

Representation Form (Part A)

Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

How to use this Representation Form

Please complete this Part A in full. Please note that anonymous comments cannot be accepted. Then please complete a Part B form for each representation that you wish to make.

The Development Management in Birmingham DPD (DMB), including all supporting and accompanying documentation, is available to view in full online at www.birmingham.gov.uk/DMB

Representations on the Publication version of DMB can be made from **Thursday 9th January 2020 to 17:00hrs on Friday 21st February 2020**. Please note that the Council is unable to accept representations after this point.

The Council strongly recommends the use of this Representation Form for submitting any comments. This will help to ensure that any formal representations that are made are matters of relevance to the subsequent examination by the Planning Inspectorate – an Inspector will only consider issues relating to the 'soundness' or 'legal compliance' of the DMB at examination.

PART A

1. Personal Details*

** if an agent is appointed, please complete only the Title, Name and Organization boxes below but complete the full contact details of the agent in Section 2*

Title:

First Name: Caroline

Last Name: McDade

Job title (where relevant):

Organisation (if relevant): Deloitte LLP (on behalf of Universities Superannuation Scheme)

Address Line 1:

Address Line 2:

Town:

County:

Postcode:

Telephone:

Email address:

2. Agent Details* <i>* only complete this section if an agent has been appointed</i>	
Title:	
First Name: Caroline	
Last Name: McDade	
Job title (where relevant): Director	
Organisation (if relevant): Deloitte LLP (on behalf of Universities Superannuation Scheme)	
Address Line 1: 1 New Street Square	
Address Line 2:	
Town: London	County:
Postcode: EC4A 3HQ	Telephone: 020 7007 1347
Email address: chulbert@deloitte.co.uk	

3. Requests for Notifications	
<i>This section is for requests to be notified of progress with the DMB for those who are not submitting a formal representation. If you do submit a representation using a part B form then you will automatically be notified of all stages of the DMB and can disregard this section.</i>	
I wish to be notified of the following stages of the DMB (please tick/check all that apply):	
Submission to the Secretary of State for Communities and Local Government Y/N	Y
Publication of the Planning Inspector's Report on the Publication Version Y/N	Y
Adoption by the Council Y/N	Y

4. Declaration	
If you are submitting Part B form(s), please confirm how many:	1
Data Protection The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.	
Declaration: I understand that any representations submitted will be made public and that my personal details will not be passed to any third parties without my prior written consent.	
Name: Caroline McDade	Date: 19/02/2020

Please ensure that you submit this form no later than **17:00hrs** on Friday 21st February 2020

Email completed forms to: planningstrategy@birmingham.gov.uk

Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

Tel: 0121 303 4323

Representation Form (Part B)

Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

PART B

1. Confirmation of Name*

** please print your name on each separate representation (the name should match that entered on the Part A form)*

Full Name: Caroline McDade

Organisation (if relevant): Deloitte LLP (on behalf of Universities Superannuation Scheme)

2. Your Representation

Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.

Q1. Do you consider the DMB to be legally compliant?	YES	X	NO	
Q2. Do you consider the DMB to be sound?	YES	X	NO	
Q3. Does the DMB comply with the Duty to Cooperate?	YES	X	NO	

If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.

Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	
c/ It is not effective	
d/ It is not consistent with national policy	

Q5. Which part of the DMB are you commenting on?	
Page Number	
Policy Number	
Paragraph Number	
Table / Figure / Appendix	
Other	
Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?	
<i>Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.</i>	
Please see attached letter.	
Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
Please see attached letter.	
Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?	
<i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i>	
Please see attached letter.	
Q9. Are there any additional comments you would like to make with regard to the DMB?	
Please see attached letter.	

3. Declaration

Data Protection

The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

Declaration:

I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

Name: Caroline McDade

Date: 19/02/2020

Please ensure that you submit this form no later than 17:00hrs on Friday 21st February 2020, with an accompanying Part A form completed.

Email completed forms to: planningstrategy@birmingham.gov.uk

Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

Tel: 0121 303 4323

19 February 2020

Planning Policy
Planning and Development
PO Box 28
1 Lancaster Circus
Birmingham

Dear Sir / Madam

Development Management in Birmingham (Publication Version – Regulation 19)

Representations on behalf of Universities Superannuation Scheme

Deloitte Real Estate is instructed by Universities Superannuation Scheme (USS) to advise on planning matters in respect of its commercial asset at Hurricane Park, Heartlands Spine Road, B7 5PJ ('the Site'). USS therefore has an active interest in the formulation of planning policy at Birmingham City Council (BCC) and welcomes the opportunity to respond to the Development Management in Birmingham Development Plan Document (DMBDPD) (Publication Version - Regulation 19).

The emerging DMBDPD will provide detailed policies to help determine planning applications and development decisions across the city supporting the strategic policies set out in the Birmingham Development Plan which was adopted in 2017. The document, once adopted, will replace the remaining Saved Birmingham Unitary Development Plan 2005 policies which have now become outdated.

BCC are inviting comments regarding the 'soundness' and legal compliance of the publication document as part of a formal consultation until 21 February 2020. All representations received will be forwarded to the Inspector alongside the document itself for examination.

The Site and Surroundings

The Site is located approximately 5km north east of Birmingham City Centre, within the industrial area of Bromford. The Site currently consists of three units that have permission to operate in use classes B1, B2 and B8. The River Tame and M6 motorway form the boundary of the Site, with the river located to the north and east, and the motorway providing a strong boundary to the south and west. The Site is located within a wider industrial area, with industrial uses located to the north, east and west. To the south of the site, beyond the M6 motorway, is the residential area of Washwood Heath.

