



BIRMINGHAM DEVELOPMENT PLAN

Birmingham City Council response in relation to comments on
Langley (GA5) and Peddimore (GA6) and Green Belt (TP10)

June 2014

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Key issues raised in the representations

- Loss of Green Belt and inconsistency with NPPF

The National Planning Policy Framework (NPPF) requires Local Plans to meet objectively assessed need. The population of Birmingham is expected to grow by 150,000 in the period to 2031 and as a result of this significant growth the City is unable to meet the projected demand for both housing and employment land within the existing urban area. All other options for accommodating growth with the urban area have been explored and for this reason exceptional circumstances exist to release land currently designated as Green Belt. The review of the Local Plan is the appropriate place to review the City's Green Belt in accordance with the NPPF. The Green Belt assessment has identified sites for housing and employment development which will have the least impact on the purposes and function of the Green Belt and retain areas of higher environmental value.

- Loss of agricultural land

The loss of agricultural land has been considered as part of the Green Belt Assessment and the quality of agricultural land is broadly consistent across the majority of the Green Belt in the north east part of the City. The impact on agricultural land arising from the proposals at Langley and Peddimore is acknowledged but the need for land for housing and employment development outweighs this impact.

- There is sufficient brownfield land

The BDP is a predominantly brownfield strategy and contains ambitious proposals for the re-use of brownfield land for both economic development and housing. With regards to employment land, the Employment Land Review (2012) (REF EMP2) has demonstrated that there is insufficient capacity within the urban area to meet the City's objectively assessed needs. The Employment land Review shows that the supply of high quality best urban land on brownfield sites has fallen to a record low of 77 hectares. The demand for best urban land could be as high as 208 hectares (Warwick Economic and Development REF EMP4) and supply on brownfield sites will therefore be insufficient to meet demand in the period to 2031.

In terms of residential development the City Council have worked with developers, landowners, agents and other stakeholders to identify development opportunities and to maximise the development potential of brownfield land within the urban area. An assessment of housing land supply is undertaken annually through the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA is a study of sites within Birmingham that have the potential to accommodate housing development. It is a technical exercise based on the best information at a given point in time. The methodology adopted by City Council in preparing the SHLAA is in accordance with the NPPF and is consistent with CLG's Best Practice Guidance. All sites in the SHLAA are suitable for residential development and have a realistic prospect of delivering housing during the plan period. Full details of the methodology and assumptions are set out in the SHLAA 2013 Final Report.

The most recent SHLAA (2013) identified a capacity of 47,905 dwellings of which 38,695 were on 1,236 identified sites. All of the identified sites other than the Langley SUE are within the city's urban area and 95% of the capacity on these sites is on Brownfield land. The SHLAA also includes a windfall allowance for currently unidentified sites with a capacity of 8,210 dwellings – these are sites which come forward for development which have not been previously identified as there will always be some land and buildings in a city with an urban area covering more than 22,000 hectares which come forward for development unexpectedly. It is anticipated that the vast majority of these windfalls will also be on brownfield land.

The SHLAA also includes an allowance for vacant homes being brought back into use. This is addressed elsewhere in this paper. Despite seeking to maximise the potential of brownfield land there is insufficient capacity to meet objectively assessed need on brownfield land alone.

- Use brownfield land first, then greenfield

A strategy whereby Brownfield land was developed before Greenfield land was released would be ineffective in delivering the required quantum of housing. Release of the Langley SUE later in the plan period would mean that the site would not deliver the required amount of housing given the very high annual rates of provision which would be required over a shorter time period. It is also important that a portfolio of sites, distributed throughout the city, is available throughout the plan period rather than concentrating development in the city on the Langley SUE in the latter part of the plan period.

- Bring vacant dwellings back into use

The City Council concur that vacant dwellings are a wasted resource. Bringing empty homes back into use is a particularly good source of supply, particularly in a climate where house building rates are relatively low.

The 2011 Census showed that there were 14,359 vacant dwellings in the city. This is 3.38% of the city's dwelling stock.

The City Council is working to reduce the level of vacancies in a number of ways. However, the aim is not to reduce the number of vacant dwellings to zero. Having some vacant dwellings is necessary in order for the housing market to work effectively, to enable households to move within the housing stock. It is generally accepted that a vacancy rate of 3% is the appropriate level in this respect. According to the 2011 Census, to reduce vacancies to 3% 1,609 currently vacant dwellings must be brought back into use.

