

28 October 2015

By Email

Ian Kemp
Programme Officer
Birmingham Development Plan Examination

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear Ian

BDP EXAMINATION – FOR THE ATTENTION OF MR CLEWS

I would be grateful if you would put this letter before the Inspector, fully recognising that the deadline for submission of representations has passed. However, information has come to light in respect of transport evidence relating to our representations to the Revised Sustainability Appraisal (RSA2) which the Inspector should see before reaching his conclusions on whether or not to re-open the examination.

On the issue of the SA, we represent both Richborough Estates and the Gilmour Family.

In the representations (to which the City Council has given the reference BDPSA344), we contended that further SA work needs to be carried out in order to ensure that all reasonable alternatives have been assessed at the same level of detail as the option taken forward in the submitted Local Plan (as required by the Inspector in para 54 of EXAM131).

This relates to the question of whether BCC considered the traffic impacts from a larger development (above 5,000 and up to 10,000 dwellings). The point is summarised in representations made by Colin Morrison at his paragraph 2.11:

“2.11 Bullet Point 3 on Page 80 of RSA2 states that a lack of transportation evidence is one of the main reasons why development greater than 5,000 units has not been progressed further in RSA2. Key to these representations and this conclusion within RSA2 is the following statement within bullet point 3;

There is an absence of any evidence which show how the traffic impacts from a larger development could be accommodated on the current road network. No agreement with the Highways Agency has been reached in respect of a larger scheme creating considerable uncertainty over the traffic impacts of a larger development. The design costing and impacts of additional transport infrastructure provision of larger schemes are unknown at this stage.”

9 Colmore Row
Birmingham B3 2BJ
T 0121 233 0902 turley.co.uk

We have three main concerns about what has happened.

1. It is clearly the case that this work should have been done by BCC in response to the Inspector's request in para 54 of EXAM131. BCC should have undertaken additional transportation work to ensure all reasonable alternatives had been assessed at the same level of detail to enable a comparative transport assessment.
2. Secondly, our review of the transportation evidence (by WSP | Parsons Brinckerhoff for our clients) identified significant and material shortcomings with the comparative assessment which was for up to 10,000 dwellings where Area C was taken forward. Area C was subsequently significantly reduced in scale and assessed in more detail, but not in sufficient detail to allow Highways England to qualify its potential impact. There is no evidence to confirm whether the effects of larger or smaller SUEs can or cannot be accommodated on the transport network, and no comparative evidence between sites for the reduced scale of development. Highways England reserve their position (and therefore do not oppose) the potential for accommodating greater than 5,000 dwellings on the local highways network.
3. Our clients' overriding concern is that BCC have made clear in RSA2 that there is an absence of evidence to support development on this scale. This raises a fundamental issue because it amounts to a claim by BCC that our clients' land in Area B cannot come forward as it is unsupported by the necessary highway evidence. This is highly prejudicial to our clients' position.

So concerned were we about this third issue, that we sought advice from Counsel who appeared at the examination, whereupon our clients took the decision to undertake this work using WSP | Parsons Brinckerhoff who contacted BCC and their transport modelling consultants Mott MacDonald from the end of August onwards.

As the Inspector will appreciate, BCC and Mott MacDonald control the use of the PRISM model which was used for the purposes of carrying out the BDP transport assessments. Other parties are therefore entirely dependent on BCC granting access to the use of the model.

WSP endeavoured to seek agreement to use it to run the necessary assessments, making clear at all times that this would be done at our clients' own (very considerable) expense, to produce evidence to demonstrate that 10,000 dwellings could be accommodate.

The discussions which took place are recorded in the correspondence contained in Appendix C-1 of the WSP report which forms Appendix 6 of our October representations on the RSA2.

Critically, during this period WSP were very clearly told by Mott MacDonald that a like-for-like assessment of the impact of 10,000 dwellings compared to the 5,000 modelled by BCC to support the SUE allocation was not possible.

Now, however, after the close of the consultation period, WSP have been informed that it is possible to run that exercise and test the impact of 10,000 dwellings on the same basis as the 5,000. The fact this was denied previously is completely unacceptable.

Moreover, BCC and Mott MacDonald are now saying that it will take 6 months (until March 2016) before this work can be done due to other requests that are in a queue. This is the first time that anything even approaching this timescale has been suggested. The impression given and WSP's own professional view was that this work could be done within a matters of weeks. The timescale now suggested is completely unacceptable and difficult to understand. Resources have been offered by WSP to expedite this process.

As it now appears that like-for-like comparative assessment could be undertaken of all reasonable alternatives, then this should have been done by BCC in response to the Inspector's request in para 54 of EXAM131. This should have been done not only in respect of the 10,000 dwelling alternative but also the more recent 500-3,000 dwelling alternative for which no transport assessment work has ever been carried out. Moreover, if BCC were not willing to do the work because of the expense, my clients should have been approached at that stage and, as is made clear by our position now, they would have been perfectly willing to pay for and undertake this work in order to demonstrate the effect of the 10,000 dwelling alternative incorporating Area B, as has been our case from the outset.

This position is highly prejudicial to our clients' position. It is fundamental for the simple reason that BCC appear to be trying to make the absence of highway evidence a principle reason for rejecting Area B. In the absence of credible objection on grounds of Green Belt, landscape, ecology or housing delivery rates, the Council appears to be seeking to make this a 'showstopper', despite the huge shortfall in provision within the City's administrative area.

I would respectfully suggest that this is yet another reason why the Inspector should be invited to re-open the examination so that the flaws in RSA2 can be properly explored, and the further work that could and should have been undertaken with an "open mind" as the Inspector specifically requested, can be properly examined.

I look forward to hearing the Inspector's response.

Yours sincerely

Mike Best
Executive Director

mike.best@turley.co.uk