

Birmingham City Council

Report to Cabinet

11th October 2022



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

Report of: STRATEGIC DIRECTOR – PLACE, PROSPERITY AND
SUSTAINABILITY

Relevant Cabinet Member: Councillor Ian Ward, Leader of the Council

Relevant O & S Chair: Councillor Saima Suleman, Economy and Skills
Councillor Chaman Lal, Sustainability and Transport
Councillor Mohammed Idrees, Housing and Neighbourhoods

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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: 009892/2022 | | |
| 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 To seek authority to undertake public consultation on the Birmingham Local Plan 'Issues and Options' Document for a period of six weeks 24 October to 5 December 2022.

- 1.2 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, 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.
- 1.3 In order 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 first stage in that process with consultation taking place on the issues facing the growth and development of Birmingham over the coming years and the planning options we have to try and deal with those issues.
- 1.4 When the update to the BDP was agreed by Cabinet in June 2021 it was accompanied by a timetable which was set out in the Local Development Scheme (LDS) which is a rolling three-year project plan setting out the Development Plan Documents (DPDs) that will be produced by the Council. Since that time, the timetable for the Birmingham Local Plan has been amended and so approval is also sought for a revised version of the LDS (Appendix 3) to be adopted with the updated timetable.

2 Recommendations

- 2.1 Approves the Birmingham Local Plan 'Issues and Options' Document, including the accompanying Sustainability Appraisal and Consultation Strategy (attached as Appendices 1, 2 and 4) for public consultation for a period of 6 weeks commencing 24 October 2022.
- 2.2 Approves the updated Local Development Scheme (LDS), as set out in Appendix 3.

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. Following Cabinet approval in June 2021, work commenced on a full update of the documents concerned.

- 3.3 The key Plan to be updated is the Birmingham Development Plan (BDP) which was adopted on 10 January 2017. Local planning authorities are required by legislation to review Local Plan documents at least every five years from the date of adoption in order to ascertain if their policies need updating. As the BDP is now over 5 years old and circumstances have changed sufficiently during that time, work has commenced to gather evidence and prepare an update to be known as the Birmingham Plan.

Local Development Scheme and the Birmingham Local Plan timetable

- 3.4 The timetable for the Birmingham Local Plan was set out in the Local Development Scheme which was approved by Cabinet in June 2021. 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 the Development Plan Documents (DPDs) that will be produced by the Council and the timetable for their preparation.
- 3.5 However, since the LDS was adopted, the timetable for the Birmingham Local Plan has been amended and so approval is also sought within this report for a revised version of the LDS (set out in Appendix 3) to be adopted with this updated timetable.
- 3.6 The Birmingham Local Plan is divided into several key stages in its production. Within those key stages, there are opportunities to formally consult with local communities, businesses and key stakeholders. These stages are the 'Issues and Options' Consultation, the 'Preferred Option / Draft Plan' consultation and the 'Publication / Pre-submission' consultation. These three consultation periods are set out as a statutory requirement of Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.7 The table below sets out the timetable for the key stages of the Birmingham Plan along with the minimum consultation period for each stage.

| Key Stages | Scheduled Date | Minimum Consultation Period |
|---|----------------|-----------------------------|
| Issues and Options consultation (Regulation 18) | October 2022 | 6 weeks |
| Preferred Options / Draft Plan consultation (Regulation 18) | October 2023 | 6 weeks |
| Publication/Pre-submission consultation (Regulation 19) | October 2024 | 6 weeks |
| Submission to Secretary of State (Regulation 22) | June 2025 | N/A |

| | | |
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| Examination by Planning Inspectorate (Regulation 24 and Regulation 25) | Autumn 2025 | N/A |
| Adoption (Regulation 26) | Summer 2026 | N/A |

