



The Planning  
Inspectorate

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# Report to Birmingham City Council

by **Mike Fox BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 22 March 2012

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE ASTON, NEWTOWN AND LOZELLS  
AREA ACTION PLAN**

**DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 14 October 2011

Examination hearings held between 24 and 25 January 2012

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## Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
AH	Affordable Housing
CIL	Community Infrastructure Levy
DPD	Development Plan Document
EA	Environment Agency
FTP	Framework Travel Plan
HA	Highways Agency
HCA	Homes and Community Agency
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
PPS	Planning Policy Statement
RIS	Regional Investment Site
RS	Regional Strategy
SA	Sustainability Appraisal
SBC&WB RZ	South Black Country and West Birmingham Regeneration Zone
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
UDP	Unitary Development Plan

## Non-Technical Summary

This report concludes that the *Aston, Newtown and Lozells Area Action Plan* Development Plan Document provides an appropriate basis for the planning of the plan area over the next 15 years, providing a number of modifications are made to the plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the plan.

The modifications can be summarised under five broad headings as follows:

- **Other plans and areas** – clarifying the plan's relationship to the Birmingham Unitary Development Plan (UDP), the Birmingham Sustainable Community Strategy and emerging Birmingham Core Strategy; and the links to the Hub employment centre.
- **Sustainable development** - ensuring that the plan's approach to reducing energy consumption, adapting to climate change and setting a target for household waste is robust.
- The proposed **Regional Investment Site** (RIS) – amending the Framework Travel Plan (FTP) to refer to modal split, in order to maximise the potential for sustainable mode shift; clarifying the definition of small scale retail and requiring developers to submit a Scheme of Management to ensure delivery of high quality development and appropriate uses for a prestige business park; and deleting the requirement for a single outline planning permission for the entire RIS.
- **Housing provision and neighbourhood quality** – clarifying the plan's net housing contribution to the city wide total in the emerging Core Strategy; referring to the emerging Core Strategy in relation to the level of developer subsidy and percentages of affordable housing provision and their type and sizes that will be required; and clarifying the plan's approach to open space provision for new housing.
- **Water courses and flood risk** – including a new policy and explanatory text to strengthen the role of Hockley Brook as a wildlife corridor with improvements to reduce flood risk; strengthening the plan's strategy towards water quality, based on the Humber River Basin Management Plan and Water Framework Directive; and strengthening flood risk management by linking the timing of certain housing proposals to the completion of the River Tame Flood Alleviation works.

## Introduction

1. This report contains my assessment of the Aston, Newtown and Lozells Area Action Plan Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the DPD is sound and whether it is compliant with the legal requirements. Planning Policy Statement (PPS) 12 (paragraphs 4.51 to 4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted Area Action Plan (AAP) (October 2011) which is the same as the document published for consultation in August 2011.
3. My report deals with the main modifications that are needed to make the DPD sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. In addition to referring to various Core Documents from the Council's Examination Library, the footnotes in my report also refer to documents prefixed by 'R', which are representations to the AAP, and to documents prefixed by 'S', which were submitted during the Hearings. All these documents can be accessed via the Council AAP website.
5. The main modifications that go to soundness have been subject to public consultation, although additional Sustainability Appraisal (SA) has not been necessary, and I have taken the consultation responses into account in writing this report.
6. The Council's consultation and stakeholder and community engagement resulted in comparatively few representations most of which were in support of the plan. Further work with the Environment Agency (EA) and the Highways Agency (HA) on matters of flooding and the impact of the Regional Investment Site (RIS) on the strategic road network have resulted in a Statement of Common Ground and a withdrawal of objection respectively.
7. The thoroughness of the Council's consultation procedures was queried by a small minority of representors; I accepted a late representation, however, and allowed the person making the representation to attend the Hearings. I also received a small number of further representations including a petition towards the end of the consultation period into the Council's proposed main modifications following the Hearings, which have been considered both by me and the Council. I am satisfied that the Regulations have been met and that no one's interests have been prejudiced during the Examination.

## Assessment of Soundness

### Overview

8. The communities of Aston, Newtown and Lozells, with a growing population of over 54,000, lie just to the north of Birmingham city centre. Many houses in are in a poor condition. Whilst much of the area is industrial, significant tracts of land also lie derelict or vacant. Major transport arteries traverse the area, including the Gravelly Hill interchange on the M6 motorway, the A34 dual carriageway, the elevated Aston Expressway and the railways, which are also elevated. These transport links harm the quality of life for residents through severance, noise and disturbance, air pollution and visual impact. The canals and water courses, however, are potential assets, as is the cultural diversity of the resident population, the Conservation Areas, parks and listed buildings.
9. The Council has been actively addressing the area's significant regeneration challenges with an impressive track record in recent years. This includes securing significant public and private sector funding and implementing a wide range of housing, educational and other community schemes in addition to economic development and business assistance. Other agencies, such as the Homes and Communities Agency (HCA) and the EA, have been involved in economic development (including land acquisition), flood relief and improvement of water courses. The Aston, Newtown and Lozells Area Action Plan, which shall subsequently be referred to as the AAP or 'the plan' in this report, continues the existing vital process of regeneration in this area
10. The national and regional planning framework is changing. The expected revocation of Regional Strategies (RSs) outside London and the emerging National Planning Policy Framework (NPPF) are both relevant to the AAP. Although the second stage of the Localism Act 2011 is set to abolish all RSs outside London, policy PA7 of the *Regional Spatial Strategy for the West Midlands* (RS), which sets out the criteria for Regional Investment Sites, is still extant. One of the key proposals in the AAP, for a Regional Investment Site (RIS) at Aston, stems from the RS which was adopted in January 2008. The RS, based on robust evidence and good planning practice which have not been overturned by more recent research, is therefore material to my consideration of the soundness of this plan.
11. Although the consultation period for the draft NPPF has expired, it has not yet been adopted as Government policy, and it is therefore possible that further changes may be made to it. This means that I have to treat it as emerging policy in the making rather than giving it the full weight of adopted Government policy. The existing national planning policy guidance notes (PPGs) and planning policy statements (PPSs), which are still extant, therefore continue to be material to my soundness considerations. I have also had full regard to the Government's *Planning for Growth* agenda, which is reflected in the draft NPPF.

### Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the examination Hearings, I have identified seven main issues upon which the soundness of the plan depends.

