

**Meeting date:** 17<sup>th</sup> January 2019

**Report to:** Full Cabinet



**Subject/report title:** Local Plan Review – Supplementary Consultation

**Report from:** Cabinet Member for Managed Growth

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**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:** N/A

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**1. Purpose of Report**

1.1 To seek approval to undertake a supplementary consultation on the Draft Local Plan.

**2. Decision(s) recommended**

2.1 Cabinet is asked to:

- (a) Approve the “Draft Local Plan (Supplementary) Consultation” as the basis for the additional consultation.
- (b) Agree that the consultation run for a six week period, and
- (c) Delegate to the Director for Managed Growth and Communities, in consultation with the Cabinet Member for Managed Growth, authority to make minor changes to the document.

**3. What is the issue?**

3.1 The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

- 3.2 The Council's current plan was adopted in December 2013 and work commenced on reviewing the plan in 2015 when it was decided to review the plan as whole rather than pursue a Local Area Plan for the HS2 Interchange site and wider area. It remains a priority of the Council to have an up-to-date plan in place as soon as reasonably practicable.
- 3.3 Through [Managed Growth Cabinet](#) in September 2018 the timetable for the remaining stages of the Local Plan Review was set as follows:
- Publication of Draft Local Plan (Supplementary Update) – winter 2018/19
  - Publication of Submission Draft (for consultation) – summer 2019
  - Submission to Secretary of State – autumn 2019
  - Examination of plan – winter 2019/2020
  - Adoption of the Local Plan Review – spring/summer 2020
- 3.4 This report seeks approval of a consultation document to be published in January 2019 that would fulfil the requirement set out above for a supplementary update to be undertaken as a follow up to the Draft Local Plan published in 2016.

#### **4. Progress to Date**

##### Scope, Issues and Options consultation (November 2015)

- 4.1 The first stage of the LPR consultation took place from 30<sup>th</sup> November 2015 to 22<sup>nd</sup> January 2016. At this stage views were invited on the scope of the review, the issues that ought to be taken into account and the broad options for growth that ought to be considered.
- 4.2 The consultation document (available [here](#)) set out the key issues/questions and broad options for accommodating the anticipated growth. A summary of the representations (and the Council's responses to them can be found [here](#)).
- ##### Draft Local Plan (DLP) consultation (November 2016<sup>1</sup>) (available [here](#))
- 4.3 Consultation on the Draft Plan commenced on 5<sup>th</sup> December 2016 and finished on the 17<sup>th</sup> February 2017. Over 1,750 responses were received and a summary of the representations was reported to Cabinet Member for Managed Growth on 18<sup>th</sup> July 2017.
- 4.4 An overall summary of representations has now been published and can be found [here](#). In addition schedules of individual summaries arranged by question/site and by respondent were also published, these can be found [here](#) and [here](#)<sup>2</sup>
- 4.5 Alongside the representations an updated schedule of "Call for Sites" Submissions (July 2017) was also published and it can be found [here](#)

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<sup>1</sup> The document was dated November 2016 as Cabinet approval for consultation was given in November although the consultation commenced in December.

<sup>2</sup> At the Board meetings in March and September 2017 Members welcomed the response rate that had been achieved and endorsed the intended publicity and engagement arrangements for the next version of the plan when that is published.

## 5. National Planning Policy Framework (NPPF) (July 2018)

- 5.1 The white paper [Fixing Our Broken Housing Market](#) published in Feb 2017 included proposals for 'making sure every community has an up-to-date, sufficiently ambitious plan' and signals the intention that the Government will introduce a standard methodology (SM) for assessing housing need. Consultation on the standard methodology took place in September 2017 and this has now been incorporated into the revised [NPPF](#) which was published in July 2018. The Planning Practice Guidance ([PPG](#)) now includes detail on how to calculate an LPA's Local Housing Need (LHN).
- 5.2 Although the SM is now incorporated into the NPPF/PPG, in October 2018 the Government published consultation proposals<sup>3</sup> seeking views on changes to how the SM is to be calculated. This is expected to result in revisions to the NPPF/PPG early in 2019. For the purposes of undertaking this supplementary consultation, the SM set out in the consultation document has been used to produce a Local Housing Need (LHN) figure.

