

BIRMINGHAM CITY COUNCIL

MEETING OF THE CITY COUNCIL

TUESDAY, 07 DECEMBER 2021 AT 13:30 HOURS
IN THE REP STUDIO THEATRE, CENTENARY SQUARE, BROAD
STREET, BIRMINGHAM, B1 2EP

A G E N D A

1 NOTICE OF RECORDING

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

5 - 154

3 MINUTES

To confirm and authorise the signing of the Minutes of the meeting of the Council held on 2 November 2021.

4 LORD MAYOR'S ANNOUNCEMENTS

(1330-1410)

To receive the Lord Mayor's announcements and such communications as the Lord Mayor may wish to place before the Council.

5 PETITIONS

(10 minutes allocated) (1410-1420)

To receive and deal with petitions in accordance with Council Rules of Procedure (B4.4 E of the Constitution)

As agreed by Council Business Management Committee a schedule of

outstanding petitions is available electronically with the published papers for the meeting and can be viewed or downloaded.

6 QUESTION TIME

(70 minutes allocated) (1420-1530)

To deal with oral questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

- A. Questions from Members of the Public to any Cabinet Member or Ward Forum Chair (20 minutes)
- B. Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair (up to 10 minutes)
- C. Questions from Councillors other than Cabinet Members to a Cabinet Member (up to 20 minutes)
- D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (up to 20 minutes)

7 APPOINTMENTS BY THE COUNCIL

(5 minutes allocated)

To make appointments to, or removal from, committees, outside bodies or other offices which fall to be determined by the Council.

155 - 156

8 ELECTION OF COUNCILLOR

To receive a report from the Returning Officer of the person elected Councillor of the City on 21 October 2021 and the making of the declaration of acceptance of office.

157 - 618

9 ADOPTION OF THE 'DEVELOPMENT MANAGEMENT IN BIRMINGHAM' DEVELOPMENT PLAN DOCUMENT

(20 minutes allocated) (1535-1555)

To consider a report of the Leader of Council.

The Leader Councillor Ian Ward to move the following Motion:

- "i) Notes the report of the Planning Inspector on the 'Development Management in Birmingham' Development Plan Document (DMB) (Appendix 1) and the Inspector's schedule of main modifications (Appendix 2).
- ii) Approves the adoption of the DMB incorporating the Inspector's main modifications and additional (minor) modifications in accordance with the

provisions of Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

iii) Notes the final version of the Strategic Environmental Assessment (SEA)/ Sustainability Appraisal and Habitats Regulation Assessment (HRA) (Appendix 7)

iv) Notes the accompanying DMB Adoption Statement (Appendix 9) and Sustainability Appraisal Adoption Statement (Appendix 8).

v) Approves the revocation and withdrawal of the remaining parts of the Birmingham Unitary Development Plan 2005 (Chapter 8) (Appendix 4) and the withdrawal of relevant superseded Supplementary Planning Guidance referenced within it (Appendix 5)."

619 - 622

10 **LEAD MEMBER REPORT: WEST MIDLANDS POLICE AND CRIME PANEL**

(20 minutes allocated) (1555-1615)

To consider a report of the Lead Member, West Midlands's Police and Crime Panel.

Councillor Mick Brown to move the following Recommendation:

"That the report be noted."

(break 1615 - 1645)

623 - 724

11 **EXEMPT ACCOMMODATION**

(60 minutes allocated) (1645-1745)

To consider a report of the Co-ordinating Overview and Scrutiny Committee together with an Executive commentary.

Councillor Carl Rice to move the following motion:-

"That recommendations R01 to R08 be approved, and that the Executive be requested to pursue their implementation."

725 - 728

12 **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

(90 minutes allocated) (1745-1915)

To consider the attached Motions of which notice has been given in accordance with Council Rules of Procedure (B4.4 G of the Constitution).



**MEETING OF BIRMINGHAM
CITY COUNCIL, TUESDAY, 2
NOVEMBER 2021**

**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 2 NOVEMBER 2021 AT 1330 HOURS IN THE REP
STUDIO THEATRE, CENTENARY SQUARE, BROAD STREET,
BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Muhammad Afzal) in the Chair.

Councillors

Akhlaq Ahmed	Roger Harmer	Karen McCarthy
Deirdre Alden	Deborah Harries	Gareth Moore
Robert Alden	Adam Higgs	Simon Morrall
Mohammed Azim	Charlotte Hodivala	Yvonne Mosquito
Baber Baz	Jon Hunt	John O'Shea
Matt Bennett	Mahmood Hussain	David Pears
Kate Booth	Timothy Huxtable	Robert Pocock
Sir Albert Bore	Mohammed Idrees	Julien Pritchard
Nicky Brennan	Katherine Iroh	Carl Rice
Marje Bridle	Ziaul Islam	Darius Sandhu
Mick Brown	Morriam Jan	Shafique Shah
Tristan Chatfield	Meirion Jenkins	Sybil Spence
Zaker Choudhry	Brigid Jones	Dominic Stanford
Debbie Clancy	Nagina Kauser	Ron Storer
Liz Clements	Mariam Khan	Martin Straker Welds
Maureen Cornish	Narinder Kaur Kooner	Saima Suleman
Phil Davis	Chaman Lal	Sharon Thompson
Adrian Delaney	Bruce Lines	Paul Tilsley
Diane Donaldson	Mary Locke	Lisa Trickett
Peter Fowler	Ewan Mackey	Ian Ward
Eddie Freeman	Majid Mahmood	Mike Ward
Fred Grindrod	Zhor Malik	Ken Wood
Paulette Hamilton		

NOTICE OF RECORDING

- 19539 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where there are confidential or exempt items.

The Lord Mayor reminded Members that they did not enjoy Parliamentary Privilege in relation to debates in the Chamber and Members should be careful in what they say during all debates that afternoon.

DECLARATIONS OF INTERESTS

- 19540 The Lord Mayor reminded members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting.

No Interests were declared.

MINUTES

It was moved by the Lord Mayor, seconded and –

- 19541 **RESOLVED:-**

That the Minutes of the meeting held on 14 September 2021 having been circulated to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

A. Death of former Councillor, Honorary Alderman Andrew Howell

The Lord Mayor indicated that his announcements today were sad ones, as he must inform the meeting of the deaths of some of our former colleagues.

First, with deep sorrow, the Lord Mayor announced the death of former Councillor, Honorary Alderman Andrew Howell, known to all as Andy, who passed away on 6 October following a short illness.

The Lord Mayor noted that Andy served as a Councillor from May 1991 to May 2003. He served as Deputy Leader of the Council from 1999 to 2003 and became an Honorary Alderman in May 2003.

The Lord Mayor noted that Andy leaves behind his wife Kate and son Keiran and asked all to join him in extending to them our deepest condolences.

It was moved by the Lord Mayor, seconded and:-

19542 **RESOLVED:-**

That this Council places on record its sorrow at the death of former Councillor, Honorary Alderman Andrew Howell and its appreciation of his devoted service to the residents of Birmingham. The Council extends its deepest sympathy to members of Andy's family in their sad bereavement.

Members and officers stood for a minute's silence, following which a number of tributes were made by Members.

B. Death of former Councillor Dorothy Hargreaves

The Lord Mayor indicated that he was saddened to announce the death of former Councillor Dorothy Hargreaves, who passed away on 15 October. Dorothy served on the Council from 2006 to 2014, during which time she served on numerous Committees.

The Lord Mayor asked all to join him in extending our deepest condolences to members of Dorothy's family.

It was moved by the Lord Mayor, seconded and:-

19543 **RESOLVED:-**

That this Council places on record its sorrow at the death of former Councillor Dorothy Hargreaves and its appreciation of her devoted service to the residents of Birmingham. The Council extends its deepest sympathy to members of Dorothy's family in their sad bereavement.

Members and officers stood for a minute's silence, following which a number of tributes were made by Members.

C. Death of former Councillor Dilawar Khan

The Lord Mayor indicated that Members would now continue paying tribute to former colleagues lost during coronavirus restrictions, by remembering former Councillor Dilawar Khan, whose passing was announced at the Council meeting in June last year.

The Lord Mayor indicated that Dilawar served as a Councillor for Sparkbrook Ward from June 2004 to May 2007 and passed away on 16 May 2020 following a long illness. He leaves behind his wife Shamim, and two sons, Afsar and Shafique, and The Lord Mayor asked all to join him in extending to them our deepest condolences.

It was moved by the Lord Mayor, seconded and:-

19544 **RESOLVED:-**

That this Council places on record its sorrow at the death of former Councillor Dilawar Khan and its appreciation of his devoted service to the residents of Birmingham. The Council extends its deepest sympathy to members of Dilawar's family in their sad bereavement.

Members and officers stood for a minute's silence, following which a number of tributes were made by Members.

D. Poppy Appeal

19545 The Lord Mayor advised that today the annual Poppy Appeal was launched.

The Lord Mayor noted that Birmingham was one of only 5 cities to have a City Poppy Day; so he was pleased to meet with some of our serving military personnel at New Street Station this morning, and have the opportunity thank the volunteers, both military and civilian.

PETITIONS

Petitions Relating to City Council Functions Presented at the Meeting

The following petitions were presented:-

(See document No. 1)

In accordance with the proposals by the Members presenting the petitions, it was moved by the Lord Mayor, seconded and -

19546 **RESOLVED:-**

That the petitions be received and referred to the relevant Chief Officer(s) to examine and report as appropriate.

Petitions Update

The following Petitions Update had been made available electronically:-

(See document No. 2)

It was moved by the Lord Mayor, seconded and -

19547 **RESOLVED:-**

That the Petitions Update be noted and those petitions for which a satisfactory response has been received, be discharged.

QUESTION TIME

19548 The Council proceeded to consider Oral Questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

During the section relating to questions to Cabinet Members, Councillor Jon Hunt raised a Point of Order in that Councillor Zaker Choudhry had been listed to ask a question but had not been called to do so and he noted that this was the second meeting in a row that a Liberal Democrat Member had not been allowed to ask a question. The Lord Mayor indicated that there were more members wishing to ask a question than time allowed, and he was trying to call Members in accordance with proportionality. Councillor Jon Hunt requested that the matter be discussed outside the meeting.

Details of the questions asked are available for public inspection via the Webcast.

APPOINTMENTS BY THE COUNCIL

Following nominations from Councillors Martin Straker Welds and Mike Ward it was-

19549 **RESOLVED:-**

That the appointments be made to serve on the Committees and other bodies set out below:-

Sustainability and Transport Overview and Scrutiny Committee

Councillor to replace Councillor Mike Leddy (Lab) to replace Mick Brown (Lab) on the Committee for the period ending with the Annual Meeting of City Council in May 2022

Licensing and Public Protection Committee

Councillor Mike Ward (Lib Dem) to fill the vacancy created by the death of Councillor Neil Eustace (Lib Dem) for the period ending with the Annual Meeting of City Council in May 2022.

Licensing Sub Committee C

Councillor Mike Ward (Lib Dem) to fill the vacancy created by the death of Councillor Neil Eustace (Lib Dem) for the period ending with the Annual Meeting of City Council in May 2022.

Standards Committee

Councillor Mike Ward (Lib Dem) to fill the vacancy created by the death of Councillor Neil Eustace (Lib Dem) for the period ending with the Annual Meeting of City Council in May 2022.

Warwickshire County Cricket Club Safety Advisory Group

Councillor Paul Tilsley (Lib Dem) to fill the vacancy created by the death of Councillor Neil Eustace (Lib Dem) for the period ending with the Annual Meeting of City Council in May 2022

EXECUTIVE BUSINESS REPORT

The following report from the Cabinet was submitted:-

(See document No. 3)

Councillor Paulette Hamilton moved the recommendation which was seconded by Councillor Sharon Thompson.

In accordance with Council Rules of Procedure, Councillors Maureen Cornish and Peter Fowler gave notice of the following amendment to the Motion:-

(See document No. 4)

Councillor Maureen Cornish moved the amendment which was seconded by Councillor Peter Fowler.

A debate ensued.

Councillor Paulette Hamilton replied to the debate during which Councillor Robert Alden raised a point of order in that the Cabinet Member may wish to clarify her comments as a request to include an item on the crisis in

SEND services on the September City Council agenda had been made but then refused. Then a letter had been sent to the Lord Mayor requisitioning an Extraordinary Meeting of City Council which was also refused as was a second such request. There had been several attempts to raise the issue and the Cabinet Member was incorrect to indicate that there had not been.

The amendment to the Motion in the names of Councillors Maureen Cornish and Peter Fowler having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

Here upon a poll being demanded the voting was as follows:-

For the amendment (30)

Deirdre Alden	Roger Harmer	Gareth Moore
Robert Alden	Deborah Harries	Simon Morrall
Baber Baz	Adam Higgs	David Pears
Matt Bennett	Charlotte Hodivala	Julien Pritchard
Zaker Choudhry	Jon Hunt	Darius Sandhu
Debbie Clancy	Timothy Huxtable	Dominic Stanford
Maureen Cornish	Morriam Jan	Ron Storer
Adrian Delaney	Meirion Jenkins	Paul Tilsley
Peter Fowler	Bruce Lines	Mike Ward
Eddie Freeman	Ewan Mackey	Ken Wood

Against the amendment (36)

Akhlaq Ahmed	Paulette Hamilton	Zhor Malik
Mohammed Azim	Mahmood Hussain	Karen McCarthy
Kate Booth	Mohammed Idrees	John O'Shea
Sir Albert Bore	Katherine Iroh	Robert Pocock
Nicky Brennan	Ziaul Islam	Shafique Shah
Marje Bridle	Brigid Jones	Mike Sharpe
Mick Brown	Nagina Kauser	Sybil Spence
Tristan Chatfield	Mariam Khan	Martin Straker Welds
Liz Clements	Narinder Kaur Kooner	Saima Suleman
Phil Davis	Chaman Lal	Sharon Thompson
Diane Donaldson	Mary Locke	Lisa Trickett
Fred Grindrod	Majid Mahmood	Ian Ward

Abstentions (0)

The recommendation having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore-

19550 **RESOLVED:-**

That the report be noted.

WEST MIDLANDS COMBINED AUTHORITY - OVERVIEW & SCRUTINY COMMITTEE

The following report from the Vice-Chair of the WMCA's Overview & Scrutiny Committee was submitted:-

(See document No. 5)

Councillor Lisa Trickett moved the recommendation which was seconded.

A debate ensued.

Councillor Lisa Trickett replied to the debate.

The recommendation having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore-

19551 **RESOLVED:-**

That the report be noted.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

19552 **RESOLVED:-**

That the Council be adjourned until 1650 hours on this day.

The Council then adjourned at 1632 hours.

At 1655 hours the Council resumed at the point where the meeting had been adjourned.

AMENDMENTS TO THE CONSTITUTION

The following report from the report of the City Solicitor was submitted:-

(See document No. 6)

5705

The Leader Councillor Ian Ward moved the motion which was seconded and as there was no debate made brief closing comments.

The motion having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore-

19553 **RESOLVED:-**

That Council agrees the proposed amendments set out in the report and the appendices, and that the City Solicitor be authorised to implement the changes with effect from 3 November 2021.

SUICIDE PREVENTION UPDATE

The following report from the report of the Cabinet Member for Health & Social Care was submitted:-

(See document No. 7)

Councillor Paulette Hamilton moved the motion which was seconded.

In accordance with Council Rules of Procedure, Councillors Simon Morrall and Matt Bennett gave notice of the following amendment to the Motion:-

(See document No. 8)

Councillor Simon Morrall moved the amendment which was seconded by Councillor Matt Bennett.

A debate ensued.

Councillor Paulette Hamilton replied to the debate.

The amendment to the Motion in the names of Councillors Simon Morrall and Matt Bennett having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The motion as amended having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore-

19554

RESOLVED:-

That Council notes the progress being made as set out in this report, and asks Members of the Council to undertake the ZSA Suicide Awareness E-Learning. This training can be accessed via learning pool and is available for all (search 'zero suicide alliance'). This will equip Members with information and training in respect of Suicide Prevention so that they can better support themselves, their constituents, and their colleagues.

The Council notes the delays in progress on some actions within this plan due to the need to Public Health resources to be diverted to the pandemic response. However, the Council also notes the profound impact that the pandemic has had on mental health, particular as a result of increased social isolation created by lockdown and home working.

The Council therefore calls for the plan to be formally updated to take more fully into account the impact of the pandemic and what actions may need to be amended or added as a result.

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

The Council proceeded to consider the Motions of which notice had been given in accordance with Council Rules of Procedure (B4.4 G of the Constitution).

A. Councillor Peter Fowler and Darius Sandhu have given notice of the following motion.

(See document No. 9)

Councillor Peter Fowler moved the Motion

Councillor Brigid Jones as a point of clarification on the business grant situation explained that when the council became aware that someone had 'slipped through the net' then they had been paid through the Additional Restrictions Grant (ARG) and she indicated that she had not been made aware of the particular case and invited Members to advise the council of such cases.

Councillor Darius Sandhu seconded the Motion. Councillor Brigid Jones as a further point of clarification explained that for the vast majority of Business Grant schemes money had been returned to Central Government, as stated, because Central Government had asked for it back. This followed distribution against a strict criterion which had been exhausted and although the Council had asked to keep the money the Government had said no.

5707

In accordance with Council Rules of Procedure, Councillors Roger Harmer and Mike Ward gave notice of the following amendment to the Motion:-

(See document No. 10)

Councillor Roger Harmer moved the amendment which was seconded by Councillor Mike Ward.

In accordance with Council Rules of Procedure, Councillors Gareth Moore and Simon Morrall gave notice of the following amendment to the Motion:-

(See document No. 11)

Councillor Gareth Moore moved the amendment which was seconded by Councillor Simon Morrall.

In accordance with Council Rules of Procedure, Councillors Saima Suleman and Ian Ward gave notice of the following amendment to the Motion:-

(See document No. 12)

Councillor Saima Suleman moved the amendment which was seconded by Councillor Ian Ward.

There been no further debate Councillor Peter Fowler replied to the debate.

The first amendment to the Motion in the names of Councillors Roger Harmer and Mike Ward having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

The second amendment to the Motion in the names of Councillors Gareth Moore and Simon Morrall having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

Here upon a poll being demanded the voting was as follows:-

For the amendment (21)

Deirdre Alden	Eddie Freeman	Gareth Moore
Robert Alden	Adam Higgs	Simon Morrall
Matt Bennett	Charlotte Hodivala	David Pears
Debbie Clancy	Timothy Huxtable	Darius Sandhu
Maureen Cornish	Meirion Jenkins	Dominic Stanford
Adrian Delaney	Bruce Lines	Ron Storer
Peter Fowler	Ewan Mackey	Ken Wood

Against the amendment (36)

Akhlaq Ahmed	Mahmood Hussain	Karen McCarthy
Mohammed Azim	Mohammed Idrees	Yvonne Mosquito
Kate Booth	Katherine Iroh	John O'Shea
Sir Albert Bore	Ziaul Islam	Robert Pocock
Nicky Brennan	Brigid Jones	Carl Rice
Marje Bridle	Nagina Kauser	Shafique Shah
Mick Brown	Mariam Khan	Sybil Spence
Tristan Chatfield	Narinder Kaur Kooner	Martin Straker Welds
Phil Davis	Chaman Lal	Saima Suleman
Diane Donaldson	Mary Locke	Sharon Thompson
Fred Grindrod	Majid Mahmood	Lisa Trickett
Paulette Hamilton	Zhor Malik	Ian Ward

Abstentions (9)

Baber Baz	Deborah Harries	Julien Pritchard
Zaker Choudhry	Jon Hunt	Paul Tilsley
Roger Harmer	Morriam Jan	Mike Ward

The third amendment to the Motion in the names of Councillors Saima Suleman and Ian Ward having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore-

19555 **RESOLVED:-**

This Council believes that Local High Streets and independent businesses are the life blood of communities, supporting not only the local economy but also helping to address issues from crime and antisocial behaviour to social isolation. Long term decline from online and out of town competition has been exacerbated by the COVID pandemic and from over a decade of austerity.

In recognition of the challenges, the council's long-term commitment to enhancing local centres was set out in the Urban Centres Framework (2020). Alongside the city centre, our network of local centres, high streets and parades offer communities a focal point to shop, socialise, live and work.

The Birmingham City Council Plan 2018-2022 sets out the vision for Birmingham to be an entrepreneurial city to work and invest in, as well as a great and fulfilling city to live in. Within this context, local centre high streets are social and economic engines that benefit the city and wider city-region; they are places people call home and may increasingly be places that

people work in rather than travel from for work; they are places where people mix, socialise and share experiences; and they are places that deserve a renewed sense of purpose as local community awareness of 'what's on their doorstep' has increased during the Covid-19 lockdowns.

Council therefore calls on the executive to –

- Continue to support local Christmas markets and events in local centres, showcasing the best of local businesses. This council has engaged with 21 areas across the city to deliver local events using the Welcome Back Fund. Two events have already been delivered (Acocks Green, Harborne) and a further 19 are expected prior to March 2022, with 11 of these held in December 2021.
- Continue to facilitate Christmas and other festive light displays, building on this year's additional displays across the city
- Continue to work with local Business Improvement Districts to support and promote initiatives in their areas, building on post-lockdown campaigns aimed at bringing shoppers back to local high streets
- Continue ongoing work to enable 'meanwhile use' of empty shop units
- Continue to work with BIDs and other business groups on a deep clean programme (pavement washing, graffiti removal) in 24 areas of the city

In addition, Council will continue ongoing work to commission a review that will inform the future development and social, cultural and economic curation of Birmingham's local centres. The review will establish the principles of what makes a vibrant, resilient local centre as we emerge from multiple Covid-19 lockdowns, and then present a model/framework for identifying and assessing opportunities to enhance local centres across the city in the next 1 to 5 years due to actual and anticipated shifts in working, social and consumption patterns.

