

# Birmingham City Council

## Report to Cabinet

17 December 2019



**Subject:** Birmingham Local Development Scheme and Authority Monitoring Report

**Report of:** Interim Director, Inclusive Growth

**Relevant Cabinet Members:** Councillor Ian Ward, Leader of the Council

**Relevant O &S Chair(s):** Councillor Tahir Ali, Economy and Skills  
Councillor Liz Clements, Transport and Environment  
Councillor Penny Holbrook, Homes and Neighbourhoods

**Report author:** Uyen-Phan Han, Planning Policy Manager,  
Telephone No: 0121 303 2765  
Email Address: [uyen-phan.han@birmingham.gov.uk](mailto:uyen-phan.han@birmingham.gov.uk)

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: 007119/2019		
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

### 1 Executive Summary

- 1.1 Cabinet approval is sought to adopt the revised Local Development Scheme 2020-2023 (LDS) attached as Appendix 1, which sets out a three-year programme for the preparation of Local Development Documents (LDD) which form the Local Plan for Birmingham.
- 1.2 Cabinet is to note the contents of the Authority Monitoring Report (AMR) attached as Appendix 2, which monitors progress on targets set out in the Birmingham Development Plan (BDP). Based on the review of progress, an early review of the BDP is not currently proposed.

## **2. Recommendations**

- 2.1 That Cabinet approves the revised Local Development Scheme (LDS) (attached at Appendix 1).
- 2.2 That Cabinet notes the contents of the Authority Monitoring Report (AMR) (attached as Appendix 2) and endorses the recommendation not to undertake an early review of the Birmingham Development Plan.

## **3. Background**

- 3.1 Local Planning Authorities are required through the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) to produce a Local Development Scheme (LDS). This is a rolling three-year project plan setting out Local Development Documents (LDDs) that will be produced by the authority to comprise the Local Plan and the timetable for their preparation. Progress on the preparation of these documents is reviewed in the City Council's Authority Monitoring Report (AMR).
- 3.2 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.
- 3.3 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.
- 3.4 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. In the updated LDS, the main DPD in preparation is the Development Management in Birmingham document (DMB). The Publication version of the DMB was approved by Cabinet in October; consultation will commence early in the new year.
- 3.5 The LDS also identifies two Neighbourhood Development Plans (NDP) that are currently being prepared (Jewellery Quarter NDP and the Beeches, Booth and Barr NDP (3Bs)) and notes the timetable for the review of the city's Community Infrastructure Levy. The Bordesley Park Area Action Plan (being considered by Cabinet on 17 December 2019 and subject to approval by Full Council on 14 January 2020), and subject to adoption, will also form part of the statutory Local Plan.
- 3.6 Policy TP48 of the BDP requires the City Council to monitor progress annually towards the achievement of the key targets for growth set out in Policy PG1 of the BDP. The performance against the monitoring indicators is set out in the Authority Monitoring Report (AMR) attached as Appendix 2 to this report. Based

on the monitoring and review of progress against the key indicators, it is currently not proposed to undertake an early review and update of the BDP. The key BDP monitoring indicators and headlines from the AMR are summarised below. (Note not all the bullet points below relate to key indicators which would trigger a review of the BDP; some are for the purposes of additional contextual information).

- The BDP requires maintenance of a 5 year housing land supply. The City Council has a 6.6 years housing land supply. This is derived from a 5 year requirement of 14,963 dwellings (including a 5% buffer) and a supply of 19,797 dwellings. Target achieved. (Key indicator)
- The City Council has a housing requirement of 51,100 dwellings to be provided within Birmingham by 2031. The requirement for the period 2011/12 to 2018/19 was 16,950 dwellings. A total of 18,324 net new dwellings were completed in this period. The cumulative target to date has, therefore, been exceeded by 1,374 dwellings. Housing completions are ahead of the BDP housing trajectory. (Key indicator)
- In terms of housing delivery, the City Council achieved 108% in the Government's Housing Delivery Test November 2018 and is anticipated to achieve around 116% in 2019. (Not a key indicator)
- A total of 3,815 affordable dwellings have been completed between 2011/12 – 2018/19 against a requirement of 5,358 for this period. This means that 71% of the target has been met with an under-delivery of 1,580 dwellings. In the same period the total value of Section 106 affordable housing commuted sums received has been £9.145m. The total value of unspent commuted sums is £3.014m. The delivery of social and affordable housing for rent remains a first priority for the city. With this in mind, at times, the 35% affordable housing policy requirement may not always be achieved, but a better mix or type of affordable housing is provided. For example, large family houses for social rent in place of 1 and 2 bed flats for rent. The City Council however, will continue to develop ways to increase the provision of affordable housing. In May this year, Cabinet approved the Birmingham Municipal Housing Trust Delivery Plan 2019-2029 which will deliver around 3,000 new homes for rent and sale over the next 10 years at an estimated cost £346m. (Not a key indicator)
- The BDP requires a minimum 5 year supply reservoir of 60 hectares of best quality employment land to be maintained. At 1 April 2019, there were 0ha of readily available best quality employment land. However, following the granting of outline planning permission for the Peddimore employment site on 15 August 2019, the amount of readily available best quality land will be 71ha. The minimum requirement will therefore be exceeded in 2019/20. (Key indicator)
- Whilst no specific AMR target exists, completions of employment development on employment land has averaged 10 hectares per year over the most recent ten year period (2009-19). (Not a key indicator)

- The BDP requires an adequate supply of sites for offices to meet the minimum target of 745,000 sq.m. of gross office floorspace. A total of 64,355 sq.m. has been developed since 2013 and a further 682,727 sq.m. is in the pipeline. The BDP target is therefore on track to be met. (Key indicator)
- The BDP requires an adequate supply of retail sites to meet the target of about 350,000sq.m of gross comparison retail floorspace by 2026. A total of 50,059 sq.m. of comparison retail was developed between 2015/16 and 2018/19. Previous to 2015/16, comparison and convenience retail was not monitored separately and 89,444 sq.m. was developed between 2011/12 and 2014/15. There is a retail supply pipeline of 276,388 sq.m. The BDP target is therefore on track to be met. (Key indicator)
- Birmingham is leading on the Duty to Co-operate arrangements to ensure that progress is being made by other authorities in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) on local plan reviews to accommodate Birmingham's unmet housing up to 2031. While not all relevant local authorities have submitted a revised local plan 'providing an appropriate contribution towards Birmingham's housing needs' within the 3 years since the adoption of the BDP, it is clear that significant progress has been made by local authorities towards this. North Warwickshire submitted a revised local plan in 2018 which is currently in examination and local plan reviews are advanced in Solihull, Lichfield and Cannock Chase and underway in the Black Country, Bromsgrove and South Staffordshire. A HMA Housing Need and Land Supply Position Statement (September 2018) provides an update to earlier housing needs studies and timetables for plan reviews. This 2018 Position Statement suggested that the shortfall had fallen by 5,629 homes from the original 37,500. The Position Statement is currently being updated. This is likely to show further progress on addressing the shortfall. (Key indicator)

3.7 On the basis of the monitoring and review of progress as evidenced in the AMR, it is currently not proposed to undertake an early review and update of the BDP. The key development targets in the Longbridge Area Action Plan and Aston, Newtown and Lozells Area Action Plan have been incorporated into the BDP and are monitored through the AMR. Based on a review of progress against these targets, it is also not currently proposed to review the Area Action Plans. Further detail is provided within section 5 of the AMR (attached as Appendix 2).

3.8 Annual monitoring of the BDP will continue to be undertaken through the AMR; should any issues be identified through this process, the LDS will be revised as necessary.

3.8 Paragraph 33 of the NPPF requires that policies in local plans "should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary." For this reason, the Local Planning Authority will start scoping out the work needed to undertake this in

2020 and set out a timetable for any BDP update, if necessary, in the next version of the LDS by January 2022.

#### **4. Options considered and Recommended Proposal**

- 4.1 Do nothing: Birmingham City Council, as the Local Planning Authority, is required to prepare and maintain an up-to-date Local Development Scheme under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area.
- 4.2 Birmingham's LDS is therefore required to be updated as necessary by the City Council. The existing LDS for Birmingham came into effect on 1<sup>st</sup> January 2018 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.

#### **5 Consultation**

- 5.1 The LDS has been put together following extensive internal consultation with officers within the Inclusive Growth Directorate to determine which Local Development Documents need to be produced or updated within the timeframe of the latest version (2020-2023). The LDS itself is not subject to external consultation but the documents set out within it are subject to various rounds of consultation in accordance with the Planning and Compulsory Purchase Act 2004 and the revised procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### **6 Risk Management**

- 6.1 The programme for completion and approval of a revision to the LDS allows for flexibility to account for any potential issues needing to be addressed.
- 6.2 Other risks are addressed elsewhere in this report, including Section 4 on the risks of not having an up-to-date LDS, and section 7.3 on the financial implications. The delivery of individual Local Development Documents contained in the LDS will be subject to separate Cabinet approvals and thereby subject to separate risk assessment and management.

#### **7 Compliance Issues:**

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

- 7.1.1 The various documents included within the LDS will collectively contribute to achieving all six priorities set out in the vision contained in the City Council's Plan 2018-2022 (as updated in 2019).
- 7.1.2 Each of the documents proposed for preparation in the LDS will be prepared in accordance with the adopted Birmingham Development Plan.

## **7.2 Legal Implications**

7.2.1 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.

## **7.3 Financial Implications**

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

## **7.4 Procurement Implications (if required)**

7.4.1 No implications

## **7.5 Human Resources Implications (if required)**

7.5.1 No implications

## **7.6 Public Sector Equality Duty**

7.6.1 An Equalities Analysis has been undertaken (EQUA420) and is attached as Appendix 3. 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 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.

## **8 Appendices**

Appendix 1: Birmingham Local Development Scheme 2020-2023

Appendix 2: Authority Monitoring Report

Appendix 3: Equalities Analysis

## **9 Background Documents**

Local Development Scheme for Birmingham 2018-2021

Birmingham Development Plan (adopted 2017)

Longbridge Area Action Plan (adopted 2009)

Aston, Newtown and Lozells Area Action Plan (adopted 2012)

Bordesley Park Area Action Plan Submission version

Development Management in Birmingham DPD Publication version  
(Regulation 19) (October 2019)

Beeches, Booths and Barr (3B's) Neighbourhood Area and Neighbourhood  
Forum Designations

Jewellery Quarter Neighbourhood Development Plan – Designation of  
Neighbourhood Area and Neighbourhood Forum