

BROMSGROVE DISTRICT COUNCIL

Bromsgrove District Plan 2011 – 2030 Adoption

Cabinet

11th January 2017

Bromsgrove District Plan 2011 – 2030 Adoption

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
Non Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 The Bromsgrove District Plan 2011-2030 (BDP) has now been through its Examination in Public which closed on the issuing of the Inspector's report, on the 16th of December 2016. The Inspector's report recommends that subject to the making of a series of modifications the BDP satisfies the requirements of section 20(5) of the Planning and Compulsory Purchase Act 2004, and the criteria for soundness in the National Planning Policy Framework, and is therefore sound.
- 1.2 This report explains the processes around the final stages of the plan production and asks the Council to formally adopt the BDP as the Development Plan for the District.

2. RECOMMENDATIONS

2.1 The Cabinet is asked to RECOMMEND to the Council

- 1. That the Council note the content of the Bromsgrove District Plan Planning Inspectorate's Report (Appendix 1), and the associated Schedule of Main Modifications (Appendix 2).**
- 2. That the Council adopt the Bromsgrove District Plan 2011 - 2030 as submitted and subsequently amended by the modifications set out in the Appendix 2 and Appendix 3 of this report.**
- 3. That the Council adopt the Policies Map which accompanied the submission version of the Bromsgrove District Plan and remains unchanged as a result of the examination process.**
- 4. That the Council note the Bromsgrove District Plan adoption statement, and Strategic Environmental Assessment (SEA) and Sustainability Appraisal Adoption Statement which forms Appendices 4 and 5 of this report.**
- 5. That the Head of Planning and Regeneration be delegated authority to undertake further minor editorial changes deemed necessary in**

preparing the adopted District Plan for publication, following consultation with the portfolio holder for Planning.

3. KEY ISSUES

Financial Implications

- 3.1 The direct financial implications of adopting the plan are minimal and only relate to the requirement to place notices of the adoption in the local press, and to have copies of the documents available for inspection. There could be indirect costs associated with not adopting the BDP i.e. more planning appeals to defend or if the adopted BDP is challenged (see section 3.4 below) although it is not possible at this stage to identify what these costs may be.

Legal Implications

- 3.2 The relevant legislation setting out the processes around preparing and subsequent adoption of Local Plans is contained in the Planning and Compulsory Purchase Act 2004 as amended (PCPA 2004) and the Town and Country Planning (Local Planning) (England) Regulations 2012. The Sustainability Appraisal (SA) has been undertaken in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004
- 3.3 If the BDP is adopted in line with the above regulations the following will be made available,
- The BDP
 - An adoption statement
 - The Sustainability Appraisal report and SA/SEA Adoption Statement
 - Details of where the BDP as adopted is available for inspection and the places and times at which it can be inspected

The Council is also required to send a copy of the adoption statement

- to any person who has asked to be notified of the adoption of the BDP and to
 - The Secretary of State.
- 3.4 Any person who is aggrieved by the adoption of the BDP may make an application to the High Court under section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that:
- the document is not within the appropriate power
 - a procedural requirement has not been complied with

Any such application must be made promptly and in any event no later than 6 weeks after the date on which the BDP was adopted ie no later than 9th March 2017.

Service / Operational Implications

The Evolution of the BDP

- 3.5 The evolution of the BDP has been a lengthy process and has been documented in many reports to the Council in the preceding years. A significant amount of time and effort from a wide range of stakeholders has gone into ensuring the plan reflects as many views of what planning should be in the District as possible. All this work culminated in September 2013 when the BDP Proposed Submission version was approved by the Council for Publication. Following a period of representations the BDP was then submitted to the Planning Inspectorate on the 12th March 2014 which marked 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 Examination in Public and Main Modifications

- 3.6 The EIP into the BDP which was also held, in part, jointly with Redditch Borough Council due to the Cross boundary growth element of the plan, began in June 2014. Since then there have been a number of challenges in the EIP which were documented in the report to the Cabinet on the 4th July 2016, which also considered the Inspector's proposed Main Modifications.
- 3.7 As detailed in that report the Main Modifications consultation ran for an extended period over the summer to account for the summer holiday period, the consultation began on the 27th July and ran to the 21st September. During this period a total of 49 representations were received. Even though a guidance note was produced asking for specific information in the responses, half of the responses did not specify which proposed Main Modification the response was in connection with. Irrespective of this fact all the responses were passed onto the Inspector for his consideration. The Inspectorate sent the fact checking report to the authority on the 2nd December. This version of the report provided a two week opportunity to identify any factual errors and to seek clarification on any conclusions that were unclear. It did not provide any scope to question conclusions. The final report was issued on Friday 16th December 2016, this concluded the examination in public. The Inspector's report was then placed on the Council's website site and notification letters sent to all those who wished to be notified on Monday 19th December.

The Inspector's Report

- 3.8 The Inspector's report and associated Main Modifications can be seen at appendix 1 and 2 to this report. The report covers all stages of the examination including the assessment of the Duty to Cooperate. The report does not cover elements of the plan that were not challenged and not part of the proceedings. The assumption is the plan as submitted was sound and if elements were not

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challenged by objectors or the Inspector, then they are appropriate policies for making sound planning decisions.

- 3.9 Accompanying the report are the Main Modifications, these are the modifications which the Inspector requires to be made to the plan for it to be sound. If these modifications are not accepted in whole, then the plan will not be sound and cannot be adopted. These modifications are very similar to those reported to members in the July 4th report.

