed with Tamworth Borough Council[3] and with Cannock Chase District Council[4] that provision should be made in the Plan for agreed amounts of housing to meet the needs of those neighbouring councils. The joint level of housing provision for South Eastern Staffordshire has also been agreed with those councils[5].

11. By the time of the resumed hearings the situation in relation to Tamworth had moved on. Previously it was estimated that Tamworth's housing shortfall amounted to 1,000 dwellings, 500 of which would be located in Lichfield. Now it was estimated that the shortfall amounted to 2,000 dwellings and 14 ha of employment land. The Council has signed a Memorandum of Understanding[6] in which it and North Warwickshire District Council agree to deliver a proportion of the remaining 1,000 dwellings. It has, however, yet to be established how many of the 1,000 additional houses will be located in Lichfield. The Council proposes to deal with this by way of **MM1** which includes a reference to Lichfield accommodating some of Tamworth's growth which, depending on the scale of that growth, would be done either through an early review or partial review of the Plan or through the *Lichfield District Local Plan: Allocations* document which the Council intends to prepare.

[2] CD5-26. I M properties v Lichfield District Council
[3] CD3-1. Memorandum of Understanding: Meeting Tamworth's Housing Needs.
[4] CD3-2. Memorandum of Understanding: Meeting the Needs of SE Staffordshire.
[5] CD3-4. Meeting Development Needs in SE Staffordshire 2006-2028.
[6] CD5-31. Memorandum of Understanding relating to the delivery of unmet growth arising from Tamworth.

12. I consider this to be the best way forward. I see no merit in the suggestion that Tamworth's housing shortfall should be met entirely within the Tamworth, Cannock, Lichfield Housing Market Area - which in practice would mean entirely within Lichfield - because this was the area used when calculating housing requirements. This ignores both the undisputed links that exist between North Warwickshire and Tamworth and the fact that North Warwickshire has agreed to take a proportion of Tamworth's housing needs.

13. It is true that meeting Tamworth's needs could involve the scale of development in Lichfield that would typically be regarded as a strategic matter to be dealt with in the Plan itself. However, the Council has been placed in the position of having to react, very late in the plan making process, to a major change in circumstances not of its own making. **MM1** is a pragmatic way of introducing sufficient flexibility into the Plan to achieve this end.

East Staffordshire

14. It was confirmed at the initial hearings[7] that there is no need for the Council to make provision for any of East Staffordshire Borough Council's housing or employment needs or vice versa.

15. This is relevant to a proposal put forward by representors known as the Brookhay Villages and Twin Rivers Park, a scheme that straddles the boundary between the two council areas. This scheme does not feature either in the Plan or in the emerging local plan for East Staffordshire but both councils acknowledge that it is a strategic matter of importance that warrants further investigation to better understand its deliverability and potential benefits - particularly in providing for Birmingham City Council's housing needs[8].

16. Although a further Memorandum of Understanding between the two councils had been signed by the time of the resumed hearings[9] there was no suggestion at those hearings that this altered matters significantly as far as the Plan is concerned.

Birmingham

17. At the initial hearings it was established that evidence that Birmingham might not be able to meet its own housing needs had emerged relatively late in the preparation of the Plan. Consequently the Council put forward a main modification (**MM1**) which recognised this and proposed collaborative working with Birmingham and other authorities within the Greater Birmingham and Solihull Local Enterprise Partnership to establish the scale of any shortfall and where it should be met. If this work pointed to a need for further provision of housing in Lichfield then the Plan would be reviewed.

[7] CD5-9. Statement of Common Ground with East Staffordshire Borough Council.
[8] CD5-10. Memorandum of Understanding with East Staffordshire Borough Council.
[9] CD5-30. Memorandum of Understanding. East Staffordshire Borough Council and Lichfield District Council.

18. By the time of the resumed hearings it had been confirmed that there will be a shortfall in housing supply across the area covered by the Greater Birmingham and Solihull Local Enterprise Partnership (the LEP) much of which will derive from Birmingham's inability to meet its own needs for housing. It had also become apparent that the LEP Joint Housing Study and the LEP Strategic Spatial Plan will play an important role in determining how much housing growth individual authorities such as Lichfield will take in the future to help make up the shortfall[10]. However, at the time of the resumed hearings work on these was not advanced enough to say with any certainty how much growth Lichfield would need to accommodate.

19. The question was raised at the resumed hearings as to how **MM1**, which effectively defers consideration of how this shortfall will be dealt with to a review or partial review of the Plan, would work in practice or indeed whether it would work. The point was made that these LEP documents will not be the subject of formal scrutiny or testing and that the Council will not be obliged to take the findings and policies of these documents into account. These points are undoubtedly true but that was the intention of the legislation which removed a regional planning system which involved the imposition on councils of housing numbers from above and replaced it with the duty to cooperate.

20. Moreover, there will be a strong incentive for the Council to review the Plan once the size of the shortfall and the manner in which it will be distributed has been established. A failure to carry out such a review would conflict with **MM1** and could be argued to render the housing policies in the Plan out of date. The weight that could be given to these policies would, therefore, be greatly reduced and the Council would find it more difficult to rely on them when making decisions on applications for planning permission.

21. If, on the other hand, the Council did carry out a review in accordance with **MM1** it would be required to cooperate with the LEP and have regard to its relevant findings and policies[11]. The question of whether or not it had discharged its duty to cooperate with the LEP would, of course, be tested at the examination into the soundness of the reviewed plan. It is in this context that statements reported in the press by a leading Lichfield councillor - the gist of which was that the Council would resist any land grab attempts from outside the area - need to be construed.

22. The Council and its neighbours are at the early stages of an ongoing and complex process and I do not seek to underestimate the procedural, technical and political challenges they will have to surmount. Nonetheless they have made a constructive start to tackling the cross-boundary issue of how large the housing shortfall over the wider housing

[10] CD5-28. Duty to Cooperate Statement between Lichfield District Council and Birmingham City Council.
[11] Practice Guidance. Duty to Cooperate. Paragraph 6.

market area will be and how it should be distributed. The efforts they have made go well beyond consultation and amount to more than a mere agreement to agree. **MM1** commits the Council to an early review of the Plan if there is a need for further housing.

23. That being so I do not consider it necessary to specify a time by which this review will take place nor do I consider that there is a need, as was suggested at the resumed hearings, to start afresh and prepare a new plan once the amount of the shortfall in housing provision which will be accommodated in Lichfield has been established.

Walsall

24. Walsall Metropolitan Borough Council raises no objection to the housing numbers in the Plan but is concerned that there is no explicit policy reference in the Plan to not undermining regeneration in neighbouring areas. However, at paragraph 9.6 of the supporting text, the Plan does include a reference to this effect and little would be achieved by incorporating this into policy.

Transportation and Infrastructure Provision

25. Even allowing for efforts to reduce the need to travel, the planned growth in housing and employment in the District is likely to lead to an increase in out commuting. If this is to be accommodated then improvements to the road network and to public transport provision will be needed.

26. The Council has cooperated with all the bodies responsible for highways and transportation provision in and beyond its area such as Staffordshire County Council, the Highways Agency, Centro and Network Rail. None of these bodies have raised concern that the housing and employment policies in the Plan are out of step with or compromise their strategies. Moreover these bodies are working with the Council to provide a range of highway and transportation improvements as set out in Core Policy 5 of the Plan.

27. While it is suggested by representors that more should have been done, particularly in improving rail links to Birmingham, it is difficult to see what else the Council could realistically have achieved.

Conclusions

28. The Plan contains proposals to help the housing needs of neighbouring councils at Tamworth and Cannock Chase. However, mindful of the fact that cooperation should be a continuous process of engagement from initial thinking through to implementation[12] the Council has reacted constructively to information that emerged shortly before and during the hearings. This information indicated that Birmingham would not be able to meet its own housing needs and that Tamworth would require more assistance to meet its housing needs. In essence it has, in cooperation with these neighbours, devised an arrangement whereby an early review

[12] National Planning Policy Framework. Paragraph 181.

or partial review of the Plan will be carried out if it transpires that further housing provision needs to be made in Lichfield District.

29. On the basis of this evidence I consider that it is reasonable to conclude that the Council has cooperated constructively, actively and on an ongoing basis with relevant bodies on the strategic matters of housing and transportation and in so doing has maximised the effectiveness of the plan making process. It has thus discharged its duty under the Planning and Compulsory Purchase Order Act 2004.

Assessment of Soundness

Main Issues

30. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 12 main issues upon which the soundness of the Plan depends.

Issue 1: Housing

The Evidence Base

31. The Plan seeks to deliver 8,700 homes between 2008 and 2028 at a rate of 435 dwellings per annum (dpa). These figures are derived from the *Housing Needs Study*[13] prepared jointly with Tamworth Borough and Cannock Chase District Council. This study, based on the 2008 Communities and Local Government (CLG) household projections, examined twelve demographic and employment led scenarios which in turn generated a broad range of housing demand of between 76 dpa and 630 dpa for Lichfield District over the plan period. This range was ultimately narrowed down to between 410 and 450 dpa.

32. With the publication of the 2011 CLG household projections the Council produced a *Housing Requirements Update* which concluded that the range of 410-450 dpa remained within an acceptable margin of tolerance despite changes to the growth forecasts[14]. A significant change between the 2008 and 2011 projections is that household representation rates (the factor used to convert population into households) are lower in the latter, reflecting the fact that people are less likely to form households in poor economic times. When account is taken of this a figure of 430 dpa is arrived at[15].

33. The Council also produced a *Migration Scenario Addendum* which on the basis of the most recent migration trends gives a range of 379-393 dpa, figures which the Council concludes lend further weight towards justifying a figure towards the mid-point of 410 to 450 dpa range[16].

[13] CD2-20. Southern Staffordshire Housing Needs Study & SHMA Update.
[14] CD5-5. Lichfield, Tamworth and Cannock Chase Housing Requirement Update paragraph 4.17.
[15] SQ-M2ii-LA1. Supplementary Questions (ii) Table 6.4.
[16] CD5-5a. Addendum. Paragraph 3.2.

34. The *Housing Needs Study* and its associated documents were subjected to detailed demographic and statistical scrutiny - particularly by those arguing for a lower housing figure than proposed in the Plan – with matters such as migration rates, household representation rates, the inherent model volatility when dealing with small areas and the accuracy of iterative models as the length of projection increases, all being thoroughly canvassed.

35. At the initial hearings, however, it was accepted that detailed arguments about such matters would achieve little because in any forecast housing requirement, as opposed to a housing projection, policy considerations such as the need to boost significantly the supply of housing land[17] would be the dominant factor.

36. I regard this as a sensible approach. Certainly when it came to the detailed arithmetical points that were pressed at the initial hearings there was little to indicate that these would significantly affect the housing figures in the Plan. For example, I saw no compelling evidence to indicate that in its Employment Land Review[18] the Council had overstated employment growth (a matter related to housing growth) because it had double counted inward migration[19].

37. Similarly, while it was accepted that the proportion of the 75+ age group who would live in institutional accommodation as opposed to in general housing was difficult to model, this would not be likely to have a significant effect on household forecasts in the early years of the Plan. If it were to become significant in later years this could be dealt with through a review of the Plan.

38. One further methodological point that needs to be dealt with is that while the Housing Needs Study covers South Eastern Staffordshire (Cannock Chase, Lichfield and Tamworth), it does not include Birmingham - with which Lichfield District has strong migratory links. However, I do not regard this as a fundamental criticism.

39. The Council prepared its Housing Needs Study with Cannock Chase and Tamworth not only because it had strong migratory links with them but also because it was expected to assist them in providing for their housing needs. As has been established when discussing the duty to cooperate, it only became apparent late in the day that there might be a need to assist Birmingham in meeting its housing needs and, if this turns out to be the case, the plan will be reviewed. I regard this as a pragmatic response to a developing situation and do not regard the *Housing Needs Study* as fundamentally flawed because it does not cover Birmingham.

40. Overall I am satisfied that the Housing Need Study is a robust piece of evidence and that the broad range of housing figures it identifies provides

[17] National Planning Policy Framework. Paragraph 47.
[18] CD2-32. Employment Land Review.
[19] HD48 Employment. This note contains the Council's response on this point.

an appropriate basis for determining the objective assessment of housing need. This was generally accepted at the initial hearings. That said, there were those who argued that the housing figures should be lower or higher than those proposed in the Plan. I will deal with these in turn.

