

Agenda Item No 7

Local Development Framework Sub-Committee

9 April 2014

Report of the Assistant Chief Executive and Solicitor to the Council

Duty to Co-operate

1 Summary

- 1.1 This report brings Members up to date on the work being undertaken under the Duty to Co-operate.

Recommendation to the Sub-Committee:

That support is given, subject to the suggested changes, to the Proforma on Duty to Co-operate with Birmingham City Council

2 Consultation

- 2.1 A copy of the report has been forwarded to Councillors Sweet, Winter, Simpson, M Stanley and Smith.

3 Duty to Co-operate

- 3.1 As Members are aware a key part of the development of planning policy is to ensure that we and our neighbours comply with the Duty to Co-operate. The Borough Council can do this through regular meetings/ discussions with local authorities and other organisations. This can then be set out in a number of ways either as notes of meetings, a Memorandum of Understanding or as such Birmingham would like to do in the form of a proforma.
- 3.2 Attached as Appendix A is the draft Proforma with some suggested changes. Subject to these changes and any other additional changes suggested by Members it is recommended for the Leader of the Council to sign.

4 Birmingham Growth

- 4.1 As members are aware work is being carried out by the GBSLEP and Birmingham City Council on the amount of growth that both Birmingham can take and the amount of growth that will need to be considered by other local authorities. This work will be brought to members as soon as it becomes available.

- 4.2 Recently private developers have produced work that looks at how big the gap is between the housing need and the housing provision. The covering letter by the lead consultants Barton Wilmore is attached as Appendix B. As can be seen this indicates a much larger deficit and could thus put more pressure on a number of local authorities including North Warwickshire. As further information becomes available Members will be kept informed on the situation.
- 4.3 In addition to housing there are increasing pressure to consider further employment land. One such site is an extension to the Birmingham's employment allocation at Peddimore (west of Curdworth). It has been suggested that this site is extended to the west (north and north-east of Curdworth). The information that has been sent to Birmingham City Council as part of their recent consultation is attached as Appendix C.

The Contact Officer for this report Dorothy Barratt (719250).

BIRMINGHAM DEVELOPMENT PLAN

Duty to Co-operate

Local Planning Authorities and other bodies party to this agreement/ understanding:
A. Birmingham City Council (BCC) B. North Warwickshire Borough Council (NWBC)

Development Plan Document(s) covered by this agreement / understanding:
Birmingham Development Plan <u>(as at March 2014)</u>

Stage in the process forming part of this agreement:
Pre-Submission* *NB: In the event of any changes to the plan prior to submission and/or as part of modifications proposed during the Examination process then updated versions of this document may be prepared.

Checklist criteria NB: this is a starting point, list to be mutually agreed between the parties to this agreement. Checklist discussed and agreed: Yes/ No	Summary status E.g.: Full or partial agreement, / Shared understanding on area(s) of disagreement, or/ Not applicable Delete as appropriate	1. Summary of the approach in the plan 2. Summary of agreed position and any outstanding concerns or other comments NB: Refer to attachments and appendices if required
a) Overall approach incl. relationship to urban and rural renaissance	Agreed/ Shared Understanding/ Not Applicable	1. The vision, strategic objectives and approach set out in the BDP envisages that by 2031 Birmingham will be renowned as an enterprising, innovative and green city that has delivered sustainable growth meeting the needs of its population and strengthening its global competitiveness. Following around half a century of decline in the latter half of the C20 the city's population is expected to grow rapidly extending and building on the success of the strategy for urban renaissance that has been the hallmark of planning in the city since the 1980's. 2. Following abolition of the Regional Spatial Strategy the City Council has worked and continues to work with adjoining authorities in the GBSLEP and West Midlands Metropolitan Area and beyond not only to ensure the continuing success of urban renaissance but also, through the GBSLEP

		<p>Strategic Spatial framework Plan, the Strategic Policy Framework for the West Midlands Metropolitan Area and local plans, to ensure that there remains an appropriate balance between growth and development to meet needs in both urban and rural areas. There are no outstanding issues in relation to the strategy set out in the BDP between the parties signatory to this document.</p>
<p>b) Estimation of housing requirements and the level and distribution of housing provision</p>	<p>Agreed/ Shared Understanding/ Not-Applicable</p>	<p>1. The Birmingham SHMA which underpins the BDP estimates a housing requirement of c80,000 net new dwellings in the period up to 2031. The 2012 SHLAA's best estimate of likely capacity without incursion into Green Belt (except at the site of the former Yardley Sewage Works) and including an allowance for c700 on land at Longbridge within Bromsgrove District is c45,000 dwellings, including allowance for windfalls. The Pre-submission version of the BDP proposes that 51,100 net new dwellings - should be provided including the removal of land from the Green Belt to increase capacity within Birmingham leaving a balance to be found outside the city's boundary of c29,000 dwellings.</p> <p>2. The major issues concern the scale of the housing requirement, the extent to which capacity exists or can be identified within Birmingham's boundary and then the scale and distribution of any resultant shortfall. The BDP sets out Birmingham City Council's position in respect of these matters and it is envisaged by the parties signatory to this document that the satisfactory resolution of these issues will be achieved through (1) completion of the GBSLEP Strategic Housing Needs Study (2) Distribution of the overall housing need and the resultant 'overspill' housing through the Second Iteration of the GBSLEP Strategic Spatial Framework Plan and <u>if necessary</u>, through arrangements negotiated with other <u>identified strategic housing market areas authorities</u> beyond the GBSLEP as justified by the evidence and (3) Subsequent accommodation of the 'overspill' growth in the review of Local Plans in <u>adjoining-relevant areas reflecting both the urban and rural renaissance agendas</u>. This approach is accepted by the parties signatory to this document.</p>
<p>c) Appropriate</p>	<p>Agreed/</p>	<p>1. The Birmingham SHMA takes account of</p>

