
Report to Birmingham City Council

by Jameson Bridgwater Dip TP MRTPI
an Inspector appointed by the Secretary of State
Date: 20 August 2019

Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

Report on the Examination of the Bordesley Park Area Action Plan

The Plan was submitted for examination on 9 November 2018

The examination hearing was held on 30 May 2019

File Ref: PINS/P4605/429/9

Abbreviations used in this report

AA	Appropriate Assessment
BDP	Birmingham Development Plan
BPAAP	Bordesley Park Area Action Plan
CAZ	Clean Air Zone
DtC	Duty to Co-operate
HRA	Habitats Regulations Assessment
HS2	High Speed 2
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement

Non-Technical Summary

This report concludes that the Bordesley Park Area Action Plan provides an appropriate basis for the planning of Bordesley Park. The Plan aims to support the economic growth of the area by the creation of up to 3000 new jobs and 750 new homes. Furthermore, it seeks to improve connectivity, local character and the environment in a sustainable manner. I find that the Bordesley Park Area Action Plan is justified by a sound evidence base. It has been positively prepared with a high degree of engagement with stakeholders. I am satisfied that it is in conformity with the Birmingham Development Plan and Government guidance. The Local Plan is sound as submitted, and there are therefore no Main Modifications necessary before the Plan may be adopted.

Introduction

1. This report contains my assessment of the Bordesley Park Area Action Plan (BPAAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Bordesley Park Area Action Plan submitted in November 2018 is the basis for my examination. It is largely the same document as was published for consultation in February 2017, albeit with minor factual updates, that amongst other things relate to the deletion of references to the Commonwealth Games 2022 and typographical corrections. As such, they are changes which do not materially affect the policies in the plan and are often referred to as minor modifications. The Council is therefore accountable for them and they do not fall within the scope of the examination.

Main Modifications

4. As the BPAAP as submitted is both sound and legally compliant, it is capable of being adopted without change and no MMs are recommended in this report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Proposals Plan, November 2018 as set out in document reference CD 3/8.
6. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the BPAAP.

Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
8. The Council has a long history of working with neighbouring authorities and the prescribed bodies on cross boundary issues and strategic matters. The BPAAP seeks to implement the strategic objectives of the Birmingham Development Plan Document (BDP) which, in turn, has been prepared in accordance with the Duty to Co-operate. As such, strategic matters have already been appropriately considered within the BDP. Nonetheless, the Birmingham City Council has outlined its continuing collaborative approach to the Duty to Co-operate (DtC), within its Consultation Statement July 2018 and supporting documents. These show appropriate engagement with the necessary local planning authorities and the various prescribed bodies.
9. As such, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plans and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

10. Bordesley Park is located immediately to the east of Birmingham city centre, with the BPAAP covering an area of approximately 580 hectares. This includes parts of Bordesley Green, Bordesley Village, Small Heath, Vauxhall, and Washwood Heath, which are long established communities that have contributed to the success of the city. The area contains a mix of industrial, residential, educational, sports and leisure uses including Birmingham City Football Club and the Wheels Project. Moreover, the area contains a number of local centres that provide essential facilities for the communities that they serve. The BPAAP has 4 objectives for the plan area, these are to promote growth, improve connectivity, enhance the local character and support proposals that contribute towards Birmingham's sustainability targets combating climate change.

Main Issues

11. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 3 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Is the Bordesley Park Area Action Plan consistent with, and does it positively promote, the vision, objectives and spatial policies contained in the Birmingham Development Plan and is its overall approach consistent with national policy?

12. The BPAAP has 4 key policy objectives. These are consistent with the BDP, in particular the policies contained within the chapter Spatial Delivery of Growth. This identifies Bordesley Park as one of the 10 growth areas within Birmingham. The BPAAP, seeks to encourage growth in the area, improve connectivity, enhance the local character and the environment in a sustainable manner. The overall vision of the plan is to revitalise the Bordesley Park area through the creation of a high-quality urban area that builds upon the existing local character and maximises growth opportunities derived from the proposed High Speed 2 (HS2) terminus at Curzon Street.

Growth

13. One of the principle aims of the BDP is to generate sustainable growth in Birmingham. As such, policy GA7 of the plan directs a proportion of Birmingham's economic growth to Bordesley Park and seeks to facilitate the creation of up to 3000 new jobs and 750 new homes. Policy GA7 of the BDP is clear that this should be through the preparation of an area action plan.
14. To implement the BDP, the BPAAP seeks to direct new development to 5 key opportunity sites. These are the Wheels site and environs, Cherrywood Road and Adderley Park which will be a focus for new residential and employment opportunities supported by education and community uses. The plan seeks to support these by the provision of improved transport connectivity and environmental improvements. With regard to Alum Rock Road and Coventry Road the plan seeks to enhance their accessibility and range of facilities within these local identified centres whilst improving the overall image of the specific areas.

