

# **BIRMINGHAM DEVELOPMENT PLAN**

## **CONSULTATION STATEMENT**

**JUNE 2014**

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## 1. INTRODUCTION

- 1.1 This document has been prepared to meet the requirements of Regulation 22 of the Town and Country Planning (Local Plan) (England) Regulations 2012 which requires the Council to produce a Consultation Statement summarising the steps that have been taken to publicise and consult on the Plan during its preparation and to provide a summary of the main issues raised and how they have been taken into account. It should be read alongside the Duty to Co-operate Statement .
- 1.2 The process of preparing the Plan (which was originally known as the Birmingham Core Strategy) has been lengthy and the key stages are set out below. The first four stages were under Regulation 18 of the Regulations and the final stage was under Regulation 20. (The earlier stages were undertaken before the current regulations came into force, but are 'saved' by virtue of Regulation 38 of the 2012 Regulations).

Date	Formal Consultation Stage
February 2007	Core Strategy Launch Event
September – October 2008	Issues and Options Consultation
December 2011 – March 2012	Consultation on Draft Core Strategy
November 2012 – February 2013	Consultation on Options for Higher Growth
January 2014 – March 2014	Consultation on Pre-submission Birmingham Development Plan

- 1.3 At each stage of the consultation the Council has complied with its Statement of Community Involvement which was adopted in 2008 and the Regulations in force at the time and at each stage the consultation response has fed into and informed the next stage in preparing the Plan. In the Council's view the consultation has been extensive and has met all the statutory requirements.
- 1.4 At the heart of the Council's consultation process is a Consultation Database which lists over 2,500 organisations and individuals who are consulted on planning policies. This is described in more detail in the next section.
- 1.5 Summaries of the consultation response at the earlier consultation stages have already been published and a Consultation Summary was published to accompany the Pre-submission Plan, summarising the process to date. An overview of this is set out in section 3.
- 1.6 Section 4 summarises the steps taken to publicise and encourage response to the Pre-submission Plan, and section 5 sets out a summary of the response received for each section and policy of the Plan, and how this has been taken into account.
- 1.7 All the responses received to the Pre-submission consultation and the previous stages are publically available. However in line with the Council's normal practice the names and contact details of private individuals have not been published.

- 1.8 The Council has also produced and published a schedule summarising each comment received on the Pre-submission consultation, together with the Council's response.

## 2.0 THE CONSULTATION DATABASE

2.1 The Council maintains a database of organisations and individuals who have expressed a wish to be consulted on planning policies or whom the Council considers should be consulted. Currently this list contains over 2,500 entries.

2.2 The database includes:

- All of the bodies prescribed for the purposes of the Duty to Co-operate in regulation 4 of the Local Plan Regulations, apart from those which are not relevant to Birmingham.
- The 'special consultation bodies' listed in regulation 2 of the Local Plan Regulations 2012 apart from those which are not relevant to Birmingham.
- All adjoining and nearby County, District and Unitary Councils and all Parish Councils within or adjoining Birmingham.
- All local elected members and MPs.
- A range of bodies falling within the description of 'general consultation bodies' in regulation 2 of the Local Plan Regulations.
- Private individuals who have previously commented on a planning policy consultation or who have expressed a wish to be included.

2.3 The database is a 'living' document which is updated on an ongoing basis, and organisations or individuals can be added to it on request at any time.

2.4 The Council does its best to ensure that the information contained in the database is accurate, but it is inevitable that the names of organisations or contact details will sometimes change, and the Council will usually only be aware of this if notification is received.

2.5 A copy of the database, excluding the details of private individuals, can be made available on request.

## **3.0 EARLIER STAGES OF CONSULTATION**

### **3.1 Context**

- 3.1.1 The Council began the process of preparing a Core Strategy in 2007, just over a year after the adoption of Modifications to the Birmingham Unitary Development Plan in 2005. Initially the Strategy was prepared within the context of the West Midlands Regional Spatial Strategy (WMRSS), which provided targets for residential and employment development within Birmingham. On this basis work advanced as far as consultation on a Draft Core Strategy in 2010/11.
- 3.1.2 However, following the revocation of the WMRSS, finally confirmed in 2013 but announced in 2010, and the introduction of the National Planning Policy Framework (NPPF) in 2012, the Council concluded that it was necessary to review Birmingham's growth needs in the light of the NPPF, which requires Councils to plan for 'objectively assessed needs'. At the same time the name of the document was changed from Birmingham Core Strategy to Birmingham Development Plan and the end-date of the Plan was moved back to 2031 from 2026. This resulted in a further round of consultation before the publication of the Pre-submission Plan in 2014.
- 3.1.3 The process of preparing the Plan has therefore involved three rounds of consultation following the initial launch event and prior to the preparation of the Pre-submission Plan (i.e. prior to the Publication stage). These stages are briefly summarised below.
- 3.1.4 In addition to these formal consultation stages, the Council has maintained a continuing dialogue with other organisations, including adjoining local authorities, statutory agencies and transport and infrastructure providers throughout the process of preparing the Plan. The Duty-to-Co-operate Statement provides more information on this.

### **3.2 Launch Event 2007**

- 3.2.1 This was a half-day discussion event to which representatives of the public, business and voluntary sectors within Birmingham were invited. Its purpose was to clarify the key issues which the Council would need to address in preparing a new city-wide development plan.

### **3.3 Issues and Options Consultation 2008**

- 3.3.1 The outcome of this event, together with the results of initial survey work fed into the preparation of Issues and Options Consultation document in 2008. This suggested a Vision and Objectives and put forward three options for growth:
- Option 1 – Business as Usual - 50,000 dwellings 2006 – 26  
Option 2 – Maximise development within the urban area – 55- 60,000 dwellings 2006 – 26  
Option 3 – Urban Extension – up to 65,000 dwellings 2006 -26.
- 3.3.2 The consultation process lasted for six weeks and involved:

- Formal letters to all those on the Council's consultation database;
- Public exhibitions at the Bullring, the Sutton Gracechurch Centre, Grosvenor Shopping Centre, Northfield and the Cascades Stechford with planning officers available to answer questions and explain the process;
- A stakeholder event held at the Burlington Hotel in the City Centre;
- The Issues and Options document was made available and publicised at all libraries and neighbourhood offices within the city and was also publicised by means of on-street advertising;
- Presentations were undertaken at Constituency Committee Meetings and also on request at Ward Committee Meetings and there was a discussion at the Council's Sustainability Forum;
- A questionnaire and summary document were produced and circulated in the Birmingham Voice (the City Council newspaper); and
- All the documentation was available on the Council's website.

3.3.3 A full summary of the outcome can be found in the Issues and Options: Summary of Responses 2009 and a more abbreviated summary in the Birmingham Development Plan Consultation Summary 2013, which accompanied the publication of the Pre-submission Plan. A total of 225 responses were received.

3.3.4 The key conclusions to emerge were:

- General support for the Vision and Objectives;
- Support for a combination of options 1 and 2, but little support for option 3; and
- Opposition to Green Belt development apart from house builders and development interests.

### **3.4 Draft Core Strategy Consultation 2010/11**

3.4.1 Based on the representations received on the Issues and Options consultation a Draft Core Strategy was published for consultation in 2010. The levels of growth included in this plan were derived from the WMRSS Review process which was taking place at the same time as the Draft Core Strategy was being prepared and the Strategy had an end-date of 2026.

3.4.2 The Strategy included a Vision and Objectives derived from those put forward at the Issues and Options stage and the strategy was broadly in line with Option 2, proposing to meet development needs without major Green Belt allocations. It included promotion of the City centre, the eastern corridor and three growth centres.

3.4.3 The consultation lasted for twelve weeks and involved the following:

- Formal letters to all those on the consultation database including all those who responded to the Issues and Options consultation;
- Information was again made available in all libraries and neighbourhood offices;
- A summary was produced and distributed as an insert in the Birmingham Post and the Evening Mail;
- Exhibitions were held in a range of libraries across the City and there was again a discussion at the Sustainability Forum, at Constituency Committee meetings and Ward Committee meetings on request; and
- All the consultation material and the supporting evidence was available on the Council's

website

3.4.4 A full summary of the consultation response can be found in the Consultation Draft: Summary of Responses 2012, with a shorter version in the Birmingham Development Plan Consultation Summary 2013, which accompanied the publication of the Pre-submission Plan. Just over 200 responses were received.

3.4.5 Key points to emerge were:

- General support for the Vision and Objectives;
- Some views from house builders that growth levels should be higher; and
- Few objections to the overall approach (subject to many detailed suggestions for change) – but a view from house builders that a Green Belt review was required to enable higher growth levels to be accommodated.

### **3.5 Consultation on Options for Higher Population Growth 2012/13**

3.5.1 As already noted, the new Government's commitment to revoke Regional Spatial Strategies and the introduction of the NPPF led the Council to the conclusion that it was necessary to review the growth levels proposed in the Draft Core Strategy. New work in assessing housing and employment needs led to the conclusion that it was not possible to accommodate all of Birmingham's needs on sites within the urban area.

3.5.2 A further consultation was therefore undertaken to seek views on ways of increasing the supply of employment and housing land within the City. This included an urban extension option to the north or east of Sutton Coldfield which would involve development within the Green Belt.

3.5.3 The consultation lasted for nine weeks and included the following:

- Once again formal letters were sent to all those on the consultation database and to all those who had commented at the previous stages;
- Again the document was available at all libraries and neighbourhood offices;
- All the documentation was provided on the Council's website;
- Exhibitions with planning officers available took place on several occasions in Mere Green, Walmley and Boldmere libraries (located in Sutton Coldfield) as well as at the Central Library and some libraries in the rest of the City; and
- There were presentations to District (formerly Constituency) Committees and to Ward Committees on request. Planning officers also attended other meetings organised locally.

3.5.4 The outcome is summarised in the Birmingham Development Plan Consultation Summary 2013, which accompanied the publication of the Pre-submission Plan. There were 1,572 responses. The key points were:

- Strong opposition from residents in the Sutton Coldfield area to development in the Green Belt;
- No comments from any infrastructure providers or 'statutory' bodies to indicate that Green Belt development was unacceptable;



- Support for Green Belt development from house builders, including the promotion of particular sites; and
- No evidence-based arguments for lower levels of development and no evidence-based suggestions for achieving higher levels of development without Green Belt development.

3.5.6 Taking this response into account, together with the outcome of continuing evidence base work, the Council concluded that exceptional circumstances exist to justify the release of land from the Green Belt for both housing and employment development, and this approach is reflected in the Pre-submission Plan.

## 4.0 CONSULTATION ON THE PRE-SUBMISSION PLAN

- 4.1 The Pre-submission Plan was approved by the Council's Cabinet on October 21st 2013, and by the full City Council on December 3<sup>rd</sup> 2013.
- 4.2 The formal consultation process began on January 6<sup>th</sup> and ended on March 3<sup>rd</sup> 2014, a period of eight weeks. However, the Pre-submission Plan and all the background evidence and supporting information were publically available from the Cabinet meeting, over two months before the start of the consultation. A letter was sent to all those on the consultation database including all those who had previously commented, informing them of this.
- 4.3 The formal consultation process included the following:
- Formal letters were sent to all those on the consultation database and to all those who had commented at the previous stages;
  - The document was available at all libraries and neighbourhood offices;
  - A notice was placed in the Birmingham Mail;
  - An article was included in 'Forward' – the Council newspaper which is delivered to all homes in the City;
  - All the documentation was provided on the Council's website;
  - Sessions were held on several occasions, including weekends, in Walmley and Sutton Coldfield Town Centre libraries to provide advice and assistance to people wishing to respond. Similar sessions were also held in a small number of libraries elsewhere in the City; and
  - There were presentations to District Committees and to Ward Committees on request. This included meetings of all the Ward Committees in the Sutton Coldfield area. Officers also attended other meetings organised locally.
- 4.4 A total of 1,524 people and organisations responded. It was possible to comment on more than one section/policy of the Plan and the total number of responses was 5,863. Comments were received on all aspect of the Plan, but by far the largest number relate to the proposals for Green Belt development.
- 4.5 The Council has considered all of these responses and has concluded that no major modifications to the Plan are required. However some of the responses highlighted inaccuracies or inconsistencies or suggested detailed changes to the wording which the Council considers will improve the Plan. A number of minor modifications have been agreed to reflect these points and these are set out in the schedule of Minor Modifications Following the Pre-submission Consultation. The Council is satisfied that none of these modifications requires further advertisement or consultation.
- 4.6 The Council has also produced a summary of each comment received, and a brief response setting out the Council's position in each case.
- 4.7 The following sections provide an overall summary of the response in relation to each section/policy of the Plan.

## **5.0 SUMMARY OF THE PRE-SUBMISSION CONSULTATION RESPONSE**

### **5.1 About Birmingham**

A total of 51 comments were made on this section of the Plan.

#### **5.1.1 Key issues raised in the representations**

- a. There is a lack of justification for the release of Green Belt for development. The population projections should be re-evaluated. Population growth will lead to an overcrowded and less desirable City without the infrastructure in place to support communities. There are brownfield sites available which can meet the housing requirement. Vacant properties should be brought back into use.
- a. The Plan should set out the options that have been considered in the development of the policies. An approach which considers the needs of existing residents, and the location of housing closer to areas of employment should be considered.
- b. There is a lack of information on the discussions with neighbouring authorities, and the Plan should be amended to limit any enlargement due to transport challenges in the West Midlands.
- c. Concern that the policies in the plan do not address the social and economic issues that are still challenges for the City. Development should be focussed on disadvantaged communities to deliver regeneration.
- d. The statements in this Chapter on conserving and enhancing the natural environment are considered contradictory to the planned growth of the City into the Green Belt.
- e. There should be more focus on economic prosperity and not climate change.
- f. There is a lack of clarity as to how the challenges will be addressed. The Chapter should also set out the positive benefits development can make to addressing the challenges.

#### **5.1.2 Birmingham City Council response**

- a. The City has a major challenge to meet its own objectively assessed need for housing and employment land requirements. The options around the release of Green Belt to meet these needs have been considered throughout the production of the Plan and through the Sustainability Appraisal process. Consultation with the public and other stakeholders has been undertaken throughout the production of the Plan.
- b. The Plan is considered to set out the most appropriate strategy for the area, based on a robust evidence base. Whilst Green Belt release is proposed, the majority of new development is still planned to take place on brownfield land and the strategy for the Growth Areas is based on supporting urban regeneration.

- c. The Green Belt proposals have been subject to a number of studies to ensure that the development meets the needs of the City, as well as making sure that national policy requirements have been met. This includes consideration of housing need and employment land requirements. The housing growth figures contained in the Plan are based on the most recent available official projection (see Housing Targets Technical Paper 2013). Bringing vacant properties back into use has been considered.
- d. Further information regarding the release of Green Belt land for development, including the phasing of development, is covered under policies GA5 and 6.
- e. The Growth Area policies will help deliver regeneration to tackle economic, social and environmental issues. The Plan provides for housing and employment opportunities throughout the City and also contains proposals for enhancing accessibility and connections to centres and job opportunities. Peddimore will also contribute towards providing new jobs within the City.
- f. The City needs to meet as much of its own objectively assessed need as possible, working with neighbouring authorities to consider delivery of wider needs. Discussions with neighbouring authorities have and will continue to take place (see Duty to Cooperate Statement).
- g. The development of the transport network is a key feature of the policies within the Plan particularly Chapter 9. The location of the Growth Areas has also had regard to key transport corridors. The Infrastructure Delivery Plan (see Evidence Base) sets out the types of transport improvements that are needed to support growth.
- h. The Plan seeks to protect its natural assets whilst also planning to accommodate growth and development. This is reflected in the policies in the plan (e.g. Chapter 6) and supported by the evidence base. Climate change is a challenge that the City has to address and the Plan has clear policies and objectives which respond to the requirements of the NPPF.
- i. The Plan sets out a framework to tackle a range of challenges and issues, including meeting the requirements of the NPPF. It provides the statutory framework and certainty to support and attract inward investment into the City to support the provision of new homes, jobs and infrastructure.

### **5.1.3 Recommended changes**

See MOD3 – MOD5 of Proposed Modifications.

## **5.2 The Vision**

A total of 71 comments were received on the Vision.

### **5.2.1 Key issues raised in the representations**

- a. Objections to Green Belt development proposals for a variety of reasons including the contradiction with the 'green' aspects of the vision, loss of open space, impact on historic landmarks, lack of infrastructure and environmental reasons.
- b. No need for Green Belt development because empty homes could be used instead, the population/household projections are unreliable, brownfield sites could be used instead.
- c. More effort should be made to accommodate Birmingham's future housing needs within the City boundary. North Worcestershire Golf Course is suggested as a suitable site.
- d. Jobs should be provided in areas of high unemployment and near existing housing.
- e. There should be more consultation with adjoining Councils over accommodating housing growth.
- f. More needs to be done to deliver a 'green' city and more investment is needed in transport to achieve a world-class transport system.
- g. Inadequate consultation, and the Plan is over complex and difficult to understand
- h. The deliverability of the Vision (for example in relation to offices and retail in the City centre) is questioned.
- i. The Vision should be more entrepreneurial and should support business growth.
- j. The Plan should seek to address projected future requirements for minerals and should aim to reduce demand for primary aggregates.

### **5.2.2 Birmingham City Council response**

- a. Many of the comments are objections to Green Belt development as inconsistent with the Vision and raise no comments on the vision itself. The Council considers that there are exceptional circumstances justifying a review of the Green Belt and does not accept that this is contradictory to the Vision.
- b. The Council considers that the level of development proposed in the Plan is the maximum that could reasonably be delivered in Birmingham over the plan period. It is not considered that North Worcestershire Golf Course is a suitable site for housing. The Council is working actively with neighbouring Councils to address the shortfall in provision (see Duty to Co-operate paper).

- c. The Plan provides for housing and employment opportunities throughout the City and also contains proposals for enhancing accessibility and connections to centres and job opportunities.
- d. Consultation has been carried out in line with the Council's Statement of Community Involvement.
- e. The Plan is supported by an Infrastructure Delivery Plan and is considered to be deliverable.
- f. Sustainability, transport and economic issues are addressed in relevant policies within the Plan.

### **5.2.3 Recommended changes**

No changes.

## **5.3 The Objectives**

A total of 59 comments were received on the Objectives.

### **5.3.1 Key issues raised in the representations**

- a. Opposition to Green Belt development for a variety of reasons and because it is considered to be contradictory to a number of the objectives. Brownfield sites should be used in preference.
- b. Support for the wildlife and natural environment objective.
- c. The objectives are considered to be contradictory.
- d. An additional objective is suggested related to building a resilient economy and addressing poverty and disadvantage.
- e. There is a need for improvements to leisure facilities.
- f. Mixed use developments should be supported in Sutton Coldfield Town Centre and residential development in centres generally.
- g. The importance of connectivity and transport connections throughout the City is highlighted.
- h. There are some suggestions for detailed changes to the wording of the heritage objective.

### **5.3.2 Birmingham City Council response**

- a. Many of the comments are objections to Green Belt development as inconsistent with the Objectives and raise no comments on the Objectives themselves. The Council considers that there are exceptional circumstances justifying a review of the Green Belt and does not accept that this is contradictory to the Objectives.
- b. The objectives cover a wide spectrum of issues. It is accepted that sometimes there will be need to balance different objectives but it is not accepted that they are contradictory.
- c. There is already an objective related to strengthening Birmingham's economy with benefits felt by all.
- d. Issues to do with leisure, connectivity and mixed use development are all covered in more detailed policies.
- e. The detailed changes to the heritage objective are accepted.

### **5.3.3 Recommended changes**

See MOD6 – MOD8 of Proposed Modifications.

## 5.4 The Strategy

A total of 102 comments were received on the Strategy.

