

**REDDITCH BOROUGH COUNCIL**

**Borough of Redditch Local Plan No4 - Adoption**

**Executive**

17<sup>th</sup> January 2017

**Borough of Redditch Local Plan No4 – Adoption**

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
Non Key Decision	Yes

**1. SUMMARY OF PROPOSALS**

- 1.1 The Borough of Redditch Local Plan No 4 (BORLP4) has now been through its Examination in Public which closed on the publication of the Inspector's report, on the 16<sup>th</sup> of December 2016. The Inspectors report recommends that subject to the making of a series of modifications the BORLP4 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 for formally adopt the BORLP4 as the Development Plan for the Borough.

**2. RECOMMENDATIONS**

**2.1 The Executive is asked to RECOMMEND to the Council**

- 1. That the Council note the content of the Borough of Redditch Local Plan No 4 Planning Inspectorate's Report (Appendix 1), and the associated Schedule of Main Modifications (Appendix 2).**
- 2. That the Council adopt the Borough of Redditch Local Plan No 4 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 Borough of Redditch Local Plan No 4 Policies Map as submitted and subsequently amended by the modifications set out in Appendix 3**
- 4. That the Council note the Borough of Redditch Local Plan No 4 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**

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**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 BORLP4 i.e. more planning appeals to defend or if the adopted BORLP4 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 Regulation 2004
- 3.3 If the BORLP4 is adopted in line with the above regulations the following will be made available,
- The BORLP4
  - An adoption statement
  - The Sustainability Appraisal report and SA/SEA Adoption Statement
  - Details of where the BORLP4 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 BORLP4 and to
  - The Secretary of State.
- 3.4 Any person who is aggrieved by the adoption of the BORLP4 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 BORLP4 was adopted i.e. no later than 13<sup>th</sup> March 2017.

**Service / Operational Implications**

**The Evolution of the BORLP4**

- 3.5 The evolution of the BORLP4 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 Borough as possible. All this work culminated in September 2013 when the BORLP4 Proposed Submission version was approved by the Council for Publication. Following a period of representations the BORLP4 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 BORLP4 which was also held, in part, jointly with Bromsgrove District 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 Executive on the 12<sup>th</sup> 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 27<sup>th</sup> July and ran to the 21<sup>st</sup> September. During this period a total of 33 representations were received. Even though a guidance note was produced asking for specific information in the responses, many 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 2<sup>nd</sup> 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 16<sup>th</sup> December 2016, this concluded the examination in public. The Inspectors report was then placed on the Council's website site and notification letters sent to all those who wished to be notified on Monday 19<sup>th</sup> of 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.

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The assumption is the plan as submitted was sound and if elements were not 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 12<sup>th</sup> report.
- 3.10 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 apportions growth to neighbouring authorities and
  - the site selection methodology for the cross boundary sites on the edge of Redditch.

The Inspector has concluded that the objectively assessed housing need for the District is 6300 dwellings and having the housing requirement at 6400 is an appropriate target to allow some flexibility. A modification has also been made to ensure that Redditch Borough Council responds appropriately in the future to provide for any needs of the wider housing market area. Other notable housing conclusions are the affordable housing requirement is set at 30% for qualifying sites, and the Inspector is also satisfied that the borough does have a 5 year land supply.

- 3.11 On 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 despite some local opposition the decision to allocate the sites at Foxlydiate, Webheath and the A435 corridor are sound, and as such these sites remain as development sites in the plan. 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.

**Minor Modifications**

- 3.12 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 were 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

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to ensure the final version is up to date, accurate and a usable tool for all those involved in planning in Redditch Borough.

**Sustainability Appraisal**

- 3.13 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**

- 3.14 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 Borough of Redditch Local Plan 3 proposals map to create the new policies map. Some further changes have been identified as being needed through the EIP process these can be seen in appendix 3 of this report.
- 3.15 If the BORLP4 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 created to reflect the new BORLP4.
- 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**

- 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 Borough and on the website and Development planning officers will be able to offer advice and guidance on the new plan. Training events for key stakeholders such as community groups and consultees on planning applications.

**4. RISK MANAGEMENT**

- 4.1 The risks associated with adopting the plan are minimal, with a legal challenge being the biggest risk 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 6400 houses for Redditch helping to meet the housing needs of Borough allowing residents better access to the housing market.
  - Assisting in meeting affordable housing deficit

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- 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.
- 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.
- An adopted plan would enable Councils to progress with preparing a Community Infrastructure Levy (CIL) thereby enabling needed infrastructure to be provided.

**5. APPENDICES**

1. The BORLP4 Inspector's Report
2. The BORLP4 Inspector's Main Modifications
3. The BORLP4 Schedule of Minor Modifications
4. The BORLP4 Adoption Statement
5. The BORLP4 SEA/SA Adoption Statement

**6. BACKGROUND PAPERS**

The Councils website [www.redditchbc.gov.uk/examination](http://www.redditchbc.gov.uk/examination) contains all the background information concerning the plan and the examination in public.

**7. KEY**

BORLP4 – Borough of Redditch Local Plan 4  
SA – Sustainability Appraisal  
SEA – Strategic Environmental Assessment  
EIP – Examination in public

**AUTHOR OF REPORT**

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