

BIRMINGHAM DEVELOPMENT PLAN EXAMINATION

**MATTER M: THE NATURAL AND HISTORIC
ENVIRONMENT**

**STATEMENT ON BEHALF OF BIRMINGHAM CITY
COUNCIL**

Main issue: Does the Plan contain effective policies to protect and manage the natural and historic environment?

General

- G.1 The green infrastructure network is a key element of the plan. Protecting and enhancing it relies on continuing the approach and policies set out in the 2005 Birmingham Plan, refining them to reflect the NPPF. Open space which includes both managed open grassed areas and areas of woodland and open water is a key element of the City's green infrastructure network. Whilst some sites benefit from SINC and SLINC status, there is a need to protect the rest and in line with the NPPF, the emphasis is on quality and accessibility not just quantity. Open space is a key component of green infrastructure. The City has a network of linear open spaces, based on rivers, canals and walkways. Protecting this has been a central part of green space policies.
- G.2 The city has a diverse historic environment, which includes the canal network, a wide range of historic buildings and gardens and valuable sites dating well before the Industrial Revolution. Much of this historic environment benefits from the settings of the City's green space and there is clearly an overlap in terms of benefits.

Issue 1

Is policy TP7 justified in requiring refusal of any development proposal that adversely affects the integrity of the Green Infrastructure Network?

- 1.1 With increased development and growth in Birmingham, the role of green infrastructure in providing for the recreational and health needs of the city's growing population and in ameliorating some of the adverse aspects of climate change will increase in importance. The Council considers that protecting and where possible improving the green network is essential.
- 1.2 One aspect of this will be to protect the overall integrity of the network, and this will require the refusal of applications which would adversely affect this. It is important to recognise that this does not imply that all applications which would involve development of open space or other forms of green infrastructure would automatically be refused. The key issue is whether the proposal would result in a diminution of the overall value of the resource. The Council recognises, for example, that Birmingham has some areas of poor quality open space where some well-designed development could result in an improvement in the overall value of the green infrastructure network.

Issue 2

How would a prospective developer know from the Plan whether or not their development proposal would affect the integrity of the Green Infrastructure Network?

- 2.1 The supporting text to the policy (paragraph 6.38), identifies the main components of green infrastructure.

- 2.2 The key elements of the 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.
- 2.3 In the Council’s view, it would be impractical to provide more detail than this on the Policies Plan. More detail is however provided in the Green Living Spaces Plan (ES13) which is referenced in paragraph 6.39 of the supporting text to the policy.

Issue 3

Should policy TP7 also make references to the “blue” infrastructure network, and/or the “Emerald Ring”?

- 3.1 Blue infrastructure is identified in the supporting text (paragraph 6.38) as contributing to green infrastructure and it is not therefore considered to be necessary to make specific reference to this in the text of the policy itself.
- 3.2 The ‘Emerald Ring’ was a title given to the canal and waterway network in the city centre in policy CC7 of the draft Core Strategy (HTY7). This title is no longer being used. The inclusion of a reference to this in policy TP7 would in any event be too detailed. However the Council has proposed a stronger reference to the importance of the city centre canal network in main modification MM18.
- 3.3 Add the following to bullet 1 of policy GA1.4
‘...taking advantage of the canal network.’

Issue 4

Is the Plan justified in designating an area of Linear Open Space between Somery Road and the Stonehouse Recreation Ground, Weoley Castle?

- 4.1 This area of land is a former West Midlands County Council Depot which is currently a yard for the storage of building materials. It has been in this use since 1990 and before that was used as a salt depot.
- 4.2 The inclusion of this land as part of a Linear Open Space is a longstanding designation which was included in the 2005 UDP. Paragraph 19.14 includes a reference to the former council depot and to the fact that this site could complete the Castle Walkway. It should be noted that almost half the site is flood zone 3.
- 4.3 It remains the Council’s objective to complete this walkway and the Council sees no reason for the current designation of this land to be changed.

Issue 5

a) Is the approach of policy TP8 towards the protection of the natural environment consistent with national policy?