Access is provided off the A47 / Heartlands Parkway to the south of the Site which forms part of the Birmingham Strategic Highway Network. The nearest train station is Gravelly Hill, located approximately 1.5km northwest of the Site. A Site of Local Importance for Nature Conservation covering the River Tame runs adjacent to the Site.

The area of land immediately to the south of the Site, on the opposing side of the A47, is currently vacant brownfield land but has planning permission for the erection of an asphalt plant.

Planning History

USS obtained planning permission, on 26 January 2016, for alterations to the Hurricane Park access at Heartlands Parkway to include the provision of a new signalised junction and right turn movement from Hurricane Park (ref. 2015/09232/PA). There is an outstanding S278 obligation for USS to provide the highway requirements however, discussions regarding these highways works remain ongoing between USS and Amey, who are appointed on behalf of BCC.

As stated previously, planning permission was granted on 27 September 2018 for the erection of an asphalt plant at Land at Washwood Heath Freight Yard, directly to the south of the USS site. In July 2017, in response to this planning application, USS submitted representations setting out its concerns regarding the potential increase in traffic as a result of the development and the impact this would have on the USS site.

Existing Policy

The Birmingham Development Plan (BDP) was adopted in January 2017. The BDP and adopted Policies Map for Birmingham allocates the Site within a Core Employment Area, as identified in Policy TP19 'Core Employment Areas'. Policy TP19 identifies that Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities. The policy further states that "*measures to improve the operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment will be supported.*" Additionally, Policy TP19 identifies that particular improvements to transport infrastructure will be encouraged to improve access and reduce congestion.

Further policies of the BDP relevant to the Site include, Policy TP44 'Traffic and congestion management' and Policy TP38 'A sustainable transport network'. Policy TP44 promotes the efficient, effective and safe use of the existing transport network through the prevention or refusal of development on transport grounds, where the residual cumulative impacts of development are severe. Policy TP38 promotes the reduction in the negative impact of road traffic.

USS Response

The National Planning Policy Framework (NPPF) (2019) sets out that local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are 'sound'.

There are a number of tests to determine whether a plan is sound, including that it would need to be effective and consistent with national policy (Paragraph 35, NPPF). The following sections discuss how USS considers the soundness of the emerging DMBDPD when assessed against the effective and consistent with national policy tests of the NPPF.

USS generally supports BCC's commitment to improving air quality. Draft policy DM1 'Air quality' identifies that mitigation measures will be proportionate to the background air quality in the vicinity. Paragraph 181 of the NPPF states that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision or enhancement. Therefore, it is considered the draft policy is consistent with national policy, as it requires mitigation measures to be identified through relevant assessments. However, for the DMBDPD to be effective and support the deliverability of the BDP over the plan period to 2031, it is recommended that flexibility is applied to the draft policy to ensure that development is not restricted by disproportionate mitigation measures which are not reflective of the area relevant to a development proposal.

Paragraph 180 of the NPPF states that new development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from the new development itself. Draft policy DM6 'Noise and Vibration' identifies that existing levels of background noise will be taken into account when assessing development proposals. It is considered this draft policy is consistent with national policy. However, for this

policy to be effective and not prevent BCC from delivering the BDP, it is important that flexibility is applied to ensure that development is not restricted in areas with existing high background noise, such as the USS site.

Draft policy DM14 'Highway Safety and Access', identifies that new development must ensure that it would not have an adverse impact on highway safety. Draft Policy DM14 also identifies that development proposals that generate significant amounts of traffic should be accompanied by a Transport Assessment and Travel Plan. This is consistent with the NPPF which states in Paragraph 104, "*development should only be prevented or refused on highway grounds if there would be an acceptable impact on highway safety.*" Policy TP19 'Core Employment Areas' supports measures to improve the operational efficiency and the quality of Core Employment Areas, whilst encouraging improvements to access. Therefore, for the emerging DMP to be effective it must not restrict the operations of these employment areas and support improvements to access arrangements whereby it can be demonstrated that this would enhance the functionality of these sites, including the USS site.

Part 6 of draft policy DM14 'Highway Safety and Access', states that new vehicle access points will be supported where they do not result in the adverse impacts outlined in the policy. USS previously demonstrated that a right turn across the Heartlands Parkway to access the Site would not have any adverse impacts on traffic or highways safety. As a result, a S278 agreement was drawn-up to permit USS to implement these access improvements on the highway. USS consider this demonstrates compliance with national policy regarding highway safety. Therefore, USS encourage BCC to adopt a flexible approach in this policy when new vehicle access points are proposed to improve access and operations of sites in Core Employment Areas, such as the USS site. In doing so, USS would consider the DMBDPD to be effectively prepared.

Conclusion

In summary, USS consider that the emerging DMBDPD can be considered 'sound', subject to implementing USS's recommendations, as set out above. USS strongly recommend that BCC ensure that the emerging document does not hinder the ability of Core Employment Areas to be the focus of economic regeneration activities. Of particular importance to the USS asset is ensuring flexibility is applied to access and transport improvements that would improve the functionality and attractiveness Core Employment Areas.

USS is pleased to have the opportunity to respond to the Regulation 19 consultation on the emerging DMBDPD and requests to be informed on the progress of the document. In the interim, if you have any queries, please contact Cerys Hulbert on 020 7007 1347 or at chulbert@deloitte.co.uk.

Yours sincerely



Caroline McDade
Deloitte LLP