The review will go on to provide practical outputs for delivering these opportunities across multiple local centres in Birmingham and how these can be sustained for the benefit of local communities and businesses.

This work is to be completed alongside a refresh of the Council's relationship with existing and emerging Business Improvement Districts in the city to ensure a consistent, transparent and positive relationship between BIDs and the Council.

B. Councillor Paul Tilsley and Jon Hunt have given notice of the following motion.

(See document No. 13)

Councillor Paul Tilsley moved the Motion which was seconded by Councillor Jon Hunt.

In accordance with Council Rules of Procedure, Councillors Timothy Huxtable and Bruce Lines gave notice of the following amendment to the Motion:-

(See document No. 14)

Councillor Timothy Huxtable moved the amendment which was seconded by Councillor Bruce Lines.

In accordance with Council Rules of Procedure, Councillors Mariam Khan and Majid Mahmood gave notice of the following amendment to the Motion:-

(See document No. 15)

Councillor Mariam Khan moved the amendment which was seconded by Councillor Majid Mahmood.

There been no further debate Councillor Paul Tilsley replied to the debate.

The first amendment to the Motion in the names of Councillors Timothy Huxtable and Bruce Lines having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

Here upon a poll being demanded the voting was as follows:-

For the amendment (29)

Deirdre Alden	Roger Harmer	Gareth Moore
Robert Alden	Deborah Harries	Simon Morrall
Baber Baz	Adam Higgs	David Pears
Matt Bennett	Charlotte Hodivala	Darius Sandhu
Zaker Choudhry	Jon Hunt	Dominic Stanford
Debbie Clancy	Timothy Huxtable	Ron Storer
Maureen Cornish	Morriam Jan	Paul Tilsley
Adrian Delaney	Meirion Jenkins	Mike Ward
Peter Fowler	Bruce Lines	Ken Wood
Eddie Freeman	Ewan Mackey	

Against the amendment (36)

Akhlaq Ahmed	Mahmood Hussain	Karen McCarthy
Mohammed Azim	Mohammed Idrees	Yvonne Mosquito
Kate Booth	Katherine Iroh	John O'Shea
Sir Albert Bore	Ziaul Islam	Robert Pocock
Nicky Brennan	Brigid Jones	Carl Rice
Marje Bridle	Nagina Kauser	Shafique Shah
Mick Brown	Mariam Khan	Sybil Spence
Tristan Chatfield	Narinder Kaur Kooner	Martin Straker Welds
Phil Davis	Chaman Lal	Saima Suleman
Diane Donaldson	Mary Locke	Sharon Thompson
Fred Grindrod	Majid Mahmood	Lisa Trickett
Paulette Hamilton	Zhor Malik	Ian Ward

Abstentions (1)

Julien Pritchard

The second amendment to the Motion in the names of Councillors Mariam Khan and Majid Mahmood having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The Motion as amended having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

It was therefore-

19556 **RESOLVED:-**

This Council notes that:

- The Birmingham Transport Plan makes reference to antisocial parking on pavements or across dropped kerbs causing a serious hazard to pedestrians, especially those with sight loss, parents with pushchairs, wheelchair users, young children, those with movement disorders and other disabled people.
- Most pavements are not designed to take the full weight of vehicles, whether stationary or moving.
- Over time the pavement surface degrades and can subside which causes further issues for pedestrians as well as incurring costly repairs that could take up to six months to complete.
- Action to tackle antisocial pavement parking in the City is problematic because of the current legislation which can be confusing with limited legal remedies available to tackle nuisance parking.

5712

- A key part of the Council's green, post-Covid recovery is to encourage more residents to choose active travel, such as walking, so it is vital pavements remain accessible for everyone.
- In many neighbourhoods, there has been considerable disruption to pavement integrity with heavy HGV's driving on and off in order to deliver commercial skips.
- Skips that are placed on private drives do not incur the £30 charge levied for placing a skip on the highway, in spite of the risk of damage to the pavement as skips on private land do not have to be licensed.

This Council resolves to:

- Encourage local members to identify streets within their ward where nuisance or antisocial parking occurs and to report them to the relevant council officers.
 - Work with the West Midlands Police to take into account any new powers that the Government makes available to local authorities as a result of the national consultation on managing pavement parking.
 - Encourage residents to report instances of parking across dropped kerbs to the Council so that Traffic Wardens are able to take appropriate enforcement actions, and continue to support the regular patrols that are undertaken by the Traffic Wardens.
-

The meeting ended at 1907 hours.

APPENDIX

Questions and replies in accordance with Council Rules of Procedure B4.4 F of the Constitution:-

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR DARIUS SANDHU

A1 Directors/Trustees – Social Housing

Question:

Please provide a record of all Councillors or Council employees who are Directors or Trustees of social housing organisations. In each case please specify the name of the company and whether these are council appointed or declared interests

Answer:

As previously advised, although staff are encouraged to share such information, it is not a contractual requirement and is therefore not recorded in a central database.

Information on interests of Elected Members is available on the website and Council appointments are also available on the website under the CMIS system.

If Councillor Huxtable has a specific query about a specific officer, Elected Member or housing organisation, please let me know and I will ask officers to provide the necessary information.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR DOMINIC STANFORD**

A2 A10 September – Press

Question:

Your answer to Question A10 from September 2021 stated why the press office might seek to secure a retraction or deletion from the press. The question was how many times, with you as Leader, has this happened. Please answer this question

Answer:

As previously noted, the press office may advise reporters as to any factual or legal inaccuracies/concerns, as happens across all administrations, councils and governments. Any decision about the removal, amendment or clarification of a news article is entirely a matter for the news organisation's editorial leadership and therefore the answer to the question is 'none'.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR EDDIE FREEMAN**

A3 S106 Ward Summaries

Question:

Please provide a copy of the last 3 S106 6 monthly summaries sent to Ward members for *all* wards.

Answer:

Please find attached the last 3 S106 summaries.

(NB: 3 Zip files containing the summaries are saved in

Council Regulatory Team folder - City Council/Questions/Written Questions/2021-2022/2 November 2021/Answers 02112021)

Due to the pandemic the summaries were not produced for a period but they are now back on track.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR BOB BEAUCHAMP**

**A4 Follow up to A22 from September Questions - Report of Joint Officer
and Cabinet Member, DPS Strategy and Award, 24 December 2019”**

Question:

**Please provide an answer to question A22 from September Questions, which was
promised by the end of September, so that it may be published here in full.**

Answer:

The decision referred to, dealing with the Home to School contract award, was an officer decision taken on 23 December 2019 and received all necessary internal approvals. A Cabinet Member/Chief Officer decision taken on 16 August 2019 gives delegated authority for that officer decision. Unfortunately, it was incorrectly referenced in the March 2021 Cabinet report.

The Cabinet Member/Chief Officer decision taken on 16th August 2019 was correctly posted.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
JON HUNT**

A5 Investment in Green Infrastructure

Question:

It is understood up to 660,000 jobs will be at serious risk if the UK continues to fall behind other countries in the amount it invests in green infrastructure and jobs, according to a recent report by the TUC. Could the Leader outline the council's plans to improve investment in this area to secure local jobs?

Answer:

Our Future City Plan outlines a template for major change in our city. One of the themes within the document is City of Nature, this seeks to take a biophilic design approach, putting nature back at the very heart of the City. Residents, visitors and workers will be able to access safe and diverse green and open spaces within walking distance of their homes and workplaces. Whilst the focus of Our Future City Plan is the City Centre, the work of the Future Parks Accelerator is reviewing how we provide greenspace across the city, one of the outputs of the FPA will be a 25 year green space strategy for the city, providing the basis for investment in greenspaces, as well identifying alternative sources of funding to sustain parks.

The Covid 19 Economic Recovery Strategy places a great emphasis on green recovery and growth. The Ward End and Cole Valley Skills Hub is part of a wider masterplan for the area, the proposed green skills hub will consist of training and community facilities in existing facilities. The programme will expand skills and training opportunities, encompassing sector specific pathways, including digital and low carbon. The project is moving to the design stage and provides a specific example of green skills initiatives.

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR MORRIAM JAN

A6 Welcome Back Fund

Question:

In response to written question A27 on 14 September 2021, regarding Vacant Retail Spaces and the initiatives being taken to encourage business back into the City, the Leader responded saying ‘.. the Welcome Back Fund will also deliver deep cleaning and graffiti removal projects to ensure the City Centre remains a welcoming place to visit and shop ..’

Could the Leader give a full explanation confirming if the deep cleaning and graffiti removal projects mentioned above are in addition to the enhanced service now offered by the Council following the appointment of three new deep cleaning crews and new graffiti removal teams as part of the ‘Love your Streets’ project or is this a separate initiative, and if so how long will the project run and how much funding has been allocated to this function?

Answer:

The Welcome Back Fund encouraged areas to consider how they could be visually improved to draw footfall back to ‘the high street’ following multiple Covid-19 lockdowns. After consultation with BIDs and local centres, deep cleaning and graffiti removal was identified as a priority to enable this. The Council allocated £276,000 of Welcome Back Fund money towards a deep cleaning and graffiti removal project; following a tender process, work is now underway and the external supplier is delivering a programme of works across 24 locations in the city, to be completed by March 2022.

The Welcome Back Fund project is in addition to Love Your Streets.

CITY COUNCIL – 2 NOVEMBER 2021

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
DEBORAH HARRIES**

A7 Safety and Security

Question:

In light of the tragic death of Sir David Amess MP, what measures will be put in place to ensure members' safety and security?

Answer:

This is currently under consideration by the Members Development Steering Group which will report back shortly as what further measures can be introduced to support members. There will also be wider consultation with all Members to reflect individual circumstances.

In the meantime, steps have been taken to remind members of the current measures already in place which includes the following:

- Training provided on Lone Working and Personal Safety, Social Media and Cyber Security.
- Provision of personal alarms as required
- Simplified procedures for the reporting of incidents to the police
- Provision to enable members to withhold personal data.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR JULIEN PRITCHARD**

A8 Druids Heath Regeneration

Question:

What is the month by month plan for the Druids Heath regeneration, including any upcoming cabinet member or cabinet decisions?

Answer:

The Druids Heath Regeneration Project is anticipated to cover a time span up to 2030 and includes a number of workstreams, such as stakeholder engagement; capacity building; procurement; design; funding and investment strategy and delivery.

Following a reset of the project in 2021, a refreshed project board has been established to manage the project, and a report is proposed to be submitted to Cabinet on 14th December to seek approval to commence a wider master planning and investment strategy for the area. As a response to the community for a more holistic approach to the regeneration of Druids Heath to include housing, community, economic, social and sustainable opportunities.

The scale and stage of the project is such that the current project plan identifies key milestone dates. Subject to the approval of Cabinet to the proposed report, these milestones will then be broken down into a more detailed live programme document to provide month by month activities that will be regularly reviewed and updated.

The details of the full programme of regeneration activities will not be known until the conclusion of the master planning and investment strategy in 2022.

Workstream	Milestone	Actual Commencement	Target Commencement	Target Completion
Stakeholder engagement	Appointment of Pioneer Group	October 2021	-	Ongoing
	Planning for Real		*subject to master planning programme	*subject to master planning programme
Procurement	Design team and Professional services procurement.		December 2021	February 2022
	Developer partner procurement		December 2023	September 2024

City Council – 2 November 2021

Workstream	Milestone	Actual Commencement	Target Commencement	Target Completion
	*subject to master planning and investment strategy			
Master planning and option viability	Appointment of full professional team		December 2021	February 2022
	Master planning		January 2022	May 2022
	Production of Option Investment Strategy		March 2022	May 2022
	Full Business Case Cabinet approval to regeneration approach			Spring 2022
Rehousing and Clearance	Current Rehousing for Vacant possession of Saxelby House and Kingswood House	April 2019		March 2022
		April 2020		March 2022
	Current Rehousing for Vacant possession of Barratts house (delayed start)	July 2021		August 2022
	Commence rehousing Hillcroft, and Brookpiece houses. *subject to resident consultation		Hillcroft: April 2022 Brookpiece: April 2023	March 2023 March 2024
Delivery	Identification of Early wins Development sites			November 2021
	Phased Construction programme *subject to outcome of master planning and investment strategy		2024	2030

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ZAKER CHOUDHRY**

A9 Smishing

Question:

Reports of text message scams, referred to as ‘smishing’, have increased by almost 700 per cent in the first six months of 2021 with three times as many parcel scams as banking scams. Could the Cabinet Member explain what measures are being taken to protect our local citizens from this scam, explaining the role of trading standards in tackling this problem?

Answer:

“Smishing” or text fraud, where a scammer is trying to obtain personal details from the recipient is a national problem and is overseen by the Police and Action Fraud. Many of these scam texts have evolved and now are suggesting they are from delivery companies as the public’s shopping habits become more online and as the public become more aware of the bank scam texts through the warnings provided by the enforcement authorities.

Regular updates are provided to local Trading Standards Services, who warn residents through corporate and trading standards social media pages, such as Twitter, of the current text scam being circulated. This provides a timely and current reminder of the scam texts to delete. BCC’s Trading Standards Service also run regular #scamaware messages and #scamawareness weeks as a reminder to residents to be on the lookout for scam texts and circulate messages from organisations such as “friends against scams”. BCC’s Trading Standards can be followed on Twitter @bhamts .

The City Council’s service work closely with the national scam team who have been able to intercept post scams, where vulnerable residents have responded. In this instance officers visit the individual and contact family’s to advise and support these individuals to prevent further scams of this kind.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE
COUNCIL FROM COUNCILLOR DEBBIE CLANCY**

B1 Complaints System

Question:

What are the costs of the new members complaints system, including a breakdown of amount spent on implementation, training, and operation?

Answer:

The November 2020 Overview & Scrutiny Report identified and examined 3 key areas to improve the experience of those using council services:

- Understanding current performance for the call-centre and Cllr enquiries and identify areas for improvement
- Explore service delivery in 3 areas to look at root causes and identify areas for improvement
- To investigate how member's enquiries are responded to; with a view of creating a new protocol

As a result, Birmingham City Council undertook a review of the end-to-end complaints and enquiries process (across all Directorates and with Members of the Council), identified issues and challenges with the current process and recommended solutions for potential improvements.

The outcome of this review was documented within "Complaints Process Review Recommendation Report" and agreed with the Council's Leadership Team in December 2020 to be implemented.

The total additional budget required to implement the revised complaints process and technical amendments to the existing system required a total of £1,334,795.00 broken down as follows:

Additional operational resources £1,194,545

Project Management Costs £89,000

Technology Costs £8,500

Training £20,000

Communication and engagement £10,000

Contingency £12,750 (Partly used for further training, customer satisfaction measure amendments and additional system development days)

5724

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM
COUNCILLOR GARETH MOORE**

B2 SEND Data Breaches

Question:

Please provide a copy of the report of lessons learnt from each of the SEND and Home to School Transport data breaches in the last 6 years?

Answer:

The current GDPR arrangements were introduced during 2018. The council's automated system on reporting breaches in accordance with GDPR was introduced in 2019. It is therefore only possible to give information on data breaches since GDPR was introduced.

Year	SEND	Travel Assist
2018 (from May)	2	4
2019 (from June)	1	2
2020	5	6
2021	4	13

Following consideration by the Data Protection Officer, none of the reported data breaches were considered to be of such high risk that they met the threshold for referral to the ICO.

ICO guidance sets out that in the event of any security incident, such as a data breach, the data controller (the Council) should investigate whether the breach was the result of human error or a systemic issue, and make recommendations for how such an occurrence can be prevented.

BCC has adopted a lessons learned approach in line with this guidance, and seeks to learn lessons from each individual case where a breach has occurred. As part of the assessment of the nature of a breach, we would consider whether preparing a lesson learned report is an appropriate response on a case by case basis.

Some examples of remedial actions include:

- Refresher data protection training being provided
- Ensuring that e-mails containing sensitive data are encrypted
- Support to officer concerned in terms of taking care when carrying sensitive data
- Complete all mandatory data protection training modules immediately
- Ensure new staff are fully aware of correct procedures in relation to file transfer

5725

There is one report on lessons learnt which relates to the two data breaches this summer in Travel Assist. This is attached. The report indicates the reasons for not referring to the ICO, which is a test applied in all reported data breach cases, and action taken by the service.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE
COUNCIL FROM COUNCILLOR ALEX YIP**

B3 Business Grants

Question:

How much of the different grants provided by Government to support businesses during the Covid Pandemic has not yet been distributed to Businesses (broken down by grant type and date of allocation to the council) Please include within this an indication of how much of this unpaid money is expected to be paid out still and how much has been, or is expected to be, returned to government?

Answer:

Business grant schemes with nationally set criteria

The table details below the various grant scheme payments administered by the Council where eligibility criteria and payment amounts were set by national government. For these schemes, the Council had no discretion to increase payment amounts to businesses, with all unspent monies having to be returned to the Department for Business, Energy & Industrial Strategy (BEIS) at the end of the payment period.

Grant Scheme	Grant Allocation	Spend	Returned funds	Date funds received
Small Business Grant Fund	231,576,000.00	140,124,651.00	-5,160,619.00	01/04/2020
Retail Hospitality and Leisure Grant Fund		76,670,900.00		01/04/2020
Local Authority Discretionary Grant Fund		9,619,830.00		01/04/2020
Christmas Support Scheme Wet Led Pubs	256,000.00	221,000.00	-35,000.00	18/12/2020

City Council – 2 November 2021

Local Restrictions Support Grant (Open)	5,341,208.00	3,797,256.60	-1,543,951.40	13/11/2020
Local Restrictions Support Grant (Sector)	26,259,427.00	93,946.20		13/11/2020
Local Restrictions Support Grant (Closed)		4,979,644.64		18/12/2020
Local Restrictions Support Grant (Closed) Addendum: Tier 4		2,296,827.98		05/02/2021
Local Restrictions Support Grant (Closed) Addendum (November)		13,213,767.86	-5,675,240.32	05/02/2021
Local Restrictions Support Grant (Closed) Addendum: 5 January onwards- first six week payment	28,889,541.00	19,271,185.02	-9,618,355.98	15/01/2021
Closed Business Lockdown Payment	57,762,000.00	38,439,667.42	-19,322,332.58	15/01/2021
Local Restrictions Support Grant (Closed January 2021 onwards) 16 Feb - 31 Mar 2nd 6 week payment	30,265,233.00	20,576,776.70	-9,688,456.30	05/03/2021
Restart Grant Scheme	55,262,457.00	51,646,771.00	-3,615,686.00	06/04/2021

The Government mandated that:

- all of the earlier LRSG's had a closing date of 14th May 2021, with the exception of the Wet-led Pub grant which had a closing date of 31st March 2021;
- the closing date for the last LRSG was 30th June 2021; and

- 31st July 2021 was the last day for the Restart grants

The funds allocated to local authorities through these schemes were estimated amounts, based on current property descriptions on the Rating List – regardless of whether the current business in that property actually qualified for the grant. Estimates did not take into account the types of businesses operating in a particular sector or property, which businesses were trading on each qualifying date, any retrospective changes in occupation that we had not previously been made aware of, or any reliefs applied (e.g. vacant premises) that were no longer applicable. It was not expected that local authorities would spend 100% of their grant allocations, but that they would carry out an assessment against nationally set criteria and process payments only where businesses were found eligible, with all unspent funds returned to BEIS.

Business grant schemes with discretionary criteria

The Council was also provided with a discretionary fund to make payments where businesses did not meet the criteria for the LRSG. The Council spent 100% of its discretionary grant allocation in two rounds of grants:

- In Summer 2020, 1,700 businesses were supported with £10.4 million grants (received by the Council on 1st April 2020).
- Additional Restrictions Grants (ARG) scheme – initial funding received on 13th November 2020, and secondary funding received on 15th January 2021. Under the ARG scheme, Birmingham City Council made payments totalling £32,979,132, with grants allocated to 11,647 businesses.

As the Council had spent 100% of its discretionary grant allocation, it was awarded a top-up payment of an additional £7,012,510 (on 1st August 2021) under the ARG scheme. This funding is still being distributed, with two schemes currently in operation:

- ARG Discretionary Restart Fund – a sector specific one-off grant of £5,000 for businesses did not qualify for a Restart Grant.
- ARG Business Recovery Scheme – to provide Small to Medium-sized Enterprises (SMEs) with grant funding of between £5,000 to £50,000 towards projects which will drive business recovery and safeguard existing jobs.

Over 620 applications have been received and nearly £1.6 million has been spent or committed. We envisage that 100% of the additional £7,012,510 will be spent, meaning that no funds will be returned to the Government.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM
COUNCILLOR ZAKER CHOUDHRY**

B4 Member Enquiries

Question:

Could the Deputy Leader of the Council give a clear explanation as to why there has been, in some cases, such an excessive delay in responding to member enquiries by Birmingham Feedback especially as they are not appearing to keep to their promised deadlines?