<p>provision made for migration</p>	<p>Shared Understanding/ Not-Applicable</p>	<p>migration in establishing the overall housing requirement and, broadly speaking, the effects of migration trends are then taken into account in the estimation of housing requirements in adjoining areas through the preparation of local plans.</p> <p>2. The identification of a housing shortfall or 'overspill' requirement refers to potential additional housing over and above that included in population and household projections that is needed outside Birmingham's boundary in order that housing needs can be met. The process for resolution of this matter is as set out in b)2 above. This approach is accepted by the parties signatory to this document.</p>
<p>d) Level and distribution of employment land provision</p>	<p>Agreed/ Shared Understanding/ Not-Applicable</p>	<p>1. The BDP identifies a serious emerging shortfall of land to accommodate future employment growth and investment. The plan addresses this issue by protecting the city's core employment areas from competing uses so they offer a continuing supply of recycled land supplemented by the release of a major new employment site (80ha) at Peddimore. Proposals for six economic zones are primarily focussed within the existing employment areas and include two Regional Investment Sites. The possible longer-term need for further strategic employment sites is to be addressed by the GBSLEP Spatial Plan for Recovery and Growth and associated technical work with adjoining LEPs. This will be informed by the joint commissioning of a Review into the West Midlands-wide need and provision of very large employment development opportunities. Proposals for a potential major employment site at Dunton Island and discussion of the possible relationship to the Peddimore allocation in Birmingham could <u>should only</u> be considered in this strategic context and not in the current round of local plans.</p> <p>2. This approach is accepted by the parties' signatory to this document.</p>
<p>e) Hierarchy of centres and the level and distribution of retail provision</p>	<p>Agreed/ Shared Understanding/ Not-Applicable</p>	<p>1. The BDP defines a retail hierarchy of centres in Birmingham. The approach in the BDP is to make provision for a net increase of 270,000 m² in comparison retail floorspace concentrated in the City Centre, Sutton Coldfield town centre and three District</p>

		<p>Growth Points. Growth elsewhere will be small scale.</p> <p>2. This approach is accepted by the parties' signatory to this document.</p>
f) Level and distribution of office provision	Agreed/ Shared Understanding/ Not Applicable	<p>1. The approach in the BDP is to encourage 745,000 m² gross of new office development in the network of centres primarily focussed in the city centre including a substantial proportion of the new office floorspace expected to be provided within the Enterprise Zone.</p> <p>2. This approach is accepted by the parties' signatory to this document.</p>
g) Appropriate provision made for public and private transport including Park & Ride and commuting patterns	Agreed/ Shared Understanding/ Not Applicable	<p>1. The BDP incorporates a range of transport polices and proposals across all modes. These are consistent with the extant Local Transport Plan and emerging Birmingham Mobility Action Plan (BMAP). There are proposals to improve networks both within and beyond the boundary which will impact, for example, on modal choice for commuters. Major development proposals close to the city boundary have impacts that can extend across the administrative boundary. Close cross-boundary co-operation on transportation matters continues through both West Midlands Shadow ITA and the associated Local Transport Boards (LTB).</p> <p>2. There is no desire to increase the levels of in-commuting across the city boundary so there is an expectation that <u>where possible</u> there will be a broad balance, <u>having regard to local circumstances</u>, between the levels of housing and employment growth taking place in areas beyond the city boundary which is a matter to be addressed in the relevant local plans.</p> <p><u>North Warwickshire, a rural Borough already has levels of both in and out-commuting to Birmingham due to the location of regional sites within the area.</u></p> <p>This approach is accepted by the parties' signatory to this document.</p>
h) Consistency of planning policy and proposals	Agreed/ Shared Understanding/	<p>1. To be identified and discussed as appropriate across common boundaries but would include matters such as landscape,</p>

<p>across common boundaries such as transport links and green infrastructure</p>	<p>Not Applicable</p>	<p>designations of natural areas, river basin management and transport networks.</p> <p>2.</p>
<p>i) Green Belt matters</p>	<p>Agreed/ Shared Understanding/ Not Applicable</p>	<p>1. Significant changes to the Green Belt are proposed in association with major development proposals at Langley and Peddimore to the north-east of Birmingham and at the site of the former Yardley sewage works. The changes to the Green Belt boundary have been made in such a way as to identify new boundaries that will endure in the long-term and allow for development to be accommodated that will not undermine the essential purposes or integrity of the wider West Midlands Green Belt. The City Council acknowledge that additional land which is currently designated as Green Belt in adjoining areas may need to be identified considered for development – as a consequence of the process to determine the level and distribution of future growth set out under b)2 above - but the responsibility for those proposals, should they arise, will lie with the respective local planning authority (working collaboratively with other relevant authorities) to be determined through a review of the relevant local plan(s) and in accordance with local areas' Core Strategy principles.</p> <p>2. This approach is accepted by the parties' signatory to this document.</p>
<p>j) Minerals, waste and water resources including flooding</p>	<p>Agreed/ Shared Understanding/ Not Applicable</p>	<p>1. As a major city Birmingham is reliant on minerals predominantly produced in adjoining shire areas to help facilitate its growth and development. The City Council recognises that it can reduce the demand for mineral extraction through effective recycling and reuse of building materials and aggregates. Similarly the City Council recognises that its 'footprint' can be reduced through self-sufficiency and vigorous adoption of the waste hierarchy. The City Council is an active member of both the West Midlands Aggregates Working Party (AWP) and the Regional Technical Advisory Body (RTAB) covering waste. Both groupings help ensure discharge of the DtC. In respect of water resources and flooding the City Council is fully aware of its responsibilities and will vigorously pursue the</p>

		<p>principles of sustainable drainage to reduce the risks of flooding both within the city and beyond its boundaries.</p> <p>2. This approach is accepted by the parties' signatory to this document. <u>Warwickshire County Council is the mineral planning authority covering North Warwickshire.</u></p>
k) Air quality matters	Agreed/ Shared Understanding/ Not Applicable	<p>1. The City Council is committed to the improvement of air quality for its residents and those in surrounding areas. It is, and will remain an active participant in initiatives to address these matters jointly with adjoining authorities and other agencies subject to the nature of actions being consistent with the city's aspirations for growth. Detailed policies on air quality and noise matters will be set out in a separate Development Management DPD.</p> <p>2. This approach is accepted by the parties signatory to this document.</p>
l) Any other matters that might reasonably be identified under the Duty to Co-operate	Agreed/ Shared Understanding/ Not Applicable	No other matters identified.