It is important to note that vacant dwellings are flows. As dwellings are brought back into use others will fall vacant. As part of these flows private sector dwellings are returned to use through government funded initiatives such as the 'Empty Homes Lease & Repair scheme' and the 'Empty Homes Community Grants Programme'. Other dwellings are brought back into use by their owners without grant or intervention from the City Council.

In order for a vacant dwelling, when brought back into use, to count towards meeting the assessed housing need of the city the outcome must be a reduction in the number of vacant dwellings. It must not be part of the flow. The City Council's interventions are therefore aimed at ensuring that more dwellings are brought back into use than fall vacant.

The majority of the city's housing stock is in the private sector. The City Council's Empty Homes Strategy sets targets for bringing empty private sector homes back into use. As a general rule the longer a dwelling remains vacant the more dilapidated it becomes. For that reason the Empty Homes Strategy targets long-term empty private sector dwellings. The Strategy also aims to ensure that 60 per cent of private sector properties returned to use have three or more bedrooms and are in Council Tax bands A to C.

The Empty Homes Strategy is implemented in a variety of ways when persuasion or the use of incentives has proved to be unsuccessful in dealing with the owners of empty dwellings. Options include the use of Compulsory Purchase Orders (CPOs), the retention of larger CPO properties, enforced sale, the use of s215 of the Town and Country Planning Act 1990, the Local Government (Miscellaneous Provision) Act 1982 and Empty Dwelling Management Orders.

In identifying the contribution that bringing vacant dwellings back into use can make towards meeting the city's housing requirement only those dwellings brought back into use through the Empty Homes Strategy following direct intervention from the City Council's Empty Homes Team have been included as these dwellings are effectively net reductions in the number of vacancies and are outside the general flow.

The headline target for the Empty Homes Strategy is to bring 200 dwellings requiring high level intervention (in accordance with the now abolished National Indicator BVPI 64) back into use each year over the period 2013-2018. Currently funding for the Strategy is committed up to 2018. Only the period for which funding is in place has been included in the assessment of land supply. The Target has been exceeded in recent years. In 2011/12 the Strategy returned 260 vacant private sector dwellings into use, and in 2012/13 258. If this over-performance continues the level of vacancies will be very close to 3% by the time funding ceases.

Within the City Council's own dwelling stock work continues to improve the utilisation of the stock. This includes introducing measures to reduce the level of empty dwellings (this is also important from the perspective of rent loss), reduce turnaround times to ensure properties are re-re-let as soon as possible, and aiming for best fit with regard to household size upon re-let. Over recent years the City Council have had a programme of demolition of the poorest and least popular stock while improving the remaining stock. Vacancies with the City Council's housing stock are considered to be part of the general flow of vacancies and no allowance has been made for them with regard to meeting assessed need.

The possibility of achieving a 3% vacancy rate by 2018 together with an end to funding for the Empty Homes Strategy after 2018 mean that it is not appropriate to assume that vacant dwellings being brought back into use will make any contribution to meeting assessed need beyond 2018.

The contribution that bringing vacant dwellings back into use can make towards meeting housing need is relatively small and does not reduce or negate the need to develop on Green Belt land. It should be noted that dwellings which are vacant because they are awaiting demolition are excluded from the figures in this paper.

- Build outside of Birmingham.

The City Council's approach is to accommodate as much of its objectively assessed need as possible within its administrative boundary. It is expected that areas outside of Birmingham will accommodate the additional housing and employment requirements which cannot be met within the City and this is being taken forward through the Duty to cooperate.

- Traffic impact, transport infrastructure and sustainable transport.

The Infrastructure Delivery Plan outlines the infrastructure needed to support the Green Belt proposal. Studies undertaken by Mott MacDonald and Phil Jones Associates (REF TA3 - TA9) demonstrate that the impact of the developments on the transport network can be effectively mitigated. A significant enhancement in public transport is required as part of the Green Belt proposals in addition to improvements to the highway network. The City Council will work closely with its partners including CENTRO to deliver these improvements.

- Insufficient evidence to fully understand the impact and infrastructure and mitigation measures required. M42 Junction 9 and M6 Junction 5 will need to be assessed.

The City Council is working closely with the Highways Agency and adjoining transport authorities to consider the impact on Junction 9 of the M42. Modelling of Junction 9 in 2031 has been undertaken and options to mitigate the impact on the junction are currently being developed.

