

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET
Report of: Date of Decision:	Strategic Director, Economy 13 December 2016
SUBJECT:	Adoption of the Birmingham Development Plan
Key Decision: Yes	Relevant Forward Plan Ref: 001813/2016
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:	Cllr Ian Ward, Deputy Leader
Relevant O&S Chairman:	Cllr Zafar Iqbal, Economy, Skills and Transport
Wards affected:	All

1. Purpose of report:
1.1 The Inspector examining the Birmingham Development Plan (BDP) published his final report on the BDP earlier this year. The report concluded that, subject to his recommended modifications being made, the Plan is sound.
1.2 This report recommends that the City Council accept the Inspector's recommended modifications and adopt the BDP as part of the City Council's statutory planning framework for the period to 2031.

2. Decision(s) recommended:
That Cabinet :
2.1 Recommends that full Council adopt the Birmingham Development Plan (BDP) and amends the statutory Development Plan accordingly.
2.2 Notes that the BDP will be part of the statutory planning framework document until 2031 and the basis upon which planning applications are assessed for this period.

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3.	Consultation
3.1	<u>Internal</u>
3.1.1	Consultation has been undertaken during the preparation of the BDP including with Planning Committee, District Committees and the Overview and Scrutiny Committee for Economy, Skills and Transport.
3.2	<u>External</u>
3.2.1	The BDP has been subject to extensive public consultation over a period of several 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 hearing. All the comments made on the Submission Plan and on the Inspector's proposed modifications to the Plan have been taken into account by the Inspector in reaching his conclusions.

4.	Compliance Issues:
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
4.1.1	The BDP contributes towards the overarching objectives of the Council Business Plan and Budget 2016+ specifically Outcome One : A strong Economy "an enterprising, innovative and green city delivering sustainable growth, meeting the needs of the population" by defining in a document a coherent strategy for the growth of the city.
4.2	<u>Financial Implications</u>
4.2.1	The BDP has been prepared using existing Planning and Regeneration staff resources and specialist external consultants to prepare specific technical evidence. There have also been costs associated with requiring specialist legal support from Queen's Counsel. These costs have been funded from Planning and Regeneration's approved revenue budgets over a number of financial years. The BDP is a statutory planning document and therefore there are no direct financial implications to the City Council arising from its adoption.
4.3	<u>Legal Implications</u>
4.3.1	The preparation of the BDP is required under the Planning and Compulsory Purchase Act 2004. More detailed guidance is provided in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the National Planning Policy Framework, which requires local authorities to plan to meet the duty to co-operate and objectively assessed needs for new housing, employment etc.
4.4	<u>Public Sector Equality Duty (see separate guidance note)</u>
4.4.1	The Submission Plan was accompanied by an Equalities Analysis (ref DE 1207 BP) and reviewed for the adoption of the Plan (ref EA 001298). There are no adverse impacts on any of the protected groups.

5.	Relevant background/chronology of key events:
5.1	The BDP is a statutory plan which sets out a spatial vision and a strategy for the sustainable growth of Birmingham for the period up to 2031. Once adopted it will become the key part of the city's statutory planning framework, guiding decisions on all development and regeneration activity in the city up to 2031.
5.2	Adoption of the BDP will results in changes to the statutory development plan for the city. This includes replacing the policies in the Birmingham Development Plan 2005, with the exception of policies contained in chapter 8 and paragraphs 3.14 to 3.14D of that plan which will continue in force until the adoption of the Council's proposed Development Management Development Plan Document.