Answer:

The revised complaint and enquiry process has been fully live since the end of May 2021 and so we are five months into embedding a single system, dedicated teams embedded in each directorate, and a refreshed policy, as per the request from Scrutiny and members.

There are a handful of vacancies remaining which we are in the process of finalising recruitment for, and post launch we have seen at least a 28% increase in the volume of cases on top of inherited backlogs across most of the pre existing Directorate complaint teams. The complaint and enquiry teams are working hard to address the backlogs and improve performance. The Cabinet Member has been challenging officers on performance on a regular basis and this is a priority for improvement.

**WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR
SIMON MORRALL**

B5 Social Housing

Question:

How much money has the Council paid to all the housing providers who the social housing regulator has raised concerns about the over last five years broken down by year?

Answer:

The information attached relates to Housing Benefit payments for the past five years including this financial year to 24th October 2021.

(NB: See Excel sheets document in Council Regulatory Team folder - City Council/Questions/Written Questions/2021-2022/2 November 2021/Answers 02112021/B5 summary of payments 010416-241021 LATEST)

It is worth noting not all of these payments will be supported/exempt accommodation. They are the Housing Benefit payments made to each RSL. These include supported and non-supported (general needs) accommodation which the relevant RSL may have.

The regulator may have stated concerns or issued judgements but the regulator has not removed the registered provider status. Whilst there maybe concerns around their governance or financial management, the Department of Work & Pensions' Housing Benefit regulations still mean the Council has to treat them as registered providers. The Benefit Service undertakes a review of any specific cases of concern. It has reclaimed Housing Benefit overpayments from some of these landlords where it has been proved:

- that insufficient care support or supervision is being provided;
- the citizen no longer requires the support;
- where inappropriate or potentially fraudulent claims have been made; or
- where the Council has not correctly notified of changes of circumstances.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR EDUCATION, SKILLS
AND CULTURE FROM COUNCILLOR JULIEN PRITCHARD**

C1 Secondary Schools – B30

Question:

What secondary schools are considered in catchment for postcode B30 3NX? And how long does it take to travel to these by public and active transport?

Answer:

Schools in Birmingham offer places in accordance with their admission arrangements and oversubscription criteria which are published on the council's website at www.birmingham.gov.uk/schooladmissions

Most schools include a distance criterion as part of their admission arrangements and do not operate fixed catchment areas.

Distances are measured in a straight line from a child's home address to an agreed point at the school using Ordnance Survey coordinates. Families wishing to find out the distance from their home to Birmingham schools for school admission purposes should contact Children's Services on 0121 303 1888 rather than rely on any distance measurements available online.

For the purpose of responding to this question, distances have been measured from one address within the central area of postcode B30 3NX to the 11 nearest secondary schools. It is important to note that the distances to schools will vary within postcode areas as they are measured from individual addresses.

As the schools do not operate fixed catchment areas, the table provides information on whether a place would have been offered from one address within the central area of postcode B30 3NX for September 2021 under the distance criterion, where relevant.

Public and active transport routes and approximate times were obtained from the National Express West Midlands Journey Planner <https://nxbus.co.uk/west-midlands/plan-your-journey>

School	Distance from an address within B30 3NX	Would a place have been offered under distance criterion when places for Sept 2021 were offered in March 2021?	Public and active transport
Kings Heath Boys' School	1831m	Yes. All applicants were offered places.	About 20 minutes (9 minute walk, no 18 bus then 4 minute walk)
Wheelers Lane Technology College	2162m	No. Last child offered a place lived 1928 metres from the school.	About 22 minutes (9 minute walk, no 18 bus then 8 minute walk)
King Edward VI Camp Hill School for Girls (grammar school)	2295m	N/A (all places offered to children who scored highly enough in the selective test)	About 18 minutes (10 minute walk, no 35 bus)
King Edward VI Camp Hill School for Boys (grammar school)	2295m	N/A (all places offered to children who scored highly enough in the selective test)	About 18 minutes (10 minute walk, no 35 bus)
Bishop Challoner Catholic College	2563m	N/A (all places offered to applicants applying under the faith criteria)	About 24 minutes (10 minute walk, no 35 bus, 4 minute walk)
Swanshurst School	2652m	Yes. Last child offered a place lived 2700m from the school.	About 32 minutes (9 minute walk, no 18 bus, 1 minute walk, no 2 bus, 5 minute walk)
Ark Kings Academy	2709m	Yes. All applicants were offered places.	About 21 minutes (10 minute walk, no 35 bus, 4 minute walk)
King's Norton Girls' School	2781m	No. Last child offered a place lived 2073m from the school.	About 28 minutes (10 minute walk, no 18 bus, 7 minute walk)
King's Norton Boys' School	3088m	No. Last child offered a place lived 2900m from the school.	About 23 minutes (10 minute walk, no 18 bus, 1 minute walk)
Selly Park Girls' School	3224m	Yes. Last child offered a place lived 5101m from the school.	About 35 minutes (10 minute walk, no 18 bus, no 45 bus, 1 minute walk)
St Thomas Aquinas Catholic School	3387m	Yes. All applicants were offered places.	About 30 minutes (10 minute walk, no 18 bus, no 49 bus, 1 minute walk)

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR DARIUS SANDHU**

D1 Inner Circle Consulting Ltd

Question:

Please provide details of the following three contracts

- **INDEPENDENT CHAIR CWG CAPITAL&EXEC BOARD, value £185k, signed on 4 September 2020**
- **PROG ADVICE&SUPPORT FULL BUSINESS CASES- value £1.2m, signed 12 March 2021**
- **BUSINESS CASES AND SUPPORT JAMIE OUNAN - value £500k, signed, 12 April 2021**

Awarded to INNER CIRCLE CONSULTING LTD

In each case please provide details of

- **The Procurement route followed**
- **A copy of any decision reports or briefing notes**
- **Which senior officers and/or cabinet members signed off the decision**
- **Which senior officers and/or cabinet members were consulted on the decision**
- **What outcomes were achieved against each contract, compared to stated objectives?**
- **Details of any declared officer/member interests in respect of this company and/or these decisions?**

Answer:

There has been insufficient time to compile all the information requested, specifically in respect of - *What outcomes were achieved against each contract, compared to stated objectives?* This is due to needing to assess whether any information may require redaction due to commercial confidentiality. Once this assessment has been completed and is legally compliant the relevant information will be circulated to all Members.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR BRUCE LINES**

D2 Inner Circle

Question:

Has Birmingham Council ever hired Inner Circle Consulting Ltd? if so, please attach copies of all decisions procuring them and details of spend?

Answer:

Yes.

There has been insufficient time to compile all the information requested. Once this assessment has been completed and is legally compliant the relevant information will be circulated to all Members.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR DOMINIC STANFORD**

D3 Council Posts

Question:

Broken down by job grade, how many Council posts are a) essential and b) casual car users under the allowance scheme?

Answer:

Below is information which indicates the number of BCC Corporate employees who have claimed car mileage since April 2021 broken down by grade. Please note that we no longer have essential or casual users, all the employees on this report will have been an Approved Car User at 45p per mile.

Row Labels	Count of Pers.No.
APTC	1
CASUAL9	9
COR	3
EP	1
EPSPA1	11
EPSPA3	1
GR1	3
GR2	101
GR3	112
GR4	253
GR5	117
GR6	27
GR7	4
LAH	4
MEMBER	3
SAI	1
SEPSPA3	1
SPOT	4
SSEPSPA2	1
SSEPSPA3	2
UPS	26
YC	3
Grand Total	688

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR CHARLOTTE HODIVALA**

D4 Council Posts

Question:

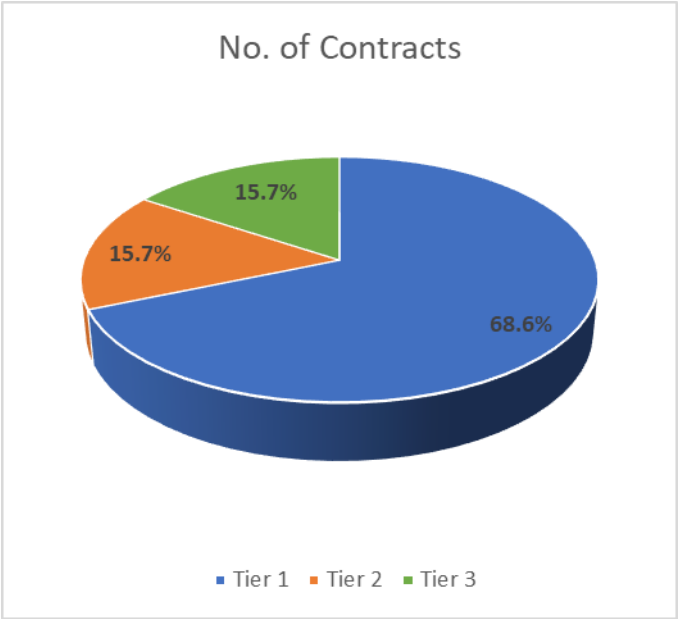
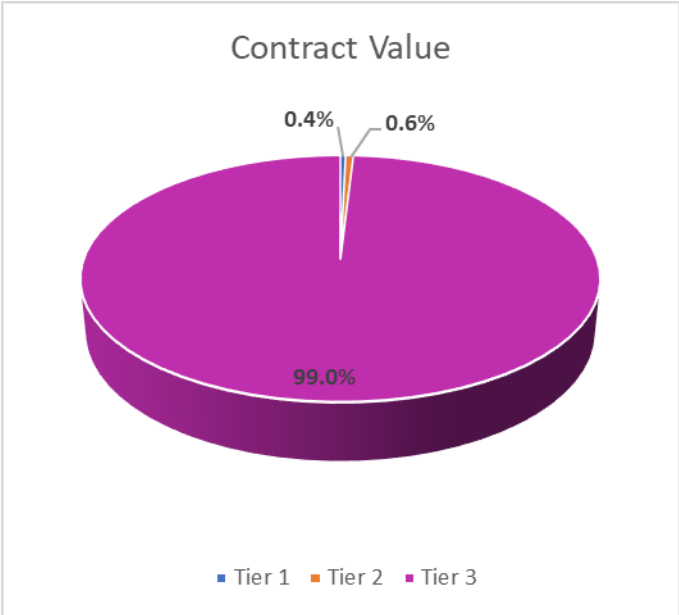
How many contracts fall below the 20% minimum social value that has just been introduced within the Business Charter for Social Responsibility?

Answer:

The revised social value policy changes the 3 tier application to a 2 tier system where the middle, light touch tier is replaced with the higher, full consideration application.

There are a limited number of historic instances in procurements over the threshold where less than 20% has been secured, this only happens in exceptional circumstances. It has not been possible to provide these in time for this response, however they will be circulated in due course.

A recent analysis of our current contracts (958 contracts) showed that only 0.4% of the contract values fall below the threshold of social value evaluation. However, this 0.4% represents 68.6% of the number of contracts. These contracts are not subject to social value assessment as the tendering and contract management resource would be disproportionate to the amount of social value obtained. The Social Value Act requires that the social value is proportionate to the size of the contract. The Council requires that all contracts, even those that are not subject to social value assessment, must apply the Living Wage policy which requires that all staff working on Council's contracts are paid the Real Living Wage according to the rules stipulated by the Living Wage Foundation. Additionally, contracts below the threshold are encouraged to support at least 1 project from the Match My Project portal [Match my project](#). The policy aims to obtain proportionate social value while keeping officer resource proportionate.



**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR TIMOTHY HUXTABLE**

D5 Apprenticeship Levy

Question:

How much apprenticeship levy has been unspent and returned to government, since its introduction?

Answer:

£5,123,581

The amount that has been return has been accumulated since the inception of the apprenticeship levy in 2017. Apprenticeship funds are taken out of our account 24months after they enter unless we utilise the full amount entered that month. To give an example of how it works. If we paid £12,000 annually, we would pay £1000 each month into the levy. An apprenticeship is paid for over the duration of apprenticeship. So, if an apprenticeship cost £12,000 and was for a duration of 2 years then we would pay £500 each month for the apprenticeship. To put into context, we pay £212,000 per month into the levy and an average apprenticeship costs about £10,000 over a duration over 2 years means we would pay about £416 per month for the apprenticeship. Meaning we would need to have 500 apprenticeships continuously on the go every month. When the levy was introduced, there wasn't the scope of apprenticeships available as there is now which limited the apprenticeships we initially accessed. Therefore, our initial uptake on the levy was slow but since the introduction of the Apprenticeship Pledge in 2020 we now have a strategic approach towards apprenticeships which has enabled us to utilise it as a succession planning, talent management and career development tool and continuously look to increase the number of apprenticeships starts each month by engaging with directorates to embed the principles of the Pledge.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR ADAM HIGGS**

D6 Apprenticeship Levy 2

Question:

By year since its introduction, please provide a breakdown of how the Apprenticeship Levy has been spent?

Answer:

Apprenticeship Data

We currently have 325 apprenticeships that are active, 157 apprenticeships that have completed, 96 apprenticeships that have withdrawn from the programme and 11 apprenticeships that are on a break in learning for various reasons.

Levy Data

Birmingham City Council to date 27th October 2021 has had a total levy amount of £5,326,002 since the levy started in 2017.

This is broken down to a yearly spend – see below table

Year	Spend
2017	£249,000
2018	£363,000
2019	£1,564,693
2020	£1,056,224
2021	£621,700

This brings the total to £3,854.617 which has been used from the levy funds.

Broken down into each level:

- Level 2: £336,400

5740

- Level 3: £802,500
- Level 4: £769,000
- Level 5: £276,000
- Level 6: £720,900
- Level 7: £949,817

HR qualifications: 18 learners at a cost of £118,000

- 11 at Level 3 - £55,000
- 7 at Level 5 - £63,000

Social Care Qualifications: 82 learners at a cost of £ 425,500

- at Level 2 -£64,000
- 24 at Level 3 -£70,500
- 19 at Level 5 -£38,000
- 11 at Level 6 - £ 253,000

Teaching Qualifications and School Related qualifications: 63 learners at a cost of £341,500

- 4 at Level 2 -£8,000
- 35 at Level 3 -£140,500
- 12 at Level 4 -£72,000
- 12 at Level 6 -£121,000

Management qualifications: 127 learners at a cost of £1,577,524

- 4 at Level 3 - £20,000
- 37 at Level 4 - £196,000
- 19 at Level 5 - £135,000

- 16 Level 6 - £346,900
- 51 Level 7 - £879,624

Coaching Qualifications: 11 learners at a cost of £52,500

- 3 at Level 2 - £12,500
- 8 at Level 5 - £40,000

Accountancy and Account Related qualifications: 18 learners at a cost of £140,193

- 2 at Level 2 - £4,000
- 10 at Level 3 - £80,000
- 5 at Level 4 - £40,000
- 1 Level 7 - £16,193

IT and IT Related qualifications: 45 learners at a cost of £598,000

- 18 at Level 3 - £167,000
- 27 at Level 4 - £431,000

Housing qualifications: 9 learners which at a cost of £53,000

- 1 at Level 2 - £9,000
- 5 at Level 3 - £23,000
- 3 at Level 4 - £21,000

Business Administration and Customer Service-related qualifications: 72 learners at a cost of

- £235,000
- 47 at Level 2 - £112,000
- 25 at Level 3 - £123,000

Cooking qualifications: 19 learners at a cost of £74,900

- 2 at Level 2 - £6,900
- 17 at Level 3 - £68,000

Cleaning & Facilities Management qualifications: 82 learners at a cost of £124,000

- 80 at Level 2 - £120,000
- 2 at Level 3 - £4,000

Solicitor & Legal qualifications: 5 learners at a cost of £80,000

- 3 at Level 3 - £26,000
- 2 at Level 7 - £54,000
- 1 at Level 3 - £19,000 Laboratory technician
- 1 at Level 4 - £9,000 Commercial Procurement and Supply

The most popular qualifications were:

- Management qualifications with 127 learners at a cost of £1,577,524
- IT and IT Related qualifications with 45 learners at a cost of £598,000
- Social Care Qualifications with 82 learners at a cost of £ 425,500

Please see excel spreadsheet (attached in appendices) for a breakdown of all qualifications that were funded by the levy.



D6_Levy usage
report.xlsx

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR EDDIE FREEMAN**

D7 Outstanding Questions

Question:

In your answer to questions D1 and D7 at the September meeting, you promised details of both expiring contract and agency\interim staff used to cover suspended employees, would be circulated to Members ahead of the October meeting. Without a Council meeting in October, you have had additional time to complete this question. Please can you provide a full answer to both questions here rather than just circulating to Members, so that it is part of the public record

Answer:

I apologise but officers have advised that the detail required to collate and provide a complete response is taking longer than anticipated. I am assured by officers that this process is in hand and as soon as the information is collated I will ensure that it is shared with Elected Members.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR MATT BENNETT**

D8 Contract Web services

Question:

In your answer to question D4 to September Council, you confirmed that a 3 month extension had been signed with Jadu for web services to cover the period 1 April 2021 – 30th June and a 4 year contract beginning on 1 July 2021. Please provide a copy of the decision record for both these contracts, including the date on which they were approved.

Answer:

The Jadu Web Services SCN was signed on 17th May 2021 and the Delegated Award was signed on 18th May 2021 under contract 4400008972, subsequently the contract was sealed on 20th May 2021.

We can confirm that there has been no break in the contract between 31st March 21 to the award date of 18th May 21 as support and maintenance was extending with JADU during the period.

The contract incorporates a comprehensive Data Processing Agreement which has strong provisions that protect resident's data according to both current DPA and GDPR regulations.

Decision records follow:-

BIRMINGHAM CITY COUNCIL

Delegated Award Report

Report to:	Director Digital and Customer Services
Report of:	Interim ICT Category Manager
Date of Decision:	17th May 2021
SUBJECT:	CONTRACT AWARD FOR JADU WEB SERVICES

1. Purpose of report:

- 1.1 To seek permission to award a contract for the provision of Web Services to Jadu Limited, for a 4 years period commencing 18th May 2021, for the estimated sum of £1.39M following the approval to enter into single contractor negotiations on 6th May 2021.

2. Decision(s) recommended:

That the Director Digital and Customer Services in conjunction with the Assistant Director, Development and Commercial, the Interim Chief Finance Officer (or their delegate) and the Acting City Solicitor (or their delegate):

- 2.1 Approves the award of a contract for the provision of Web Services to Jadu Limited Company) for a 4 years period commencing 18th May 2021 for the estimated sum of £1.39M.

Lead Contact Officer(s):	Sheraz Yaqub, Head of Online Service Delivery, Digital and Customer Services
Telephone No:	0121 675 9537
E-mail address:	Sheraz.Yaqub@birmingham.gov.uk

List of Appendices accompanying this Report (if any):

1. Single Contractor Negotiations Report, Jadu Web Services 23rd April 2021

3. Outcome of Negotiations

If this contract award is for a new service requirement please complete the following:

- 3.1 Approval to enter into single contractor negotiations was authorised on 6th May 2021 in the Single Contractor Negotiations Report (Jadu Web Services 23rd April 2021).
- 3.2 This contract has been included in the Planned Procurement Activities Report approved by Cabinet as part of the sounding out process on the 13th October 2020 for the value of £1.3M for the duration of 4 years.
- 3.2 After formal negotiations were completed with Jadu Limited, this report seeks approval to award a contract to Jadu Limited for the provision of Web Services.
- 3.3 The negotiation with Jadu was complex and took longer than anticipated, Jadu have completely changed their licence model for all customer and as such their equivalent G

Cloud pricing as a benchmark would have cost the Council £441,155 per annum excluding hosting.

- 3.4 The negotiations brought this back down to £249,555 excluding hosting, with the new negotiated cost the total contract value for 4 years including hosting is £1,384,179.
- 3.5 Jadu were unwilling to include break clause in years 3 and 4.
- 3.6 As the negotiations went beyond the expiry of the exiting contract with Jadu the Council were required by Jadu to place a temporary purchase order with Jadu on a pro-rated basis based upon the new contract pricing to keep the service running, this was for £20,499.25 and was approved by the Commercial Director.

4. Financial Implications

- 4.1 Following negotiations with the Jadu Limited, it is estimated that spend over the contract period will be £1.39M. This will be funded from the Digital and Customer Services approved budget.

Recommendations Approved by:

Peter Bishop..... Date...18/05/21.....
Director of Digital and Customer Services

Alison Jarrett..... Date...18/5/21.....
Assistant Director, Development and Commercial (or their delegate)

Suzanne Dodd..... Date.....
City Solicitor (or their delegate)

Rebecca Hellard..... Date.....17/05/2021.....
Interim Chief Finance Officer



**BIRMINGHAM CITY COUNCIL
SINGLE CONTRACTOR NEGOTIATIONS REPORT**

Report to:	City Solicitor (or the Assistant Director, Legal) and the Chief Finance Officer (or the Assistant Director, Development & Commercial)
Report of:	Director, Digital and Customer Services
Date of Decision:	10th May 2021
SUBJECT:	Jadu – Web services Contract

1. Purpose and Decision(s) recommended:

That the City Solicitor (or the Assistant Director, Legal) and the Chief Finance Officer (or the Assistant Director, Development & Commercial):

- 1.1 Under Standing Order 2.5i, read with Regulation 32.2(b)(ii) of PCR 15, approves the commencement of single contractor negotiations and conclude the award of contract, by the Head of Online Service Delivery, with Jadu Limited for the provision of Website Services for the estimated sum of £1.3m over a period of 4 years, commencing 17th May 2021.