- Health and education infrastructure

Policies GA5 and GA6 of the submission plan include a requirement to provide education facilities including new primary schools, a secondary school and health facilities. Consultation has been undertaken with healthcare providers and the City's education department to determine the type of provision required and the likely timescale of delivery.

- Delivery of infrastructure

The City Council will work in partnership with the private sector developers and other key organisations to secure the delivery of infrastructure supporting the development. Chapter 10 of the submission plan (Implementation) outlines how the City Council will bring forward its key infrastructure proposals and further detail is provided in the IDP (REF IMP1).

- Questionable population projections.

The level of housing need was established using the 2008-based CLG household projections. These projections, which were derived from the 2008 based ONS population projections, remain the most up to date official household projections.

- Impact of the development on the environment

The City Council has undertaken a number of studies in relation to archaeology and the historic environment, landscape and ecology. These studies (REF PG5 – PG7) demonstrate that the impact of development on the environment at both Langley and Peddimore can be satisfactorily mitigated, and in some cases positive enhancements can be made. The Plan

has sought to protect the areas of Green Belt where the impact of development cannot be satisfactorily mitigated.

- Poor public consultation.

There has been extensive public consultation through out the process of preparing the plan. Details of this are set out in the Consultation Statement (REF HTY14) submitted with the Plan. The approach taken meets the legal requirements and the requirements of the Council's Statement of Community Involvement.

- The Council has failed to comply with the Duty to cooperate.

The Duty to cooperate Statement submitted with this Plan (REF DC1) demonstrates that the duty to cooperate has been effectively undertaken and considerable efforts have been made to engage with neighbouring authorities and key consultees.

- The Plan is premature to studies being undertaken by the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP).

The Plan is not premature and has been prepared positively to meet the needs of the City. The role of the work undertaken by the GBSLEP, notably the Spatial Plan for Recovery and Growth, in relation to the BDP is set out in the Duty to cooperate Statement (2014). Birmingham City Council has been closely involved in the preparation of the Spatial Plan for Recovery and Growth, alongside other studies. The strategy outlined in the BDP seeks to accommodate as much of the City's growth as possible within its own boundary and the results of these studies will not change the Plan being submitted to the Secretary of State.

- The Sustainability Appraisal has significant deficiencies.

The plan preparation process has been informed by the Sustainability Appraisal which has been undertaken in line with the legal requirements. The process has reflected the changing circumstances that have surrounded the plan. A summary of the stages in the process has been prepared to explain this (Evolution of the Sustainability Appraisal of the Birmingham Development Plan)

- The overall housing need in Birmingham is underestimated and could range from 135,000 – 153,100 dwellings between 2011-2031 according to other research.

The level of housing need was established using the 2008-based CLG household projections. These projections, which were derived from the 2008 based ONS population projections, remain the most up to date official household projections. More recently 2012 based population projections, which indicate higher growth, have been published by ONS but CLG have not produced household projections, from which housing need is determined, based on these.

- The Strategic Housing Land Availability Study (SHLAA) overestimates brownfield capacity.

The methodology adopted by City Council in preparing the SHLAA is in accordance with the NPPF and is consistent with CLG's Best Practice Guidance. All sites in the SHLAA are suitable for residential development and have a realistic prospect of delivering housing at the identified capacities during the plan period.

The following rules were applied in assessing the capacity of SHLAA sites:

- Where sites already had planning permission the site capacity is as specified in the permission, unless the best information available indicated that a revised scheme was likely to be brought forward and this would result in a lower capacity.
- On sites allocated in adopted or draft plans the capacity is as set out in the plan.

With regard to sites which have no formal planning status:

- Where some indication of a site's potential capacity was available, for instance from pre application discussions, the Call for Sites or from an emerging plan then this was accepted as the site's capacity.
- Where no site-specific information was available the development densities set out in the pre-submission version of the Birmingham Development Plan were applied (100 dwellings per hectare (dph) in the city centre, 50 dph in local centres and on good public transport corridors and 40 dph elsewhere). The policy acknowledges that there may be occasions where lower densities would be appropriate, for instance in conservation areas, mature suburbs or to enable diversification, for instance through the provision of family housing in the city centre. The minimum densities set out in the policy were not, therefore, applied slavishly and were refined on a site-by-site basis to take account of site specific information.

Full details of the methodology and assumptions are set out in the SHLAA 2013 Final Report.

