

BIRMINGHAM CITY COUNCIL RESPONSE TO THE INSPECTOR'S INITIAL QUESTIONS ON THE SUBMITTED BIRMINGHAM DEVELOPMENT PLAN (BDP)

For ease of reference, the inspector's questions are reproduced in italics below, with the Council's response following in each case.

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?

A table showing the correspondence between the UDP policies and the BDP policies which will supersede them is attached.

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?

Currently the Bordesley Park AAP is the only Development Plan Document which will allocate sites for development that the Council is committed to produce, although it is possible that further DPDs will be produced for major areas of change in the future.

In relation to sites for residential development, the Council undertakes an annual update of the Strategic Housing Land Availability Assessment which contains over 1,200 sites considered to be suitable for housing. The Council is also committed to produce a Prospectus promoting major residential development opportunities within Birmingham to the development industry by the end of the year. In relation to employment, the Council maintains a database of sites available for employment development which is contained in the Employment Land Review. This is regularly updated.

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. 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?

The Council considers that the inclusion of these policies is consistent with paragraph 154 of the NPPF in that they are necessary to "address the implications of economic, social and environmental change" and to provide a rounded view of the

approach that the Council will take to the promotion of sustainable growth in Birmingham. The Council considers that they do provide guidance on how a decision maker should react to a development proposal. The following table provides a brief explanation in relation to each of the highlighted policies

Policy	Explanation
PG2 Birmingham as an international city.	This is a long-standing policy which was included in the Birmingham UDP and in the now revoked West Midlands Regional Spatial Strategy. It is important in providing the context for major investments in the City Centre, such as the Library of Birmingham and the new HS2 station.
TP1 Reducing the City's carbon footprint.	This policy is important in establishing the City Council's commitment to reducing Birmingham's carbon footprint, and in identifying the ways in which the planning process can help to deliver this.
TP5 Low carbon economy	This policy provides important context for the positive promotion of these activities through regeneration initiatives – for example the Tyseley Environmental Enterprise Area.
TP13 Sustainable management of the City's waste	This policy sets out the key principles of the Council's approach to the management of waste, including a commitment to reduce the amount of waste going to landfill and sets the context for policies TP14 and TP15.
TP25 Local employment	This policy aims to ensure that wherever it is practicable proposals involving new employment provide opportunities for local people to gain access to work opportunities. It would be implemented through the planning management process.
TP34 The existing housing stock.	As part of the Council's commitment to meet as much of its future housing requirements as possible, this policy seeks to reduce vacancy levels and to prevent the loss of existing housing which is in good condition to other uses.
TP36 Health	This policy seeks to 'reconnect' planning and public health and to ensure that health concerns are taken into consideration in planning decisions.
TP 37 A sustainable transport network	This policy sets out the key principles that the Council will follow in managing and developing the city's transport network. The application of these principles will be central

	to the promotion of growth within the Growth Areas and to ensuring that sustainable modes of transport are promoted through development.
TP38 Walking	Walking is integral to day to day life and the Council is committed to encourage more trips to be made on foot. This policy will require safe pedestrian environments to encourage walking to be created through new development as part of the process of promoting more sustainable modes of transport.
TP39 Cycling	The Council is also committed to encouraging more trips to be made by cycle and has secured significant funding to facilitate this. This policy will require safe cycling environments to be created through new development, again as part of promoting more sustainable modes of transport.
TP40 Public Transport	This policy sets out the principles that the Council will follow in seeking to improve public transport provision. These improvements are necessary to ensure that growth can take place without increasing congestion and that more sustainable modes of transport are promoted through new development.

Objective assessment of housing needs.

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 Economic 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?

A report including a presentation summarising the findings of Stages 1 and 2 for the GBSLEP and establishing the brief for stage 3 of the study was considered by the GBSLEP Supervisory Board on 30 July. A copy of the papers for that meeting have been supplied. The full written-up versions of stages 1 and 2 are presently envisaged as being published at the same time as the outcome of stage 3. The

Black Country authorities will be separately publishing the results of stages 1 and 2 for the Black Country.

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?

