

Cabinet
Scrutiny Co-ordination Committee
Council

10th December 2024
18th December 2024
14th January 2025

Name of Cabinet Member:

Cabinet Member for Housing and Communities – Councillor N Akhtar

Director approving submission of the report:

Director of City Services and Commercial

Ward(s) affected:

All Wards

Title: Local Plan Review - Regulation 19 Stage

Is this a key decision?

Yes - the proposals are likely to have a significant impact on residents or businesses in all wards of the City

Executive summary:

On 6th December 2022 Council resolved to adopt a new Local Development Scheme (LDS) and to undertake a review of the Local Plan. In July 2023, Council approved the Regulation 18 'Issues and Options' consultation which ran until September 2023. Approval is now sought to undertake Regulation 19 stage for a 6-week publication period.

Approval to publish for Regulation 19 is in line with the Council's adopted timetables, and is the most effective route to adopting an up-to-date Local Plan for the city and for meeting the development needs of our communities in a balanced and sustainable way.

The Council received 930 separate responses from the Regulation 18 consultation which have been used to inform the development of the Regulation 19 plan, alongside a range of engagements and a specialist evidence base. This report seeks authority to undertake this next required phase of plan preparation, prior to returning to Cabinet and Council for authority to submit to the Secretary of State for examination, this later request will be accompanied with a summary of responses from the Regulation 19 stage.

Recommendations:

Cabinet is requested to recommend that Council:

- (1) Approves the Proposed Submission version of the Local Plan (Regulation 19) document and associated Strategic Environmental Assessment / Sustainability Appraisal and Equalities / Health Impact Assessment for a 6-week consultation period to begin at the earliest opportunity.
- (2) Delegates authority to the Director of City Services and Commercial, following consultation with the Cabinet Member for Housing and Communities, to authorise any non-substantive changes to the documents prior to consultation.

Scrutiny Co-Ordination Committee are requested to:

- 1) To consider the information provided in the report and identify any comments for the Cabinet Member for Housing and Communities.

Council is requested to:

- 1) Approve the Proposed Submission version of the Local Plan (Regulation 19) document and associated Strategic Environmental Assessment / Sustainability Appraisal and Equalities / Health Impact Assessment for a 6-week consultation period to begin at the earliest opportunity.
- 2) Delegate authority to the Director of City Services and Commercial, following consultation with the Cabinet Member for Housing and Communities, to authorise any non-substantive changes to the documents prior to consultation.

List of Appendices included:

The following appendices are attached to the report:

- Appendix 1 – Regulation 19 Proposed Submission Version CCC Local Plan
- Appendix 1A – Regulation 19 Proposed Submission Appendices
- Appendix 2 - Sustainability Appraisal
- Appendix 2A – Sustainability Appraisal Appendices
- Appendix 3 – Equalities and Health Impact Assessment
- Appendix 4 – Consultation Statement
- Appendix 5 – Policy matrix – 2017 Local Plan Policy Proposed Policy updates and changes guidance note
- Appendix 6 – Policy guidance – 2017 City Centre Area Action Plan Proposed Policy updates and changes guidance note

Background papers:

None

Other useful documents:

- Adopted Local Plan 2017
- Adopted Coventry City Area Action Plan 2017
- Reports to Cabinet and Council (15th November 2022, 6th December 2022, July 2023).
- Local Development Scheme December 2024
- Statement of Community Involvement July 2021

Has it or will it be considered by Scrutiny?

The Local Plan review was presented to the Community and Neighbourhoods Scrutiny Board (4) on 21st September 2023 (their minute 9/23 refers) during the Regulation 18 stage to inform the ongoing development of the plan. Ongoing member engagement has also been undertaken through meetings of the Local Plan Advisory Group in the formulation of the draft plan for regulation 19 publication. This regulation 19 stage report will also be considered at Scrutiny Co-ordination Committee prior to Council, on 18th December 2024.

Has it or will it be considered by any other council committee, advisory panel or other body?

The Local Plan Cabinet Advisory Group has been engaged throughout the formulation of the Local Plan Review.