- The Plan fails to accommodate as much of its objectively assessed needs within the City as would be consistent with its own policies.

The Green Belt Assessment has reviewed all of the Green Belt within the City and has proposed land of sufficient capacity to accommodate 6,000 dwellings in the north east of Birmingham. The remainder of the Green Belt is more sensitive to development in regard to the purpose and function of the Green Belt, ecology, landscape, archaeology and the historic environment. There is also a limit to the number of houses that could be delivered in North east Birmingham during the plan period due to market constraints. The release of further areas of Green Belt will therefore not increase, to any significant extent, the ability of the City to meet more of its objectively assessed need.

- The Peter Brett Housing Delivery Study fails to adequately consider the capacity of the housing market in North East Birmingham.

The Peter Brett Study is a robust independent assessment of the likely level of housing delivery in the North east of Birmingham over the plan period. In any case the City Council has identified a site for residential development in the Green Belt which exceeds even the higher delivery expectation of the Peter Brett report providing flexibility should housing delivery be stronger than Peter Brett have anticipated. The alternative view provided by Savills is unrealistic and the supplementary paper prepared by Peter Brett (REF PG4) demonstrates that several of the assumptions in the Savills report on housing delivery are flawed.

- The Green Belt Options Assessment is flawed and the options should be reassessed. There is no clear evidence to demonstrate that any of the option areas are so valuable or necessary in terms of Green Belt purposes that they should be excluded from development.

The Green Belt Assessment is based on policies in the NPPF and considers the role and function of all the Green Belt within the City. Option Areas A and B were comprehensively considered through the Green Belt Assessment. They contribute to the purpose and function of the Green Belt and are more sensitive to development in regard to ecology, landscape and archaeology and historic environment.

- Preparation of a Supplementary Planning Document (SPD) will cause unnecessary delay.

The scale of the proposals at both Langley and Peddimore require a number of detailed issues to be addressed including the phasing and location of key infrastructure such as new schools and significant highway works. It is also essential that effective public consultation is undertaken and the local community is involved and can influence how the proposals are brought forward. An SPD is the most appropriate mechanism to ensure that these issues are addressed and will carry weight once adopted in the decision making process. It is not accepted that the preparation of an SPD will cause unnecessary delay as significant work has already been undertaken which will inform their preparation.

- All reasonable alternative options within the BCC boundary should be maximised first.

All reasonable alternatives to maximise capacity within the urban area for housing and economic development have been explored. The consultation exercise undertaken in 2012 entitled 'Planning for Birmingham's Growing Population – Options Consultation October 2012 (REF: XX) considered a number of ways of increasing capacity within the urban area but concluded that a review of the Green Belt was necessary.

- Increase capacity at Langley SUE from 5,000 to 6,000 within the plan period.

The Housing Delivery Report undertaken by Peter Brett demonstrates that 5,000 dwellings is the maximum that can be reasonably expected to be delivered during the plan period. The remaining capacity of the Langley site will be delivered post 2031.

- Implications for transport capacity show potential problems with Bassets Pole Island and no recognition of existing congestion on M42 to Tamworth.

The impact on Bassetts Pole Island has been considered in the modelling work being undertaken by Mott MacDonald (REF TA7). As noted above the City Council is working closely with the Highways Agency to consider the impact on the M42 and is currently developing mitigation measures to deal with the impact on Junction 9.

- Regard should be given to the implication of Birmingham's distribution of new development on Tamworth's housing and employment market and impact on Tamworth's ability to meet projected future housing and employment needs.

The proposals in the BDP at Langley and Peddimore are required to contribute towards meeting the City's objectively assessed needs. (It is not considered that they will have any impact on the deliverability of proposals in Tamworth and no evidence has been supplied to indicate that this would be the case.

- Financial gain to the City Council resulting from the disposal of Peddimore.

This has had no effect on the assessment undertaken to determine the most appropriate locations within the Green Belt for employment and residential development.

- No demand for industrial development at Peddimore

The studies undertaken by Warwick Economics and Development (REF EMP3 and EMP4) demonstrate that there will be a significant shortage of high quality industrial land in the City to meet demand in the period to 2031. The findings of these reports support the conclusions of the Employment Land Review 2012 which shows that the supply of high quality employment land has fallen significantly. The Peddimore proposal is essential to address this shortfall and ensure that the City can meet demand in growth sectors such as Advanced Manufacturing.