Log of meetings, reports and other records to substantiate the collaborative working:

	Details:
Meetings	<p>Meetings on the Birmingham Development Plan/ NWDC Core Strategy held on 22/01/13, 17/05/13, 24/07/13 and 25/02/14</p> <p>Both Councils in attendance of a meeting of CWSAPO on 03/05/13.</p> <p>BCC present at inception meeting of the Coventry & Warwickshire SHMA held in Rugby Borough Council offices on 28/02/13.</p>
Groups	<p>Regular meetings:</p> <p>(1) West Midlands Planning Officers Group – Both BCC and Warwickshire authorities are represented on this group.</p> <p>Feedback to Districts not attending meetings via CSWAPO.</p>
Responses to consultation and correspondence	<p>28/02/14 – NWDC response to the Birmingham Development Plan 2031 Pre Submission version</p> <p>20/12/13 – Email to Amanda Willis, Programme Officer re North Warwickshire Local Plan - Core Strategy DPD – Reopened Hearings</p> <p>23/08/13 - 23/08/12 - BCC response to NWBC: Core Strategy Pre-Submission Consultation 2012</p>

	<p>29/07/13 – BCC letter to NWBC on Birmingham’s Future Growth Requirements</p> <p>04/06/13 – Statement of Common Ground agreed between NWBC and BCC</p> <p>18/01/13 – BCC letter to NWBC on Birmingham’s Future Growth Requirements</p> <p>07/12/12 - BCC response to NWBC: Core Strategy Pre-Submission Consultation 2012</p> <p>08/08/12 – BCC letter to NWBC on Birmingham’s Future Growth requirements</p> <p>17/03/11 – CSWAPO response to Birmingham Core Strategy 2026 – Consultation Draft</p>
Additional points	

We, the undersigned, agree that the above statements and information truly represent the joint working that has and will continue to take place under the ‘Duty to Co-operate’.

 Waheed Nazir
 Director of Planning & Regeneration
 Birmingham City Council*

 North Warwickshire
 Borough Council*

* Must be signed by either Council Leader or responsible Cabinet Member or responsible Chief Executive or Chief Officer only. For non-local authority organisations signatory should be at equivalent level.

Birmingham Sub-Regional Housing Study Consortium

BY EMAIL

21856/A1/DH/sw

19th February 2014

Dear Consortium Member,

BIRMINGHAM SUB-REGIONAL HOUSING STUDY

We write to provide an update to Consortium members regarding the above matter in order to advise on the initial findings of Study and its potential implications.

Background

As you will be aware, we were commissioned in December 2012 by the Consortium to undertake an objective assessment of Birmingham City's housing needs to help inform representations to the Birmingham Development Plan Options Consultation paper (October 2012). Using the PopGroup demographic forecasting model, bespoke demographic and economic-led scenarios underpinned by the most up-to-date demographic data were produced demonstrating that a housing target of **99,798** dwellings (4,990 pa) should be planned for during the Plan period 2011 to 2031. The final Study dated January 2013 was submitted alongside representations to the emerging Plan.

Update

More recently, and in the context of the current stage of consultation on Birmingham City's Pre-Submission Draft Plan, we have been commissioned by the Consortium to prepare an updated assessment of housing need using the most recently published data from the CLG ('interim' 2011-based household projections) and ONS (net-migration trends), as well as to consider how any shortfall that cannot be accommodated within Birmingham City might be appropriately distributed to adjacent authorities. Whilst the Study is therefore principally focussed on the housing needs of Birmingham City, as required by the NPPF, housing need has been assessed across the entire Birmingham Housing Market Area, incorporating the 13 additional local authorities into the PopGroup modelling exercise, thereby helping to provide a greater understanding of how the Birmingham HMA operates beyond the Birmingham City local authority boundary.

The initial results of the updated modelling shows the overall housing need in Birmingham City ranging from **135,100** to **153,000** dwellings for the period 2011-2031, a significant increase in both the draft Plan housing target and the results of our January 2013 Study. Assuming a capacity of 51,100 dwellings within Birmingham City, this would indicate a deficit of between **84,000** and **102,000** dwellings that would need to be distributed throughout the surrounding HMA, as opposed to the figure of 32,900 dwellings indicated within the Pre-Submission Draft.

The second part of the Study then seeks to adopt a logical approach to distributing Birmingham City's housing shortfall, by determining which authorities are best placed to assume the greatest proportion of Birmingham's unmet need. This exercise, based on objective data analysis, has taken

into account migration flows, commuting patterns, market signals and job growth forecasts and then applied a weighting system in order to rank adjacent authorities informed by their performance against these four indicators. This is considered to provide a more appropriate approach than simply distributing it evenly based on population. The initial results indicate that Solihull, Bromsgrove, Sandwell, North Warwickshire, Stratford upon Avon and Lichfield are best placed to assume a greater share of the unmet need than the remaining authorities in the Birmingham HMA (i.e. Walsall, Tamworth, Dudley, Wolverhampton, Redditch, Cannock Chase and South Staffordshire).

Whilst it is acknowledged that the second part of the Study does not take account of deliverability factors which may limit capacity of some authorities to deliver the number of dwellings suggested by the Study, the findings of this exercise are considered to provide a robust starting point to help inform wider strategic decisions about how to accommodate the unmet housing needs of Birmingham City. It is however evident that in light of the scale of potential housing need within Birmingham City, further consideration will need to be given to both the capacity of Birmingham to accommodate as much of its own generated needs as possible and the approach to distributing the remaining shortfall in the most logical and robust way if all adjoining authorities are to cooperate positively and constructively in fully addressing the housing needs of the wider HMA.

Way Forward

Whilst the principal purpose of the final Study will be to assist in the preparation of the Birmingham Development Plan and will be submitted to accompany the Consortium's representations in response to the current Pre-Submission consultation, it is clear that the findings of the Study, both in terms of overall housing needs and the scale of the potential shortfall that will need to be accommodated outside the City in adjacent authorities, has wider strategic implications. As such, in our view this is a very important issue that needs to be brought to the attention of a wider audience.