Will this report go to Council?

Yes – 14th January 2025

Report title: Local Plan Review (Regulation 19 stage)

1. Context (or background)

- 1.1 Local Plans should be considered for review at least once every five years, as laid out in Paragraph 33 of the National Planning Policy Framework and (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).
- 1.2 As the Local Plan was adopted in December 2017, Council approved the commencement of a full review of the Local Plan on 6th December 2022 with the objective of ensuring policies are up to date, in line with changes to national policy and guidance, and that they continue to reflect local priorities. Members should note that the Coventry City Area Action Plan, was adopted alongside the Local Plan, and this will be incorporated in this review. Therefore, all references to 'The Local Plan', 'The Plan' and 'Plan Review' incorporate both documents.
- 1.3 Members should also be aware that the Government has also recently consulted on proposed changes to the National Planning Policy Framework the outcome of which is anticipated around the end of this year. These changes have implications for the Local Plan Review process which are outlined later in this report.
- 1.4 Each policy in the 2017 Local Plan has been considered in turn in the context of current legislation and guidance and, where appropriate, updated evidence. The Proposed Submission Version of the Local Plan includes some policies that are unchanged from 2017, some with varying degrees of change and, where necessary, some new policies.
- 1.5 Consultation will be undertaken in line with the relevant regulations and the adopted Statement of Community Involvement to ensure that individuals, communities, stakeholders, and other organisations have ample opportunity to engage through a variety of means. The established planning policy database will directly notify those registered at the launch of the consultation.
- 1.6 The Regulation 19 stage is the final plan-making stage before submission of the Local Plan for examination. If approved by Council, this document will be published for the purpose of consultation so that the Council can seek representations on the "soundness" of the proposals contained within this Draft under sections 19 and 20 of the Town and Country Planning Regulations 2012.
- 1.7 Following the Regulation 19 stage, the Council can then choose whether to proceed to submit the Proposed Submission Version to the Planning Inspectorate for Examination in Public on behalf of the Secretary of State.

2. Proposed Submission Draft Local Plan – Key Matters

- 2.1. The Proposed Submission Version is a draft of the full Local Plan. It is a version of the Plan that further to earlier stages of consultation and engagement, officers consider should be submitted to the Secretary of State for public examination. It

therefore contains the information and detail that would be found in an adopted Local Plan.

- 2.2. The Proposed Submission Version is informed by an up-to-date evidence base, which will be published in full alongside the Regulation 19 consultation. In the formulation of the reviewed plan, officers and the Local Plan Advisory Panel have considered feedback from the Regulation 18 consultation and relevant expert evidence. The following paragraphs are a summary of the key matters contained in the reviewed plan.
- 2.3 The Proposed Submission Draft contains the following development targets for the 2021-2041 plan period:
 - 29,100 dwellings;
 - 60ha employment land;
- 2.4 The proposed development targets are informed by the 2022 Coventry and Warwickshire HEDNA (Housing and Economic Development Needs Assessment) and additional updated evidence, this is consistent with that proposed within the Issues and Options consultation.
- 2.5 Development that has already been completed in the 2021-2041 period counts towards these targets and therefore new allocations proposed within the proposed submission draft are for the quantities of additional development required to achieve these overall targets.
- 2.6 The Proposed Submission Draft Local Plan does not propose any changes in respect of Greenbelt boundaries or designations. All newly proposed development allocations are on previously developed land and therefore in line with the Local Authorities 'brownfield first' approach to identifying development land. In pursuing an approach of 'brownfield first' and protection of the City's remaining areas of Greenbelt, the Proposed Submission Version also reviews the policy areas of development density and design. This approach is in alignment with National Governments priority for higher density development within urban areas, alongside locally embedding high quality standards upon design and internal living spaces.
- 2.7 The City of Coventry has a tightly-drawn administrative boundary and therefore development land is always in short supply. Through the allocation of brownfield development sites, the Council is able to identify land to meet the overall target of 29,100 dwellings. However, at this stage and notwithstanding a dedicated 'call for sites' being undertaken for employment land, identification of land to meet the overall employment land need has not been possible. The Council recognises the need to support the local economy and enable job creation and continues to work with our Duty to Cooperate partners to consider strategic options for meeting this need in the absence of suitable available sites within the city.
- 2.8 The Local Plan Advisory Panel has made clear the priority for the delivery of Social Rented housing and a suitable mix of house types to meet the needs of communities within the city. To this end, the policies proposed within the Proposed Submission Draft Local Plan include the following changes:

