

**EXECUTIVE
COMMITTEE**

12th March 2013

**REDDITCH GROWTH AND LOCAL PLAN NO.4 PUBLIC CONSULTATION -
UPDATE**

Relevant Portfolio Holder	Councillor Greg Chance, Planning, Regeneration, Economic Development & Transport
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford, Head of Planning & Regeneration
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	Yes
Key Decision / Non-Key Decision	Non Key Decision

1. SUMMARY OF PROPOSALS

- 1.1 This report informs members on where the Duty to Co-operate has recently been examined by and commented upon by a Planning Inspector in relation to recent issues at Coventry City Council and highlights the implications for an authority that has not adequately observed the Duty. It should be read in conjunction with the report at agenda item 6 about Redditch Growth and Local Plan no. 4.
- 1.2 The outcome of these recent issues will cause Coventry City Council a considerable delay in getting their Core Strategy (like Redditch's Local Plan) in place and will have cost implications for that Council.
- 1.3 These emerging issues are provided to inform members of when they are considering their decisions during the preparation of Redditch's Local Plan No.4, particularly regarding the requirement for Redditch Borough Council to co-operate with its neighbouring Local Authorities.

2. RECOMMENDATIONS

The Committee is asked to consider the information in this update report alongside the report at agenda item no.6.

3. KEY ISSUES

Financial Implications

- 3.1 As set out in the report on Redditch Growth and Local Plan no.4 report at agenda item no.6.

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Legal Implications

- 3.2 In addition to the Legal Implications set out in the report on Redditch Growth and Local Plan no.4 report at agenda item no.6, the following paragraphs expand on the information set out in the published report in relation to the duty to co-operate under the Localism Act 2011.
- 3.3 Coventry City Council had previously drafted a Core Strategy which provided for 33,500 new homes and was found to be “sound” in 2010. However, it withdrew the plan just before the Council was due to adopt it and their current draft only provides for 11,373 new homes. Their neighbouring Council, Nuneaton and Bedworth Borough Council, withdrew from its previous commitment to provide 3,500 homes to meet some of Coventry’s needs.
- 3.4 At the pre-examination meeting and hearing in February 2013, the Planning Inspector raised concerns about Coventry City fulfilling the Duty to Co-operate. In the Inspector’s letter to Coventry, following the hearing, he states *“I conclude that the Plan does not meet the legal requirements of the 2004 [Planning and Compulsory Purchase] Act in that Council has not engaged constructively with neighbouring local planning authorities on the strategic matter of the number of houses proposed in the Plan and consequently it has not sought to maximise the effectiveness of the plan making process.”*
- 3.5 The Inspector said that it was clear that the Council had not ignored its Duty to Co-operate and that it had *“actively sought to discharge that duty on an ongoing basis”*. However, he said that the evidence did not show that the co-operation with neighbouring councils had fulfilled requirements to be constructive or effective. The Councils did not work together effectively to deal with the strategic housing issue to come to a solution. The inspector warned that *“The lack of broad consistency in the way housing need is being calculated between the various local planning authorities in the Coventry housing market area calls into question the statement that they are all capable of meeting their housing requirements within their borders.”*
- 3.6 Coventry have been asked by the Planning Inspectorate to withdraw their Core Strategy from the Examination process because the Planning and Compulsory Purchase Act 2004 sections 20(7B) and (7C), do not provide for the rectification of a failure to meet the section 33A duty through pursuing main modifications. The Inspector commented that it is impossible to rectify a legally non-compliant Plan after it has been submitted.
- 3.7 Coventry has since stated their intention to undertake the work recommended by the Inspector and for the plan then to go back before

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the Inspector in due course.

- 3.8 The comments of the Inspector and the consequences for Coventry City Council as a result are relevant considerations for members in the context of the Recommendation within Agenda Item 6.

Service / Operational Implications

- 3.9 As set out in the report on Redditch Growth and Local Plan no.4 report at agenda item no.6.

Customer / Equalities and Diversity Implications

- 3.10 As set out in the report at agenda item no.6.

4. RISK MANAGEMENT

- 4.1 As set out in the report at agenda item no.6.

5. APPENDICES

Letter and appendix from the Planning Inspector to Coventry City Council.

6. BACKGROUND PAPERS

All supporting technical evidence for the Housing Growth consultation will be available on a specific website at www.bromsgroveandredditchplanning.co.uk

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