Lead Contact Officer:	Sheraz Yaqub, Head of Online Service Delivery, Digital and Customer Services
Telephone No:	0121 675 9537
E-mail address:	Sheraz.Yaqub@birmingham.gov.uk

2.	Relevant background/chronology of key events
2.1	Details of Requirement and Background
2.1.1	The Jadu contract currently delivers a number of digital solutions for Birmingham City Council.
2.1.2	The services it currently provides include an on-premise solution powering a number of websites operated by the Council which include Birmingham.gov.uk, Birmingham Children's Trust and the internal intranet. The content management system is designed to allow a fully developed platform to administer web sites on behalf of the Council including search, quality and chat capabilities to citizens and business in and outside of Birmingham. The Content Management system also has several microsites which have developed over time on behalf of the Council e.g. lord mayor's site, Adults safeguarding
2.1.3	The last 2 years has seen an increase in the usage of the Jadu Platform which has enhanced our digital capabilities. As part of the review of transactional services we have purchased additional cloud-based modules from Jadu which has enabled a simple "My Account" for customers allowing them to request services and track progress. Linked into this platform are a number of modules which allow us to create simple and complex forms with two-way line of business integration and simple case management. As part of the BRUM Account programme a full suite of online services has been developed integrating the local address database making it easier to identify customer addresses for the My Account and the request for service they are making. The solution also uses a world pay adaptor allowing customers to pay for services online for services like Green Waste, Council Tax, Business rates and council invoices.
2.1.4	The existing contract was due to end on the 6 th January 2021, however within the existing value of this contract there was the ability to extend the support period until 31 st March 2021.
2.1.5	Under the proposed new 4-year contract with Jadu, the intent is to look at the licencing model and usage and in addition move one further instance of the Jadu solution into hosting provided by Jadu
2.2	Benefits Appraisal:
	The following are the key benefits that result from the single contractor negotiations:
2.2.1	Continuity of service – the award of this contract will ensure operational continuity of the Councils Birmingham.gov.uk website, Birmingham Children's Trust and intranet website.

2.3 Options Appraisal

2.3.1 Alternative Options

- **Compete the service through an Open tender or Framework** – This is not an option. The service requirement can only be delivered by Jadu Limited due to the use of proprietary software used in the Councils website services.
- **Do nothing** – This is not an option. Doing nothing would leave the Council without a support and maintenance provider for the Council website service provision.

2.3.2 Future Options

The continued need for a new website service provider will be monitored and as such will implement contract/market reviews over shorter periods to keep up with changing technologies with a view to running a full market tender during the contract period.

2.4 Consultation

2.4.1 This contract had been included in the Planned Procurement Activities Report approved by Cabinet as part of the sounding out process on the 13th October 2020 for the value of £0.325m per annum.

2.4.2 Officers from Finance, Procurement and Legal and Governance have been involved in the preparation of this report.

3. Justification for Single Contractor Negotiations:

3.1 Jadu is an existing supplier where various projects and development work are on-going. The Council intends to enter into this contract under Standing Order 2.5i read with Regulation 32.2 (b) (ii) as competition is absent due to technical reasons. The Software used is proprietary - Jadu own the specific software used to provide the service and are the only organisation that can maintain, operate and upgrade the software.

4. Financial and Legal Implications
4.1 Financial Implications
4.1.1 The estimated cost of the services is £0.325m per annum (£1.3m over the 4-year period of the proposed contract. This has been estimated based on G Cloud pricing.
4.1.2 The financial negotiations will be undertaken within the following specific commercial and financial parameters: <ul style="list-style-type: none">• Pricing will be itemised and linked to usage via a licence model agreed with Jadu
4.1.3 The contract will be funded from the customer services budget which is due to be transferred to ICTD in due course.
4.1.4 The exact cost will be confirmed at Contract Award stage and recorded at the end of this report, including confirmation that cost remain within the budget envelope.
4.2 Legal Powers and Implications
4.2.1 Under S111 Local Government Act 1972 the Council has power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions and therefore has a general power to enter into contracts for the discharge of any of its functions
4.2.2 Regulation 32 (b) of the Public Contracts Regulations allows for the direct award of a contract where competition is absent for technical reasons. Jadu own the specific software used to provide the service and are the only organisation that can maintain, operate and upgrade the software.
5. Compliance Issues
5.1 There is no statutory duty to provide this service, however there is a need to provide digital solutions online, the technology facilitates self-service allowing the citizen to obtain information, advice and guidance at their convenience 24/7. The solution also allows customers to complete online requests for services 24/7 with updates on progress on when the service will be delivered allowing channel shift and having an alternative communication channel with the Council away from the traditional telephone channels.
6. Public Sector Equality Duty
6.1 Entering into single contractor negotiation and concluding the award of this contract does not revise, amend or review Council policies of functions and therefore an Equality Impact Needs Assessment is not required.

City Council – 2 November 2021

Formal authority to proceed with negotiations:

Signature



Date 10 May 2021

Rebecca Hellard

Interim Chief Finance Officer

Suzanne Dodd

City Solicitor.....11/05/2021.....



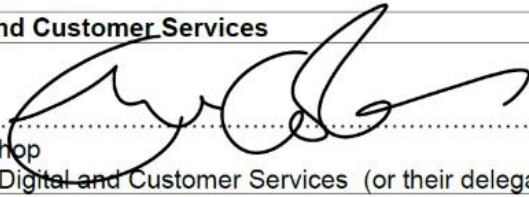
Digital and Customer Services

Date

pp.....13/05/21.....

Peter Bishop

Director, Digital and Customer Services (or their delegate)



Please note: that on conclusion of the negotiations the final contract value needs to be confirmed below and authorised by Finance Business Partner.

Formal approval to award a contract to Jadu Limited for the sum of: £1.3m

Signature.....

Rebecca Hellard

Interim Chief Finance Officer (or their delegate)



Date...17/05/2021.....

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR ALEX YIP**

D9 DPS Contracts

Question:

In September written questions (D14), you confirmed that an internal investigation was underway to understand why signed copies of the contract with North Birmingham Travel were not properly captured until June 2021 despite allegedly being agreed in January 2020. The variation to the contract, which was a requirement of safeguarding failings in council checks resulting from the audit was also late to be signed compared to other organisations. Please provide a copy of that investigation.

Answer:

The review was more informal between and across the necessary Directorates and Services areas, in particular Commissioning and Corporate Procurement Service than a formal investigation, and as such no formal review document exists.

In respect of the informal review and discussions it was more an issue of lack of clarity on respective roles and responsibilities as to uploading of contracts between the different Service areas.

Further work is ongoing as part of the Corporate Procurement Service Target Operating Model improvement plan to help better define “service offer” and respective roles and responsibilities with Service areas across the Council, which should further aid robust practice and help to avoid similar administrative errors.

WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES FROM COUNCILLOR MIKE WARD

D10 Levelling Up

Question:

There have been reports the Levelling Up Fund promised by Government has not been distributed to Local Authorities seven months on, could the Cabinet Member confirm whether Birmingham has received its allocated funding?

Answer:

Applications for the £4.8bn Levelling Up Fund were submitted in June 2021 as directed by the MHCLG (now Dept for Levelling Up, Housing and Communities), announcements on the success of bids was set for the date of the Spending Review, 27 October 2021.

Announcement in the 2021 Spending Review:

Birmingham	Dudley Road (A457 Dudley Road Improvement Scheme)	£19,941,000.00
Birmingham	Wheels Site Remediation	£17,145,000.00
Birmingham	Moseley Road Baths	£15,539,000.00

The Council's fourth bid, Erdington High St Regeneration Scheme bid for £13,025,813 was unsuccessful.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE AND
RESOURCES FROM COUNCILLOR ROGER HARMER**

D11 Household Support Funds

Question:

It has been announced the Government will be putting £500m into new Household Support Funds which will be distributed by the Council to help local families who are struggling with living costs. Could the Cabinet Member provide details of this scheme and confirm how much of this funding has actually been allocated to the City?

Answer:

The indicative allocation to Birmingham is £12.791m, which represents around 2.6% of the national allocation for the Household Support Fund. The grant will cover the period from 6 October 2021 to 31 March 2022. The grant will be paid to Birmingham in arrears, once it has completed the necessary statement on grant usage and management information for Government.

The grant can be used for the following purposes:

- Supporting households in need with food and utility bills
- Supporting households with essential costs
- In exceptional cases of genuine emergency, it can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.
- Scheme administration costs

The grant guidance indicates that at least 50% of the grant must be spent on families with children, that is those aged under 19 as at 31 March 2022 or those aged 19 or over in respect of whom a child-related benefit is paid or free school meals are provided during the grant period.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE FROM COUNCILLOR JON HUNT

E1 Adult Social Care

Question:

It has been reported nearly 300,000 people are on council “waiting lists” for adult social care services in England because of funding pressures and delays in assessments from social workers. Could the Cabinet Member give details of how the social care levy has been deployed to tackle unmet need in social care in Birmingham?

Answer:

The Council uses funds from the Adult Social Care levy, Better Care Fund and Council general funds to meet four main objectives:

1. Assessing, supporting and providing care to those who have a statutory social care need;
2. Promoting community assets which foster prevention and independence;
3. Encouraging a stable and sustainable care market; and
4. Ensuring flow from hospital into social care after discharge.

The first three of these objectives ensure that all need is met either through statutory or community support. The approach ensures we intervene early and support citizens before their needs result in them becoming reliant on the paid for services. By focussing, with partners and internal functions, on information and advice, social prescribing and signposting, we are ensuring that any contact that identifies possible need is directed to our front door for a primary conversation.

Each 1% increase in the Council Tax Precept raises just under £4m, while the annual increase in the Adult Social Care expenditure budget has been between £20m and £30m a year for the last 3 years, showing the direct use of the precept on the four objectives above.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR MEIRION JENKINS**

F1 Private Rented Sector

Question:

For each Ward, what is the percentage of housing in the private rented sector?

Answer:

The best available information is set out in the table below. The national average is 19%.

Ward	Percentage of private rented accommodation
Acocks Green	26.0
Alum Rock	24.00
Balsall Heath West	23.59
Billesley	15.46
Bordesley Green	28.67
Brandwood & Kings Heath	21.24
Bournville & Cotteridge	19.05
Castle Vale	12.77
Edgbaston	25.51
Frankley Great Park	10.27
Glebe Farm & Tile Cross	17.59
Hall Green North	20.37
Handsworth	27.07
Harborne	29.77
Highters Heath	15.33
Kings Norton North	12.03
Kingstanding	17.74
Ladywood	38.63

Ward	Percentage of private rented accommodation
Allens Cross	12.28
Aston	25.67
Bartley Green	11.09
Birchfield	25.52
Bordesley & Highgate	31.82
Bournbrook & Selly Park	49.28
Bromford & Hodge Hill	15.66
Druids Heath & Monyhull	11.98
Erdington	25.16
Garretts Green	12.44
Gravelly Hill	34.13
Hall Green South	19.0
Handsworth Wood	23.87
Heartlands	25.36
Holyhead	34.26
Kings Norton South	10.07
Longbridge & West Heath	14.44
Lozells	20.15

5757

Ward	Percentage of private rented accommodation
Moseley	35.54
Newtown	12.63
Northfield	15.45
Perry Barr	21.61
Pype Hayes	17.05
Rubery & Rednal	14.62
Sheldon	14.65
Soho & Jewellery Quarter	40.11
Sparkbrook & Balsall Heath	29.27
Stirchley	25.64
Sutton Four Oaks	13.56
Sutton Reddicap	14.05
Sutton Trinity	22.39
Sutton Walmley & Minworth	13.12
Tyseley & Hay Mills	27.09
Weoley & Selly Oak	19.64
Yardley West & Stechford	21.33

Ward	Percentage of private rented accommodation
Nechells	9.13
North Edgbaston	47.47
Oscott	18.97
Perry Common	14.10
Quinton	16.40
Shard End	10.29
Small Heath	30.66
South Yardley	22.98
Sparkhill	34.77
Stockland Green	28.97
Sutton Mere Green	11.65
Sutton Roughley	11.94
Sutton Vesey	14.99
Sutton Wylde Green	14.87
Ward End	25.24
Yardley East	15.29

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR JON HUNT**

F2 Selective Licensing

Question:

The Council's consultation on extending selective licensing to 25 wards, launched last week, explicitly states that selective licensing will not be applied to HMOs. Given that HMOs are associated with many of the antisocial behaviour complaints in the private rented sector, could the Cabinet Member explain why they are being exempt from selective licensing?

Answer:

HMOs that fulfil the requirements for mandatory licensing will continue to require a licence and hence will not be covered by any proposed Selective Licensing Scheme as they are specifically excluded. However, properties that are HMOs but do not fulfil the requirements for a mandatory licensing scheme will be captured by the Selective Licensing Scheme unless exempt and supported accommodation.

It is accepted that the wording in the evidence report is ambiguous on this matter and we will be adding clarification to the BeHeard website on this and at any consultation event.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR BOB BEAUCHAMP**

F3 Complaints – Reliant Housing

Question:

On what date did the Council first receive a complaint about Reliance Housing?

Answer:

The first complaint was received by an Exempt Accommodation Officer on 18 September 2020. The complaint related to ASB and rubbish. This was investigated and resolved.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR ALEX YIP**

F4 Number of Complaints – Reliant Housing

Question:

How many complaints has the Council received about Reliance Housing since 2012, by year?

Answer: The council only started collating data about specific non-commissioned providers at the start of the current oversight pilot in November 2020. Since then the number of complaints received about reliance are detailed below. It should however be acknowledged that this particular provider has the largest number of units in the city at approx. 7580 units

2020/2021 133 Complaints

2021 – date 167 complaints

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR MAUREEN CORNISH**

F5 Referrals

Question:

How many referrals has the Council made to the Regulator of Social Housing regarding Reliance Housing?

Answer:

Whilst no formal referrals have been made on specific cases, general concerns in regard to the issues about large providers like Reliance have been raised and discussed with the regulator of social housing. Following the evaluation of the pilot we will be providing the regulator along with DLUHC the evidence gathered during the course of the pilot.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR TIMOTHY HUXTABLE**

F6 Action Taken

Question:

What action has the Council taken against Reliance Housing since 2012?

Under the current regulatory regime, the council is limited in regard to formal action it can take against Exempt providers. The only powers exist within the loose Housing Benefit regulations. However, during the course of the pilot which brought together a range of council services, we have undertaken targeted review and inspection activity for Reliance which has identified:

- 77 Individual reviews completed (a review can be property based or person based and will be a review of the support and/or residency)
- 18 individual reviews currently ongoing.

Of the 77 completed reviews relating to 371 individual residents, Housing Benefit Overpayments of £300,435.80 have been identified and recovered.

The pilot has enabled us to undertake 300 joint visits to Reliance properties with officers from Community Safety Team and Adult Social Care when complaints have been received.

Specifically, in relation to the Community Safety element of the pilot, the Community Safety team have concluded 103 investigations into properties that are connected to Reliance, which have resulted in various different outcomes, including but not exhaustive to, advice being given, Community Protection Warnings (CPWs) issued, eviction of tenants (through joint working with the Registered Provider and their agents).

Our inspection team, in responding to complaints, have worked with Reliance Social Housing to improve property standards where hazards have been identified. Where anti-social behaviour has been a problem we have reiterated the Consumer Standards to be adhered to and resolved the vast majority of these complaints through informal intervention.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR JULIEN PRITCHARD**

F7 Housing Repairs

Question:

What percentage of council housing repairs are being completed within the contracted 30 day timescale in 2021, broken down by month, by ward, and by contractor? And how does this compare with the previous 3 years?

Answer:

The attached excel document shows the percentage of housing repairs completed within the contracted 30 day timescale for 2019, 2020 and 2021.

Where the ward information is not held in our system the performance for those wards has been listed as not recorded. Some wards are shared by more than one contractor with the majority of the ward being covered by one contractor and a smaller area being covered by another contractor resulting in less repairs for this contractor over the period and sometimes resulting in no repairs being carried out by that contractor in the area for several months.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR MATT BENNETT**

F8 Exempt accommodation referrals

Question:

Please list all Exempt Accommodation Providers the Council has placed in or referred to any individual since 2018 including the total number of individuals for each provider?

Answer:

The current list of providers referred to by Council staff are below, this list was created prior to the recent work on quality standards coming instead through ongoing working experience of staff engaged with providers over a number of years:

Acorn Progression
Amber Housing
Aspect Housing
Birmingham Supported Accommodation
Claremont
Enable Housing
Expectations/Aston Hotel
Haadi Housing
Harmony Housing
M and M Housing
MK Housing
Provident
Restart Housing
St Anne's Hostel
Townsend Gardens

There is not a data set stating the number of referrals into exempt accommodation, nor a breakdown by provider.

The level of activity through the council in working with single homeless people (the group most likely to go into exempt accommodation) increased as a result of the Homelessness Reduction Act, and particularly with the delivery of a Housing Options service for rough sleepers and single homeless in partnership with voluntary sector partners including Sifa-Fireside, St Basil's and Spring.

A data set for the pandemic period 31st March 2020 through to 31st March 2021 of single homeless presentations to Housing Options staff at Sifa-Fireside, saw 1983 Clients. Of those we placed 514 people (26%) into exempt supported accommodation, this is not broken down by provider.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR SOCIAL INCLUSION,
COMMUNITY SAFETY AND EQUALITIES FROM COUNCILLOR MIKE WARD**

G1 Afghan Refugees

Question:

Could the Cabinet Member provide an update on how the City intends to assist Afghan refugees coming to Birmingham?

Answer:

In July this year, Cabinet pledged to welcome 80 Afghans under the Afghan Relocation & Assistance Policy (/Afghan Interpreters Scheme). Over 60 of those have now arrived in the city and officers are working hard to coordinate the arrivals of the remaining families.

Cabinet will shortly consider making a formal pledge to welcome more Afghan refugees to the city under the new Afghan Citizens Resettlement Scheme.

Birmingham City Council has been resettling refugees under Government programmes since 2015 and has an established track record in designing and delivering services to support integration.

For those Afghans arriving to date, a “Year 1 Accommodation, Orientation & Support” service has been procured. The providers of this service help to coordinate arrivals, welcome families to their homes and local areas, and provide vital practical support over the first year of resettlement. Working with our main provider, a number of organisations are involved in the co-delivery and support of this service and it is well established within the wider provision in the city for this client group.

In addition, BCC has established a working group for Afghan resettlement, including representatives from Afghan community organisations, in order to inform future planning for supporting this cohort.

Finally, several existing grant funded projects initiated to support the resettlement of Syrian refugees are incorporating the new Afghan arrivals in their activities, where feasible and appropriate. Subject to a formal pledge from Cabinet to the Afghan Citizens Resettlement Scheme, further commissioning of services will take place in line with the current year 2+ offer for Syrian Refugees, which currently includes welfare & tenancy support, social & civic integration, mental health awareness, and employability as dedicated services. All services, projects, and staff resource dedicated to resettled refugees in the city are 100% funded through the Home Office resettlement funding for local authorities that accompanies refugee resettlement programmes.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR MEIRION JENKINS**

H1 Location of Bins

Question:

Please provide a map of the location of bins in Mulberry Walk Shopping Centre in Mere Green, indicating which of these bins are owned and operated by the City Council and which are owned by the site owner and how often of each the individual Council operated ones are emptied?

Answer:

We do not have this information available in map form. However we can confirm that the City Council does not empty any bins within Mulberry Walk Shopping Centre. The maintenance of the Shopping Centre is managed and maintained by the owners.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR PAUL TILSLEY

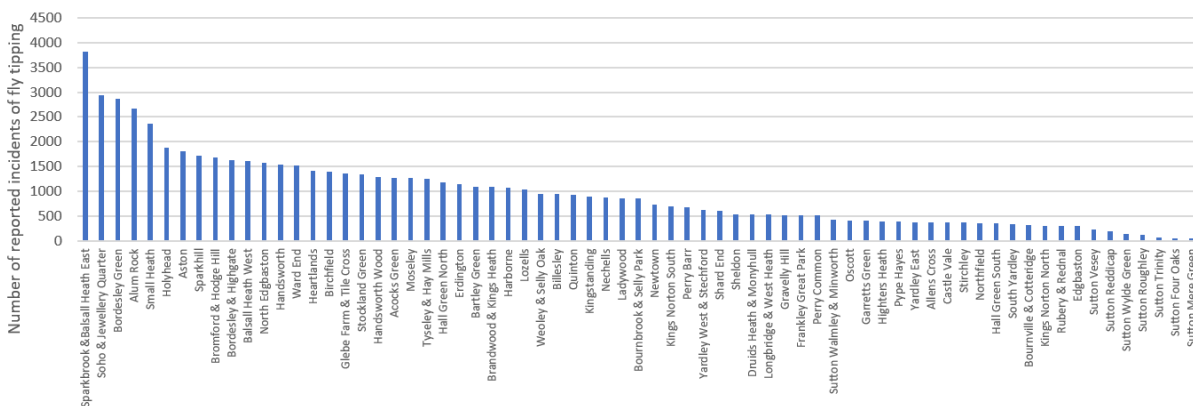
H2 Fly Tipping

Question:

Starting with the areas that have the highest instances of recorded fly tipping, could the Cabinet Member rank all wards in the City?