- 5.3 The BDP has been prepared in line with a statutory process. The Plan was submitted for examination in July 2014. Hearings were held in October / November 2014 and the Inspector published a schedule of proposed modifications which he considered were necessary for the Plan to be 'sound' in July 2015. There have been several public consultations during preparation of the BDP including consultations on the pre submission (draft) version of the Plan and the Inspector's proposed modifications and revised Sustainability Appraisal, which was reported to Cabinet on 27th July 2015.
- 5.4 The Inspector published his final report on April 2016, which incorporates a number of modifications. The Inspector concludes that, subject to the modifications being made, the Plan is sound, it satisfies the requirements of Section 20(5) of the 2004 Act and it provides an appropriate basis for the planning of the city.
- 5.5 The Inspector has found that:
- Consultations on the BDP met all the relevant legal requirements
 - All relevant legal requirements in respect of the duty to co-operate were complied with
 - The BDP appropriately identifies housing needs and sets out effective measures to meet them (including the needs of Gypsies and Travellers)
 - The BDP makes appropriate provision to meet employment development needs
 - Exceptional circumstances to justify alterations to the Green Belt boundary in order to allocate the Sustainable Urban Extensions at Langley, land for housing at the former Yardley sewage works and the strategic employment site at Peddimore have been demonstrated
 - No further green belt / green field releases are justified (calls for additional / larger green belt and green field land releases from developers and land owners were dismissed)
 - Other policies relating to growth areas, centres, minerals and waste, climate change and flood risk, transport and communications, the natural and historic environment, green belt, open space, sports and recreational facilities, education and health are justified and effective
 - Implementation of the BDP is economically viable
 - The Sustainability Appraisal provides adequate explanations for the Council's decisions in respect of the green belt releases.
- 5.6 The Inspector has recommended a significant number of modifications, but the majority of these relate to matters of detailed wording. The BDP must be revised to incorporate the Inspector's modifications in order for the City Council to adopt it. None of the modifications are fundamental to the BDP's strategy. The most significant modifications are:
- The overall housing requirement is 89,000 dwellings (an increase of 4,000), but there is no change to the target of 51,100 to be delivered in Birmingham
 - The developable area of Peddimore is reduced from 80 hectares to 71 hectares
 - Two sites are allocated for gypsy and traveller use
 - An early review of the Longbridge Area Action Plan should be undertaken
 - A new minerals policy is included to ensure that viable workable mineral reserves are extracted before development takes place
 - Key elements of existing Supplementary Planning Documents (the Protection of Industrial Land, Shopping and Local Centres and Open Space in New Residential Development) are included within the BDP
 - Revisions to monitoring criteria and to the measures which will trigger a review of the BDP in the event of under performance against targets

- 5.7 Adoption is the final stage of putting a Local Plan in place. A plan can only be adopted by a full meeting of the local planning authority and adoption is immediate upon resolution. The Plan will be considered for adoption at the City Council meeting on 10th January 2017.

6. Evaluation of alternative option(s):

- 6.1 A Development Plan is a statutory requirement. The process for preparing a Development Plan is specified in the Planning and Compulsory Purchase Act 2004 and accompanying regulations. The BDP cannot be adopted unless the City Council accepts the Inspector's recommendations. Therefore there is no alternative to the approach recommended in this report.

7. Reasons for Decision(s):

- 7.1 To enable the BDP to be adopted as part of the Council's statutory development plan, which sets out the strategy for growth of the city to 2031 and will be the principal planning policy document for determining planning applications.

Signatures

Date

Councillor Ian Ward
Deputy Leader

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Waheed Nazir
Strategic Director, Economy

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List of Background Documents used to compile this Report:

1. Evidence base and associated background papers available at www.birmingham.gov.uk/plan2031

List of Appendices accompanying this Report:

1. Birmingham Development Plan
2. Policies Map
3. Inspector's Report on the Examination of the Birmingham Development Plan 2031
4. Inspector's Recommended Main Modifications
5. Equalities Assessment of the Birmingham Development Plan

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 at 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 the standard 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 – see page 9 (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	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(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	<p>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:</p> <ul style="list-style-type: none">(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	<p>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.</p>
4	<p>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:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) age(b) disability(c) gender reassignment(d) pregnancy and maternity(e) race(f) religion or belief(g) sex(h) sexual orientation