Issues and Options Consultation document

- 3.8 As the evidence gathered so far has emerged, officers have been able to assess the issues needing to be considered within the new Birmingham Local Plan. These issues have been set out in the Issues and Options document which is to be subject to consultation for 6 weeks in June 2022 following approval and attached as Appendix 1. This consultation is therefore an opportunity for citizens, businesses and other stakeholders to make comments and representations to the Council to shape the Plan going forward. In turn, this will help determine which are the preferred options to inform the preparation of the next stage of consultation (the Preferred Options / Draft Plan).
- 3.9 The Issues and Options document has been divided into thematic chapters to cover all of the issues needing to be addressed in the final Birmingham Local Plan as well as setting out a vision and objectives for the City which the Plan will aim to deliver. A key theme running throughout the Plan will be to ensure that future growth and development will be delivered whilst achieving the City Council's aim to achieve net-zero carbon status by 2030 following its declaration of a Climate Emergency in 2019. The thematic areas covered by the document are:
- Meeting housing growth with suggested options for delivery
 - Meeting economic growth with suggested options for delivery
 - Spatial strategy for growth with options as to where future growth could be directed and concentrated in the City
 - Environment and sustainability including options on how development and growth will be accommodated whilst responding to climate change mitigation and adaptation as well as issues such as flood risk, nature conservation, historic conservation and access to open space / sports facilities.
 - Homes and neighbourhoods including options on the provision of affordable housing and wider housing needs including student accommodation and gypsies and travellers.
 - Economy and the network of centres including options on industrial land, commercial premises and offices as well as looking at the City's network of centres and the diversity of uses within them.

- Connectivity including approaches on the future of sustainable transport, public transport, walking and cycling, freight, strategic highways and digital connectivity

3.10 The Issues and Options consultation document is accompanied by a Sustainability Appraisal (SA) (Appendix 2) which assesses the policies and content of the Birmingham Plan thus far gathered, to ensure they have a positive impact on social, economic and environmental factors.

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 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 Plan – 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 first main stage in the production of the Birmingham Local Plan.

5 Consultation

- 5.1 A cross-party Local Plan Member's 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.
- 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 Issues and Options consultation and views are being sought on any strategic cross boundary issues arising.
- 5.4 The launch of the public consultation on the Birmingham Local Plan Issues and Options document will be the first consultation stage for the Plan. Public consultation will 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 4) which details how the consultation will take place for this stage and for subsequent stage in the development of the Birmingham Local Plan. This Strategy will be reviewed and updated at each consultation stage for the production of the Birmingham Local Plan.
- 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 Government are currently undertaking a programme of planning reform. The Planning White Paper was published in August 2020 and the Levelling Up and Regeneration Bill is currently progressing through the parliamentary process. The Bill proposes some significant changes to plan-making, however, the timescales are unclear and many of the changes would require secondary legislation. The Government are clear that authorities should continue with plan-making. There is a risk that legislation could change and this could impact on the work undertaken to progress the Plan and mean that revision to the timetable or the process are necessary to align with a new system.
- 6.3 The timetable for completion and adoption of the Birmingham Local Plan allows flexibility to account for any potential issues. This 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 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.

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 Plan 2018-2022 (as updated in 2019) and in particular the outcome; Birmingham is an Entrepreneurial City to learn, work and invest in by providing up to date policies for the future planning and development of the city.
- 7.1.2 As outlined in paragraph 3.9 above, 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 Climate Change Action Plan.

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 process of evidence gathering and producing a new Local Plan requires officer time and resources as well as external resources to provide expert advice and evidence. The Birmingham Local Plan and its Sustainability Appraisal have been prepared using existing Place, Prosperity and Sustainability Directorate (Planning and Development) staff resources and specialist external consultants funded from existing approved revenue budgets.

7.4 Procurement Implications (if required)

- 7.4.1 The 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 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 5).

8 Appendices

Appendix 1 – Birmingham Local Plan – Issues and Options document

Appendix 2 – Birmingham Local Plan – Sustainability Appraisal for the Issues and Options Document

Appendix 3 – Revised Local Development Scheme (October 2022)

Appendix 4 – Consultation Strategy for the Birmingham Local Plan Issues and Options

Appendix 5 – Equalities Assessment

Appendix 6 – Risk Assessment

9 Background Documents

- 9.1 Cabinet Report on Birmingham Development Plan review and revised Local Development Scheme 29th June 2021