Connectivity

15. Connectivity is a key objective of the BDP and its policies TP38 to TP46 specify amongst other things that high-quality connections by road, rail, bus, walking, cycling or digital, are vital to the City's future economic prosperity and social inclusiveness. This is through the provision of access to education, employment, business, retail and leisure opportunities. Moreover, paragraphs 29 to 42 of the NPPF encourages Councils to support sustainable transport solutions and the delivery of high-quality communications infrastructure.
16. Therefore, the BPAAP seeks to improve linkages both within the area and to the city centre. The plan promotes rapid transit routes along Bordesley Green (Metro) and the A45 (SPRINT) along with improvements to local bus and rail services. As such, the plan seeks to reduce traffic congestion within the area and encourage more walking and cycling reducing carbon emissions and improving road safety.
17. During the examination of the BPAAP the Department for Environment Food and Rural Affairs issued the following Environment Act 1995 (Birmingham City Council) Air Quality Direction 2019 (17 June 2019). Birmingham's Clean Air Zone (CAZ) will cover all the roads within the A4540 Middleway Ring Road, but not the Middleway itself. The CAZ seeks to reduce roadside nitrogen dioxide concentrations in and around Birmingham city centre; it is expected that this will come into force in 2020.

18. There is a small triangular area of the BPAAP, predominantly around Bordesley railway station that is bounded by the railway line, Coventry Road and the A4540 Middleway Ring Road, which is located within the boundary of the CAZ. As set out above, one of the key objectives of the BPAAP is to improve connectivity through enhanced public transport, walking/cycle routes and ensure that new development proposals contribute towards a clean and safe environment. As such, I consider based on the evidence before me that the BPAAP's policies would be likely to make a positive contribution to the reduction of roadside nitrogen dioxide concentrations in Birmingham, by way of promoting sustainable travel options and supporting environmental improvements.

Local character

19. Policy PG3 of the BDP seeks amongst other things to reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. Moreover, the NPPF seeks to promote or reinforce local distinctiveness.
20. The character of Bordesley Park has many component parts that include parks, open spaces, waterways, industrial heritage, which together create a varied tapestry of townscape. It is the aim of the BPAAP to improve the quality of the built and natural environment by supporting proposals that promote high quality design that build upon the local character of the area. Moreover, it encourages the development of a green infrastructure network that is designed to be safe and secure. This will enhance the environment along with promoting connectivity and health benefits by creating spaces that allow for positive social interaction with good natural surveillance.

Sustainability

21. It is the aim of the Environment and Sustainability chapter of the BDP to improve the quality of the City's environment, through delivering sustainable development and dealing with the impacts of climate change. The policies in the BPAAP support development that demonstrates best practice in sustainable construction design, seeking to ensure that both new industrial and residential development maximise energy efficiency and low carbon generation. With regard to the canal network and the River Rea the plan includes measures to enhance and improve water quality, drainage and biodiversity. Furthermore, it makes provision for improvements to infrastructure to enhance digital connectivity consistent with the aims and objectives of Birmingham's smart city commission. As such, the overall package of measures will be likely to contribute to managing the effects of climate change.
22. Having reached the conclusions above, the BPAAP, a subsidiary plan which is intended to implement the BDP, is consistent with, and positively promotes, the vision, objectives and spatial policies contained in the BDP. As such, the overall approach is consistent with national policy.

Issue 2 – Are the areas identified within the BPAAP as Key Opportunities for Change consistent with the Birmingham Development Plan and national policy, are site allocations deliverable and has the plan been positively prepared in these respects?

23. Policy GA7 of the BDP provides clear direction in relation to the key opportunities for transformation within Bordesley Park. The BPAAP sets out site specific policies for each of the 5 sites that are identified as Key Opportunities for Change within Bordesley Park (Wheels site and environs, Cherrywood Road, Adderley Park, Alum Rock Road and Coventry Road). The policies seek to direct a significant proportion of new development within the plan area to these sites. The policies set out broad parameters for new development on each of the opportunity sites and provide clear direction in relation to the assessment of new development proposals within them.