Answer:

The ranking of wards for reports of fly-tipping for the time period 1 January 2020 to date is shown in the chart below:



**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR ZAKER CHOUDHRY**

H3 Mobile Household Recycling Centre

Question:

Currently the Mobile Household Recycling Centre is visiting wards for 5 hours a day from 7am to 12 noon. As there may be residents who are unavailable during these times and would otherwise miss the visit, could the Cabinet Member advise if there are plans to extend these times?

Answer:

We are trialling a change of time from 0800-1300 for some sites in November and are shortly launching a citizen survey to identify what other timeslots may be convenient.

CITY COUNCIL – 2 NOVEMBER 2021

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR JON HUNT**

H4 Emptying Recycling Units

Question:

Data supplied to the last Council meeting appeared to indicate that mobile recycling units have on occasion visited wards and returned with no recycling or rubbish for disposal. Could the cabinet member say how often this has happened, indicating in which wards this has been an issue?

Answer:

The data supplied at the last meeting did note that the MHRC vehicle is not always tipped on a daily basis. This is due to the fact that the vehicles are multi compartmental and can hold a substantial payload, so any waste presented at the local Ward locations may not be tipped on the same day due to the load capacity of the vehicle. This would identify any gaps in the tipping data.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR JULIEN PRITCHARD

H5 Increased Recycling

Question:

Does the Council have a current plan to improve and increase recycling in the city to show what needs to be done to increase the proportion of council collected waste to achieve 70 per cent recycling by 2040, as promised in the 2017 Waste Strategy? If so what is it?

Answer:

The Council has engaged specialist consultants as part of the transformation of waste disposal in the city and that group is working with stakeholders to help to define what the best options are to assist Birmingham in meeting its target by 2040. We are currently working with central government and have engaged with the consultation to develop the Environment Bill, specifically around consistency of collections which will have a significant impact on the types of waste that flow into the council. We are awaiting further update from government on this and details of how these changes will be implemented, as well as the support that they have promised to local authorities to enable effective implementation.

We have already identified the need to improve our communication with citizens of Birmingham and their knowledge of the waste hierarchy. To this end we have updated and improved the Birmingham City Council waste webpages to give people a clearer picture of what happens to their materials and the importance of presenting their materials in the correct way. Further work in this area includes the new initiatives recently announced with Keep Britain Tidy in developing a series of leaflets, bin stickers and a document which informs residents what is expected of them, along with targeted media campaigns.

The Council regularly looks at ways in which we can support residents in moving waste up the waste hierarchy. We are currently trialling Mobile Household Recycling Centres (MHRCs) across the city. These MHRCs enable people to drop off waste for recycling by material type – just like at a conventional HRC but it makes it easier for those without access to a vehicle.

The new Reuse Shop at Tyseley was launched in August 2021. Residents can drop off items they believe are still in good working condition and suitable for reuse. Those unwanted and usable items will be taken and refurbished to sell back to members of the public, which diverts waste which would have otherwise been processed through the ERF or landfill.

The service is keen to work with residents to look at how we collect waste and increase our recycling. During the external assessment undertaken as part of ways to improve our Refuse and Recycling Collection Services, stakeholders, including residents were consulted with and findings are being used to shape initiatives going forward.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR ROGER HARMER**

H6 Food Waste

Question:

Why do Mobile Household Recycling Centre's currently have no provision for recycling food waste when they clearly have the ability to do so?

Answer:

The vehicles have compartments to support the collection of a range of materials including food waste, but these can be repurposed as we require. BCC does not currently separate food waste as we do not have access to the alternative treatment facilities required at present. However, introduction of food waste collections is currently being proposed within government legislation and should this be enacted then treatment facilities would need to be commissioned.

It remains an ambition to introduce food waste collections, but we have been clear that this significant change for the city would require financial support from the government to enable this transition.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR DEBORAH HARRIES**

H7 Mobile Household Recycling Centre

Question:

Could the Cabinet Member provide members with a comprehensive advance list of dates and locations of when Mobile Household Recycling Centre will be visiting their wards?

Answer:

As Members have already been advised, the dates and locations will be forwarded to the relevant ward Councillors in good time of the visit to their wards.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND
PARKS FROM COUNCILLOR MORRIAM JAN**

H8 Mobile Household Recycling Centre 2

Question:

Could the Cabinet Member explain why members have been asked for their suggestions as to suitable locations for the Mobile Household Recycling Centre in their ward, only for notifications to be issued the next day with no regard to members recommendations?

Answer:

Suggestions for future locations are carefully assessed for suitability – in particular, we have to be sure that they are sited safely for our workforce, residents and passers-by. Locations are currently being planned around two-three weeks in advance. If suitable, suggested locations will be included in future schedules as they are planned.

CITY COUNCIL – 2 NOVEMBER 2021

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ADAM HIGGS

I1 Appeals – Fixed Penalty Notices

Question:

Please provide a breakdown of all appeals against fixed penalty notices for the clean air zone since its introduction including

- total number received
- total number determined
- average time to determine
- longest time to determine
- number outstanding
- longest any one undetermined appeal has been open for
- number of FPNs overturned on appeal

Answer:

Definitions:

1. Fixed Penalty Notices – we have provided information based on Penalty Charge Notices.
 2. Appeals – we have provided information based on representations against Penalty Charge Notices as opposed to “Appeals” which are submitted to the Traffic Penalty Tribunal.
- total number received – 37,337, including representations re. change of ownership (represents 9.5% of total Penalty Charge Notices issued)
 - total number determined – 21,539
 - average time to determine- this information is not held as often cases require further information to be supplied and they pass through various processes
 - longest time to determine – as above, this information is not held
 - number outstanding – 15,798 including representations regarding change of ownership

- longest any one undetermined appeal has been open for – as above, this information is not held
- number of FPNs overturned on appeal – 3,252 so far

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MATT BENNETT

I2 Charges Cancelled

Question:

Since the introduction of the Clean Air Zone, how many charges have been cancelled due to production of an exemption voucher from the children's hospital or other qualifying medical facility inside the zone?

Answer:

To date 11,987 medical vouchers have been used and 22 representations against a PCN have been cancelled.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR JOHN LINES

I3 Charges

Question:

Since the introduction of the Clean Air Zone, how many appeals have been received from people who believed they should be exempt due to visiting the children's hospital or other medical facility inside the zone and how many of these were from people who were stated they were not made aware of the voucher scheme?

Answer:

Definitions:

3. Appeals – we have provided information based on representations against Penalty Charge Notices as opposed to “Appeals” which are submitted to the Traffic Penalty Tribunal.
 - To date 22 cases have been cancelled.
 - With regard to how many of these were from people who stated they were not made aware of the voucher scheme, this information is not recorded. However, we can confirm that 11,987 medical vouchers have been used since the introduction of the Clean Air Zone.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ALEX YIP

I4 Appeals

Question:

How many appeals against Clean Air Zone fines have been based on the individual not having visited the City at all?

Answer:

The information requested is not recorded.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR EWAN MACKEY

I5 Appeals 2

Question:

How many appeals against Clean Air Zone fines has the Council received from its own Departments?

Answer:

Definitions:

1. Appeals – we have provided information based on representations against Penalty Charge Notices as opposed to “Appeals” which are submitted to the Traffic Penalty Tribunal.

In order to respond to this question, we would need to conduct a search based on the individual addresses. As addresses are obtained from the DVLA, we would need to obtain their permission as they provide us with this data for the specific sole purpose of recovery of Penalty Charge Notices in accordance with the statutory process. In addition, we would need to contact each Department for this information.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR SIMON MORRALL

I6 Appeals 3

Question:

How many appeals against Clean Air Zone fines has the Council received from emergency services?

Answer:

Definitions:

1. Appeals – we have provided information based on representations against Penalty Charge Notices as opposed to “Appeals” which are submitted to the Traffic Penalty Tribunal.

In order to respond to this question, we would need to conduct a search based on the individual addresses of the relevant emergency service. As addresses are obtained from the DVLA, we would need to obtain their permission as they provide us with this data for the specific sole purpose of recovery of Penalty Charge Notices in accordance with the statutory process. In addition, we would need the permission from each of the emergency services that may be identified.

It is also worth noting that emergency services vehicles are covered by a permanent exemption from the Clean Air Zone daily fee.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR KEN WOOD

I7 KPIs

Question:

Please list the KPIs for each LTN established prior to the schemes being installed?

Answer:

The objectives and success factors for 'Places for People' schemes are outlined below:

Objectives

There are a variety of objectives behind Places for People and in some cases, different people will have different views on their importance and relevance. A general set of objectives for the project are as follows;

- A reduction in motor traffic across project area,
- A reduction on air pollution across project area,
- A reduction in short motor vehicle trips,
- An increase in walking and cycling,
- A reduction in collisions,
- Where motor vehicle trips are made, the roads designated, designed and managed for them are used in preference to side streets.

Success Factors

The success factors for the scheme are;

- Traffic data
- Change in mode use
- Air quality
- Public perception
- Impact on business

The following table takes the five success factors and summarises them as specific indicators which can be framed as positive, neutral or negative.

The matter of “equity” has been raised by some residents and while there will be many different interpretations of what this means in terms of Places for People, this might be framed as what might the tolerable impacts on different classes of road or street be, together with the impacts on citizens more generally. It should be noted that “impacts” can be positive, neutral or negative.

The following table sets out the success factors together with what appropriate indicators might be (which are simply reported), together with the potential data source.

Success Factor	Indicator	Data Source
Traffic data	Motor traffic reduces within project area	Traffic data
	Congestion is neutral on boundary roads.	Traffic data Traffic signals SCOOT data Bus journey times
Change in mode use	Motor vehicle mode share decreases	Traffic data
	Walking mode share increases	Traffic data
	Cycling mode share increases	Traffic data
Air quality	Air quality does not deteriorate across project area.	Diffusion tubes measuring nitrogen dioxide
Public perception	People within project area are satisfied with the scheme over time	Consultation comments User perception surveys
	People moving through project area are satisfied with the scheme over time	Consultation comments User perception surveys
Impact on business	Business owners/ managers across the project area are satisfied with the scheme over time	Consultation comments User perception surveys
	Business users across the project area are satisfied with the scheme over time	Consultation comments User perception surveys

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR GARETH MOORE

I8 Taxis – CAZ Compliant

Question:

What percentage of Birmingham licensed taxi cabs and private hire are currently CAZ compliant (split between hackney carriages and private hire vehicles)?

Answer:

I can confirm the following as at 26 October 2021:

VEHICLE TYPE	COMPLIANT	NON-COMPLIANT	UNDETERMINED
Private hire	92%	7%	1%
Hackney Carriage	38%	61%	1%

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DEBBIE CLANCY

I9 Postcode Data – CAZ Fines

Question:

Please provide a breakdown of postcode data for charges, fines and appeals issued by the CAZ network so far.

Answer:

Definitions:

4. Charges – we have taken this to be the CAZ daily charge paid on the government portal.
5. Fines – we have taken this to be Penalty Charge Notices.
6. Appeals – we have taken this to be representations against Penalty Charge Notices as opposed to “Appeals” which are submitted to the Traffic Penalty Tribunal.

- Charges

- We cannot identify individuals or organisations from the CAZ daily charge payment platform so cannot answer this part of the question.

- Fines and appeals issued by the CAZ network so far.

- We would not be able to release details of postcodes without obtaining approval from the DVLA as they provide us with this data for the specific sole purpose of recovery of Penalty Charge Notices in accordance with the statutory process.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DARIUS SANDHU

I10 CAZ Fines to the Council

Question:

Since its introduction, broken down by week and by department, how much have council departments paid out for the Clean Air Zone, in

- a) Charges**
- b) FPNs at reduced rates for prompt payment**
- c) FPNs at full rate**
- d) Expense claims by staff for any CAZ related payments**

Answer:

Definitions:

- 7. Charges - this has been taken to be the Daily CAZ charge paid on the government portal.**
- 8. Fixed Penalty Notices – we have provided information based on Penalty Charge Notices.**
- 9. Appeals – we have provided information based on representations against Penalty Charge Notices as opposed to “Appeals” which are submitted to the Traffic Penalty Tribunal.**
- **CAZ Charges**
 - We cannot identify individuals or organisations from the CAZ daily charge payment platform so cannot answer this part of the question.
- **FPNs at reduced rates for prompt payment, FPNs at full rate**
 - We would need to conduct a search based on the individual addresses for the Departments. As addresses are obtained from the DVLA we would need to obtain their permission as they provide us with this data for the specific sole

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purpose of recovery of Penalty Charge Notices in accordance with the statutory process. In addition, we would need to contact each Department for this information.

- Expense claims by staff for any CAZ related payments
 - This would need to be re-directed to each Department.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR RON STORER

I11 CAZ Fines to the emergency services

Question:

Since its introduction, how many charges and FPNs have been issued to emergency services, including the total cost of each.

Answer:

Definitions:

- 10. Charges – we have taken this to be the Daily CAZ charge made on the government portal.
- 11. Fixed Penalty Notices – we have taken this to be Penalty Charge Notices.

How many charges

- We cannot identify individuals or organisations from the CAZ daily charge payment platform, but emergency vehicles are exempt from the daily fee.

And FPNs have been issued to emergency services,

- We would need to conduct a search based on the individual addresses of the relevant emergency service. As addresses are obtained from the DVLA, we would need to obtain their permission as they provide us with this data for the specific sole purpose of recovery of Penalty Charge Notices in accordance with the statutory process. In addition, we would need the permission from each of the emergency services that may be identified.
- It should also be noted that emergency services vehicles are covered by a permanent exemption from the Clean Air Zone daily fee.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MORRIAM JAN

I12 Covid Testing at Aston University

Question:

In response to question I1 (14 September 2021) relating to the full CAZ charge being levied to residents attending Aston University for a Covid test, you responded saying the Council was working with the NHS to support Covid testing and vaccination and ‘.. this support has included the provision of free parking and an exemption from the CAZ daily fee’ yet you did not respond to my question as to whether the CAZ charge will be refunded for those users who have faced a levy on it?

Could you provide clear confirmation this charge will be refunded for residents attending Aston University for testing and vaccination and confirm the steps residents need to take in order to receive this refund?

Answer:

The full response to the September 2021 written question was:

The Council has worked closely with the NHS to support its COVID-19 testing and vaccination programmes. This support has included the provision of free parking and an exemption from the Clean Air Zone daily fee for people attending the mass vaccination centre at Millennium Point. The support provided to people attending this specific location recognised its importance to the mass vaccination programme at that particular.

The testing venue at Aston University is one of many similar locations in Birmingham and Solihull therefore people wanting a COVID-19 test have a choice about which location they choose to attend.

There are exemptions from the Clean Air Zone daily fee for people living and working in the Clean Air Zone and the Council continues to issue exemptions to applicants fulfilling the eligibility criteria for these schemes.

On the basis that many similar locations in Birmingham and Solihull have offered COVID testing and vaccination there are no plans to refund the people who attended the vaccination and needed to pay the Clean Air Zone daily fee.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ZAKER CHOUDHRY

I13 Parking at City Schools

Question:

An amendment by Liberal Democrat councillors to the Council Plan 2019 to 2022 (City Council - 10 September 2019) was accepted by the Council and spoke of “progressing neighbourhood clean air zones around schools, encouraging sustainable school travel and planning that maximises access to schools by foot, bicycle and public transport”. There has been a recent spate of accidents at school gates including at least one fatality. Could the Cabinet Member set out the progress in delivering this part of the Plan?

Answer:

The draft Clean Air Strategy (which was published for consultation in early 2019) included a pledge to: “identify schools which are exposed to air pollution problems and work with the school to identify intervention strategies to reduce exposure of the children”. This pledge was reiterated in the Air Quality Action Plan (published April 2021) and this document set out a number of ways in which the Council fulfil this pledge, which included the promotion of travel alternatives and improved public information through the monitoring and sharing of air quality data.

This document can be found online at [birmingham.gov.uk](https://www.birmingham.gov.uk) and Brum Breathes. The final version of the Clean Air Strategy is due for publication later this year.

BCC works with schools across the city, with a range of initiatives supporting the above areas of work. The backbone of our offer to schools is [Modeshift STARS](#), a national award scheme which offers support and rewards to schools for creating and delivering School Travel Plans and taking steps to promote safer, greener, healthier travel. Around 250 schools in Birmingham are now signed up to Modeshift STARS.

Once signed up to Modeshift STARS schools are able to access further resources and projects. Use of these remains at a good level, although there was been some reduction while most pupils were unable to attend school buildings during lockdowns.

Initiative	Description	Progress
Keep Clear School Streets	Toolkit enabling schools to reduce school gate parking; parking enforcement visits by Council officers	Participation by 18 schools since September 2019.

Initiative	Description	Progress
Slow Down School Streets	Toolkit enabling schools to address speeding concerns and suggest possible traffic calming measures	Participation by 10 schools since September 2019.
Switch Off School Streets	Toolkit enabling schools to run 'anti-idling' campaigns.	Participation by 12 schools since September 2019.
Car Free School Streets	Roads outside schools are closed to traffic at the start and end of the school day.	6 schools piloted from Sept 2019 (all now running permanent schemes). 6 additional schools added in Sept 2020. 6 additional schools preparing to begin schemes in March 2022.
Safer Routes to School	Programme of engineering measures to improve road safety on journeys to school.	12 schemes committed for 2021/22.
Schools Restart	Toolkit enabling schools to encourage sustainable travel when returning to school buildings after lockdowns	179 schools accessed support for September 2020 restart.

Initiative	Description	Progress
Continuing Professional Development for school staff	<p>Training for staff on:</p> <ul style="list-style-type: none"> • Road safety education (including Road STARS resource for pupils) • Air Quality (including Clean Air Cops resource for pupils) • School Travel Plans (including guided use of Modeshift STARS system) 	Termly sessions on all subjects. 186 schools trained since September 2019.
Young Active Travel Trust	Funding of up to £1,000 per school to purchase equipment in support of their School Travel Plan.	Grants totalling £33,363.65 awarded to 34 schools since September 2019.
Walk to School Outreach programme	Support to encourage walking to school, delivered by partner organisation Living Streets.	<p>Participation by 63 schools since September 2019.</p> <p>Programme recently expanded to two (from one) dedicated project officers.</p>
Bikeability Training	Cycle training, delivered by partner organisation The Active Wellbeing Society.	Participation by 77 schools since September 2019.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR JON HUNT

I14 Clean Air Zone

Question:

Constituents have raised with me a number of seemingly genuine issues about the CAZ charges. My efforts to get an explanation or clarification of rules for them have been stonewalled with a response that they should simply appeal, after paying a fine. As an elected member, am I not entitled to an explanation from officers about how the rules are being enforced and what is regarded as appealable?

Answer:

In responding to this question 'CAZ charges' has been interpreted as the charge associated with a penalty charge notice (PCN), rather than the Clean Air Zone daily fee, and the associated processes of representation and appeal.

When the registered keeper of a vehicle is issued a PCN for non-payment of the Clean Air Zone daily fee the documentation they receive includes information about the process for submitting a representation or challenge of the PCN.

This information is included in section 2 of the PCN. Section 4 of the PCN sets out the various grounds upon which someone may wish to make a representation, which are defined by the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013.

A pro-forma version of the PCN is included as an appendix.

The Council has also published a more detailed document which sets out guidelines for the consideration of representations. This can be found on the '[Challenge or view your Penalty Charge Notice \(PCN\)](#)' page of www.birmingham.gov.uk and the Brum Breathes website.

A link to this document is provided and a copy of the document has been included as an appendix to this response.

https://www.birmingham.gov.uk/downloads/file/19721/clean_air_zone_caz_guidelines_for_consideration_of_reps

APPENDIX 1 TO I14 – PRO-FORMA VERSION OF PCN



Penalty Charge Notice (PCN)

Use of a vehicle within Birmingham City Council Clean Air Zone

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI No. 1783) and the Birmingham City Council Clean Air Zone Charging Order 2021

**Penalty charge: £120
(£60 if paid within 14 days²
beginning with the date of service¹
of the PCN)**

If the address above is a limited company, this notice is for the attention of the Company Secretary.

PCN number	
Date issued / posted	
Vehicle Registration Mark	
Date vehicle used in the zone	
Date of Service ¹	
Date CAZ charge was due by:-	Payment was due by 11:59pm on the sixth day after the date the vehicle was used in the zone (as above)

1. Why have I received this PCN?

This PCN has been sent to you by the Charging Authority, Birmingham City Council ("the Council"), because on you were the registered owner / keeper / hirer / lessee of:

Vehicle Registration Mark: Make:

This vehicle does not meet the required emissions standard for the Birmingham City Council Clean Air Zone, meaning a charge should be paid for each day the vehicle is used in the zone (find out more overleaf).

**THIS VEHICLE WAS DETECTED WITHIN THE ZONE ON
AND NO PAYMENT WAS RECEIVED BEFORE THE DAILY CAZ CHARGE WAS DUE**

Therefore, the Council believes that a penalty charge of £120 is payable for the following contravention:
Using a vehicle within a Clean Air Zone without paying the charge.



2. Where was my vehicle detected?

The vehicle was detected and recorded by an approved CCTV device inside the Clean Air Zone.