Lower Housing Figures

41. Those who argued for lower housing figures mention the importance of not derailing the regeneration agenda in Birmingham and the Black Country. They also referred to the increase in out commuting that would accompany housing growth in Lichfield District and the adverse consequences of this. They drew attention to the effect of the 2011 CLG household projections[20] and lower migration trends[21].

42. To my mind, however, while such factors may point to a figure towards the middle or lower end of the range of between 410 to 450 dpa ultimately selected in the Housing Needs Study, they do not provide evidence for a figure below that proposed in the Plan.

43. There are three reasons for this. Firstly, selecting a figure below that range would be to fly in the face of the policy of boosting significantly the supply of housing land, an aim that, as has already been established, should be a dominant consideration in any forecast housing requirement.

44. Secondly, although the household representation rates in the 2011 CLG household projections are lower than those in the 2008 projections, this is, at least in part, a result of poor economic conditions that the latter projection took account of. However, over the longer term household representation rates have been rising. I see no compelling reason, therefore, to depart from the Council's assumption that beyond 2021 (the end of the period covered by the 2011 projection) household representation rates will resume their long term rise.

45. Thirdly, in migration is the key driver of population growth and hence household growth in Lichfield District. There is limited evidence to suggest that migration levels over the Plan period will fall significantly below past levels. Indeed the emerging evidence that Birmingham may not be able to accommodate its housing needs within its own borders gives credence to the argument that past in migration rates are likely to continue.

46. It is also the case that Lichfield District is and will remain an attractive place to live for local people and in migrants. In such a situation there would need to be strong evidence for abandoning long term migration rates with all of the implications this could have in terms of people who want a house not being able to afford one. No such strong evidence has been put forward.

[20] CD5-5. Lichfield, Tamworth and Cannock Chase Housing Requirement Update.
[21] CD5-5a. Addendum.

47. For these reasons I do not consider the housing figures in the Plan should be reduced.

Higher Housing Figures

48. The reason put forward most strongly by representors arguing for increased housing numbers relates to the question of how the Plan deals with cross boundary provision. Briefly the argument put is as follows. The Plan seeks to deliver 8,700 homes over the period 2008-2028 (435 dpa) and on the face of it these figures sit within the 410-450 dpa range identified in the Housing Needs Study, a range that amounts to 8,200 – 9,000 dwellings over the plan period.

49. However, the 8,700 dwellings referred to in the Plan includes 1,000 dwellings to meet the needs of Tamworth and Cannock Chase Councils and when this figure is taken out, the Plan only provides 7,700 dwellings to meet the needs of Lichfield District (385 dpa) over the plan period – a figure that is below the range set out in the Housing Needs Study.

50. At the initial hearings the Council accepted that the 410-450 dpa range in the Housing Needs Study did not include the 1,000 dwellings for Tamworth and Cannock Chase so it was indeed proposing a lower housing figure for Lichfield District than its own evidence indicated was needed. However, it considered that the important figure to look at was the 903 dpa for South Eastern Staffordshire as a whole (ie including Cannock Chase and Tamworth) and that this figure would be achieved.

51. I do not accept this approach. While the Council has quite correctly cooperated with its neighbours in preparing its evidence base, while it has signed memoranda of understanding with them relating to the delivery of housing and while Cannock Chase and Tamworth have each submitted local plans (the latter having been withdrawn) – the fact remains that the Council is not preparing a joint plan with its neighbours.

52. To rely on the figure of 903 dpa would be to rely on those other councils being able to deliver their share of overall housing provision. This is something that has not been tested and on which I have very limited evidence to formulate a view, even if it were appropriate for me to do so.

53. Given that there was no significant evidence at the initial hearings to dispute the soundness of the figure of 1,000 dwellings to meet the needs of Cannock Chase and Tamworth (although such evidence emerged subsequently - see paragraph 11 above) I consider that the figure which needs to be scrutinised is the 7,700 dwellings (385 dpa) proposed in the Plan to meet the needs of Lichfield District. This figure is below the Council's own objective assessment of housing need (410-450 dpa) set out in its housing needs assessment and the Council put forward no substantial reasons at the initial hearings as to why this should be.

54. There were those who argued that the housing figures in the Plan should be increased to 601 dpa, a figure derived from the forecast jobs growth

scenario (Scenario F) in the *Housing Needs Study*. While such a figure would have the advantage of providing more affordable housing, for which there is an unquestioned need, there is insufficient evidence to indicate that such a high annual rate of housing could actually be delivered over the plan period.

55. While 601 dpa has been achieved on three occasions over the last 11 years and while the housing trajectory in the Plan anticipates figures in excess of this at times during the life of the Plan, it remains the case that achieving such a figure consistently over the plan period would require something in the order of a 40% increase in average net annual completions[22].

56. I do not consider a figure of over 600 dpa to be provided consistently over the entire 20 year period of the Plan would be deliverable when this has not in the past been consistently achieved even during the boom years of construction. It would be well in excess of the long term average net annual completion rate. Plans are expected to be aspirational but they are also expected to be realistic[23]. I do not consider such a high figure would be realistic.

57. Other representors argued that the figure of 430 dpa produced by the Council[24] would be more appropriate. I agree. This figure is soundly based in that it takes on board the most recent household representation rates referred to above but is also aspirational in that for the later years of the Plan those rates will rise as the economy improves.

58. Raising the annual house building for Lichfield District from 385 dpa as proposed in the Plan to 430 dpa would involve an additional 45 dpa which over the 20 year plan period would amount to an additional 900 dwellings. The 7,700 dwellings proposed in the Plan to meet Lichfield District's needs would, therefore need to be increased to 8,600 dwellings. When the 1,000 dwellings to meet Tamworth and Cannock Chase's needs are added in this gives a figure of 9,600 dwellings[25]. Given the need to boost significantly the supply of housing land and given that the argument has not been made that factors such as Green Belt restrict the ability of the District to meet its objectively assessed need, this figure should be expressed as a minimum as is proposed in **MM2.**

59. At the time of the initial hearings it was thought that there was a reasonable prospect that the Plan would be adopted in 2014. In order to give the Plan a fifteen year life the Council proposed, through **MM10** and **MM11**, to extend its end date from 2028 to 2029 and to increase the housing requirement over the period 2008 – 2029 to 10,030 dwellings.

[22] HD17. Matter 2 Housing Numbers. Paragraphs 4.5 & 4.8.
[23] National Planning Policy Framework. Paragraph 154.
[24] SQ-M2ii-LA1. Supplementary Questions (ii) Table 6.4.
[25] While the need to provide housing to meet Tamworth's needs has increased the provision of this has been deferred to a review or partial review of the Plan and does not, therefore alter the housing requirement in this version of the Plan.

In the event, for reasons beyond the Council's control, such as the High Court challenge referred to in paragraph 8, the Plan will not be adopted before 2015 and it was suggested that the end date should be extended again. I do not agree. This would cause further delay to the adoption of the Plan while consultation on such a change took place and the Framework simply says a fifteen year time horizon is preferable, it does not say it is essential.

Conclusions on Housing Numbers

60. I conclude that the Plan is not justified, and hence unsound, in that it does not make adequate provision for the objective assessment of housing need contained in its own evidence base. This unsoundness would be remedied by making the changes set out in **MM2**, **MM10** and **MM11**.

Issue 2: Sustainability Appraisal

Background

61. Although the Sustainability Appraisal is not the only piece of evidence underpinning the selection of the spatial strategy and the sites allocated in the Plan, it is the document that attracted the most comment, much of it highly detailed, at both sets of hearings. I will, therefore, deal with these comments before considering the appropriateness of the strategy. I made it clear at both sets of hearings that while it is not my role to comment on the legality of the Sustainability Appraisal it is necessary to establish whether it is a reliable piece of evidence. On neither occasion was the correctness of this approach challenged.

62. In formulating its preferred spatial strategy the Council, through the Sustainability Appraisal and its precursor documents[26], considered various ways of distributing differing levels of growth throughout the District. Early work included an assessment of four initial spatial options (town focussed development, town and key rural village focussed development, dispersed development and a new settlement option) together with an examination of several different directions of growth around Lichfield and Burntwood as well as consideration of the sustainability of rural settlements and cross boundary issues at Tamworth and Rugeley.

63. Later work involved the consideration of four alternative spatial strategies, these being various versions of the Fradley West option, the New Village option (north east of Lichfield) and the JVH option (which involved a range of sites throughout the District) together with the Brookhay Villages and Twin Rivers Park which emerged at an advanced stage in the plan making process. Consideration was also given to

[26]CD1-8. Sustainability Appraisal Proposed Submission Local Plan Strategy (Updated); CD1-10 Sustainability Appraisal Proposed Submission Local Plan Strategy; CD1-14 Interim Sustainability Addendum; CD1-17 Sustainability Appraisal: Shaping Our District; CD 1-19 Interim Core Strategy Sustainability Assessment; and, CD1-23 Scoping Report for the Sustainability Appraisal.

various combinations of sites which could deliver ten alternative Housing Growth Scenarios derived from the Housing Needs Study[27].

64. Finally the Council appraised a number of sites and a number of combinations of sites (strategic options) in order to determine its preferred approach to meeting the identified housing shortfall[28]. In carrying out this appraisal the Council imposed an information guillotine of 10 July 2013 after which developers could not submit more information in relation to their schemes. I supported the Council's decision to impose this guillotine because I was concerned that it would not be able to complete its appraisal if the nature and extent of these sites continued to change as they had done in the past. However, at the resumed hearings I did allow evidence produced after the guillotine to be introduced and I have taken such evidence into account.

65. A number of criticisms of the Sustainability Appraisal were made at both the initial and resumed hearings. I will deal firstly with the main criticisms of the Sustainability Appraisal that were made at the initial hearings.

Congestion and Greenhouse Gas Emissions

66. The suggestion was made that the Sustainability Appraisal failed to identify, describe and evaluate the effects of cross boundary commuting in terms of increased congestion and greenhouse gas emissions. This is not the case. One of the objectives of the Sustainability Appraisal is to improve the availability of sustainable transport options to jobs and services and detailed targets and criteria have been devised to enable alternative strategies and sites to be assessed in this respect[29].

67. The results of this exercise have fed through into policies in the Plan such as Policy CP7 which seeks to balance housing and job provision and Policies CP5 and ST1 which seek to achieve sustainable transport. While it is always possible to suggest ways in which evidence could be elaborated on and improved, the Sustainability Appraisal deals with the matter of congestion and greenhouse gas emissions in a proportionate manner.

Lower Housing Figure

68. As has already been established there is little evidence to suggest that the split between elderly residents living in institutions rather than households will have a significant effect on housing need in the early years of the Plan. A wide range of housing numbers were tested through the Sustainability Appraisal and there is no pressing need for a lower housing figure based on this consideration to have been specifically assessed.

[27] CD1-8 Sustainability Appraisal Update; page 123.
[28] CD 1-8a Sustainability Appraisal Submission Local Plan Strategy (including EiP Modifications).
[29] CD1-8 Sustainability Appraisal Update; Sustainability Objective G page 71.

Flexible Housing Target

69. It was suggested that a flexible housing target, one that increased towards the latter part of the Plan as the economy came out of recession, should have been appraised. However, this ignores the fact that housing growth is seen by the Government as a main driver in boosting the economy. A housing target which followed rather than helped drive the economy would be inconsistent with this approach.

Tamworth and Rugeley

70. There is an undisputed need for more lower priced housing in the District. The suggestion was made that the option of accelerating housing provision on land adjoining Tamworth and Rugeley (where house prices are lower and where there is a prospect of improving rail services) should have been assessed. However, there is little to suggest that such an option would indeed have delivered a sufficient supply of housing early in the plan period or that it would necessarily result in cheaper housing. This was not an option, therefore, that the Council was bound to assess.

Mandatory Review

71. It would have been possible to include a requirement for a mandatory review of the Plan triggered, for example, by a failure to deliver a critical piece of infrastructure or by housing and employment provision getting significantly out of step. However, there is no requirement that a plan should contain such a review.