Birmingham's objectively assessed need for new housing, derived from the SHMA (H2), substantially exceeds the capacity of sites within the urban area to accommodate new homes, as evidenced in the SHLAA (H11). In response to this the Council has reached the conclusion that, in order to maximise housing delivery within the city boundary, land within the green belt should be allocated as a Sustainable Urban Extension. This situation is summarised in more detail in sections 3 and 4 of the Housing Targets 2011-31 Technical Paper (H1). The Council considers that the resulting level of new housing which is proposed in the submitted BDP is the maximum that could reasonably be delivered in Birmingham over the plan period.

The GBSLEP Strategic Housing Needs Study will make use of more recent data than was available to inform the Council's SHMA. The Council recognises that it may produce a different level of household growth for Birmingham – and that the general expectation is that this is more likely to increase than to reduce the level of objectively assessed need.

Since it is the Council's view that it would not be feasible to deliver a higher level of new housing within the city boundary, this would not have any direct implication for the strategy and the policies contained within the BDP and would not give rise to any need for a modification to these policies.

However it may well impact on the level of provision that will need to be made to help meet Birmingham's needs in neighbouring areas and the Council will continue to work closely with neighbouring Councils to ensure that this provision is made.

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?

Section 6 of the Housing Targets 2011 – 31 Technical Paper (H1) explains the rationale for the housing trajectory contained in policy TP28. As the Technical Paper explains, the trajectory reflects a judgement on the most likely profile of housing delivery over the plan period taking account of market considerations and development lead-in times. It should be emphasised that the Council does not see the annual figures in this policy as ceilings which should not be exceeded in any particular year. A modification to paragraph 8.13 has been proposed to make this clear (Main Modification MM71).

Appendix 13 of the SHLAA (2013) provides a listing of all the 1,236 sites forming part of the Council's identified housing land supply and it is this information which has been used to inform the trajectory in policy TP28. The schedule indicates the status of each site and shows the time period (0 – 5 years, 6 – 10 years or over 10 years) within which it is expected to be developed. These timescales are equivalent to 2013 – 18, 2018 – 2023 and post 2023. The location of each site is shown on the plans attached to the SHLAA document. This information is summarised in table 3 on page 5 where the total identified capacity for each of the time periods is identified. These figures are consistent with a housing delivery profile which would be in line with the proposed trajectory.

The Site Delivery Plan sets out evidence in relation to the deliverability of key development sites, for all forms of development. In relation to residential sites, the assessment covers sites with a capacity of 50 dwellings or more across most of the city and 100 dwellings or more in the city centre. It confirms that there are no 'showstoppers' which would prevent the development of any of these sites. The information it contains has also been used to assess the time –periods within which development is expected to take place, and this assessment is reflected in the time-period to which sites have been allocated in the SHLAA. It should be noted that the Site Delivery Plan predates the completion of the 2013 SHLAA and so it does not include housing sites which entered the supply in 2012/3, although these have been assessed on the same basis. An updated version of the Site Delivery Plan is being prepared and should be complete by September.

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?

The Council is in the process of producing a 2014 SHLAA, which will provide the basis for updating the 5-year Land Supply paper to cover 2014 -19. We expect this to be available by mid-September.

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 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?

The 2014 Gypsy, Traveller and Travelling Showpeople Assessment (H5) has provided an up-to date assessment of the need for additional pitches for gypsies and travellers. Based on this Study, the requirement for the plan period is for an additional eight permanent pitches, four of which are required in the next five years with the remainder towards the end of the plan period. The Assessment also identifies a requirement for ten to fifteen transit pitches and five stopping places. There is no requirement for further provision for travelling showpeople.

The Council has previously issued a Call for Gypsy and Traveller sites but this produced no sites that were suitable for development. This is perhaps not surprising given that the City Council's area is either extensively developed urban land or Green Belt. The Council is therefore in the process of undertaking a review of sites within its own ownership to identify a potential site or sites which comply with the criteria set out in policy TP33 to meet the identified need.

It is likely that it will be possible to meet the five year requirement (and possibly the full requirement) for permanent pitches on a single site and this may also be true of transit pitches. Once sites have been identified the Council will seek to bring them forward as quickly as possible. At this stage the intention is that this will be through the submission of a planning application.

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?

The Council will supply the LEP Employment Study Report as soon as it is published by the LEPs.

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?

The BDP already proposes to allocate a substantial green belt site for employment development. The Council does not consider that there are any other suitable locations for major employment within the remaining area of Birmingham's green belt

(see the Green Belt Assessment (PG1) for an analysis of this) or elsewhere in the city. The outcome of the Study will need to be taken forward through joint working between the LEP partners but it is the Council's view that any further requirements for large employment sites will need to be located outside Birmingham.

