

BIRMINGHAM DEVELOPMENT PLAN EXAMINATION

MATTER L: CLIMATE CHANGE AND FLOOD RISK

**STATEMENT ON BEHALF OF BIRMINGHAM CITY
COUNCIL**

Main Issue: Are the Plan's policies to mitigate and adapt to climate change and reduce flood risk justified and achievable?

General

- G.1 Birmingham's Green Commission was established in July 2013 to deliver against the City Council's strategic priority of making Birmingham a leading green city and achieving a 60% reduction in carbon emissions by 2027. The Commission is a multi-stakeholder advisory body for the City and is chaired by the City Council's Cabinet Member for a Green, Smart and Sustainable City. The Commission has also been supported by the Department for Energy and Climate Change (DECC). Its purpose is to secure broad commitment across the city to work towards this objective. It is recognised that the City Council's planning policies have a part to play in this, although action is required across a much wider range of areas.
- G.2 A Vision Statement (ES17) published in 2013 identified the benefits to the city in delivering against its ambitions, and a subsequent Carbon Roadmap, November 2013 (EXAM29), presented the key projects already underway and those which are required to continue the momentum towards the target. A new structure for the Commission has been agreed to focus on collaborative delivery of the ambitions through delivery groups that relate directly to the Roadmap's five themes: Catalysing green growth and behaviour, Buildings and Efficiency, Energy and Resources, Transport and Mobility, Natural Capital and Adaptation.

Issue 1

Is there evidence to demonstrate the achievability, and enable the monitoring, of the 60% CO2 reduction target in policy in policy TP1?

- 1.1 One of the main considerations for the Green Commission was to assess whether the Council's target for carbon emissions was realistic. To assist with this a Carbon Plan Analysis was undertaken with the assistance of Department of Energy and Climate Change (DECC) (ES18). This is accompanied by technical reports (ES19 and ES20). This work demonstrated that the target is challenging but is capable of being achieved.
- 1.2 Based on this technical work the Commission has produced a Green Vision (ES17) and a Carbon Roadmap for Birmingham which demonstrates how the city is working, and should work towards reducing CO2 emissions by 60% by 2027. The Roadmap appreciates that this is an ambitious target but one which will bring multiple benefits to the city of Birmingham. A copy of the Roadmap is attached (EXAM29).
- 1.3 The monitoring procedure is covered within the document. Progress Reports are produced annually when local authorities' emissions statistics are released by DECC. The latest report was produced in October 2013 and is attached (EXAM31). It shows that Birmingham's emissions have decreased by 23.7% against a 1990 baseline and that progress is ahead of the projected year on year target.

Issue 2

In respect of proposed modification MOD67, how will *areas particularly subject to the effects of climate change* be identified when implementing policy TP2?

- 2.1 Birmingham has a strong research community relating to climate change that has developed over the past 8 years through strategic partnerships. Various research programmes including climate change heat mapping – “the BUCCANEER” and socioeconomic vulnerability mapping, as well as flood risk mapping and an ecosystem assessment have culminated in the development of the Green Living Spaces Plan (ES13).
- 2.2 The Plan presents a multi layered map to identify the priority areas where action should be taken to combat climate change and deliver multiple socioeconomic and environmental benefits. This enables areas particularly subject to the effects of climate change to be identified.

Issue 3

Are the requirements of policy TP3 consistent with the Government’s response to consultation on the Housing Standards Review?

- 3.1 The Government’s Housing Standards Review aims to simplify the various standards that are applied to new housing by establishing national benchmarks. The Review covers standards in relation to sustainable construction along with other areas. The outcome of the Review is that the Government intends to establish national standards which will be applied through the Building Regulations with an element of choice at the local level. Legislation to enable this is currently before Parliament, and a consultation on the implementation of the new arrangements is currently taking place.
- 3.2 Policy TP3 sets out the Council’s approach towards the sustainable construction of all forms of development (not simply housing). In so far as the policy relates to non-residential forms of development, it is unaffected by the Housing Standards Review.
- 3.3 The only specific reference within the policy to housing is a requirement for new residential developments to be zero-carbon by 2016, which remains Government policy. The Council does not therefore consider that there is any conflict between the policy and the outcome of the Housing Standards Review. However the Council would have no objection to the inclusion of an explanation of the outcome of the Housing Standards Review in the supporting information to the policy.

Issue 4

Is policy TP4 justified in requiring first consideration to be given to connecting to a CHP system?

- 4.1 The Council has concluded that in the context of Birmingham CHP offers the best prospects for achieving significant progress in the use of low or zero-carbon energy. The greatest benefits from this will arise where CHP networks can be developed in a comprehensive way in particular areas. The Council is working actively to promote this.
- 4.2 In the city centre an extensive heat network has already been developed through Birmingham District Energy Company. Collaboration with the City Council is ensuring that opportunities for developers to assess the benefits of connecting to the network are realised at an early stage of development.
- 4.3 The Council is also developing a comprehensive understanding of the potential, planned and existing heat networks across the city which will be available from November 2014. This work is being aligned with strategic development sites to ensure a proactive approach to heat network planning for the city.
- 4.4 In order to encourage the continued expansion of this network, it is appropriate for new developments to connect into CHP systems and the policy seeks to achieve this by requiring that first consideration should be given to this option.