72. In this instance the Plan would be monitored annually and this could trigger a review of the Plan. Moreover, it is acknowledged in the Plan that a review may be necessary to meet Birmingham or Tamworth's housing needs. In these circumstances the Council was not bound to appraise the option of incorporating such a mandatory review in the Plan.

Lack of Change in the Plan

73. It is difficult to substantiate the charge made at the initial hearings that the Plan has not changed as a result of the Sustainability Appraisal. The Plan has been in preparation since 2006 while the first document in the process of sustainability appraisal was produced in 2007[30]. Over that period the strategy in the Plan has clearly changed and evolved and there is no reason to doubt that the Sustainability Appraisal has played a part in this.

Errors and Inaccuracies

74. The Sustainability Appraisal has been prepared over a long period, its scope is broad and its methodology complex. Some errors and inaccuracies have, therefore, inevitably crept in. However, there is no evidence[31] to suggest that these amount to major flaws that significantly undermine the reliability of the Sustainability Appraisal.

Not all alternative sites assessed

[30] CD1-23 Scoping Report for the Sustainability Appraisal 2007.
[31] SQ-M3ii-LDC1 contains the Council's response on this matter.

75. Although the Sustainability Appraisal assesses a range of alternative sites that have been put forward it is criticised for not assessing every individual site suggested. However, I do not consider that there is an obligation on the Council to assess in detail every individual site put forward particularly if these sites are included within the scope of a more general option that has been assessed - such as, for example, the broad direction of growth south of Lichfield.

Equal Appraisal of Options: Relationship between Table A1 and Table F1

76. In Table F1 the Brookhay Villages alternative is assessed against a range of Sustainability Objectives including objectives G (Sustainable Transport) and I (Mixed and Balanced Communities). The Local Plan Spatial Strategy and all other options and alternatives are assessed against the same range of Sustainability Objectives (Table A1) but objectives G and I are divided into economic and social sub categories (G-Ec, G-Soc, I-Ec and I-Soc). This inconsistency, it was argued, throws doubt on whether all alternatives have been afforded an equal examination.

77. Although the basis for this sub division is not fully explained in the Sustainability Appraisal, the Council has subsequently confirmed which of the detailed criteria relating to these Sustainability Objectives are deemed to be economic and which social[32]. On that basis it is clear that when appraising the Brookhay Villages Alternative, account was taken of both the economic and social aspects of Sustainability Objectives G and I[33]. The various alternatives have, therefore, been equally appraised.

78. That said it would, as the Council acknowledged at the initial hearings, have been much better if the assessment of all alternatives had been presented in a consistent manner and if the economic and social sub categories had been clearly defined. This was done in the subsequent version of the Sustainability Appraisal[34] (CD1-8a) in which alternative ways of meeting the identified housing shortfall were assessed.

Not all options assessed in the same level of detail

79. It was suggested that not all options have been assessed in the same level of detail with Brookhay Villages, unlike other options, having a separate table (Table F1) devoted solely to it. To my mind this is largely a matter of presentation, probably prompted by the fact that Brookhay Villages was a late comer to the process and was thus appraised separately. The important point is that, as has already been established, all options have been appraised against the same Sustainability Objectives and the same Appraisal Framework[35] has been applied to each option. Consequently, while the amount of commentary may vary

[32] HD56. Joint Hearing Notes BDW/LDC. Paragraphs 7(b) and (c), page 5 and paragraph 2, page 7.
[33] HD56. Joint Hearing Notes BDW/LDC. Paragraphs 2a-2d, pages 4 and 5.
[34] CD1-8a. Sustainability Appraisal: Submission Local Plan Strategy (including EIP Modifications)
[35] CD1-8 Sustainability Appraisal Update. Table 11.2, page 96.

between options, I am satisfied that they have been assessed in the same level of detail.

Individual sites in the Council's chosen strategy not assessed separately

80. It was suggested that the individual sites proposed by the Council were not assessed separately in the Sustainability Appraisal but rather the overall strategy proposed was assessed as a whole. The point has been made that this makes it difficult to compare the proposed new village at north east Lichfield to individual sites forming part of the Council's strategy.

81. In fact assessments of the individual sites and groups of sites selected by the Council are contained in the Sustainability Appraisal[36]. It is true that Table A1 compares the Council's chosen strategy as a whole with various options including the new village at north east Lichfield, but this is a legitimate approach as that new village was being promoted as an alternative to the Council's strategy as a whole.

Need to Assess all Housing Growth Scenarios

82. The Sustainability Appraisal does not assess all of the Housing Growth Scenarios identified in the Housing Needs Study. In particular it does not assess the two economic growth scenarios (F and G) which gave the highest housing figures.

83. However, while the Housing Needs Study identified a broad range of housing requirements (a range of between 76 and 630 dpa) which included these two scenarios - it also, quite legitimately sought to refine that range. In so doing it excluded 'outliers' such as Housing Growth Scenarios F and G which produced housing requirements that were inconsistent with the majority of other scenarios which clustered around the 400-460 dpa range. This is a reasonable approach.

Resumed Hearing Sessions

84. The following criticisms of the Sustainability Appraisal were made at the resumed hearing sessions.

Lack of a scoring system

85. While a scoring system is used in parts of the Sustainability Appraisal such a system is not used in the part of the report which considers strategic options as it was considered that this could be misleading[37]. This is an acceptable approach. There is no absolute requirement to use a scoring system and in this instance a summary of the findings relating to each option is given.

Green Belt

86. It was suggested that no account was taken in the Sustainability Appraisal of the fact that Deanslade Farm and Cricket Lane are in the Green Belt. This is true in one sense in that the Sustainability Appraisal

[36] CD1-8. Sustainability Appraisal Update. Tables 16.1 to 20.1.
[37] CD1-8a. Paragraph A12. Page 241.

is intended to be policy neutral so it is understandable that sites are not specifically assessed in Green Belt terms.

87. However, sites are assessed in terms of criteria such as whether they will promote and maintain attractive and diverse landscape, whether they will improve areas of lower quality landscape, whether they protect diverse and locally distinctive settlement and townscape character and whether they safeguard historic views and valuable skylines[38]. In effect such an assessment includes considering the sites in terms of the effect that their development would have on the purposes of including land in Green Belt. Moreover, the fact that these sites are in Green Belt, and the implications of this, are discussed in some detail in the Sustainability Appraisal[39]. I do not, therefore, consider that this criticism of the Sustainability Appraisal is justified.

Errors and Inaccuracies

88. It was suggested the Sustainability Appraisal contained major errors and inaccuracies which had been perpetuated despite them having been pointed out to the Council. The example given at the resumed hearing sessions was biodiversity where it was said that, when considering the Brookhay Villages site, it was wrongly stated that there were sites of significant biodiversity value and Ancient Woodland within the site. However, the relevant section of the Sustainability Appraisal[40] simply says that the site is close to Ancient Woodland. Similarly it was said that the Sustainability Appraisal does not acknowledge that mineral extraction will take place on the site. In fact it does refer to this both in the context of the loss of open countryside and in the context of archaeology[41].

89. Finally it was suggested that the site could have no effect on the River Mease Special Conservation Area. While this may be the case, the Council confirmed at the resumed hearings that the Environment Agency had raised concerns about poor water quality in that area, among others, and in the absence of other information at the time it was concluded that a further assessment would need to be undertaken. I do not, therefore, consider that, on the basis of the information available to it, the Sustainability Appraisal contains major errors and inaccuracies in this respect.

Inconsistent Judgements

90. The site at Brookhay Villages is described in the Sustainability Appraisal as having a high HECA (Historic Environment Character Assessment) score and so its development would involve the loss of an historic landscape[42]. The sites at Deanslade Farm and Cricket Lane, on the other

[38] CD1-8a. Table 10.2. Page 69.
[39] CD1-8a. Paragraphs 11.105 – 11.110. Page 97.
[40] CD1-8a. Table A19. Page 237.
[41] CD1-8a. Table A19. Page 237.
[42] CD1-8a. Table A19. Page 237.

hand, are described as being positive for landscape[43]. This is said to show inconsistent judgement.

91. To deal with this matter it is necessary to look in more detail at the Sustainability Appraisal. The first point to make is that in assessing the ability of a site or sites to meet the objective of maintaining and enhancing landscape and townscape quality a composite judgement has to be made involving seven detailed criteria[44] of which the HECA score is only one aspect.

92. The second point to make is that the HECA zone in which both Cricket Lane and Deanslade Farm are located is described as being '… *one that is predominantly 20th century in nature*…' where '*medium or large scale development is unlikely to have a significant impact upon the historic environment assets of the zone*….'[45]. Moreover the sites at Cricket Lane and Deanslade Farm are not within the settings of the two most significant historical assets in the vicinity (the Scheduled Monument and the Conservation Area at Wall) and so would not adversely affect these. The same considerations do not apply to the HECA zone in which the Brookhay Villages proposal is located.

93. The third point to make is that the sites at Cricket Lane and Deanslade Farm also offer benefits such as providing a District Park and the provision of a section of canal. With these points in mind I see no obvious inconsistency in the judgements made in the Sustainability Appraisal about the relative merits of these sites in terms of their ability to maintain and enhance landscape and townscape quality.

Changing Circumstances

94. Undoubtedly circumstances have changed since the Sustainability Appraisal was prepared. So, for example while the Highways Agency previously took the view that the junction which lies between the site at Fradley West and the A38 needed further assessment in terms of its capacity and safety, it subsequently took the view that there were no highway issues that could not be resolved.

95. However, while this change in stance by the Highways Authority - had it been known about when the Sustainability Appraisal was prepared - would have reduced the assessed impact of developing the site on the A38, it would not have increased the ability of the site to reduce trips by car, or to provide increased opportunities for walking or cycling or to provide access to new development for those without a car. Nor would it have altered the fact that the development of this or any other site which will increase the numbers of cars on the road inevitably attracts a negative highway safety score. I do not consider, therefore, that the change in the stance that the Highway's Agency takes to this particular junction need necessarily lead to a significant change in the overall

[43] CD1-8a. Tables A2 & A3. Pages 227 & 228.
[44] CD1-8a. Table 10.2. Page 69.
[45] CD2-67. Historic Environment Character Assessment. Appendix 3. Pages 21 -23.

assessment of the site at Fradley West's ability to meet the broad objective of improving the availability of sustainable transport options to jobs and services.

96. It is also the case that since the preparation of the Sustainability Appraisal the Fradley Junction Conservation Area has been extended. However, I see no reason why this should lead to any change in the assessment of the Fradley West site. That site remains part of the setting of the Conservation Area and should be assessed accordingly.

New Information

97. As has already been established earlier in this report (see paragraphs 64) the Council imposed an information guillotine when assessing the additional sites needed to make up for the shortfall in housing provision. This meant that, for example, the information submitted in support of an outline planning application, for which planning permission was refused, for 750 dwellings off Watery Lane[46] was not taken into account.

98. However, I have taken account of this information in preparing this report; I have also taken account of the fact that planning permission has been granted on appeal[47] for housing on a site adjacent to the Watery Lane site; and I have taken account of the fact that although the Watery Lane land forms part of the site of the proposed new settlement to the north east of Lichfield, the 750 house scheme is now being promoted as being independent of that new settlement.

99. It was suggested that this information indicates that the Sustainability Appraisal treats the site at Watery Lane in an unfair and unequal way particularly in relation to its transportation credentials. However, no detailed evidence to support this point was drawn to my attention at the resumed hearings. Broadly speaking, the Sustainability Appraisal does not indicate that the Watery Lane site is unsustainable but rather that it is less sustainable than the sites selected by the Council. I see no reason to dispute this judgement.

Conclusions on Sustainability Appraisal

100. The purpose of the Sustainability Appraisal is to provide a reasonably consistent analysis of the sustainability credentials of alternative sites and the likely impacts of development upon them. I am satisfied that the Sustainability Appraisal assesses a range of alternative sites and groups of sites in an equal manner and on a like for like basis and that this purpose is achieved.

101. Not everyone agrees with the findings of the Sustainability Appraisal but, having examined the minutiae of that document at some length, I am of the opinion that such disagreement comes down to honest differences in planning judgement. I consider that there is a reasonable basis for the planning judgements the Council has made and see no support for the

[46] Ref: 14/00057/OUTMEI.
[47] Ref: APP/K3415/A/14/2216143

suggestion that the Council has used the Sustainability Appraisal to bolster predetermined decisions.