### 5.4.1 Key issues raised in the representations

- a. Objections to Green Belt development for environmental, loss of agricultural land and infrastructure reasons and because it is considered that the population and household projections are unreliable and alternative options exist, such as higher densities and brownfield sites.
- b. The Plan does not provide for all of Birmingham's objectively assessed need and so is incomplete.
- c. Birmingham should plan to accommodate as much of its own growth as possible. It is suggested that overall growth levels should be higher and a higher level of growth could be accommodated, including additional development in the Green Belt. A site in Bromsgrove is suggested as suitable for residential development.
- d. Urban and brownfield sites should be developed in advance of greenfield sites.
- e. The pattern of growth should be more evenly spread across the City and better related to areas of need. Housing should be integrated with employment.
- f. Support for investment in new heavy rail stations. More tram lines should be developed. One response argues that the A435 should be downgraded, but another supports it as a transport corridor.
- g. Opposition to more retail development in Sutton Coldfield Town Centre, but also support for mixed use development in the centre. Communities should have access to convenience retail facilities by sustainable means of transport.
- h. Local neighbourhoods should be supported.
- i. The consultation process is criticised.
- j. The commitment to protect all historic assets is undeliverable.
- k. Renewable energy and carbon reduction should only be pursued if they are cost effective and biodiversity should not take priority over meeting people's needs.
- l. There are a number of suggestions for detailed wording changes.
- m. A telecommunications policy and a policy in relation to minerals should be included. The Plan lacks a delivery and implementation strategy.



#### **5.4.2 Birmingham City Council response**

- a. The Council considers that there are exceptional circumstances justifying the release of land from the Green Belt for development. The detailed points in relation to the proposed sites are covered under policies GA5 and GA6. Given the lead-in times for development and the need to maintain a five-year housing land supply it would not be realistic to prioritise brownfield over greenfield development.
- b. The Council considers that its estimate of future housing requirements is robust and that the level of development proposed for Birmingham is the maximum that could realistically be delivered over the plan period. The Council is working actively with neighbouring authorities to produce a strategy to address the shortfall.
- c. The Plan provides for housing and employment opportunities throughout the City and also contains proposals for enhancing accessibility and connections to centres and job opportunities.
- d. The Plan supports public transport improvements. The A435 is part of the strategic highway network.
- e. The evidence base indicates that there is a need for additional comparison retail development in Sutton Coldfield Town Centre. Mixed use development and local neighbourhoods are supported in relevant policies.
- f. Consultation has been carried out in line with the Council's Statement of Community Involvement.
- g. The detailed wording changes are accepted and it is accepted that protecting all historic assets is outside the Council's powers.
- h. It is not considered that the renewable energy and carbon reduction policies will have an adverse impact on viability.
- i. Under current arrangements no mineral extraction is expected in Birmingham and so it is not considered that a minerals policy is required. Telecommunications is more appropriately covered in the proposed Development Management DPD. The Plan is accompanied by an Infrastructure Delivery Plan.

#### **5.4.3 Recommended changes**

See MOD9 – MOD13 of Proposed Modifications.

## **5.5 PG1 Overall Levels of Growth**

A total of 93 comments were received on this policy.

### **5.5.1 Key issues raised in the representations**

- a. The Plan does not contain a strategy for dealing with cross-boundary growth requirements.
- b. Opposition to Green Belt development for a variety of reasons, including that it is contrary to national policy and brownfield sites and vacant property should be preferred. The population and household projections are queried and it is suggested that a need has not been established in advance of the completion of the Birmingham and Solihull Local Enterprise Partnership Plan for Recovery and Growth. It is suggested that development should take place in other areas including in new towns.
- c. Brownfield sites should be phased before greenfield sites.
- d. Birmingham should plan to accommodate more of its own housing requirement. North Worcestershire Golf Course is proposed for residential development.
- e. The ability to deliver 45,000 homes on brownfield sites is questioned and it is suggested that the housing requirement should be 105,644, 119,000, 135,000 or 153,000. More land should be released from the Green Belt for housing to help meet this.
- f. The comparison retail figure in the policy is not consistent with the Council's Retail Need Assessment.
- g. Housing should be provided closer to places of work.
- h. Clarification is sought in relation to the definitions used for employment development.
- i. The Plan does not show how all employment land needs will be met. The Peddimore site fails to meet all the future requirement for employment land and an addition to it is proposed (partly in North Warwickshire).
- j. The consultation process is criticised.
- k. The Plan should not seek to promote growth.
- l. The need for additional office and retail floorspace is questioned.

### **5.5.2 Birmingham City Council response**

- a. The Council's estimate of future housing requirements is based on the most recent available household projections. The evidence base indicates that it is not possible for this requirement to be met without development in the Green Belt. This constitutes exceptional circumstances justifying the release of land from the Green Belt for development. The detailed points in relation to the proposed sites are covered under policies GA5 and GA6.

Given the lead-in times for development and the need to maintain a five year housing land supply it would not be realistic to prioritise brownfield over greenfield development.

- b. The Council is working actively with neighbouring authorities to produce a strategy to address the shortfall in provision within the City.
- c. The Council considers that its estimate of future housing requirements is robust and that the level of development proposed for Birmingham is the maximum that could realistically be delivered over the plan period. The suggested alternative housing requirements are not considered to be robust, and the Council considers that 45,000 is a realistic estimate of the capacity for new housing within the urban area. North Worcestershire Golf Course is not considered to be suitable for residential development.
- d. It is accepted that the comparison retail figure quoted in the Plan is incorrect and does not match the Retail Need Assessment. The evidence base indicates that there is a need for additional office and comparison retail floorspace.
- e. The Plan provides for housing and employment opportunities throughout the City and also contains proposals for enhancing accessibility and connections to centres and job opportunities.
- f. The Peddimore site meets current employment land requirements and a study into regional employment land requirements has been commissioned through the Greater Birmingham and Solihull Local Enterprise Partnership. The Council does not consider that there is a need to release additional land from the Green Belt for employment. Definitions of employment development are contained in other policies.
- g. The NPPF requires the Council to plan to meet objectively assessed needs for development.
- h. Consultation has been undertaken in line with the Council's Statement of Community Involvement.

### **5.5.3 Recommended changes**

See MOD14 – MOD16 of Proposed Modifications.

## **5.6 PG2 Birmingham as an International City**

A total of 15 comments were made on this policy.

### **5.6.1 Key issues raised in the representations**

- a. The policy is not considered deliverable - there is a lack of detail as to how fundamental issues will be addressed, including unemployment, skills and infrastructure. These should be targeted before being an international City. It should also focus more on the City's strengths. There is a lack of a contingency plan if the approach fails.
- b. The Plan should be revised to reflect a more pragmatic approach to overall levels of growth, with the vision for an international City a long term aspiration.
- c. A more balanced policy is needed to support existing citizens and businesses, and retain investment in Birmingham. This should include support for independent retailers.
- d. The policy should seek to promote other areas of the City, including Erdington and Sutton Coldfield which are underfunded and undervalued. Proposals for the City Centre must not be done to the detriment of other Centres in the City.
- e. The impact of HS2 to the City should be reconsidered.
- f. A development proposal for multi faith worship centre is put forward.

### **5.6.2 Birmingham City Council response**

- a. The policy objective of increasing Birmingham's standing nationally and internationally, supports other key objectives and policies in the plan of addressing unemployment, skills and infrastructure. It builds upon the already established role of the City. Chapter 10 on implementation sets out the challenges and approach to delivering the policies and proposals of the Plan. The policy already references the strengths of the City.
- b. The overall levels of growth are justified by the supporting evidence base.
- c. It is considered that the promotion of Birmingham as an international City will support existing citizens and businesses. The focus of growth in existing Centres will provide jobs, improve housing and enhance the environment. Other policies will also support local businesses, help retain investment in the local economy and support independent retailers.
- d. Other policies support proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events across the city and seek to ensure the vitality and viability of all centres. Sutton Coldfield is identified as a Growth Area to deliver growth and diversification of the town centre. Additional guidance on the roles of each area of the City is not considered necessary in the Plan but this does not preclude more locally focussed planning guidance coming forward for other parts of the City.

- e. HS2 has been considered in the context of the Government's proposals. The scheme is considered to have major benefits for the City, and the policies in the Plan seek to maximise its positive impacts. HS2 will be delivered towards the end of the Plan period and its impacts felt in the long term.
- f. The proposed multi faith worship centre is at an early stage of development and it would be premature to include in the BDP at this stage.

### **5.5.3 Recommended changes**

See MOD17 of Proposed Modifications.

## **5.7 PG3 Place Making**

A total of 21 comments were made on this policy.

### **5.7.1 Key issues raised in the representations**

- a. Broad support for policy was present in most of the comments received.
- b. There was some concern about the delivery / implementation of the policy, particularly as recent developments were not considered to have delivered high quality places due to the lack of detail in the policy. More regard should be given to public opinion on design and indicators should be developed to monitor the policy.
- c. The requirement for developments to meet the highest possible standards was considered an unrealistic target which could impact on scheme viability.
- d. A potential conflict was raised between this policy and other policies, for example, TP29 on The Type and Size of New Housing and Density.
- e. Concerns were expressed that the policy is not sound as the evidence referred to in the supporting text is not completed – the Historic Landscape Characterisation Study.
- f. The role of water space in new developments should be fully explored.
- g. Place making should be about urban regeneration and not Green Belt development. The efficiency of development on brownfield sites should be maximised to ensure land is not wasted due to poor design.
- h. There is support to the policy approach on crime and safety but it should go further and require new development to be built to Secured by Design and other standards, and that the Police are consulted on development proposals.

### **5.7.2 Birmingham City Council response**

- a. The delivery of the policy will primarily be through the Planning Management process . There is potential for further area / site specific detail to be brought forward in supplementary planning documents / masterplans (with a number already in place). A degree of flexibility is needed in the policy to account for the wide range of developments to which it applies. It is agreed that more clarity needs to be given on the monitoring arrangements for this policy.
- b. The views of the public are considered on planning applications through the Planning Management process. National policy also encourages developers to take account of the views of the community in the design of new development.
- c. It is not accepted that seeking the highest possible standards is inconsistent with the NPPF.

- d. It is not considered that there is a conflict with other policies. For example, policy TP29 on housing density states that the context to the development site is an important consideration in looking at an appropriate density for the proposal.
- e. Evidence is already in place to support the approach set out in the policy which is in line with the NPPF and best practice on good design. The Historic Landscape Characterisation will add to this.
- f. The specific role that water space (including canals) can bring to development is addressed through other policies in the Plan.
- g. The policy sets out the broad considerations for development, whether greenfield or brownfield. The Plan contains policies which will target investment into areas needing regeneration. It is agreed that further clarity should be added to the policy to ensure that the use of land and the design of development is maximised in appropriate ways.
- h. The policy wording on crime and safety is considered appropriate. The Police are already a consultee for a range of development proposals.

### **5.7.3 Recommended changes**

See MOD18 of Proposed Modifications.

## **5.8 Spatial Delivery of Growth**

A total of 44 comments were made on this policy.

### **5.8.1 Key Issues raised in the representations**

- a. A large majority of the views focussed on the proposed release of land from the Green Belt. The points raised reflect those made in relation to policies GA5 and GA6.
- b. There is a lack of clarity on the proposals for Mere Green. Some felt that the area had been ignored, whereas others feel the area cannot accommodate anymore growth.
- c. Opposing views were expressed on the approach for Sutton Coldfield, with some expressing the need to improve conditions for existing shops, with others feeling that no improvements are required to the retail and leisure offer in the Centre.
- d. Priority should be considered for the development of the Western Growth Corridor for housing and employment (to be developed in partnership with Sandwell Council).
- e. Planning obligations and design standards should be treated with greater pragmatism to ensure brownfield sites remain attractive to developers.

### **5.8.2 Birmingham City Council response**

- a. The Green Belt issues are addressed under policies GA5 and GA6.
- b. The Growth Areas in the Plan support the approach of a Western Growth Corridor (see policy GA2) and link into regeneration proposals in Sandwell.
- c. Mere Green is not identified as a Growth Area as the scale of change is not as significant as other areas of the City. However policy TP20 sets out the level of growth potential at Mere Green in retail and office terms. Local based policy documents can be brought forward where considered necessary to support delivery.
- d. Policy GA4 sets out the types of improvements that will be pursued in Sutton Coldfield Town Centre to enhance the area.

### **5.8.3 Recommended changes**

See MOD19 of Proposed Modifications.



## **5.9 GA1 The City Centre**

A total of 36 comments were made on this policy.

### **5.9.1 Key issues raised in the representations**

- a. There was broad support from many responses.
- b. It was suggested that all reasonable options have not been considered as the Spatial Plan for Recovery and Growth is still under preparation. Other respondents felt that the policy should focus on improving what we already have, rather than continually looking for growth and expansion.
- c. Concerns were expressed that the policy does not account for the decline of the high street / changes to shopping patterns, vacant floorspace and the long-term impact of the recession.
- d. The policy should make reference to and support the provision of independent retailers.
- e. The policy should support the visitor economy and the development of additional leisure attractions should be considered.
- f. Support was expressed for Martineau Galleries and other sites as opportunities which can bring forward retail development, but some concern that other sites are too far from the retail core and could undermine existing retail areas.
- g. Some respondents felt that the strategy should contain alternatives in case HS2 does not happen, whilst others felt that the policy could go further and demonstrate the importance of HS2 to the City Centre.
- h. The policy should clarify how changes of use will be managed in the Jewellery Quarter to ensure that its distinctive character and an appropriate balance of uses is maintained.
- i. A number of comments were received requesting further detail in the policy on specific sites / areas, including the area around Floodgate St, Digbeth, the role of Eastside as a learning quarter, the development sites around the Sheepcote Street - Broad Street junction and development sites in the Westside Area of Transformation.
- j. Additional clarity is needed in the policy on role of development sites shown on Plan 5 and for consistency in terminology on Areas of Transformation / Wider Areas of Change.
- k. Further detail was requested on canals and the wider sustainable management of the River Rea Corridor, particularly for residential development sites in areas of flood risk.

### **5.9.2 Birmingham City Council response**

- a. Options have been considered at previous stages of preparing the BDP, including the Options Consultation in 2012. The strategy for the City Centre is focused on the continued regeneration of the area to deliver improvements to the existing built fabric of the Centre.

- b. The technical evidence underpinning the policy has considered the impact of the recession and changes to high street retailing. It is agreed that a reference to reuse of vacant floorspace should be added but in the generic Centres policies since it is not just a city centre issue. A cross reference will also be added to the City Centre policy to provide clarity on the approach to independent retailing.
- c. The policy provides appropriate guidance on leisure and the visitor economy, including reference to supporting the City Centre's role as a top visitor destination.
- d. The growth targets for retail floorspace are supported by a detailed evidence base (including the Birmingham City Centre Retail Assessment). This has considered the issue of online shopping, spending patterns and appropriate locations for the growth of the retail core. It is agreed that a minor amendment to the policy should be made to ensure that developments complement the existing retail function of the City Centre.
- e. On HS2, the policy already makes clear reference to HS2 and the way that development needs to be integrated with the City Centre and other development proposals. Overall, the growth strategy for the City Centre is not predicated on the delivery of HS2, although it has the potential to accelerate its delivery.
- f. The policy wording on the Jewellery Quarter is considered appropriate with specific reference to the area's unique heritage role. However it is agreed that the supporting text should be amended to set out the role of supporting planning documents, including the emerging Jewellery Quarter Neighbourhood Plan.
- g. It is considered that the policy already provides a supportive framework for development proposals without the need to add further specific detail. However, additional clarity will be added to the policy to set out the role of development sites, the Wider Areas of Change and Plan 5.
- h. Policy GA1.3 requires development to support and strengthen the distinctive character of the area, which includes canals. It is accepted that additional text should be added on the sustainable management of the River Rea Corridor. The SHLAA acknowledges that some housing sites are affected by flood risk and that further work is required before they can be brought forward.

### **5.9.3 Recommended changes**

See MOD20 – MOD38 of Proposed Modifications.

## **5.10 GA2 Greater Icknield**

A total of 12 comments were received on this policy.

### **5.10.1 Key issues raised in the representations**

- a. There was general support of principles in particular the redevelopment of underused and vacant brownfield land for residential purposes.
- b. There were comments on the importance of canal network and amendments requested to ensure that development protects and enhances this important asset.
- c. Concern was expressed that developments built as family housing will become student housing. The provision of family housing should be considered as part of a wider housing mix and the benefits of alternative housing models recognised including Private Rented Sector schemes.
- d. Amendments were requested to provide clarity on the New Midland Metropolitan Hospital development and the associated proposals for the City Hospital site. Concerns were raised that potential working and shopping facilities at the City Hospital site would both not be viable and would negatively impact on Dudley Road Local Centre.
- e. Amendments were requested to support inclusion of employment uses where compatible with wider development proposals and where this would underpin site viability.

### **5.10.2 Birmingham City Council response**

- a. The importance of the canal network is recognised and elements of policies TP2, TP6 and TP12 provide the basis and principles for the protection and enhancement of this asset across the City. A specific policy for the canals with the Greater Icknield area is not considered necessary.
- b. The focus of the Greater Icknield proposals is on the provision of much needed family housing. The City Council are currently preparing a Student Accommodation SPD which will seek to provide policy to address the issue of student accommodation.
- c. The proposed changes regarding factual matters in relation to the New Midland Metropolitan hospital and the City Hospital site are accepted. The proposals for working and local shopping facilities at the City Hospital site are intended only to meet the needs of the development and are not intended to imply that retail development that would attract customers from outside the development would be acceptable. This is explained in further detail in the draft Greater Icknield Masterplan.
- d. Proposals for employment uses as part of a comprehensive scheme where they are compatible with the wider development proposals and support site viability are not precluded by the policy.

- e. The policy does not preclude alternative housing models such as Private Rented Sector schemes being provided as part of the overall mix of dwellings. The only specific mentions of family housing in the policy itself is made in reference to Icknield Port Loop. However, the overall focus remains to create a new sustainable neighbourhoods including new family based models of urban living.

### **5.10.3 Recommended changes**

See MOD39 of Proposed Modifications.

## **5.11 GA3 Aston, Newtown and Lozells**

A total of 12 comments were made on Policy GA3 Aston, Newtown and Lozells.

### **5.11.1 Key issues raised in the representations**

- a. Most comments supported the policy.
- b. There is a need for road access improvements to the main highway network within Perry Barr.
- c. Provision for adequate protection, creation and maintenance of high quality green infrastructure is required.
- d. Development proposals adjacent to the canal network should not adversely affect the waterway structure, which are key tools in place making and place shaping.
- e. The policy should ensure that mixed housing proposals are delivered. Affordable housing should not be developed in isolation. Old housing stock needs to meet modern day standards and industry should be created to provide new employment opportunities.
- f. Reference should be made to the Walsall SPRINT/ BRT proposal. The important role of Perry Barr Station and interchange should be noted.
- g. In terms of the BCU teaching campus in Perry Barr, the policy should be clarified to explain that the 'range of local centre uses' may include A1 retail development. Account should be taken of the need to improve pedestrian linkages from BCU campus to One Stop Shopping Centre, Perry Barr Station and Birchfield Roundabout in proposals on sites in and adjacent to the centre.
- h. There was an objection to the redevelopment of Perry Barr Stadium because of conflict with policy TP11 (Sports Facilities). Stadium uses should be protected by the need for equivalent provision prior to any alternative uses being proposed.

### **5.11.2 Birmingham City Council response**

- a. Potential access improvements to the main highway network will be considered as part of the Masterplan for Perry Barr District Centre, which will be prepared in partnership with major landowners, including BCU.
- b. Reference to the contribution of green infrastructure and the importance of the canal network is covered in chapter 7 of the AAP, which was adopted in July 2012.
- c. The affordable housing policy will be applied to developments which consist of 15 dwellings or more. The adopted AAP contains specific housing proposals, which seek to enhance the housing offer within the area. In addition, new employment opportunities will be delivered, within the existing local centres and on the Aston Regional Investment Site.