**Issue 1 – Is the strategy of the plan soundly based to meet the needs of Aston, Newtown and Lozells in relation to national policy, the *Birmingham UDP*, the emerging *Birmingham Core Strategy*, the *Birmingham Sustainable Community Strategy* and the plans for and agendas of surrounding areas?**

13. The plan opens with a succinct statement of purpose – to provide a clear vision and strategy for regeneration and development in the Aston, Newtown and Lozells area over the period 2011-2026. Its strategy accords with the economic, social and environmental aims of national policy, the Draft NPPF, and the Government's *Growth Agenda*.
14. In addition to the RS, the adopted UDP<sup>1</sup> provides the statutory planning context for the area covered by the AAP. Although some of its policies, especially in housing, are no longer saved, it is an important reference point. The plan also needs to refer to the Council's emerging *Core Strategy*<sup>2</sup>, which has undergone its issues and options consultation and is on course to be submitted for examination later this year. It can therefore be accorded some weight. The Council considers that there are no issues which cast doubt on the appropriateness of adopting the AAP in advance of the *Core Strategy*, and from my consideration of the issues, written evidence and presentations at the Hearings, I agree, subject to clarifying the AAP's relation with the UDP, including key sports and housing aspects [MM 1-3].
15. There are two further reasons which support the adoption of the AAP in advance of the *Core Strategy*; firstly, the strategic need, identified at regional level<sup>3</sup>, for a Regional Investment Site (RIS) to provide much needed jobs within the South Black Country and West Birmingham Regeneration Zone (SBC&WB RZ) - the site proposed for this RIS is covered by the AAP; and secondly, the ambitious regeneration programme for one of the most challenging parts of the city needs to maintain its momentum and secure the necessary funding with the aid of an up-to-date adopted plan.
16. The plan also relates closely to Birmingham's *Sustainable Community Strategy* (SCS)<sup>4</sup>, and its vision – 'to make Birmingham the first sustainable global city in modern Britain. It will be a great place to live, learn, work and visit: a global city with a local heart'.

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<sup>1</sup> The *Birmingham Unitary Development Plan* (UDP) adopted by Birmingham City Council in October 2005; also known as the *Birmingham Plan* [Core Document 43].

<sup>2</sup> *Birmingham Core Strategy 2026: Consultation Draft*, December 2010 [Core Document 44].

<sup>3</sup> Government Office for the West Midlands *Regional Spatial Strategy for the West Midlands* (RSS) January 2008 [Core Document 45].

<sup>4</sup> Birmingham Local Strategic Partnership: *Birmingham 2026 Our vision for the future – Sustainable Community Strategy*, September 2008 (SCS) [Core Document 44].

17. The plan area has close links with outside areas. Subject to clarifying its potential links to the Core Employment Area at *The Hub*, immediately to the north of the AAP boundary, through local employment access programmes [MM4], the relationship between the local plan area and surrounding areas is satisfactorily addressed in the AAP, for example through green corridors and areas of flood risk, and in its relationships to the strategic road network outside the plan area.
18. Consequently, subject to the above modifications, the AAP strategy is soundly based in relation to national policy, the UDP and SCS, and in being adopted in advance of the *Core Strategy*, whilst it has an effective relationship with its surrounding areas.

## **Issue 2 – Does the plan provide a sound framework for sustainable development and conservation?**

19. The AAP contains a suite of policies (SD1-6) which addresses energy consumption and adapting to climate change, waste management, design quality and environmental enhancement. The list also includes policies which address the Lozells and Soho Hill and Aston Hall and Church Conservation Areas, and finally, archaeology and the historic environment.
20. The Council has proposed two modifications. The first is to delete the detailed requirements for Combined Heat and Power generation in policy SD1 in relation to large residential and commercial developments in favour of a more general policy which supports the use of energy saving technologies [MM5]. This modification recognises that the appropriate place for more focused CHP targets is the emerging *Core Strategy* where these targets, based on robust evidence, eg in relation to development viability, would be applied consistently across the city. I therefore endorse this modification in the interests of the soundness of the plan.
21. Secondly, the increased focus in the modified policy SD2, by including a household waste recycling target of at least 50% in accordance with the EU Waste Development Framework [MM6], is justified and effective.
22. The AAP recognises the importance of the two Conservation Areas, the historic buildings and parkland within the plan area. Some representations expressed concern that only Council owned land has benefited from public resources, such as New Deal for Communities, whilst the rest of the Aston Hall and Church Conservation Area has not similarly benefited. Furthermore, these representations state that the proximity of the Conservation Area to the proposed RIS makes the need for a management plan for this area all the more urgent. There is competition between the Conservation Areas in the city for relatively limited resources for management plans and consequent

environmental improvements, and I understand that the emerging *Core Strategy* will give the necessary strategic direction.

23. I note that resources may not be forthcoming to invest Council resources in the Aston Hall and Church Conservation Area in the relatively short time span envisaged for the implementation of Phase 1 of the RIS. The south-western edge of this phase, however, lies within the setting of the Conservation Area<sup>5</sup>, and therefore, RIS developers would be required by statute to either preserve or enhance the character or appearance of its setting.<sup>6</sup> Policy R2, reflecting national policy, also sets out the Council's expectations that RIS development on the northern side of the Aston Expressway should respect the special character of the Aston Hall, Church and Park area.
24. In response to representations favouring an extension of the Conservation Area to include the nineteenth century housing to the west, this is not within the remit of this examination, but in any event the Council considers that this would not be justified, given that the character of this area is already too compromised to justify this course of action, eg by a large number of unsympathetic alterations and extensions to houses in the area. This is in contrast to the existing Conservation Area, where a significantly higher proportion of the buildings and the streetscene have retained their distinctive character.
25. In the light of the modifications referred to above, the plan's approach to sustainability and conservation is sound.

### **Issue 3 – Is the proposed Regional Investment Site (RIS) at Aston justified, deliverable and in accordance with national policy?**

26. The plan states that the proposed RIS plays an essential part in delivering the strategic vision of the area by helping to create new jobs and a more flexible and competitive economy. It is seen by the Council as a 'flagship' development – not only critical for employment provision and the successful regeneration of the plan area, but also as a catalyst to economically transform a much wider area, including the South of the Black Country and the West of Birmingham (referred to in some documents as SBC&WB RZ), which is designated in the RS as a Regeneration Zone. The AAP's policies R1-7 set the planning framework for the type of RIS the Council has in mind and its implementation.
27. The key soundness considerations of the proposed RIS are whether:
- its site characteristics meet the RS strategic criteria;

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<sup>5</sup> See map showing extent and main features of Aston Hall and Church Conservation Area [Document S16].