102. The Sustainability Appraisal is not a simple document. The commonest criticism of it is that it is hard to understand. There is some truth in this. Indeed the Council was itself hard pressed at times to explain the intricacies of the Sustainability Appraisal and only did so by way of additional explanatory notes - although to be fair it needed to do so only when the document was subjected to forensic examination. However, a document of this scope is necessarily complex and while parts of it require close reading, its main points are clearly drawn out in the non-technical summary. Having considered the various criticisms made of the Sustainability Appraisal, and mindful of the point that the preparation of such a document is not to be treated as an obstacle course, I am of the opinion that it is a reliable piece of evidence.

Issue 3: The appropriateness of the Spatial Strategy

Background

103. This section seeks, firstly, to establish whether the Strategic Development Allocations and the Broad Development Location identified in the submitted Plan (the identified sites)are suitable and sustainable, whether they are deliverable or developable, whether they are viable and whether they are the most appropriate having considered reasonable alternatives. Secondly, it considers whether the sites selected by the Council to accommodate the identified shortfall in housing provision (the additional sites) are suitable and sustainable, whether they are deliverable or developable, whether they are viable and whether they are the most appropriate having considered reasonable alternatives.

Identified Sites

104. The Strategy in the Plan seeks to concentrate major growth within the urban area, at a Broad Development Location on the edge of an urban area and at five Strategic Development Allocations (SDA's) four of which are on the edge of urban areas – the fifth being Fradley which is centred on a former airfield. Other than that, development will for the most part be focussed on Key Rural Settlements ie those having the widest range of facilities and judged to be the most capable of accommodating growth.

105. On the face of it this is a sustainable strategy as it makes use of existing facilities and infrastructure in the urban areas, provides opportunities to travel by means other than the private car and reduces the need to travel. This is borne out by the findings of the Sustainability Appraisal which, for the reasons set out above, can be treated as a reliable piece of evidence. However, it is necessary to look at individual sites that go to make up the strategy in more detail.

South Lichfield SDA

106. This site is located on the southern edge of Lichfield relatively close to the city centre. The development of this site would enable the construction of a link of the Lichfield southern by-pass.

107. The long term development potential of a sizeable proportion of this site is recognised in the existing Lichfield District Local Plan where it is designated as an Area of Development Restraint – that is a site which it is not essential to keep open for Green Belt purposes. The remainder of the site is in Green Belt but it is proposed that this land will be kept in open uses such as playing fields and green infrastructure. It is relevant to note that since the initial hearings the Council has resolved to grant outline planning permission for up to 450 houses on the site subject to the signing of a section 106 agreement[48].

108. The benefits of such an urban extension in terms of sustainability have already been mentioned, more information is contained in the Sustainability Appraisal[49]. While it is important not to overstate the extent to which future occupants of this site would walk, cycle or use public transport, the fact remains that these options would be open to them. The site is, therefore, sustainable in these respects.

109. Nonetheless, the site will generate additional trips by car and it was the effect that these would have on roads in the vicinity and the role that developing the site would play in completing the southern by-pass which were the principal unresolved issues discussed at the initial hearings.

110. Dealing firstly with the issue of the southern by-pass, the uncompleted section of this road runs between Birmingham Road and London Road under the railway bridge a short distance to the east of Birmingham Road. It is common ground that this section of by-pass needs to be completed in the plan period. Previously the Council had taken the view that the completion of the by-pass was a pre-requisite for developing the South Lichfield SDA.

111. However, while the developer of the site proposes to construct, at their own expense, the section of by-pass between London Road and the railway, they do not control the land necessary to complete the link to Birmingham Road. The Council regards this as acceptable and no longer requires the completion of the by-pass as a condition of developing the site.

112. The completion of the final section will be the responsibility of Staffordshire County Council (the County Council) which will make a bid for the necessary funding. The additional housing site which the Council proposes to allocate at Deanslade Farm will also assist in the provision of this section of the by-pass. The contribution that the South Lichfield SDA would play in providing the last link in a by-pass that will perform an

[48] Ref: 12/00182/OUTMEI.
[49] CD1-8 Sustainability Appraisal Update. Table 16.1. Pages 198-200.

important function in traffic management for the City is a factor in its favour.

113. It was suggested that a site that requires a piece of infrastructure as costly as a section of the by-pass is neither sustainable nor viable and that there are more economic sites that could be developed. However, this overlooks two facts. Firstly, the role of the additional section of the by-pass is not simply to serve the site, it will assist in the completion of the by-pass which will have wider benefits to the City. Secondly, the evidence is that the development of the site is a viable proposition[50]. This was confirmed by the developer at the initial hearings who made clear that the proposed scheme would pay for the section of by-pass to be provided and allow for an adequate profit.

114. As to the effect that developing this site would have on the nearby roads, it is common ground that local roads, particularly London Road, are congested at peak times. Proposals for gaining access to the site have changed over time, at the time of the initial hearings the latest proposal involved three linked junctions onto London Road where only one existed previously.

115. Although concern was expressed at the initial hearings about the effect that this would have in highway terms, traffic modelling carried out in support of the planning application on the site indicated that - assuming the existing modal split, taking account of all proposed uses on the site and assuming either that the by-pass has been completed or that it has not – the effect on local roads would not be severe.

116. Based on this and other highway evidence produced in the run up to the initial hearings[51], the Highways Agency, which had issued a holding objection, and the County Council both unequivocally confirmed at those hearings that all outstanding highway objections to the development proposed on this site could be overcome. On that basis I am satisfied that the site is capable of being accessed and in this respect the selection of the site as a Strategic Development Allocation is soundly based.

117. Those opposing the development of the site pointed out that they had not seen or had the opportunity to comment on the latest modelling information. However that information relates to the latest junction design which is a matter to be dealt with as part of the planning application – something that is beyond the scope of the Examination. The purpose of the Examination is to decide whether the allocation is soundly based. To do this it is not necessary to know the full details of the proposed access but to be satisfied that an access is capable of being provided. The evidence indicates that it is – a conclusion borne out by

[50] CD5-6. Initial Strategic Sites Viability Assessment: Summary Report. Table 4.2.6.
[51] CD2-14 Transport Appraisal of Spatial Strategy for Lichfield City Addendum & SQ-M3iii-LDC1 Joint Statement of Persimmon Homes, Lichfield District Council, Staffordshire County Council and (in part) the Highways Agency.

the Council's subsequent resolution to grant planning permission on the site.

Conclusions on South Lichfield SDA

118. Drawing together my findings on the South Lichfield SDA I conclude that it is in a suitable and sustainable location, there are no insurmountable technical barriers to its development, it is deliverable in the sense that it is in the control of a developer with a confirmed intention to develop it, it is viable and there is a reasonable prospect of housing coming forward on it within the next 5 years. The decision to allocate the site as a SDA is, therefore, soundly based.

East Rugeley SDA

119. This SDA is located on the eastern edge of Rugeley, a market town in the neighbouring district of Cannock Chase. It consists of three sites; the Power Station site on which planning permission has been granted for, and development commenced on, a scheme including some 600 houses; the Borrow Pit Land which has a capacity of approximately 450 houses; and the British Waterways site (now the Canals and Rivers Trust) with a capacity of some 80 dwellings. 500 of the approximately 1,130 dwellings on this SDA would be to meet the needs of Rugeley.

120. Retail and community facilities are planned within the development. The SDA, which relates well to Rugeley and involves the reclamation of brownfield land, is in a suitable and sustainable location[52] and that part of it covered by the existing planning permission is certainly deliverable. The Borrow Pit site needs to be filled before it can be built on and given that Rugeley Power Station produces less ash than previously, this process is unlikely to be completed before 2021.

Alternative Sites at Rugeley

121. An alternative put forward was that the nearby Key Rural Settlement of Armitage with Handsacre should accommodate more growth. This settlement has a range of local facilities and is close to Rugeley Town Station but the option put forward would involve alterations to the Green Belt boundary to the west, south and south east of the settlement. The Rugeley SDA, by contrast, is not in Green Belt.

122. Green Belt boundaries should only be altered in exceptional circumstances. Given that there is an alternative, more sustainable, site outside the Green Belt capable of helping to meet both the Council's and Rugeley's housing needs then it is reasonable for the Council to select that site.

Conclusions on East Rugeley SDA

123. The site is in a suitable and sustainable location. There is a reasonable prospect of this site being available before 2021; the British Waterways site could be available earlier. These parts of the SDA are, therefore,

[52] CD1-8. Sustainability Appraisal Update. Table 19.1, page 215

developable. The SDA as a whole is viable[53] and there are no substantial technical or environmental reasons why it should not be developed. The site is the most suitable having considered reasonable alternatives. The decision to allocate this site as a SDA is, therefore, soundly based.

East of Burntwood By-pass SDA

124. This site is well related to the urban area of Burntwood and within walking distance of existing services and facilities. It is in a suitable and sustainable location[54] and there are no technical or environmental reasons why it should not be developed. It was allocated as an industrial site in the 1990's and it was hoped that road improvements in the area would enhance its attractiveness to the market. They did not and following investigation of the site's potential[55] it was decided that there was no reasonable prospect of it being developed for that purpose.

125. The site has no ownership constraints and it was reported at the initial hearings that a development partner was shortly to be appointed with a view to submitting a planning application in the near future and starting building on site within 5 years. The indications are that the viability of the site is marginal [56] but this would improve as and when the economy recovers. The Council also indicated that if economic viability were to prove an issue it would look again at its affordable housing requirements.

Alternative Sites at Burntwood

126. Earlier versions of the Plan proposed a broad direction of growth to the south and south east of Burntwood. This included a site at Highfields Road and a site south east of Burntwood in the vicinity of Hammerwich both of which were promoted at the hearings. An additional site at Meg Lane, which lies to the north of Burntwood, was also promoted at the initial hearings.

127. Following public objections to the extent of Green Belt releases that developing to the south and south-east would cause, the Council elected to pursue an approach of limiting Green Belt release around Burntwood and bringing forward brownfield sites. It was assisted in this by the fact that further housing sites within the urban area had come forward - including the site at Mount Road Industrial Estate.

128. It was suggested that reliance should not be placed on urban sites because their viability for housing had not been established, indeed a viability assessment of the Mount Road site prepared by a representor[57] concluded that it was not viable for housing.

129. However, there is no suggestion that the Mount Road site is likely to come forward in the short term, the Council's assessment is that the site

[53] CD5.6. Initial Strategic Sites Viability Assessment: Summary Report. Table 4.2.6
[54] CD1-8. Sustainability Appraisal Update. Table 17.1. Pages 205-206.
[55] CD2-32. Employment Land Review. Pages 89-91
[56] CD5.6. Initial Strategic Sites Viability Assessment: Summary Report. Table 4.2.6
[57] HD33. Mount Road Industrial Estate Viability Assessment

is developable in the next 5-10 years[58]. Any improvement in market conditions over that time would have a positive effect on that site's viability as would any flexibility shown by the Council in affordable housing requirements. It cannot, therefore, be concluded that urban sites such as this will not come forward.

130. There is, therefore, no clear advantage in the suggestion that one or other of the greenfield sites referred to above should be allocated for housing either to replace urban capacity sites or to provide additional capacity should the East of Burntwood By-pass SDA not deliver the number or type of housing anticipated.

131. All of these other sites are in Green Belt and, to repeat a point made earlier, Green Belt boundaries should be altered only in exceptional circumstances. Exceptional circumstances have not been demonstrated. Moreover, one of the purposes of Green Belt is to assist in urban regeneration by encouraging the recycling of urban land. It is difficult to see how releasing housing sites in the Green Belt as an alternative to developing urban sites or the East of Burntwood By-pass SDA would assist the regeneration of Burntwood, which is one of the Strategic Objectives of the Plan.

132. The alternative sites put forward at Burntwood are not, therefore, preferable to the strategy proposed in the Plan of focussing development in the urban area.

Conclusions on the East of Burntwood By-pass SDA

133. The site is in a suitable and sustainable location, it is developable, it is or could be made to be viable and it is the most suitable having considered reasonable alternatives.