The Wheels Site and Environs

24. Key Opportunity 1 - The Wheels Site and Environs is a 16-hectare site that currently contains a variety of uses. These include amongst other things industrial, commercial, retail, community along with the Bordesley Green Girls' school. The site is also home to the Birmingham Wheels project which was established in the 1970s as an initiative to engage with young people and address youth crime. The range of activities have expanded over time at the site and now provides a 400m oval stockcar racing track, karting tracks, off-road routes and a roller-skating track. It is clear from the evidence that the facilities are used by both the local community and by clubs, societies and individuals from across the Midlands and beyond.
25. I have therefore carefully considered the issues raised by interested parties submitted in writing and at the hearing who argued that the BPAAP was not consistent with policies contained within the BDP and the National Planning Policy Framework (NPPF). However, the BPAAP identifies this site for the promotion of new industrial and employment opportunities through a comprehensive development approach. The plan supports the redevelopment and enhancement of the existing industrial areas through partnership working with occupiers; including working with them should relocation be required. Moreover, there is nothing contained within the policy that would preclude development proposals coming forward that retained or re-configured the motorsport and leisure uses that currently operate from the site. Concerns were raised in relation to the effect of new development proposals on the existing sporting, leisure and recreational uses that operate on the site. However, I consider that the policies in the BDP and BPAAP would provide clear direction to enable the robust assessment of any proposal. In reaching this conclusion I have had regard to the NPPF in particular paragraph 74.
26. Additionally, it was argued at the hearing that the proposals for the regeneration of the Wheels Site and Environs would be difficult to deliver, particularly in relation to improving site access. However, the BPAAP is realistic in that it highlights and seeks to address issues relating to access, contamination and the significant changes in levels across the site. Moreover, the plan has a degree of flexibility to adapt to market conditions and business requirements, which should ensure that the overall objectives for the Wheels site and environs can deliver a proportionate contribution to the 3000 new jobs planned for across the Bordesley Park area within the plan period.
27. Therefore, having reached the conclusions above, the BPAAP policies relating to the Key Opportunities for Change are consistent with the BDP and national policy. As such, the plan's strategy for the provision and allocation of land for

housing, employment and recreational uses are justified by the available evidence. Consequently, the Key Opportunities for Change policies are deliverable within the plan period and are sound.

Issue 3 –Are the Neighbourhoods policies consistent with the Birmingham Development Plan and national policy, are site allocations deliverable and has the plan been positively prepared in these respects?

28. Sustainable neighbourhoods are at the heart of Birmingham's growth agenda. Policies TP27 and TP28 of the BDP provide clear policy guidance with regard to creating a strong sense of place, high standards of design and environmental sustainability, climate proofing and supported by high quality infrastructure and facilities. As such, the Neighbourhoods chapter of the BPAAP contains 6 area specific policies that seek to underpin and enhance the role of the 6 distinct neighbourhoods (Bordesley Green, Bordesley Village, Small Heath North, Small Heath South, Vauxhall and Washwood Heath) within the plan area.
29. The BPAAP aims to improve the social, economic and environmental wellbeing of each neighbourhood through a series of area specific objectives. The plan balances the expansion and growth of industrial uses and new housing with improvements to the environment, community infrastructure and connectivity. Measures within the plan include, the reuse of vacant or underused sites, reducing the risk of flooding, improving pedestrian routes including utilising the canal towpath network and complementary public transport improvements.
30. Consequently, the plan policies are positively worded to support the delivery of development that reinforces the character of each neighbourhood whilst ensuring there is adequate infrastructure to support growth. Therefore, the BPAAP's approach to Neighbourhoods is justified, and sound; consistent with the BDP and the NPPF.

Monitoring

31. The Council's Annual Monitoring Report will monitor the performance of the Plan and provides most of the necessary evidence on which to assess the success or failure of delivery and what alternatives might reasonably be provided if necessary. The monitoring regime should ensure that any risks to non-delivery are 'flagged up' and interventions made to alleviate risks should this prove necessary.

Assessment of Legal Compliance

32. My examination of the legal compliance of the Plan is summarised below.
33. The BPAAP has been prepared in accordance with the Council's Local Development Scheme (Local Development Scheme for Birmingham 2018 to 2021).
34. Consultation on the Local Plan was carried out in compliance with the Council's Statement of Community Involvement.

35. Sustainability Appraisals (February 2017 and July 2018) have been carried out and are adequate.
36. The Habitats Regulations Appropriate Assessment Screening Report February 2017 sets out why an AA is not necessary.
37. The BPAAP includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
38. The BPAAP complies with all other relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations.
39. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010.

Overall Conclusion and Recommendation

40. In accordance with Section 20(7) of the 2004 Act I recommend that the submitted Plan is adopted on the basis that it meets in full the requirements of Section 20(5) of the 2004 Act. My report covers the main issues that have led me to this conclusion.

Jameson Bridgwater

Inspector