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?

The Council maintains a database of sites currently available for employment development. The sites are almost all recycled employment land, protected under policy TP19 and the majority lie within the Core Employment Areas (policy TP18).

The portfolio of sites is published in Appendix 2 of the Employment Land Review (EMP2), with the exception of the 'Other' category sites which are below 0.4 hectares in size. The Employment Land Review is updated regularly, although not on an annual basis because the amount of change does not justify this.

However the state of the reservoir is monitored annually through the Authorities Monitoring Report (AMR). The latest information can be found at paragraphs 3.6 to 3.13 of the 2013 AMR (MON2) with the summary position set out in table 3.5. It will be noted that this table shows a significant reduction in the readily available supply, particularly in the 'Best Quality' category compared to the position at the time of the Employment Land Review. As the text explains this is due to the loss of sites at Washwood Heath totalling 54.78 hectares because of HS2 safeguarding.

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?

Policy TP23 identifies a hierarchy of over 70 centres. The boundaries of these centres are defined in the Shopping and Local Centres SPD (EMP9). This SPD also addresses the issue of primary and secondary frontages. The SPD was adopted in 2012, just prior to the publication of the NPPF. Since its adoption there have been six appeals against decisions based on it, all of which have been dismissed.

In policy TP23 the City Council has sought to establish the principles of its approach to the management of uses within centres, to ensure that they remain competitive, attractive places in line with the objectives of paragraph 23 of the NPPF. The Council

is conscious of the considerable uncertainties currently surrounding the retail sector, as discussed for example in the Portas Report and in the recent Commons Select Committee Review of the operation of the NPPF. It has therefore sought to maintain a flexible approach within the Development Plan which enables centres to diversify while protecting the core retail role. More detailed guidance is contained within the SPD.

The current SPD has proved to be an effective document since it was adopted and the Council sees no reason why this should not continue to be the case.

Sustainable construction.

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)?

Policy TP3 sets out general principles in relation to sustainable construction which are intended to apply to all forms of development. In the case of housing the policy does not require development to meet any particular level of the Code for Sustainable Homes or any other standard. It does require residential developments to aim to be zero-carbon by 2016, which remains government policy.

For these reasons the Council does not consider the policy to be inconsistent with the outcome of the Housing Standards Review and does not consider that there is a need for the policy to be modified, although it is recognised that, once the Housing Standards Review response is implemented, the implementation of the policy, in respect of housing, will be through the Building Regulations.

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?

There are no active mineral workings within Birmingham and this has been the case for over 30 years. During that time the City Council has received no applications from mineral operators and no enquiries regarding the possible extraction of minerals within the city boundary.

There are known to be sand and gravel deposits within the area identified as green belt option area B in the Green Belt Assessment (PG1) to the north west of Sutton Coldfield but there has been no interest in extracting these. As this area lies within the green belt, it is effectively safeguarded from built development in any event.

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 cooperate issues?

The National and Regional Guidelines for Aggregates Provision in England 2005 – 2020 set out target production figures for primary aggregate production in the West Midlands. These requirements have been apportioned to sub-regions following advice from the Aggregates Working Party. For this purpose the former West Midlands County is treated as a sub-region and has an apportionment in relation to sand and gravel. It has been recognised that the only authorities with viable sand and gravel reserves within the former West Midlands County are Walsall and Solihull, with the majority located within Solihull, and provision to meet this requirement has been made through the Black Country Core Strategy and the Solihull Local Plan.

The City Council is working with the other West Midlands Metropolitan Authorities, led by Walsall, to produce a Local Aggregates Assessment which will address future supply requirements and sources of supply in line with the requirements of the NPPF.

This has been raised as a Duty to Co-operate issue by Staffordshire and comments in relation to minerals have also been made by the Black Country authorities and by Warwickshire.

Waste.

19. Why does the plan contain no specific figures for additional waste management capacity requirements?

The Waste Capacity Update (2014) (ES6) indicates that waste arisings in Birmingham are currently around 2.9 million tonnes per annum, projected to increase to 3.4 to 3.7 million tonnes per annum by 2031. Waste treatment capacity in Birmingham is currently in the region of 4 – 4.5 million tonnes, of which 1.3 million tonnes is waste transfer capacity. Excluding the waste transfer capacity, this means that the City currently broadly meets the ‘equivalent self –sufficiency principle’, but will require additional capacity to maintain this position. On the basis of the figures above and continuing to exclude waste transfer capacity, the additional requirement would be between 200,000 and 1 million tonnes.