A considerable element of the report focuses on two main elements:

- the housing policies in the plan, including objectively assessed housing need and how the plan responds to meeting the needs of the West Midlands conurbation and,
- the site selection methodology for the cross boundary sites on the edge of Redditch.

- 3.10 The Inspector has concluded that the objectively assessed housing need for the District is 6648 dwellings and setting the housing requirement at 7000 is an appropriate target to allow some flexibility, particularly in relation to meeting the needs of the conurbation and affordable housing. The report also concludes that a plan review, including a review of the Green Belt, will be needed to meet, not only the needs of Bromsgrove, but also some of the wider needs of the West Midlands conurbation.

- 3.11 On the subject of the site selection for the housing sites around Redditch, whilst the Inspector expresses frustration about the process undertaken, the narrative work produced in December 2015 and the subsequent hearings in March 2016 have satisfied him that the decision to allocate the sites at Foxlydiate and Brockhill are sound and as such these sites remain as development sites in the plan. The remaining sites around Bromsgrove, Whitford Road and Perryfields received very little focus in the report and as such both remain in the plan unaltered. The Inspector also concludes the policies in the plan, backed up by the Infrastructure Delivery Plan are also sufficient to ensure the correct level of infrastructure can be secured in relation to the development sites coming forward.

- 3.12 Other notable elements of the Inspector's report are:

- The Council can demonstrate a 5 year land supply
- An alteration to allow for the green belt review to be based on sustainable development principles, rather than a more fixed distribution based on the settlement hierarchy as originally proposed, recognising that this may not be appropriate for meeting the needs of the Conurbation.
- Agreement that at this stage it is not necessary to give specific housing numbers or allocations to individual settlements or Parishes.

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- Clarification of the trigger for, and the scope of, the Council's proposed Green Belt Boundary Review to be completed at the latest by 2023.
- Agreement that it would be premature to initiate a Green Belt Boundary Review (GBBR) until there is greater certainty about full scale of housing provision that will be required within Bromsgrove District.

Minor Modifications

- 3.13 At the proposed submission stage of the plan members acknowledged that throughout the process of the EIP officers will be asked by the Inspector about possible changes to the plan to address issues that arise. Delegations were given to allow officers in conjunction with the portfolio holder to suggest changes to the plan, the schedule of these modifications was submitted to the examination at various points as the EIP progressed. Some of these suggested changes are now Main Modifications as detailed in appendix 2. The rest of the changes that the Inspector was happy didn't constitute a change that needed to be made to ensure soundness i.e. minor modifications can be seen at appendix 3. Recommendation 3 above also requests that these are now made to the plan to ensure the final version is up to date, accurate and a usable tool for all those involved in planning in Bromsgrove District.

Sustainability Appraisal

- 3.14 Throughout the whole process of preparing the plan Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) has been undertaken. The final stage of this process is the publication of the SA/SEA adoption statement; this can be viewed at appendix 5 of this report.

Policies Map

- 3.15 Accompanying the proposed submission plan in September 2013 was also a new policies map, and a schedule of changes that were made to the extant Bromsgrove District Local Plan proposals map to create the new policies map. If the BDP is adopted both the policies and the proposals map of the old local plan will be deleted. Paper copies of the policies maps will be available in the first instance, and in due course the online interactive plan will be updated to reflect the new BDP.
- 3.16 Whilst it is necessary to adopt the policies map at this stage, the map itself is not part of the formal development plan and therefore can be updated as the implementation of the plan progresses.

Customer / Equalities and Diversity Implications

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- 3.17 Should the plan be adopted it will be published as per the regulations identified in paragraph 3.3 above. The plan will be available across the District predominantly in the libraries and on the website. Strategic planning officers will be able to offer advice and guidance on the new plan. Training events for key stakeholders such as parish councils can be arranged if requested.

4. RISK MANAGEMENT

- 4.1 The risks associated with adopting the plan are minimal, with a legal challenge being the biggest risk but which is also an unavoidable risk. The benefits of adopting the plan are:
- Provision of a clear planning framework to deliver the vision and development for the future of the area.
 - The ability to develop 4700 houses for Bromsgrove in the short term (total being 7000 up to 2030) (and 3400 for Redditch) helping to meet the housing needs of District and allowing residents better access to the housing market.
 - Assisting in meeting affordable housing deficit
 - Retention of local control over planning matters, the lack of an up to date plan would make the District very vulnerable to ad hoc planning and planning by appeal.
 - Economic benefits would ensue from development not only in the development of new employment sites and a further town centre regeneration but also in the shorter term the in the creation of construction jobs associated with the developments and multiplier effects.
 - Collection of New Homes Bonus
 - Provide certainty for developers and utility providers and other people investing in the area who value the strategic clarity that an up to date plan provides.
 - The clarity of the planning framework set out in an adopted Plan can help authorities to make the case, to government and other funding agencies for infrastructure funding, such as new transport infrastructure
 - An adopted plan would enable the Council to progress with preparing a Community Infrastructure Levy (CIL) thereby enabling needed infrastructure to be provided.

5. APPENDICES

1. The BDP Inspector's Report
2. The BDP Inspector's Main Modifications
3. The BDP Schedule of Minor Modifications
4. The BDP Adoption Statement
5. The BDP SEA/SA Adoption Statement (To follow)

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6. BACKGROUND PAPERS

The Council's website www.bromsgrove.gov.uk/examination contains all the background information concerning the plan and the examination in public.

7. KEY

BDP - Bromsgrove District Plan 2011 - 2013

SA - Sustainability Appraisal

SEA - Strategic Environmental Assessment

GBBR - Green Belt Boundary Review

AUTHOR OF REPORT

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