- Reduced threshold for the provision of Affordable Housing on new development sites – any site over 10 dwellings should now provide Affordable Housing
 - An increased proportion of Social Rented housing on all qualifying sites
 - Adoption of Nationally Described Space Standards for all new housing developments
- 2.9 In respect of Climate Change, the Proposed Submission Version includes new and revised policies seeking to reduce the negative environmental impacts of new development. These policies are proposed to surpass Building Regulations requirements for both residential and non-residential new build requirements, and policies are included for the setting of new standards for developers to meet for on-site renewable energy generation, restrictions in the use of fossil fuels and improved thermal efficiency.
- 2.10 The plan review has undertaken to develop policy to guide the highest possible quality of development throughout the city, this includes both the development of new policy standards, and also a review of the engagement of current policy in the past plan period. Where additional clarity has been identified as being required, or modifications to be responsive to market delivery this has also been incorporated into policy development.
- 2.12 There are several policy areas where the Council would have wished to set higher and more ambitious standards for new development to meet our wider aspirations for the city and its communities, however national planning guidance requires that the viability of development is considered when formulating local planning policy. To that end, the viability implications of the policy proposals within the Proposed Submission Version have been fully assessed and have iteratively informed the policy detail. The plan therefore seeks to deliver a balanced set of changes to policy that will enable development to sustainably meet the needs of the city.

3 Proposed Changes to the National Planning Policy Framework

- 3.1 The Government has recently undertaken consultation on proposed changes to the National Planning Policy Framework (NPPF). The Council has submitted a response to that consultation following consideration by the Cabinet Member and Scrutiny Coordination Committee. Government intends to publish an updated NPPF by the end of 2024.
- 3.2 The proposed changes to the NPPF include provisions for the preparation of Local Plans. If implemented, the changes would mean that councils at the Regulation 18 stage of their Local Plan Review will have to prepare their plans against the new NPPF. This would result in delay and increased cost for the Council.
- 3.3 Councils who have reached an advanced stage of plan preparation (Regulation 19) can continue to prepare their Local Plan in accordance with the current NPPF. This report recommends that the Council continues to progress our

ongoing Local Plan Review in accordance with the agreed timetables set out in our adopted Local Development Scheme. It is considered this approach has a number of benefits:

- Most efficient route to adopting an up-to-date Local Plan,
- Most effective in enabling development to meet the needs of the city and our communities
- Most cost-effective route, given the expenditure on the Local Plan Review process to date
- Progression to Regulation 19 stage allows the Council to consider the final outcomes of changes to the National Planning Policy Framework, and any implications for Coventry before committing to the submission of the Local Plan for Examination

3.4 In order to progress to the Regulation 19 stage of plan making, the proposed changes to the NPPF indicate a one-month transitional window post National Government's NPPF's publication to reach the regulation 19 stage. However, to date, the authority has been unable to obtain clarity upon the publication date of the revised NPPF from National Government.

4 Technical Requirements

4.1 There is a wide range of statutory requirements that must be followed in the formulation of a Local Plan in order for it to be found legally compliant and sound by the Planning Inspectorate. Key amongst these is the process of Sustainability Appraisal and Strategic Environmental Assessment. This involves the assessment of all objectives and options considered in the formulation of the Local Plan against a range of sustainability objectives.

4.2. The Sustainability Appraisal will be published alongside the Proposed Submission Version as part of the publication process and is contained at Appendix two of this report.