<sup>6</sup> The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72 (1).

- the estimated 3,000 additional jobs is realistic in the current economic climate;
- its impact on the safety and operational capacity of the strategic road network is acceptable;
- the loss of existing jobs – estimated at about 150 - on the former Concentric Controls Site in Phase 1 is justified and whether these jobs could be relocated to nearby sites;
- the inclusion of B2 and retail uses would undermine the high quality of development at the RIS and the business park concept; and
- the proposed RIS can be delivered within the plan period, in terms of land acquisition; site preparation; strategic infrastructure; sustainable transport and highway improvements; environmental transformation of the site; and attracting the high prestige companies that the Council has in its sights.

### *Strategic criteria*

28. West Midlands RS policy PA7 lists seven criteria to assess RIS potential:

(i) *Size*: The proposed site, at 20ha, falls below the range of 25-50ha in the RS policy, but not significantly. Moreover, this is an urban site which could accommodate a high density of development, whilst the potential exists to extend the site in the longer term. The Council's view that no acceptable alternative RIS site exists within the city was not challenged. My attention was drawn to smaller RIS developments, such as the Wolverhampton Business Park, which totals 14ha, which have been successful in attracting new employment. The size of the proposed RIS therefore would not undermine any 'critical mass' considerations which might weigh against the scheme.

(ii) *High quality site attractive to national and international investors*: The requirement for a high quality site contrasts with the character of the existing site, which is adjacent to the M6 motorway at the Gravelly Hill interchange and fragmented by the elevated A38 (M) Aston Expressway and two elevated railways that join within the site. A canal also bisects the proposed RIS. The poor quality of some of the existing buildings, exacerbated by cleared and derelict areas, makes for a challenging environment.

The Council, however, at the Hearings, described the RIS site as "exciting urban design potential". The RIS would be highly visible from the motorways and railways, whilst Salford Park Lake, immediately to the north-east of the RIS, would enhance its setting. Policy R4 commits the Council to securing high quality development, whilst policy R5 requires a comprehensive Development Framework to include, amongst other things, a landscape strategy. Subject to securing a significant level of resources (see the section on RIS delivery below), the plan's environmental policies would ensure that the existing unprepossessing industrial landscape would not weigh heavily against its development as a RIS.

(iii) and (iv) *Served by multi-modal transport facilities and broadband IT infrastructure and possess good quality public transport links*: Aston East railway station, just to the south of the site, within easy walking distance, has

a frequent train service to the city centre. The A38 Lichfield Road, which adjoins the eastern boundary of the site, is a bus showcase corridor to the city centre. The site is also located close to the proposed Birmingham Eastside Station on the HS2 high speed rail link between London, the Midlands and the North, which is now a Government committed scheme.

(v) *Well related to the motorway and trunk road network:* The site has close links to the M6 motorway, the A38 (M) Aston Expressway, and the Birmingham road network.

(vi) *Proximity to areas of greatest need:* the proposed RIS is close to some of the most deprived communities in Birmingham.

(vii) *Accessible to effective education and training opportunities:* The site is close to Aston University and City of Birmingham University at Perry Barr.

29. In addition to the above criteria, RS policy PA7 states that a RIS will be required to meet the needs of the SBC&WB High Technology Corridor/Regeneration Zone.
30. The proposed RIS complies with all the criteria in RS policy PA7. This conclusion is strengthened by the site's status as previously developed land (unlike most of the other RIS proposals in the West Midlands<sup>7</sup>, which are located on greenfield sites and in some cases within the Green Belt) and the Council's view, unchallenged during the Examination, that the Aston site was the only suitable potential RIS site within the city boundaries. It is therefore justified in strategic terms.

#### *Estimate of additional jobs*

31. The Council's estimate of 3,000 additional jobs resulting from the proposed RIS stems from an ODPM<sup>8</sup> Guidance Note dated 2004, based on average employment densities and plot ratios for different types of employment development; this remains the most recent guidance available. Recent announcements of 1,000 additional jobs at the Longbridge RIS are in line with this methodology, and the figure for the Aston RIS is seen by the Council as a conservative and realistic assumption within the plan period. The jobs estimate for the Aston RIS is robustly justified, although implementation may occur later in the plan period when the economy is likely to have recovered from the present position.

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<sup>7</sup> See map showing Aston RIS and other RIS sites in the West Midlands, dated 23 January 2012 [Document S2].

<sup>8</sup> Office of the Deputy Prime Minister, ie indicating its status as a Government Advice Note.

*Impact on highway safety and the operation of the strategic road network*

32. Commenting on the proposed AAP submission document, the Highways Agency (HA) stated that, given the location of the proposed RIS close to Junction 6 on the M6 motorway, "it is crucial that the impact of the proposed development is effectively mitigated through the development of a balanced package of sustainable transport, demand management and physical improvements."<sup>9</sup> In its further Statement, the HA indicated that the additional traffic modelling work carried out by itself and the Council, and in particular the proposed changes to the nearby Salford Circus intersection, demonstrated that the proposed RIS would be capable of being accommodated on the highway network without giving rise to unacceptable detriment to the safety or operation of the network<sup>10</sup>, and in its further response to my questions, qualified this response with reference to modal shift targets.<sup>11</sup>
33. The key instrument to deliver an acceptable traffic impact on the network, in addition to the above mentioned highways improvements, is the *Framework Travel Plan* (FTP), which is proposed in policies R4 and T6. As the HA states, the FTP "demonstrates (the Council's) commitment to sustainable transport targets" (See footnote 11). The Phasing Profile for the RIS, which is in the Council's *Transport Strategy*<sup>12</sup>, provides a reasonable basis for the FTP. The Council's suggested modification to policy T6, to maximise the potential for sustainable modal split shift [MM7], commits the FTP to pursue sustainable transport targets based on the AAP Travel Demand Assessment<sup>13</sup>. Together with the pedestrian, cycling, public transport and highway improvements proposed in policies T1, T2 and T4, this will ensure that the impact of the RIS on the strategic road network would be minimised to an acceptable level.