Issue 5

Do policies TP1 to TP4 take adequate account of development viability and the regeneration of brownfield sites?

- 5.1 The City Council is keen to promote the regeneration of brownfield sites and is concerned to ensure that the planning requirements placed on such sites are not such as to deter investment. However the Council does not accept that the successful promotion of brownfield development can only be achieved through the acceptance of lower standards of design, poor quality environments or lower sustainability standards than would be applied elsewhere. The consequence of such an approach would simply be to re-inforce the disparities in environmental quality which often generate the need for regeneration in the first place.
- 5.2 The Council has undertaken work in relation to viability, including:
 - Birmingham Places for the Future SPD Technical Note : Viability Assessment 2011 (EXAM28)
 - The CIL Viability Assessment 2012 (IMP4) and its 2014 Update (EXAM27) which have been undertaken on the basis that all the policy requirements of the Draft Core Strategy/BDP are applied.

- 5.3 Neither of these assessments suggests that the application of these policies will have the general effect of making development on brownfield sites unviable – although there could be implications for viability in particular circumstances and in particular market conditions.
- 5.4 The Council recognises that it is always possible that viability issues may arise in particular cases, and for this reason the policies are phrased in a way which allows flexibility in their application. The Council therefore considers that the policies do take adequate account of viability issues.

Issue 6

Should policy TP6 do more to promote a reduction in overall flood risk, including a requirement to retrofit SuDs to previously-developed sites?

- 6.1 The Council is concerned to reduce flood risk and believes that the policies within the Plan will achieve this. The Council does not however support the inclusion of a requirement to retro-fit SuDs.
- 6.2 As a result of the Flood and Water Management Act 2010 it will shortly become a requirement for significant new development to incorporate SuDs. Policy TP6 already requires this. However it is not clear how it would be possible to require the retro-fitting of SuDs through the planning system. The inclusion of such a requirement would not be deliverable in practice.

Issue 7

Should policy TP6 require surface water runoff to be restricted to the greenfield runoff rate on all development sites?

- 7.1 The Council has carefully considered the Environment Agency's view that the policy should require greenfield run-off rates to be applied to all sites. The Council is sympathetic to the objectives of such a policy, but has genuine concerns that the cost of achieving this could be significant in the case of some redevelopment sites and that this could have implications for the viability of development. This was an issue at the examination into the Aston, Newtown and Lozells AAP, where it was accepted that such an approach should not be applied. The wording in policy TP6 aims to promote a reduction in run-off rates without this risk.
- 7.2 Further discussions between the Council and the EA have taken place and an alternative policy wording has been agreed which would establish greenfield run-off rates as the normal requirement, but with a proviso that there could be an exception where the viability of development would be put at risk. The wording is as follows
- 7.3 'For all sites requiring a site-specific FRA, surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.'

- 7.4 The Council confirms that it would be happy for the above wording to be included in the Plan.

Issue 8

Are the requirements of policy TP6 for setting back development from watercourses sufficient?

- 8.1 The Council's proposed main modification MM52 introduces additional wording to require development to be set back from watercourses where this is appropriate and feasible.
- 8.2 The Council is aware that there have been suggestions from the Environment Agency (EA) that a more prescriptive policy should be introduced which would require development to be set back by 8 metres. While the Council understands the thinking behind this and in particular the EA's wish for there to be an ability to obtain access to the waterside for management/maintenance purposes, in practice it is not considered that this is a realistic objective in Birmingham. There are locations, for example along the River Rea in the city centre, where historically development fronts directly onto watercourses. Where redevelopment takes place in such areas (which is likely to happen over the plan period) the imposition of an 8 metre setback requirement would be unreasonably restrictive.
- 8.3 The Council therefore considers that wording contained within main modification MM52, set out below, is sufficient.

Add at the end of the Rivers and Streams section of policy TP6:

The following development principles will apply:

- **Development should be set back from watercourses where appropriate and feasible.**
- **Opportunities should be taken to benefit rivers by re-instating natural river channels.**
- **Culverted watercourses should be opened up where feasible.**
- **Existing open watercourses should not be culverted.**

Issue 9

Does the title of policy TP6 accurately reflect its purpose?

- 9.1 The Council has no strong views on this, but recognises that the scope of the policy extends beyond simply the management of floodrisk. The Council would therefore have no objection to a rewording as follows:

'Management of flood risk and water resources.'

Issue 10

Are these policies effectively drafted to achieve their intended purpose and do they provide a clear indication of how a decision-maker should react to a development proposal?

- 10.1 The Council considers that the policies are all relevant to the objectives of addressing the challenge of climate change and floodrisk through the planning system and that they are based on a clear evidence base with well-developed supporting documents to enable decision makers to utilise the findings and recommendations in order to react to development proposals.