North of Tamworth

134. At the time of the initial hearings it was estimated that Tamworth's housing shortfall amounted to 1,000 dwellings and it was proposed that 500 of these would be accommodated in a Broad Development Location located to the north of Tamworth on land to the east and west of the railway. This Broad Development Location, which would also accommodate 500 houses to meet Lichfield's needs, was to be planned comprehensively with the adjoining Anker Valley Sustainable Urban Extension proposed in the emerging Tamworth Local Plan. Both would rely on improvements to the local highway network - possibly involving the construction of the Anker Valley Link Road.

135. As a result I concluded in my interim findings that while there was no certainty that the Anker Valley scheme would come forward there remained a reasonable prospect that it would - given Tamworth Borough Council's firm commitment to it. However, if this proved not to be the case then the Council (Lichfield Council that is) would need to reconsider its position when preparing the *Lichfield District Local Plan: Allocations*

[58] CD2.23. Strategic Housing Land Availability Assessment 2012. Table B.33, page 64.

document when it would be considering the Broad Development Location in more detail.

136. As has been established earlier in this report (paragraph 11) the situation had changed radically by the time of the resumed hearings. Tamworth's estimated housing shortfall had increased from 1,000 to 2,000 dwellings and although the Council had agreed to take a proportion of the additional 1,000 dwellings it had yet to be determined how many that would amount to. What is more, Tamworth Borough Council decided that the Anker Valley Relief Road was not viable and deleted it from its emerging plan as well as significantly reducing the extent and capacity of the Anker Valley scheme so that it would now accommodate only some 500 dwellings or so. Moreover, Tamworth Borough Council had resolved to grant outline planning permission[59], subject to the signing of a section 106 agreement, for 535 dwellings on the land in Anker Valley that it is proposing to allocate.

137. The situation had also changed in Lichfield in that the Council had resolved to grant outline planning permission[60], subject to the signing of a section 106 agreement, for 165 dwellings in the western part of the Broad Development Location at Browns Lane. It was also considering an outline planning application[61] for up to 1,000 dwellings on the eastern part of the Broad Development Location at Arkall Farm. The Council confirmed at the resumed hearings that it had resolved all matters relating to this application, including concerns about the way development would relate to the surrounding countryside, and the only outstanding matter related to the effect that such a scheme would have on the local highway network.

138. These various changes have not had an effect on the suitability and sustainability of the Broad Development Location in a number of respects as it is still, or has the potential to be, well related to the urban area of Tamworth with the range of facilities that this provides. Moreover, there was no suggestion at the resumed hearings that it was not deliverable or developable, subject to agreement on highway matters, or that it was not viable. Nonetheless, the lack of agreement as to the effect that developing the Broad Development Location as a whole would have on the highway network raises the question of whether it is capable of being developed in full.

139. Staffordshire County Council, supported by Tamworth Borough Council, is of the opinion that the Broad Development Location, other than Browns Lane, should be deleted from the Plan. In its judgement the evidence indicates that the local roads have the capacity to accommodate 700 or so extra dwellings - and that capacity had been used up by the resolutions to grant planning permission for 535 dwellings in Anker Valley and 165 dwellings at Browns Lane. The highway evidence produced by

[59] Ref: 0105/2014
[60] Ref: 14/00018/OUTM
[61] Ref: 14/00516/OUTMEI

the developer of the Arkall Farm site, on the other hand, indicates that the local roads could accommodate up to 1,000 more dwellings.

140. The Council takes the view that the highways debate has far to go before it reaches its conclusion and that the Broad Development Location should be retained in the Plan as there is a reasonable prospect that some additional housing, over and above that which it has been resolved to permit, will be able to be accommodated.

141. I share the Council's view on this point. While I have no doubt about the seriousness of the problems of congestion and highway safety that could result from the overdevelopment of this Broad Development Location, I consider that it is too soon to conclude that local roads can accommodate no more development. I consider that, in principle, the 'monitor and manage' approach offers a way forward. With such an approach the actual impact of various increments of development is monitored annually as it is brought forward with trigger points being built in to any planning permission granted to govern the amount of development.

142. While I acknowledge that the County Council is wary of adopting such an approach in this instance, influenced no doubt by the breadth of the gap between its professional assessment of the capacity of the local roads and that of the developers professional advisers, I consider that there is still scope for discussion on the details of a 'monitor and manage' scheme insofar as it would apply to this site and on other matters which have yet to be agreed[62].

143. I accept that it would have been preferable if agreement had been reached on the principle of access to the Broad Development Location but in this instance the Council is reacting to major changes that have occurred late in the day and which are beyond its control. Moreover, I agree with the Council that it is likely that the bulk of the Broad Development Location will not come forward until the later stages of the Plan so if alternative land needs to be found there will be time to do this.

144. For these reasons I consider that the Broad Development Location is a suitable and sustainable location, that it is deliverable or developable and that it is viable. If it transpires that the Broad Development Location as a whole is not capable of delivering something in the order of 1,000 dwellings then **MM1** provides the mechanism through which additional land could be identified either through a review of the Plan or through the preparation of the *Lichfield District Local Plan: Allocations* document.

Alternative Sites at Tamworth

145. An alternative approach suggested by representors was to cater for development needs in the area by developing on the edge of Fazeley, a Key Rural Settlement a short distance to the west of Tamworth where the Council is promoting development within the defined urban area. It was

[62] RHD-02. Summary Statement – Land north of Ashby Road, Tamworth (Savills, Peter Brett & Staffordshire County Council).

pointed out that development on the edge of Fazeley has previously been assessed and found to be somewhat more sustainable than developing to the north of Tamworth[63]. Such an approach would not be dependent on development at Anker Valley.

146. However, Fazeley, unlike the land north of Tamworth, is in Green Belt and development in the manner proposed would involve an alteration of Green Belt boundaries, something which should only be done in exceptional circumstances. No such exceptional circumstances have been demonstrated. It is quite legitimate for the Council, therefore, to select an option which - although somewhat less sustainable - avoids developing in Green Belt.

Streethay SDA

147. Streethay SDA is located on the eastern edge of Lichfield. It is within walking distance of a range of services and facilities within the City including Lichfield Trent Valley Station. Since the initial hearings the Council has passed a resolution to grant planning permission for 750 houses, shops and a care village on the site together with additional parking for the nearby station[64].

148. Streethay SDA is well related to Lichfield City. Of particular significance is its proximity to Lichfield Trent Valley Station and the opportunity it offers to improve on the existing limited provision of parking at that station. Clearly if this station is to be used to its full potential then improvements to it will need to be made, including the provision of disabled access, and the Council is working with other interested bodies to this end. Nonetheless the proximity of this station to the SDA and the opportunity it would offer to the future occupants of the SDA to use the train is an important point in its favour.

149. There are, however, no plans to improve the frequency of train services to Birmingham and the fact remains that future occupants of the site will be largely reliant on the private car. Access to the site would be onto Burton Road, a busy approach road to the City with a nearby junction onto the A38. While Burton Road is undoubtedly congested at peak times neither Staffordshire County Council nor the Highways Agency have raised an objection in principle to the proposed SDA.

150. Streethay is not administratively part of the City and concerns were expressed that its identity as a separate community would be submerged by the development of the SDA. This is a matter which, to a large extent could be addressed through the detailed design of the site. Some sense of separation could, for example, be achieved by the suitable positioning of open space.

[63] CD2-31 Tamworth Future Development and Infrastructure Study. Table 9.1 page 78, Option F.
[64] Ref:12/00746/OUTME1.

151. Streethay SDA is, therefore, in a suitable and sustainable location[65] and there are no technical or environmental constraints to its delivery that cannot be overcome. The site is in the control of a developer with a confirmed intention to develop and there is a reasonable prospect that houses will be built on it in the next five years. The site is therefore, deliverable. Moreover, the evidence is that the site is economically viable[66] - a point confirmed by the developer. The proposal to allocate the Streethay SDA is, therefore, soundly based.

Fradley SDA

152. The existing housing provision at Fradley consists of an older, smaller residential area known as Fradley Village and a more recent, larger area known as Fradley South. The latter area is set on an old airfield as is the adjacent employment park, the largest employment location in the District. Some of this employment land has been judged to be surplus to requirements.[67]

153. The proposed SDA at Fradley consists of some 750 houses on brownfield land formerly allocated for employment uses and some 250 houses on a greenfield site to the north of Hay End Lane. In the submitted Plan an area of land to the east of Gorse Lane was be retained in employment use.

154. Fradley is defined as a Key Rural Settlement in the Plan. The question was raised as to whether it was a sufficiently sustainable settlement to warrant that designation. Alternatively it was argued that, given the amount of development allocated to it, it should have been given another designation more akin to that of a main settlement. However, these are largely semantic points – more important is whether it is a suitable and sustainable location for the level of growth proposed.

155. Judged in terms of accessibility by public transport to then existing services and facilities, Fradley has not previously been identified as one of the most sustainable rural settlements[68]. However, the provision of further housing would create the opportunity to bolster the provision of facilities in the settlement[69]. Furthermore, Fradley's potential to provide a suitable location for development outside the Green Belt has been recognised in previous plans and much of the development now proposed would make use of previously developed land - which is a point in its favour[70].

[65] CD1-8. Sustainability Appraisal Update. Table 16.1, pages 198-200 (where Streethay SDA is considered as part of the appraisal for Lichfield City). HD34 contains other references from CD1-8.
[66] CD5-6. Initial Strategic Sites Viability Assessment: Summary Report. Table 4.2.6.
[67] CD2-34. General Employment, Existing Estates and Land Allocations: A Market Assessment, page 44.
[68] CD2-69 Rural Settlement Sustainability Assessment 2011
[69] CD1-1 Lichfield District Local Plan: Strategy, Policy Frad2 page 124.
[70] National Planning Policy Framework, paragraph 111.

156. There is no substantial evidence to suggest that there are insurmountable technical or environmental constraints to the development of this SDA. It is outside the safeguarding zone for the preferred route of HS2 (the proposed high speed link) and there is little to indicate that the presence of a nearby pig farm would cause any air quality or odour problems that could not be dealt with at the planning application stage. Concerns about existing views across the site north of Hay End Lane could also be dealt with at the planning application stage.

157. There was discussion at the initial hearings about whether additional school facilities should be in the form of an extension to the existing school or on a new school site – with the existing school governors favouring the latter approach. It was confirmed that either approach could be accommodated in emerging proposals for the SDA. The Fradley SDA is, therefore, in a suitable and sustainable[71] location.

158. Both of the proposed housing sites are controlled by developers who have expressed a firm intention to develop them. The Council has resolved to grant planning permission subject to signing a section 106 agreement for a 750 house scheme on the land formerly allocated for employment and for a 250 house scheme on the green field site[72]. These sites are, therefore, deliverable. The evidence is that these sites are economically viable[73] - something which the developers confirmed at the initial hearings. The decision to allocate the Fradley SDA is, therefore, soundly based.

Alternative sites at Fradley

159. At the initial hearings it was suggested that brownfield land to the east of Gorse Lane (Fradley East) currently allocated for employment should be used for housing rather than the greenfield site to the north of Hay End Lane. This proposal has attracted some local support. These arguments have been overtaken by events as the Council now proposes to allocate this land for housing as one of the additional sites needed to make up the identified shortfall in housing provision.

160. Land to the west of Gorse Lane (Fradley West) was also promoted as an additional site. This will be dealt with later in this report.

161. The question of whether smaller, non-strategic sites at Fradley, such as the site controlled by the Booth Trustees, should be developed for some form of housing is a matter that would more appropriately be dealt with through the preparation of the *Lichfield District Local Plan: Allocations* document.

Rural Areas

162. In addition to Fradley, which has been discussed above, five Key Rural Settlements have been identified in the Plan (Fazeley, Shenstone,

[71] HD30 Updated Sustainability Appraisal: Fradley, particularly Table 20.1 on page 220.
[72] Ref: 13/00633/OUTM.
[73] CD5.6. Initial Strategic Sites Viability Assessment: Summary Report. Table 4.2.6.

Armitage with Handsacre, Whittington and Alrewas). These settlements have been selected following an assessment of the sustainability of all rural settlements[74]. It is proposed that these, along with 'other rural' settlements would accommodate some 16% of the housing growth in the District (around 11% in the key rural settlements and 5% in the 'other rural' areas). For each key settlement an upper and a lower figure is proposed with sites within the settlement boundaries that are judged to be deliverable or developable[75] making up the lower figure (a capacity of around 575 dwellings) while the upper figure is made up of these sites plus additional sites which will be identified through the *Lichfield District Local Plan: Allocations* document (sites with an additional capacity of some 440 dwellings).