*Loss of about 150 existing jobs on the former Concentric Controls Site*

34. The former Concentric Controls site, or complex, employs about 150 people, with an impressive 100% of floorspace let at the current time, in contrast to the high proportion of empty industrial buildings in the area. It was stated at the Hearings that the location was critical for the workforce, and that the nature of the employment 'offer' of the complex was necessary to the local economy and difficult to replicate elsewhere, whilst the need for their inclusion within the proposed RIS was challenged. Finally, it was stated that any

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<sup>9</sup> Highways Agency letter to Birmingham City Council, dated 1 April 2011 [Ref. 185690].

<sup>10</sup> Highways Agency EiP Statement, dated 2 December 2011 [Document R5].

<sup>11</sup> Highways Agency Further Statement in Response to Inspector's Questions, dated 20 January 2012 [Document R11].

<sup>12</sup> Birmingham City Council: *Transport Strategy*, Appendix B: Framework Travel Plan – East Aston Regional Investment Site, Table 4.1: Indicative Phasing, September 2011 [Core Document 14].

<sup>13</sup> See extract from AAP Travel Demand Assessment, appended to the Council's *Supplementary Note on RIS Mode Splits*, dated 25 January 2012 [Document S7].

enforced relocation could result in the loss of the jobs referred to above, making the proposed RIS counter-productive.

35. Concentric Controls occupies a sizeable part of RIS Phase 1B<sup>14</sup>, which I estimate to be about one third of the total land area. Apart from the King Edward VII Public House on Lichfield Road at the eastern end of the site, it is the only land not in Council or HCA ownership. Its size and location limits the development potential of the remaining narrow strip of Phase 1 land to the south, and also affects the critical mass, which is already beneath the RIS size criterion.
36. The complex also borders Salford Park Lake, which has the potential to be a key environmental and marketing factor in the success of the RIS, and where the highest standards of design and landscaping are expected (policy R4). Exclusion of the Concentric Controls complex from the RIS would present a poor visual backdrop to the RIS area when viewed from the elevated Aston Expressway as well as from the side of the lake. Although the existing 150 jobs are valuable to the city, the continued existence of the complex, which has the unprepossessing character of much of the surrounding area, threatens the success of the RIS scheme which, if successful, could transform the local economy and have beneficial effects further afield.
37. Evidence submitted to the Hearings pointed to a large 'reservoir' of around 1,600 ha of available employment land, widely located across the city<sup>15</sup>, much of which is suitable to accommodate the existing Concentric Controls businesses; several of the sites identified by the Council are located close to the RIS. Whilst I accept that relocating employees from established premises can be traumatic, the jobs in question have only been on their current site for around two years, and therefore cannot be described as long standing. No evidence was presented of insurmountable barriers to the satisfactory relocation of the existing jobs from the Concentric Controls complex to sites which are suitable, available and located within an accessible commuting distance from their present site. Moreover, it was stated at the Hearings that most of the employees in question travel to work by car, indicating a reasonable level of mobility for much of the workforce.
38. As a point of clarification, the e-mail correspondence between the company that now owns the Concentric Controls complex and the Council that was

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<sup>14</sup> The former Concentric Controls site is identified on the RIS Phasing and Key Sites map [Document S3], although it was pointed out at the Hearings that there is a small part on the northern edge of the site that is not within the Concentric Controls site.

<sup>15</sup> See Birmingham City Council *Industrial/Commercial Property Availability* (January 2012) [Document S4] and *Industrial Land and Core Employment Map*, January 2012 [Document S8]

submitted at the Hearings<sup>16</sup> was in connection with the poor and potentially dangerous condition of the site in relation to a Section 77 Notice<sup>17</sup> served by the Council, and does not, in my view, indicate that the Council had given any message that it did not intend to acquire the site for the RIS.

39. On balance, the arguments for the inclusion of the Concentric Controls complex on environmental, development potential and critical mass grounds, to enable the RIS to deliver significant employment benefits and transform the local area and beyond outweigh the temporary or longer term disbenefits associated with the forced relocation of the 150 existing jobs at the complex. However, I also agree with the Council's view that it is not an 'either/or' scenario, and that it should prove feasible for the reasons I have already stated to re-house the existing Concentric Controls businesses without the loss of these jobs.
40. The potential of the RIS to contribute significantly to the economic, social and environmental transformation of the plan area and beyond is, in my view, dependent to a large degree on the acquisition of the Concentric Controls complex, and the plan's approach to this matter is sound.

*Inclusion of B2 and retail uses within the RIS*

41. Policy R1 sets out the categories of acceptable uses within the RIS, including B2 (general industry) and small-scale retail uses. The Council has accepted that some B2 uses would be inappropriate within the proposed RIS and therefore has proposed to modify policy R5, to require any developer to prepare a Scheme for Management in consultation with the HCA and the Council **[MM8]**; such a Scheme would ensure that the high quality image of the RIS would be safeguarded, including the effective control of B2 uses to those which would not erode the high environmental quality of the RIS, and this modification is therefore endorsed in the interests of a properly justified and effective plan.
42. The Council has also proposed to limit the total size of small-scale retail uses to 2,000sm gross in policy R1 **[MM9]**. This would ensure that the overall character of the RIS is that of a high quality business park, and not a retail outlet, and is endorsed as sound. A variety of other social and community (D1 and D2) uses were suggested for inclusion in the RIS in representations; some flexibility, however, is already built into policy R1, which makes provision for supporting uses. The policy, subject to the proposed modification above, provides an appropriate balance to ensure that non-employment uses would not undermine the overall character of the RIS and for this reason the

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<sup>16</sup> E-mail correspondence between Stuart Homer and Birmingham City Council regarding Concentric Works, all dated December 2009 [Document S5].

<sup>17</sup> Notice served under Section 77 of the Building Act 1984, relating to dangerous structures.

representations for additional, potentially more substantive modifications to policy R1 are not considered to be appropriate.

