

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of:	Corporate Director, Economy
Date of Decision:	12th December 2017
SUBJECT:	BIRMINGHAM LOCAL DEVELOPMENT SCHEME 2018 TO 2021
Key Decision:	Yes
If not in the Forward Plan:	Relevant Forward Plan Ref: 004375/2017
(please "X" box)	Chief Executive approved <input type="checkbox"/>
Relevant Cabinet Member:	O&S Chair approved <input type="checkbox"/>
Relevant O&S Chair:	Councillor Ian Ward, Leader
	Councillor Zafar Iqbal, Chair of Economy, Skills and Transport O & S Committee
Wards affected:	All

1. Purpose of report:

1.1 To seek Cabinet agreement to a revised Local Development Scheme (LDS) attached as Appendix 1 that sets out a three year programme of preparing Local Development Documents (LDDs) that form the local plan for Birmingham.

2. Decision(s) recommended:

That the Cabinet:-

2.1. Approves the revised Local Development Scheme (LDS) (attached at Appendix 1) for the period 1st January 2018 to 31st December 2021.

2.2 Notes that the LDS contains the following Local Development Documents which will be prepared over the next three years; Bordesley Park Area Action Plan, Development Management Development Planning Document and Neighbourhood Development Plans for the Jewellery Quarter and Beeches, Booths and Barr (3Bs) areas of the city.

Lead Contact Officer(s):	Uyen-Phan Han / Jacob Bonehill
Telephone No:	0121 303 2765 / 0121 303 4057
E-mail address:	uyen-phan.han@birmingham.gov.uk jacob.bonehill@birmingham.gov.uk

3. Consultation

3.1 Internal

Consultation has been undertaken with the relevant Assistant Directors (Planning, Development, Transportation and Connectivity, Highways and Infrastructure and Birmingham Property Services) Heads of Service (Planning Management, Housing Development and City Design) and Area Development Planning Managers.

3.2 External

External consultation has been undertaken on some of the documents in the LDS, namely the Bordesley Park Area Action Plan and the Development Management Development Planning Document. Both of these documents will be subject to further external consultation as they are developed. For those documents in the LDS for which consultation has not commenced due to their earlier stage of preparation, consultation will be undertaken at the appropriate stage(s) in their development. Consultation on all documents in the LDS will be undertaken in accordance with the Council's Statement of Community Involvement.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1.1 The various documents included within the LDS will collectively contribute to achieving all four priorities set out in the Council's Vision and Priorities 2017 to 2020, namely Children – a great city to grow up in, Housing – a great city to live in, Jobs and Skills – a great city to succeed in and Health – a great city to grow old in.

4.1.2 Each of the documents proposed for preparation in the LDS will be prepared in accordance with the adopted Birmingham Development Plan.

4.2 Financial Implications (How will decisions be carried out within existing finances and Resources?)

4.2.1 The preparation of the documents set out in the LDS will be undertaken by officers from the Planning and Development service funded from existing revenue budgets supported by officers from across the wider Economy Directorate as necessary.

4.3 Legal Implications

4.3.1 It is a requirement to prepare a LDS and to revise it as necessary, under the provisions of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.

4.4 Public Sector Equality Duty

4.4.1 An Equalities Analysis (ref: EA002403) has been undertaken and is attached as Appendix 2. It concluded that the LDS would not have any adverse impacts on any of the protected characteristics, although there is the potential for the documents proposed for production in the LDS to have adverse impacts. To mitigate this each of the proposed documents will be subject to their own equalities assessments as part of the process of their production.

5. Relevant background/chronology of key events:

5.1 The Council is required to prepare a LDS and to revise it as necessary. The existing LDS came into effect in April 2014 and a revised scheme is proposed in Appendix 1.

5.2 The purpose of the LDS is to set out a programme of LDDs in progress, which together will form the local plan for Birmingham. There are two types of document within the programme – Development Plan Documents (DPDs), which form the statutory Development Plan for Birmingham and are subject to a formal examination process, and Supplementary Planning Documents (SPDs), which add detail to policies and proposals contained within DPDs.

5.3 A schedule of proposed DPDs is required within the LDS. However it is no longer a statutory requirement that SPDs are included. They are recorded for information only, to maintain a record of SPDs in progress and those that have been adopted. This ensures that information regarding the full range of the Council's planning policies is available in one document.

5.4 The LDS details target dates for the completion of key stages in the preparation of DPDs. The main DPD for Birmingham is the Birmingham Development Plan (BDP) which was adopted in January 2017. It is not currently proposed that the BDP will be reviewed during the period covered by the revised LDS. Annual monitoring of the BDP is undertaken through the Authorities Monitoring Report, should any issues be identified with the BDP through this process the LDS will be revised as necessary.

5.5 Other DPDs included in the LDS that are currently being prepared include the Bordesley Park Area Action Plan and the Development Management DPD. These documents will both be the subject of an examination in public undertaken by an Inspector acting on behalf of the Secretary of State. There are also two Neighbourhood Development Plans currently being prepared which will also form part of the statutory Development Plan when they are 'made' by the City Council following an independent Examination and subsequent referendum. These Neighbourhood Development Plans will cover the Beeches, Booths and Barr (3B's) areas of Perry Barr Ward and the Jewellery Quarter area of the Ladywood Ward.

5.6 In addition to the DPDs detailed above a number of SPDs are proposed to be produced over the time period covered by the revised LDS. Each of these documents is at different stages in their production and further details are available in appendix 1.

6. Evaluation of alternative option(s):

6.1 The LDS is required to be updated as necessary by the City Council. The existing LDS came into effect in 2014 and the schedule is in need of revision to reflect recent progress in producing DPDs and new documents within the scheme. There is not considered to be a viable alternative option to producing a current LDS.

7. Reasons for Decision(s):

7.1 To meet statutory requirements to maintain an up-to-date Local Development Scheme as set out above.

Signatures

Date

Councillor Ian Ward
Leader

.....

Waheed Nazir
Corporate Director, Economy

.....

List of Background Documents used to compile this Report:

- Local Development Scheme for Birmingham 2014
- Birmingham Development Plan 2031
- Bordesley Park Area Action Plan pre-submission draft
- Development Management DPD Regulation 18 (Preparation) Consultation Document
- Draft Langley SPD (awaiting sign off for consultation)
- Draft Peddimore SPD (awaiting sign off for consultation)
- Birmingham Design Guide Vision Document
- Conservation Areas Review Recommendations Report
- Beeches, Booths and Barr (3B's) Neighbourhood Area and Neighbourhood Forum Designations
- Jewellery Quarter Neighbourhood Development Plan – Designation of Neighbourhood Area and Neighbourhood Forum

List of Appendices accompanying this Report (if any):

- Appendix 1: Local Development Scheme for Birmingham 2018-2021
- Appendix 2: LDS 2018-2021 Equalities Analysis

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in section 4.4 of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation