

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET
Report of:	Director of Planning and Regeneration
Date of Decision:	27 July 2015
SUBJECT:	Birmingham Development Plan : Inspector's Recommendations and Proposed Modifications
Key Decision: Yes	Relevant Forward Plan Ref: 000249/2015
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s)	Cllr Ian Ward, Deputy Leader Cllr Tahir Ali, Development ,Transport and the Economy
Relevant O&S Chairman:	Cllr Victoria Quinn, Economy, Skills and Sustainability.
Wards affected:	All

1. Purpose of report:

- 1.1 The Birmingham Development Plan (BDP) was submitted for examination in July 2014. The examination hearings took place during October and November 2014, and Interim Findings were published by the independent inspector in January 2015. These requested the Council to undertake some additional work in relation to the assessment of housing requirements and the Sustainability Appraisal. This work has been completed and the inspector has now provided the Council with a schedule of the Proposed Modifications to the BDP which he has concluded are necessary to make it sound. This includes some changes to the Policies Map and the Plans within the BDP document.
- 1.2 The next step in the process is for these Proposed Modifications, together with the Revised Sustainability Appraisal, to be published for six weeks formal consultation. This report seeks the agreement of Cabinet to undertake this consultation.

2. Decision(s) recommended:

That Cabinet :

- 2.1 Authorises the Director of Planning and Regeneration to undertake formal consultation on the Proposed Modifications recommended by the Birmingham Development Plan examination Inspector (Appendix 1 to this report), the Modifications to the Policies Map (Appendix 2), Modifications to the Plans within the BDP document (Appendix 3) and the Revised Sustainability Appraisal (Appendix 4).
- 2,2 Notes that after the consultation period and receipt of the Inspector's final report, the BDP will be reported to Full Council for adoption.

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3.	Consultation
3.1	<p><u>Internal</u></p> <p>The Chairman of Planning Committee and the Executive Management Team Economy Sub Group have been consulted.</p>
3.2	<p><u>External</u></p> <p>The BDP has been subject to extensive public consultation over a period of years during the course of its preparation. Many of those making comments were able to present their views directly to the inspector during the examination hearings, and all of the comments made on the Submission version of the plan have been taken into account by the inspector in reaching his conclusions.</p> <p>The modifications which the Inspector has now proposed will be subject to a further round of public consultation before he finalises his conclusions on the plan.</p>
4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The BDP contributes towards the overarching objectives of the Council Business Plan and Budget 2015+ specifically "a Green and Sustainable City" and "Infrastructure, Development and Smart City", by defining in a document a coherent strategy for the growth of the city.</p>
4.2	<p><u>Financial Implications</u></p> <p>The BDP has been prepared using existing Planning and Regeneration staff resources and specialist external consultants to prepare specific evidence. There have also been costs associated with providing specialist legal support from Queens Counsel. This expenditure has been provided for in the Planning and Regeneration revenue budget for 2014/15. The additional costs associated with the next consultation stage are anticipated to be in the region of £5,000 and will be funded from Planning and Regeneration's revenue budget for 2015/16.</p>
4.3	<p><u>Legal Implications</u></p> <p>The preparation of the Birmingham Development Plan 2031 is required under the Planning and Compulsory Purchase Act 2004. More detailed guidance is provided in the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 and National Planning Policy Framework. which requires Local Authorities to plan to meet objectively assessed needs for new housing, employment etc.</p>
4.4	<p><u>Public Sector Equality Duty (see separate guidance note)</u></p> <p>The Submission Plan was accompanied by an Equalities Analysis (ref DE 1207 BP) which indicated that there were no significant adverse implications.</p>
5.	Relevant background/chronology of key events:

- 5.1 The BDP 2031 will set out a spatial vision and a strategy for the sustainable growth of Birmingham for the period to 2031. The BDP will be one of the Council's key strategic policy documents.
- 5.2 The BDP is being prepared in line with a statutory process and was subject to several rounds of public consultation before it was submitted to the Secretary of State for formal examination by an independent inspector in July 2014. The examination hearings took place in October/November 2014.
- 5.3 The Inspector published Interim Findings in January 2015. In these Findings he requested the Council to undertake additional technical work in relation to two issues:
- The assessment of overall housing requirements, to take account of revised population and household projections and more recent government guidance.
 - The Sustainability Appraisal, to ensure that all reasonable alternatives were considered on the same basis within the Appraisal document. (This has become a common area for legal challenge.)
- 5.4 This work has been completed, and the inspector has now produced a schedule of proposed Main Modifications which he has concluded are required to make the Plan sound. The next step is for these Modifications and the Revised Sustainability Appraisal (attached as appendices to this report) to be published for a further period of public consultation. The Inspector will then consider the comments received before finalising his report.
- 5.5 There are a significant number of Proposed Modifications, but the majority of these relate to matters of detailed wording. The most significant points are as follows:
- There is a slight increase in the overall housing requirement (up to 89,000 from 84,000, reflecting more recent projections), but no change to the target of 51,100 to be delivered in Birmingham.
 - The Council's approach to working with neighbouring Councils to provide for the shortfall is supported, and wording is proposed within the Plan to explain this. It is also proposed that the Council should monitor the delivery of this shortfall in neighbouring areas.
 - There are no significant changes to the overall requirements for employment, retail or office development (although there is a change to the retail figure to correct an error in the submitted Plan).
 - There are no changes to the principle of the proposals to remove land from the green belt for residential development at Langley and the former Yardley Sewage Works and for employment development at Peddimore, although there are detailed changes to the policy wording. In the case of Peddimore, this includes a reduction in the developable area of the site from 80 hectares to 71 hectares to reduce its visual impact.
 - There are no proposals for the removal of any additional land from the green belt.
 - All the proposed Growth Areas within the urban area are supported, although with detailed changes to policy wording in a number of cases.
 - The gypsy and traveller policy is revised to include two site allocations for gypsy and traveller use, at Hubert St/Aston Brook St East (an extension to an existing site) and at Rupert St/Proctor St.
 - A new Minerals policy is included, to ensure that in the case of major developments any workable mineral reserves are extracted before development takes place.
 - Modifications are proposed to incorporate the key elements of the Protection of Industrial Land, Shopping and Local Centres and Open Space in New Residential Development SPDs within the Plan.
 - The Sustainable Drainage policy is revised to reflect the new Sustainable Urban Drainage requirements.

- 5.6 At this stage the Inspector has not produced a report explaining his conclusions, but the scope of the Proposed Modifications makes it clear that he is supporting the Council's overall strategy and the levels of growth proposed within the submitted Plan. This is very much to be welcomed.

6. Evaluation of alternative option(s):

- 6.1 The process for preparing a Development Plan is specified in the Town and Country Planning Regulations. At this stage it is not possible for the BDP to proceed unless the Council accepts the inspector's recommendations. There is therefore no effective alternative to the approach recommended in this report.

7. Reasons for Decision(s):

- 7.1 To enable statutory consultation to take place on the Inspector's Proposed Modifications to the BDP and the revised Sustainability Appraisal.

Signatures

Date

Cllr Ian Ward
Deputy Leader

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Cllr Tahir Ali
Cabinet Member for
Development, Transport and
The Economy

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Waheed Nazir
Director of Planning and
Regeneration.

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List of Background Documents used to compile this Report:

Submitted Birmingham Development Plan and associated background papers available at www.birmingham.gov.uk/plan2031.

Cabinet Report 21/10/2013: Birmingham Development Plan 2031 – Pre-submission consultation.

City Council Report 3/12/2013: Birmingham Development Plan – Submission.

List of Appendices accompanying this Report (if any):

1. Inspector's Proposed Main Modifications to the Birmingham Development Plan.
2. Proposed Modifications to the BDP Policies Map.
3. Revised Plans for inclusion within the BDP document.
4. Revised Sustainability Appraisal
5. Equalities Analysis (ref DE 1207 BP)