4.3. Regulation 19 of the Town and Country Planning Regulations 2012 requires that all documents that are to be submitted to the Secretary of State must be made available for public inspection. The full evidence base that has informed the Proposed Submission Draft plan will be published as part of the public consultation alongside background papers which have been prepared to articulate the policy proposals made.

4.4 Work with all statutory consultees and Duty to Cooperate Partners has been ongoing throughout the process of the Local Plan Review and the formulation of the Proposed Submission Version. Details are available within the evidence base and supporting documents.

5. Public Consultation on the Proposed Submission

- 5.1. Public consultation must be undertaken in line with the Town and Country Planning Regulations 2012, The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and the Council's Statement of Community Involvement (SCI).
- 5.2. A six-week publication period is proposed to take place between 15th January 2025 and 3rd March 2025. Should national government publish a revised NPPF ahead of the consultation, and it be inclusive of a necessity to undertake regulation 19 prior to these dates to meet transitional arrangements, a 6-week consultation is proposed to be undertaken at an earlier date through use of emergency powers, in order to retain the authority's ability to progress the reg 19 plan to submission for examination under the current NPPF.

6. Options considered and recommended proposal

- 6.1 The Cabinet could choose to not progress with the consultation, however, this would not address the need to review the Local Plan or be in accordance with the Local Development Scheme and as such this option is not recommended.
- 6.2 The Cabinet could choose to instruct officers to amend the consultation documents and supporting information. However, these have been prepared to respond appropriately to council priorities and up to date evidence, and this would cause delays which may mean not achieving the plan programme in line with the published Local Development Scheme.
- 6.3 The Council could choose to approve the Proposed Submission Draft Local Plan and associated Strategic Environmental Assessment / Sustainability Appraisal and Equalities / Health Impact Assessment for a 6-week consultation to begin at the earliest opportunity ahead of returning to Cabinet and Council to report the findings of the consultation. This option is recommended.

7. Results of consultation undertaken

- 7.1 The consultation outcomes of the Regulation 19 stage will be reported to a future meeting of Cabinet, with accompanying recommendations for the next stage of the plan review process.
- 7.2 A summary of consultation from the previous Regulation 18 stage is supplied at Appendix 4

8. Timetable for implementing this decision

- 8.1 At the earliest opportunity further to decision.

9. Comments from the Director of Finance and Resources and the Director of Law and Governance.

9.1 Financial Implications

The Local Plan Review must be supported by robust evidence, the costs of which are being managed within existing departmental budgets but have resulted in managed overspends at reported through regular budget reports.

There is no direct financial implication of approving the Regulation 19 stage. The costs of the consultation process are limited and can be met from existing budgets. After this consultation, Council will be asked whether to submit the Local Plan for Examination, this Examination process will have direct financial costs that are the responsibility of the Council, and these are estimated to be in the region of £150k. These will be provided in detail in a separate report at the time of that decision alongside summary of evidence base costs.

9.2 Legal Implications

The Local Plan is a statutory development plan. The process for preparing a Local Plan is contained within the Planning and Compulsory Purchase Act 2004, Localism Act 2011, The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

10. Other implications

10.1 How will this contribute to the One Coventry Plan?

(<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>)

A reviewed Local Plan will enable the corporate priorities to be reflected as they are set out in the One Coventry Plan 2022 - 2030

10.2 How is risk being managed?

There is a risk that the reviewed policies could be found unsound by a Planning Inspector, however this is minimised by producing a thorough evidence base and having undertaken extensive consultation prior to submission of the plan.

10.3 What is the impact on the organisation?

No direct impact from having additional planning policies.

10.4 Equalities / EIA?

A full Equality and Impact Assessment (EqIA) has been undertaken as part of developing the Proposed Submission Local Plan and this has shaped policy preparation. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010).

10.5 Implications for (or impact on) climate change and the environment?

The Proposed Submission Version contains new planning policies which seek to address the councils' priorities for climate change. These policy areas have been informed by specialist evidence which has been jointly considered by CCC planning policy and climate change teams.

10.6 Implications for partner organisations?

None

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