

## **BROMSGROVE DISTRICT COUNCIL**

### **Bromsgrove District Plan 2011 – 2030 – Proposed Main Modifications Cabinet**

**6<sup>th</sup> July 2016**

### **Bromsgrove District Plan 2011 – 2030 – Proposed Main Modifications**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	Yes – Via officer briefings
Non Key Decision	Yes

#### **1. SUMMARY OF PROPOSALS**

- 1.1 The following report outlines the Examination in Public process the Bromsgrove District Plan 2011 -2030 has undergone over recent years. It identifies the Main Modifications proposed by the Planning Inspector, and explains the public consultation required.

#### **2. RECOMMENDATIONS**

##### **2.1 RECOMMENDATIONS**

**The Committee is asked to RECOMMEND to the Council that**

**Council notes the recommended main modifications of the Inspector as set out in Appendix 1 and authorises officers to proceed with an 8 week consultation on the main modifications to run from 27th July 2016 to 21st September 2016. Details of the method of consultation are set out in paragraphs 3.47 to 3.50 of this report.**

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 The cost of carrying out the consultation is not excessive and can be funded through existing budgets.

##### **Legal Implications**

- 3.2 The relevant legislation setting out the process approval and adoption of Local Plans is contained in the Planning and Compulsory Purchase Act 2004 as amended (PCPA 2004).
- 3.3 The Inspector can recommend ‘main modifications’ (changes that materially affect the policies) to make a submitted Local Plan sound and legally compliant if asked to do so by the Local Planning Authority under section 20(7C) of the

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- PCPA 2004. The Council can also put forward 'additional modifications' of its own to deal with more minor matters.
- 3.4 The Local Plan Examination in Public has progressed to the point where the Inspector has proposed Main Modifications to the Plan. He was invited to suggest these modifications by the Authority. The Inspector now requires the Local Planning Authority to consult upon all proposed Main Modifications. The Inspector's report on the Plan will only be issued once the Local Planning Authority has consulted on the Main Modifications and the Inspector has had the opportunity to consider the representations on these. This is part of the standard procedure in the Examination process and it is entirely normal for Inspectors to suggest Modifications.
- 3.5 On receipt of the Inspector's final report on the Plan (following consultation on the Main Modifications) s23(3) of the PCPA 2004 allows an Authority to adopt the Local Plan with only the Main Modifications or adopt the Local Plan with the Main Modifications and any additional modifications that do not materially affect the policies.
- 3.6 At the adoption stage the Authority is bound by the Main Modifications; the Authority cannot alter the Main Modifications in any way. At the adoption stage the Authority can decide to adopt the Plan with Main Modifications (and any non-material modifications if appropriate) or not to adopt the Local Plan. Thus the consultation period for the Main Modifications is critical for interested parties to make representations about the Main Modifications to the Inspector.

#### **Background**

##### **The Bromsgrove District Plan Examination in Public**

- 3.7 In September 2013 the Bromsgrove District Plan 2011 -2030 (BDP) Proposed Submission version was approved by the Council for Publication. Following a period of representations the BDP was submitted to the Planning Inspectorate on the 12<sup>th</sup> March 2014 this was the beginning of the Examination in Public (EIP) proceedings. The Planning Inspectorate appointed Mr Michael J Hetherington BSc (Hons) MA MRTPI MCIEEM to carry out the EIP. The EIP proceedings have been lengthy and complicated and the following few paragraphs outline the key stages that have taken place since March 2014.
- 3.8 Despite some initial concerns around the Objectively Assessed Housing Needs (OAHN), the first public hearing sessions took place in June 2014, these sessions were held jointly with Redditch Borough Council, and were concerned with the Duty to Cooperate (DTC) and the OAHN. On 17th July 2014 the Inspector's Interim Conclusions were received. This concluded that whilst the DTC had been met, further work was required on the OAHN for Bromsgrove.