- d. The importance of SPRINT, Perry Barr Station and interchange is recognised, and it is agreed that this should be included in the supporting text.
- e. In respect of the BCU teaching campus, it is agreed that a specific reference to A1 (convenience) retail should be included. The adopted AAP contains specific policy on improving pedestrian/ cycling connectivity within Perry Barr District Centre, and the proposed Masterplan will explore this issue in more detail, in relation to the key sites.
- f. Policy LC1 within the adopted AAP refers to the potential redevelopment of Perry Barr Stadium, and the need to provide equivalent provision which should be made at least as accessible to the current and potential users as the existing facility. AAP policies need to be read alongside the BDP.

### **5.11.3 Recommended changes**

See MOD40 – MOD42 of Proposed Modifications.

## **5.12 GA4 Sutton Coldfield Town Centre**

A total of 76 comments were made on this policy.

### **5.12.1 Key issues raised in the representations**

- a. Many comments relate to proposed release of Green Belt for development (covered by policies GA5 and GA6) but are also relevant for Sutton Coldfield Town Centre including adverse traffic impact, using brownfield land first, insufficient transport infrastructure, insufficient provision of schools and health facilities.
- b. There were a number of comments on non-planning matters including charges for parking, proposals for Sutton Coldfield Town Council, rental charges for units within Sutton Coldfield Indoor Market, the provision of incentives to retailers and a suggested increase in the number of conservation officers.
- c. Many representations considered the proposals overly vague and requested further detail. Clarification was requested on the locations in which the proposed development could take place.
- d. The evidence base was questioned in relation to offices, retail and the proposed relief road.
- e. Concerns were raised regarding the potential loss of car parking as a result of the proposed developments.
- f. The deliverability of leisure uses was questioned given the lack of funding available for sports facilities from the City Council.
- g. Transport issues were raised including traffic on the A5127 (Lichfield Road), the deliverability of the relief road, improvements needed for cycle provision including better links to outlying areas of Sutton Coldfield, the connectivity of the town centre as an employment area and the poor quality of the current bus terminus.
- h. An amendment was requested to support the provision of a new supermarket.
- i. A greater focus on green infrastructure and formal open spaces was suggested to help address issues caused by climate change.
- j. The future of the long term vacant Brassington Avenue site was queried.

### **5.12.2 Birmingham City Council response**

- a. The issues related to the proposed Green Belt release do not directly relate to this policy which seeks to promote the redevelopment of brownfield land and improved public transport provision. Furthermore the provision of additional schools and health facilities within Sutton Coldfield Town Centre would be supported if required.

- b. More detailed proposals for the Town Centre are provided in the adopted Sutton Coldfield Town Centre Regeneration Framework SPD as referenced in the supporting text to the policy.
- c. The evidence base justifying the proposed level of retail and office development and the relief road is considered to be robust.
- d. Any future developments will be required to provide an appropriate level of parking provision.
- e. The definition of leisure uses is broader than solely sports facilities and includes uses such as cinemas, bowling alleys, health clubs etc. which would be funded by the private sector.
- f. The proposed relief road would reduce traffic along the A5127 by allowing the High Street to become one way. The City Council is committed to the delivery of this project and is continuing to seek funding for it. Cycling is addressed at a City-wide level through policy TP39. Proposals are in place to ensure that improved public transport links to the town centre are provided. The policy includes the provision of a new bus interchange.
- g. Policy TP21 provides guidance on the provision of new convenience retail facilities and it is not considered necessary to make specific reference here.
- h. The policy provides specific support for a new town square. Green Infrastructure is covered on a City-wide basis by policy TP7 and the adopted Sutton Coldfield Town Centre Regeneration Framework SPD includes further specific guidance for the town centre.
- i. A planning application for the development of the Brassington Avenue site has recently been received.

### **5.12.3 Recommended changes**

See MOD43 and MOD44 of Proposed Modifications.



## 5.13 GA5 Langley Sustainable Extension

A total of 1,293 comments were made on this policy.

### 5.13.1 Key issues raised by residents

- a. Loss of Green Belt and inconsistency with the National Planning Policy Framework (NPPF).
- b. Loss of agricultural land.
- c. Utilisation of brownfield sites and vacant premises.
- d. All reasonable alternatives to development in Green Belt should be explored.
- e. Build outside of Birmingham.
- f. Adverse traffic impact including increased traffic congestion, air pollution and noise.
- g. Inadequacy of both the existing transport infrastructure and proposed transport infrastructure improvements.
- h. Inadequate capacity of schools. Policy GA5 proposes insufficient education infrastructure.
- i. Inadequate capacity of health facilities.
- j. Insufficient information regarding the timescales, delivery, and funding of proposed transport, education and health infrastructure.
- k. Questionable evidence base, particularly in relation to population projections.
- l. Negative impact on ecology.
- m. Negative impact on archaeology and historic environment.
- n. Negative impact on landscape.
- o. Development will increase flood risk and a detailed flood risk assessment is required.
- p. The policy is not sustainable.
- q. Poor public consultation.
- r. Failure of the Council to comply with the Duty to Co-operate.
- s. The Plan is premature to the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Housing Study.

### **5.13.2 Key issues raised by landowners/ developers**

- a. Failure of the Council to comply with the Duty to Co-operate.
- b. The Plan is premature to the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Housing Study.
- c. Significant deficiencies in the Sustainability Appraisal.
- d. Underestimation of Birmingham's overall housing need which could range from 135,000 – 153,100 dwellings between 2011-2031 according to other research.
- e. Overestimation of brownfield capacity in the City's Strategic Housing Land Availability Study (SHLAA).
- f. Failure of the Plan to accommodate as much of its objectively assessed needs within the City as would be consistent with its own policies.
- g. The Peter Brett Housing Delivery Study does not adequately consider the capacity of the housing market in North East Birmingham.
- h. The Green Belt Options Assessment is flawed and the options should be reassessed.
- i. Lack of 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.
- j. Support the principle of Policy GA5.
- k. Preparation of a Supplementary Planning Document (SPD) will cause unnecessary delay.

### **5.13.3 Key comments raised by consultees**

#### English Heritage

- a. Welcome intention to prepare SPD to further detail how the significance of heritage assets will be conserved.
- b. Support commitment to conserving the setting of affected heritage assets.

#### Highways Agency (HA)

- a. No issue in principle with Green Belt options selected for development provided the traffic impacts on the Strategic Road Network can be mitigated in accordance with current government policy as set out in DfT Circular 02/2013.
- b. Although work has been carried out to assess the transport and traffic implications, there is currently 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.

Current policy reference does not provide HA the confidence that the required infrastructure will be in place to support delivery of the proposals.

#### Centro

- a. The site is currently poorly served by sustainable means of travel. The plan should include a range of sustainable transport provision and infrastructure including Sprint/Rapid Transit Routes. The proposal will create extra demand on the existing public transport network. Centro is currently working closely with Birmingham City Council to ensure such developments will be fully accessible by sustainable modes and will continue to support ongoing dialogue on this matter. The proposals in the Transport Analysis of Green Belt Options (2013) for a Sprint/Rapid Transit Route should be referenced in the Plan. Centro supports the reopening of the Sutton Park line. However, despite the scheme being desirable, it is not essential.

#### Environment Agency

- a. Presence of Langley Brook runs through the North Section of site. Foul drainage infrastructure requirements not addressed.

#### Canal and River Trust

- a. The requirement for connectivity from this Growth Area to existing pedestrian and cycle routes in the wider area should also include linkages to the Birmingham and Fazeley Canal.
- b. The sustainable urban extension could contribute to enhancement of the Birmingham and Fazeley Canal towpath and join up with the Cycle Ambition works to the west (Hansons Bridge) and to the east (Wiggins Hill Bridge). Where appropriate planning obligations should be secured for improvements to the canal towpath as an off road route for walking and cycling.

#### The Wildlife Trust for Birmingham and the Black Country

- a. Supports masterplanning exercise. Birmingham and Black Country improvement area is not referred to in the evidence.

### **5.13.4 Key comments raised by neighbouring authorities**

#### Coventry City Council

- b. No objection to the plan subject to satisfactory completion of Duty to cooperate checklist and appropriate management of housing overspill.
- c. All reasonable alternative options within the BCC boundary should be maximised first including increasing capacity at Langley SUE from 5,000 to 6,000 within the plan period.

#### Tamworth Borough Council

- a. Implications for transport capacity show potential problems with Bassets Pole Island and no recognition of existing congestion on M42 to Tamworth.
- b. Regard should be given to the implication of Birmingham's distribution of new development on Tamworth's housing market and impact on Tamworth's ability to meet projected future housing needs.

#### Staffordshire County Council

- a. There is no policy in the Plan in relation to mineral extraction or safeguarding. The mineral deposits adjacent to the land proposed for housing and employment have not been subject to feasibility assessment and considered for prior extraction.
- b. Concern about potential transport impacts. Memorandum of Understanding may be required around deliverability, phasing and any public funding required.
- c. Failure to comply with the Duty to Co-operate which needs to be satisfied during plan preparation and not retrospectively.

#### **5.13.5 Birmingham City Council response**

The Council does not accept the majority of these comments and considers that this proposal is soundly based.

For a full response see BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10).

#### **5.13.6 Recommended Changes**

See MOD45 – MOD50 of Proposed Modifications.

## 5.14 GA6 Peddimore

A total of 844 comments were made on this policy.

### 5.14.1 Key issues raised by residents

- a. The release of Green Belt for development fails to comply with the NPPF. No exceptional circumstances have been demonstrated to justify the loss. The proposal conflicts with other BDP policies.
- b. The evidence base is questionable particularly in relation to population projections (falling immigration figures), transport solutions and the demand for employment land. The latter is questionable given the amount of under-utilised and vacant industrial premises within the City and beyond.
- c. Adverse traffic impact (including noise and pollution) and insufficient transport infrastructure. The infrastructure outlined to support growth is not deliverable, as no specific timescales and funding have been identified. The Plan lacks a sustainable transport system/credible infrastructure plan, particularly for sustainable transport modes.
- d. The necessary infrastructure to support growth should be put in place before development is operational, including highway works and the introduction of passenger rail services on the Sutton Park Line.
- e. Inadequate provision of education and healthcare facilities to support new development (this issue primarily relates to the Langley SUE).
- f. Lack of public and stakeholder consultation. It has not been demonstrated how consultation has informed the Plan.
- g. Develop brownfield land first, with a focus on inner City areas which would benefit from economic development. Sites outside of Birmingham should also be considered for development, including the wider West Midlands, specifically the Black Country. Proposed HS2 depot will adversely impact on industrial land supply.
- h. All reasonable alternatives to development in the Green Belt should be explored.
- i. Failure to comply with the Duty to Cooperate. Neighbouring authorities could accommodate significant employment growth.
- j. Incomplete Sustainability Appraisal, as there is no strategy on environmental impact.
- k. The Peddimore proposal will adversely impact on ecology/wildlife, landscape, flood risk and the historic environment, as well as resulting in the loss of agricultural land and public rights of way. A detailed flood risk assessment is required. Upheaval will be experienced by residents and businesses during the construction process.
- l. The loss of Green Belt will adversely impact on the health of communities.

- m. The Plan is premature as the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) has commissioned a study to explore the distribution of economic growth across the LEP area. The Peddimore site should not be considered for Green Belt release until this work is completed.
- n. The Peddimore site falls within City Council ownership, and its disposal would help to address its financial situation.
- o. The allocation of the site for development is politically motivated.
- p. Peddimore should only be developed for major commercial projects which would be difficult to provide for elsewhere. Proper consideration of landscape and archaeological factors is needed, alongside sufficient mitigation measures.
- q. Policy does not include reference to links between employers and addressing the education and skills gap.

#### **5.14.2 Key issues raised by landowners/developers**

- a. The Peddimore site is a sustainable location for employment growth. Further assessment is needed to explore the benefits and opportunities for linking Peddimore to Hams Hall through the provision of a new strategic road link between the A38 and the M42 (junction 9). An extension of the Peddimore site is promoted (Birmingham International Gateway), which would help to address the shortfall of best urban employment land in Birmingham.
- b. Preparation of a Supplementary Planning Document (SPD) will cause unnecessary delay.
- c. Support the principle of Policy GA6.

#### **5.14.3 Key issues raised by consultees**

##### Severn Trent Water Ltd

- a. Peddimore employment land allocation is supported. Land within Severn Trent's ownership is promoted for additional employment uses, including land adjacent to Kingsbury Business Park and sites within Minworth Sewage Treatment Works.

##### Highways Agency (HA)

- a. No issue in principle with Green Belt options selected for development provided the traffic impacts on the Strategic Road Network can be mitigated in accordance with current government policy as set out in DfT Circular 02/2013.
- b. Although work has been carried out to assess the transport and traffic implications, there is currently 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. Current policy reference does not provide HA the confidence that the required infrastructure will be in place to support delivery of the proposals.

#### Environment Agency

- a. Welcome the inclusion of enhancement of biodiversity value of the Peddimore Brook within the policy; however recommend that the course of the brook is marked on the associated Plan 9.

#### Natural England

- a. The site has a considerable amount of Grade 3a agricultural land, which falls within the category of best and most versatile land (BMV). Up-to-date information on soil classification for the locality in question has been provided.
- b. The policy could be significantly improved if reference was made to the quality of agricultural land in the vicinity of the site. Further clarity and detail to policy GA6 is advised.

#### English Heritage

- a. Supports the commitment to conserving the setting of affected heritage assets and welcomes the intention to prepare a SPD to further detail how the significance of affected heritage assets will be conserved.
- b. Notes that the Wiggins Hill group of listed buildings continues to fall within the boundary of the growth area, potentially causing considerable harm to its significance, questions whether the extent of the setting that contributes to the significance of these heritage assets been established and whether there is scope for the form, location and capacity of development to change to conserve their setting.
- c. Considers that the area referred to as D1.4 in the GB Options Archaeology and HE Assessment (Sept 2013) could be excluded from the development site and notes that at present the evidence base does not indicate whether this is necessary or not.

#### Canal and River Trust

- a. The Growth Area is adjacent to the Birmingham and Fazeley Canal. The Trust require any development to not adversely affect the integrity of the waterway structure, quality of the water, detrimentally affect the landscape, heritage, ecological quality and character of the waterways. Development should relate appropriately to the waterway and optimise its benefits.
- b. There may be a requirement for a new vehicular bridge to cross the canal from the Peddimore site to the towpath and the Trust welcomes the opportunity to be involved. All works should comply with the "Code of Practice for Works Affecting Canal and River Trust".
- c. The Growth Area could contribute to enhancement of the Birmingham and Fazeley Canal towpath to provide a surface suitable for all weather cycling and walking and join up with the Cycle Ambition works to the west (Hansons Bridge) and to the east (beyond Wiggins Hill Bridge). The Trust consider where appropriate and in accordance with the tests, planning obligations secured from the development which will benefit from the canal towpath as an off road route for walking and cycling should be reinvested to the advantage of the canal infrastructure.

### Centro

- a. The Peddimore site is located on the urban fringe and is poorly served by sustainable means of transport. Centro is working with Birmingham City Council to understand the levels of sustainable transport provision/infrastructure required to support this development. These measures will include Sprint/Rapid Transit Route proposals and enhanced walking and cycling measures and all should be mentioned in Policy GA6 under a connectivity header.

#### **5.14.4 Key issues raised by neighbouring authorities**

##### Tamworth Borough Council

- a. Implications for transport capacity show potential problems with Bassets Pole Island and no recognition of existing congestion on M42 to Tamworth. Have the implications on roads with links to Tamworth, including the M42, A51, A453 and A4091, been considered in choosing the areas of Green Belt to release for development?
- b. The proposed new employment area at Peddimore could meet some of Tamworth's unmet employment needs given that Tamworth is within Birmingham's travel to work area. However, there are concerns regarding the implications of a large new employment site in this location, and it would need to be ensured that the proposed employment sites in Birmingham would not affect the deliverability of employment sites in Tamworth.

##### Staffordshire County Council

- a. Aware that the City Council has commissioned a technical study in relation to predicted impacts on the highway and transportation networks, but the results of the study are not published. Staffordshire County Council cannot support the Plan until the impacts are assessed and supported by an appropriate level of detail within the policy and Infrastructure Delivery Plan.
- b. Failure to comply with the Duty to Cooperate, which needs to be satisfied during plan preparation, not retrospectively.
- c. Previous consultation responses made by Staffordshire County Council have not been addressed in relation to strategic issues relating to highways in time to inform this version of the Plan.

#### **5.14.5 Birmingham City Council response**

The Council does not accept the majority of these comments and considers that this proposal is soundly based.

For a full response see BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10).



#### **5.14.6 Recommended Changes**

See MOD51 and MOD52 of Proposed Modifications.

## 5.15 GA7 Bordesley Park

A total of 15 responses were received on this policy.

### 5.15.1 Key issues raised in the representations

- a. Comments generally support the policy, including the preparation of an Area Action Plan to guide development in the area.
- b. There was a concern that the strategy was not the most appropriate as reasonable alternatives for growth had not been considered.
- c. There was a suggested amendment to the boundary of the Area Action Plan to include the former Smith and Nephew site which is being promoted for housing.
- d. Investment in existing as well as new housing and development of new employment uses was supported.
- e. Investment in the area and the improvement of links with the City centre was supported, including the development of a Rapid Transit connection, the Bordesley Chords rail link, further consideration of public transport and enhancement of the rail network, the location of stations and the potential 4 tracking of the New Street – International line.
- f. Further guidance on the importance of canals in contributing to development and regeneration was requested.
- g. The need for flood risk reduction/mitigation relating to any regeneration in the flood plain was stressed.
- h. There was concern that the policy does not recognise the importance of the sports facilities on the Wheels site and that a reference should be made to their retention and enhancement or satisfactory consolidation or replacement should development of the site take place.

### 5.15.2 Birmingham City Council response

- a. Many of the detailed issues raised will be addressed in the Bordesley Park Area Action Plan, the Preferred Option Report for which was subject to consultation in 2013. The Area Action Plan's objectives include the delivery of 750 new houses and 3000 new jobs. Emphasis is placed upon bringing vacant property into residential use as well as new house building to meet existing and future needs, as well as the delivery of new industrial and employment. The preparation of the AAP will continue to respond to issues raised through consultation.
- b. The strategy is considered to be the most appropriate – growth options for the City had been considered during early work on the initial Core Strategy and various development options for Bordesley Park had been considered through consultation on the initial Options Report.

- c. Although outside the boundary of the AAP, the Preferred Options Report makes reference to the residential potential of the Smith and Nephew site.
- d. Policies TP7 and TP12 set out additional policies regarding canals and waterways and the importance of their contribution to the environment and green infrastructure network. The AAP emphasises these issues further.
- e. The AAP refers to the range of sporting facilities located at the Wheels site. It is proposed that paragraph 5.72 of the BDP is amended to refer to the existing sports facilities and other occupiers on site.

### **5.15.3 Recommended changes**

See MOD52 of Proposed Modifications.

## **5.16 GA8 Eastern Triangle**

A total of 8 responses were received on this policy.

### **5.16.1 Key issues raised in the representations.**

- a. Comments received generally supported the policy.
- b. There was a concern that the strategy was not considered to be the most appropriate as reasonable alternatives for growth had not been considered.
- c. It was suggested additional references to the improvement of water quality and biodiversity should be included, as well as to the management of flood risk.
- d. There was opposition to the potential development of allotments which should be retained or considered for other green space use.
- e. Improvements to Lea Hall station were supported, with additional comments made regarding formalisation of parking, interchange facilities and links to the station.
- f. Concerns were raised over the Veolia waste facility in Tyseley and the potential impact of the Tyseley Environmental Enterprise Area upon the residential amenity of east Birmingham.