163. The ability of these settlements to accommodate this level of growth in suitable, sustainable, deliverable and developable locations was not questioned at the initial hearings. On the contrary the suggestion was made that these figures would not reflect the sustainability credentials of the settlements and should be increased.

164. The figures are expressed as a minimum. There is a possibility, albeit one considered by representors to be remote, that more houses could be allocated through the *Lichfield District Local Plan: Allocations* document or through Neighbourhood Plans/Community Plans. Nonetheless, it is also the case that such an approach would increase the amount of land to be released from Green Belt and the exceptional circumstances that would warrant this have not been demonstrated. There is no clear evidence as to why such an approach would be superior to the strategy proposed by the Council of focussing development on large sites on the edge of principal settlements on land for the most part outside Green Belt.

165. It was also pointed out that Little Aston has not been identified as a Key Rural Settlement even though it has been assessed as one of the most sustainable of the rural settlements. The reasons for this are partly that it is not a freestanding settlement but an adjunct to the West Midlands conurbation and partly that it has few potential housing sites within its boundaries.

166. As a result additional development there would involve the release of Green Belt land in a position where there is a particular need to check the unrestricted sprawl of large built up areas and to safeguard the countryside from encroachment. The decision not to take this approach - which would conflict with two of the purposes of Green Belt – is, therefore, soundly based.

[74] CD2-69 & CD2-70 Rural Settlement Sustainability Study dated 2011 and 2008 respectively.
[75] CD2-23 Strategic Housing Land Availability Assessment 2012

Alternative Strategies

The JVH Alternative Strategy

167. The JVH Alternative consists of a combination of sites at Burntwood (Meg Lane), Armitage with Handsacre, Fazeley and Little Aston. These sites have been dealt with previously in this report when considering the Burntwood SDA, the Rugeley SDA and the rural area. As established there, these sites offer no clear advantages over the sites selected by the Council principally because they rely on the release of Green Belt sites and the exceptional circumstances that would warrant this have not been demonstrated.

New Village Option – North East Lichfield

168. Various versions of this alternative have been put forward during the emergence of the Plan but it was confirmed at the initial hearings that what was then being promoted was a 2,000 house new village. A scheme for 750 dwellings had been the subject of pre-application discussions and this would form the first phase of the new village.[76] It was envisaged that a large proportion of the 2,000 houses proposed could be delivered in the plan period.

169. There is nothing to suggest that such a scheme would not be viable and it is common ground that such a proposal would be developable and it may well be that the 750 dwelling scheme is deliverable - although at the time of the initial hearings little in the way of detailed evidence was provided about matters such as how it would link to the A38 and the local road network.

170. It is common ground that this is a sustainable site but there is disagreement as to whether it is more sustainable than the strategy proposed by the Council. The Sustainability Appraisal concludes that it is not.[77] The promoters of the site disagree and have carried out their own Sustainability Appraisal to demonstrate their point.

171. However, this exercise simply makes the point that such assessments are based on a series of judgements and such judgements can vary. There is, however, no substantial evidence to suggest that the judgements in the Council's Sustainability Appraisal are awry or that they are based on inaccurate information.

172. To take the example of flood risk, when considering this the Council's Sustainability Appraisal gives this new village option a score of '0' meaning that it would have no effect. This appears to be sensible since, while the risks of flooding caused by any development on the site could be effectively managed, it would not offer opportunities to reduce flood risk in the wider area. In other words it will not have a positive or negative impact in terms of flood risk. There is no reason, therefore, to think that the Sustainability Appraisal is flawed in this respect.

[76] Subsequently planning permission for this scheme (Ref: 14/00057/OUTMEI) was refused.

[77] CD1-8. Sustainability Appraisal Update. Table A1, page 229.

173. It is also difficult to see how a strategy which proposes to focus housing development in one location rather than a variety of locations would meet the Plan's Strategic Priorities of consolidating the sustainability of, and supporting regeneration initiatives in, Lichfield, Burntwood and Key Rural Settlements as well as developing and maintaining sustainable rural communities. It is also questionable how effective a site relatively remote from Tamworth and Rugeley would be in meeting the housing needs of those settlements.

174. While the promoters of this scheme confirmed at the initial hearings that in preparing detailed technical and environmental work for the 750 house scheme they would 'have an eye' to the scheme for 2,000 houses – there is relatively little information about the masterplanning of this new village. Clearly this has an effect on the depth to which it can be assessed and more detailed debates could take place on whether this new village would put additional pressure on existing facilities in Lichfield or conversely whether it would help support them. Similar debates could take place on biodiversity, heritage and townscape.

175. However, on the information available, there is no clear indication that the proposed new village at north east Lichfield would be a more suitable or sustainable alternative than the strategy selected by the Council in the Plan.

Brookhay Villages and Twin Rivers Park (Brookhay Villages)

176. This alternative, which emerged at a late stage in the preparation of the Plan, consists of a new settlement planned on 'Garden City' principles which would straddle the boundary between Lichfield District Council and East Staffordshire Borough Council. It would be on land which has been or is soon to be worked for gravel extraction.

177. The settlement would include housing, retail, leisure, health, sports, recreational and employment uses together with the construction of two new rail stations, major junction improvements on the A38 and improved bus services and cycle/footpath links.[78] In total it would involve the construction of up to 7,500 dwellings[79] and it is estimated that some 8,000 jobs would be created.[80]

178. It is common ground that the site as a whole is developable and the promoter of the site has given varying estimates of the number of houses that could be delivered in the plan period - earlier evidence gave a figure of 2,500 dwellings[81] while a more recent figure is 1,200 dwellings over the period 2016-2020 at a rate of up to 300 dwellings per annum[82].

[78] SQ-M3ii-LG1. Appendix A. Brookhay Villages and Twin Rivers Park. Deliverability and Viability Report to Landowners, paragraphs 2.1-2.6.
[79] See above paragraph 2.5.
[80] HD43. Notes Submitted to Assist the Inspector by BDW Trading Ltd. Paragraph 4.1.7
[81] MMI-40 M4. Council's Hearing Statement on Matter 4. Paragraph 1.7.
[82] SQ-M3ii-LG1-Appendix A. Brookhay Villages and Twin Rivers Park. Deliverability and Viability Report to Landowners, appendix B.

179. The promoter of the site is satisfied that the scheme would be economically viable although few detailed figures as to costs and values are provided[83].

180. The evidence is that Brookhay Villages would be a sustainable proposal [84] and there is no evidence to suggest that it would face insurmountable technical or environmental objections.

181. The Highways Agency has no objection in principle to the proposed junction improvements on the A38[85]. The Environment Agency agrees in principle with the approach being taken to determining the flood compensation required and acknowledges that it could improve the available floodplain[86] although it is noted in the Sustainability Appraisal that that the degree to which flood risk would be reduced is unknown because of conflicting advice from the Environment Agency and the promoter of the site[87]. Network Rail has confirmed that it is happy to engage in discussions about a new station in the Alrewas area.[88]

182. Nonetheless Brookhay Villages is an ambitious undertaking and much would need to be done if, as planned, all highways, rail infrastructure and much of the drainage infrastructure were to be provided by 2020[89]. In particular, work on the proposed new stations, an eye catching advantage of this proposal, appears to be at a very preliminary stage with the promoters of this scheme accepting at the initial hearings that the letter from Network Rail in fact says very little.

183. Moreover, as with the new village proposed to the north east of Lichfield, Brookhay Villages would concentrate housing in one location. As with that other proposal it is difficult to see how such an approach would meet the Plan's Strategic Priorities of consolidating the sustainability of, and supporting regeneration initiatives in, Lichfield, Burntwood and Key Rural Settlements as well as developing and maintaining sustainable rural communities. It is also questionable how effective a site relatively remote from Tamworth and Rugeley would be in meeting the housing needs of those settlements.

184. As has already been established earlier in this report the Council acknowledges that the Brookhay Villages proposal is a strategic matter of importance that warrants further investigation to better understand its deliverability and potential benefits - particularly as it is now established

[83] See above Chapter 6.
[84] CD1-8 Sustainability Appraisal Update. Paragraphs 14.8 to 14.12 and Table F, page 258.
[85] HD40. Letter from the Highways agency (21/06/13) regarding Brookhay Villages.
[86] HD42. E Mail from Environment Agency (03/07/13) regarding Brookhay Villages.
[87] CD1-8a. Page 237 Table A19.
[88] HD41. Letter from Network Rail (10/06/13) regarding potential new station in Alrewas area.
[89] SQ-M3ii-LG1-Appendix A. Brookhay Villages and Twin Rivers Park. Deliverability and Viability Report to Landowners, appendix B.

that Birmingham City Council cannot accommodate its housing needs within its own area. This is something that would be likely to take place through a review of the Plan. However, there is no clear evidence at this time which suggests that the strategy of concentrating development at Brookhay Villages would be more appropriate than the strategy proposed by the Council in the Plan.

185. Moreover, Brookhay Villages is quite correctly being promoted as a single proposal that would be planned comprehensively. However, as has already been noted, the scheme would involve land in both Lichfield District and East Staffordshire Borough and if it were to progress would need to be included in the Local Plan for each area. The evidence at the initial hearings was that the scheme does not feature as a proposal in the emerging plan for East Staffordshire.

186. There would be little merit, therefore, in me recommending that, in effect, the Plan should unilaterally propose this scheme, a scheme which requires comprehensive and cross boundary planning, without clear evidence that it was supported by the neighbouring council. There is no evidence at this time that such support would be forthcoming.

187. This comment is not intended as a criticism of either council as this scheme only emerged relatively late in the day. Rather it is intended to point out the procedural difficulties of promoting this scheme without clear evidence of cross boundary agreement.

Conclusions on Identified Sites

188. I am satisfied on the available evidence that the proposed Strategic Development Allocations and the Broad Development Location identified in the Plan are either deliverable or developable, they are viable and they are sustainable. I am also satisfied that these sites are the most appropriate having considered reasonable alternatives.

Additional Sites

Preamble

189. It has been established earlier in this report (paragraph 64) that in its search for the additional sites necessary to remedy the housing shortfall the Council considered a number of alternative sites and strategic options. The outcome of this process, which included an updated Green Belt Review[90], was the selection of two sites, Deanslade Farm and Cricket Lane, sites which involved taking land out of Green Belt[91].

190. There was relatively little in the way of suggestion at the resumed hearings that these sites were not in suitable locations, that they were not deliverable or developable or that they were not viable. Indeed the evidence points to the contrary - the sites are on the edge of and well related to Lichfield City which is by far the most sustainable settlement in

[90] CD2-44a. Green Belt Review Supplementary Report.

[91] The Council's decision to allocate further land for housing at Fradley East was not seriously challenged.

the District and they are in the hands of developers who have done the work necessary to demonstrate that they are deliverable or developable and that they are viable. The focus of concern at the resumed hearings was not with these matters but with the fact that the allocation of these sites involves taking land out of Green Belt.

191. It was common ground at the resumed hearings that an essential characteristic of Green Belt is its openness and its permanence and that once established Green Belt boundaries should be altered only in exceptional circumstances through the preparation or review of a local plan. It was also agreed that when reviewing Green Belt boundaries account should be taken of the need to promote sustainable patterns of development or, to put it another way, that the revised boundaries should be consistent with the Local Plan strategy for meeting the requirements for sustainable development [92].

192. The government has recently published updated guidance on housing needs[93] but this does not alter the points made above, it simply re-states the point that in considering whether to meet its assessed need for housing the Council should take account of constraints such as Green Belt which indicate that development should be restricted. When considering the relevance of this point it is important to bear two facts in mind. Firstly, the Council has never sought to argue that Green Belt is a factor which, in its particular area, restrains its ability to meet its need for development. Secondly, this is not a situation in which the option of taking land out of Green Belt is being imposed on the Council. In my interim findings I concluded that there was a need to identify more housing sites. I did not conclude that this amounted to the exceptional circumstances that would warrant the release of Green Belt land nor did I conclude that this could not amount to such exceptional circumstances. I left this judgement to the Council.