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- 3.9 Additional work on the Bromsgrove OAHN was submitted by BDC in September 2014, it was then confirmed by the Inspector that the Bromsgrove only hearing sessions could recommence in December 2014. The Bromsgrove hearing sessions were held between 2<sup>nd</sup> and 4<sup>th</sup> December 2014, these sessions excluded any consideration of the cross boundary sites, as the Inspector wished to examine this issue jointly with Redditch Borough Council at a separate hearing session. As a result of these hearings some additional work was requested to be carried out to provide more evidence on housing land supply, the Gypsies and Travellers Accommodation Assessment (GTAA), and retail floor space figures.
- 3.10 Meanwhile, a delay had been requested to the cross boundary hearing sessions, which was approved by the Inspector. The rescheduled hearings were held over two days in June 2015. The Inspector issued a note in July 2015, requesting that further work be carried out to clarify the site selection, and Sustainability Appraisal process.
- 3.11 The Councils submitted a timetable of proposed works to the Inspector in September 2015. The Inspector responded to the effect that less extensive work was needed and as such a shorter timescale should be possible. The Councils responded that the less extensive work could be completed, and submitted in December 2015, this was accepted by the Inspector.
- 3.12 In December the Councils submitted a Narrative of all the evidence including the Housing Growth Development Study. The Narrative presented the rationale for the selection of the proposed allocations, and referenced additional Heritage Assets evidence; this was the specific work the Inspector asked the Councils to undertake. Further work was also published on the 5 Year Housing Land Supply, and the GTAA.
- 3.13 This work was published for consultation for a period of 6 weeks, closing on the Tuesday 16<sup>th</sup> February 2016. The Narrative and the associated consultation responses to it were the focus of further hearing sessions which took place on the 23<sup>rd</sup> and 24<sup>th</sup> March 2016. Following these further hearings the Inspector informed the Councils on the 15<sup>th</sup> April, that he would now not be recommending that the Councils undertake any more work or withdraw the plans, and that he would be producing a Schedule of Main Modifications. It is these Main Modifications which are the subject of this report.

#### **What are Main Modifications?**

- 3.14 Main Modifications are those modifications which the Inspector feels necessary to make the Plan legally compliant and sound. Main Modifications must materially affect one or more of the policies set out in the Plan. Changes to the reasoned justification or supporting text are also considered Main Modifications if

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they materially affect the operation of any policy. Without these Main Modifications the plan would not be able to proceed to Adoption.

### The BDP Proposed Main Modifications

- 3.15 For information the BDP contains
- A District Profile which describes Bromsgrove District as it is at the moment
  - The challenges facing Bromsgrove that the Plan can help to address and the objectives for addressing these challenges
  - A vision of how the District could develop as a place to meet the needs of its local residents, businesses and visitors in the future
  - A strategy to direct growth to sustainable locations
  - A set of twenty six Policies to deliver the strategy
  - A monitoring and implementation framework for delivering the Plan. The Plan is supported by a draft Infrastructure Delivery Plan (IDP) which attempts to show how the proposed development may be delivered. The IDP is a 'live' document and can be found as a separate document within the evidence base.
- 3.16 The following sections summarise the changes made to each element / policy of the BDP, it should be read in conjunction with the full Schedule of Main Modifications at Appendix 1 and also the Bromsgrove District Plan Proposed Submission version which can be viewed at, <http://www.bromsgrove.gov.uk/media/748662/CD-11-BDP-Submission-Version.pdf>
- 3.17 Introduction and Context, District Profile and Plan Vision  
A series of minor amendments which include, correcting a reference to the Infrastructure Delivery Plan, more explicit reference to the Black Country and Solihull, meeting the needs of the elderly population, and clarification of the Local Plan Review and its impact on the Green Belt boundaries.
- 3.18 BDP 1 Sustainable Development Principles  
This very minor change inserts a small number of words and removing one, to aid the clarity of the policy.
- 3.19 BDP2 Settlement Hierarchy Policy  
Changes are made to this policy which removes the link between the settlement hierarchy and the future Green Belt Review. The future Green Belt Review will be assessed on sustainable development principles as opposed to relying on the more restrictive settlement hierarchy. Also removal of the suitable development column in the settlement hierarchy table, this was discussed in the examination hearings where it was felt it wasn't needed in the context of what the hierarchy was looking to achieve.
- 3.20 BDP3 Future Housing and Employment Growth

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The Main Modification to this policy is the clarification of the objectively assessed housing needs and the housing requirement in the plan; they have now been set at 6648 and 7000 respectively. Other changes have also been made to update some of the housing delivery numbers, the main implication being that land to accommodate 2300 houses needs to be released from the Green Belt for Bromsgrove's needs rather than 2400.