### **5.16.2 Birmingham City Council response**

- a. A number of growth scenarios for the City had been considered with work on the initial Core Strategy options.
- b. It is accepted that additional reference to water quality, biodiversity and management of flood risk should be included in the policy as it relates to Stechford.
- c. It is agreed that additional references to Lea Hall station parking and interchange should be included.
- d. The Bulls Head allotments have been declared surplus and decommissioned. The consideration of the future of other allotment sites would depend upon similar process and review in line with relevant policies.
- e. Tyseley lies outside the Eastern Triangle area. Policy TP15 deals with the location of waste management facilities including the consideration of amenity issues.

### **5.16.3 Recommended changes**

See MOD54 and MOD55 of Proposed Modifications.

## **5.17 GA9 Selly Oak and South Edgbaston**

A total of 16 comments were made on this policy.

### **5.17.1 Key Issues raised in the representations**

- a. Concerns about the road infrastructure and amount of traffic in the area.
- b. Support for improvements to access for public transport, pedestrians and cyclists, including enhancements to University and Selly Oak rail stations.
- c. Support for the medical and medical technology focus and for the promotion of the Selly Oak area for major regeneration and investment.
- d. Support for the proposed restoration of the Lapal Canal and improvements to the natural environment.
- e. A call for the amount of proposed comparison retail floorspace to be reduced, in connection with a proposal for Longbridge to be identified as a District Centre.
- f. A suggestion that a new policy should be added to reflect the potential for the Edgbaston area to contribute to achieving the levels of growth set out in Policy PG1, with the potential for up to 2,000 new homes.
- g. A change is sought to recognise not only the need for further retail development but also the valued contribution that this will make in delivering the overall policy aspirations for Selly Oak and Edgbaston in particular the delivery of infrastructure and environmental improvements.

### **5.17.2 Birmingham City Council Response**

- a. The general concern about traffic is noted. The growth proposals are supported by transport improvements.
- b. The proposals at Longbridge are being promoted irrespective of comparison retail floorspace at Selly Oak. The suggested reduction is not agreed. The potential benefits of retail development in delivering regeneration are recognised but it is not considered that this warrants a separate policy reference.
- c. Growth in Edgbaston is supported under other policies in the plan but it is not considered to be sufficiently large scale to justify a separate growth area designation.

### **5.17.3 Recommended changes**

See MOD56 – MOD59 of Proposed Modifications.

## **5.18 GA10 Longbridge**

A total of 11 comments were made on this policy.

### **5.18.1 Key Issues raised in the representations**

- a. Support for the continuing redevelopment of Longbridge in accordance with the Longbridge Area Action Plan.
- b. Concern that the redevelopment is moving away from being employment and housing led, to housing and retail led.
- c. There is a suggestion that the AAP should be reviewed and revised, and that the new centre should be identified as a District Centre Growth Point with a further allowance for 25,000 sq m gross of additional comparison retail floorspace. However there is a counter suggestion in relation to Policy TP20, seeking to ensure that Longbridge's role does not grow beyond a Local Centre into that expected of a District Centre.
- d. The need for improved transport links and facilities is highlighted, together with investment in cycle and sports facilities.
- e. It is suggested that more attention should be paid to design and public opinion.
- f. There is a suggestion that the employment uses at the Regional Investment Site(RIS) should be relaxed to allow mixed use development, to include facilities such as leisure, retail and conferencing facilities.

### **5.18.2 Birmingham City Council Response**

- a. It is not accepted that the Longbridge redevelopment is moving away from the AAP and the Council remains committed to delivering the AAP framework. This already includes proposals for improved transport links and highlights the importance of good design which is also reflected in other policies of the BDP.
- b. The suggestion to relax the RIS employment proposal is not supported. The RIS forms an important part of the City's employment land portfolio which should not be undermined.
- c. The suggestion that Longbridge should become a District Centre in the hierarchy of centres is also not accepted.

### **5.18.3 Recommended changes**

See MOD61 and MOD62 of Proposed Modifications.

## **5.19 TP1 Reducing the City's carbon footprint**

A total of 43 comments were received on this policy.

### **5.19.1 Key Issues raised in the representations**

- a. A number of comments support the policy.
- b. Some comments oppose Green Belt development for various reasons and because it is considered to be contrary to this policy. It is suggested that population should be reduced, that employment should be provided closer to homes, and that there should be more emphasis on public transport.
- c. The reality of climate change and the Council's carbon reduction targets are questioned.
- d. There are a number of detailed suggestions for additions to the policy for example in relation to hydro-electric power, minimising energy use, energy co-operatives and recycling.
- e. It is suggested that the policy will impact adversely on the viability of development and that it is not deliverable.
- f. Expansion of woodland is supported but it is suggested that this will conflict with other policies.

### **5.19.2 Birmingham City Council Response**

- a. Detailed points in relation to the Green Belt proposals are dealt with under policies GA5 and GA6. It is not accepted that Green Belt development is inconsistent with this policy.
- b. The Plan provides for housing and employment opportunities throughout the City and also contains proposals for enhancing accessibility and connections to centres and job opportunities. It is not within the Council's power to reduce population.
- c. The weight of scientific opinion is that climate change is real. The Council's carbon reduction targets are deliverable and this is demonstrated in the Green Commission Carbon Roadmap.
- d. The majority of the detailed comments are not appropriate for the Plan but the suggestion in relation to minimising energy use is accepted.
- e. The Council's evidence does not indicate that there will be an adverse impact on development viability.
- f. It is not considered that supporting woodland expansion conflicts with the overall approach of the Plan.

### **5.19.3 Recommended change**

See MOD63 of Proposed Modifications.

## **5.20 TP2 Adapting to climate change**

There were 25 comments on this policy.

### **5.20.1 Key Issues raised in the representations**

- a. Some comments oppose Green Belt development for various reasons and because it is considered to be contrary to this policy.
- b. A number of comments support the policy or aspects of it.
- c. There are a number of detailed suggestions, for example the creation of a lake, retrofitting and the identification of a tree-planting budget.
- d. The reality of climate change is questioned.

### **5.20.2 Birmingham City Council Response**

- a. Detailed points in relation to the Green Belt proposals are dealt with under policies GA5 and GA6. It is not accepted that Green Belt development is inconsistent with this policy.
- b. It is accepted that a reference to retrofitting should be included. The other detailed comments are not accepted.
- c. The weight of scientific opinion is that climate change is real.

### **5.20.3 Recommended changes**

See MOD64 – MOD67 of Proposed Modifications.



## **5.21 TP3 Sustainable construction**

There were 30 comments on this policy.

### **5.21.1 Key Issues raised in the representations**

- a. Many of the comments support the policy. Some suggest that higher standards should be applied. A minor change is proposed in relation to floodrisk and it is suggested that there should be a retro-fitting programme.
- b. The implementation of the policy is questioned.
- c. There are objections on the grounds that the policy will impact adversely on the viability of development. The consistency of the policy with the Government's Housing Standards Review is questioned and it is considered to go beyond the NPPF. It is inappropriate to delegate policy to an SPD.
- d. It is noted that it may not be possible to apply the policy fully to historic buildings.
- e. The policy should seek to reduce demand for primary aggregates and should safeguard mineral reserves in Birmingham.

### **5.21.2 Birmingham City Council Response**

- a. It is not accepted that it would be realistic to require higher standards. The policy already makes reference to retro-fitting. The change in relation to floodrisk is accepted.
- b. The policy will be implemented through the planning management process.
- c. The Council's evidence does not indicate that there will be an adverse impact on viability. The outcome of the Housing Standards Review is currently unknown and it remains the Government's objective to achieve zero-carbon homes by 2016. The SPD point is accepted.
- d. It is accepted that a modification is required in relation to historic buildings.
- e. A safeguarding policy is not considered to be necessary. Mineral reserves within Birmingham are very limited, and the former West Midland County's agreed contribution to regional mineral requirements is satisfied by reserves in Solihull and Walsall.

### **5.21.3 Recommended changes**

See MOD68 and MOD69 of Proposed Modifications.

## **5.22 TP4 Low and zero carbon energy generation**

There were 18 comments on this policy.

### **5.22.1 Key Issues raised in the representations**

- a. Some comments consider that Combined Heat and Power (CHP) is too restrictive and should be either removed or not required to be the first option. Others support CHP and ask for a more active approach to implementing it.
- b. Clarification of the term 'allowable solutions' is sought. There is suggestion that it is a 'get out' and should not be accepted.
- c. A number of detailed revisions to the policy are suggested. This includes a request for wording to be included to address the potential environmental impacts of ground source heating.
- d. There is objection on the grounds that the policy would impact on the viability of development and that policy should not be delegated to an SPD.
- e. SMART grids should be required.

### **5.22.2 Birmingham City Council Response**

- a. Use of CHP is not a requirement under the policy. However building on the City's existing CHP network is considered to offer the best prospects for progress in this area. The Council is actively supporting the extension of CHP.
- b. It is accepted that the term 'allowable solutions' should be explained. It is not considered to be a 'get out' but a reasonable response where other options are not practical.
- c. It is agreed that wording addressing the environmental impacts of ground source heating should be included. The other detailed points are not accepted.
- d. The Council's evidence does not indicate that there will be an adverse impact on viability. The purpose of the SPD is to provide guidance on the application of the policy.
- e. It would be unreasonable to require SMART grids.

### **5.22.3 Recommended changes**

See MOD70 and MOD71 of Proposed Modifications.

## **5.23 TP5 Low carbon economy**

There were 9 comments on this policy.

### **5.23.1 Key Issues raised in the representations**

- a. Comments are generally supportive.
- b. The benefit of bio-energy and electric cars is questioned. It is suggested that Council land could be used for growing biofuels.
- c. Public transport and energy reduction should be promoted.
- d. Anaerobic digestion is supported – but there is also concern over its potential environmental impact.
- e. Tyseley is promoted as a green industry area.

### **5.23.2 Birmingham City Council Response**

- a. Bio-energy and electric cars are included as examples. Using Council land for growing biofuels is not a matter for the plan.
- b. Other policies support public transport and reduction in energy use.
- c. Detailed policy towards anaerobic digestion is set out in the waste policies.
- d. Tyseley is promoted as an Environmental Enterprise Area.

### **5.23.3. Recommended changes**

No changes.

## 5.24 TP6 Managing flood risk

A total of 136 comments were received on this policy.

### 5.24.1 Key issues raised in the representations

5.24.2 The vast majority of the comments were objections to the Green Belt developments proposed in policies GA5 Langley SUE and GA6 Peddimore on flooding grounds and were largely made by individuals. The key points relevant to this policy were:

- a. New development in the Green Belt will exacerbate existing flooding problems. There is poor drainage in GA5 and GA6.
- b. Flood risk assessment and modelling should be undertaken before considering any development.
- c. Green Belt land, specifically agricultural land, helps to drain off rain water.
- d. Sustainable Urban Drainage Systems (SuDS) should be used and retro-fitted. Land should be allocated for flood storage.
- e. Trees and woods help alleviate flooding. Canals have wildlife, recreation and amenity benefits but their role is not to accept flood water.
- f. Developers should show that their surface water discharge rates will not exacerbate existing flooding and demonstrate that there is capacity to get sewage waste to Minworth and treatment capacity.
- g. Minor developments should be controlled to prevent cumulative impacts on floodrisk.
- h. Culverts should be opened and lakes created for example in Digbeth.
- i. Planting woodland, restoring native woodland and using buffer planting near pollution and rivers was identified as being beneficial to counter pollution, reduce nitrates, help with SuDS, dealing with flooding incidents and reducing surface water run-off.
- j. Greenfield run-off rates should be used for all new developments and should allow for storm intensity.

### 5.24.3 Key issues raised by specific consultees

#### The Environment Agency

- a. Amend reference to greenfield run-off rates so that it is applied to all sites requiring flood risk assessments.
- b. Provide greater detail and direction in terms of the SuDS policy (detailed wording suggested).

- c. Support deculverting but would like 8m buffer either side of water course for maintenance. Would like natural sinuous, river channels restored if possible and no new culverts.
- d. Whilst there are few concerns regarding Minworth Sewage Works ability to deal with additional demand there is concern at the lack of evidence to show that the network itself has the capacity to meet additional flows.
- e. The Plan should comply with the Humber River Basin Management Plan and take opportunities to meet the Water Framework Directive's Targets.
- f. Groundwater resources should be protected.

#### Severn Trent Water

- a. Also concerned at sewerage network capacity and would like modelling showing that there is sufficient capacity to support new development.
- b. Support sustainable management of surface water in line with Future Water (Government's new Water Strategy). Developer's should use SuDS first and only connect to Severn Trent's network as a last resort.

#### The Forestry Commission

- a. Support the policy and identify the role that trees and woodland can play in alleviating flooding whilst improving biodiversity and water quality.

#### **5.24.4 Birmingham City Council response**

- b. The majority of the general points are already covered in the policy. It is not considered that policies GA5 and GA6 are in conflict with this policy.
- c. It is not considered to be reasonable to place additional controls on minor developments.
- d. The Council's Strategic Flood Risk Assessment confirms that the majority of sites GA5 and GA6 are in flood zone 1 and not at risk of flooding.
- e. The majority of the detailed changes suggested by the Environment Agency are accepted. However it is not accepted that greenfield run off rates should be applied to all developments or that there should be an 8m buffer beside watercourses for viability reasons, and it is considered that the capacity of the foul water network can be addressed through other means. It is also considered that some aspects of SuDS are better dealt with through the future SuDS Approval Body rather than the Development Plan.

#### **5.24.5 Recommended Changes**

See MOD72 – MOD79 of Proposed Modifications.

## **5.25 TP7 Green Infrastructure Network**

There were 30 comments on this policy.

### **5.25.1 Key issues raised in the representations**

- a. Many of the comments were objections to the Green Belt developments in policy GA5 Langley SUE and policy GA6 Peddimore on green infrastructure grounds.
- b. Many of the comments support the policy but suggest additions/minor changes, including references to tree planting, permanent grassland, green roofs, the historic environment and blue infrastructure.
- c. One comment argues that Green Belt is not green infrastructure and another seeks the removal of a site at Somery Road from the green infrastructure network.
- d. There was a request to include reference to the Birmingham and Black Country Nature Improvement Area and to the 'emerald ring'.
- e. There was a suggestion that green buffers should be maintained along watercourses.

### **5.25.3 Birmingham City Council Response**

- a. It is not considered that there is a conflict between this policy and policies GA5 and GA6.
- b. The detailed suggestions for changes mostly relate to issues that are already covered in the policy or the supporting information and no further changes are proposed. However it is accepted that a reference should be made to the Birmingham and Black Country Nature Improvement Area and to permanent grassland.
- c. While the Council would generally encourage the provision of buffers beside watercourses, this is not always desirable or practical.
- d. It is not accepted that Green Belt cannot also be green infrastructure and no change is proposed in relation to the Somery Road site.

### **5.25.4 Recommended Changes**

See MOD80 and MOD81 of Proposed Modifications.

## **5.26 TP8 Biodiversity and Geodiversity**

There were 18 responses on this policy.

### **5.26.1 Key Issues raised in the representations**

- a. Over a third of the comments object to the proposed Green Belt development in Sutton Coldfield (GA5 and GA6) and raise concerns over adverse impact on biodiversity and geodiversity.
- b. Many comments support the policy but seek minor changes and additions including reference to blue infrastructure and the Birmingham and Black Country Nature Improvement Area.
- c. There should be no loss of land from SINC's, SLINC's and SSSI land and Peddimore should be designated as a SINC.
- d. Full mitigation for development affecting biodiversity should be required.
- e. The policy should recognise Green Belt land as having biodiversity and geodiversity value.

### **5.26.2 Birmingham City Council response**

- a. The biodiversity implications of policies GA5 and GA6 have been assessed and it is not considered that there is a conflict with this policy. Green Belt land is not necessarily of high biodiversity value and Peddimore does not meet the criteria for SINC designation.
- b. The policy already provides protection for SSSIs, SINCs and SLINCs and for geodiversity assets in line with the NPPF.
- c. It is accepted that a reference should be included to the Birmingham and Black Country Nature Improvement Area.

### **5.26.3 Recommended Changes**

See MOD82 and MOD83 of Proposed Modifications.

## **5.27 TP9 Open Space, playing fields and allotments**

There were 24 comments on this policy.

### **5.27.1 Key Issues raised in the representations**

- a. Over a third of respondents supported the policy.
- b. Four comments referred to loss of Green Belt being counter to the aims of this policy.
- c. A number of detailed comments were made including the need to improve quality, provide park keepers, involve communities in management and publicise parks more and reflect the importance of the historic environment.
- d. It was suggested that there should be greater protection for open space and allotments. One comment sought flexibility in the policy to enable open space to be replaced elsewhere to assist regeneration in line with the NPPF.
- e. The evidence base was questioned.

### **5.27.2 Birmingham City Council Response**

- a. It is not considered that there is any conflict between this policy and the Green Belt development proposals which will provide additional public open space.
- b. The policy already provides protection for open space and allotments and allows for flexibility for example through allowing off-site contributions as an alternative to on-site provision.
- c. Issues such as publicity and park keepers are outside the scope of the Plan.
- d. The evidence base for the open space policy comes from the 2004 Household Survey, the Playing Pitches Strategy and the Public Rights of Way Improvement Plan 2007.

### **5.27.3 Recommended Changes**

See MOD84 and MOD85 of Proposed Modifications.



## **5.28 TP10 Green Belt**

A total of 619 comments were made on this policy.

### **5.28.1 Key issues raised in the representations**

- a. The vast majority of the comments are objections to policies GA5 Langley and GA6 Peddimore on the grounds that the loss of Green Belt is inconsistent with the NPPF.
- b. However some developers/landowners argue that there is capacity for much more new housing in the Green Belt (up to 18,000 dwellings) and more land should be released. A number of specific sites are suggested within area A and B of the Council's Green Belt assessment
- c. It is suggested that North Worcestershire Golf Course should be developed for housing.
- d. Severn Trent seek the release from the Green Belt of land at Minworth Sewage Works for development.

### **5.28.2 Birmingham City Council Response**

- a. The evidence base indicates that Birmingham cannot meet its objectively assessed requirements for additional housing and employment on sites within the urban area. This constitutes exceptional circumstances justifying the release of land from the Green Belt.
- b. The Council considers that the Plan proposes the maximum amount of new housing that could realistically be delivered in the Green Belt on the edge of Sutton Coldfield over the plan period. Further Green Belt land releases are not supported either for housing or employment.
- c. North Worcestershire Golf Course is not within the Green Belt.

### **5.28.3 Recommended Changes**

No changes.

## **5.29 TP11 Sports Facilities**

A total of 14 comments were received on this policy.

### **5.29.1 Key issues raised in the representations**

- a. The need to retain sports facilities was supported in many responses with the value of woods and canals noted. There were detailed concerns over quality and pricing and dual-use educational facilities and a number of detailed suggestions for improvements from Sport England.
- b. It was argued that Green Belt development would affect recreation opportunities and that increasing population would create more demand.
- c. Some comments argued that all stadia should be protected and paragraph 6.64 should be removed. Birmingham Wheels should continue to be used for motor sports or an alternative provided.
- d. The policy should be consistent with the NPPF with regard to quantity, quality and location in terms of compensation.
- e. There should be flexibility in the provision of sport and recreation facilities in regeneration schemes, where replacing existing facilities may be the best option.

### **5.29.2 Birmingham City Council response**

- a. The majority of Sport England's suggested changes are accepted.
- b. However it is not accepted that paragraph 6.64 should be removed. The paragraph makes a distinction between sports facilities which are primarily for public participation in sport and stadia used for professional sporting events. The Council considers that this is a reasonable distinction.
- c. It is agreed that the policy should be revised to be consistent with the NPPF in terms of compensatory provision. With this modification in place it is considered that the policy has sufficient flexibility.
- d. It is not accepted that Green Belt development will have an impact on the availability of recreation facilities. The development will include additional provision for sport.