In light of this, we would advise that our work and specifically the findings of the Study should be released to the Greater Birmingham and Solihull LEP as soon as possible so that this can be considered alongside other work that is currently being undertaken to help inform the emerging Spatial Plan for Recovery and Growth, which is intended to provide a strategic planning framework for the LEP area including guidance on the scale and distribution of housing growth.

Subject to your agreement, we would propose to issue the initial findings of our Study to the Spatial Planning Group at the GBSLEP immediately, with a view to seeking to engage further to assist in the emerging Spatial Plan. We look forward to hearing from you shortly, but please do not hesitate to contact either Mark Sitch or myself if you have any queries in the meantime.

Yours faithfully,



DAN HATCHER
Director

BIG.

Birmingham International Gateway

**Birmingham Development Plan
Pre-Submission Consultation Representations
February 2014**

The BIG delivery partnership



3 March 2014
BDP Representation March 2014



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Dear Sirs

Birmingham Development Plan – Pre-Submission Consultation Ashford Developments and Prologis Response

On behalf of Ashford Developments and Prologis we wish to make representations to the Birmingham Development Plan (BDP) Pre-Submission consultation document.

Ashford Developments and Prologis are promoting circa 100 hectares as part of a much larger extension to the east of the proposed Peddimore proposal being promoted by BCC under policy GA6. A detailed Plan of the site can be provided to BCC upon request.

As this version of the Plan is the final version before it is submitted to the Secretary of State for consideration at Examination, potentially later this year, Ashford Developments and Prologis are keen to ensure that the Plan has the best prospects of being found sound at the first attempt.

These representations provide a response on behalf of Ashford Developments and Prologis to policies PG1, GA6, TP16, TP18 of the Draft Plan.

The responses are provided below in the format requested on the formal response forms.

COMMENTS ON SOUNDNESS

B1: Which part of the Plan does this comment relate to?

Policy PG1 – Overall Levels of Growth

B2: What is your comment?

Ashford Developments and Prologis generally support the soundness of Peddimore as a strategic employment allocation and location. However, we note that the proposed allocation (GA6) at Peddimore (80 Ha) alone does not resolve the shortfall of best urban employment land required in Birmingham, and specifically the requirement¹ for 224 Ha of high quality (Best Urban Sites) employment land. Ashford Developments and Prologis proposal east of Peddimore offers a solution that can assist BCC in achieving its wider objectively assessed needs to improve the soundness of the BDP.

¹ Paragraph 8.6 2nd bullet point - Employment Land and Office Targets Study 2013



Has the policy been positively prepared?

We consider that policy PG1 has not been positively prepared in respect of employment land requirements. The employment land evidence base² states that “Birmingham is seeing growth that has exceeded that seen nationally and in the region as a whole, including an increase in the working age population. In the future, most of the sectors of the Birmingham economy are projected to see rises in employment.”

Furthermore, the Employment Land evidence³ highlights that the objectively assessed need for employment land in Birmingham is 407ha for the Plan period.

This is set out as follows:

- Regional Investment Sites – 45 ha;
- Best Urban Sites – 224 ha
- Good Urban Sites – 118 ha.
- Other Quality Sites – 20 ha.

Policy PG1 does not explain what the overall employment land requirement is for the Plan Period, nor does it explain why the target is not or cannot be met.

Peddimore is being promoted as a proposed Best Urban Site and at 80 ha this still results in a shortfall of 164 ha of allocated employment land in this sector. The land that is controlled by Ashford Developments / Prologis could accommodate 92ha of additional employment land with additional land available. We note there is also potential for the further expansion of the Peddimore allocation through the inclusion of adjacent land owned by Severn Trent.

Whilst Peddimore is a welcome starting point to the planned employment growth of Best Urban Sites in Birmingham, we consider that the policy has not gone far enough to highlight the potential benefits that could be accrued by taking this allocation further east and provide a larger opportunity to connect to the land to the east and also provide a strategic road link between the A38 and the M42 (Junction 9). Whilst this wider opportunity requires co-operation with North Warwickshire Borough Council (NWBC), and would require an early review of their Plan, the BDP is silent on the approach BCC has made to NWBC to consider this option or the potential for this to be considered at a later stage in the plan making process following constructive and active engagement between the two authorities.

We consider that the land east of Peddimore provides a unique opportunity on the edge of Birmingham which can build upon the proposed Peddimore employment allocation and could assist BCC in meeting their objectively assessed employment need through cross boundary co-operation with NWBC. We consider that if the Plan is to properly ‘Plan for Growth’, it should be considering the options for delivering the employment land shortfall. As a minimum, we consider that the Plan should consider the opportunity for expanding the allocation onto adjacent land. BCC could work with NWBC to determine how much additional land, adjacent to the proposed Peddimore allocation, could be delivered to support Birmingham’s objectively assessed need. We also consider that the proposed Peddimore allocation creates an artificial boundary, which would not be the case if the employment allocation extended further east to the M42.

We consider that there is a clear opportunity for a larger, more defensible and better conceived employment allocation east of Peddimore to assist in meeting more of the employment need to ensure BCC has a sound plan.

² Paragraph 8.1 Employment Land and Office Targets Study 2013

³ Paragraph 8.6 bullet points 1-4

Is The Policy Justified?

No – we consider that Policy PG1 is not justified because it does not explain the level of the objectively assessed employment land that is required, nor does it fully explain the shortfall in provision, why this has arisen and what steps have been taken to find options for meeting the shortfall. The suite of PG policies is themed around “Planning for Growth”. We do not consider that Policy PG1 is justified because it fails to recognise what the overall employment land requirement is or that this requirement is not being met by the Plan. Policy PG1 is also at odds with paragraphs 5.11, 5.64-5.66 which provide the context of there being “a shortage of high quality land to meet the needs of the expanding advanced manufacturing sector in the City” and that “the ELR shows that there is currently a significant shortfall in the supply of high quality Best Urban employment land”. The most recent evidence states⁴ that there is only 77ha of available Best Urban employment land in Birmingham (including economic zones) compared with an anticipated demand of 224ha. However, whilst the available Best Urban sites are listed⁵, a site area is not individually attributed to each of these sites. We have sought to undertake this exercise using publicly-available documents but were unable to establish the source of the 77ha figure stated (see attached table). We therefore request confirmation from BCC on the site area figures being relied upon to demonstrate the 77ha supply being claimed.