Date:

Time:

Camera location:

3. What are my options now?

You have 28 days² beginning with the date of service¹ of this PCN, to either:

- a) **pay the penalty charge of £120**
(reduced to £60 if paid within 14 days² beginning with the date of service¹ of the PCN),
- or
- b) **make representations** to the Council, if you disagree with the penalty charge.

Instructions on how to pay or make representations are included overleaf.

DO NOT IGNORE THIS NOTICE If you do not pay or make representations in time (see above), the Council can issue a Charge Certificate, increasing the penalty charge by 50% to £180.

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You have 28 days² beginning with the date of service¹ of this PCN to either pay or make representations to Birmingham City Council.

Section 1: How to pay

- **Online:** Credit or debit card payment at: www.birmingham.gov.uk/PCN have vehicle details and PCN number ready.
- **By phone:** Credit or debit card payment on 0121 667 4964 (24 hours / 7 days a week). Please have vehicle details and PCN number ready.
- **In cash:** Cash payments can be made at any PayPoint outlet if this notice has a barcode printed on it. Please take care that the barcode does not become damaged as it may become unreadable. There is no charge for this service.
- **By post:** Cheque or postal order made payable to *Birmingham City Council*. Send payment with the signed payment slip at Section 3 to:

Birmingham City Council, Highways, PO Box 77, Birmingham B4 7WA.

Allow 2 working days for 1st Class, 5 days for 2nd Class.

Do not send cash or credit / debit card details through the post.

Section 2: How to make representations

Representations should be made online at: www.birmingham.gov.uk/pcn.

Alternatively, representations can be made by post using the form at Section 4. Send the completed form to: **Birmingham City Council, Parking Section, Processing, Highways, PO Box 14438, Birmingham B2 2JD.**

Please note: The Council can disregard representations made after the specified 28-day² period above.

What happens after I submit representations?

1. The Council will consider your representations and respond.
2. If your representations are accepted, the PCN will be cancelled.
3. If your representations are rejected, you will be sent a Notice of Rejection (NoR) of Representations.
4. After receiving an NoR, you will have 28 days to either:
 - a. pay the penalty charge, or
 - b. submit an appeal to the independent adjudicator at the Traffic Penalty Tribunal. Instructions will be included with the NoR. An adjudicator can choose to extend the 28 day period for submitting an appeal. Find out more at: <https://www.trafficpenaltytribunal.gov.uk>.

What happens if I ignore this PCN?

The Council can issue a Charge Certificate, increasing the penalty charge by 50% to £180. Continued failure to pay may result in enforcement action, including the Council seeking a court order for payment.

Information about the Birmingham City Council Clean Air Zone

The Birmingham City Council Clean Air Zone is a road-charging scheme in Birmingham city centre inside the inner ring road (A4540 Middleway), designed to improve air quality. Daily charges apply to vehicles used in the zone with emissions that do not meet a specified standard.



- Coaches, buses and heavy goods vehicles (HGVs): £50 / day.
- Cars, minibuses and light goods vehicles (LGVs) £8 / day.
- **motorcycles are not charged.**

Motorists can check if their vehicle's emissions mean they must pay a charge and make payment (obtain a license) to use it within the zone at the **GOV.UK Drive in a Clean Air Zone service (gov.uk/check-clean-air-zone-charge)**. Payment should be made using this online service, either in advance or no later than 11:59pm on the 6th day after using the vehicle in the zone. A telephone service is also available on **0300 029 8888** (Mon to Fri, 8am to 4.30pm).

Charges apply daily, 7 days a week, 365 days a year, from midnight to midnight (for example, 2 x daily charges should be paid for a vehicle entering the zone at 11pm and leaving at 1am the next morning).

A number of exemptions and discounts apply to vehicles that are registered with the Council in advance.

Find out more at: www.brumbreathes.co.uk

Section 3: Payment slip for paying the PCN by post

Please ensure this slip is cut and returned with your payment if paying the PCN by post (see Section 1) and ensure the PCN number (see front of this notice and below) is clearly written on the back of your enclosed cheque or postal order.

PCN number:

Date PCN issued / posted¹:

Vehicle Registration Mark

Name (Block Capitals):

Address: Postcode:

✂

Section 4: Form for making representations by post

If you are unable to make representations online at www.birmingham.gov.uk/pcn, please fill out this form and return to: **Birmingham City Council, Parking Section, Processing, Highways, PO Box 14438, Birmingham B2 2JD.**

Step 1: Select a statutory ground of appeal

The table below shows the grounds (reasons) upon which a representation may be made, as defined by the *Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013*.

Compelling reasons: If none of the grounds are applicable to your case, you can still make representations by providing any compelling reasons why you believe the PCN should be cancelled in **Step 2** overleaf.

Please indicate the ground/s you wish to rely on for your representations by ticking in the relevant box.

A	<input type="checkbox"/>	I was not the owner of the vehicle at the time it was used in the Clean Air Zone	Please provide the name and address of the person you sold the vehicle to (see Step 3 overleaf) and provide proof of sale, such as a dated invoice or receipt, when returning this form. If you acquired the vehicle after the time it was detected in the zone, please provide the name and address of the person you acquired it from (see Step 3 overleaf) and provide dated proof of the transfer, such as an invoice, receipt or registration document (V5C 'logbook') when returning this form.
B	<input type="checkbox"/>	The charge did not apply to the vehicle <i>For example, the vehicle met the applicable emissions standard or an exemption applied</i>	Please provide details relating to the vehicle meeting the required emissions standard of the Clean Air Zone, or the exemption that applied, when returning this form.
C	<input type="checkbox"/>	The charge for using the vehicle in the zone was paid by getting a licence in time from the government pay site	Please provide a copy of your receipt or the unique payment reference number when returning this form.
D	<input type="checkbox"/>	The vehicle was used in the Clean Air Zone by someone else without my knowledge or consent <i>(i.e. The vehicle had been stolen and the crime reported to the police)</i>	Please provide the name and address of the person you believe was using or keeping the vehicle (if known) when returning this form. If you reported the vehicle as stolen, provide the crime reference number, unique police reference number or the insurance claim reference. Alternatively, please provide other evidence the vehicle was stolen or used without your consent.
E	<input type="checkbox"/>	We are a vehicle hire (or lease) firm and the vehicle was used by a hirer / lessee	Please provide the hirer's / lessee's full name and address (see Step 3 overleaf) and a copy of the hire / lease agreement that includes a statement of liability for road user charges or penalty charges.
F	<input type="checkbox"/>	The Council has made a procedural error when dealing with my case or the PCN	If you believe there has been a failure on the part of the Council in relation to this notice or its enforcement, you must explain this to us in Step 2 overleaf.
G	<input type="checkbox"/>	The penalty charge exceeded the amount applicable in the circumstances of the case	The amount of the penalty charge is set in the relevant charging order. This ground applies if a different penalty charge is claimed.

Step 2: Explain your representations (or compelling reasons)

*Please give **full details of your representations and / or describe any compelling reasons** in this box for why the penalty charge should be cancelled. Continue on separate sheets if necessary, clearly marking each sheet with the PCN Number and enclose them – together with any supporting evidence – with this form.*

Step 3: Name and address of vehicle Buyer / Seller / Hirer / Lessee (if grounds A or E selected)

Name	Mr / Mrs / Miss / Ms / Other
Address	
Postcode	
Date sold / purchased	

Step 4: DECLARATION – This must be signed in order for your representations to be considered

I confirm the details of my representations are correct to the best of my knowledge.

Signature: Date:

Name (Block Capitals):

Position in company (if relevant):

How we use your information

The Council is lawfully permitted to obtain, hold and process your personal data (Registered Keeper details) from Organisations such as the DVLA, because it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council. Your personal data will be used and retained in accordance with your legal rights as set out in our privacy notice. Our privacy notice also contains contact details of our Data Protection Officer and Information Governance Team as well as a list of organisations that we may share your personal information with, including any enforcement contractors. You can view the full privacy notice at www.birmingham.gov.uk or you can request a hard copy by writing to the Information Governance Team, 10 Woodcock Street, Birmingham B7 4BL.

¹ Service of this notice

Service of this PCN is deemed to have been 2 working days (excluding weekends and Bank Holidays) after the 'Date issued / posted' on the front of this notice, unless it can be proved otherwise.

² The 'Date of Service' is the first day of the referenced 14-day or 28-day period for paying / making representations against the penalty charge.

APPENDIX 2 TO I14 - GUIDELINES



Guidelines for the consideration of representations and
cancellation of Penalty Charge Notices (PCNs) issued for
being in a Clean Air Zone (CAZ)

Version 1

Policies set out in this document
provide guidance only.

Each case must be considered on its own merits, taking into
account the exceptionality of the circumstances and the available
evidence.

May 2021/V1

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1. INTRODUCTION

1.1 Why is a Clean Air Zone (CAZ) being introduced?

The Clean Air Zone (CAZ) is being introduced by Birmingham City Council to help reduce the levels of nitrogen dioxide (NO₂) in the city to within the legal limit (40 micrograms per cubic metre) in the shortest possible time.

1.2 Vehicles required to pay the daily CAZ charge

Birmingham's CAZ is type 'D', which means that the owners of any vehicle driving within the CAZ (an area inside the A4540 Middleway) will be subject to a daily charge if the vehicle does not meet the emission standard.

The emission standards for the CAZ are: Euro 4 (petrol) and Euro 6 (VI) (diesel).

1.3 Exempt vehicles that do not need to pay the daily CAZ charge

If a vehicle is classified as exempt under the '*Vehicle Excise and Registration Act 1994*', or by having submitted and been granted a 'local exemption' from the CAZ for a period of time which has been entered on the National or local Register they will not need to pay the daily charge.

The length of the exemption will be determined by the type of exemption applied. For example, a Section 19 vehicle will be exempt for the life of CAZ, whereas non-compliant vehicles owned by workers based within the CAZ who earn less than £30,000 p.a will only be exempt for a maximum period of 12 months from the date of commencement.

1.4 Penalty Charge Notice (PCN)

A Penalty Charge Notice (PCN) will be issued for using a non-compliant vehicle within the CAZ without paying the daily CAZ charge. As such, a network of Automatic Number Plate Recognition (ANPR) cameras are in place to monitor vehicles inside of the CAZ.

To ensure a driver is informed that they are entering the CAZ, a system of advanced signage is in place on all major routes into the city centre. At the boundary of the CAZ, there is further signage advising that after that point a vehicle will be within the boundary and therefore subject to the CAZ charge.

1.5 Daily CAZ charge

The CAZ will operate twenty-four hours a day, every day. There are no exemptions to the CAZ charge for weekends, bank or other public holidays. A day for the purposes of the CAZ runs from midnight to midnight. Therefore, any journeys within the CAZ either side of this would be liable for two CAZ charges even if this was part of a single journey.

A driver can pay the CAZ charge 6 days in advance of the day of travel into the CAZ, on the day the vehicle is driven in the CAZ or in the 6 days after the day of travel into the CAZ. Payment can be made up to 11.59pm on the 6th day after the day of travel into the CAZ.

The payment of the CAZ charge is required in order to purchase a licence in respect of a particular vehicle and for a single charging day.

1.6 Guidelines

The policy guidelines in this document have been produced to help and inform members of the public who have received a PCN for driving a non-compliant vehicle within the CAZ without paying the daily CAZ charge.

This approach is consistent with current best practice and meets with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman. This document aims to provide clarity, consistency and transparency within the enforcement process.

What is important about these guidelines is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and as a consequence, decisions made by councils must not be fettered by being unduly formulaic.

This policy addresses the following:

- The statutory grounds upon which representations may be made
- Mitigating circumstances
- The acceptance or rejection of representations

It is important to recognise that each case is assessed on its individual merits and circumstances. If a motorist is able to demonstrate that they fall within one of the permitted exemptions or that there were genuine mitigating circumstances the PCN will normally be cancelled.

These policies will be subject to ongoing review.

2. CAZ PENALTY CHARGE NOTICE (PCN) – CHARGE LEVEL

The level of penalty charge is £120 (discounted to £60 if paid within 14 days beginning with the Date of Service). Please note the Date of Service is deemed to be 2 working days after the date of posting, unless it can be proved otherwise.

PCNs are issued for using a non-compliant vehicle within a CAZ without paying the charge.

3. MITIGATING CIRCUMSTANCES TO DISPUTE A PCN BY SUBMITTING REPRESENTATIONS WHERE DISCRETION MAY BE APPLIED:-

3.1 PAYMENT MADE VIA THE GOVERNMENT ON-LINE PORTAL (.GOV.UK)

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If a payment is shown which is within 6 days in advance of the day of travel into the CAZ, on the day the vehicle is driven in the CAZ or in the 6 days after the day of travel into the CAZ.</p> <p>If the motorist experienced problems when using the on-line portal due to a problem with the service provider.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there is no evidence to show that the on-line payment portal had been used.</p> <p>Where the payment for license was made outside of the charging period</p> <p>If the card used to make the payment is declined and the charge was not paid within 6 days in advance of the day of travel into the CAZ, on the day the vehicle is driven in the CAZ or in the 6 days after the day of travel into the CAZ the licence will be void.</p> <p>Where the full amount for the charging day was not paid.</p>

3.2 UNABLE TO PAY WITHIN DEFINED PAYMENT WINDOW

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can provide evidence to prove that they were unable to make the required payment within the defined payment window for reasons beyond their control, for example:</p> <ul style="list-style-type: none"> • Was hospitalised immediately on or after the journey in the zone. • Left the country immediately after the journey in the zone. • Was physically prevented from making the required payment in the days after the journey in the zone. <p>Where the Council considers there are mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist is unable to provide any evidenced reason why they were not able to make the required payment on the date of travel or within 6 days thereafter</p>

3.3 TRIED TO PAY BUT THE PAYMENT PORTAL WAS DOWN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If proof can be provided that payment attempt was made when the payment portal was down and that there was no further time within the payment window to pay the charge.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where proof cannot be provided or there is no evidence to show that the Payment Portal was down.</p>

3.4 REGISTERED KEEPER LIABLE FOR PAYMENT IS NOW LIVING ABROAD FOR A PROLONGED PERIOD

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where there are specific mitigating circumstances requiring the case to be assessed on its individual merits. (NB. The mere fact that the registered keeper is now living abroad for a prolonged period is unlikely to be treated as circumstances where a representation would be accepted, in the absence of specific mitigating circumstances)	Where there are no specific mitigating circumstances requiring the case to be assessed on its individual merits.

3.5 REGISTERED KEEPER LIABLE FOR PAYMENT IS IN PRISON

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If evidence is provided to confirm that the registered keeper is in prison. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If proof cannot be provided to confirm that the registered keeper is in prison.

3.6 VISITOR TO BIRMINGHAM CHILDREN'S HOSPITAL, BADGER MEDICAL CENTRE OR ATTWOOD GREEN MEDICAL CENTRE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where evidence can be provided from the hospital or health facility that the motorist attended on the day in question. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where the hospital or health facility cannot provide documentation to confirm the motorist's attendance on the day in question.

3.7 ATTENDING CHURCH, TEMPLE, MOSQUE OR OTHER RELIGIOUS ESTABLISHMENT FOR A SERVICE OR PRAYERS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where there are specific mitigating circumstances requiring the case to be assessed on its individual merits. (NB. Merely attending a church, temple, mosque or other religious establishment for a service or prayers is unlikely to be treated as circumstances where a representation would be accepted, in the absence of specific mitigating circumstances)	Where there no specific mitigating circumstances requiring the case to be assessed on its individual merits.

3.8 VEHICLE TRANSPORTING ONE OR MORE PERSONS TO A COVID VACCINATION CENTRE WITHIN THE ZONE TO RECEIVE A COVID VACCINATION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where evidence can be provided from the vaccination centre that the motorist attended on the day in question for a Covid vaccination. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where the motorist cannot provide documentation to confirm attendance at the vaccination centre on the day in question for a Covid vaccination.

3.9 VALID EXEMPTION PERMIT

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where the motorist can provide evidence that they have a valid exemption permit, and this has been entered on to the local register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where the motorist cannot provide evidence of a valid exemption permit or it has not been entered on the local register.

3.10 MORE THAN ONE PCN ON THE SAME DAY

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
A PCN will be payable for each charging day (The period of 24 hours from Midnight to Midnight). If two PCN's have been issued for the same vehicle in the same charging day one of the notices will be cancelled.	The PCN will be enforced if the vehicle was used in the CAZ on a different charging day (The period of 24 hours from Midnight to Midnight)

3.11 VEHICLE CLASSIFIED FOR USE BY A DISABLED PERSON

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where the motorist can demonstrate that their vehicle is classified by the DVLA as modified for disabled use as per article 19 or 20 Sc2 of the 1994 Act and it has been entered at the time on the national register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where the motorist cannot demonstrate that their vehicle is classified as modified for disabled use as per article 19 or 20 Sc2 of the 1994 Act or the vehicle has not been entered on the national register.

3.12 UNMARKED EMERGENCY VEHICLE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the vehicle qualifies as an emergency service vehicle and the particulars of the vehicle have for the time being entered in the local register.	If the vehicle does not qualify as an emergency vehicle or the vehicle has not been entered on the local register.

3.13 HACKNEY CARRIAGE VEHICLE EXEMPT FROM CAZ CHARGE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where there has been an application for a Hackney carriage vehicle to be retrofitted and a deposit has been paid and the vehicle has been entered on the local register. Where the Hackney carriage vehicle has been retrofitted and the DVLA registration has been amended and has been entered on the National register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where there has not been an application for a Hackney carriage vehicle to be retrofitted. Where there has been an application for a Hackney carriage vehicle to be retrofitted but a deposit has not been paid. Where there has been an application for a Hackney carriage vehicle to be retrofitted and a deposit has been paid but the vehicle has not been entered on the local register.

3.14 COMMUNITY TRANSPORT VEHICLE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where a vehicle is a qualifying community transport vehicle by virtue of it being a vehicle of class M ₂ or M ₃ being used pursuant to a community transport permit and particulars of the vehicle are for the time being entered in the local register. (NB. Community transport permit means a permit granted under section 19(3), 19(4), 19(5), or 22(2) of the Transport Act 1985).	If the operator cannot demonstrate the vehicle is a qualifying Community transport vehicle.

3.15 INCORRECT DETAILS ON THE PCN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If there is reason to doubt that the details on the PCN are incorrect.	If all the details on the PCN are correct.

3.16 BANK/PUBLIC HOLIDAYS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	In the absence of specific mitigating circumstances.

3.17 HIRER OF THE VEHICLE AND WISHES TO MAKE A REPRESENTATION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where the Hire/Lease Company has discharged liability as the registered keeper of the vehicle and provided the name and address of the hirer. In these circumstances a PCN will be served on the hirer of the vehicle enabling a representation to be made. Where there are specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the Hire/Lease Company has made payment for the PCN on behalf of the hirer (in accordance with the terms and conditions of the signed hire agreement). If the hire agreement provided by the hire company is not signed or does not have the statement of liability. In the absence of specific mitigating circumstances.

3.18 VEHICLE WAS NOT AT THE ALLEGED LOCATION AT THE TIME AND ON THE DATE THE VEHICLE WAS USED IN THE CAZ

MAY ACCEPT REPRESENTATION		MAY REJECT REPRESENTATION
If the motorist provides sufficient evidence to confirm that the vehicle cannot have been or was not at the location at the time when the vehicle was used in the CAZ. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.		If the motorist does not provide sufficient evidence to confirm that the vehicle cannot have been or was not at the location at the time when the vehicle was used in the CAZ. If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

3.19 VEHICLE NUMBER PLATE HAS BEEN "CLONED"

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If evidence is provided to support the motorist's belief that the vehicle number plate has been 'cloned'. Evidence would need to include the crime reference number as reported to the Police, together with any other relevant evidence. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If a crime reference number and other relevant evidence cannot be provided.

3.20 VEHICLE IS A MEMBER OF THE “SHOWMAN’S GUILD” OR OTHER EXEMPT ORGANISATION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist can demonstrate that they are a member of the “Showman’s Guild” or other exempt organisation and their vehicle has been adapted to enable them to undertake their work and the vehicle has been entered on the local register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the motorist cannot demonstrate that they are a member of the “Showman’s Guild” or other exempt organisation or cannot demonstrate that their vehicle has been adapted to enable them to undertake their work. If the vehicle has not been entered on the local register.

3.21 ZERO EMISSIONS VEHICLE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist can demonstrate that they have a zero-emission vehicle as classified by the DVLA i.e. provide a copy of their V5. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the motorist cannot demonstrate that they have a zero-emission vehicle as classified by the DVLA.

3.22 UNAWARE OF THE EXISTENCE OF THE CAZ OR THE CAZ BOUNDARY WAS NOT CLEARLY SIGNED

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If signs were missing or unclear. If signs were inconsistent with each other and/or the CAZ Order or legislation. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If site visit records or photographs establish that signs and/or markings were correct and consistent with each other and the CAZ Order, at the time the vehicle was used in the CAZ.

3.23 VEHICLE HAS HAD AN LPG CONVERSION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist can demonstrate that their vehicle has been converted to LPG, via an approved conversion provider. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the motorist cannot demonstrate that their vehicle has been converted to LPG.

