

Birmingham City Council

Report to Cabinet

25th June 2024



Subject: THE BIRMINGHAM LOCAL PLAN-CONSULTATION ON 'PREFERRED OPTIONS' DOCUMENT

Report of: STRATEGIC DIRECTOR – PLACE, PROSPERITY AND SUSTAINABILITY

Relevant Cabinet Member: Councillor Sharon Thompson, Deputy Leader and Cabinet Member for Economy and Skills

Relevant O & S Chair: Councillor Katherine Iroh, Economy, Skills and Culture

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012296/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 In line with legislative requirements, a review of the Local Plan, including the Birmingham Development Plan (BDP) was undertaken and a decision to update the plan was agreed by Cabinet in June 2021. The Birmingham Local Plan, as it is now to be known, is being prepared in accordance with the timetable set out in the Local Development Scheme 2023-2026. Once adopted, it will be the

statutory planning framework for the whole City and will guide planning decisions on all development and regeneration activity up to 2042. It will set out how, where and how many new homes, jobs, services and infrastructure will be delivered and the type of places and environment that will be created.

- 1.2 To reach a point where the new Birmingham Local Plan can be adopted, several statutory stages will need to be carried out, each with an opportunity for citizens, businesses and other stakeholders to make comments and representations to the Council to shape the Plan going forward. This is the second stage in that process following initial consultation on an 'Issues and Options' document which took place between October and December 2022. The 'Preferred Options' document has been prepared based on further evidence work and comments provided during the initial consultation. Consultation on the Preferred Options will be undertaken in accordance with the consultation strategy.
- 1.3 Following this consultation, a final 'Publication' version of the Birmingham Local Plan will be prepared and consultation is scheduled to take place on that early in 2025 before the Local Plan is submitted to the Secretary of State for Levelling Up, Housing and Communities where it will be subject to public examination led by the Planning Inspectorate prior to final approval and adoption.

2 Recommendations

- 2.1 Approve the Birmingham Local Plan 'Preferred Options' Document, including the accompanying Sustainability Appraisal and Policies Map (attached as Appendices 1, 2 and 8) for public consultation for a period of 6 weeks commencing in July 2024.
- 2.2 Delegate authority to the Strategic Director for Place, Prosperity and Sustainability in consultation with the Deputy Leader of the Council and Cabinet Member for Economy and Skills to make any minor typographical/graphical amendments to the Preferred Options document and Policies Map prior to consultation.
- 2.3 Approve the Statement of Consultation as set out at Appendix 3.
- 2.4 Approve the Consultation Strategy at Appendix 4 as the basis for the consultation.
- 2.5 Approve the amended Terms of Reference for the Local Plan Member Working Group as set out at Appendix 5

3 Background

- 3.1 The Birmingham Local Plan, once adopted, will be the statutory planning framework for the whole City and will guide planning

decisions on all development and regeneration activity up to 2042. It will set out how, where and how many new homes, jobs, services and infrastructure will be delivered and the type of places and environment that will be created.

- 3.2 A review of BDP concluded that the plan required updating due to substantial changes to national planning policy and local priorities since it was adopted in January 2017. Following Cabinet approval in June 2021, work commenced on a full update of the BDP and its evidence, to be known as the Birmingham Local Plan. The Birmingham Local Plan is being prepared in accordance with the Local Development Scheme 2023-2026, which was approved by cabinet in November 2023.
- 3.3 Following evidence gathering, an 'Issues and Options' consultation document was prepared, and consultation took place between October and December 2022. Comments and responses to the issues raised in the consultation document were gathered during this period through written responses as well as through a series of events and exhibitions which took place throughout the City. The comments were collated and, where appropriate, were used to shape the preferred approach set out in the latest consultation which is about to begin. All issues raised, including how they have helped shape the Birmingham Local Plan, are set out in the Consultation Statement which is attached as Appendix 3.

Preferred Options Consultation document

- 3.4 This Preferred Options document is a consultation document prepared under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It sets out the Council's preferred development strategy, draft policies and site allocations taking into account the evidence gathered to date and the views gained from the Issues and Options consultation previously carried out.
- 3.5 The Preferred Options consultation provides an opportunity for everyone to comment on the proposals and help shape the emerging policies and allocations. All comments received will be considered before the Council agrees a final version for one final consultation before being submitted to the Secretary of State for Levelling Up, Housing and Communities for examination.
- 3.6 The overarching development strategy set out in the Preferred Options document will ensure that growth is directed to and prioritised in the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. This will be done in the following ways:

- Reducing the city's carbon emissions and creating resilient and adaptive environments.
- Delivering at least 103,000 homes over the plan period, significantly increasing the number of affordable homes and providing a wide choice of housing sizes, types and tenures.
- Creating a strong economy through a continuous supply of land to meet modern workplaces while allocating under-used employment land in the right locations for new housing development.
- Focusing growth on locations which are well served by public transport, cycling and walking infrastructure and other services and amenities.
- Maximising densities to make efficient use of land and to support more local services and facilities such as public transport.
- Promoting Birmingham city centre and urban centres as a focus for retail, leisure, office, residential use and other appropriate uses.
- Encouraging innovative and enduring design and supporting the creation of healthy, safe and accessible buildings and environments.
- Connecting communities, workplaces, services and facilities via an integrated sustainable transport network which prioritises non-car modes.
- Ensuring that digital infrastructure is fit for the future.
- Increasing the biodiversity and greenness of the city, protecting the Green Belt and improving access to open space.
- Valuing and conserving the city's heritage assets.

3.7 The consultation document has three main elements.

- The first part of the document focuses on the Vision and Objectives for the City from a planning perspective as well as the development strategy and overall levels of growth and its spatial distribution across the City. The projected development requirements for housing and employment for the City up to 2042 are as follows:-
 - i. Housing Need – the projected housing requirement for Birmingham up to 2042 calculated according to the Government's standard methodology is approximately 150,000 dwellings. The Preferred Options Document identifies an overall land supply sufficient for approximately 103,000 dwellings, plus completions to 31st March 2023 – leaving a shortfall or unmet need of approximately 46,000 dwellings.

ii. Employment Need – an independent Housing and Employment Development Needs Assessment (HEDNA) was carried out in 2022 which assessed that a total of 295 hectares of employment land was required up to 2042, but the recommendation for the Local Plan was to maintain an ongoing 5-year supply of 67 hectares. The Preferred Options Document has identified an overall supply of 258 hectares through planning approvals, completions, landowner submissions and 53 hectares allocated as Birmingham’s share of land at the West Midlands Rail Freight Interchange located in South Staffordshire. This would indicate a potential shortfall of 37 hectares, but officers have identified a further 123 hectares within the new Core Industrial Areas identified in the Plan which would be suitable for industrial development but haven’t yet been promoted by landowners or developers. There are also 129 hectares currently in the 5-year industrial land supply, so the future industrial land supply requirements are capable of being met.

- The second part of the document identifies a series of 27 proposed Growth Zones across the City where the majority of change and future growth is to be focussed as well as a series of proposed site allocations for development.
- The third part of the document sets out a series of new and revised thematic planning policies which will apply across the City. There are 43 draft policies covering four main topic areas:-
 - i. Twelve proposed policies on Homes and Neighbourhoods including affordable housing, housing densities, special needs and older persons accommodation, student and shared accommodation, gypsies and travellers.
 - ii. Eighteen proposed policies on climate and environment including carbon minimisation and reduction, retrofitting and renewable energy, flood risk, waste, biodiversity and green infrastructure, open space, playing pitches, historic assets, canals and green belt.
 - iii. Seven proposed policies economy and centres including industrial land protection and provision, urban centres, the evening economy and tourism and cultural facilities.
 - iv. Six policies on connectivity including active and sustainable travel, public transport, freight and digital connectivity.

3.8 The Preferred Options consultation document is also accompanied by a Sustainability Appraisal (SA) (Appendix 2) which assesses the policies and other content of the Birmingham Plan thus far gathered,

to ensure they have a positive impact on social, economic and environmental factors.

- 3.9 In formulating the Birmingham Local Plan, the Council is required to work with other local authorities and bodies through what is known as the 'Duty to Co-operate' to deal with issues that run across local authority boundaries. This joint working is critical for Birmingham as we are unable to meet all of our development needs within our boundary, particularly housing needs. At the same time, we have to consider any unmet development needs from our neighbours. Birmingham will therefore need to continue to work effectively with neighbours to achieve a planned response to the issues, particularly in relation to housing shortfalls.
- 3.10 The Birmingham Local Plan is supported by a robust evidence base. Extensive research and technical studies have been undertaken to inform the Local Plan and this will be added to and refined over the coming months. The Evidence Base can be viewed on the dedicated web pages for the Birmingham Local Plan (a link is at the foot of this report).
- 3.11 Consultation on the Preferred Options will be undertaken in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the City Council's Statement of Community Involvement. The Consultation Plan as set out at Appendix 4 provides the details of how the consultation will be undertaken. It will include a number of in person drop-in sessions and online engagement sessions as well as the publication of documents online.
- 3.12 Following the conclusion of the consultation on the Preferred Options document, a final 'Publication' version of the Birmingham Local Plan will be prepared which is scheduled to be consulted on early in 2025 before being submitted to the Secretary of State for Levelling Up, Housing and Communities where it will be subject to public examination led by the Planning Inspectorate. The Government are embarking on a significant programme of planning reform and under existing transitional arrangements, submission of the BLP to the Secretary of State must occur by 30 June 2025.