#### **3.21 BDP 4 Green Belt**

The changes to this policy link in with the changes made to BDP2 and BDP3 described above, in that it clarifies the break in the link between the Green Belt review and the settlement hierarchy, and also confirms that 2300 houses is the number of dwellings which is required as part of the review of the Green Belt. Changes are also made which confirm that the timing of the plan review, in terms of the providing for some of the wider needs of the Conurbation will be dependent on the evidence prepared in conjunction with the GBSLEP and maintenance of a 5 Year Housing Land Supply (5YHLS). A change is also made to the 40% rule for proportionate extensions in the Green Belt which appears in this policy, this change is to clarify the position with regards to what can be achieved under the now more relaxed Permitted Development rights.

#### **3.22 BDP 5A Bromsgrove Town Expansion Sites**

Additions of text to link the development proposals at the Perryfields Road site, with the Green infrastructure concept plan which has been developed for this site. Further additions of text as agreed with the Environment Agency in a Statement of Common Ground (SOCG), to add clarity to what is required mitigation with regards to the protection of water quality and flood risk. The numbers of new dwellings on the 3 main expansion sites have all been changed to 'approximately' rather than 'minimums', this is to allow for some flexibility to amend the schemes should it be necessary as they progress over the forthcoming years.

#### **3.23 BDP 5B Other development Sites**

Ravensbank development site

Similar changes as identified above in respect of water quality and flood risk. An addition is also made to the supporting text, to confirm that the setting of Gorcott Hall, which is a Grade II\* Listed Building, must be protected in line with the heritage assessment the Council has produced.

#### **3.24 RCBD 1 Redditch Cross Boundary Development**

A series of changes have been made to this policy to aid clarity and consistency with other elements of the plan. These changes are in the same vein as changes to BDP 5A in relation to water quality and flood risk and approximate development targets, and BDP 5B in relation to heritage assets. The assets to be protected in this instance are, Lane House Farm House, and Hewell Grange Conservation Area and Grade II\* Registered Park and Garden.

#### **3.25 BDP 6 Infrastructure Contributions**

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This is a very minor change to allow for contributions to continue to be received in advance of the adoption of a Community Infrastructure Levy.

3.26 **BDP 7 Housing Mix and Density**

Policy changed to clarify that on sites of 10 or more dwellings, a wider mix of housing types may be required.

3.27 **BDP 8 Affordable Housing**

This policy has been amended to reflect the changes to the national guidance, the main change being that schemes of 10 units or less do not have to make a contribution to affordable housing provision.

3.28 **BDP 9 Rural Exception Sites**

No change to the policy wording, although a minor change to the supporting text to remove reference to the suitable development column of the settlement hierarchy, which has now been removed as explained with reference to BDP 2 above.

3.29 **BDP10 Homes for the Elderly**

Changes in both the policy and the supporting text to remove reference to the Lifetime Homes Standards and Code for Sustainable Homes, this is in line with the written Ministerial statement 25<sup>th</sup> March 2015. This statement confirmed that local plans should not introduce additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

3.30 **BDP 11 Accommodation for Gypsies, Travellers, and Travelling Showpeople**

A change to the supporting text is required to clarify the up to date position with regards to the GTAA, which was published whilst the plan was being examined. This new assessment confirms that it will be necessary to consider whether gypsy and traveller sites will be needed when the Plan is reviewed.

3.31 **BDP 12 Sustainable Communities**

A new paragraph has been added to allow for the full consideration of service specific needs, when applying the policy tests designed to prevent the loss important community facilities.

3.32 **BDP 13 New Employment Development**

No modifications required.

3.33 **BDP 14 Designated Employment**

No modifications required.

3.34 **BDP 15 Rural Renaissance**

Minor change to remove wind energy developments from the list of the development to be encouraged, this is now covered by revised national policy.

3.35 **BDP 16 Sustainable Transport**

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There are very minor amendments to confirm that financial contributions will be sought from developers.

