
20 October 2014

Name of Cabinet Member:

Business, Enterprise and Employment, Councillor Kevin Maton

Director Approving Submission of the report:

Executive Director for Place

Ward(s) affected:

All

Title:

Birmingham Development Plan 2031

Is this a key decision?

No

Executive Summary:

The Council has a Duty to Co-operate, which is enshrined in law (Section 33A of the Planning and Compulsory Purchase Act 2004), and this duty should be discharged by a planning authority that submits a local plan to Examination in Public. In this case, Birmingham City Council has submitted its plan, and in connection with demonstrating that it has discharged the Duty it agreed a position statement (Appendix 1) with officers of the Coventry City Council.

The Cabinet Member is requested to formally endorse that statement, in order that it can carry appropriate weight, in particular in connection with the Examination in Public Hearing session to be held on 30th October specifically concerning the Duty to Co-operate (to which Coventry City Council has been asked to attend). In addition, the Cabinet Member is asked to endorse the letter that was sent to the Birmingham Plan which appears at Appendix 2.

Recommendations:

Cabinet Member is recommended to:

1. formally endorse the statement, reproduced at Appendix 1 of this report; and
2. formally endorse the officer letter that was sent to the Birmingham Plan, reproduced at Appendix 2 of this report

List of Appendices included:

Appendix 1 – Duty to Co-operate statement
Appendix 2 – Officer letter to Birmingham Plan

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: *Birmingham Development Plan 2031*

1. Context (or background)

1.1 Birmingham City Council has submitted its local plan to the Secretary of State. It is now 'at Examination in Public', and as such a timetable has been published setting out exactly how and when the plan will be tested. Coventry City Council has been invited, by the Inspector, to attend the Duty to Co-operate Hearing on 30th October, and the reason for this report is to confirm the Council supports Birmingham's proposal and to enable appropriate 'weight' to be afforded to agreements that have been reached to this point.

2. Options considered and recommended proposal

2.1 The only realistic alternative option to the recommendations is to do nothing. This is not recommended because it could weaken the Birmingham Plan's position by not having a politically-endorsed agreement, would not provide any gain to this Council, and could harm relationships between the two Councils

3. Results of consultation undertaken

3.1 No consultation has been undertaken by Coventry City Council specifically concerning the Birmingham Plan. There is no requirement for this Council to consult in this instance.

4. Timetable for implementing this decision

4.1 The recommended actions can be implemented straight away

5. Comments from Executive Director, Resources

5.1 Financial implications

There are no financial implications

5.2 Legal implications

Consideration of this report by the Cabinet Member and approval of the recommendations demonstrate that Birmingham City Council has complied with its duty under Section 33A of the Planning and Compulsory Purchase Act 2004 to co-operate with Coventry City Council in the drafting of its Development Plan.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Indirectly, the recommended actions may contribute to achievement of the Council's key objectives, by helping the Birmingham Plan through the process of testing. It is considered that it is in Coventry's interests that the Birmingham Plan 2031 does succeed, to enable the emerging Coventry Local Plan to progress without disruption. It is a genuine risk that, were the Birmingham Plan to fall, there could be serious knock-on impacts for Coventry and Warwickshire because the market demand for new development would remain and risks to Green Belt and/or Greenfield land in and around Coventry would increase as a result.

6.2 How is risk being managed?

Risk is being managed by engaging effectively, actively and on an on-going basis with Birmingham City Council concerning local plan matters. It is considered that by adopting this approach the risk to both Birmingham's and Coventry's local plans by way of the Duty to Co-operate are significantly reduced.

6.3 What is the impact on the organisation?

One member of staff is required to attend one day of the Birmingham Plan 2031 Examination in Public.

6.4 Equalities / EIA

It is Birmingham City Council's responsibility, in this instance, to consider the need for, and if necessary to prepare, an Equality Impact Assessment with respect to its proposed Local Plan.

6.5 Implications for (or impact on) the environment

The impact on Coventry of accepting the recommendations of this report are minimal, concerning carbon emissions through a member of staff driving to Birmingham and back on one day for the Hearing session.

6.6 Implications for partner organisations?

The recommended actions of this report will assist Birmingham City Council, a partner organisation for the purposes of the Duty to Cooperate, to demonstrate that it has discharged its Duty to Co-operate as per the Planning and Compulsory Purchase Act 2004.

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Appendices

Appendix 1 – Duty to Cooperate Checklist

Appendix 2 – Officer letter to Programme Officer