- 5.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment, inter alia by

- Protecting and enhancing valued landscapes, geological conservation interests and soils.
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The policy reflects this approach.

- 5.2 Paragraph 113 of the NPPF requires local authorities to set criteria-based policies against which development proposals on or affecting sites protected for their wildlife or geological value should be assessed. In this respect the NPPF requires a distinction to be made between international, national and locally recognised sites. Paragraph 118 of the NPPF requires that development proposals affecting SSSIs should normally be refused. Again policy TP8 is consistent with these paragraphs.
- 5.3 The aspects of the policy which seek to secure enhancements to the natural environment through development are also in line with the NPPF – see for example paragraph 118 bullets 4 and 5. The Council therefore considers TP8 to be consistent with national policy.

b) Does the policy strike the right balance between compensation/mitigation and allowing development to proceed?

- 5.4 As already noted, the policy approach treats national sites, such as SSSI's differently to locally designated sites in line with the hierarchical approach of the NPPF. It recognises that there may be occasions where the strategic need for the development will outweigh the need to safeguard a site, and in these cases requires appropriate compensation or mitigation to be put in place.

Issue 6

a) Is policy TP9 justified in the extent to which it relies on a Supplementary Planning Document to define its requirements?

- 6.1 The key requirements of the approach are set out in policy TP9 itself. The SPD provides additional detail on the application of the policy and provides guidance on the detailed calculation of open space requirements (including the calculation of commuted sum payments where this is accepted). The inclusion of material of this type in the BDP would add significant detail and in the Council's view it is more appropriate for it to be contained in an SPD.
- 6.2 It should be noted that the SPD has been in place since 2007 and has proved to be effective in practice.

b) Does the policy strike the right balance between protecting open space and allotments, and facilitating development, including in the allowance it makes for developer contributions in lieu of direct provision?

- 6.3 Open space is limited resource within the urban area of Birmingham and pressures on it are likely to increase as the city's population grows. The policy therefore sets

out to protect this resource. However, it also recognises that there may be local circumstances where a different approach may be justified, and it makes allowance for this. The Council has proposed a main modification (MM60) to ensure that the policy is fully in line with the NPPF and considers that it takes a balanced approach. The modification is as follows:

6.4 Add additional bullet to first section of policy TP9

- **‘The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.’**

6.5 In relation to allotments, the approach is to seek to protect these facilities unless it can be demonstrated that there is no longer a demand for them. Again the Council considers that this is a reasonable and balanced approach.

6.6 The Council’s general approach is that in the case of new developments new open space provision should be provided on site. However it is recognised that there may be some occasions when this is not appropriate – for example in the case of apartment schemes – and so the policy also allows for developer contributions to off-site provision.

Issue 7

Are the requirements of policy TP9 consistent with the findings of the Council’s Strategic Housing Land Availability Assessment?

7.1 The basis of the city council’s open space policies is a 2 hectare per 1,000 population minimum target when assessing quantity. In many parts of the city current open space provision falls below this level, and policy TP9 is therefore aimed at providing general protection for the open space resource while recognising that there may be some circumstances where development affecting open space may be appropriate.

7.2 The housing sites listed in the SHLAA include some sites which are currently in open space use. These are either sites that already have planning permission or have been declared surplus to open space use by the City Council. In the former case, the need for equivalent recreational community benefits in the form of offsite provision and/or improvements to existing provision will have been considered as part of the approval process.

7.3 There is potential for open space to contribute further to meeting the city’s housing requirements and it is likely that additional sites will come forward for development over the plan period. However, this will depend on local circumstances and it is not possible to identify specific sites or locations at this stage. Allowance for this process is made within the SHLAA in the windfall allowance.

7.4 When sites are added to the SHLAA (which do not have an agreed capacity from a planning permission or allocation in a plan) an allowance is made for open space provision when assessing the capacity of the site. Essentially this is a judgement

based on whether on or off site provision is most likely given the location of the site and the type of development which is likely to take place.

7.5 The Council therefore considers that policy TP9 is consistent with the SHLAA.

Issue 8

Is policy TP11 consistent with national policy in its approach to protecting sports facilities?

