

Meeting date: 1st October 2020

Report to: Cabinet



Subject/report title: Local Plan Review – Draft Submission Plan

Report from: Cabinet Member Climate Change, Planning & Housing

Report author/lead contact officer: Gary Palmer, Group Manager, Policy & Engagement

Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege

Public/private report: Public

Exempt by virtue of paragraph: Select an Exemption paragraph from the Quick Parts drop-down list

1. Purpose of Report

- 1.1 To seek Cabinet's endorsement of the Local Plan Review - Draft Submission Plan and to make a recommendation to Full Council seeking approval for publication of the plan and arrangements for submission of the plan to the Secretary of State for examination.

2. Decision(s) recommended

That Cabinet:

- 2.1 Endorse the Local Plan Review - Draft Submission Plan (Appendix A)
- 2.2 Note the Sustainability Appraisal (Appendix B) and the Fair Treatment Assessment (Appendix C) as supporting documents to the Draft Local Plan.
- 2.3 Recommends to Full Council that:
- (a) The Draft Submission Plan be published for a period of 6 weeks inviting representations on the soundness and legal compliance of the plan,

- (b) Prior to the formal publication of the Local Plan for a statutory period of representations, authority to make minor changes¹ to the plan (if necessary) be delegated to the Director for Economy & Infrastructure in consultation with the Leader of the Council and Cabinet member for Climate Change, Planning & Housing. Any such changes will be recorded in a schedule and published for transparency, and
- (c) That following a review of the representations that are subsequently received, delegate authority to the Director for Economy & Infrastructure in consultation with the Leader of the Council and Cabinet Member for Climate Change, Planning & Housing to take full account of the representations received, propose minor amendments to the Local Plan (where this is necessary to correct any errors and aid clarity) and submit the Local Plan to the Secretary of State for a period of public examination.

3. Matters for Consideration

Background

- 3.1 At the heart of the planning system is the need to plan positively for sustainable development. One of the principal ways this is achieved is by having a local plan to guide the development of an area.
- 3.2 Producing a local plan includes many stages and the Council has already consulted on Issues and Options, and twice on a Draft Local Plan. These earlier consultations have helped shape the content of the plan and the Council now needs to publish the version of the plan it intends to submit to independent examination, this is known as the Draft Submission Plan.
- 3.3 The Draft Submission Plan will be published for a statutory period of six weeks and this will be accompanied by an invitation to make representations on the soundness and legal compliance of the plan. Representations made at this stage will then form the focus of the independent examination that must take place before a plan can be adopted. The examination will be overseen by a nominated Inspector appointed on behalf of the Secretary of State. At the end of the process they will issue a report which will summarise their findings of the examination.

Plan Contents

- 3.4 The plan contains a strategy and policies that not only sets out the level and distribution of where growth takes place, but also how it is to be undertaken to ensure quality outcomes, and importantly where it shouldn't take place. It is also an opportunity to incorporate the Council's Climate Change Declaration into a statutory plan.
- 3.5 Some of the key contents of the plan include:
 - (a) Provision of some 15,000 dwellings over the plan period (2020-36) which accommodates the Borough's own needs and makes a meaningful contribution

¹ Including presentational, clarification or matters to assist interpretation but which do not affect the meaning or intentions of policy, plan objectives or supporting text.

- to the shortfall occurring in the Housing Market Area (HMA), as part of the statutory duty to cooperate requirement.
- (b) A policy approach to support development at the UK Central Solihull Hub Area to create a new mixed community providing up to 5,000 new homes and jobs that seeks to maximise the benefits of the impending arrival of HS2 to the Borough. These ambitious aspirations are over a long term, some of which will be delivered beyond the plan period.
 - (c) To achieve the housing requirement, and having taken into account other elements of land supply, including that from windfall developments at a higher rate than previously included, 19 residential led allocations to accommodate around 5,300 dwellings are included in the plan.
 - (d) On top of existing employment land supply, the Plan makes provision for an additional 9ha of employment land, through the strategically important sites at Damson Parkway and Arden Cross.
 - (e) Although first priority has been given to brownfield opportunities in the urban area/settlements, to support the delivery of new homes, jobs and infrastructure approximately 574ha of land will be removed from the Green Belt. This includes 140ha of land that even without this plan would see development take place in the form of the HS2 Interchange and associated parking thus impacting on the Green Belt.
 - (f) The plan is accompanied by concept masterplans to secure quality developments of the allocated sites, and together with other policies in the plan will deliver the homes our communities need whilst also protecting important environmental, landscape, historical and community assets. In addition the masterplans make provision for additional open space using higher standards; green & blue infrastructure – including new planting & woodland.
 - (g) Policies to support the delivery of a range of houses, sizes and design that will meet the needs of our communities.
 - (h) Initially requiring all new dwellings to achieve a 30% reduction in energy demand/carbon reduction improvement² and then from 2025 all new dwellings to be net zero carbon. Should national policies be amended then the expectation will be for the new higher standards to be delivered.
 - (i) A requirement for biodiversity net gain to achieve a 10% gain in biodiversity value of sites prior to development.
 - (j) Environmental and accessibility improvements to land that remains in the Green Belt to compensate for the removal of land from the Green Belt.
 - (k) A balanced approach to transport interventions that promotes the use of active travel and public transport modes, whilst mitigating impacts associated with development upon highways and parking provision.

