

REDDITCH BOROUGH COUNCIL

Borough of Redditch Local Plan No.4 – Proposed Main Modifications **Executive**

12th July 2016

Borough of Redditch Local Plan No.4 – Proposed Main Modifications

Relevant Portfolio Holder	Councillor Greg Chance
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	Yes - via Planning advisory Panel
Non Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 The following report outlines the Examination in Public process the Borough of Redditch Local Plan No.4 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 **Executive Committee is asked to recommend to 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 paras 3.19 to 3.22 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 PCPA 2004. The council can also put forward 'additional modifications' of its own to deal with more minor matters.

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- 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. 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 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 anyway. 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 Borough of Redditch Local Plan No.4 Examination in Public

- 3.7 In September 2013 the Borough of Redditch Local Plan No.4 (BORLP4) Proposed Submission version was approved by the Council for Publication. Following a period of representations the BORLP4 was submitted to the Planning Inspectorate on the 12th 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. 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 Bromsgrove District 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, the OAHN for Redditch was accepted by the Inspector.
- 3.9 In September 2014 three days of hearings took place to examine the rest of the BORLP4 other than the cross boundary allocations which were to be examined jointly with Bromsgrove later on in the proceedings. At these hearings the site selection and Sustainability Appraisal (SA) process was challenged, on the 3rd October 2014 the Inspector wrote to the Council expressing some concerns

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about the site selection and SA process, the A435 ADR and the housing land supply. The Council responded positively and committed to providing further work to the Inspector in advance of the hearing sessions scheduled for December 2014.

- 3.10 Unfortunately the hearings in December had to be delayed, and it was also felt that further work on the SA would be required, the Inspector allowed this work to be done and rescheduled the hearing session. The rescheduled hearings were held over two days in June 2015. The Inspector issued a note in July 2015, requesting that yet further work be carried out to clarify the site selection, and SA 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 stating that the less extensive work could be completed, and submitted in December 2015, this was accepted by the Inspector.
- 3.12 In December 2015 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 Gypsies and Traveller Accommodation Assessment.
- 3.13 This work was published for consultation for a period of 6 weeks, closing on the Tuesday 16th February 2016. The Narrative and the associated consultation responses to it were the focus of further hearing sessions which took place on the 23rd and 24th March 2016. Following these further hearings the Inspector informed the Councils on the 15th 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 they materially affect the operation of any policy. Without these Main Modifications the Plan would not be able to proceed to adoption.

The BORLP4 Proposed Main Modifications

3.15 For information the BORLP4 contains:

- A Local Portrait which describes Redditch as it is at the moment and influences on this
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- A Vision of how the Borough could develop as a place to meet the needs of its local residents, businesses and visitors in the future
- 13 Objectives which reflect the aspirations of the Vision and provide direction for the BORLP4 Policies
- A set of 49 Policies to deliver the Vision and Objectives
- 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..

The BORLP4 Proposed Main Modifications

3.16 The following sections summarise the main changes made to each aspect of the BORLP4 and should be read in conjunction with the full schedule of Main Modifications which can be found at Appendix 1 and also the BORLP4 Proposed Submission version which can be viewed at, <http://www.redditchbc.gov.uk/media/1332708/CDR114-Borough-of-Redditch-Local-Plan-No4-Proposed-Submission-Document-September-%E2%80%93-November-2013-.pdf>.

Duty to Cooperate

- Inspector has acknowledged that we will need to work with Birmingham to help resolve their unmet housing need. The mechanism to do this will be through the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) and a review of BORLP4.

Policy 4 Housing Provision

- Text has been amended from 'a minimum of' 3,400 dwellings' to 'approximately'.
- The reference to Stratford-on-Avon District contributing towards Redditch housing target has been removed.
- Reference to the Lifetime Homes Standard has been removed and replaced with reference to the new technical standards for housing.
- Insertion of text to state the Council will encourage the provision of housing for elderly people.

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Policy 6 Affordable Housing

- Text has been amended to state that affordable housing contributions are only required for sites of 11 dwellings or more (this was previously 10 or more).
- The requirement for financial contributions on all sites of 5-9 dwellings has been removed.

Policy 7 Gypsies, Travellers and Travelling Showpeople

- The reference to the Gypsy and Traveller Accommodation Assessment has been removed and therefore the specific pitch requirements. Policy now refers to provision being in accordance with any up-to-date assessment and national guidance.

Policy 8 Green Belt

- Paragraph has been removed which repeats National Planning Policy Framework.

