



Inspector Mr. Roger Clews BA, MSc, Dip Ed, Dip TP, MRTPI

Mr W Nazir
Director of Planning and Regeneration
Birmingham City Council

21 July 2014

Dear Mr Nazir

**Examination of the Birmingham Development Plan 2031 –
Inspector’s Initial Questions and Observations**

As you know, I have been appointed to examine the Birmingham Development Plan 2031 [BDP]. After reading through the submitted plan [Examination document SUB1], I have a number of initial questions which are set out in the enclosed paper. I would be grateful for a response to each of them by **Friday 1 August 2014**.

Examination document SUB2 is a list of 122 *Modifications Following Pre-Submission Consultation*. I assume they are intended, at least in part, to address points raised during consultation on the pre-submission version of the BDP. As I understand it, however, there has been no public consultation on the modifications themselves. This means that I cannot regard any of the modifications which materially affect policies in the plan as part of the BDP for the purposes of the examination. Instead my examination will be based on the pre-submission version of the BDP, as that was the version on which public consultation under Regulation 19¹ took place.

If the modifications in SUB2, and any other modifications that may be proposed during the examination process, are to be incorporated into the BDP, this will need to happen under the procedures set out in sections 20 and 23 of the *Planning and Compulsory Purchase Act 2004* (as amended). Those sections also define the difference between Main and Additional modifications.

Main modifications are those which are needed to make the plan legally-compliant and sound (s20(7C) & s23(2A)(b)). Additional modifications are those which (taken together) do not materially affect the policies in the plan (s23(2)(b)&(3)(b)).

To reflect these definitions, I would like to ask the Council to divide the *Modifications Following Pre-Submission Consultation* into two tables, one containing proposed Main modifications and the other containing proposed Additional modifications.

¹Of the *Town and Country Planning (Local Planning) (England) Regulations 2012*

The tables should use the standard template which the Programme Officer will provide, and should be sent to him by **Friday 1 August 2014**. If the Council considers that other Main or Additional modifications are necessary following their consideration of my initial questions, they should be added to the tables.

I would then like the tables of proposed modifications to be maintained as "live" reference documents, and regularly updated as the examination proceeds.

This advice does not imply that I endorse any of the proposed modifications at this stage.

Please let me know as soon as possible, via the Programme Officer, if you have any queries on the contents of this letter and the enclosed paper.

Finally, I would like to say how attractive I find the design and layout of the BDP. The colour-coding of the chapters, the three-column layout and the large number of full-colour illustrations make it very easy to read.

Yours sincerely

Roger Clews

Inspector

INSPECTOR'S INITIAL QUESTIONS ON THE SUBMITTED BIRMINGHAM DEVELOPMENT PLAN [BDP]

The following questions have arisen from my preliminary examination of the BDP. I am seeking clarification of the matters raised in them from the Council, as authors of the Plan, in the first instance.

The questions arise because I need certain points concerning the submitted plan to be clarified, and in some cases further information to be provided. They should not be taken as a definite indication of the relative importance of those points. My list of Matters, Issues and Questions to be debated at the hearing sessions will set out the issues which I see as critical to soundness and legal compliance.

If the full answer to any question can readily be given by directing me to section(s) of the supporting evidence, I am happy for it to be answered in that way. Otherwise, I would like a relatively brief but complete answer to each question.

INITIAL QUESTIONS

Scope and purpose of the plan

1. At paragraph 1.12 it is said that, once adopted, the BDP will replace the saved policies of the Birmingham UDP 2005, apart from those policies in UDP Chapter 8. However, there is no table identifying the correspondence between the two plans, i.e. listing each UDP policy and stating which particular BDP policy is intended to supersede it. This would seem to be a requirement of Regulation 8(5)¹ and in any case would be very helpful to me. Could one be prepared please?
2. From the Introduction to the BDP and the Council's *Local Development Scheme* I understand that the only other development plan documents [DPDs] the Council intend to prepare are the *Development Management DPD* and the *Bordesley Park Area Action Plan [AAP]*. There is to be no further DPD (apart from the *Bordesley Park AAP*) identifying specific sites for development. Is this correct?
3. A number of the policies in the plan appear wholly or mainly to set out general aspirations or objectives rather than to *provide a clear indication of how a decision maker should react to a development proposal*². Examples are PG2, TP1, TP5, TP13, TP25, TP34, TP36-TP40. Why do these need to be policies rather than part of the plan's explanatory text?