### **5.29.3 Recommended changes**

See MOD86 of Proposed Modifications.

## **5.30 TP12 Historic Environment**

There were a total of 66 comments on this policy.

### **5.30.1 Key issues raised in the representations**

- a. Many of the comments raise objections to the Green Belt development proposals in policies GA5 and GA6 on conservation grounds, and in particular because of impact on Peddimore Hall and its surrounds and Old Langley Hall.
- b. A number of detailed comments were made on issues such as 'buffering', carbon reduction, the local list, information requirements, buildings at risk, post war heritage, Sutton Coldfield High St Conservation Area Management Plan and heritage crime.
- c. The need for consistency of terminology noted by English Heritage who also make detailed comments on some of the Growth areas and the Jewellery Quarter.
- d. Canals and canal buildings should be protected everywhere not just in Conservation Areas.
- e. The importance of implementation is highlighted.
- f. The policy is considered to go beyond the NPPF in the weight which it expects to be placed on the conservation of the City's historic heritage. Protection for non-designated assets should be proportionate.

### **5.30.2 Birmingham City Council response**

- a. The impact of development on heritage assets in proposals GA5 and GA6 has been taken into account and will be mitigated.
- b. The detailed points are considered to be too detailed or outside the scope of the plan.
- c. It is accepted that terminology should be consistent with the NPPF. It is not accepted that the policy goes beyond the NPPF in the weight that it attaches to conservation of heritage assets. However it is not considered that it would be realistic or within the Council's powers to apply a 'blanket' protection to canal buildings.
- d. The importance of implementation is recognised.

### **5.30.3 Recommended changes**

See MOD87 of Proposed Modifications.

## **5.31 TP13 Sustainable management of the City's waste**

There were a total of 11 comments on this policy.

### **5.31.1 Key issues raised in the representations**

- a. Detailed comments supporting more composting, re-use of brownfield sites, reducing packaging and more recycling.
- b. Support from the Environment Agency.
- c. The use of waste for CHP should be strongly supported.
- d. As much Construction and Demolition Waste as possible should be recycled to reduce Birmingham's requirement for primary aggregates.
- e. The idea of self-sufficiency is not considered to be compatible with using waste as a resource.

### **5.31.2 Birmingham City Council response**

- a. The detailed points are either too detailed or outside the scope of the plan.
- b. The Plan already supports CHP (see policy TP4) and promotes recycling of Construction and demolition waste.
- c. The policy promotes the use of waste as a resource in the first instance but also accepts the principle that where waste treatment is necessary, Birmingham should aim to be self-sufficient.

### **5.31.3 Recommended changes**

See MOD88 of Proposed Modifications.

## **5.32 TP14 New and existing waste facilities**

There were a total of 6 comments on this policy.

### **5.32.1 Key issues raised in the representations**

- a. The funding of the policy is questioned.
- b. The purchase of goods should be allowed from recycling facilities.
- c. Existing waste treatment and Construction and Demolition Waste sites should be safeguarded.
- d. The Waste Capacity Study is outdated and there is no provision for mineral safeguarding, The Council should ensure that there is sufficient landfill capacity elsewhere.

### **5.32.2 Birmingham City Council response**

- a. Funding will be from the private sector. The purchase of goods from recycling sites is not a matter for the plan.
- b. Existing policies do provide protection for existing waste treatment facilities. Birmingham has no active mineral workings and very limited reserves and it is not considered that a safeguarding policy is needed.
- c. The Waste Capacity Study has been updated.

### **5.32.3 Recommended changes**

No changes.

### **5.33 TP15 Location of waste management facilities**

There were a total of 7 comments on this policy.

#### **5.33.1 Key issues raised in the representations**

- a. There are several supportive comments.
- b. Historic landfill sites have not been identified.
- c. The location of waste facilities should be in line with PPS10.
- d. Energy from waste facilities should be located close to sources of demand – including residential areas.
- e. Tyseley Energy from Waste plant should be closed because of its emissions.
- f. A detailed comment seeks the removal of a particular site from the Tyseley Environmental Enterprise District.

#### **5.33.2 Birmingham City Council response**

- a. The Council has information on the location of historic landfill sites.
- b. The policy is considered to be consistent with PPS10. While it is recognised that Energy from Waste plants need to be close to their source of demand, it is also important to protect residential amenity and the policy aims to achieve this.
- c. The Tyseley Energy from waste plant is a valuable resource and operates within acceptable emission levels. No change is considered to be required to the Tyseley Environmental Enterprise District boundary.

#### **5.33.3 Recommended changes**

No changes.

## 5.34 TP16 Portfolio of employment land and premises

108 comments were received on this policy.

### 5.34.1 Key issues raised in the representations

- a. The justification for the amount of employment land set out in the policy was questioned with a number of representations noting that the GBSLEP had yet to publish its study/strategy and querying how the objectively assessed need could be identified in advance of this. Related to this a number of representations suggested building outside of Birmingham in areas considered to have a greater need for employment development such as the Black Country. It was questioned whether enough jobs would be provided to meet the growing population of the City.
- b. The policy does not acknowledge the overall employment land requirement and therefore does not meet the objectively assessed need identified by the evidence base. Amendments are suggested to address this through allocations. The reservoir approach is considered to be inconsistent with national policy, although the approach was also supported by other representations.
- c. The policy should refer to the anticipated supply from redevelopment opportunities. One third of the available industrial land within Birmingham is unused. Brownfield land should be developed first as opposed to the proposals for Peddimore (Policy GA6).
- d. The policy should focus on manufacturing not distribution, and further emphasis should be made on supporting smaller companies including the retention of smaller premises for start-ups.
- e. The safeguarding of land at Washwood Heath for the proposed HS2 was criticised and it was suggested either that this should be reversed or that the policy should recognise the potential of the site to help meet the demand for employment land.
- f. A clear strategy for economic regeneration and growth is required.
- g. Concern that the 'supply leads demand' approach set out in the policy would mean an oversupply.
- h. Need to ensure that funding for supporting infrastructure is secured.
- i. A balance between employment and housing needs should be secured. The policy should be amended to ensure that any employment required to accompany unmet housing need is fairly distributed. Related to this the policy should be amended to advise that it may be necessary to deliver additional employment land adjacent to, but outside the City boundary alongside large scale residential urban extensions.
- j. It is unclear what contribution will be made by the Regional Investment Sites at any one time.

- k. The potential of the Birmingham International Gateway (BIG) proposal should be highlighted to meet medium and long term demand and the plan should mention any discussions that have taken place between Birmingham City Council and North Warwickshire District Council to consider the proposal or the potential of future consideration.
- l. The portfolio is flawed as best quality sites should not be solely reserved for companies with a regional or international choice of sites.
- m. It is unclear which sites are in the portfolio and this should be cross-referenced through either an appendix or on the proposals map.

#### **5.34.2 Birmingham City Council response**

- a. The objectively assessed need is evidenced and justified by the Employment Land and Office Targets Study (2013) with the proposed portfolio of employment land set out in the policy intended to meet the identified most likely demand over the plan period. The GBSLEP study/strategy will not identify an objectively assessed need for Birmingham. While it is noted that Sutton Coldfield has a relatively low level of unemployment this is not the case in large parts of the City and the portfolio of employment land has been identified to meet the needs of the City as a whole. It is anticipated that the number of jobs created will meet the needs of the growing population.
- b. The minimum reservoir approach seeks to deal with peaks and troughs in demand as demonstrated recently. A significant supply of best quality land is identified equivalent to over 13 years demand and it is anticipated that currently unidentified recycling opportunities will provide additional supply. The minimum reservoir approach is consistent with the NPPF.
- c. The anticipated level of recycling is contained in the evidence base and it is not necessary to include these figures in the Plan. Policy TP19 provides guidance for the redevelopment of sites that are no longer needed or unviable.
- d. While it is accepted that employment densities are generally higher for manufacturing uses than distribution, both sectors make important contributions to the economy and as such it is not accepted that the policy should be amended to limit employment opportunities.
- e. The potential of the Washwood Heath sites for general employment development is recognised, however the safeguarding of the site for the proposed HS2 depot was a decision taken by Government. The City Council will be petitioning the Government on a number of matters to maximise the benefits to Birmingham, including design changes which would allow a greater area of employment land to become available for development following construction of the depot.
- f. It is considered that the BDP provides a clear strategy for regeneration and growth over the plan period. It is agreed that funding for supporting infrastructure is vital and policies TP18 and TP19 include provisions to ensure this.



- g. The Employment Land and Office Targets study sets out how the reservoir of employment land figures have been reached on the basis of the most likely level of demand over the plan period. As set out in policy TP16 these figures will be regularly reviewed through the production of employment land reviews. The policy aims to ensure that a range of sites are available at any one time to meet the needs of all types and sizes of businesses so that desirable employment development is not lost due to lack of site availability. Given that alternative uses attract higher land values there is a need to ensure that a suitable supply of employment land is maintained. If demand were to lead supply, it is unlikely that employment uses would be able to secure sites leading to a loss of desirable employment development.
- h. It is accepted that a balance is required between housing and employment needs. However it is not the role of the City Council to determine where developments outside of the City boundary take place.
- i. There is no evidence to indicate that a third of available industrial land is unused, in fact recent market evidence points towards reduced levels of vacancy and strong market take up.
- j. The RIS sites amount to 45ha of land. Both sites are covered by Area Action Plans and these provide the detailed policy basis for their delivery as per policies GA3 and GA10. Both AAP's have requirements for detailed phasing strategies to be produced through the production of a development framework (Aston) and a scheme of delivery and management (Longbridge).
- k. The BIG proposal relates to land in North Warwickshire and it is not for the BDP to comment on this issue.
- l. The policy does not reserve the best quality sites solely for companies with an international or regional choice of land. It classifies sites on the basis that they should be suitable for such companies, but this does not exclude smaller companies from locating on these sites.
- m. The Employment Land Review 2012 includes a list of sites and their position in the portfolio. However to allow flexibility where sites have no prospect of being developed for industrial use the Plan follows a 'plan, monitor, manage' approach rather than solely relying on allocations and hence the approach of ensuring that a minimum reservoir equal to five years supply is available. The portfolio of land will be kept up to date through regular monitoring and the production of employment land reviews as stated in the policy.
- n. The Employment Land and Office Targets Study sets out the anticipated level of demand for employment land and assesses the current and anticipated level of provision . It indicates that there is a particular shortage of Best Quality employment land and little prospect of suitable brownfield sites becoming available to meet the anticipated demand for this category of land.

### **5.34.3 Recommended changes**

No changes.

## 5.35 TP17 Regional Investment Sites

17 comments were received on this policy.

### 5.35.1 Key issues raised in the representations

- a. Good quality transport links to proposed residential areas should already exist or be provided in the future and it is noted that RIS will be unsustainable without suitable infrastructure provision
- b. Peddimore should be allocated as a RIS. Another comment queries whether the policy allows RIS on Green Belt and opposes if this is the case.
- c. Inadequate public consultation has been undertaken on these proposals.
- d. Further clarity and detail on the RIS requested.
- e. Opposition to B1(a) use on RIS.
- f. The definition of 'high quality' is considered too vague. An amendment is suggested to set a minimum size of B1(b) and B2 development of 4 hectares and prevent the subdivision of plots.
- g. Considers the strategic policy context of RIS to have been lost following the revocation of the RSS and as such the policy is outdated and inflexible.
- h. Suggest that a more flexible mixed use approach should be taken to ensure that residential development is incorporated to minimise the length of journeys to work.
- i. Query the contribution that the RIS make to the overall employment land supply and suggest amending to state how much land will be provided by each RIS.
- j. Comments regarding the general siting of telecommunications equipment and request further City wide guidance on this matter.
- k. Request that the policy is amended to refer to Washwood Heath as a RIS and that the proposals for Peddimore are deleted.
- l. Consider that the RIS at Longbridge has no long-term prospect for B1 and B2 development and that the policy should be amended to support leisure facilities, retail and conferencing facilities and other main town centre uses.

### 5.35.2 Birmingham City Council response

- a. The policy requires good quality public transport links for a site to be considered a RIS. Both existing RIS already benefit from good public transport links to much of the City. Policies are also in place to further improve public transport provision to maximise the potential of these

sites. Infrastructure provision for both RIS was considered in detail through the preparation of the relevant Area Action Plans.

- b. The Employment Land and Office Targets Study (2013) states that no further RIS are required, whereas there is a pressing need for best quality land which the Peddimore proposal seeks to address. There are no proposals to bring forward further RIS in the Green Belt. The site at Washwood Heath is reserved for a HS2 depot.
- c. Both RIS were allocated through AAPs which were produced through a process of considerable public consultation and an Examinations in Public. The AAPs provide additional guidance in terms of appropriate uses on a RIS.
- d. The AAPs provide further guidance/policy in relation to 'high quality'. It is not accepted that providing a minimum size for B1(b) & (c) and B2 developments or preventing subdivision would ensure high quality development. It could in fact preclude some high quality companies from locating on these sites and could hinder delivery.
- e. It is acknowledged that the RSS has been revoked but it is not accepted that this means that the principle of providing large high quality sites attractive to national and international investors is outdated. The Employment Land and Office Targets Study (2013) supports the ongoing provision of RIS as an important component of the portfolio of employment land.
- f. The benefits of mixed use developments are acknowledged. However to meet the needs of all types and sizes of businesses and to ensure that desirable employment development is not lost due to a lack of site availability there is a need to ensure that large high quality sites attractive to national and international investors are provided as part of the overall portfolio of employment land. It is not considered that mixed use development is appropriate for RIS.
- g. The RIS at Aston will provide 20 hectares of land for employment development, while at the Longbridge the RIS provides 25 hectares. Further detail is available in the respective AAPs.
- h. The concerns regarding the siting of telecommunications equipment are noted. However, the RIS policy is intended to ensure that broadband provision is available to meet the needs of modern businesses.
- i. It is not accepted that there is no longer-term prospect for the development of the RIS at Longbridge in accordance with the policy. The suggested amendment is not accepted as this would be likely to hinder the delivery of the site for B1 and B2 uses.

### **5.35.3 Recommended changes**

No changes.

## 5.36 TP18 Core Employment Areas

18 comments were received on this policy.

### 5.36.1 Key issues raised in the representations

- a. The definition of economic development is inconsistent with the NPPF and either all forms of economic development should be included as defined in the NPPF or the term should be avoided.
- b. The policy conflicts with the NPPF by requiring 'exceptional justification' to be made for uses outside of B1(b) & (c), B2, B8 and waste management rather than the 'no reasonable prospect' test set out in paragraph 22 and is overly restrictive. Alternative wordings are suggested. The policy should reflect paragraph 22 of the NPPF by setting out a time period which would be considered 'long term' after which policy protection would not apply if there were no reasonable prospect of a site being used for the protected purposes.
- c. A number of discrepancies noted and requested for removal from the Core Employment Areas including plot 235 at Kings Norton Business Centre which benefits from consent for a wider range of uses through the Simplified Planning Zone, land adjacent to Hampstead Station, Forward Park and Ravenside Retail Park.
- d. It was noted that the major committed developments discussed in paragraph 7.13 were predominantly low skill in nature and it was questioned how this fitted with the stated strategic aims of promoting high value employment.
- e. It was suggested that all firms coming into these areas should be required to sign up to green policies and it was questioned how the use of freight and rail by companies locating within these areas will be monitored and rewarded by the Council to help meet the set target for carbon reduction.
- f. The policy is overly focused on the retention of large sites and should also ensure the retention of small scale and affordable business units where they do not conflict with surrounding areas.
- g. The justification for Peddimore was questioned given that Prologis Park, Minworth is mentioned in the supporting text as a major development and is located in close proximity to the Peddimore proposal.
- h. Infrastructure provision is currently insufficient and there is an inadequate commitment to future provision.
- i. The Core Employment Area approach was questioned, it would be preferable to have mixed use areas which would reduce travel to work distances.

### **5.36.2 Birmingham City Council response**

- a. It is acknowledged that the definition of economic development used by the policy differs from that in the NPPF. However, the policy is clear that the definition of economic development that it uses is for the purposes of the policy only.
- b. The Employment Land and Office Targets Study (2013) which sets out the most likely demand for employment land over the plan period indicates that the currently identified supply will not meet this demand. As such there is a reasonable prospect that additional recycling opportunities, that can be expected to emerge during the plan period in the Core Employment Areas, are likely to be in demand for the uses set out in the policy. The policy as worded allows other uses appropriate for industrial areas. None of the proposed amendments are accepted.
- c. It is accepted that Core Employment Area boundaries should be amended in relation to Hampstead station and Forward Park but not Ravenside Park or Kings Norton.
- d. The Council is committed to promoting high value employment but it is important to provide for all types of employment opportunities to ensure an inclusive economy.
- e. The Council is committed to ensuring that new development is sustainable as set out in the BDP. However the planning system cannot retrospectively impose conditions on the occupation of existing developments for their approved uses. The monitoring section confirms that the loss of freight facilities will be monitored.
- f. The policy seeks to ensure the continued success of established employment locations within which are many small scale and affordable units suitable for smaller businesses.
- g. The majority of Prologis Park has been built out. The Employment Land and Office Targets Study (2013) indicates a significant shortage of Best Quality employment land which the Peddimore proposal seeks to address.
- h. The policy provides specific encouragement for improvements to transport infrastructure to improve access, reduce congestion and reduce conflict with adjacent residential areas where this exists.
- i. The benefits of mixed use developments are acknowledged. However it is not considered that mixed used development is appropriate for the established employment areas that have been identified as Core Employment Areas.

### **5.36.3 Recommended changes**

See MOD89 of Proposed Modifications.

## 5.37 TP19 Protection of employment land

A total of 16 comments were received on this policy.

### 5.37.1 Key issues raised in the representations

- a. The protection given to Core Employment Areas was questioned with one representation suggesting its deletion. Another suggested that land within the Core Employment Areas may have no reasonable prospect of contributing to the portfolio of employment land and proposed an amendment to reflect this.
- b. It was suggested that to provide further protection to nearby occupiers and businesses the policy should ensure a comprehensive approach for the redevelopment of existing employment sites, no adverse impact on nearby occupiers or the operation of existing businesses and wherever possible satisfactory arrangements for the relocation of any displaced existing viable businesses.
- c. The approach to the loss of industrial land was criticised as inconsistent with the NPPF and overly restrictive. The reliance on the Loss of Industrial Land to Alternative Uses SPD was criticised as it predates the NPPF by 6 years and it was considered not to reflect the strong positive approach to promoting sustainable development set out by the NPPF, for example the two year marketing period.
- d. The policy is not flexible enough to meet the wider needs of the City in particular for housing development so as to avoid Green Belt and green field development. An additional bullet point was suggested stating 'or, the benefits of redevelopment of the site for other uses to address the City's needs outweigh those of its retention in employment use.'
- e. Concern was expressed that the policy did not provide adequate protection of existing smaller scale employment sites.
- f. The reference to sites 'no longer being attractive for employment development' was considered to mean that without incentives developers will prefer greenfield sites and that actions are needed to maintain existing employment land and recycle brownfield sites.
- g. The validity and independence of the evidence produced by Warwick Economics and Development (WECD) was questioned.
- h. It was requested that the list of uses appropriate for employment areas be amended to include Sui Generis uses such as builder's merchants, trade specialists, warehouse clubs and cash & carry operators.
- i. A number of concerns were raised regarding the requirement for a financial contribution towards upgrading and improving other employment land within the vicinity including viability issues and the relationship with the City Council's proposed Community Infrastructure Levy (CIL). Others considered the contribution unreasonable and inconsistent with the NPPF.
- j. It is unclear what contribution the Core Employment Areas are required to make to the requirements set out in policy TP16 and a clear distinction should be made in both the policy

and on the Policies Map between existing employment sites/buildings to be retained and potential sites to supply additional employment land to meet the objectively assessed need.