Local Plan Member Working Group

- 3.13 The preparation of the Local Plan is being supported by the Local Plan member Working Group. The Group was established in October 2021 following approval of the Terms of Reference at Cabinet. It is proposed that the Terms of reference are updated to clarify the membership of the group and appointment of a vice chair. The proposed Terms of reference form Appendix 5 to this report.

4 Options considered and Recommended Proposal

- 4.1 **Option 1- Do Nothing:** Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review their local plans at least once every 5 years from their adoption date to ensure that policies remain relevant, up-to-date and effectively address the needs of the local community. If not, the Local Plan must be updated. By doing nothing, the Council will not be keeping its Local Plan up-to-date and thereby not comply with this legislative requirement. This is the second main stage in the production of the Local Plan which has involved considerable officer time and financial commitment to ensure that evidence to justify the Plan is in place and robust. Not proceeding will mean that this officer time and additional expense would prove abortive. This is therefore not deemed an acceptable option.
- 4.2 **Option 2: To carry out a partial update of the Local Plan.** It was clear from the review of the previous BDP adopted in 2017 as well as national policy, that the BDP required fully updating due to a range of significant changes in national planning policy and local circumstances including changes to national planning policy and guidance relating to affordable housing, climate change mitigation and increased housing requirements as well the declaration of a climate emergency by the City Council in 2019. The production of the 'Our Future City – Central Area Framework' by the Council will also require the spatial strategy for Central Birmingham to be re-evaluated. All of these factors mean that a partial update of the Local Plan will be inadequate in addressing all these issues and is therefore not a viable option.
- 4.3 **Option 3: To carry out a full update of the Local Plan including the production of the Birmingham Local Plan to replace the BDP.** To fully update the Local Plan and proceed with the production of the Birmingham Local Plan is the recommended option. This consultation will be the second main stage in the production of the Birmingham Local Plan.

5 Consultation

- 5.1 A cross-party Local Plan Member Working Group has been established to help guide the process of producing the Plan. It is chaired by the Leader of the Council and considers reports relating to the Local Plan review process. A series of online sessions as well as a drop-in session have been arranged for wider engagement with Members to fully understand the consultation on the Birmingham Local Plan and its contents for this consultation.
- 5.2 Internal officer groups and meetings have also been set up to ensure that officers from different departments are engaged with, and

contributing towards, the production of the Plan. This includes officers from Birmingham Property Services, Highways, Transportation, Housing, Environmental Health, Public Health and Leisure.

- 5.3 Under the 2011 Localism Act and the National Planning Policy Framework (NPPF), local planning authorities have a legal Duty to Cooperate with other local planning authorities and organisations to seek to address strategic planning matters that are driven by larger than local issues that are likely to have an impact beyond their immediate Local Plan area. Neighbouring local authorities and other Duty to co-operate bodies are being consulted as part of the Preferred Options consultation and views are being and will continue to be sought on any strategic cross boundary issues arising.
- 5.4 The launch of the public consultation on the Birmingham Local Plan Preferred Options document will be the second consultation stage for the Plan following the consultation on the Issues and Options Document in October-December 2022. Public consultation will therefore take place following Cabinet approval and will be in accordance with the Council's adopted Statement of Community Involvement, under the provisions of the Planning and Compulsory Purchase Act 2004, and the revised procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.5 The consultation document and relevant material will be published online and all those on the Planning Policy Consultation Database will be notified. All feedback and comments received will be taken into consideration in formulating the next stage of the consultation prior to the eventual adoption of the document. A Consultation Strategy has been produced (Appendix 3) which details how the consultation will take place for this stage and for subsequent stages in the development of the Birmingham Local Plan. This Strategy will be reviewed and updated at each consultation stage.
- 5.6 Officers from Legal and Democratic Services and City Finance have been involved in the preparation of this report.

6 Risk Management

- 6.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review their local plans at least once every 5 years from their adoption date to ensure that policies remain relevant, up-to-date and effectively address the needs of the local community. Where relevant Local Plan policies are out of date, the presumption in favour of sustainable development will apply on all development proposals and the Council's ability to deliver on its strategic objectives would be harmed. It would mean the Council may be susceptible to decisions

being challenged by planning appeals and reduce the ability to provide certainty for residents, developers and investors. The Birmingham Development Plan (2017) is now considered to be out of date and due to increased housing need, the City Council does not have a 5-year Housing Land Supply. The only way the city can secure a 5-year housing land supply, based on the current national standard methodology for housing need, is to adopt a Local Plan which sets out a deliverable housing number for the city.