3.36 BDP 17 Town Centre Regeneration

A section of the supporting text has been amended to reference specifically the requirement for new comparison retail up to 2030, this has been confirmed as 16,300 sqm. The policy wording has also been updated to this effect. The rest of the changes required to the Town Centre policies were instigated by the Environment Agency who wanted specific references made to the need for the flood risk of developments in the Town Centre to be considered. Other minor factual changes are required to reflect the fact that the Parkside redevelopment has taken place.

3.37 BDP 18 Local Centres

Minor amendment to allow for other Town Centre uses on the ground floor properties, in the various allocated local centres across the District.

3.38 BDP 19 High Quality Design

As per the changes made to BDP 10 a number of modifications have been made to this policy to remove the reference to the various technical design standards, such as the Code for Sustainable Homes.

3.39 BDP 20 Managing the Historic Environment

A number of changes have been made to the policy to ensure that the most up to date terminology is used, i.e. the use of 'heritage assets' as opposed to listed buildings, and not all heritage assets will be listed or locally listed buildings.

3.40 BDP 21 Natural Environment

A new paragraph has been inserted by the Inspector to reference the hierarchy of designated sites as set out in the National Planning Policy Framework (NPPF) this will give added protection to important ecological sites.

3.41 BDP 22 Climate Change

As per other policies mentioned above, a number of changes have been made to remove reference to the standards such as the Code for Sustainable Homes.

3.42 BDP 23 Water Management

An additional paragraph has been included to refer to new guidance on the requirements for flood risk assessment, this in line with new government advice on climate change, as agreed with the Environment Agency.

3.43 BDP 24 Green Infrastructure

No modifications required.

3.44 BDP 25 Health and Well Being

No modifications required.

3.45 Appendices

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A small number of changes have been made to the appendices to update some of the definitions on the Glossary, and clarify the position with the current plan once the new BDP is adopted.

- 3.46 Whilst the above summary and the schedule may look like the BDP has been amended significantly by the Inspector. It is the officer's view that whilst the modifications are main ones, and therefore required, they do not make wholesale changes to the vast majority of the Plan, many of the modifications are very similar to suggested changes made by council officers. All of the site allocations, including the large sites on the edge of Bromsgrove Town and the edge of Redditch, remain in the plan.

#### **The Consultation**

- 3.47 The Modifications requested by the Inspector require public consultation. The Council is invited to carry out the consultation on behalf of the Inspector. It is proposed that as we are entering the summer holiday period to extend the consultation to an 8 week period running between 27<sup>th</sup> July – 21<sup>st</sup> September.
- 3.48 This consultation is not an opportunity to raise matters that either were, or could have been, part of the earlier representations or hearings on the submitted Plan. Comments should be confined to the Main Modifications and address the following points
- Make clear in what way the published Main Modification is not sound or not legally compliant,
  - Support representation by evidence showing why the Main Modifications should be changed.
  - Say precisely how the Main Modifications should be changed.
- 3.49 Upon the consultation period closing all the responses will be sent to the Inspector. The Council will not comment on or respond to the representations received. Responses to these Main Modifications are for the Inspector to consider.
- 3.50 It is anticipated that officers will be sending out letters advertising the consultation to statutory consultees, everyone who made a formal submission to the plan at the Proposed Submission stage, and anyone on the examination database. This letter will also contain a note explaining the scope of the consultation as outlined above. There will also be the same information on the Council's website, an advert will be placed in the local papers, and hard copies distributed to public buildings across the District as per all the other consultations carried out on the BDP.

#### **Customer / Equalities and Diversity Implications**



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3.51 As outlined above the Modifications will be subjected to public consultation.

#### **4. RISK MANAGEMENT**

4.1 The risks associated with the Bromsgrove District Plan are managed via the Councils 4Risk management system. Without this consultation the plan cannot proceed to the next stage.

#### **5. APPENDICES**

Appendix 1 Bromsgrove District Plan – Proposed Main Modifications

#### **6. BACKGROUND PAPERS**

All the information and documents associated with the BDP and the examination can be viewed on the Councils website at [www.bromsgrove.gov.uk/bdp](http://www.bromsgrove.gov.uk/bdp)

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