Is the policy effective?

The proposed allocation at Peddimore (see also Policy GA6) goes some way to meeting the requirements of employment growth requirements set out in Policy PG1. However, Policy PG1 is not effective in seeking joint working on cross-boundary priorities that could be achieved with North Warwickshire to identify a more comprehensive strategic solution to delivering a larger employment allocation east of Peddimore. This is a clear requirement in the NPPF which states⁶ “*Crucially (our emphasis), Local Plans should:be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations; indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map*”.

Given that the draft Plan⁷ recognises that Peddimore “has low ecological and landscape value and sits within a low lying basin which provides an opportunity to visually contain large scale employment development”, it is difficult to understand why BCC has not explored the opportunity to potentially expand the employment opportunity further east. Therefore, it is concluded that this policy is not as effective as it could be in planning for major employment growth.

Is the policy consistent with the NPPF?

We note that Peddimore is a highly sustainable location for new employment opportunities, being close to an existing employment area and the key road and rail networks that serve Birmingham and the wider West Midlands areas. However, there is a clear requirement for BCC to meet its objectively assessed needs in Plan making. In this regard, we do not consider that Birmingham has done everything it can to promote economic growth, particularly on the back of the Peddimore proposal. Whilst it is recognised that Birmingham has a limited amount of land within its administrative boundary to allocate new development sites, Peddimore is the only major “Best Urban” allocation proposed on the edge of its administrative boundary. Therefore, we consider that further regard should have been given to establishing whether there was scope to extend this allocation further east into North Warwickshire, albeit through an early review of the North Warwickshire plan.

On this basis, we do not consider that this policy is consistent with the NPPF⁸. The Framework states that “crucially, Local Plans should: plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;be based on co-operation with neighbouring authorities....” .

⁴ WECD: Employment Land and Office Targets Study, Birmingham City Council 2013 p43.

⁵ WECD: Employment Land and Office Targets Study, Birmingham City Council 2013 – Annex 3

⁶ Paragraph 157 – 3rd and 4th bullet points

⁷ Paragraph 5.66

⁸ Paragraph 157 - NPPF

In terms of Green Belt release, we consider that the release of this land is justified to support Peddimore, because Birmingham has a significant shortage of land (estimated 224 ha) to meet its Best Urban employment land requirements. We consider that the significant lack of high quality, “Best Urban” land, the unique location, (adjacent to existing major employment and strategic transport infrastructure), provides the very special circumstances required to enable its release.

Whilst further site specific surveys will be provided to support the release of land east of Peddimore, we consider that similar very special circumstances can be demonstrated to allow the release of land to enable the Birmingham International Gateway (BIG) allocation to come forward. Furthermore, we consider that the provision of a strategic highway link between the A38 and the M42 could provide significant new highway infrastructure as well as a new defensible boundary to the north of this area to prevent coalescence with the nearby villages (Wishaw and Over Green).

B3: What changes (if any) do you think should be made to the Plan to address your concerns?

We consider that the Plan should make reference to the potential opportunity for delivering a greater employment allocation east of Peddimore, along the lines of the Ashford Development’s / Prologis BIG proposals, which seek to deliver a much larger (92Ha) Best Urban employment land opportunity. This would accord with paragraph 157 of the NPPF. The Plan should also make reference to the need for an early review of the potential to expand Peddimore east and provide a new strategic highway link between the A38 and the M42 (junction 9).

B1: Which part of the Plan does this comment relate to?

Policy GA6

B2: What is your comment?

Ashford Developments and Prologis generally support the soundness of Peddimore as a strategic employment allocation and location, but note that Peddimore alone does not resolve the shortfall of employment land and the 407 ha requirement for high quality employment land. Ashford Developments and Prologis have a solution that can assist BCC in achieving its wider objectively assessed needs to improve the soundness of the BDP. The proposals relate to a much larger employment proposal we have named Birmingham International Gateway (BIG) which is the subject of further explanation later in this document.

We object to the following references in Policy GA6:

- First bullet point in the policy requires “the development will be of the highest quality in a landscaped setting. A landscape buffer area including reinstatement of historic hedgerows will reinforce the Green Belt boundary to the north and the east”;
- The policy requires that a Supplementary Planning Document (SPD) will be prepared before development commences to address issues of design, access and phasing to ensure a comprehensive development and relationship with Langley SUE.

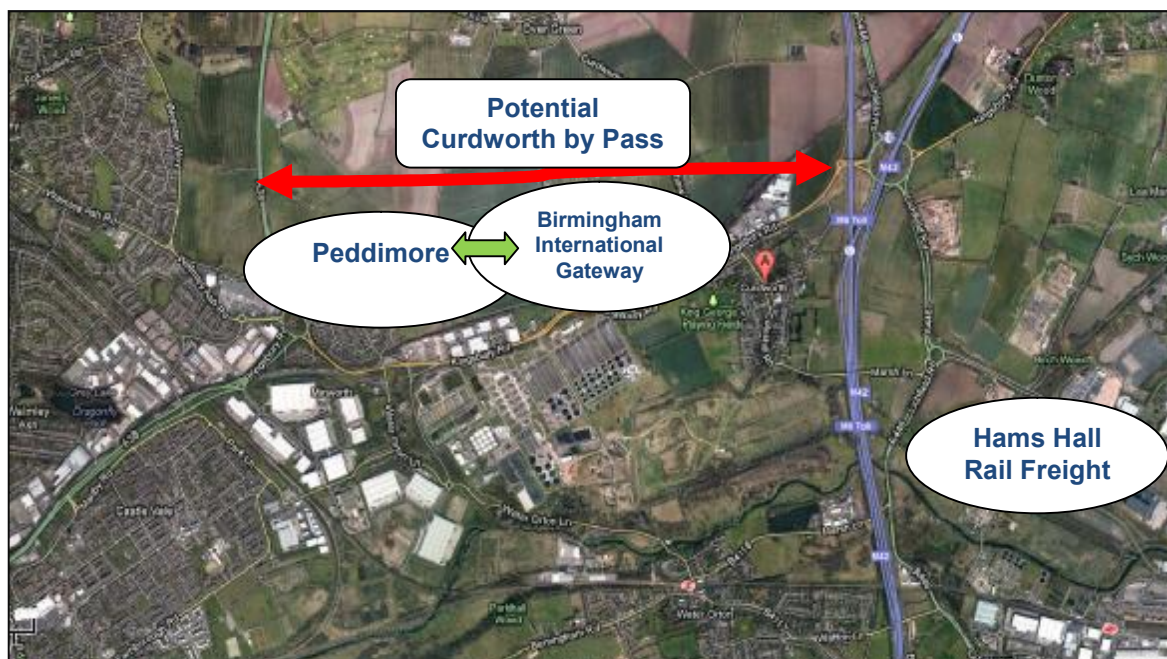
Firstly the policy should not require ‘the highest quality of development’ because this is not an objective test and the wording should be amended to ‘high quality’. Secondly, we do not consider that the reinstatement of historic hedgerows will provide a sufficiently-robust and defensible Green Belt boundary to the north. This would be better served by providing a strategic road link between the A38 and the M42. Finally, we do not consider that there is a need for an SPD to deal with matters of design, access and phasing, as these can be tested and assessed at the application stage. We consider that an SPD will only serve to delay the delivery of much-needed high quality employment land.