## 6. Duty to Cooperate

- 6.1 Planning for an area's needs should be undertaken at the 'Housing Market Area' level<sup>4</sup>, and in this respect Solihull is one of 14 local planning authorities that is within (in whole or in part) the HMA that includes Birmingham and surrounding authorities. It is recognised that this is a shared issue for the HMA as a whole and a number of districts will be in a position to help to accommodate some of this shortfall<sup>5</sup>. It is expected that this will be one of the key issues to be addressed through the on-going and legal obligation under the duty to cooperate (DtC).
- 6.2 Through the Draft Local Plan, the Council included within the housing requirement a figure that not only accommodated the Borough's own needs (which were not being met through the SLP 2013), but also tested incorporating a contribution of 2,000 towards accommodating the shortfall noted above.
- 6.3 Through the representations on the DLP there is a clear expectation from other HMA authorities that (a) there is no clear justification why 2,000 was chosen as the figure Solihull would make towards the HMA shortfall and (b) there is opportunity to make a greater contribution.
- 6.4 To help inform the Duty-to-Cooperate discussions the 14 HMA authorities commissioned GL Hearn to undertake a 'Strategic Growth Study', and this was published in February 2018. One of the aims of the study was to look at development options that may be required beyond 2031 (recognising that 2036 provides a useful date to assess need to and what supply is currently identified to that date), and some

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<sup>3</sup> [Technical consultation on updates to national planning policy and guidance](#) (Oct 2018)

<sup>4</sup> Although the revised NPPF no longer uses this term (the phrase 'an appropriate geography' is expected in the revised PPG), the functional relationships that underpin the HMA geography remain valid, but this now also provides the opportunity to consider, for instance, how other non-HMA authorities that are part of the West Midlands Combined Authority (for example Telford & Wrekin) can play a part in the duty-to-cooperate.

<sup>5</sup> Through evidence that supported the adoption of the Birmingham Development Plan in January 2017 it was established that the HMA wide shortfall (to 2031) was 37,500 dwellings. As the time period extends (ie when plans seek to provide for a 15 year plan period) the need beyond 2031 also becomes an issue. As few plans have been adopted with plan end dates beyond this time there is a greater (as yet) unmet need beyond 2031.

of the options would take a significant time to come forward thus contributing to supply beyond 2036.

- 6.5 For the purposes of undertaking this supplementary consultation, the contribution towards the HMA shortfall remains at 2,000, but the potential for this to be revised as part of the Submission Draft Plan (to be published in summer 2019) remains.

## **7. Draft Local Plan – Supplementary Consultation – Key Contents**

- 7.1 This is a non-statutory supplementary consultation<sup>6</sup> to that undertaken for the Draft Local Plan in December 2016, and it should be read in conjunction with that document. What this consultation seeks to do is to:

- (a) Provide an update on local housing need now that national planning policy has changed through the introduction of a standard methodology.
- (b) Assess the 70+ additional call-for-sites submissions that have been submitted since the DLP was published.
- (c) Refine the site selection process for assessing which sites should be included in the plan and reassess all sites (c320) to ensure they are the most appropriate when considered against the spatial strategy, and existing/new or updated evidence.
- (d) Publishing concept masterplans for the principal allocations.
- (e) Exploring a different approach to calculating how affordable housing provision should be calculated on individual sites.
- (f) Setting out the role of the main settlements in the future and seeking views on the existing pressures and future requirements for infrastructure provision.

- 7.2 This consultation is not seeking to:

- (a) Revise the contribution that the Council is making towards the HMA shortfall. This will be considered through the draft submission version of the plan.
- (b) Amend the overall spatial strategy set out in the DLP.
- (c) Revisit the non-housing related parts of the DLP.