- Extraction of minerals

No significant mineral reserves have been identified in the Langley or Peddimore proposal areas. The areas of Green Belt which have more potential for mineral extraction are not proposed for development and there has been no interest from either landowners or the mineral industry in extracting minerals from these areas.

Under Metropolitan Area agreements there is no expectation that Birmingham will contribute to the former West Midlands County aggregates apportionment, and mineral reserves in the City generally are very limited.

- Impact on the canal from the Peddimore proposal

The impact on the canal can be effectively mitigated as part of the masterplanning of the Peddimore development. Policy GA6 recognises that there is a need to protect and enhance the setting of the canal.

- Oxley Road Landfill site should be investigated

The Ox Leys Road Historic landfill site is identified in the Green Belt Options Assessment. Further investigation will be required as part of detailed development proposals. The historic landfill site is not considered to be a significant impediment to development.

- Disperse development across the City

The BDP is based on a predominantly brownfield strategy, which disperses development across the City and supports urban regeneration.

- Floodrisk concerns

The majority of Langley and Peddimore fall within Flood Zone 1 which means that development is largely unrestricted. There are small areas of Flood Zone 2 and 3 which relate to the Langley Brook and Peddimore Brook where flood risk modelling would be required at the detailed stages of development. The Environment Agency has not raised any concern in regard to flood risk.

- Build a new town.

It is not within the scope of the Birmingham Development Plan to allocate a new town. Stage 3 of the GBSLEP's Strategic Housing Needs will consider options for accommodating the shortfall in housing provision, including a new town.

- The Plan is not complete.

The Council considers that 51,100 is the maximum number of dwellings that can be delivered in Birmingham over the plan period. The Council is in active discussion with neighbouring authorities and the GBSLEP has commissioned a Strategic Housing Needs Study which will identify a number of broad spatial options for addressing any shortfall in housing provision.

- Economic growth plan needed.

The Submission Plan outlines an ambitious strategy for supporting economic growth in Birmingham including significant office and retail development and growth of the City's industrial sector. It is expected that the economic proposals in the Plan will deliver in excess of 100,000 new jobs.

- Economic growth requirements are not known.

The objectively assessed need for employment growth is evidenced and justified by the Employment Land and Office Targets Study (2013) prepared as part of the evidence base by Warwick Economics and Development and reflected in the proposed portfolio of employment land set out in the policy TP16, which will be maintained throughout the Plan period.

- Housing types needed not covered.

Policy GA5 provides for a mix of housing sizes, types and tenure, including affordable housing. Further detail will be provided in the SPD for Langley.

- Pollution and air quality studies required.

Development will be subject to an Environmental Impact Assessment which will consider pollution and air quality issues.

- Higher densities should be promoted.

Policy TP29 of the Plan sets out a target density for new housing, responding to the site, its context and the housing need. It provides flexibility for lower densities, where appropriate.

- Densities in Green Belt are too high.

Policy TP29 of the Plan sets out a target density for new housing, responding to the site, its context and the housing need. It provides flexibility for lower densities, where appropriate. Where the density falls below the targets, the applicant will be expected to provide supporting information justifying the density proposed.

- Dispute low quality of landscape

A detailed Landscape Character Assessment of the Green Belt Option Areas was undertaken by independent consultants. The assessment was informed by the guidelines set out in *Landscape Character Assessment – Guidance for England and Scotland, 2002*, by Scottish Natural Heritage and the Countryside Agency. The landscape sensitivity of the majority of Area C and D was judged to be low for the reasons set out in the assessment. (See REF PG1).

- Other areas in the West Midlands are in greater need of regeneration

The NPPF requires local planning authorities to assess needs of the City for homes and jobs and to plan positively to meet these needs.

- Funding for infrastructure should be guaranteed

Policies GA5 and GA6 require infrastructure to be delivered to support these proposals. The Infrastructure Delivery Plan and ongoing technical work sets out further details about the infrastructure requirements to support development in the Green Belt.

- Lack of detail regarding infrastructure

The Infrastructure Delivery Plan and ongoing technical work sets out further details about the infrastructure requirements to support development in the Green Belt. Policies GA5 and GA6 also set out a number of requirements that development must meet to ensure it is considered compliant with national and local requirements.

- Areas A and B will be susceptible to future development

Areas A and B will remain as Green Belt and be protected by Green Belt policies, which will provide strong protection against development proposals.