8.1 Paragraph 74 of the NPPF sets out a presumption against the development of open space, sports and recreational buildings and land including playing fields unless certain circumstances apply. Policy TP 11 reflects this approach

Issue 9

Should policy TP11 also protect sports stadia and other facilities for watching sport?

9.1 The key to this policy is active participation. The purpose of policy TP11 is to protect facilities to which the general public have access in terms of participating in sport and physical activity. Pressure for redevelopment tends to fall upon these facilities, particularly playing fields.

9.2 The circumstances surrounding the major sports stadia within the city such as the two professional football clubs, Edgbaston cricket ground, and the greyhound racing tracks is different. These facilities are not available for sporting use by the Birmingham public. They are more comparable to leisure and entertainment uses such as cinemas, theatre or bingo and in the case of the larger facilities they also have an important tourism role.

9.3 The Council does not therefore consider that these facilities should be covered by this policy. Policy TP 24 covers the promotion of tourist facilities.

Issue 10

a) Is the approach of policy TP12 towards the protection of the historic environment consistent with national policy?

10.1 In paragraphs 126 – 141 the NPPF sets out national requirements for the protection of designated and non-designated heritage assets.

10.2 Following submission of the Plan the Council has had further discussions with English Heritage as a result of which the Council has agreed that it is prepared to make further modifications to the policy.

10.3 These are:

a) Revise the final bullet point as follows:

Innovative design ~~which retains the significance of the heritage assets(s) and intergrates the historic environment into new development~~ will be encouraged ~~which retains the significance of the heritage asset(s) and is integrated with. Development proposals that raise awareness of the historic environment will be encouraged.~~

b) Revise the first sentence of the final paragraph as follows:

The historic importance of canals is acknowledged, and important groups of canal buildings and features will be protected, **especially** where they are listed or in a Conservation Area.

10.4 On this basis the Council considers that policy TP12 is consistent with the NPPF, and it is understood that English Heritage agree with this.

10.5 It is acknowledged that the policy does not repeat all of the detail set out in the NPPF – for example the detailed advice on determining planning applications which is contained in paragraphs 131 – 136, but since this is stated clearly in the NPPF itself this is not considered to be necessary.

b) Does the policy adequately reflect the *Strategy for the Conservation and Enjoyment of Birmingham's Historic Environment* and the *Birmingham Heritage Strategy*, and does it include adequate provisions in respect of Conservation Areas, buildings at risk, post-war architecture, and crime reduction?

10.6 The Council considers that the key principles of the Strategy for the Conservation and Enjoyment of Birmingham's Historic Environment (ES12) are reflected in the policy.

10.7 The Birmingham Heritage Strategy 2013 – 18 (EXAM30) was approved by the City Council in February 2014, after the Council's approval of the Pre-submission BDP. A copy of the document is attached. It is concerned with a wider definition of 'heritage' which includes natural as well as historic assets, and also includes 'intangible' assets such as stories and memories. It is concerned with raising the profile of heritage issues as well as with the protection and management of heritage assets. In so far as it relates to planning issues the Council considers that it is reflected in policy TP12. However it is accepted that it would be appropriate to include a reference to the document in policy 6.75 of the supporting text.

10.8 The policy identifies the importance of Conservation Area Character Appraisals and Management Plans and paragraph 6.73 commits the Council to continue to prepare these.

10.9 The policy does not seek to distinguish between assets of different eras, and is not considered that there is a need for a specific reference to post-war architecture. Issues to do with heritage crime are considered to be too detailed for inclusion in the policy.

Issue 11

How would a prospective developer know from the Plan whether or not their development proposal would affect a non-designated heritage asset?

11.1 Scheduled ancient monuments, historic parks and gardens and conservation areas are shown on the Policies Map.

11.2 The Council maintains a list of listed buildings, locally listed buildings and archaeological sites (on the Historic Environment Record) in Birmingham which is accessible on the Council's website. Whether other unlisted historic structures should be treated as non-designated heritage assets will depend upon their individual merits.

Issue 12

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?

12.1 The Council considers that these policies are effectively drafted, relevant and justified and that they do provide clear guidance on how decision-makers should react to development proposals.