- 7.3 Using the consultation on the revised standard methodology, the Borough's own housing needs amounts to 767 new dwelling every year. When the Borough's contribution to the HMA shortfall is added this becomes 885 dwellings per annum.

- 7.4 To put this into context the average annual completions in the Borough over the last 4 years has been 657 dwellings, and this would be 420 dwellings per annum if taking the average over the last 10 years. The 885 dpa figure would also exceed the highest number of net completions achieved in a single year in the Borough since 2001.

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<sup>6</sup> Under regulation 18 of the plan making regulations.

- 7.5 A two stage site selection process was undertaken to assess all submitted sites using a refined hierarchy to that published in the Draft Local Plan. The site hierarchy seeks to give priority to previously developed sites in the urban area as the highest priority, with isolated greenfield sites in the highest performing Green Belt as the lowest priority.
- 7.6 The Brownfield Land Register has been used in an attempt to maximise the potential for previously developed land to contribute towards land supply, and there are very few sites available in the urban area. This was illustrated by the Strategic Housing and Employment Land Availability Study which identified that 96.5% of the dwellings put forward on sites being promoted are on Green Belt sites.
- 7.7 As a result of the assessment process there have been some changes to the sites considered as the Council's preferred options, and some additional sites have also been included. The need for additional sites has partly arisen due to lower than expected capacities on the sites previously identified. This is not a sign that they are being used inefficiently, but rather because of lower gross to net ratios in their developable area as more important on site facilities, or new infrastructure is required. These changes are needed to ensure high quality places are provided.

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

- 8.1 The consultation document and associated publications sets out the options that have been considered and what the evidence says about them.

## **9. Reasons for recommending preferred option**

- 9.1 The consultation document sets out a process for determining which ought to be considered as preferred options and why.

## **10. Implications and Considerations**

### **10.1 Delivery of key themes in the Council Plan:**

The local plan will set out the long term development strategy for the borough and has a major influence on the delivery of all the key themes within the Council Plan.

- Improve Health and Wellbeing
- Managed Growth
- Build Stronger Communities
- Deliver Value

### **10.2 Implications for children and young people, vulnerable groups and particular communities:**

- 10.2.1 None arising directly from this report.

### 10.3 Consultation and Scrutiny:

10.3.1 The consultation to be undertaken at this stage is part of on-going engagement that commenced at the issues and options stage and will continue beyond this stage when the next iteration of the plan is published for comment.

10.3.2 The Economic Development and Managed Growth Scrutiny Board have considered the Local Plan Review on the following occasions:

- 17<sup>th</sup> March 2016
- 13<sup>th</sup> September 2016
- 14<sup>th</sup> March 2017
- 13<sup>th</sup> September 2017
- 14<sup>th</sup> March 2018

10.3.3 The Board's remit is to focus on the process of undertaking the local plan review rather than the merits of the contents of the plan.

### 10.4 Financial implications:

10.4.1 The cost associated with preparing a local plan are principally related to staff time and the costs associated with commissioning evidence from consultants. These costs are provided for either through the funding of the existing establishment and a combination of use of reserves and/or balancing budgets across the wider service area.

### 10.5 Legal implications:

10.5.1 The Duty to Cooperate is part of a legal test a plan must pass to enable it to be found sound.

### 10.6 Risk implications:

10.6.1 That the plan is subsequently found unsound.

### 10.7 Statutory Equality Duty:

10.7.1 No implications as a result of this report. A Fair Treatment Assessment will be completed to inform the next iteration of the Local Plan.

## 11. **List of appendices referred to**

- A Draft Local Plan (Supplementary) Consultation Document
- B Draft Concept Masterplans and Additional Green Sites
- C Amber Sites
- D Site Selection Matrix (on line only)
- E Sustainability Appraisal Update (on line only)

**12. Background papers used to compile this report**

12.1 None

**13. List of other relevant documents**

13.1 N/A