- k. The AXA and wider Washwood Heath sites should be identified as part of the supply of employment land.
- l. The wording of the policy is impenetrable and should be revised.

#### **5.37.2 Birmingham City Council response**

- a. The Employment Land and Office Targets Study (2013) indicates that the currently identified supply will not meet demand. As such there is a reasonable prospect that additional recycling opportunities in the Core Employment Areas, are likely to be in demand for the uses set out in the policy.
- b. Ensuring comprehensive redevelopment and preventing adverse impacts on nearby businesses are standard principles of planning and it is not considered necessary to amend the policy to reiterate this. The City Council will continue to support existing businesses that are affected by development proposals and, with the exception of sites allocated for alternative uses, redevelopment of employment land will only be supported where it has been demonstrated either that the site is non-conforming or that it is no longer attractive for employment development. As such it is unlikely that existing businesses will be affected.
- c. The Loss of Industrial Land to Alternative Uses SPD has been tested at appeal following the adoption of the NPPF and has been found to be consistent with it.
- d. The Council has considered the use of employment land for alternative uses, in particular housing, and has in a number of cases made allocations for such proposals. The Loss of Industrial Land to Alternative Uses SPD contains provisions for considering the benefits to meeting other needs.
- e. The policy seeks to protect both small and large scale employment sites when appropriate.
- f. The policy seeks to encourage the recycling of employment land for employment uses and to ensure that only non-conforming or sites no longer attractive for employment are developed for alternative uses. It does not promote the use of greenfield sites for employment uses.
- g. The WECD study was commissioned by the City Council to ensure that an up to date evidence base is in place and to inform the production of the employment land policies in the Plan as required by the NPPF. Should other sources of evidence come forwards they will be given due consideration.
- h. The policy as worded allows other uses appropriate for industrial areas which include the Sui Generis uses suggested.
- i. The Council considers the proposed financial contribution to be consistent with the NPPF and has applied this approach in the past successfully but recognises that this will need to be

consistent with the CIL regulations when they take effect. In such circumstances viability considerations are always taken into account.

- j. With the exception of the RISs and Peddimore the currently identified sites contributing to the reservoir required by TP16 are located in the Core Employment Areas. A list of these sites is provided in the Employment Land Review 2012 and this portfolio will be managed and kept up to date through regular monitoring and the production of future employment land reviews.
- k. The potential of the Washwood Heath sites for general employment development is recognised, however the safeguarding of the site for the proposed HS2 depot was a decision taken by Government. The City Council supports HS2 given the benefits to the City, but will be petitioning the Government to maximise the employment opportunities of the depot through alternative design to allow a more employment land to become available for development following construction of the depot.
- l. The policy wording draws on the existing policy in the UDP which has been defended at appeal on a number of occasions.

### **5.37.3 Recommended changes**

No changes.



## **5.38 TP20 The network and hierarchy of centres**

A total of 15 comments were made on this policy.

### **5.38.1 Key issues raised in the representations**

- a. A number of comments supported the policy.
- b. Issues were raised around changes in shopping patterns and habits and there were detailed issues on specific centres (Soho Road and Sutton Coldfield Town Centres).
- c. It was suggested that individuality and specialism is required in centres.
- d. There should be a reference to the Edgbaston Framework and additional centres were put forward to be added to the hierarchy.
- e. A detailed change was suggested to make it clear that the retail floorspace targets include commitments.
- f. Support the balance between office and retail space, need to encourage District and Local centres to function as economic centres in their own right. Out of Centre policy should be stronger and not be excepted unless exceptional circumstances.
- g. The policy should address the expansion of the leisure evening economy.
- h. A reference should be included to 'other town centre uses' when referring to proposals which are out of centre.

### **5.38.2 Birmingham City Council Response**

- a. Comments on individual centres are too detailed for this policy.
- b. The policy aims to reflect changing shopping habits which have been considered in the Birmingham Retail Need Assessment. It also seeks to promote distinctiveness in centres.
- c. The additional centres proposed for inclusion are too small and it is not considered that there is any benefit in making reference to the Edgbaston Framework.
- d. The detailed change relating to commitments is accepted and it is also accepted that a reference to the evening economy should be included.
- e. It is considered that the policy towards out-of-centre development is consistent with the NPPF and does not require strengthening but it is accepted that a reference to 'other town centre uses' should be added.

### **5.38.3 Recommended Changes**

See MOD90 – MOD94 of Proposed Modifications.

## **5.39 TP21 Convenience retail provision**

A total of 6 comments were made on this policy.

### **5.39.1 Key issues raised in the representations**

- a. There should be no more retail at Minworth.
- b. The policy is weaker than the previous draft which restricted new provision to areas where there are gaps.
- c. Provision should respond to demand.
- d. Reference to scale should be deleted as a scale test is not part of national policy.
- e. There should be reference to facilities for the Langley Sustainable Urban Extension.
- f. The requirement for convenience retail to deliver quality public realm and linkages with rest of the centre is onerous and duplicates other policies. For the same reason reference to protection of employment land should also be removed.

### **5.39.2 Birmingham City Council Response**

- a. There are no proposals for additional retail at Minworth. Supporting facilities at Langley are covered in policy GA5.
- b. Previous drafts did propose convenience gap areas but these have since been largely filled through developments or commitments. It is not considered that their omission weakens the policy which does provide an ability to respond to demand.
- c. The NPPF does not preclude the inclusion of a scale policy in the Plan.
- d. It is important that new retail development is properly integrated with existing centres and the protection of employment land is an important strand in the Plan. Both are therefore reasonable requirements in the policy.

### **5.39.3 Recommended Changes**

No changes.

## **5.40 TP22 Small shops and independent retailing**

A total of 9 comments were made on this policy.

### **5.40.1 Key issues raised in the representations**

- a. Support local funded initiatives to encourage independent retailers and make it easier for them to set up (e.g. rent reductions or low rates). Support and encourage specialist shops.
- b. The policy should protect affordable shop premises and ensure phased development so local shopkeepers can move to new local premises.
- c. Boldmere is an ideal high street for an investment opportunity.
- d. Need to change policy to restrict planning conditions to prevent smaller units changing to larger units. Restrict A2 in City Centre Core, where no detrimental impact occurs A3 could be considered.
- e. Recognise Edgbaston District Centre as a centre which has a niche role along with those specified in the policy.

### **5.40.2 Birmingham City Council Response**

- a. Comments relating to protection of affordable shop premises, ensuring phased development so existing shop keepers can move to new local premises and identifying Boldmere as an example of a centre for investment opportunity are too detailed for the policy.
- b. Offering low rate/rents to new businesses is outside the scope of the Plan.
- c. Additional planning restrictions particularly in the City Centre Core are not necessary and prevention of unit sizes increasing in the City Centre Core will not assist in the vitality of the centre. It is not accepted that Edgbaston should be added to the list of examples.

### **5.40.3 Recommended Changes**

No changes.

## **5.41 TP23 Promoting a diversity of uses within centres**

A total of 10 comments were made on this policy.

### **5.41.1 Key issues raised in the representations**

- a. There should be a reference to Moseley as a vibrant attractive centre.
- b. Diverse and flexible building should be created.
- c. A proposal is put forward for a multi-faith worship centre.
- d. Pubs and bars should be included in the list of facilities and uses.
- e. The words 'consistent with scale and function of the centre, to meet people's day-to-day needs' should be removed from the policy.
- f. A broad mix of uses is considered key to the regeneration of areas.
- g. There should be more reference to theatres, and their contribution to the vibrancy and evening economy of centres and a development management policy that will protect and enhance community and cultural facilities and provide guidance against their loss. It is also suggested that a glossary be provided.
- h. Comments were broadly supportive.

### **5.41.2 Birmingham City Council Response**

- a. It is accepted that reference should be made to pubs and bars.
- b. Adding references to Moseley centre and creating diverse and flexible buildings are too detailed.
- c. The proposal for a multi faith worship centre is not sufficiently developed for inclusion.
- d. An additional reference to leisure evening economy has been made in TP20 and it is not considered that anything further is required in this policy.
- e. It is not accepted that the inclusion of reference to scale and day-to-day needs is inconsistent with the NPPF. The policy aims to encourage a range of uses in a centre but their primary function and use which underpins their economic vitality is almost always retail.

### **5.41.3 Recommended Changes**

See MOD95 of Proposed Modifications.

## **5.42 TP24 Tourism and tourist facilities**

A total of 9 comments were made on this policy.

### **5.42.1 Key issues raised in the representations**

- a. There is a need for more tourist attractions, and improvements to tourist attractions. Examples are provided.
- b. There should be a strong proactive role in improving Birmingham's reputation, and making attractions free or more affordable.
- c. A multi-faith worship centre is proposed to reinforce Birmingham's reputation as a City of world importance.
- d. Hotels should be identified as town centre uses to bring the policy in line with NPPF.

### **5.42.2 Birmingham City Council Response**

- a. The policy aims to support a range of tourist facilities and improve tourist attractions. Issues to do with promotion are outside the scope of the plan.
- b. The proposal for a multi faith worship centre is not sufficiently developed for inclusion.
- c. Hotels are appropriate in connection with tourist facilities generally and not only in the City Centre.

### **5.42.3 Recommended Changes**

No changes.

## **5.43 TP25 Local employment**

35 comments were received on this policy.

### **5.43.1 Key issues raised in the representations**

- a. Most of the comments are objections to the Peddimore proposal on the grounds that because of its location it will not help reduce unemployment in areas of need and for various other reasons.
- b. HS2 removes valuable land for development. The Washwood Heath site should be used for employment and/ or housing rather than as a HS2 depot which will create fewer jobs than industrial development.
- c. There needs to be a clear strategy for economic growth and regeneration.

### **5.43.2 Birmingham City Council response**

- a. The Council considers that the Peddimore proposal will make an important contribution to employment provision within the city. The detailed points are addressed under policy GA6.
- b. The potential of the Washwood Heath sites for general employment development is recognised, however the safeguarding of the site for the proposed HS2 depot was a decision taken by Government. The City Council will be working with the Government to minimise the land required for the depot and maximise the wider development opportunities for employment uses. It is anticipated that 800 jobs will be created by HS2 at Washwood Heath.
- c. The Plan sets out a clear strategy for economic growth and regeneration.

### **5.43.3 Recommended Changes**

No changes.

## **5.44 TP26 Sustainable Neighbourhoods**

A total of 32 comments were made on this policy.

### **5.44.1 Key issues raised in the representations**

- a. New housing should be distributed across the City in areas where people want to live.
- b. Services and facilities should be within walking distance. The lack of local amenities will lead to increased car usage.
- c. The policy is too vague and aspirational – it should include standards. It's not clear how it will deliver sustainable communities.
- d. More emphasis should be given to maintaining the natural environment and there should be a reference to blue infrastructure, provision for water storage and SuDS.
- e. A number of the comments are objections to the Green Belt development proposals on various of the grounds summarised under policies GA5 and GA6.
- f. It is important that demographic needs are met.
- g. There should be explicit reference to affordable housing in the policy. Flexibility is required in the policy in order to meet the needs of different tenures of housing, types of location and the different context of sites.
- h. Must ensure joined up working within the City Council to deliver.

### **5.44.2 Birmingham City Council Response**

- a. New development will be distributed throughout the City enabling a wide choice of location for people to live as evidenced by the SHLAA. The criteria for creating a sustainable community are set out in the policy. It is considered that these provide clear guidance while maintaining an element of flexibility.
- b. The issues in relation to the proposed Green Belt developments are covered under policies GA5 and GA6.
- c. It is agreed that a reference to blue infrastructure should be included. Flood mitigation measures are addressed in policy TP6.
- d. There is sufficient reference to affordable housing in the first bullet of the policy which states "a wide choice of housing types, sizes and tenures to ensure balanced communities catering for all incomes and ages".
- e. All types of housing, including family housing, can be delivered at a minimum density of 40 dwellings per hectare. The minimum density is the average across the whole site enabling

lower density phases if necessary. The policy allows lower densities where these are justified. The tenure of housing should not impact on density.

#### **5.44.3 Recommended Changes**

See MOD96 of Proposed Modifications.



## **5.45 TP27 The location of new housing**

A total of 46 comments were made on this policy.

### **5.45.1 Key issues raised in the representations**

- a. A number of the comments are objections to the Green Belt development proposals on various grounds summarised under policies GA5 and GA6.
- b. New housing should be located where people want to live and where there are public facilities – more research is required. New housing should be concentrated in the City Centre. Focus should be on new towns and Garden Cities outside Birmingham’s boundary.
- c. One comment supports the omission of previous draft allocation at North Worcestershire Golf Club. Another comment notes that North Worcestershire Golf Club performs well against the criteria.
- d. The policy lacks certainty.
- e. It is unreasonable to require infrastructure to be in place before new housing is provided. A more appropriate strategy would allow flexibility. The requirement for infrastructure to be in place before the housing may impede delivery of the housing.
- f. The policy should be more positively worded in order to boost the supply of housing. It should be more flexible and should not require that new residential development is not in ‘conflict’ with policies such as ‘open space’ protection.
- g. The Environment Agency point out that national policy states that residential development should not be located within Flood Zone 3b as the vulnerability to flooding is too great for mitigation.
- h. There should be a specific reference to the housing shortfall.

### **5.45.2 Birmingham City Council Response**

- a. The issues in relation to the proposed Green Belt developments are covered under policies GA5 and GA6.
- b. New development will be distributed throughout the City enabling a wide choice of location for people to live, including the City Centre. Additional housing to meet Birmingham’s needs will be located outside the City boundary, but it is not within the scope of this Plan to determine the location of this.
- c. It is not accepted that open space protection should be weakened. North Worcestershire Golf Course is not considered suitable for housing.

- d. 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 Infrastructure Delivery Plan. It is necessary to provide key infrastructure before the housing.
- e. The housing shortfall is addressed in the Duty to Cooperate Statement. Options for addressing the shortfall outside the City's boundary are being developed. It is accepted that this requires some clarification in the Plan. The 80% relates to development within the City boundary – a clarification is proposed.
- f. The comments regarding Flood Zone 3b are accepted.

### **5.45.3 Recommended Changes**

See MOD97 and MOD98 of Proposed Modifications.

## 5.46 TP28 The housing trajectory

A total of 41 comments were made on this policy.

### 5.46.1 Key issues raised in the representations

- a. The housing requirement is not evidenced / there is no information regarding house types and sizes and no evidence of the need for 80,000 homes.
- b. The policy should not be based on unreliable/out of date forecasts about future population growth. The figures should take account of the government's intention to lower immigration.
- c. The rationale for delivery rates should be set out.
- d. A number of the comments are objections to the Green Belt development proposals on various grounds summarised under policies GA5 and GA6.
- e. Densities (and the housing target) should be reduced to enable more attractive and aspirational homes to be built.
- f. A financial audit of statistical data used for the Plan should be undertaken and reviewed with the local community – the Plan should be fully costed.
- g. The housing trajectory should be amended. There should be more balanced housing delivery including more housing in the early years of the Plan. The fact that the housing trajectory is suppressed in the early years will constrain delivery. Housing delivery should be front loaded, to boost provision. The phasing of delivery is contrary to the NPPF and potentially unlawful. The trajectory for delivery will need revising to take account of any increase in housing needs arising from more up to date research.
- h. Delivery rates would not need to be as skewed towards the end of the plan period if additional Green Belt sites that are deliverable in the shorter term were allocated for development. North Worcestershire Golf Club should be allocated for housing to assist the early delivery of housing. Greater rates of delivery are achievable on Green Belt sites that set out in the City Council's evidence.
- i. Growth of 51,100 homes over the plan period is insufficient to meet the objectively assessed needs of the city. There is no strategy in place to meet objectively assessed need. The Plan will not deliver sufficient housing to meet Birmingham's needs. There is no trajectory for the missing 29,000 dwellings. The 5-year supply should be based on the full objectively assessed need.
- j. The City's total housing requirement is 105,644 between 2011 and 2031, an annual average of 5,282 dwellings.

- k. The Plan should ensure that full consideration has been given to development of sites in the urban area, including open space, and that options and strategies to ensure their delivery are assessed.
- l. The robustness of including returning vacant dwellings into use in the land supply calculations is questioned. Evidence of land availability is not consistent with the trajectory in the mid/late plan part of the plan period.
- m. There is a lack of detail about how, when and where the 'shortfall' in provision will be delivered outside the City's boundary.
- n. The capacity identified is sufficient to meet requirements for 11 years without requiring Green Belt land although limitations of the house building industry would impact on delivery.

#### **5.46.2 Birmingham City Council response**

- a. A comprehensive evidence base supports the plan. This includes an infrastructure plan, a sites delivery plan and each policy incorporates information regarding implementation. The housing requirement is evidenced in the Strategic Housing Market assessment (SHMA.) Details of the house types and tenures required are in Figures 2 (Policy TP30) and in the SHMA. An allowance for vacant dwellings has been included in the SHLAA where these will be over and above the general flow. An Infrastructure Delivery Plan has been produced. The rationale for housing delivery set out in Housing Targets Paper.
- b. Assessment of the capacity of Brownfield land has been undertaken (SHLAA). This includes consideration of small and run down brownfield sites. A portfolio of sites, distributed throughout the City, is required throughout the plan period. Release of the Langley SUE in 2023 would not deliver the required amount of housing within the plan period.
- c. The density proposed makes efficient use of land while allowing for all types of housing to be provided. Densities apply to the whole site enabling a range of densities to be accommodated across the site.
- d. Delivery targets must be realistic and deliverable, therefore a stepped approach is necessary. However it is agreed that the annual rates should not be ceilings. A front loaded trajectory would not be deliverable. North Worcestershire Golf Course is not considered to be suitable for housing. Delivery on the Langley SUE within the plan period is evidenced in the PBA Delivery report.
- e. Objectively assessed need will be met both within and beyond the City's boundary. It will be for neighbouring authorities to establish the trajectory for delivery of any of Birmingham's objectively assessed need which is to be provided within their area. It is appropriate for the 5-year supply to be based on the trajectory in the Plan. To base the 5-year supply on the full objectively assessed need would result in double counting with neighbouring authorities.

#### **5.46.3 Recommended Changes**

See MOD99 of Proposed Modifications.

## **5.47 TP29 The type, size and tenure of new housing**

A total of 24 comments were made on this policy.

### **5.47.1 Key issues raised in the representations**

- a. The plan should include guidance on the type and density of housing and this should reflect local need.
- b. There is a need more starter and affordable homes.
- c. Room sizes and parking should be taken into account, and garages on ground floor will address parking problems.
- d. There is a need to ensure that new housing and residential environments are of high quality.
- e. There should not be a minimum density of 40 dwellings per hectare - densities should be guidelines. Another response supported the densities proposed for City Centre and in transport corridors but considered that minimum density should be raised to 50 dwellings per hectare.
- f. There was a view from house builders that a density of 40 dwellings per hectare is unrealistic and not achievable. Density should take account of the character of the area and design led solutions should prevail over unrealistic targets. The densities set out in the policy may overestimate land supply. There is no consideration of the requirement for any lower density housing and a lack of evidence justifying densities. The statement are well served by public transport' needs clarifying. The family housing focus of the Langley SUE cannot be achieved at the density set out in the policy, which is not consistent with policy GA5 which seeks to deliver an exemplar of sustainable development with a focus on family housing. The density in the city centre is supported but schemes in the city centre could deliver considerably higher densities.
- g. The policy should recognise that different models of housing, including Private Rented Sector schemes, could be incorporated on sites where appropriate.
- h. Targets for specialised housing should be broken down on a ward-by-ward basis and sites should be allocated specifically for specialist housing.
- i. Edgbaston provides an opportunity to provide more family homes and the policy should recognise this.
- j. The Council should CPO houses that are derelict or vacant for more than a year.