193. Following on from these points it was agreed at the resumed hearings that the question of whether or not exceptional circumstances exist is a matter of planning judgement taking into account the objective of contributing to the achievement of sustainable development. The Council considers that exceptional circumstances exist: others disagree. I will deal now with the various points of disagreement.

Exceptional Circumstances Ignored

194. The Council was clearly aware that the sites it had selected were in Green Belt. Before selecting them it produced its Supplementary Green Belt Review[94] the purpose of which was to establish which parts of the Green Belt it should continue to protect and which parts it would be best to release if such release were required. In its Sustainability Appraisal[95] the

[92] National Planning Policy Framework paragraphs 79, 83, 84 and 85.
[93] Planning Guidance. Housing and Economic Land Availability. Paragraphs 44 and 45.
[94] CD2-44a. Supplementary Green Belt Review.
[95] CD1-8a. Paragraphs 86 and 87.

Council also, in effect, took account of the fact that these sites were in Green Belt. So, although the exceptional circumstances test is not specifically referred to in the Supplementary Green Belt Review, the Sustainability Appraisal or the Plan, I am satisfied that the Council had it in mind when it made its decision to remove two sites from Green Belt.

Too Much Credence Given to Strategy

195. It was argued that the Council gave too much credence to an urban/key centre focussed strategy in the submitted Plan. The point being made was that the Council should have looked afresh at where the increased number of houses, in total, should be located. It could, for example, have looked again at the merits of a new settlement as a way of accommodating some or all of the total number of houses needed rather than take the approach that it did of appraising new settlements only as a way of accommodating the additional houses.

196. While such an approach was open to the Council I do not consider that the Council was bound to take it. It is entirely legitimate for the Council to seek to find additional sites that are consistent with the strategy of the submitted Plan, particularly as I had already endorsed that strategy in my Interim Findings.

Too Little Credence Given to Strategy

197. It was argued that by taking land out of Green Belt the Council gave too little credence to the Plan's strategy as this sought to minimise Green Belt releases. When assessing ways of accommodating the additional housing land required the Council should have adopted a sequential approach and looked first at alternatives which conformed with all aspects of the strategy.

198. However, while the strategy seeks to minimise Green Belt releases it has never ruled them out in the longer term. The submitted version of Core Policy 1 made clear that changes to Green Belt boundaries around the edge of Lichfield city to meet longer term needs would be considered. The need to find additional housing sites has simply brought the process forward. I see no reason, therefore, why the Council should have adopted the sequential approach suggested.

Green Belt as a Last Resort

199. The fact that land is in Green Belt should not be taken lightly, it should be released only in exceptional circumstances. So, for example, it would be legitimate for the Council, as it has done elsewhere, to select a site although it was somewhat less sustainable in other respects than alternative sites but which avoided developing in Green Belt.

200. However, I can find no justification in the Framework, in Planning Guidance or indeed in the case of I M Properties[96] for the proposition that Green Belt land should be released only as a last resort. This would be to accept that sustainability is the servant of Green Belt designation - which

[96] CD 5-26. I M Properties v Lichfield District Council. Paragraph 96.

it is not. On the contrary, as has already been established, the duty in determining Green Belt boundaries is to take account of the need to promote sustainable patterns of development.

Suitability of Deanslade Farm and Cricket Lane for Green Belt Release

201. The Council, on the basis of information contained in its Supplementary Green Belt Review and Sustainability Appraisal, has concluded that the release of the sites at Cricket Lane and Deanslade Farm would not cause unacceptable harm to the purposes of including land in Green Belt. Both sites obviously have a role to play in safeguarding the countryside from encroachment and the higher portions of Deanslade Farm form part of the landscape around the city of Lichfield which in its undeveloped state helps preserve the historic character and setting of that city.

202. However it is proposed that the upper part of Deanslade Farm would remain in Green Belt and be incorporated into a District Park. The lower part of the site could be developed without having a major impact on the open aspect of views towards the city. The provision of the Country Park would help provide a strong defensible boundary to the Green Belt at Deanslade Farm. Cricket Lane already has such boundaries, being contained within the A38, London Road and Cricket Lane.

203. Having visited these sites and examined the evidence I agree with the Council's conclusion that their deletion from Green Belt would not cause unacceptable harm to the purposes of including land in Green Belt.

Conclusions on Additional Sites

204. The focus of concern at the resumed hearings was not so much that Cricket Lane and Deanslade Farm were unsuitable, undeliverable, undevelopable or unviable but rather that there were better sites which should have been selected. This argument was put forward in favour of Brookhay Villages, of sites at Burntwood, of various sites in the rural area including sites at Fazeley, Armitage and Stonnall, of the site at Watery Lane and of the site at Fradley West. These arguments are not, however borne out by the findings of the Sustainability Appraisal which I have examined at length and have concluded are reliable. These findings indicate that the additional sites selected by the Council are the most suitable.

205. I have already considered a number of these alternative sites earlier in this report and concluded that they were not more suitable than the sites allocated in the submitted version of the Plan. A number of the comments which I made about Brookhay Villages (Paragraphs 178-187), about sites at Burntwood (paragraph 131) and about sites in the rural area (paragraph 164) hold good when comparing these sites to the additional sites selected by the Council.

206. New information was submitted in support of the site at Watery Lane but as I have concluded earlier in this report (paragraph 99) I see no reason to dispute the judgement that this site is less sustainable than the

additional sites selected by the Council. As to the site at Fradley West, it is common ground that Fradley is a sustainable location for growth as evidenced by the proposal to allocate other sites there. The fact remains, however, that it is not as sustainable a location as sites on the edge of Lichfield and it has not been seriously argued that it is.

207. Nonetheless, the additional sites selected by the Council are in Green Belt and land should be released from Green Belt only in exceptional circumstances. In my judgement the lack of more sustainable sites outside the Green Belt to meet the identified need for housing in a way that is consistent with the Plan's urban and key centre strategy amounts, in this instance, to the exceptional circumstances that justify the release of Green Belt land at Deanslade Farm and Cricket Lane and their allocation for development (together with additional housing land at Fradley East) as proposed in **MM12 – MM24.** I am also satisfied that the additional sites selected by the Council are the most suitable having considered reasonable alternatives.

Issue 4: Housing Supply

208. Discussion on housing supply at the resumed hearings focussed on the ability of the Strategic Development Allocations in the Plan, particularly those around Lichfield city, to deliver a five year supply of housing land.

209. Broadly speaking the Council's evidence at the resumed hearings was that if the Strategic Development Allocations in the Plan, including the sites at Deanslade Farm and Cricket Lane, were taken into account it could demonstrate a 5 year supply of land if the 'Liverpool' approach were adopted and the shortfall in housing completions since the start of the plan period were spread over the remaining plan period. On the other hand it could not demonstrate a 5 year supply if the 'Sedgefield ' approach were adopted and the shortfall in housing completions were spread over the next 5 years. This calculation gave rise to a number of questions.

Sedgefield and Liverpool approaches

210. The question of whether the Liverpool or Sedgefield approach is adopted has a critical impact on housing land supply calculations. The advice[97] is that the Sedgefield approach should be taken where possible. This is understandable as seeking to remedy any past undersupply within the first five years of the Plan is consistent with the aspiration of boosting significantly the supply of housing land.

211. However the use of the words 'where possible' clearly anticipates that there will be circumstances in which it will not be possible to apply the Sedgefield approach.

212. Applying the Sedgefield approach would mean that between 754 and 825 houses would need to be built per annum over the first five years of the

[97] Planning Practice Guidance: Housing and Economic Land Availability: Paragraph 35

Plan period. A housing trajectory produced by the Council indicates that in the short term the projected completions would need to approach 1,000 dwellings a year. Such figures would be well in excess of the highest number of houses ever delivered in the District - which was 647 delivered in 2005/6 when the economy was healthy and the supply of housing sites was not constrained. Such figures are also well in excess of those which I have concluded can be realistically delivered on a consistent basis. (see paragraph 56 of this report). It is difficult to conceive how such figures could be achieved in the short term even if additional sites were allocated. Plans are required to be realistic as well as aspirational. I consider that the Plan would fail the first of these tests if the Sedgefield approach were adopted.

213. The Liverpool approach, on the other hand, would lead to an annual requirement of between 581 and 653 homes over the first five years of the Plan period with a peak in delivery of some 800 or so dwellings per annum early in the plan period when a number of the Strategic Development Allocations would be delivering housing. Such figures would be broadly consistent with the highest rates of delivery achieved in the District and would represent a marked increase over the annual rates of housing achieved since 2008. I consider therefore that the Liverpool approach would lead to housing supply figures which would be both realistic and aspirational. For these reasons I consider that the Liverpool approach to dealing with the shortfall in housing supply should be used when calculating housing land supply figures in Lichfield.

Buffer

214. In calculating housing land supply there is a requirement that an additional buffer of 5% be moved forward from later in the plan period. Where there is a record of persistent under delivery that buffer is increased to 20%[98]. This gives rise to the question of over what period the Council's record of delivery should be judged. Should it be over a shorter period, such as the last 5 years, during which time, it was established at the initial hearings, there had been undersupply in 4 out of 5 years. Alternatively should it be over a longer period such as the last 11 years during which time the Council had met its housing targets in 7 out of 11 years. I consider that the longer period provides the more robust evidence as it takes better account of peaks and troughs in the housing market cycle[99] and over such a period the Council does not have a record of persistent under delivery. I consider, therefore, that in its housing land supply calculations a 5% buffer should be used.

Rate of Development

215. It was assumed in the Council's housing land supply calculations that each Strategic Development Allocation was capable of delivering a maximum of 150 dwellings per annum. At the resumed hearings there were representatives of the development industry who questioned the robustness of this assumption and considered it to be extremely

[98] National Planning Policy Framework. Paragraph 47.
[99] Planning Practice Guidance: Housing and Economic Land Availability: Paragraph 35

optimistic, particularly as the Plan would involve the development of three Strategic Development Allocations in close proximity to each other on the southern fringes of Lichfield city. Equally, however, there were representatives of the development industry who considered such a rate of delivery to be conservative and were confident it could be exceeded.

216. The factual evidence is that, when there was more than one developer on site, such a rate has been achieved at the East Rugeley Strategic Development Allocation. The developers of the Strategic Development Allocations around Lichfield city have confirmed that they would expect more than one developer to operate on each site. Historically sites in Lichfield city have proved capable of delivering high numbers of houses which bears out the undisputed evidence at the resumed hearings that Lichfield, particularly the area to the south of the city, is an area of high demand. It is also the case that this rate of development has been arrived at as a result of evidence provided by the developers of the Strategic Development Allocations.

217. With these points in mind I consider that the Council's assumption that each Strategic Development Allocation is capable of delivering up to a maximum of 150 dwellings per annum is robust.

The Role of Cricket Lane and Deanslade Farm

218. It was suggested that in deciding to allocate these sites the Council had overstated their ability to contribute to the current five year supply of housing land. However, it is made clear in **MM22** and **MM23** that the Council has not assumed that the Strategic Development Allocations at Cricket Lane and Deanslade Farm will contribute to the current 5 year supply of land - even though the developers of the sites indicated at the resumed hearings that there was a possibility that they could. So, although the Council clearly regarded the fact that these sites were capable of being developed sooner rather than later as being an important factor in deciding to allocate them, they did not overstate the ability of these sites to contribute to the current 5 year supply - indeed they took a suitably cautious approach to the rate at which they were likely to come forward.

Other Matters

219. It is also the case that none of the Strategic Development Allocations are subject to phasing restrictions and that those at South Lichfield, at Streethay and at Fradley are the subject of resolutions to grant planning permission for housing while the Strategic Development Allocation at East Rugeley is under construction.

Conclusion on Housing Supply

220. Taking account of the above points, and having regard to the possibility that the Plan will be the subject of an early review, I consider that it is reasonable to conclude that the Plan does identify a sufficient supply of housing sites for the first 5 years of its span and that **MM4, MM5, MM6, MM7 and MM8** which remove any phasing restrictions from the Strategic

Development Allocations and set out assumed rates of delivery are soundly based.