*Delivery of the proposed RIS*

43. The Council aims to implement Phase 1 of the proposed RIS by 2015. A private sector property consultant has been appointed from January 2012 with the purpose of marketing the site and procuring a private sector development partner later this year. There are several key elements which are necessary to enable the RIS to deliver the Council's economic and regeneration objectives for the plan area and further afield. These include completing the remaining land acquisitions to ensure that the land is entirely within the ownership of the HCA and the Council; implementing the policy T2 highway improvements; securing a sustainable modal shift through the FTP (see policy T6 as modified MM7); preparing the ground, eg through the demolition of the remaining unsuitable properties; satisfying the EA's drainage requirements (see issue 6 below); and attracting the necessary funding to secure the strategic landscaping and infrastructure.
44. Evidence of the Council's commitment is seen in the significant finance already invested in the RIS; £13.5 million has been spent on site acquisition and the Council has indicated that in the last resort, compulsory purchase powers would be used to assemble the entire site, a course of action that has already been used in the plan area, eg. for the acquisition of residential properties in Phase 1 of the Newtown Regeneration Programme. Evidence also pointed to several currently available funding streams introduced by Government, including the Regional Growth Fund, Growing Places Fund and JESSICA<sup>18</sup>. The Council also intends to bring in a Community Infrastructure Levy (CIL) charging schedule by 2014 and has commissioned independent consultants to undertake a viability study of various CIL charges on a wide variety of developments.
45. The Council has suggested deleting the requirement for an outline planning application for the entire RIS at the outset in order to avoid unnecessary costs and delays **[MM10]**, which is endorsed in the interests of the effectiveness of the plan. The Council also suggests identifying the two distinct parts of Phase 1, both in the text and on the RIS Phasing Plan **[MM11]**, which is endorsed for effectiveness.
46. The Council's view is that without the proposed RIS, which is in its words "ready to go", major national and international investors will relocate elsewhere, and it explained at the Hearings that this has already started to happen. I have no reason to disagree with the Council's view, which was not

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<sup>18</sup> JESSICA stands for Joint European Support for Sustainable Investment in City Areas; £20 million of JESSICA funding is available to be used in Birmingham and is intended to be focused on the RIS.

robustly challenged either in the written representations or at the Hearings. I consider that the RIS is the 'critical path' for the effective delivery of the regeneration of the plan area as a whole, and that there are no insurmountable obstacles in bringing forward the delivery of Phase 1 of the proposed RIS by 2015, with the implementation of the remaining phases by the end of the plan period.

### *Conclusion*

47. On the basis of the above considerations I conclude that, subject to the modifications referred to above, the proposed RIS is justified, both in relation to the RS strategic criteria, the estimates of likely employment creation and its phasing and overall development parameters, including its traffic impacts on the surrounding road network. The proposed delivery arrangements and available resource planning set out in the plan are endorsed on the grounds of effectiveness. The former Concentric Controls site is an essential part of the overall scheme for the RIS, and whilst the relocation of the 150 existing jobs is clearly daunting to the owners, managers and workforce, the plentiful supply of similar employment land within a reasonable distance of the RIS should enable these jobs to be saved, albeit with some disruption.
48. The proposed RIS, as modified, is endorsed as justified, effective and in accordance with national policy.

### **Issue 4 – Does the plan provide a sound framework for the growth and development of the Perry Barr/Birchfield District Centre?**

49. Policy LC1 proposes the growth and development of the existing Perry Barr/ Birchfield District Centre, in two phases of 10,000m<sup>2</sup> each of retail development over the periods 2008-2021 and 2021-2026. This is below the amount in the emerging *Core Strategy* (CS policy SP18 proposes 12,500 m<sup>2</sup> gross for each period), but is in line with RS policy PA12B which indicates that an increase of 10,000m<sup>2</sup> gross comparison retail floorspace in non-strategic centres (which includes Perry Barr/Birchfield District Centre) by 2021 would be acceptable in principle, with proposals for the period 2021-2026 to be committed at a later time. The policy also provides for a maximum of 10,000 m<sup>2</sup> of additional office floor space over the entire plan period.
50. These figures are not considered to be unrealistic over the length of the plan period, when at some point it is likely that the local economy will recover from the existing situation. Furthermore the quantity of retail demand is supported by robust and up-to-date evidence<sup>19</sup>. Neither the retail nor office provision is likely to harm the commercial prospects of the nearest retail and commercial centres outside the city, at West Bromwich or Walsall, both of which have

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<sup>19</sup> In particular, Birmingham City Council: *Retail Needs Assessment*, by Roger Tym & Partners, October 2009 [Core Document 31].

significantly larger additional retail and office provision than the RS allocations for Perry Barr/Birchfield District Centre.<sup>20</sup>

51. Moreover, the *Perry Barr Impact Assessment*<sup>21</sup> which has been prepared to inform the emerging *Core Strategy*, states that there is currently very little overlap in the comparison goods catchment areas of Perry Barr, Walsall, and West Bromwich, and concludes that "Whilst we note that Walsall and West Bromwich town centres have experienced decline in recent years, the absence of significant impact means that Birmingham City Council should not be precluded from seeking to enhance Perry Barr District Centre, so that it is better equipped to meet the needs of catchment area residents".
52. The future of the Perry Barr Greyhound/Speedway Stadium was debated at the Hearings and in particular the reference in policy LC1 to the possibility of the stadium being redeveloped. It is clear that the stadium, which is close to the District Centre, has the potential to offer additional leisure facilities and a greater variety of uses for the local and wider community. This could be thwarted if the AAP were to be modified to restrict the site to the current use of speedway racing and similar or associated uses. Policy LC1 states that in the event of the stadium being redeveloped, an equivalent provision should be made and be at least as accessible as the current stadium. This safeguards the current users and provides flexibility in relation to the future of the District Centre and the needs of the community.
53. Consequently, the plan provides a sound framework for enabling the growth and enhancement of the Perry Barr/Birchfield District Centre for the benefit of the plan area as a whole.

**Issue 5 – Is the plan's approach to housing provision and distribution, and associated neighbourhood quality justified? Are the needs for particular types of housing addressed satisfactorily, including affordable housing?**

54. The plan aims to transform housing quality and choice in order to help form mixed and balanced communities. It makes a sizeable contribution to meeting the city's housing needs, quantitatively (policy H1); through the provision of a wide range of house sizes, including meeting the need for larger family accommodation, based on the city-wide findings of the Strategic Housing Market Assessment (SHMA)<sup>22</sup> (policy H2); and through enhanced open space

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<sup>20</sup> *West Midlands Regional Spatial Strategy*: Over the period 2006-2026, Policy PA12A provides for 85,000m<sup>2</sup> and 65,000m<sup>2</sup> of additional comparison retail floorspace for Walsall and West Bromwich respectively; policy PA13A provides for 220,000m<sup>2</sup> of new office development each for Walsall and West Bromwich [Core Document 45].