### **5.47.2 Birmingham City Council response**

- a. The type, size and tenure of housing required is set out in the Housing Targets Paper and is evidenced in the SHMA. It is also set out in Figure 2 of Policy TP30.

- b. The City Council has an Empty Property Strategy and this has been taken into account in assessing capacity in the urban area (in the SHLAA).
- c. The Plan includes guidance on the density of development. The densities set out in the policy are a continuation of those in the current policy. It has been demonstrated that the densities have been delivered. All types of housing, including family housing, can be delivered at a minimum density of 40 dwellings per hectare. The minimum density is the average across the whole site enabling lower density phases if necessary. The policy allows lower densities where these would be appropriate and can be justified.
- d. It is agreed that City Centre schemes could deliver considerably higher densities. The policy does not prevent higher densities from being delivered.
- e. If additional development opportunities become available in Edgbaston these will be taken into account in future revisions to the SHLAA. It would not be appropriate to make reference to this in this policy.
- f. It is not agreed that the Plan should set ward based housing targets. The Plan addresses housing need and supply on a city wide basis and only allocates large strategic sites. it would not be appropriate to allocate large sites for specialist housing.

#### **5.47.3 Recommended Changes**

No changes.

## **5.48 TP30 Affordable Housing**

A total of 15 comments were made on this policy.

### **5.48.1 Key issues raised in the representations**

- a. The high cost of affordable housing will constrain growth.
- b. Social housing should not be mixed with private housing as it affects the value of private housing.
- c. There is a need to be sure that young people can get affordable housing.
- d. It is vital that a good proportion of new housing is low rent or part buy part rent type housing.
- e. The policy is politically motivated and should be independently reviewed.
- f. The policy is not compatible with the housing target paper. The SHMA identifies a need for 38% affordable housing but the plan is only proposing 35%. This reduction is not supported by a viability assessment. The basis for the 15 dwelling threshold is not clear.
- g. The strong presumption in favour of on-site provision is not sufficiently flexible. Some small sites may be better built out as market housing with the affordable housing being provided on an alternative site.
- h. Affordable housing should be distributed throughout the site rather than creating ghettos.
- i. Reference to the role of economic viability in relation to affordable housing provision is welcomed. Schemes may not be able to deliver 35% affordable housing for a range of reasons not just abnormal costs or changing economic conditions.
- j. The policy should be less stringent in the approach to affordable housing provision for specialised accommodation. Housing for the elderly requires additional services and facilities making buildings less efficient with greater costs impacting on viability making it difficult to compete with mainstream housing providers for land. The inclusion of extra care housing within the affordable housing policy is not justified or consistent with National Policy.
- k. Clarification is required as to whether the 35% relates to homes or cost.

### **5.48.2 Birmingham City Council response**

- a. The affordable housing policy will not constrain the supply of housing. The cost of providing the affordable housing will impact on land values not developer profit. The policy is sufficiently flexible to allow the level of provision to be adjusted to ensure schemes remain viable. It allows for the viability of individual schemes to be assessed and for the level of provision to be revised where appropriate.

- b. The policy is compatible with the Housing Targets Paper. 38% is the overall proportion of housing which should be affordable - this is the level of provision which the plan is aiming to deliver. The 35% on sites of 15 or more dwellings relates to the level of provision necessary on private sites (using the affordable housing policy) to enable the full 38% to be provided i.e. it is the balance after taking account of delivery through other mechanisms such as Birmingham Municipal Housing Truct (BMHT) and other Registered Social Landlord/Homes and Communities Agency schemes.
- c. The policy is consistent with national policy. It is evidenced by SHMA and Housing Targets Technical Paper. The policy has sufficient flexibility regarding off site provision.
- d. The 35% relates to homes not cost. A minor modification is proposed for clarity.
- e. It is not accepted that extra care housing should be excluded from the policy or that the affordable housing should not be integrated with the market housing. Mixed tenure schemes are a key part of delivering sustainable communities.

### **5.48.3 Recommended Changes**

See MOD100 and MOD101 of Proposed Modifications.



## **5.49 TP31 Housing regeneration**

A total of 5 comments were made on this policy.

### **5.49.1 Key issues raised in the representations**

- a. Proposals are modest. The Plan needs to fully exploit opportunities.
- b. Higher densities could be achieved.
- c. There is a need for a coordinated approach to exploiting brownfield opportunities.
- d. There is no effective approach to regenerating private housing.
- e. Flats should be reconfigured to provide a better fit for single people.
- f. The policy must provide improved living conditions and cohesion.

### **5.49.2 Birmingham City Council Response**

- a. The policy identifies initial priorities – it is not a comprehensive list of schemes.
- b. The same density requirements apply to regeneration schemes, which may include private housing. Actual net dwelling gain on regeneration scheme can be minimal or negative when the demolition of existing housing is taken into account.
- c. The assessment of brownfield development opportunities has been coordinated. The SHLAA was undertaken with input from a range of City Council directorates, developers, landowners, agents and affordable housing providers.
- d. The issue regarding flats is too detailed for the Plan.

### **5.49.3 Recommended Changes**

No changes.

## **5.50 TP32 Student Accommodation**

A total of 7 comments were made on this policy.

### **5.50.1 Key issues raised in the representations**

- a. Student accommodation should be located on campus.
- b. Students could have better accommodation if fees were lower.
- c. The policy could prevent the delivery of student accommodation to serve Bournville College.
- d. The policy should require new accommodation to provide a safe and secure environment that promotes social interaction and natural surveillance.
- e. The principle of the policy is supported by Aston and Birmingham City Universities. The importance of access is recognised and the need for an SPD is questioned.

### **5.50.2 Birmingham City Council response**

- a. The policy sets out locational criteria for new accommodation. It would not be appropriate to restrict the development of new accommodation to on campus only. A campus will often have constrained land supply and private sector providers have no access to campus land. It is not agreed that the policy will prevent the delivery of accommodation for any of the City's higher education institutions.
- b. It is agreed that new development should provide a safe and secure environment.
- c. The issue of fees is outside the scope of the Plan.
- d. The SPD will provide additional guidance on the application of the policy.

### **5.50.3 Recommended Changes**

See MOD102 of Proposed Modifications.

## **5.51 TP33 Provision for Gypsies, Travellers and Travelling Showpeople**

A total of 9 comments were made on this policy.

### **5.51.1 Key issues raised in the representations**

- a. There will be a cost – the policy should be excluded from Plan if there is no cost benefit.
- b. The policy is vague – the same approach should be taken with housing in the Green Belt.
- c. There is no need to provide Travellers sites.
- d. No confidence that the amenity of nearby residents will be protected.
- e. The Plan should make provision beyond 2017. The introductory statement is unclear – it should commit to meeting needs in a new Gypsy and Travellers Accommodation Assessment (GTAA). There should be no requirement to demonstrate need. The criteria regarding accessibility and services is unacceptable. The final bullet regarding conflict with other policies is superfluous and the criteria should be accepted regardless of distribution.
- f. The policy should include a requirement for consultation to take place with the Police on site security issues and their advice should be sought on the design of specific schemes.
- g. The Plan should state the number of pitches required over the plan period.

### **5.51.2 Birmingham City Council Response**

- It is a statutory requirement to plan for Travellers sites. The need to demonstrate a cost benefit is not a reason for omitting the policy. Sites may be privately owned or pitches may be rented from the local authority depending on need.
- A revised assessment of need was undertaken in spring 2014 which identifies the level of need over the whole plan period for permanent pitches, transit pitches, stopping places and Travelling Showmen plots. It is agreed that the outcome of this should be reflected in the Plan including the requirement for the plan period.
- It is agreed that the requirement to demonstrate need should be removed. The purpose of the accessibility and services criteria are to ensure development takes place in a sustainable location and that appropriate facilities are available to residents, as is the case for other types of residential development. The 'other policies' bullet is to assist in directing development to suitable locations in accordance with the principles of sustainable development.
- It is agreed that the Police should be consulted on proposals but it would not be appropriate to specifically identify one consultee within the policy.

### **5.51.3 Recommended Changes**

See MOD14- MOD107 of Proposed Modifications.

## **5.52 TP34 The Existing Housing Stock**

A total of 9 comments were made on this policy.

### **5.52.1 Key issues raised in the representations**

- a. Empty residential and commercial properties should be brought back into use and run-down shops converted to flats. People should be encouraged to live in District Centres. All empty Council homes should be brought back into use. Empty homes could play a bigger role in meeting housing needs enabling the target to be reduced accordingly.
- b. More details of initiatives to improve the existing housing are required.
- c. The Plan should support improving the standard of the existing housing stock.

### **5.52.2 Birmingham City Council response**

- a. Vacant land and buildings have been included in the assessment of supply where its redevelopment for residential use is appropriate.
- b. Account has been taken of the contribution that returning empty homes into use can make towards meeting housing needs and an allowance for this has been included in the SHLAA. An Empty Homes Strategy is in place.
- b. The City Council are working to reduce the level of empty properties within the City Council's housing stock and to reduce turnaround times to ensure properties are re-re-let as soon as possible.
- e. Information on individual regeneration schemes is too detailed for inclusion in the plan.

### **5.52.3 Recommended Changes**

No changes.

## **5.53 TP35 Education**

A total of 278 comments were made on this policy.

### **5.53.1 Key issues raised in the representations**

- a. The majority of these comments were objections to the proposed developments in the Green Belt (in particular policy GA5) on the grounds that there is inadequate school provision in the area to meet the needs of the development. Points made are that funding for new schools should be guaranteed, schools should be built early in the development and there should be a plan for this, and new schools should be within walking distance of the new housing. Other comments also argue that money should be spent on the existing schools.
- b. A proposal is put forward to promote part of Green Belt Area A for the development of a new junior school through the Free School Programme.
- c. It is suggested that the policy should be amended to apply to universities and colleges.

### **5.53.2 Birmingham City Council Response**

- a. It is accepted that there is insufficient capacity in Sutton Coldfield schools to meet the needs of the Langley Sustainable Urban Extension. Policy GA5 includes a requirement to provide education facilities including new primary schools and a secondary school. Consultation has been undertaken and is continuing with the City's education department to determine the type of provision required and the timescale of delivery. The developer will be expected to fund the additional school provision and the precise location of new schools will be determined through the masterplanning process.
- b. The comment to include universities and colleges is accepted.

### **5.53.3 Recommended Changes**

See MOD108 of Proposed Modifications.

## **5.54 TP36 Health**

A total of 286 comments were made in relation to this policy.

### **5.54.1 Key issues raised in the representations**

- a. The majority of the comments were objections to the Green Belt development proposals (in particular policy GA5) on the grounds that healthcare facilities in the Sutton Coldfield are oversubscribed and will be inadequate to meet the needs of the proposed new housing. Points made are that the Plan lacks detail on delivery of healthcare provision (funding, timing etc.), there has been no discussion with healthcare providers, responses from health providers should be made public and local people already have to travel elsewhere to access services and hospital services are being transferred to Birmingham Heartlands hospital which is less accessible.
- b. Concerns were raised regarding noise pollution. Green Belt should be protected because it provides valuable open space with a positive impact on health and developing this area would adversely impact on health.
- c. Health development plan is required.
- d. Fast food outlets should be restricted near schools.
- e. Air quality and noise are serious issues within the inner city, which have worsened over recent years.
- f. Obesity should be tackled and fitness improved.
- g. The high street and health services within centre should be promoted.
- h. Land at Weeford Road should be developed for schools, health and other community facilities not housing.
- i. The reference to canals for walking and cycling to enable healthier and active lifestyles is welcomed.

### **5.54.2 Birmingham City Council Response**

- a. It is recognised that there will be a need to improve health facilities in the Sutton Coldfield area to meet the needs of the proposed new housing. Policy GA5 includes a requirement to provide health facilities. Consultation is being undertaken with healthcare providers to determine the type of provision required and the timescale of delivery. The developer will be expected to provide the funding for this and the location of additional facilities will be determined through the masterplanning process.
- b. The issue of transfer of hospital services is outside the scope of the Plan.

- c. Policies on air quality and noise will be included in the Development Management DPD which is being prepared.
- d. Hot food takeaways and linkages with schools have been explored in the Shopping and Local Centres SPD.
- e. The approach supports policies and the provision of sports facilities, green spaces, cycling etc. to help tackle obesity. A range of services are supported in local centres including health care facilities.

### **5.54.3 Recommended Changes**

See MOD110 of Proposed Modifications.

## **5.55 TP37 A sustainable transport network**

There were 341 comments on this policy.

### **5.55.1 Key issues raised in the representations**

- a. Many of the comments are objections to the Green Belt development proposals on the grounds that transport infrastructure is inadequate. Particular points include insufficient capacity on the A38 and other roads, the transport model is outdated, rail services/mass transit should be provided (re-opening of the Sutton Park line), congestion and pollution/CO2 emissions will increase, no funding for improvements is in place, there is a need for cycle routes, no discussions with the Highways Agency, an environmental assessment is needed, concern over the impact of HS2.
- b. Concern is expressed over the impact of Green Belt developments on the highway network in Staffordshire.
- c. Support for opening up of the canal network.
- d. Car clubs have limited range.
- e. An 'oyster card' system is needed.
- f. There is a need for the co-ordination of transport improvements with the Black Country.
- g. Concern is expressed over the proposed expansion of Birmingham Airport and the need for public transport connectivity to HS2.
- h. Road space should be redesigned to provide room for more sustainable modes as in the Birmingham Mobility Action Plan (BMAP).

### **5.55.2 Birmingham City Council response**

- a. A transport and infrastructure strategy has been developed to accommodate additional travel demand arising from development in the Green Belt. This includes new public transport routes and services, walking and cycling infrastructure, and improvements to the highway network to increase capacity. Smarter choices measures such as travel plans will also be implemented to reduce traffic and increase the use of sustainable modes as part of the development management process. Works have been developed for the A38 and funding packages will be formulated as required. The basis of the transport modelling is considered to be robust. Detailed discussions have taken place with adjoining Highway Authorities and the Highways Agency to resolve cross-boundary issues.
- b. Car clubs are mentioned as an example of the approach. The Council is working with Centro to introduce an 'oyster card' type scheme.
- c. The expansion of the airport and HS2 are supported by the Council as important to the growth of the City's economy.



- d. Road design is outside the scope of the Plan.
- e. It is accepted that there needs to be cross-boundary co-operation with the Black Country and other adjoining Councils.

#### **5.55.2 Recommended changes**

No changes.

## 5.56 TP38 Walking

A total of 13 comments were made on this policy.

### 5.56.1 Key issues raised in the representations

- a. Support for the policy and commitment to developing a City Centre public realm strategy.
- b. The road user hierarchy was questioned as actually desired by the public, with the need for a mix dependent on location and circumstances preferred.
- c. The lack of firm, costed plans was noted. New railway stations, schools and shopping centres need clear plans on how they will be accessed by pedestrians.
- d. The design principles for walking need to be applied to existing developments.
- e. Shared space should be supported over rigid engineering schemes. An emphasis on attractiveness of place will encourage walking.
- f. The policy needs to be stronger to meet DfT design standards, and the need to achieve wider and more inclusive clutter free footways. Developments must provide walking routes that are safe, direct, convenient, attractive, and well sign-posted. Development should link to existing, traffic-free links. This should also include safe and attractive routes to and from car parks.
- g. Junctions and carriageways need to be redesigned to remove inconvenient subways and double crossings to give priority to pedestrians. Walking infrastructure should be included as part of any maintenance or other highway scheme.
- h. Increased congestion (from the Green Belt development proposals) will make walking less desirable through pollution, fear of injury and more accidents.

### 5.56.2 Birmingham City Council response

- a. Walking is a crucial part of the transport system, and urban areas should support this. There is a need to encourage more active modes of travel and challenge over reliance on car use for environmental and health reasons. Pedestrian priority reflects their vulnerability.
- b. Active travel to key attractors is important. How these routes can be best designed and implemented will need to be considered on a case-by-case basis.
- c. It is not feasible to apply principles to existing developments. The Council's policies with regard to encouraging sustainable travel including the use of Travel Plans can help to identify measures to improve some existing developments e.g. through the introduction of facilities for cyclists, parking management regimes etc.
- d. Shared space is not appropriate in every location, as in some areas priority should remain with the movement function over place function.

- e. The relevant national design standards will be used in the design of new developments and highway schemes. The BMAP will consider how existing walking routes can be improved, particularly along strategic corridors. Priority for pedestrians will depend on specific location as there is a need to maintain and improve road safety.
- f. The Council is committed to ensuring that new development is sustainable and will not generate increased congestion. Improving road safety and reducing transport's impacts on the environment are at the heart of the Council's vision for transport.

### **5.56.3 Recommended changes**

See MOD111 of Proposed Modifications.

## 5.57 TP39 Cycling

A total of 13 comments were made on this policy.

### 5.57.1 Key issues raised in the representations

- a. There were a number of supporting comments.
- b. Towpaths are unsuitable due to poor surfaces, broken glass and lack of railings. Developers should be obliged to improve towpaths around their sites that will benefit from the canal. Improving towpaths will only encourage leisure cycling.
- c. More knowledge is required of cycling laws and etiquette for cyclists.
- d. The Cycle Revolution boundary doesn't include the Green Belt developments. Terrain and urban landscape makes cycling between Sutton Coldfield and Birmingham unsuitable.
- e. How will increased access to bikes be managed - similar schemes are about to lose sponsorship.
- f. Improving cycle safety on main roads and junctions should be a priority. Cycle lanes are not respected and are too short. Lanes in residential areas are blocked by parked vehicles. Bus lanes are too dangerous. Redistribution of road space needs to align with BMAP, with space for cyclists implemented as a matter of course after maintenance.
- g. Developments must provide cycling routes that are safe, direct, convenient, attractive, and well sign-posted, according to DfT guidance. Secure, under cover cycle parking close to destinations is required. Development should link to existing, traffic-free links.
- h. There is no mention of facilities for showering and changing.
- i. Active travel, and Cycle and Ride should be encouraged to cut congestion around railway stations and schools.

### 5.57.2 Birmingham City Council response

- a. There is no evidence to suggest that canal towpaths are particularly unsafe. Railings are unnecessary and impractical.
- b. A separate mobility plan for the Green Belt developments, including cycling, has been developed. The Birmingham Cycle Revolution proposes improvements along the A5127 corridor and other back street and canal routes.
- c. The Birmingham Cycle Revolution includes a bike hire scheme that doesn't involve sponsorship. Birmingham Cycle Revolution includes £16m of investment to improve road safety. The 20mph speed limit, and development standards will address safety issues. BMAP covers ways to make cycling more attractive, including highway improvements. Limited highway space in some cases will require on-carriageway cycling. Bus priority is a

requirement in some areas, and may take precedence over dedicated cycle space. Residential cycle lanes will include dedicated lanes and parking controls to avoid conflict. It is not always practical to redistribute road space as part of maintenance as reallocation requires consultation.

- d. It is not considered to be justifiable to require showering and changing facilities to be provided through the planning process. Cycle etiquette is outside the scope of the Plan.
- e. Cycle hubs with secure parking are proposed at stations, and school travel plan programmes will develop routes for cycling to school, enhanced by the proposed 20mph limits.

### **5.57.3 Recommended changes**

No changes.

## 5.58 TP40 Public Transport

A total of 28 comments were made on this policy.