Section 5 of the Waste Capacity Study 2010 (ES5) provides an analysis of future waste treatment requirements within Birmingham. Where appropriate this is updated in Section 7 of the Update to the Waste Capacity Study 2014 (ES6). As Birmingham has no landfill capacity, a key issue here is the provision of additional facilities to enable material to be diverted from landfill, such as Material Recycling Facilities, facilities for the management of food waste (for example anaerobic digestion), energy from waste schemes and facilities to recycle construction and demolition waste. These requirements are reflected in policy TP14.

A range of different technologies and techniques are available to deliver this and new approaches are being developed. In view of this the Council does not consider

that it would be helpful to attempt to be more prescriptive in terms of future requirements.

Policy TP15 identifies the locations within the city that are available to accommodate additional facilities and the Council is satisfied that more than sufficient land is available. It is noteworthy that Table 16 of the Updated Waste Capacity Study (ES6) on page 22 records that there are currently planning permissions for around 325,000 tonnes per annum of additional waste treatment capacity. This would represent an increase of around 10% in the capacity available within Birmingham and would go a significant way towards ensuring that Birmingham continues to meet the 'equivalent self-sufficiency principle' throughout the plan period.

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?

The process of moving away from landfill to alternative forms of waste treatment is indicated in the Waste Capacity Study Update (ES6). The projections for future landfill requirements in section 7 are generally lower than those contained in the original Waste Capacity Study (ES5), while the need for recycling capacity is higher.

There are no formal arrangements in place with adjoining Councils in relation to landfill.

Warwickshire has drawn attention to the fact that the Packington landfill site which receives municipal waste from Birmingham is due to close in two years' time and has emphasised the need for Birmingham to demonstrate how the amount of waste going to landfill from Birmingham can be reduced. Similar points have been raised by Staffordshire as a Duty to Co-operate issue. However very little of Birmingham's waste currently goes directly to landfill sites in Staffordshire – see Appendix B of the Waste Capacity Study Update.

No other Waste Planning Authority has raised an issue in relation to landfill.

The need to reduce the amount of waste going to landfill is fully accepted by the City Council and is reflected in policies TP13, TP14 and TP15. These policies aim to promote the development of alternative treatment facilities which will enable material to be diverted from landfill.

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?

There is no specific policy in relation to sports stadia. However policy TP24 covers visitor attractions, including major sporting venues.

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?

These plans are intended to be a spatial representation of the growth within each area. Those elements which are relevant in policy terms are included on the Policies Map ; however the plans are intended to create a graphic aid supporting the understanding of the growth/policy they are relevant to. In producing the BDP we have sought to provide robust policies to support decision making but also provide visual aids (which are not intended as policies) to support graphic presentation and understanding.

These plans do not form part of the Policies Map.

23. Are all the elements of the green infrastructure network shown on Plan 15? Are they also shown on the Policies Map?

Only the elements of green infrastructure shown on the key to the plan are illustrated. It would not be practicable to show every element on a single plan. More detail can be found in the Green Living Spaces Plan (ES13) to which reference is made in paragraph 6.39 of the BDP.

Only certain key aspects of the green infrastructure network are shown on the Policies Map – namely Green Belt, Linear Open Spaces, SSSIs, Sites of Importance for Nature Conservation and Sites of Local Importance for Nature Conservation and Canals.

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?

The Council has commissioned a Viability Assessment (undertaken by GVA) in relation to the Community Infrastructure Levy. This assumes that the BDP policies are applied. The Assessment is attached.

The Council has also produced a Site Delivery Plan (IMP2) which highlights any constraints to the delivery of key development sites. Since the BDP Strategy is based primarily on the delivery of brownfield development, there are inevitably requirements for remediation, demolition and land assembly in relation to some development locations. However the analysis confirms that these requirements are relatively few in number and capable of being addressed and that there are no

'showstoppers'. The Site Delivery Plan will be regularly updated and a revised version is expected to be available in September.

Based on the above the Council therefore considers that the BDP strategy is viable and deliverable.