² Over and above the requirements of Building Regulations Part L (2013)

Next Steps

- 3.6 The Draft Submission Plan will be published as soon as practically possible after Full Council and this will be before the end of October.
- 3.7 Respondents will be invited to comment on the soundness of the plan. Model representation forms issued by the Planning Inspectorate ask for a policy/paragraph/policies map reference to be identified and then for the respondent to state whether this aspect of the plan is legally compliant, sound or complies with the duty to cooperate. Respondents are also asked to set out any modifications they think are necessary to make the plan legally compliant and sound.
- 3.8 Following the completion of the representations period, all responses will be reviewed, documented and be prepared ready for inclusion with the rest of the submission documents.
- 3.9 A Planning Inspector will then be appointed to undertake the examination and this will include a series of hearings. Other than to deal with any legal deficiencies in the duty to cooperate, the Inspector is able to suggest potential main modifications to the plan in order for it to be sound. Any identified failings relating to the legal aspect of the Duty to Cooperate would require the Plan to be withdrawn..
- 3.10 If main modifications are proposed, then there will be an opportunity for these to be published to seek views on their soundness. Should this stage be necessary it will be subject to a further report to Cabinet and Full Council
- 3.11 At the conclusion of the examination the Inspector issues his/her final report which then allows the Council to adopt the plan if it is found sound and legally compliant. Adoption of the plan is by resolution from Full Council.

Government Consultations, including 'Planning for the Future'

- 3.12 In August the Government launched two consultations on reforms to the planning system. One related to a major overhaul of the planning system, and the other included changes to the existing planning system that could be implemented in the meantime.
- 3.13 The changes to the existing planning system would see change to the standard methodology that would increase the Borough's own needs by around 20%. To maintain the same contribution to the HMA would require more allocations to be identified. The consultation indicates that transitional arrangements are being considered that would require published plans to be submitted for examination within 6 months of the changes taking effect. This would allow plans to be examined under the existing guidance. The intention is that the plan is submitted in order to make use of these transitional arrangements.
- 3.14 The timetable associated with the more significant changes is less clear, but is not expected to take effect until at least the end of 2021. There is much detail still to be worked up before any changes could be brought into effect. In particular about how any further amendments to the standard methodology may be made, and how the methodology may make adjustments to take into account local constraints, eg the

Green Belt, in setting a binding requirement on an area. These potential reforms will continue to be closely monitored, and at any point before the plan (which is the subject of this report) is adopted it becomes clear that pursuing a plan under the new regime is more beneficial to the Borough, then it remains an option to withdraw the current plan.

4. What options have been considered and what is the evidence telling us about them?

- 4.1 Early stages in the plan review considered the options that are available, and these have been shaped by the subsequent consultations and associated evidence. This evidence also includes the necessary sustainability appraisal prepared at all stages, and this considers reasonable alternative options.
- 4.2 The only alternative option available to the Council at this stage is to not publish an updated Local Plan and instead rely on the existing Plan (2013). This is not considered a reasonable alternative as the existing Plan is now, in part at least, considered out of date, in accordance with national guidance. A new Plan also allows the Council the opportunity to take control of its own growth ambitions, infrastructure delivery and environmental management, including combatting climate change. It is also necessary to support the Council in its responsibilities under the Duty to Cooperate and to plan positively for the arrival of HS2.

5. Reasons for recommending preferred option

- 5.1 The justification in the policies sets out the reasons why the options being pursued have been followed.