### 5.58.1 Key issues raised in the representations

- a. There are no concrete plans or funding identified. A review of the current and future public transport network is required. Measures identified are too minor, and will not increase mode shift to bus.
- b. The Green Belt developments have no firm plans, and no funding identified. The Camp Hill Chords, to support the implementation of the Sutton Park line, should be deemed essential. All transport infrastructure should be implemented before development occurs.
- c. Support for expansion of Midland Metro, although a commitment for routes to Eastside, HS2, Birmingham Airport (both routes), and along the A38 and A435 is required. A regional scale network should be supported, to be truly effective.
- d. Bus Rapid Transit (BRT), SPRINT or bus lanes will not be adequate due to popular demand, lack of road space and the failure of bus lanes previously along key routes, such as the A38.
- e. Buses are very important, and require more development. However, they are run by private operators, so the Council will have little say. Diesel buses in the City centre cause pollution and the suggestion of hybrid buses in BMAP needs to be implemented.
- f. There is support for Snow Hill enhancements to Kidderminster. Soho Road Railway Station should not be supported. 4-tracking of the New Street-Birmingham International Line would provide better connectivity than a Metro link. The cross-City line should run at 5 minute frequencies.
- g. The Plan should be aligned with BMAP and Centro's Integrated Transport Prospectus, through Bartley Green SPRINT, and a link to the Green Belt developments. The Policies Map should be updated to show all Metro/SPRINT routes and stops.
- h. Park and Ride should be expanded, but with greater flexibility to allow additional sites to be identified. Inner, and Edge of City park and ride sites need to be distinguished, with inner City sites promoted more for Cycle and Ride.
- i. The HS2 parkway station, and associated links will take funding away from areas that require investment more.

### 5.58.2 Birmingham City Council response

- a. The Birmingham Mobility Action Plan (BMAP) builds on the Birmingham Development Plan and sets out a vision for an improved public transport system. The BMAP Green Paper provides a baseline review of transport in the City and identifies the opportunities for improving it. A White Paper is due to be published later in 2014. This will provide a basis for securing funding.

- b. A transport and infrastructure strategy has been developed to accommodate additional travel demand arising from development in the Green Belt. This includes new public transport routes and services, walking and cycling infrastructure, and improvements to the highway network to increase capacity. Smarter choices measures such as travel plans will also be implemented to reduce traffic and increase the use of sustainable modes as part of the planning control process. Works have been developed for the A38 and funding packages will be formulated as required. The Sutton Park Line has been assessed and is not essential to deliver development in the Green Belt.
- c. For some corridors light rail may not be appropriate due to financial and/or physical constraints. BRT can provide a reasonable alternative to light rail in some circumstances and the importance of buses continues to be recognised. There is insufficient certainty about the alignment of light rail/sprint routes for these to be shown on the Policies Map. The policy continues to support Park and Ride.
- d. The overall approach of the Plan is aligned with BMAP, but is accepted that there are some detailed inconsistencies which need to be removed.
- e. HS2 is being promoted by the Government.

### **5.58.3 Recommended changes**

See MOD112 – MOD115 of Proposed Modifications.

## 5.59 TP41 Freight

A total of 12 comments were made on this policy.

### 5.59.1 Key issues raised in the representations

- a. Canals should be reopened for freight use.
- b. Freight on canals require feasibility studies and should operate within current policies and arrangements, and without impacting on the leisure industry. Development of wharfs are supported to assist freight movements.
- c. Road freight hubs, to transfer from lorries to smaller vehicles for inner City deliveries should be developed. 44 tonne lorries should be banned for local deliveries, with cycle or Low Emission Vehicle couriers used instead, alongside barges and trains.
- d. The freight impact on public transport, such as the viability of the Sutton Park line needs to be considered.
- e. The Peddimore development will increase the number of lorries on the road, resulting in congestion and pollution. A connection to Hams Hall freight depot needs to be implemented.
- f. The West Midlands Metropolitan Freight Strategy needs to be referenced, alongside specific Birmingham-Black Country schemes.
- g. Rail freight should be enhanced to protect and expand their use, not just supported. HS2 should be used for freight, with a new freight hub in the vicinity of Lawley Street Freightliner.
- h. The policy could be split into "Business to Business" and "Business to Customer" to reflect the different types of freight movement.
- i. Air freight should be strongly discouraged.

### 5.59.2 Birmingham City Council response

- a. A number of studies have been undertaken into canal freight which have demonstrated that it could play a role in meeting the freight haulage needs of specific 'niche' businesses. There are some considerable barriers to this but canal freight can be a cost-effective option and provide wider environmental benefits. It is not considered that a significant increase in the volume of freight traffic on the canal network will be realised in the short term given the current economic climate.
- b. The Council has already undertaken studies into freight consolidation centres and this has shown that whilst they could provide benefits, they are difficult to develop as a result of the amount of operating subsidy required to make them viable. Additionally many of the larger



retailers who use the largest vehicles already operate their own consolidation. The BMAP work will revisit this issue.

- c. A transport and infrastructure strategy has been developed to accommodate additional travel demand arising from development in the Green Belt.
- d. BMAP will explore innovative solutions to freight movements in the City.

### **5.59.3 Recommended changes**

No changes.

## **5.60 TP42 Low Emission Vehicles**

A total of 6 comments were made on this policy.

### **5.60.1 Key issues raised in the representations**

- a. There are no details on this policy. Future plans and costs for charging points and information on current usage are required. A fully implemented policy with targets should be included, rather than just 'support'.
- b. The cost of providing charging points is questioned. Vehicles will be deemed a nuisance by users. An accurate assessment of the number of vehicles in use in 20 years is required.
- c. Schemes such as Car2Go should have been implemented with electric vehicles initially.
- d. Trams and trains are Low Emission Vehicles and should be planned and implemented.

### **5.60.2 Birmingham City Council response**

- a. The Council is currently developing a Low Emission Vehicle infrastructure strategy which will help determine what is needed,
- b. The Council will look to the private sector to invest and deliver charging and refuelling infrastructure.

### **5.60.3 Recommended changes**

No changes.

## 5.61 TP43 Traffic and Congestion Management

A total of 33 comments were made on this policy.

### 5.61.1 Key issues raised in the representations

- a. Majority of responses are objections to Green Belt development (policies GA5 and GA6). Issues raised include lack of specific plans, costs or timescales, impact on local areas such as Walmley, need for all assessments carried out to be shown, along with timescales, alternate plans and cost benefit analysis, increased congestion, and the need for traffic calming.
- b. A 20mph speed limit is unnecessary, too anti-car, and will increase congestion, pollution and not encourage walking. A blanket speed limit will inhibit growth. The limit should only be reduced where specific safety concerns are apparent.
- c. One response strongly supports the wider introduction of 20mph speed limits.
- d. The Plan needs to consider and facilitate car use, in a sustainable way, to avoid harming Birmingham's Global City ambitions. An approach to residential parking provision which appears to deny the ongoing existence of cars is flawed.
- e. Through traffic within the A4540, excluding the A38, should be discouraged, with corresponding upgrade of the A4540 to grade separated junctions. Re-introduce cars onto select routes and concentrate parking around these to reduce congestion elsewhere in the City core.
- f. The plan should include use of shared space approaches where appropriate.
- g. The solution is not positively prepared. A sustainable transport network is not achievable, due to the increases in congestion and CO2. A connectivity plan that will work with communities is required to reduce current issues.
- h. Transport improvements must be developed in a coordinated way, with specific Birmingham-Black Country links identified. Improvements to M5 J1&2, and M6 J10 are required to support growth of the Black Country and Birmingham.
- i. The policy should be amended to state that schemes which can assist the delivery of highway improvement lines, whether in their original form or through revised schemes should be supported.
- j. Improvement Lines should be reserved for public transport and active use only, as there is a conflict between free-flowing traffic and a friendly walking environment. Railway Improvement Lines should be implemented, to protect land for rail improvements.
- k. A 'high capacity road network' raises concern – future demand can be accommodated on the existing network through a shift to cycling.

### **5.61.2 Birmingham City Council response**

- a. A transport and infrastructure strategy has been developed to accommodate additional travel demand arising from development in the Green Belt. This includes new public transport routes and services, walking and cycling infrastructure, and improvements to the highway network to increase capacity. Smarter choices measures such as travel plans will also be implemented to reduce traffic and increase the use of sustainable modes as part of the planning management process. Works have been developed for the A38 and funding packages will be formulated as required.
- b. 20mph limits will create safer roads and support more active travel. The issue of shared space is too detailed for the Plan.
- c. Through traffic is already discouraged from passing through the City Centre other than via the A38.
- d. It is agreed that transport improvements should be delivered in a co-ordinated way with adjoining areas and the Council will continue to operate in this way through existing arrangements.
- e. The BMAP will identify improvements to Birmingham's transport network in order to make it more efficient, attractive and enable more sustainable movement of people and goods. The Plan seeks to manage car use and to balance it with other modes in order to achieve a more sustainable transport network which will be able to cope with increased transport demand. This will require some roads to be 'high capacity'.
- f. Improvement Lines can be used to improve the highway to the benefit of all road users, particularly in terms of road safety.

### **5.61.3 Recommended changes**

See MOD118 of Proposed Modifications.

## **5.62 TP44 Accessibility Standards for New Development**

A total of 7 comments were made on this policy.

### **5.62.1 Key issues raised in the representations**

- a. There is a need for safer streets, shared cycle routes and improved road maintenance.
- b. It is unclear how accessibility standards were developed.
- c. The Green Belt development will not meet these accessibility criteria.
- d. Targets are not realistic as there is no commitment to funding of facilities. There are too many uncertainties and aspirational policies that are not realistic.
- e. Proposed standards contradict Centro's in relation to the frequency of transport stops.
- f. Wording and policy needs to be stronger and more definitive for new development criteria, to help support the 36% of people who don't own a car in a City designed for one. All new developments need to contribute to public and active transport provision.
- g. The development criteria should use the phrase 'have to' rather than 'ideally'.

### **5.62.2 Birmingham City Council response**

- a. The accessibility standards are based on research carried out by the Department for Transport to determine reasonable levels of accessibility to key services. This included consultation with all user groups. The standards are used to guide the location of development towards more accessible locations and to ensure that key services are provided if the location chosen does not currently have key services.
- b. The targets are considered to be realistic but it would not be appropriate for them to be mandatory. The Green Belt developments will meet the criteria.
- c. It is accepted that clarification of the relationship with Centro's standards is needed.

### **5.62.3 Recommended changes**

See MOD117 of the Proposed Modifications.

## **5.63 TP45 Digital communications**

There were a total of 6 comments on this policy.

### **5.63.1 Key issues raised in the representations**

- a. The policy is vague and hard to understand. A cost-benefit assessment should be undertaken.
- b. Mobile telecommunications masts should not be encouraged.
- c. Support for the principle of the policy.

### **5.63.2 Birmingham City Council response**

- a. The policy clearly sets out the City Council's objective of improving digital communications. Further information is provided in the Infrastructure Delivery Plan.
- b. Details of the City Councils' approach to masts and base stations is provided in an SPD and it is not necessary to include more detailed guidance in the Plan.

### **5.63.3 Recommended changes**

No changes.

## 5.64 Chapter 10 Implementation

A total of 21 comments were made on this policy.

### 5.64.1 Key Issues raised in the representations

- a. Concerns were raised about the lack of demonstration of a deliverable strategy, with some comments suggesting that specific delivery policies needed to be included. Comments were also received asking for further details to be added on the levels of funding available, and on specific infrastructure requirements (e.g. A38 proposals associated with Langley SUE).
- b. Comments suggested that a detailed costing evaluation should be undertaken of the proposals in the Plan to examine its deliverability. Others suggested that without a draft Community Infrastructure Levy it is hard to assess the viability of the Plan.
- c. Reference should be made to the use of planning implementation documents to support the delivery of the Plan.
- d. There is no mention that the Duty to Cooperate has been met, and there is a lack of evidence of consultation with adjacent authorities.
- e. There should be more emphasis on supporting local investment / ownership, not just inward investment.
- f. An objection was received from the Police to the assumption that there is no requirement for developer contributions towards Police infrastructure.
- g. The Plan is not a consultation friendly document and does not reflect the principles of localism. The community has not had enough influence over its development.

### 5.64.2 Birmingham City Council Response

- a. The Implementation Chapter sets out the broad strategy and powers available to the City Council, as well as working with the wider public and private sectors, to deliver the Plan. The supporting evidence base, including the Site Delivery Plan and Infrastructure Delivery Plan demonstrate that the proposals have a realistic prospect of delivery. As the availability of funding is likely to change during the lifetime of the Plan it is not considered appropriate to identify specific levels of funding. The overall strategy is considered to be deliverable in line with the requirements of the NPPF.
- b. It would be unrealistic to undertake detailed cost assessments for each proposal. The policies in the Plan provide a framework to account for viability considerations, and key mechanisms for delivery are identified. Ongoing work on the development of the Community Infrastructure Levy demonstrates viability of schemes.
- c. General reference to the use of planning implementation documents is already included in the Plan.

- d. Details on the Duty to Co-operate are set out in the Duty to Co-operate Statement.
- e. It is agreed that a reference to support for local investment and ownership should be included.
- f. There will be opportunities to comment and influence the content of the Community Infrastructure Levy regards developer contributions towards Police infrastructure during future consultations.
- g. The Council has sought to make the Plan as user-friendly as possible within the confines of national requirements and consultation has been in line with the Council's Statement of Community Involvement.

#### **5.64.3 Recommended changes**

See MOD119 and MOD120 of Proposed Modifications.



## **5.65 Monitoring**

There were a total of 9 comments on this section.

### **5.65.1 Key Issues raised in the representations**

- a. There should be more emphasis on qualitative rather than quantitative measures.
- b. Measures should be more stretching and various additions are suggested. Other additions are suggested by English Heritage.
- c. Outcomes should be included.
- d. More information is needed on how indicators will be measured. The cost is queried.
- e. Involvement in the monitoring process is sought.

### **5.65.2 Birmingham City Council Response**

- a. The quantitative measures put forward seek to monitor the delivery of the Plan's policies which contain outcomes and targets where relevant.
- b. Monitoring is primarily through the Authorities' Monitoring Report which is published annually. The monitoring indicators seek to use data which is readily available to minimise costs.
- c. Some of the detailed suggestions are accepted, but some are either not considered appropriate or not capable of measurement easily.

### **5.65.3 Recommended changes**

See MOD121 of Proposed Modifications.

## **5.66 The Policies Map**

There were a total of 32 comments on Policies Map.

### **5.66.1 Key Issues raised in the representations**

- a. Many of the comments are objections to Green Belt development for a variety of reasons also put forward under other policies, in particular GA5 and GA6.
- b. An additional site is proposed for housing in the Green Belt at Withy Hill Farm.
- c. The Plan lacks substance.
- d. The Map is hard to read.
- e. The Plan is not based on the most up-to-date information in relation to the boundary of Woodgate Valley SLINC.
- f. An area of land next to Hamstead railway station should be removed from the Core Employment Area.
- g. The HS2 Safeguarding Area should be accompanied by a policy explaining what the designation means.
- h. Additional Sprint/Rapid Transit routes should be shown.

### **5.66.2 Birmingham City Council Response**

- a. The Green Belt objection points and the issue of additional Green Belt allocations are dealt with elsewhere, in particular in relation to policies GA5 and GA6.
- b. It is not accepted that the Plan lacks substance.
- c. The Council has sought to make the Map as clear as possible.
- d. It is agreed that amendments should be made in relation to Woodgate Valley SLINC and the Core Employment Area and that policy wording should be included (in policy TP40) to explain the HS2 safeguarding.
- e. There is insufficient certainty in terms of the alignment of future Sprint/Rapid Transit routes for these to be shown.

### **5.66.3 Recommended changes**

See MOD122 – MOD124 of Proposed Modifications.

## **5.67 Duty to Co-operate**

There were a total of 284 comments on the Duty to Co-operate.

### **5.67.1 Key Issues raised in the representations**

- a. The City Council has failed to show how the full extent of development needs arising within Birmingham will be met and has not secured agreements with neighbouring authorities on where provision will be made for the shortfall. This point is made by both developers/house builders and local residents who also consider that the designation of land for development within the Green Belt in Birmingham pre-empts the consideration of options across the wider area.
- b. The City Council has not consulted or engaged effectively with neighbouring authorities for example in terms of the capacity of land in the Black Country and Warwickshire.
- c. Consultation has been inadequate and there has been a failure to consult local organisations such as Walmley Residents Association, local schools and Good Hope Hospital.
- d. A number of neighbouring local authorities confirm that in their view the Duty has been met. However Staffordshire County Council consider that the Duty has not been met because of issues in relation minerals and waste.
- e. No Local Aggregates Plan has been produced.
- f. A number of comments are actually objections to Green Belt development for reasons set out under policies GA5 and GA6.

### **5.67.2 Birmingham City Council Response**

- a. The detailed Green Belt issues are covered under policies GA5 and GA6.
- b. The Council does not accept the criticisms of the local consultation process, but this is not strictly a Duty to Co-operate issue.
- c. The Council considers that it has met the Duty with respect to Staffordshire. More detail can be found in the Duty to Co-operate Statement. This also applies to the Local Aggregates issue.
- d. The Council has engaged very extensively with adjoining Councils. This is demonstrated in the Duty to Co-operate Statement.
- e. The Council does not accept that the plan is deficient because the strategy it has prepared has not been considered against all reasonable alternatives. The scale and distribution of the housing shortfall will be considered through the GBSLEP's Strategic Housing Needs Study and the Spatial Plan for Recovery and Growth. The Council has worked actively with neighbouring authorities in relation to this and substantial progress has been made. It would be wholly inappropriate to expect neighbouring areas to accommodate some of

Birmingham's housing shortfall without Birmingham first having made reasonable and appropriate provision within its administrative area.

### **5.67.3 Recommended changes**

No changes.

## 5.68 Legal Compliance

There were a total of 229 comments on Legal Compliance.

### 5.68.1 Key Issues raised in the representations

- a. The Sustainability Appraisal (SA) process has not been undertaken correctly and is incomplete because it is silent on how cross-boundary housing needs can be met and reasonable alternatives to the preferred strategy have not been considered. The GBSLEP work should be completed first and the alternative approaches arising from this should be assessed and be subject to consultation. The BDP SA should have assessed all reasonable alternatives on a comparable basis in order to determine the appropriate split of housing within and outside the city boundary. There is insufficient detail in respect of minerals.
- b. The Plan is not compliant with the NPPF because it does not show where all the objectively assessed requirement for new housing will be met and the proposals for Green Belt development are not justified.
- c. Consultation has been inadequate, too short and not compliant with the NPPF because a shared vision with local communities has not been created and health, education and transport authorities have not agreed the Plan. The information provided was too complicated. There should be a vote on the Plan.
- d. The transport modelling is flawed and the population and household projection are unreliable. There is no needs analysis.
- e. Some comments say that the Plan is legally compliant.
- f. There has been inadequate engagement with adjoining Councils and the Duty to Co-operate has not been met.
- g. Infrastructure needs have not been properly addressed.
- h. Comments should not have been published before the end of the consultation period, people should not have been asked whether they wish to appear at the examination and comments after the published deadline should not be accepted.

### 5.68.2 Birmingham City Council Response

- a. The plan is supported by a SA, which considers reasonable alternatives. The approach taken is summarised in the paper on the Evolution of the Sustainability Appraisal of the Birmingham Development Plan. The issue of cross-boundary housing needs is not a legal compliance issue.
- b. The Council considers that the Plan is compliant with the NPPF – but this is not a legal compliance issue.

- c. Consultation has been undertaken in line with the statutory requirements and the Council's Statement of Community Involvement. Education, health and transport authorities have been consulted. The Council sought to make the process as straightforward as possible and the consultation period exceeded the statutory minimum. There is no provision for a vote on the Plan.
- d. The Council considers the evidence base in relation to transport and other issues to be robust – but this is not a legal compliance issue.
- e. Adjoining authorities have been engaged and the Council considers that the Duty to Co-operate has been met. Details are contained in the Duty to Co-operate Statement.
- f. The Plan is accompanied by an Infrastructure Delivery Plan.
- g. It is common practice to ask respondents to indicate whether they wish to appear at the examination, responses are public documents and the Council's normal approach is to allow some flexibility around deadlines.

#### **5.68.3 Recommended changes**

No changes.