Has the policy been positively prepared?

No. Whilst Peddimore will provide a very important contribution to the provision of Best Urban employment land in Birmingham, the Plan does not provide any references to the potential for a further phase (or phases) of development to the east of this proposed allocation. It is considered that the BIG scheme could assist BCC in meeting its objectively assessed employment need. The current shortfall in Birmingham’s employment need will not be met by BIG alone, but the approach we are proposing could provide the following benefits:

- Support the attraction of Peddimore as the largest Best Urban employment allocation proposed in the BDP;
- Enable the provision of a strategic highway linking the A38 and junction 9 of the M42 – this would also provide a more robust and defensible Green Belt boundary to the north, than is currently proposed in the Plan;
- The new road link would provide a by-pass to Curdworth for HGV traffic, thereby bringing environmental benefits to the village;
- Provide much needed employment opportunities in a location which has synergies with existing key infrastructure – motorway network, Hams Hall Distribution Centre, Birmingham International Railway station, Birmingham Airport and the proposed HS2 terminal;
- Provide job opportunities to support the residential expansion proposed in the Langley SUE (6,000 dwellings) immediately west of Peddimore, and
- Provide jobs for residents living in the nearby wards which have significantly high levels of unemployment, including Tyburn (12.9%), Stockland Green (11.5%) and Kingstanding (15.1%).

Notwithstanding the need for an early review of the North Warwickshire Borough Plan, to deliver this allocation, we do not consider that the BDP recognises the potential opportunity for a much larger employment allocation at Peddimore to meet more of Birmingham’s employment requirement as “crucially” required by paragraph 157 of the NPPF. A high level illustration of how the BDP could have been positively prepared in discussion with North Warwickshire BC is shown below and this was provided in our (January 2013) representations to the previous stage of the BDP:



Is The Policy Justified?

Yes

We support the BDP approach to the proposed release of Peddimore from the Green Belt as the most appropriate location for a Best Urban employment site in Birmingham.

The Green Belt Option appraisal work sets out the options for housing and employment land release. We support the conclusions reached, that area D is the most suitable Green Belt location in Birmingham for employment.

We consider that there is a unique opportunity to build upon the benefits afforded by this strategic employment location and the benefits further development east of Peddimore could bring.

Is the policy effective?

We consider that the Policy is effective in part. On the positive side, it will provide a much needed and deliverable employment site over the Plan period. However, the policy does not attempt to establish whether more could be done to meet Birmingham's significant employment land shortfall and, crucially, there is no obvious evidence to demonstrate that a larger, more comprehensive employment opportunity has been considered, based on co-operation with neighbouring authorities. Finally, the policy is not effective because it fails to recognise or indicate the potential for the area east of Peddimore to be considered as an opportunity to provide a broad location for strategic development.

The NWBC Landscape Character evidence for the area east of Peddimore is incomplete / inconclusive (areas annotated white), with only some of the area being recorded as "Fieldsapes" (high level idea of constraints etc). Whilst there is a ridge running north-south along Wiggins Hill Road, the land to the east of the ridge has a similar appearance to the Peddimore site, although the M42/M6 toll motorways on the eastern boundary, provide a significantly more urbanising effect than the A38 to the west. It is proposed that further site specific evidence will be submitted prior to the Examination to support this point. However, as a starting point the following landscape constraints have been reviewed by NWBC to support its plan, and none of this evidence shows the land east of Peddimore to be the subject of any high level landscape constraints:

- Regionally Important Geological & Geomorphological Sites;
- Flood Zones;
- Ancient Woodland;
- Ecological Designations;
- Historical Landscape Designations.

Is the policy consistent with the NPPF?

On the basis that there does not appear to have been any obvious or meaningful engagement with NWBC or proactive consideration of the opportunity to expand the employment land requirements east of Peddimore, we do not consider that Policy GA6 is consistent with the NPPF, in particular paragraphs 151, 154, 155, 157, 160, 161 or 162.

B3: What changes (if any) do you think should be made to the Plan to address your concerns?

We propose that the policy should be amended as follows:

- Replace the word 'highest' with 'high' under bullet point 1;
- Insert reference to consideration to be given to providing a new strategic road link between the A38 and the M42 to act as a new boundary to the Green Belt land to the north;
- Remove the requirement for an SPD;

- Include a reference to the potential future expansion of Peddimore to the east, including changes to the Proposals Map to highlight this potential opportunity;
- Include a reference to working jointly with NWBC on an early review of their Plan to consider a cross-boundary employment allocation and strategic road link, with an assessment of the potential for rail freight opportunities at Hams Hall.

B1: Which part of the Plan does this comment relate to?