3.24 VEHICLE IS EXEMPT UNDER THE “VEHICLE EXCISE AND REGISTRATION ACT 1994”

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist can demonstrate that their vehicle was being used as outlined under the “Vehicle Excise and Registration Act 1994”. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the motorist cannot demonstrate their vehicle was being used as outlined under the “Vehicle Excise and Registration Act 1994”

3.25 VEHICLE IS REGISTERED AS AN “HISTORIC VEHICLE”

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist can demonstrate their vehicle is classified as an “Historic vehicle” by the DVLA and the vehicle particulars have for the time being entered in national register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the motorist cannot demonstrate that their vehicle is classified as an “historic vehicle”. If the particulars of the vehicle have not been entered in the national register.

3.26 PROCEDURAL IMPROPRIETY ON THE PART OF THE ENFORCEMENT AUTHORITY

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
Where it is established that the enforcement authority has failed to observe a legal requirement in relation to the imposition or recovery of a penalty charge or other sums. Where it is established that the enforcement authority has taken any step, whether or not involving the service of a document and the purported service of a Charge Certificate, in advance of the time scale set out in the regulations. Where the authority has not sent a response to a representation within 56 days from the date it received the representation from the person who was served with the Notice.	If it is established that: - The Transport Act 2000 and The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) Regulations 2013 have been fully and correctly observed by the enforcement authority. That service of all documents has taken place in compliance with relevant time scales.

3.27 RECOVERY VEHICLE ATTENDING ANOTHER VEHICLE THAT HAD BROKEN DOWN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the vehicle is a qualifying recovery vehicle by virtue of it being a Licensed Recovery Vehicle whose particulars are for the time being entered in the local register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the operator cannot demonstrate the vehicle is a qualifying Licensed Recovery Vehicle.

3.28 REGISTERED KEEPER IS DECEASED

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where it is demonstrated that the registered keeper is deceased and the circumstances can be confirmed i.e. copy of a death certificate. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If there is reason to doubt the representation or evidence submitted in support.

3.29 COMPASSIONATE REASONS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist provides satisfactory evidence that may give reason for discretion to be applied on compassionate grounds. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If there is reason to doubt the representation.

3.30 SNOW, FOLIAGE, COVERED OR OBSCURED THE SIGNS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If it can be established that such conditions prevailed, and it is likely that signs were obscured as claimed and there was no alternative indication of the restriction. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If it can be established that such conditions did not cause signs to be obscured as claimed. If photographic evidence directly contradicts the motorist's version of events. If any reasonable alternative indication of the restriction was available to the motorist.

4. STATUTORY GROUNDS TO MAKE REPRESENTATIONS

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI No. 1783) ("the Regulations").

If you believe that the PCN should not be paid, there are six statutory grounds on which representations may be made, which are set out below: -

4.A. I WAS NOT THE OWNER OF THE VEHICLE AT THE TIME IT WAS USED IN THE CAZ

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the DVLA confirms the motorist was not the registered keeper at the time the vehicle was used in the CAZ. If the previous registered keeper provides satisfactory evidence that the motorist purchased or acquired the vehicle after the vehicle was used in the CAZ, or the subsequent registered keeper provides satisfactory evidence that the motorist sold or disposed of the vehicle before the vehicle was used in the CAZ.	If the DVLA confirms the motorist was the registered keeper at the time the vehicle was used in the CAZ. If the previous registered keeper provides satisfactory evidence that the motorist purchased or acquired the vehicle before the vehicle was used in the CAZ, or the subsequent registered keeper provides satisfactory evidence that the motorist sold or disposed of the vehicle after the vehicle was used in the CAZ.

4.B. THE CHARGE DID NOT APPLY TO THE VEHICLE (FOR EXAMPLE THE VEHICLE MET THE APPLICABLE EMISSIONS STANDARD OR AN EXEMPTION APPLIED).

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
If the motor vehicle is either (i) a compliant vehicle, or (ii) an exempt vehicle under the charging scheme and therefore not liable to pay a CAZ charge. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

4.C. THE CHARGE FOR USING THE VEHICLE IN THE CAZ WAS PAID BY GETTING A LICENCE IN TIME FROM THE GOVERNMENT PAY SITE

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
If it can be demonstrated that the motorist had paid the CAZ charge due for the motor vehicle on the date, at the time and in the manner required by the charging scheme. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If there is no evidence that the CAZ charge has been paid.

4.D THE VEHICLE WAS USED IN THE CAZ BY SOMEONE ELSE WITHOUT MY KNOWLEDGE OR CONSENT (I.E. THE VEHICLE HAD BEEN STOLEN AND THE CRIME REPORTED TO THE POLICE)

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the vehicle was used in the CAZ by a person who was in control of the motor vehicle at the time without the consent of the registered keeper, and the registered keeper provides the name and address of the person who used the motor vehicle in the CAZ without his/her consent (if known), or, if the vehicle was stolen, the registered keeper provides the crime reference number, police unique reference number, insurance claim reference or other evidence of the motor vehicle having been stolen.</p>	<p>If the current registered keeper is unable to provide any proof of theft or taking without consent.</p> <p>If the police crime report reference number provided does not exist, it does not match the date of the theft or taking without consent, or the details in the report do not match the date when the vehicle was used in the CAZ.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

4.E. WE ARE A VEHICLE HIRE (OR LEASE) FIRM AND THE VEHICLE WAS USED BY A HIRER/LESSEE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the recipient of the PCN is a vehicle hire firm and the motor vehicle was hired out under a hire agreement on the date the vehicle was used in the CAZ and the hirer signed a statement of liability for any resulting road user charges or penalty charges, and the vehicle hire firm provides the name and address of the person to whom the motor vehicle was hired.</p> <p>If the hire company are able to provide satisfactory evidence that the vehicle was hired at the time the vehicle was used in the CAZ, i.e. a signed agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.</p> <p>If the hire company are able to supply the name and address of the trader and documentary evidence.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the person named by the hire company as the person to whom they hired the vehicle, either does not exist, cannot be traced or denies responsibility for using the vehicle in the CAZ.</p> <p>If the vehicle was being used as a courtesy car without an agreement that had been signed to accept responsibility for road user charges or penalty charges.</p> <p>If the hire company are unable to prove that they hired out the vehicle on the date the vehicle was used in the CAZ or cannot provide the name and address of the person to whom the vehicle was hired.</p>

4.F. THE COUNCIL HAS MADE A PROCEDURAL ERROR WHEN DEALING WITH MY CASE OR THE PCN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where it is established that the enforcement authority has failed to observe a legal requirement imposed on it by the Transport Act 2000 and/or regulations in relation to the imposition or recovery of a penalty charge or other sums.</p> <p>Where it is established that the enforcement authority has taken any step, whether or not involving the service of a document and the purported service of a Charge Certificate, in advance of the time scale set out in the regulations.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If it is established that:-</p> <ul style="list-style-type: none"> a) Legal requirements have been fully and correctly observed by the enforcement authority, or b) The service of all documents has taken place in compliance with relevant time scale, or c) A PCN has not been served. <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

4.G. THE PENALTY CHARGE EXCEEDED THE AMOUNT APPLICABLE IN THE CIRCUMSTANCES OF THE CASE

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If it is demonstrated that the amount shown on the PCN is incorrect and does not reflect the penalty charge due for the motor vehicle being used in the CAZ.</p>	<p>If no evidence has been provided that incorrect amount has been indicated on the PCN.</p>

4.H OTHER COMPELLING REASONS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If there are any other reasons other than the grounds listed above which require the case to be assessed on its individual merits. The decision whether, or not, a PCN should be cancelled, will only be taken following very careful consideration taking into account all of the evidence available.</p>	<p>If there are no compelling reasons which require the case to be assessed on its individual merits. The decision whether, or not, a PCN should be cancelled will only be taken following very careful consideration, taking into account all of the evidence available.</p>

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR MIKE WARD

I15 Moving Traffic Offences

Question:

Councils in England and Wales will be able to issue fines of up to £70 for moving traffic offences under new powers to be introduced in December. This will be the first time local authorities will be able to issue fines for offences such as banned turns, box junctions and driving in formal cycle lanes, that are currently enforced by the police only. Could the Cabinet Member explain how this will be addressed in the City?

Answer:

Birmingham City Council continues to work closely with West Midlands Police to support the enforcement of moving traffic offences across the city.

Last summer, the Government announced its intention to implement Part 6 of the Traffic Management Act (2004) in full, which includes the ability for transfer of powers to enforce moving traffic offences from the Police to Local Authorities.

Whilst it has been suggested that these powers will now be extended to all Local Authorities by December, the Government has yet to publish detailed guidance setting out how the transfer of such powers from the Police to Local Authorities is to be enacted. Birmingham City Council will consider the business case for taking on moving traffic enforcement upon the publication of this guidance.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DEBORAH HARRIES

I16 Queen's Road

Question:

The cabinet member's confirmation that Queen's Road, Yardley, is to be resurfaced in recognition of last petition submitted by the late Cllr Neil Eustace, is very welcome. Could the cabinet member update council on when a full programme of road and pavement refurbishment will be restored?

Answer:

Whilst the programmes for resurfacing and refurbishing of our roads has never formally ceased, in the years immediately preceding Amey LG's agreement to exit the City's Highways PFI project in 2019, the delivery of resurfacing programmes by Amey was extremely limited due to contract disputes.

Since June 2019 the Investment Works Programme (IWP) has delivered substantial investment in our highway assets. Around £35m of works to improve the condition of our footways and carriageway surfaces were delivered in the 2020/21 programme with a further £40m of investment programmed for 2021/22.

Members with IWP works in their wards were informed of the proposed locations in July 2021. Recognising the newly elected member for Yardley East, officers have been asked to confirm any works proposed in the ward as part of the IWP to Councillor Harries.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR ROGER HARMER

I17 Birmingham Transport Plan

Question:

The Birmingham Transport Plan pledges £8m to the West Midlands Road Safety Programme which promises to ‘.. invest in road safety measures to deliver an accessible, efficient, and safe transport system’. Could the Cabinet Member give a clear indication of how this money will be spent, setting out the allocation for the roll out of average speed cameras?

Answer:

Birmingham City Council is committed to expanding Average Speed Enforcement cameras to a wide range of prioritised locations across the city. Work is underway to prepare a revised agreement with West Midlands Police to facilitate and fund this proposed expansion. I have also recently met with the Police and Crime Commissioner to discuss this issue.

The Birmingham Transport Plan stresses the importance of road safety but does not commit any specific funds to the development of road safety schemes. A detailed Delivery Plan for the Birmingham Transport Plan is currently being prepared. This will include a programme of road safety measures to be implemented across the city during the life of the plan and will identify the associated funding sources.

The West Midlands City Region Sustainable Transport Settlement (CRSTS) makes a commitment £8 million towards the West Midlands Regional Road Safety Programme. As this is a regional fund, only part of it will be spent on schemes that will be implemented in Birmingham. The distribution of funding across the seven Local Authorities has not yet been determined.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR BABER BAZ

I18 Clean Air Zone

Question:

Could the Cabinet Member explain why there are such long delays in responding to member enquiries relating to the Clean Air Zone?

Answer:

We would encourage all members to only use the ComplaintsInclusiveGrowth@birmingham.gov.uk for their enquiries as this ensures that enquiries are recorded and a full audit trail is available to track progress.

Of the 30 enquiries directed to the Clean Air Zone team from members in September 2021 60% (19) were provided with a response within the 10 day service level agreement (SLA). A further three were provided with a response within 11 days.

For enquiries about Clean Air Zone penalty charge notices during September 2021, 12.5% were dealt with within the 10-day SLA. A further five enquiries were closed during the month albeit that they were one to three weeks outside of the SLA.

Any delays in responding to these enquiries relate to the high volume of enquiries being dealt with at present. More resource has been recruited to support the processing of enquiries and further resource is being recruited in order to be able to provide a response within the SLA.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR PAUL TILSLEY

I19 Gritting

Question:

There have been reports the national driver shortage could have had an effect on Councils, some of who are facing a shortage of gritter drivers, could the Cabinet Member confirm the number of driver vacancies currently in the Council?

Answer:

Kier, who provide the Highway Maintenance and Management Service for Birmingham, recorded the national driver shortage issue on the Interim Services Contract Risk Register in September and undertook a review of HGV driver resource resilience. Kier has no current HGV driver vacancies and has not suffered any service disruption as a result of the national issue.

Preparation for the 2021/22 Winter Maintenance season commenced early summer 2021 with a programme of additional driver training which took the total number of winter maintenance qualified drivers to 82. There are a further 5 qualified HGV drivers completing City and Guilds Winter Maintenance Driver Training in November. This provides plenty of resilience for the 24 gritting routes that are operated for the Birmingham network.

The situation presented by UK companies offering high salaries for HGV drivers remains under review and further contingencies will be considered should there be any significant increase in the levels of risk.

We are also completing a recruitment drive in all areas of the Street Scene service. Drivers LGV have been filled and we are not currently carrying any vacancies subject to probationary periods although we do still have some vacancies for Driver Non-LGV.

We are also looking to offer our internal LGV programme to full-time members of staff that want to progress within our services and an 'Expression of Interest, has gone out with a view to shortlist and look to train an undefined amount of drivers over the coming months.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR DAVID BARRIE**

J1 Use of Brewery Street Car Park

Question:

How much do HATS pay to the City Council for use of the Brewery Street Coach and Lorry Park per month (including any discount or variation offered in first month or months whilst 'non profit' period was being followed)?

Answer:

HATS will be invoiced for their temporary use of Brewery Street Car Park when they vacate the site. It is anticipated that this will happen this quarter and the Council will charge a standard market rate. No discount has been offered.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR KEN WOOD**

J2 Healthcare and Transport Services s19 licence

Question:

What steps have the Council taking to ensure that HATS fully complied with the conditions of the s19 licence for the period this was in operation, including not showing any 'commercial intent' in tendering for the contract, operating the service in the interim period the s19 permit was in place for, or in structuring payments to ensure that any profit accrued during the period was paid and accounted for outside of it?

Answer:

The Council has asked HATS to demonstrate their compliance with the Section 19 permit on several occasions during the initial period of operation. The Council has been satisfied by the assurances given and have had no concerns about HATS compliance with the conditions of the permit at any point. In relation to compliance with the permit legal advice was provided to from both internal lawyers and external specialists in transport law.

HATS have put their intent not to make a profit in writing, to us and to the Traffic Commissioner for the West Midlands. HATS are now in the process of producing a 'profit statement' for the period of operation under the permit and will then return any profit made to the Council once this assessment has been completed.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR BOB BEAUCHAMP**

J3 Healthcare and Transport Services Temporary Licence

Question:

When selecting Healthcare and Transport Services, did the Council believe that they already had a Licence that would allow them to operate in Birmingham and if not, on what date did they become aware that this would be an issue?

Answer:

HATS did not have an existing licence to operate in Birmingham, as they had not previously worked in the city. This never became an “issue”, and it is normal for operators expected to start work at short notice to use a temporary permit. The Traffic Commissioner granted this permit quickly once he understood the circumstances and the importance of the service. HATS initially operated under a Section 19 temporary permit and now have a full licence to operate, again granted by the Traffic Commissioner for the West Midlands. The Council is assured that HATS have operated legally throughout their period of operation.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR PETER FOWLER**

J4 Profit - Healthcare and Transport Services s19

Question:

How much profit did HATS return to the Council up to the end of October for the period it ran on the section 19 permit which does not allow a company to operate with commercial intent or for any part of its business operating under the same legal entity to operate under a (commercial) 'O' licence?

Answer:

HATS have confirmed their intention to return any profit made during the period they operated under a Section 19 permit. HATS are still receiving bills that relate to this period, and therefore are not yet able to calculate the full costs incurred. For this reason, it is not yet possible to provide a 'statement of profit' for the period.

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR DARIUS SANDHU

J5 EHCP requests

Question:

What proportion of ECHP assessment requests come from a) Schools, b) Parents, c) Young People

Answer:

Year	Requests Received	Parental Referral	School	Professional	Other
2016	1336	28%	44%	28%	1%
2017	1303	31%	43%	25%	1%
2018	1469	35%	38%	27%	1%
2019	1612	46%	35%	19%	0%
2020	1422	53%	28%	18%	1%
2021	1435	49%	36%	14%	1%

Please note

The parent and young people requests all fall under one category of 'self-referral' and therefore we are unable to separate them. Only over 16 year olds can self-refer.

'Other' column refers, for example to cases where a child has moved from another authority and the assessment has already started.

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR SIMON MORRALL

J6 EHCP timescale compliance

Question:

Please provide details of compliance with EHCP statutory timescales for each year since 2016, broken down between EHCPs requested by a) Schools, b) Parents, c) Young People

Answer:

EHCPs Finalised within 20 weeks excluding Exemptions	Type of Request			
	Parental / YP	Professional	School	Other
2016	93%	98%	98%	83%
2017	92%	94%	94%	100%
2018	88%	85%	84%	88%
2019	61%	74%	74%	67%
2020	58%	60%	60%	40%
2021	54%	63%	61%	38%

Please note

The parent and young people requests all fall under one category of 'self-referral' and therefore we are unable to separate them.

'Other' column refers, for example to cases where a child has moved from another authority and the assessment has already started.

EHCPs Finalised within 20 weeks excluding exemptions	2016	2017	2018	2019	2020	2021
January	94%	100%	100%	93%	59%	19%
February	89%	84%	100%	84%	60%	33%
March	92%	100%	98%	80%	72%	38%
April	99%	87%	86%	85%	61%	73%
May	100%	91%	66%	65%	42%	50%
June	100%	91%	82%	77%	76%	62%
July	99%	94%	87%	70%	87%	64%
August	100%	96%	81%	68%	75%	78%
September	100%	98%	85%	61%	62%	75%
October	94%	100%	92%	51%	29%	
November	78%	100%	83%	54%	4%	
December	91%	86%	76%	59%	33%	
Annual Performance	97%	94%	85%	72%	59%	58%

Please note that the final annual performance for 2021 is expected to be significantly higher than performance in 2020. The 2021 figures are currently depressed by the low performance from January – March.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR RON STORER**

J7 EHCP requests issued

Question:

For each year since 2016 what proportion of EHCP assessment requests have resulted in an EHCP being issued, broken down between EHCPs requested by a) Schools, b) Parents, c) Young People

Answer:

% Statutory Assessments Requests Resulting in an EHCP issued	Total	Parental Referral	Professional	School	Other
2016	69%	39%	95%	75%	88%
2017	61%	29%	90%	70%	73%
2018	62%	32%	94%	71%	73%
2019	60%	36%	94%	77%	100%
2020	69%	51%	91%	90%	80%

Please note

- 2021 figures have not been provided due to these not yet being reflective of outcome. There is a large number not yet at point of decision on whether to issue a plan, therefore would show an inaccurate picture at this stage.
- The parent and young people requests all fall under one category of 'self-referral' and therefore we are unable to separate them.
- The 'Other' column refers, for example to cases where a child has moved from another authority and the assessment has already started.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR ALEX YIP**

J8 SEND Budget

Question:

Please provide a breakdown on the budget for SEND in every year from 2016/17, including current year (excluding Higher Needs Block grant from DfE). Please ensure this includes –

- A) total budget allocated**
- B) total expenditure outturn (forecast for current year**
- C) total spend on home to school transport**
- D) total spend on external consultants**
- E) total spend on interim management**
- F) total spend on EHCP appeals process**
- G) total spend on EHCP tribunals**
- H) total spend on legal advice outside of tribunal and appeals process**
- I) total spend on exit payments for staff**
- J) total spend on ‘transformation projects’**

Answer:

A)	Financial Year	£m
	2016-17	17.063
	2017-18	21.240
	2018-19	22.492
	2019-20	28.044
	2020-21	29.244
	2021-22*	29.610

* does not include the additional £4.000m to fund the SENAR team as part of the £5.100m total agreed by Cabinet.

B)	Financial Year	£m
	2016-17	21.656
	2017-18	23.988
	2018-19	25.606
	2019-20	29.677
	2020-21	32.208
	2021-22	34.955

Does not include the £6m costs of the SENAR team which are being funded through additional resources in 2021-22 and made up of -

	£m
Corporate underspend	2
Additional funding agreed by cabinet	4
	6

C)	Financial Year	£m
	2016-17	18.302
	2017-18	20.542
	2018-19	21.839
	2019-20	25.364
	2020-21	27.035
	2021-22	30.773

D) & E)	Financial Year	£m
	2016-17	0.450
	2017-18	0.322
	2018-19	0.292
	2019-20	0.843
	2020-21	2.120
	2021-22	2.090

Interim and consultancy costs are not distinctly coded in the financial system and it is not possible to report on them separately.

Does not include the costs of agency/interim staff funded through additional resources in 2021-22.

F) & G) – Costs of tribunals and appeals are not separately recorded. To identify actual costs would have to be undertaken on a case by case basis, including for example external barrister costs, requiring significant amount of officer time.

H)

Financial Year	£m
2016-17	0.001
2017-18	0.322
2018-19	0.014
2019-20	0.011
2020-21	0.029
2021-22	0.011

I)

Financial Year	£m
2016-17	0.015
2017-18	-
2018-19	-
2019-20	0.060
2020-21	0.002
2021-22	0.038

J) If there is a specific project for information requested, this can be provided.

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR MAUREEN CORNISH

J9 Higher Needs Block

Question:

For every year since 2016/17 please provide the total Higher Needs Block Funding including a breakdown

A) amount allocated to Birmingham mainstream schools

B) amount allocated to Birmingham special schools

C) amount allocated to special schools outside local authority

D) amount retained centrally

E) the overspend/(underspend) in each year

Answer:

The way the ledger is structured means it takes considerable time to extract and reconcile the data within the timescales. This is harder the further back we go as ledger structures change over time. 2020-21 has been fully reconciled and as such answers to questions A – C have been provided for this year below.