¹ All Regulations referred to in this paper are from the *Town and Country Planning (Local Planning) (England) Regulations 2012*

² *National Planning Policy Framework [NPPF]*, para 154

Objective assessment of housing needs³

4. The BDP takes account of the findings of the *Birmingham City Council* [BCC] *Strategic Housing Market Assessment* [SHMA] 2012, commissioned by BCC from Roger Tym & Partners. I understand that a separate *Strategic Housing Needs Study* has been commissioned by the Greater Birmingham and Solihull Local Enterprise Partnership [GBSLEP] and is currently under way. The Council's *Duty to Co-operate Statement*, June 2014 [DC2] says that an interim report of stage 1 of that study was presented in March 2014, and that a presentation of the key findings of Stage 2 is due to be published later in July 2014 (DC2, para 4.8). Could the Programme Officer be provided with the first of these documents please, and with the second as soon as it is available?
5. To what extent do the Council intend to take account of the findings of the GBSLEP *Strategic Housing Needs Study* in the BDP? How will this be done?

Housing land supply and trajectory

6. The BDP seeks to provide 51,100 additional dwellings over the plan period, 2011-2031. Policy TP28 sets out a four-stage, city-wide trajectory for delivery of those dwellings. However, I am not clear on exactly how the delivery figures for each stage of the trajectory have been arrived at. Appendix 13 of the 2013 SHLAA and the October 2013 *Site Delivery Plan* [IMP2], which appear to be the main source for the sites identified to fulfil the housing trajectory, use different time periods from the trajectory itself.
7. Could I be provided with a full explanation of how the delivery figures for each stage of the policy TP28 housing trajectory were arrived at, please, and in particular how they relate to the information in Appendix 13 of the 2013 SHLAA and in the *Site Delivery Plan*?
8. The Council's 5-year Land Supply paper [H10] is based on the five-year period 2013-2018. However, the BDP will be adopted in 2014 at the earliest. The 5-year Land Supply paper therefore needs to be updated to cover 2014-2019. Can this be done please?

Provision for Gypsies and Travellers

9. National guidance in *Planning Policy for Traveller Sites*, paragraph 9, advises that local planning authorities should, in producing their Local Plan, identify a five-year supply of specific deliverable sites against their locally-set targets, and identify a supply of specific developable sites or broad

³ I use the term "housing needs" in the same sense as in NPPF para 47, first bullet-point. I appreciate that the SHMA's authors prefer the term "housing demand".

locations for growth, for years six to ten. The BDP appears not to meet this national policy requirement: why?

10. How will this apparent shortcoming in the soundness of the BDP be addressed?

Supply of large employment sites

11. The Council's *Duty to Co-operate Statement*, June 2014 says that a study of the need for large employment sites across the West Midlands LEPs has been commissioned, the results of which are expected to be known in summer 2014 (DC2, para 4.15). Could the Programme Officer be provided with this document as soon as it is available please?
12. To what extent do the Council intend to take account of the findings of the study in the BDP? How will this be done?

Employment land provision

13. Policy TP16 says that a 5-year minimum reservoir of 96ha of employment land, divided into three categories, will be maintained throughout the plan period. How will this be achieved? Where in the plan, or elsewhere, are the sites identified that will provide this reservoir?

Network and hierarchy of centres

14. The network and hierarchy of centres is set out in policy TP20. Where in the BDP or on the Policies Map are the boundaries of these centres defined?
15. The BDP does not appear to address the role of primary shopping areas, or primary and secondary shopping frontages, in its policies. How have the Council taken the advice in NPPF paragraph 23, third bullet point, into account in arriving at this position?

Sustainable construction

16. Should policy TP3 be reviewed in the light of the Government's response to consultation on the housing standards review (written ministerial statement of 13 March 2014 and supporting note of 14 March 2014)?

<https://www.gov.uk/government/publications/building-regulations-housing-standards-review>

Minerals

17. Are there any minerals of national or local importance in the plan area that ought to be the subject of policies on safeguarding and extraction?

18. What are the aggregate and other minerals supply requirements for the plan period? From what sources (including substitute, secondary and recycled materials) would they be met? Does this raise any duty to co-operate issues?

Waste

19. Why does the plan contain no specific figures for additional waste management capacity requirements?
20. What arrangements are in place with other waste planning authorities for disposal of waste to landfill outside the BCC area? Do they raise any duty to co-operate issues?

Sports stadia and facilities

21. Is there a policy in the BDP which deals with stadia and facilities for watching sport or leisure activities, referred to in paragraph 6.64?

Policies map and plans

22. What is the purpose of the Plans, numbered 1 to 16, in the BDP? Should they be part of the Policies Map (see Regulation 9(1)(c))? If not, what is their intended status and function?
23. Are all the elements of the green infrastructure network shown on Plan 15? Are they also shown on the Policies Map?

Viability

24. Paragraph 174 of the NPPF advises that local planning authorities should assess the likely cumulative impacts on development of all existing and proposed local and national standards and policies. How have the Council conducted this assessment, and has it demonstrated that those impacts will not put implementation of the BDP at serious risk, and will facilitate development throughout the economic cycle?

Roger Clews

Inspector

21 July 2014