6. Implications and Considerations

- 6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>Economy:</p> <ul style="list-style-type: none"> 1. Revitalising our towns and local centres. 2. UK Central (UKC) and maximising the opportunities of HS2. 3. Increase the supply of housing, especially affordable and social housing. 	<p>At the heart of the plan are policies seeking to increase the supply of housing (including affordable housing); maximising the potential of UK Central & HS2; Supporting continued economic growth and job provision; facilitate urban regeneration opportunities and infrastructure delivery; and providing a framework for the town centres.</p>
<p>Environment:</p> <ul style="list-style-type: none"> 4. Enhance Solihull’s natural environment. 5. Improve Solihull’s air quality. 6. Reduce Solihull’s net carbon emissions. 	<p>Also at the heart of the plan are policies designed to enhance the natural environment, improve air quality and put into effect the actions from the Climate Change Declaration, including reducing carbon emissions.</p>

<p>People and Communities:</p> <ol style="list-style-type: none"> 7. Take action to improve life chances in our most disadvantaged communities. 8. Enable communities to thrive. 9. Sustainable, quality, affordable provision for adults & children with complex needs. 	<p>The plan also includes policies that seek to address inequalities, improve public health and allow communities to thrive (including through new infrastructure and the ability for Community Infrastructure Levy to be used locally).</p>
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6.2 Consultation and Scrutiny:

6.2.1 Scrutiny has focussed on the process for the local plan review, including methods used in consultations.

6.2.2 Throughout the process a range of all Member events have been organised at key stages in the process to enable participation in bringing the plan forward.

6.2.3 Previous public consultations have helped shape the content of the plan, but representations made at this stage will be expected to focus on soundness and legal compliance of the plan.

6.2.4 Previous consultations have also seen the database of interested parties increase and this includes registrations to the Council's Stay Connected alert service. The Council also takes the step of writing to the occupiers of dwellings adjacent to the allocated sites. Using these direct communications means that those that consider themselves to be most affected, or have shown interest in the process will be aware of this stage of the Plan making process and have the opportunity to engage..

6.2.5 In addition the use of press releases and social media are methods that help raise awareness.

6.2.6 Previous consultations have included drop in events at libraries and other public spaces. The current pandemic will restrict the ability of these to take place in their traditional form, but alternatives will be pursued, including live Q&A sessions via social media and giving advance publicity to the plan being published.

6.3 Financial implications:

6.3.1 The costs associated with producing a local plan are funded through establishment budgets as supplemented by the Business Rates Windfall reserve. It is not expected that any additional funding will be required, however should the need arise this will be subject to a separate business case.

6.4 Legal implications:

6.4.1 The local plan process is set out in the Town & County Planning Act (1990 as amended). The Draft Submission Plan is published in accordance with regulation 19 of the Town & Country Planning Regulations. The plan is considered to be legally compliant and a sound basis for the plan to be submitted. It is recognised that this will be tested through the examination process.

6.4.2 The Council can be confident that the work undertaken in recent year's means its statutory responsibilities associated with the Duty to Cooperate have been discharged. Indeed, once the plan is submitted to the Secretary of State no further work relating to this Plan and the Duty to Cooperate can be undertaken in so far as it relates to legal compliance. Through this period of engagement though the Council will continue to engage constructively and actively with its neighbouring authorities as part of the Duty to Cooperate, as set out in Section 33A of the Planning and Compulsory Purchase Act (2004) (as introduced by the Localism Act (2011)), where it is considered appropriate and necessary to do so.

6.4.3 Once adopted by the Council, the Local Plan will become the starting point for determining any planning application that are submitted to the Council for consideration.

6.5 Risk implications:

6.5.1 The principal risks arise out of the potential challenges to the plan, including through the examination. Evidence has been used to support the approach and this will be used to justify the plan.

6.6 Equality implications:

6.6.1 A Fair Treatment Assessment has been undertaken and has been provided as an appendix to this report (Appendix C). Generally the Draft Local Plan Review Draft Submission has a positive impact and across the various equalities groups. It addresses the borough's changing household composition and commits to providing more homes, including specialist and supported housing, and affordable housing. There is a focus on developing sustainable communities through the need to provide and maintain suitable health, education, community facilities, and opportunities for social interaction is fundamental in ensuring people across the borough enjoy a good quality of life and have equal and positive life chances.

7. List of appendices referred to

7.1 A1 – Draft Submission Plan (on-line only)

7.2 A2 – Draft Submission Plan – Policies Plan (on-line only)

7.3 A3 – Draft Submission Plan – Concept Masterplans (on-line only)

7.4 B – Sustainability Appraisal (on-line only)

7.5 C – Fair Treatment Assessment (on-line only)

8. Background papers used to compile this report

8.1 [Click here to enter text.](#)

9. List of other relevant documents

9.1 Copies of previous iterations of the plan and the representations made on them can be found on the Local Plan Review web pages at www.solihull.gov.uk/lpr.