- 6.2 The Government is currently undertaking a programme of planning reform through changes to the National Planning Policy Framework (NPPF) and through the introduction of the Levelling-up and Regeneration Act 2023 which was given Royal Assent in October 2023. The Act introduces some wide-ranging reforms including how Local Plans are to be produced in the future. However, changes are being introduced gradually to ensure that Local Plans can still be delivered in a timely manner under previous legislation for an interim period. Local Plans that can be submitted to the Secretary of State for Levelling Up, Housing and Communities by 30th June 2025 will be allowed to continue under previous legislation. Failure to meet this timetable may result in delays to the adoption of the Birmingham Local Plan whilst the implications of the new legislation for the Plan is assessed and whether it will result in significant amendments to Plan which will require further consultation.
- 6.3 The timetable for completion and adoption of the Birmingham Local Plan allows a degree of flexibility to account for any potential issues while continuing to ensure that the Plan can be submitted by June 2025. This also allows time for discussion with stakeholders and for issues to be addressed, as well as the processing of any comments made. However, the timetable will continue to be under review after each stage and any risks on the timely delivery of the Plan will be mitigated.
- 6.4 Other risks are addressed elsewhere in this report, including the option analysis in Section 4 and section 7.3 on the financial implications.
- 6.5 Should the Cabinet report be approved, monitoring of delivery will take place through the council's Annual Monitoring Report, which sets out progress against the milestones in the Local Development Scheme, and also the Corporate Performance Monitoring.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The recommended decisions are consistent with the Council Corporate Plan 2022-2026 (as updated in 2019) and in particular

the five strategic priorities and outcomes; a Bold Prosperous Birmingham; a Bold Inclusive Birmingham; a Bold Safe Birmingham; a Bold Healthy Birmingham and; a Bold Green Birmingham by providing up-to-date policies for the future planning and development of the city.

- 7.1.2 The new Plan will also play an important role in supporting the Council's declaration of a Climate Emergency in July 2019 and is significant in helping to deliver the City of Nature Plan and climate adaptation.

7.2 Legal Implications

- 7.2.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review their local plans at least once every 5 years from adoption to ensure that policies remain relevant, up-to-date and effectively address the needs of the local community.
- 7.2.2 The preparation of the Birmingham Local Plan, including this consultation, is being carried out in accordance with the Planning and Compulsory Purchase Act 2004 and is prescribed under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

7.3 Financial Implications

- 7.3.1 The total cost of preparing the Birmingham Local Plan is estimated to be in the region of £1 million. Approximately £750K of this cost has already been spent or committed. The remaining cost will be spread across the 2024/2025 and 2025/2026 financial years. Most of the expenditure is associated with procuring external consultants to prepare specialist evidence base documents to support the preparation of the Local Plan. Other costs include KC advice, consultation costs and the appointment of a Planning Inspector and programme officer for the examination stage of the plan.
- 7.3.2 Spend control approval was received from the S151 Spend Control Board on 16th October 2023 for £300K to support the preparation of the Local Plan, with £150K of this expenditure expected to fall into the 2024/2025 financial year. Each item of expenditure within the overall approval will require a spend control approval. The consultation will be carried out in a cost-effective way whilst maintaining legal and statutory requirements in the consultation of Local Plans. An initial budget of £10,000

has been set aside to carry out this consultation which has recently received Spend control approval.

7.4 Procurement Implications (if required)

- 7.4.1 The continuing procurement of technical evidence base studies will be the subject of separate delegated reports.

7.5 Human Resources Implications (if required)

- 7.5.1 No implications.

7.6 Public Sector Equality Duty

- 7.6.1 The Birmingham Local Plan is being prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies in the exercise of their functions have due regard to and consider the needs of all individuals in shaping policy. Preparation of the Birmingham Local Plan also includes the carrying out of an integrated Sustainability Appraisal (Appendix 2) at each formal stage which ensures positive social, economic and environmental impacts as well as a separate Equalities Analysis (Appendix 6).

8 Appendices

Appendix 1 – Birmingham Local Plan – Preferred Options document.

Appendix 2 – Birmingham Local Plan – Sustainability Appraisal for the Preferred Options document

Appendix 3 – Consultation Statement from the Issues and Options consultation

Appendix 4 - Consultation Strategy for the Birmingham Local Plan Preferred Options document

Appendix 5 – Updated Terms of Reference for the Local Plan Member Working Group

Appendix 6 - Equalities Assessment

Appendix 7 – Risk Assessment

Appendix 8 – Policies Map

9 Background Documents

- 9.1 Cabinet Report on Birmingham Development Plan review and revised Local Development Scheme 29th June 2021.
- 9.2 Cabinet Report on consultation on the Birmingham Local Plan ‘Issues and Options’ document 11th October 2022.

- 9.3 Cabinet Report on the Local Development Scheme 2023 – November 2023
- 9.4 A dedicated web page for the Birmingham Local Plan can be found on the following link: [New Local Plan for Birmingham | New Local Plan for Birmingham | Birmingham City Council](#)