TP16 – Portfolio of Employment Land and premises

B2: What is your comment?

Whilst we support the requirement for a five year minimum reservoir of 96Ha, which will be maintained during the Plan period, including a minimum reservoir of 60Ha of Best Quality employment land, the BDP fails to acknowledge the overall shortfall in employment land. Policy TP16 is at odds with paragraph 7.7 of the BDP which states “to address this shortfall and ensure that there is a sufficient supply of sites, 80Ha of land has been identified on the site at Peddimore for Best Quality employment development”. Whilst this allocation is supported as a sustainable employment opportunity for the BDP it does not “address this [employment] shortfall”.

Has the policy been positively prepared?

We consider that this policy has not been positively prepared in respect of employment land requirements. The evidence base (Employment Land and Office Targets Study 2013) for employment land states⁹ that “Birmingham is seeing growth that has exceeded that seen nationally and in the region as a whole, including an increase in the working age population. In the future, most of the sectors of the Birmingham economy are projected to see rises in employment.”

Furthermore, the Employment Land evidence¹⁰ highlights that the objectively assessed need for employment land in Birmingham is 407ha for the Plan period.

This is set out as follows:

- Regional Investment Sites – 45 ha;
- Best Urban Sites – 224 ha
- Good Urban Sites – 118 ha.
- Other Quality Sites – 20 ha.

As per our representations with respect to Policy PG1, the Plan does not explain what the overall employment land requirement is for the Plan Period, nor does it explain why the target is not or cannot be met.

Peddimore is being promoted as a proposed Best Urban Site and at 80 ha this still results in a shortfall of 164 ha of allocated employment land in this sector. The land that is controlled by Ashford’s / Prologis could accommodate 92ha of additional employment land.

Whilst Peddimore is a welcome starting point to the planned employment growth of Best Urban Sites in Birmingham, we consider that the policy has not gone far enough to highlight the potential benefits that could be accrued by taking this allocation further east and provide a larger opportunity to connect to the land to the east and also provide a strategic road link between the A38 and the M42 (Junction 9). Whilst this wider

⁹ Paragraph 8.1 Employment Land and Office Targets Study 2013

¹⁰ Paragraph 8.6 bullet points 1-4

opportunity requires co-operation with North Warwickshire Borough Council (NWBC), and would require an early review of their Plan, the BDP is silent on the approach BCC has made to NWBC to consider this option or the potential for this to be considered at a later stage in the plan making process following constructive and active engagement between the two authorities.

We consider that the land east of Peddimore provides a unique opportunity on the edge of Birmingham which can build upon the proposed Peddimore employment allocation and could assist BCC in meeting their objectively assessed employment need through cross boundary co-operation with NWBC. We consider that if the BDP is to properly “Plan for Growth”, it should be considering the options for delivering the employment land shortfall in the medium to long term. As a minimum, we consider that the Plan should consider the opportunity for expanding the Peddimore allocation onto adjacent land to the east. BBC could work with NWBC to determine whether the land adjacent to the proposed Peddimore allocation could deliver additional employment land to support Birmingham’s objectively assessed need.

We consider that there is a clear opportunity for a much larger employment allocation east of Peddimore to assist in meeting more of the employment need to ensure BCC has a sound plan.

Is The Policy Justified?

No. Paragraph 157 of the NPPF states “crucially, Local Plans should, ...be drawn up over an appropriate timescale, preferably 15 year time horizon, take account of longer-term requirements, and be kept up to date...”.

Paragraphs 5.65, 7.4 and 7.7 of the BDP highlight the real need to address both an existing shortfall in high-quality Best Urban employment land and that there are a number of key growth sectors such as advanced manufacturing, which the Plan states “*are vital to the future of Birmingham's economy*”. Therefore we do not consider a five year reservoir to be the minimum necessary to address the Plan requirements or to address the long-standing shortfall in Best Quality employment land. Furthermore, the 80Ha allocation proposed at Peddimore, whilst a much-needed and welcome proposal, will only provide a 6.6 year supply of Best Urban land. The BDP fails to address what will happen when this site has been delivered. Given the length of time it takes for these major sites to be allocated and delivered, it is suggested that further Best Urban allocations are needed.

Is the policy effective?

We do not consider this policy to be effective because it only addresses 6.6 years of the BDP requirement for Best Urban land.

Is the policy consistent with the NPPF?

We do not consider this policy to be consistent with paragraphs 157 and 160-162 of the NPPF.

B3: What changes (if any) do you think should be made to the Plan to address your concerns?

It is suggested that the BDP is amended as follows:

- Policy TP16 should set out how the employment land requirements for a minimum 15 year period will be met and take account of the objectively assessed employment land requirements over the plan period.



B1: Which part of the Plan does this comment relate to?

TP18 – Core employment areas

B2: What is your comment?

We support the retention of Core Employment Areas for employment use and these areas being the focus for economic regeneration activities and additional development opportunities likely to come forward during the plan period.

Has the policy been positively prepared?

Yes

Is The Policy Justified?

Yes

Is the policy effective?

Yes

Is the policy consistent with the NPPF?

Yes – the policy accords with paragraph 161 of the Framework, which requires Local Planning Authorities to use its evidence base to assess the existing (our emphasis) and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs. The reference¹¹ the important role Prologis Park, Minworth, currently plays in the Core Employment Area, is supported.

B3: What changes (if any) do you think should be made to the Plan to address your concerns?

None

B1: Which part of the Plan does this comment relate to?

TP41 - Freight

B2: What is your comment?

We object to TP41 because it does not go far enough to provide opportunities to connect the largest Best Urban allocation with the existing rail freight network.

Peddimore is a relatively short distance from the Hams Hall Rail Freight terminal and provides a significant opportunity to deliver a more efficient and effective use of road, rail and air as proposed by policy TP41. We consider that the Plan should have explored the opportunity to connect the proposed 80Ha allocation to Hams Hall and at the same time provide policy support for a new strategic highway route between the A38 and the M42(Junction 9) and specifically linking Peddimore to Hams Hall. Furthermore, the ability to connect to wider freight opportunities at Birmingham Airport should also have been considered.