<sup>21</sup> Hollis Vincent Planning and Development Consultants: *Birmingham Core Strategy – Perry Barr Impact Assessment*, dated August 2011 [Core Document 17].

<sup>22</sup> Opinion Research Services: *Birmingham Strategic Housing Market Assessment (SHMA) 2007* [Core Document 27].

and high design quality (policies H4 and H5). The plan also provides the framework for the replacement of considerable tracts of housing which has reached the end of its economic life span, and/or which is unsuitable by modern living standards. Its housing regeneration and public realm aspirations for Newtown, Lozells and Aston are encapsulated in policies H6-H8.

55. The emerging *Core Strategy* makes a city-wide provision for 50,600 additional net dwellings over the plan period. The AAP plays its part in meeting this target, and is supported by the Council's Strategic Housing Land Availability Assessment (SHLAA)<sup>23</sup>, which identifies a wide variety of sites for new housing in the plan area. The plan proposes 1,671 new homes during the plan period, which reduces to a lower but still significant total of 783 dwellings once account is taken of the loss of existing housing units through clearance, and the fact that much of the area is in industrial or commercial use. (A relatively small proportion of this total is dependent on the implementation of flood alleviation schemes [See Issue 6 below]). The Council's proposed modifications to policy H1 and the explanatory text achieve some consistency with the emerging *Core Strategy* by confirming the scale of the housing provision that will be made by the AAP **[MM12 -13]** and are therefore endorsed on the grounds of justifying the plan.
56. Some representors expressed concerns over the proposed loss of housing to make way for the RIS and 'missed opportunities' to provide more housing for local people, with particular reference to Aston. Evidence was provided by the Council to show that the school roll at Manor Park School in Aston over the period from 2005 to 2011<sup>24</sup> has remained stable. Although 22 dwellings on RIS Phase 2 land are affected and a few units have been cleared on Phase 1 land, the housing numbers are not significant, and the sites are affected by poor air quality and noise from the adjacent motorways, which would be considerations against new housing in this location.
57. The relatively small housing loss in this part of Aston is reflected in the Manor Park school roll which has not decreased markedly over the last few years. In fact over the most recent four years there has been a small increase in pupil numbers. Although I understand the point that many of the pupils come to school by car and are not considered to be 'local', this characteristic is experienced by many schools throughout the nation and is beyond the control of the planning system.
58. The Council considers that the school intake is healthy and sustainable, based on two forms of entry, and that the biggest influence in numbers is related to lower birth rates than initially expected. The plan is therefore justified in

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<sup>23</sup> Birmingham *Strategic Housing Land Availability Assessment* (SHLAA) November 2010 [Core Document 43].

<sup>24</sup> Numbers on Roll at Manor Park School 2005/06 – 2011/12, compiled by Birmingham City Council's School Organisational Team [Document S12].

taking a relatively small proportion of the local housing total, which is located in an area of poor environmental condition, to enable site assembly for the proposed RIS, and that this has not placed the viability of the school in doubt.

59. Regarding the plan's affordable housing (AH) provision, policy H3 has a threshold of 15 dwellings at which developer contributions are sought, but with no AH percentages and therefore no clear focus on what should be achievable. Although the Council has secured a relatively high percentage of AH on sites in its ownership in recent years<sup>25</sup>, there is no guarantee that it can deliver as impressively on private sites, and indeed it would be surprising if it did in the absence of a strong policy. The modification of policy H3 to refer to the percentages set out in the emerging *Core Strategy* will make the plan effective in providing the necessary focus and additional strength in AH negotiations [MM14] and is therefore endorsed.
60. The plan recognises the value of open space in new residential development, especially as the plan area is so densely developed. It also acknowledges that identifying new areas of open space is difficult. Policies OS1-9 seek to increase and enhance the quality of open spaces, including improved public access to the River Tame and the creation of a number of green links as part of a wider green infrastructure. The plan strikes an appropriate balance between increased recreational access and wildlife conservation in the River Tame and elsewhere.
61. Policy OS1 seeks to raise the quality of the residential neighbourhoods including the provision of green links. The Council has proposed to modify this policy, to set a minimum target of 2 ha of open space and 1.2 ha of public or private playing fields per 1,000 population, with a presumption against development on open space unless it can be demonstrated that it is surplus to requirements [MM15]. This will sharpen the focus of the plan and make it effective in achieving its open space aims, and it is therefore endorsed.
62. I am satisfied that the plan's provision for housing and neighbourhood quality, as modified, is justified, effective and in line with national policy.

**Issue 6 – Does the plan provide a sound framework for the maintenance and improvement of water courses and the management of flood risk?**

63. Much of the northern part of the plan area, beyond the Birmingham to Walsall railway, lies within the flood plain of the River Tame, which provides a natural storage of floodwater for a wide area, the majority of it outside the plan area. As the plan indicates, any reduction in this floodplain to development without compensatory flood storage elsewhere will lead to increased flooding problems downstream. The *River Tame Flood Risk Management Strategy* (and
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<sup>25</sup> See Development Schedule – Current and Future House building Programme on Council owned land [Document S13].

associated *Water Framework Directive*)<sup>26</sup> proposes a range of flood defence measures which affect a number of development proposals within the AAP.

64. The Hockley Brook, which runs into the River Tame at Cuckoo Bridge, just to the east of the Gravelly Hill Interchange, is the focus of a narrower flood zone, albeit largely high risk (Flood Zone 3), to the south of the plan area.
65. The representations from the EA culminated in a Statement of Common/Uncommon Ground<sup>27</sup>, which in turn has led to a number of modifications to the plan. These include a new policy, OS2A, and supporting text to strengthen improvements to Hockley Brook as a wildlife corridor and as a watercourse, whilst at the same time recognising that in some stretches the brook is culverted to a depth where deculverting would not be appropriate [MM 16-18]. The modified policy OS11 requires development in the River Tame and Hockley Brook flood zones to be in accordance with the Council's *Strategic Flood Risk Assessment (SFRA)*<sup>28</sup> with a corresponding change to the Infrastructure Requirements Table 4 [MM19-20]. These modifications provide a justified and effective framework for flood control and other water-related matters and are therefore endorsed.
66. Following the application of the sequential test, two development sites were identified in the SFRA as being dependent on the flood defence measures proposed as part of the *River Tame Flood Risk Management Strategy*, and a further modification to policy OS11 [MM21] ensures that there will be no development on the Tame Road site (25 dwellings) or the Westwood Road/Dulverton Road site (mixed use, including 10 dwellings) until the River Tame Flood Alleviation Works are completed by the EA. This is endorsed in the interests of the effectiveness of the plan.
67. The other two sites identified in the SFRA, at Perry Barr (policy LC1) and the RIS (policy R1), are key growth areas where alternative sites, as required to be demonstrated under the Sequential Test, do not exist, and development can be accommodated through the application of the Exception Test in accordance with the requirements of PPS25<sup>29</sup> and the EA at the appropriate time.
68. Policy OS10 also addresses bio-diversity and water quality, including the deculverting of water courses where possible. It recognises the improvement