Issue 5: Balanced Housing Market

221. Lichfield has a high proportion of large, detached and relatively expensive dwellings. This restricts opportunities for young, first time buyers many of whom move out of the District. Lichfield also has an ageing population which contains a high proportion of single person households. There is, in other words, a mismatch in housing terms between what the market provides and what is needed.

222. Evidence indicates[100] that to meet the needs of the local population a mix of housing types should be provided as set out in Table 8.2 of the Plan. This would see the bulk of housing provided being in the two and three bedroom range.

223. However, the evidence on which this proposed housing mix is based has its limitations. Although Lichfield has four sub-housing market areas which have differing characteristics the evidence is not sufficiently robust to provide a different mix within each area. When deciding the mix of housing in a particular area or on a particular site an element of judgement will need to be applied.

224. Policy H1 is, therefore, couched in flexible terms. It provides a broad understanding of the housing needs of the District, that is the need for smaller dwellings, but it is not prescriptive. In reaching a decision on the appropriate mix for a particular site a balance will need to be struck between the needs of a particular area and other factors such as the character and appearance of that area. This is a sound approach.

Issue 6: Gypsies and Travelling Showpeople

225. Policy CP6 indicates that the Council will support the delivery of a minimum of 14 residential pitches and 5 transit pitches over the period 2008-2028. These figures are derived from two assessments of the need for gypsy and traveller accommodation in the area[101]. Although the later of these two assessments indicated a somewhat lower figure[102] the figures in the Plan are derived from the higher figures in the earlier document[103].

[100] Housing Needs Study CD 2-20, Rural Housing Needs Survey CD2.22, Lichfield District Housing Strategy CD3-29
[101] CD2-18 Gypsy Traveller and Travelling Showpeople Accommodation Assessment: Lichfield and Tamworth & CD2.19: Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment.
[102] CD2-18 Gypsy Traveller and Travelling Showpeople Accommodation Assessment: Lichfield and Tamworth. Page 10, Executive Summary, Table 1.
[103] CD2-19: Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment. Page 14, Table 1.

226. Both of these documents gathered information on existing supply and demand and used this as a basis for assessing need. It is not the case, therefore, that they failed to take account of previously established but unmet need. Both of these assessments also sought to take account of likely future family formation, that is they attempted to assess future accommodation needs. They also sought to take account of gypsies and travellers now living in houses, the so called 'bricks and mortar' families, who would want pitches in the future. These assessments are, therefore, reasonably robust and the accommodation figures derived from them are well founded.

227. Since 2008 planning permission has been granted for 7 residential pitches. This leaves 7 residential pitches to be allocated and the 5 transit pitches. As the allocation of this number of pitches is not a strategic matter it is appropriate that it be dealt with through the *Lichfield District Local Plan: Allocations* document.

228. Policy H3 sets out the criteria against which any future allocations will be made. These include the requirement that such sites be within or adjacent to either Lichfield, Burntwood or a key Rural Settlement or be close to the A5 or A38 corridors. It was common ground at the initial hearings that these road corridors were likely to be the places where the greatest demand for transit pitches would be found. The Council also confirmed at these hearings that the term 'adjacent' did not mean 'adjoining' and that it had a broader meaning . I consider, therefore, that policy H3 contains a necessary element of flexibility and is soundly based.

Issue 7: Affordable Housing

229. The proposition that it is important to ensure the provision of the maximum viable level of affordable housing at any particular time was not seriously disputed at the initial hearings because of the acknowledged need for such housing. To this end Policy H2 sets a target of up to 40% affordable housing being provided. This is an upper target or ceiling based on the assessment contained in the Affordable Housing Viability Study[104] of the level of affordable housing that would have been viable at the peak of the market in 2007.

230. The actual target percentage of affordable housing will vary over the plan period according to market conditions and will be calculated each year in the Annual Monitoring Report. These calculations will be carried out using the Dynamic Viability Model which looks at different combinations of house prices, costs and land values to inform the level of viability for a particular year.

231. The Council considers that this approach produces a cautious estimate of the percentage of affordable housing that will be viable at any point in time and points to the fact that when applied to past years the Dynamic

[104] CD2-29. Affordable Housing Viability Study Final Report.

Viability Model produces a figure of 20% affordable housing when in fact a figure of 25% had proved achievable.

232. Nonetheless the Council accepts that there may be sites with particular viability issues in which case it would take a flexible approach initially on thresholds, proportions, tenure, size and type – and if this did not result in a viable scheme it would consider reducing the percentage of affordable housing required. This latter point is confirmed in a minor modification made by the Council.

233. Policy H2, therefore, demonstrates a flexible approach which seeks to address the significant need for affordable housing while taking account of changing market conditions. This aspect of the policy is soundly based.

234. Policy H2 also states that outside the main urban areas affordable housing will be required on housing developments of 5 or more dwellings or sites of 0.2ha in size. However a recent update to Planning Guidance[105] states that affordable housing contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000sqm. The Council proposes, therefore, to amend the policy (**MM25**) to reflect this guidance and in so doing would make the Plan more effective.

Issue 8: Green Belt

235. The submitted version of the Plan (paragraph 4.15), when read as a whole, indicates that safeguarded land might need to be identified at Lichfield city to meet longer term development needs and that this would be done through the *Lichfield District Local Plan: Allocations* document. This raises the question of whether the Council should defer such decisions to the 'Allocations' phase of the Local Plan. I see no reason why it should not. This document would be part of the local plan for the area and it is likely that when such a plan is prepared that it will be clearer what role Lichfield will play in accommodating Birmingham's shortfall in housing provision. Moreover, things have moved on since the Plan was submitted and an early review of the Plan itself is now likely (see **MM1**). It may well be, therefore, that in practice the question of whether or not to identify safeguarded land will be dealt with through that review.

236. The question was also raised as to whether the Plan should, by specifying that safeguarded land should be released at Lichfield city, rule out the possibility of identifying such land at Burntwood. It is undoubtedly the case that there are a number of constraints at Burntwood - such as its limited range and level of services, the proximity of the Cannock Chase AONB, the possibility of coalescence with the West Midlands conurbation

[105] Planning Guidance. Planning Obligations. Paragraph 12.

to the south and with villages such as Hammerwich to the south east – and these are not likely to change over time.

237. However, safeguarded land would not be developed until after 2028 and, given the uncertainty about how much land will need to be allocated in Lichfield to meet Birmingham's housing needs it would be prudent for the Council to keep its options open in this respect and not to limit the possibility of safeguarding land to Lichfield city. The Plan is, therefore, unjustified and hence unsound in this respect. This element of unsoundness would be removed by simply stating that meeting longer term growth needs for the District could impact on Green Belt - as is proposed in **MM19**.

Issue 9: Employment

238. Policy CP7 allocates 79.1ha of employment land (with a further 10ha to be allocated in the *Lichfield District Local Plan: Allocations* document) based on a forecast of 7,310-9,000 jobs being created over the plan period, the intention being to achieve a job balance ratio of 85%. The job balance ratio is calculated by dividing the number of jobs in the District by the number of economically active residents and a job balance ratio of 85% would, theoretically, enable 85% of the economically active residents in the District to both live and work there.

239. The forecast number of jobs and the demand for land that these are likely to generate are derived from the Employment Land Review and these were confirmed in an update of this review carried out in 2014 in the light of the increased housing numbers now proposed in the Plan[106].

240. The suggestion was made that the District already has an ageing or 'top heavy' population. It was also suggested that as in migrants into the District are older than the average for the West Midlands their working lives will be much shorter than the period over which they occupy a dwelling in the District. It follows from this that the employment pool of economically active people could fall short of the projected number of jobs and if this happened, the levels of cross boundary commuting, mainly by car, would increase. It was suggested, therefore, that the amount of employment land allocated in Policy should be reduced.

241. However, such a thesis relies on a detailed statistical analysis of population and employment forecasts/projections which themselves employ different methodologies, which do not purport to be exact or precise in their conclusions and which rely to a considerable degree on professional judgement in, for example, how to take account of the percentage of the population that is likely to be economically active over the plan period.

[106] CD2-32b. Employment Land Review Update 2014.

242. Given these caveats I do not consider that such an analysis warrants reducing the amount of employment land allocated in the Plan when this amount is derived from a broadly reliable source, namely the Employment Land Review[107] and its update[108] nor does it indicate that the amount of employment and housing land proposed are seriously out of balance with each other.

Issue 10. Renewable Energy

243. The Plan refers at paragraph 5.25 to the *Staffordshire County-Wide Renewable/Low Carbon Energy* study as having identified six individual sites in the District as providing the greatest opportunity for wind development. This paragraph goes on to indicate that each of these sites has the capacity for three or more large scale turbines. However while the boundaries of these area are shown on Map 5.1 no reference is made to them in Policy SC2 so it is unclear what role they would play in any decision making on the location of future wind turbines. In this respect the Plan is not effective and hence unsound. This unsoundness would be remedied by making clear that these sites will be taken into account when considering the location of large scale wind turbines in the District as is proposed in **MM3**.

Issue 11: Cannock Chase Special Area of Conservation

244. Policy NR7 seeks to avoid any adverse effects resulting from population growth in the vicinity of the Cannock Chase Special Area of Conservation (SAC). Integral to this policy is the identification of a zone of influence around the SAC within which certain forms of development would be required to provide or pay for mitigation measures. However, while the policy refers to this zone of influence it does not define its extent. In this respect the policy is ineffective and hence unsound.

245. The Council proposes to remedy this element of unsoundness by way of a main modification (**MM9**) which defines the extent of this zone of influence as being within a 15km radius of Cannock Chase SAC. Some neighbouring councils considered that the zone of influence should be defined as having an 8km radius, partly because most visitors come from within this radius and partly because in practice it is likely that only those developments within an 8km radius will be required to provide or pay for mitigation measures.

246. To my mind it is important not to confuse the zone of influence with what might be termed the zone of payment. The definition of the zone of influence put forward in the Plan is based on the fact that 75% of visitors to the SAC come from within a 15km radius. Such a method of defining a zone of influence has been used elsewhere and is supported by a number of neighbouring councils and Natural England. While there may be other

[107] CD2-32. Employment Land Review.
[108] CD2-32b. Employment Land Review Update 2014.

ways of defining the zone of influence the method chosen by the Council provides adequate justification for a 15km radius.

247. As to the so called zone of payment, at the time of the resumed hearings, it had yet to be formally established what the extent of this would be and the point was made that when it was established it would not be immutable and could change over time. I consider, therefore, that the Council is right to take the approach that it does in **MM9** and simply seek to define the extent of the zone of influence. Moreover there is a reasonable basis for concluding that the zone of influence should be defined as being within a 15km radius of Cannock Chase SAC.

Issue 12: Other Matters

Built and Historic Environment

248. It was suggested that Policies CP14 and BE1 would not ensure that the desirability of new development making a positive contribution to local character and distinctiveness[109] was taken into account when considering proposals for development. I do not agree. Policy BE1 does require new development to have a positive impact on a range of factors including the historic environment and the built vernacular. Moreover, Policy CP1 requires the protection of the District's important historic environment including views to and from Lichfield Cathedral. Policy Lichfield 1 gives more detail about key heritage assets that will be protected and enhanced. Read as a whole, therefore, the Plan does seek to ensure that the local character and distinctiveness of the District will be enhanced.

Car Parking

249. The question was raised as to whether car parking in Lichfield City should have been a strategic matter dealt with in the Plan, as the proposals for development that it contains will increase pressure on existing car parks. However, the Council confirmed at the initial hearings that the demand for car parking spaces in the city was declining and that, contrary to public perception, parking surveys indicated that there was spare capacity in existing car parks. Given this information and given that the Council is committed to keeping the situation under review I do not consider that car parking is a strategic issue that need necessarily have been dealt with in the Plan.

Assessment of Legal Compliance

250. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development	The Plan is identified within the approved LDS of

[109] National planning Policy Framework. Paragraph126.

Scheme (LDS)	March 2013 which sets out an expected adoption date of December 2013. The LDS is to be updated so that the Plan's content and timing are compliant with it.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted April 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (May 2012) and the addendum to the Habitat Regulations (January 2014) sets out why AA is not necessary.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Local Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

251. The Plan has a number of deficiencies in relation to soundness which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

252. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Lichfield Local Plan: Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

R J Yuille

Inspector

This report is accompanied by the Appendix containing the Main Modifications