¹¹ Paragraph 7.13 Birmingham Development Plan – Pre-Submission Version (October 2013)

Has the policy been positively prepared?

As per the responses provided to policies PG1 and GA6, there is a much wider and positive opportunity to provide a better-connected and more accessible employment allocation at Peddimore through the delivery of new highway infrastructure and a larger employment allocation. We consider that BCC should have considered the opportunity to link Peddimore into Hams Hall rail freight infrastructure as a satellite site. Ashford's / Prologis have support from ABP, who could operate a satellite terminal as part of the expansion of Peddimore via the proposed new link road.

Is The Policy Justified?

The evidence indicates that the majority of freight movements within Birmingham are made by road and therefore there is an opportunity to link the Peddimore site to the Hams Hall rail freight facilities. As this is a major freight-related opportunity, we do not consider that the policy is properly justified.

Is the policy effective?

On its own, the policy provides some general support and encouragement to enhance rail freight connections / opportunities. However at 80Ha, Peddimore provides a substantial introduction to major employment development, which should provide a more positive reference to linking it with both Hams Hall and the M42/M6 motorways and Birmingham International Airport.

Is the policy consistent with the NPPF?

TP41 is at odds with paragraph 162 of the NPPF. Whilst we consider that Peddimore is in a sustainable location, close to strategic transport infrastructure facilities and linkages, we do not consider that BCC has worked constructively with NWBC to find a solution to fully integrate the proposed employment allocation at Peddimore into the wider strategic transport networks.

B3: What changes (if any) do you think should be made to the Plan to address your concerns?

We consider there should be a further assessment of the benefits and opportunities for linking Peddimore to Hams Hall through the provision of a new strategic road link between the A38 and the M42 Junction 9. Whilst the evidence base¹² identified the potential to consider a direct link to M42 Junction 9 for employment uses, this did not feature within the recommendations (Section 8.4) for further assessment, nor does it feature in the draft BDP or on the Proposals Map.

C1 : Do you consider that the City Council has complied with the Duty to Co-operate in preparing the Plan?

Yes.

C2: What are the reasons for your view on the Duty to Co-operate?

We recognise that BCC has sought to engage with all of its neighbouring authorities on the BDP. We note from the Council's Statement¹³ that they have engaged in respect of housing but more detailed information on employment is required. We understand that BCC is part of a joint strategic employment study involving the Greater Birmingham and Solihull and the Stoke on Trent and Staffordshire LEPs. We also understand that BCC is currently updating its position statement in respect of the Duty to Co-operate and welcome clarification that employment matters have been raised with neighbouring authorities, including North Warwickshire BC (NWBC). We also wish to see clarification from (NWBC) that they are willing to engage in

¹² Table 8-5 (Site Specific Infrastructure Strategy – Site D) – Phil Jones Associates Transport Analysis (September 2013)

¹³ Table under paragraph 20 BDP – Duty to Co-operate Statement October 2013

an early review of their Plan to support the consideration of Green Belt release north of Curdworth to support a larger employment allocation east of Peddimore.

C3: Do you consider that the Plan is legally compliant?

Yes

mC4: What are the reasons for your view on legal compliance?

N/A

C5: Do you wish to speak on this issue at the Examination in Public?

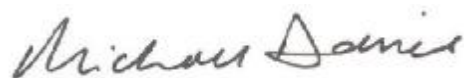
No



We trust that these comments will be objectively considered by the Council, prior to the Submission of the Plan to the Planning Inspectorate and where possible, minor modifications made to address points that we have raised in advance of the Examination in Public.

Kind regards

Yours faithfully



Michael Davies
Director

Best Urban Sites

Best Urban Site	Area (Ha)	Source
Advanced Manufacturing Hub (RIS)	20	WCED: Employment Land Study for the Economic Zones and Key Sectors in Birmingham (October 2012) p44
Longbridge ITEC Park (RIS)	23.37	WCED: Employment Land Study for the Economic Zones and Key Sectors in Birmingham (October 2012) p44
Birmingham Battery (Plot 6)	1.78	BCC: Employment Land Review (2012) Appendix 2
Environmental Enterprise District	15.48	BCC: Economic Zones - Investing in Birmingham (2012) p36
Former Pebble Mill Studios	3.03	BCC: Employment Land Review (2012) Appendix 2
Life Sciences Campus	4	WCED: Employment Land Study for the Economic Zones and Key Sectors in Birmingham (October 2012) p38
Park Lane (Minworth Sewerage Works)	0.7	BCC: Employment Land Review (2012) Appendix 2
Signal Point	7.64	BCC: Employment Land Review (2012) Appendix 2
Tameside Park	1.1	BCC: Employment Land Review (2012) Appendix 2
The Food Hub	29.0	WCED: Employment Land Study for the Economic Zones and Key Sectors in Birmingham (October 2012) p44
Unit 101 Birmingham Great Park	2.5	BCC: Employment Land Review (2012) Appendix 2
Woodgate Business Park (Remainder Plot K)	0.38	BCC: Employment Land Review (2012) Appendix 2
Total Best Urban	108.98	
Total Best Urban (without RIS)	65.61	

NB: The supply of 'Best Urban Sites' are those listed in Annex 3 of WCED: Employment Land and Office Targets Study, Birmingham City Council 2013. Whilst the Study lists the Best Urban sites and identifies an overall Best Urban Supply figure of 77ha (excluding Regional Investment Sites), the Study does not break down the supply into individual sites. It is therefore unclear how the figure of 77ha has been reached. Clarification is therefore sought from BCC on this point.

However, using other documents in the public domain, we have sought to calculate the supply of available land in Best Urban sites. No single document covers this, so we have used the information set out within the following documents:

- WCED: Employment Land Study for the Economic Zones and Key Sectors in Birmingham (October 2012)
- BCC: Employment Land Review (2012)
- BCC: Economic Zones - Investing in Birmingham (2012)

This analysis is set out below. However this method of analysis only identified 65.61ha supply of Best Urban land (excluding Regional Investment Sites). Therefore we would welcome further clarification from BCC on the figures used to inform the WCED: Employment Land and Office Targets Study, Birmingham City Council 2013.