Policy 10 Agricultural Workers Dwellings

- Reference has been inserted which states that planning applications will be determined in accordance with national planning policy on Green Belts.

Policy 15 Climate Change

- Amends Policy to require new developments of 10 units or more to have regard to be climate resilient.
- Removes reference to Code for Sustainable Homes and replaced with reference to the new technical standards.

Policy 16 Natural Environment

- Amendment to provide more clarity on how applications for development which affect sites of wildlife importance will be determined.

Policy 19 Sustainable Travel and Accessibility

- More clarity has been provided on Strategic Road Network and Primary Road Network.
- Reference to collecting financial contributions has been moved to Policy 20.

Policy 20 Transport Requirements for New Development

- A new criterion will be added to require that planning conditions and obligations will be used to secure the timely delivery of any necessary transport mitigation measures.
- Policy amended to refer to the IDP.

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- The requirement for all proposals to be within 250m of local services has been removed. The Policy now says all proposals should be accessible to local services.
- Further detail has been included about when a Travel Plan is required.

Policy 23 Employment Land Provision

- Removed reference to a 'minimum' of 12 hectares of employment land in Stratford, Policy now states 'around'.

Policy 29 Broadband and Telecommunications

- Text inserted to provide more clarity on level of service that is expected.

Policy 40 High Quality Design and Safer Communities

- Removed reference to Secured by Design Scheme but added a reference to ensure design takes into account the risk of crime.

Policy 46 Brockhill East

- Amended target from 1,000 dwellings to 1,025 dwellings.
- Text has been included to ensure no adverse risk of pollution to controlled waters.

Policy 47 Land to the Rear of the Alexandra Hospital

- The requirement to safeguard land immediately south of the Alexandra Hospital for health related purposes has been removed. Now that the NHS Trust has completed its Review, this land has been released for development.
- Text has been amended to state the site will be delivered within 5 years rather than 6-10 years.
- Text has been included to ensure no adverse risk of pollution to controlled waters.

Policy 48 Webheath

- Criterion has been inserted to ensure contamination is addressed.

A435 Amendment

- Part of Site 211 A435 (in the vicinity of Mappleborough Green) removed for 50 dwellings and employment site IN82 (7.78 Ha) removed. Allocation of Site 211 (in the vicinity of Winyates Green) remains in the Plan for 205 dwellings.

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RCBD 1 Redditch Cross Boundary Development

The amendments to this Policy will be made through the Bromsgrove District Plan. The full details of these Modifications can be seen in Appendix 2, as a summary they are:

- Include reference to Source Protection Zones (in Introductory text and Policy)
- Amend text from 'minimum' to 'approximately'
- Removed the requirement for all dwellings to be located within 250m of a bus stop and replaced with all dwellings to be accessible to the bus network
- More detail has been included on what is required from a flood risk assessment
- More detail on the requirement for Sustainable urban Drainage Systems
- A requirement has been included for an assessment of the pollution risks to controlled water
- A requirement has been included to state that Development should follow water conservation hierarchy
- A requirement has been included for infrastructure to be delivered in parallel with the implementation of new development
- Acknowledgement the need for mitigation measures for transport
- Text included to state that development should be informed by the Setting Assessments and Historic England Guidance
- Additional text included to state that development should not take place in the 'no development' areas identified in the Heritage Setting Assessments

3.17 Whilst the above summary and the schedule may look like the BORLP4 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. All the site allocations including the large sites on the edge of Redditch in Redditch Borough and Bromsgrove District remain in the Plan.

3.18 Appendices

A small number of changes have been made to the appendices to update some of the definitions in the Glossary, and clarify the position with the current plan once the new BORLP4 is adopted.

The Consultation

3.19 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 27th July – 21st September.

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- 3.20 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.
- 3.21 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.
- 3.22 It is anticipated that 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 BORLP4.

Customer / Equalities and Diversity Implications

- 3.23 As outlined above, the Modifications will be subject to public consultation.

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix 1 - Borough of Redditch Local Plan No.4 – Proposed Main Modifications

Appendix 2 - Extract from the Bromsgrove District Plan Proposed Main Modifications Document setting out the Modifications to the Redditch Cross Boundary Development Policy

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6. BACKGROUND PAPERS

All the information and documents associated with the BORLP4 and the examination can be viewed on the Councils website at <http://www.redditchbc.gov.uk/council/policy-and-strategy/planning-policies/borough-of-redditch-local-plan/borough-of-redditch-local-plan-no-4.aspx>.

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