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<sup>26</sup> Environment Agency *River Tame Flood Risk Management Strategy*, May 2011, pages 22 and 23 [Core Document 28].

<sup>27</sup> Aston, Newtown and Lozells Area Action Plan Examination in Public: *Statement of Common/Uncommon Ground in relation to Flood Risk and Water Quality Issues* between Birmingham City Council and the Environment Agency, January 2012 [Document R9]

<sup>28</sup> Birmingham City Council and Atkins: *Level 1 Strategic Flood Risk Assessment [SFRA]* January 2010 [Core Document 38].

<sup>29</sup> PPS 25: *Development and Flood Risk*, December 2006.

priority of Hockley Brook, as set out in the *Humber River Basin Management Plan*<sup>30</sup> and the Birmingham Brooks Study<sup>31</sup>. The modification of this policy to require developments to meet the requirements of the *River Tame Flood Risk Management Strategy* (and associated *Water Framework Directive*), to be published in 2015 [MM22] and the corresponding changes to the explanatory text [MM23], are endorsed on the grounds of the effectiveness of the plan.

69. Consequently, subject to the modifications referred to above, the plan's approach towards water courses and flood risk is sound.

### **Issue 7 – Are the implementation and monitoring aspects of the plan sound?**

70. PPS12<sup>32</sup> indicates that area action plans should set out, as far as practicable, the timetable for the implementation of the proposals. The implementation and monitoring of the plan is covered in Table 4 which sets out the main infrastructure requirements, Table 5 which is an ongoing Delivery Plan and Table 6 which covers monitoring and review. Policy DI1 addresses planning contributions.
71. Although the existing economic conditions are challenging, and whilst the Council has acknowledged that some of the schemes in Table 5 currently have undetermined financing, no showstoppers have been revealed in the Delivery Plan. The two key considerations which are relevant to delivery are firstly, that the Council's track record on scheme delivery has been good in an area which is undergoing major transformation; and secondly it is reasonable to assume a recovery in both public and private sector funding over the 15 year plan period.
72. Other factors in favour of effective delivery of the plan are the large areas of land in public ownership and the ability of the Council to access several currently available funding streams. These considerations lead to the conclusion that there is the means, and the will, from the Council and other key agencies to deliver the key policies and development schemes in the plan.
73. The critical path for the successful implementation of the AAP is the RIS (see issue 3 above), which is considered to be achievable within the plan period. The Council also aims to prepare a Community Infrastructure Levy (CIL) charging schedule by 2014, relatively early in the plan period and which dovetails with the planned implementation Phase 1 of the RIS in 2015.

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<sup>30</sup> DEFRA and Environment Agency: *Water for Life and livelihoods – River Basin Management Plan: Humber River Basin District*, December 2009 [Core Document 30].

<sup>31</sup> Environment Agency: *Birmingham Brooks Study – Future Potential Projects*, undated [Core Document 29].

<sup>32</sup> PPS 12 *Local Spatial Planning* (2008) paragraph 5.6.

74. The comprehensive monitoring framework in Table 6 is sufficiently detailed to cover the proposed implementation of key schemes over the plan period, and the Council aims to monitor the table on an annual basis. I am satisfied that the monitoring arrangements are clear, in order to enable plan progress to be tracked and where appropriate reviewed, so as to ensure that the plan policies are effective and can respond flexibly to changed circumstances.
75. In summary, I conclude that no modifications to the implementation and monitoring parts of the plan are needed in the interests of soundness.

### **Other matters**

76. In addition to the seven issues above, other parts of the plan were the subject of representations. In particular a number of transport concerns were raised; these included difficulties of east-west movement, the car parking and general traffic impacts of football matches and concerts at Villa Park on local communities, rail infrastructure improvements, improved bus services and cycling provision. These were either outside the scope or resources of the plan to deliver or were addressed by appropriate policies. There are no soundness issues requiring a modification in relation to any of the above transport matters or in relation to any other section of the AAP.
77. Several additional matters were raised in representations and at the Hearings, which do not go to the heart of soundness. The Council has shown that it has been willing to consider these concerns, some of which have found their way into the AAP via the Council's schedule of minor changes.

## Assessment of Legal Compliance

78. My examination of the compliance of the plan with the legal requirements is summarised in the table below. I conclude that the plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Area Action Plan is identified within the approved LDS, dated January 2012, which sets out an expected adoption date of June 2012. The Area Action Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in April 2008 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (December 2009) sets out why AA is not necessary.
National Policy	The Area Action Plan complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Area Action Plan is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Area Action Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

79. The plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the issues set out above.

80. **The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Aston, Newtown and Lozells Area Action Plan DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in PPS12.**

*Mike Fox*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission DPD, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	14, Part 1	6.2	<i>Add to end of paragraph 6.2: <u>The plan makes reference to the extant Birmingham Unitary Development Plan where the UDP policies and proposals are still up to date and relevant to the Plan. In other cases, references are made to the emerging Core Strategy where these emerging policies and proposals are relevant to the AAP.</u></i>
MM2	54, Part 2	7.47	<i>Add to the beginning of the paragraph: <u>Paragraph 3.63 of the Unitary Development Plan and</u></i>
MM3	7, Part 1	8.1	<i>Add to the end of the paragraph: <u>This supersedes the older (2004) UDP housing target.</u></i>
MM4	29, Part 2	3.35	<i>Add to the end of the paragraph: <u>The AAP will seek to link employment opportunities created by The Hub to local people through the Council's established local employment access programmes.</u></i>
MM5	19, Part 2	Policy SD1	<i>Delete first paragraph and replace with: <u>New residential and commercial developments will be encouraged to reduce energy consumption and demonstrate that they have adapted to the potential impacts of climate change. Combined Heat and Power (CHP) generation is an example of the type of technology which can reduce energy consumption and the use of CHP and other technologies such as solar panels will be supported.</u></i>
MM6	19, Part 2	Policy SD2	<i>Add to policy: <u>Household waste recycling should seek to achieve a target of at least 50% by 2020 in accordance with the EU Waste Development Framework.</u></i>
MM7	44	Policy T6	<i>Add to policy: <u>The Framework Travel Plan will have regard to the latest Census derived modal split for the Birmingham area and will aim to maximise the potential for sustainable modal shift as set out in the Council's Travel Demand Assessment.</u></i>
MM8	24, Part 2	Policy R5	<i>Add to policy: <u>Any subsequent planning permission for the RIS will require the developer to prepare a Scheme of Management in consultation with the HCA and the Council. The scheme of management will ensure that the site is used for purposes that meet the RIS objectives of attracting high quality technology related investment to</u></i>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>diversify the economy. It will set out the measures to be established to provide effective control of uses including the issue of controlling appropriate high quality B2 uses.</u>
MM9	23, Part 2	Policy R1	<i>Add text to paragraph 2 of policy as follows:</i> Supporting uses such as conference facilities, small-scale retail of <u>no more than 2,000m<sup>2</sup> gross floorspace</u> , cafes, crèche, gym and hotel of an appropriate scale and ancillary to the main use of the site will be acceptable.
MM10	24, Part 2	3.16	<i>Modify the paragraph as follows:</i> The Development Framework for the RIS will be used to inform outline planning applications for the site and its <u>their</u> associated Section 106 Agreements that will tie the planning contributions to specific phases of development.
MM11	25, Part 2	Table 1	<i>Amend table as follows:</i> 1(a) 2012 -2015 Holte and Priors 1 (b) 2012-2015 Serpentine; <i>with corresponding changes to the Phasing Plan (Figure 3).</i>
MM12	36, Part 2	Policy H1	<i>Insert at start of policy:</i> <u>Around 783 additional (1,671 gross) new homes...</u>
MM13	54, Part 2	5.4	<i>Modify the paragraph as follows:</i> The plan will contribute to housing growth and identifies sites <u>for a net increase of around 783 units</u> for new residential development which accords with the Core Strategy draft policy SP25 regarding the location of new housing.
MM14	36, Part 2	Policy H3	<i>Add to the beginning of the second paragraph:</i> <u>The level of developer subsidy will be established taking account of the percentages set out in the emerging Core Strategy and the types and sizes of the dwellings proposed.</u>
MM15	48, Part 2	Policy OS1	<i>Add to policy:</i> <u>As a basic guide to the supply of open space in the plan area, the aim will be to provide a minimum target of 2 hectares of open space and 1.2 hectares of public or private playing fields per 1,000 population at the Constituency level. There is a presumption against development on open space unless it can be demonstrated that it is surplus to requirements.</u>
MM16	49, Part 2	7.17	<i>Add new paragraph (renumber all subsequent paragraphs):</i> <b>Hockley Brook Corridor</b> <u>The Hockley Brook Corridor runs through the south of the plan area. It is almost entirely culverted through the AAP area from the Hockley flyover through to where it discharges into the River Tame at Cuckoo Bridge. In parts of the plan area the culvert is 8 metres deep, making deculverting unfeasible. There are, however, some open sections along the line. The Hockley Brook is identified in the Birmingham Brooks Report as currently suffering from environmental degradation and pollution and poor access. Improvements along the river corridor need to be encouraged, including flood risk management, improved access for maintenance, wildlife corridors and improved water quality.</u>

Ref	Page	Policy/ Paragraph	Main Modification
MM17	49, Part 2	Policy OS2A	<i>Add new policy:</i> <b><u>Policy OS2A Hockley Brook</u></b> <u>Opportunities for the improvement of the Hockley Brook will be encouraged, prohibiting building over the culvert, a 7 metre wide easement on either side, maintenance access at appropriate locations, creation of new riverside spaces, flood risk management, reducing surface water discharge to it, enhancing public amenity, improvement of water quality and its enhancement as a wildlife corridor. These shall be appropriately designed so as to minimise any impact on existing wildlife and habitats.</u>
MM18	52, Part 2	7.40	<i>Delete the following paragraph:</i> <del>There is an opportunity through the regeneration of Newtown Estate to open the brook in order to enhance the biodiversity and recreation value. Likewise</del>
MM19	54, Part 2	Policy OS11	<i>Modify the policy as follows:</i> Site-specific flood risk assessment will be required when considering proposals to develop within the River Tame and Hockley Brook flood zones and in areas susceptible to surface water flooding <u>as defined by the locally agreed surface water information, including appropriate mitigation measures to address any issues identified and reductions in surface water discharge in line with the Strategic Flood Risk Assessment.</u> Sustainable Urban Drainage Systems (SUDS) will be required for all developments including arrangements for the long term maintenance of the SUDS infrastructure.
MM20	61, Part 3	Table 4	<i>Add to item 14:</i> <u>and River Tame Strategy (policy OS11).</u>
MM21	54, Part 2	Policy OS11	<i>Add to policy:</i> <u>No development of the Tame Road and Westwood Road/Dulverton Road sites should take place until the River Tame Flood Alleviation works are completed by the Environment Agency.</u>
MM22	53, Part 2	Policy OS10	<i>Add new paragraph after the first paragraph:</i> <u>The plan will require developments within the plan area to meet the objectives of the Humber River Basin Management Plan and Water Framework Directive aimed at improving water quality across the region. These strategies set out the targets for water quality improvement impacting upon the plan area. The Council as a co-deliverer of the strategies will seek to ensure that developments should cause no detriment to the overall classification of the Humber River Basin Management Plan Waterbody, explore options for water environment improvement and commit to them wherever viable in order to help bring all waterbodies up to the required standard by 2015.</u>
MM23	53, Part	7.41	<i>Add at end of first paragraph:</i> <u>Developers should be aware that details of the specific actions required to meet</u>

Ref	Page	Policy/ Paragraph	Main Modification
	2		<u>the requirements of the Water Framework Directive and Humber River Basin Management Plan will be published in 2015.</u>