	2020/21 Budget	2020/21 Actual	2020/21 Overspend
A) Mainstream Schools Top Up & Resource Bases Funding	13,515,084	14,738,400	1,223,315
B) Special Schools Place & Top Up Funding	78,515,256	79,266,460	751,204
C1) OLA Special Schools Funding	1,379,154	2,452,882	1,073,728
C2) Independent Special Schools Funding	8,770,183	9,630,076	859,893

The information provided for A to C in the table above only identifies those schools specifically requested in the question. The High Needs Block pays for a range of other activities including over £11m in colleges.

Please note

C1) refers to maintained special schools outside Birmingham;

C2) refers to independent special schools both inside and outside Birmingham.

D) Unlike the Dedicated Schools Budget, the High Needs Block does not have an element for central held services.

E) The under/overspend on the High Needs Block since 2016/17 is shown in the table below

	(Under)/ Over spend
2016/17	9,062,308
2017/18	4,738,550
2018/19	2,235,986
2019/20	(1,979,797)
2020/21	(10,440,216)

It is difficult to make true historical comparisons when there have been changes to the High Needs Block over time.

For 2020/21 there was an underspend on the High Needs Block of £10.4m of which £5.0m was utilised to repay the cumulative deficit on this block, as agreed in the deficit recovery plan, and a further £6.8m resulted from a delay to the Developing Localised Provision (DLP) programme until a September 2021 start due to COVID. There is a commitment to fund the DLP programme for a two year period as was originally proposed.

BCC High Needs Block Allocation 2020/21	2020/21 Actual Expenditure	2020/21 (Under)/ Over spend
160,302,544	149,862,328	(10,440,216)

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR DAVID PEARS

J10 SEND Service Suppliers

Question:

Please supply an updated version of the table provided in response to Written Question B7 from the Full Council meeting of 13th April 2021 (itself an updated version of information provided to written questions at previous full council meetings).

Answer:

Agency	Spend	Confirmed Address
Baltimore	£275,000	PS21, 21 Princes Street, Bristol, BS1 4PH
Education Futures	£63,000	19 New Street, Horsforth, Leeds, LS18 4BH
Hays	£1,226,000	1 Colmore Square, Birmingham, B4 6AJ
Lords	£185,000	Crown House, The Square, Alvechurch, Birmingham B48 7LA
Panoramic	£1,507,000	St Bartholomew's House, Lewins Mead, Bristol, BS1 2NH
Penna	£320,000	2 nd Floor, 10 Bishops Square, Spitalfields, London, E1 6EG
Smart Education	£128,000	1-3 The Courtyard, Calvin Street, Bolton, BL1 8PB
Spencer Clarke	£216,000	11 Bartle Court Business Centre, Rosemary Lane, Preston, PR4 0HF
Tile Hill	£75,000	York House, 221 Pentonville Road, London N1 9UZ
Venn Group	£256,000	Waterloo House, 20 Waterloo Street, Birmingham, B2 5TB

The figures provided are for this financial year and are inclusive of both costs associated with General Fund and the DSG. These figures include all of the costs associated with interim and consultant officers in the SEND & Inclusion service. This means that the costs are inclusive of officers working in Home to School Transport as well and therefore not associated to SEND improvement. The majority of the costs are associated to officers completing business as usual activity in the SENAR area focusing on all activity surrounding all EHCPs. The service has secured additional funding from full council in September to support the recruitment of additional case officers into the SENAR service to ensure that all young people are assigned their own case officer as per the SEND code of practice.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR ADRIAN DELANEY**

J11 Interim and Consultants Diversity

Question:

The answer to written question B2 at the Full Council Meeting of 23rd February 2021 (which requests details of the ethnicity of interims and consultants) states that:

“Following advice from Corporate Procurement, who manage the interim and consultancy framework, I can confirm that ethnic origin is not collected and therefore cannot be disclosed.”

Assuming that this is still the case please explain how you will ensure that the ongoing and planned recruitment of large numbers of interims and consultants in SEND will be in line with the following statement, taken from “Everyone’s Battle Everyone’s Business”:

“Our goal is to ensure that our workforce properly reflects the communities we serve and that we are the fairest, most inclusive and desirable employer to work for in Birmingham. This means addressing the current imbalance in gender and Black Asian minority representation across all levels of the organisation.”

Answer:

Interims and consultants working in SEND are not BCC employees but employees of the relevant agency supplying them. Agencies on the Managed Service Provider (MSP) framework are vetted, as part of the selection process of them joining the framework, to ensure they are committed to equal opportunities and inclusion and have policies in place that demonstrate such.

The City Council does not monitor the performance of agencies on their recruitment practice in this regard but remains committed to encouraging suppliers to engage a workforce that reflects the diversity of our great City.

As with BCC employees the capturing of ethnicity data is voluntary. We are asking our third party providers where possible to capture this information and they will hold this on their database.

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR BRUCE LINES

J12 Appeals

Question:

For the period September 2018 - present please provide the following data, all broken down by type (Refusal to Assess, Refusal to Issue, Section B,F,I):

- **The number of appeals against the Council registered by SENDIST**
- **The number of appeals conceded by the local authority prior to hearings**
- **The number that went to hearing where the appeal was dismissed (i.e. the local authority's decision was deemed to be correct)**
- **The number of resulting tribunal orders which have not yet been complied with by the Council**

Answer:

The number of appeals against the Council registered by SENDIST

Year/ Month	Number Received	Refusal to Assess	Refusal to Issue EHCP	Section I	Cease to maintain Plan	Contents of Plan	Contents of Plan & Section I
Sep-18	26	11	4	9		1	1
Oct-18	29	6	1	19		2	1
Nov-18	18	6		7		1	4
Dec-18	13	4	6	3			
Jan-19	16	8	3	1			4
Feb-19	26	8	3	14			1
Mar-19	30	4	6	20			
Apr-19	31	7	7	14			3
May-19	41	8	3	28		1	1
Jun-19	36	8	6	13	4		5
Jul-19	29	11	3	7	2	1	5
Aug-19	21	8	4	5		1	3
Sep-19	22	5	4	11			2
Oct-19	22	6	3	9			4
Nov-19	12	4	3	3			2
Dec-19	9	2	3	1			3
Jan-20	21	4	6	7		1	3
Feb-20	18	3	3	6		1	5
Mar-20	19	5	2	11			1
Apr-20	18	4	1	9			4
May-20	20	2		14		1	3
Jun-20	29	5	5	14		2	3

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City Council – 2 November 2021

Year/ Month	Number Received	Refusal to Assess	Refusal to Issue EHCP	Section I	Cease to maintain Plan	Contents of Plan	Contents of Plan & Section I
Jul-20	40	3		30		2	5
Aug-20	26	2	2	14		2	6
Sep-20	22	2	1	16	1	1	1
Oct-20	16	2	1	8		1	4
Nov-20	18	4	3	5			6
Dec-20	16	9	4	3			
Jan-21	12	7	1	2		1	1
Feb-21	20	7	4	5			2
Mar-21	9	2	1	2		1	2
Apr-21	23	3	2	12		3	3
May-21	25		2	19			4
Jun-21	26		4	17			5
Jul-21	37		7	29			1
Aug-21	57	5	7	36			9
Sep-21	54	11	8	27		1	7

The number of appeals conceded by the local authority prior to hearings

The number that went to hearing where the appeal was dismissed (i.e. the local authority's decision was deemed to be correct)

SENDIST APPEAL OUTCOMES	Conceded	Dismissed
2019		
Cease to Maintain	5	0
Contents of Plan	5	0
Refusal to Assess	70	1
Refusal to Issue Plan	33	3
Section I	75	3
2020		
Contents of Plan	3	1
Refusal to Assess	30	4
Refusal to Issue Plan	13	2
Section I	38	5
2021		
Contents of Plan	1	0
Refusal to Assess	10	0
Refusal to Issue Plan	1	0
Section I	9	0

Data on outcomes for 2018 is currently not in a reportable format, therefore not available at this time.

The number of resulting tribunal orders which have not yet been complied with by the Council

Nil

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR ADAM HIGGS

J13 EHCP Independent Places

Question:

Please provide the following numbers for children and young people (CYP) with EHCPs in Independent placements:

- **How many CYP, with EHCPs in September 2018 were in Independent Schools.**
- **How many CYP, with EHCPs in September 2019 were in Independent Schools.**
- **How many CYP, with EHCPs in September 2020 were in Independent Schools.**
- **How many CYP, with EHCPs in September 2021 were in Independent Schools.**

Answer:

Pupils with an EHCP attending Independent School	2018	2019	2020	2021
Independent School	342	391	377	351
Independent School (Tripartite Funded)	28	15	10	7
Post 16 Independent Placements	385	459	487	409
Total	755	865	874	767

- The number of Independent Placements for September 2021 is likely to change. There is usually a delay between the placement commencing and this being recorded for finance and reporting purposes.
- Tripartite funded placements relate to funding from the Local Authority, Birmingham Children's Trust and Birmingham and Solihull CCG.
- Data was previously provided to Full Council for the above to September 2020- however those figures differed as they were just funded places, whereas the above includes all

Independent Placements of children in Birmingham with EHCPs, including children in care to other local authorities which fund the placements

WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN AND FAMILIES FROM COUNCILLOR CHARLOTTE HODIVALA

J14 EHCP area of need

Question:

Please provide, broken down by area of need, year group, number of children & young people with EHCPs who are currently:

- **Without a school place**
- **In a mainstream school but awaiting a special school placement**
- **Having Section F provision met through the Home Bridging Team**
- **Having Section F provision met by other home- based providers (please define who is providing this and the cost)**
- **Have annual reviews recommending change of placement that have not yet been actioned**

Answer:

- **Without a school place**

There are currently 97 CYP (compulsory school age) with an EHCP who are without a school place. This figure is constantly changing as children and young people are constantly moving in and out of Birmingham.

- **In a mainstream school but awaiting a special school placement**

The information indicates 420 CYP with an EHCP who are currently in mainstream schools are awaiting a special school placement. However, these children do have additional support in the mainstream school, and it may transpire that they can remain in that school successfully with the additional support.

- **Having Section F provision met through the Home Bridging Team**

The Home Bridging Service does not deliver provision detailed in Section F of EHCPs for CYP. The Home Bridging service supports the child / family via the arrangement of interim provision and a bridging service to support with the communication and transition to an appropriate placement.

The Home Bridging Service is currently working with 85 pupils with a view to ensure there is involvement with all those currently out of school.

- **Having Section F provision met by other home- based providers (please define who is providing this and the cost)**

Home Based Providers for CYP with an EHCP awaiting a school placement do not deliver the Education detailed in Section F, however, offer interim education in the form of 1:1 tuition. These are tutors specialising in working with CYP with additional needs and tailor the education to suit the young person's needs.

There are two main providers who are used, providing on average between 15 to 25 hours per week of education. (25 hours is provided where the child can engage with that level of support)

SMART Education - £33.00 per hour

Connex Education - £26.50 per hour

The spend this financial year for both providers so far has been approximately £450k.

- **Have annual reviews recommending change of placement that have not yet been actioned**

The current reporting system does not enable us to identify annual reviews where specifically a change of placement has been considered and not actioned. The system records where an annual review has taken place, been received and actioned. However, an upgrade of the current software to be implemented by Spring 2022 will enable this to be recorded.

With the additional resources allocated by the Council to enhance staffing of this service, a restructure is taking place which will enable officers to be allocated to individual schools and therefore have greater oversight of annual review recommendations where there has been a change of placement request.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR PETER FOWLER**

J15 Action Plan

Question:

Please provide a copy of the action plan - with target dates and process to date - to bring the processing of housing applications down from 22 weeks to 4-6 weeks as required by the Local Government Ombudsman in their recent report ref 20 007 658

Answer:

See below:-

Housing Application Backlog Action Plan

Objective: To reduce the backlog of housing applications awaiting assessment to within the service standard of 6 weeks.

Duration: 16 August to December 2021

Review Date: 26 October 2021

Reviewed by: Vicki Pumphrey

	Task	Target Date	RAG Status	Comments
1.	Seek business case approval and recruit additional officers.	September 2021	Completed	33 temporary staff appointed between 16 August and 13 September 2021.
2.	Induction and training of new/additional staff	August 2021	Completed	Phase 1 training (failed applications) completed 16-27 August 2021. Phase 2 training (passed applications) completed 11 – 22 October 2021.
3.	Reduce backlog of failed housing applications	September 2021	Completed	Assessments commenced 31 st August 2021.
4.	Monitor performance weekly from 31 August 2021.		In progress/ongoing	Weekly reports to DMT. User action reports and weekly registration reports. See page 2.
5.	Report to Audit Committee - Public interest Report	29 November 2021	In progress	Chairman's pre-agenda is scheduled for Monday 15 November. Papers provided 27 October 2021 to JG/GM.
6.	Exit plan and evaluation	December 2021	Not started	Linked to LGSO Action Plan to meet all recommendations.

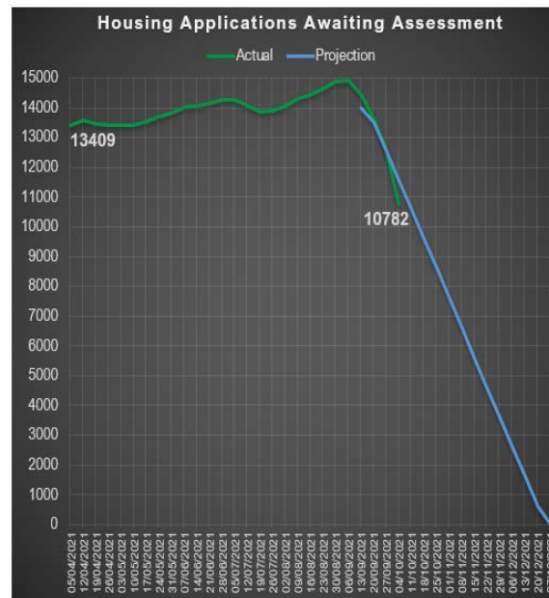


Housing Application Backlog Action Plan

Progress update @ 26 October:

In just over 7 weeks, inclusive of training the team of 33 staff have completed over 6000 failed application assessments. The team have now commenced the outstanding passed applications with a prediction of 4000 by December 2021, with 4-6 weeks outstanding as required by the Local Government Ombudsman in their recent report ref 20 007 658.

Week	Actual	Projection	Received	Assessed	Returned	Total Assessed	Within 6 weeks
28/06/2021	14255		488	501	167	668	2728
05/07/2021	14255		200	630	219	849	2475
12/07/2021	14053		450	564	215	779	2469
19/07/2021	13876		433	519	291	810	2495
26/07/2021	13916		387	432	180	612	2691
02/08/2021	14059		437	126	400	526	2653
09/08/2021	14319		420	344	81	425	2585
16/08/2021	14442		497	467	163	630	2624
23/08/2021	14643		508	371	165	536	2682
30/08/2021	14876		433	329	87	416	2682
06/09/2021	14912		357	210	96	306	2652
13/09/2021	14413	14000	381	341	164	505	2596
20/09/2021	13615	13500	410	678	723	1401	2586
27/09/2021	12640	12600	443	586	604	1190	2532
04/10/2021	10782	11600	425	697	614	1311	2449
11/10/2021	9046	10600	548	1351	1420	2781	2564
18/10/2021	9216	9600	575	569	310	879	2782
25/10/2021	9449	8600	540	449	213	662	2941
01/11/2021		7600					
08/11/2021		6600					
15/11/2021		5600					
22/11/2021		4600					
29/11/2021		3600					
06/12/2021		2600					
13/12/2021		2600					
20/12/2021		2600					
27/12/2021		2600					



**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE CHILDREN
AND FAMILIES FROM COUNCILLOR BABER BAZ**

J16 Rough Sleeping

Question:

Concern has been raised that homelessness may be returning to pre-pandemic levels as measures introduced in response to COVID-19 are wound down. Could the Cabinet Member provide an appraisal of the level of homelessness in the City, giving an outline of the measures that are being taken to tackle this?

Answer:

Birmingham City Council has continued to work with its partners to reduce the number of people sleeping rough in Birmingham. This reflects local and national commitments to end the need for anyone to sleep rough. In Birmingham through our partners there are street outreach workers mobilised 7 days a week, both day and night.

The official annual count of people sleeping rough in Birmingham took place in November 2020 and the figure was announced, along with those for the rest of England, in February 2021. On a single night 17 people were found bedded down in Birmingham, this was a 67% reduction on the previous year (52), and an even more significant reduction from the 91 found the year before that.

Since then and with the easing of lockdown and summer, numbers rose, peaking in June on a single night to 37 found bedded down. Excellent work across the partnership has managed to contain that rise so by September the single night snapshot figure was 18 people found bedded down.

The picture of who sleeps rough on the streets is not static, flow onto and off the streets is significant. For example, in September 110 individuals were identified as having slept rough on the streets of Birmingham at some point in the month. There is an accommodation and support offer for every person presenting on the street, the most challenging circumstances being when someone has 'no recourse to public funds' and therefore limitations on how services can help.

For winter 2021-22 there is no plan to have a winter night-shelter. Through our partners there are sufficient beds in single room accommodation to ensure there is always an emergency offer available, these are coordinated through a dedicated accommodation officer.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR ADRIAN DELANEY**

J17 Council's Allocation Scheme

Question:

In each year since 2018, how many housing applicants have been deemed not to qualify for reasons of 'unacceptable behaviour' as defined by section 4.3.1 of the council's housing allocations scheme?

Answer:

Please see below a table of how many housing applicants, by calendar year, who have been assessed as not qualifying to join the housing register for reasons of 'unacceptable behaviour' as defined by section 4.3.1 of the council's housing allocations scheme:

Calendar Year	Total
2018	296
2019	125
2020	217
2021 (to 25/10/2021)	157

**WRITTEN QUESTION TO THE CABINET MEMBER FOR VULNERABLE
CHILDREN AND FAMILIES FROM COUNCILLOR DAVID BARRIE**

J18 Accommodation – Reliant Housing

Question:

How many individuals has the Council placed with or referred to Reliance Housing accommodation since 2012?

Answer:

As a part of the Homeless Reduction Act 2017 we collate data and send it to the Government as a part of our reporting.

For government reporting we report on those in the specific duties (Prevent, Relief, Main) and Temporary accommodation offered.

However, we do not formally collate figures on numbers referred to specific Exempt supported accommodation providers, this information would be in the contact case notes. It is for this reason that we would be unable to report on specific numbers of Clients placed with Reliance Housing. We do not refer cases from the Housing Options Centre to Reliance Housing as they are not on our list of preferred providers.

For general figures from 2020.

During the Covid Pandemic – we had a walk-in service that was run as an emergency service for Rough Sleepers and single homeless only. From 31.03.2020 – 31.03.2021 just for the single homeless walk in's we saw 1983 Clients. Of those we placed 514 people into exempt supported accommodation. It roughly equates to 26% of the Clients that have presented.

Birmingham City Council By-Election – 21 October 2021

I have to inform you that at the above election the following person was elected Councillor of the City for the under-mentioned Ward and that they have made and subscribed the declaration required by law accepting office:-

<u>Ward</u>	<u>Name</u>	<u>Description</u>	<u>Term of Office Expires</u>
YARDLEY EAST WARD	HARRIES Deborah	LIBERAL DEMOCRAT	2022



.....
Suzanne Dodd
City Solicitor and Monitoring Officer

Birmingham City Council

City Council

Date 7th December 2021



Subject: Adoption of the 'Development Management In Birmingham' Development Plan Document

Report of: Councillor Ian Ward, Leader of the Council

Report author: Uyen-Phan Han, Planning Policy Manager
Telephone No: 0121 303 2765
Email Address: uyen-phan.han@birmingham.gov.uk

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :

1 Executive Summary

- 1.1 To note the Planning Inspector's report (Appendix 1) on the 'Development Management in Birmingham' Development Plan Document (DMB) and approve the adoption of the DMB as submitted and subsequently amended by the main modifications (Appendix 2) and additional (minor) modifications. (Appendix 3).
- 1.2 Upon adoption of the DMB, the remaining parts of the Birmingham Unitary Development Plan 2005 (Chapter 8) (Appendix 4) are to be superseded.
- 1.3 A report relating to the adoption of the DMB was approved by the Council's Cabinet at a meeting on 9 November 2021 (Appendix 11).

2 Recommendations

- 2.1 Notes the report of the Planning Inspector on the 'Development Management in Birmingham' Development Plan Document (DMB) (Appendix 1) and the Inspector's schedule of main modifications (Appendix 2).
- 2.2 Approves the adoption of the DMB incorporating the Inspector's main modifications and additional (minor) modifications in accordance with the provisions of Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3 Notes the final version of the Strategic Environmental Assessment (SEA)/ Sustainability Appraisal and Habitats Regulation Assessment (HRA) (Appendix 7)

- 2.4 Notes the accompanying DMB Adoption Statement (Appendix 9) and Sustainability Appraisal Adoption Statement (Appendix 8).
- 2.5 Approves the revocation and withdrawal of the remaining parts of the Birmingham Unitary Development Plan 2005 (Chapter 8) (Appendix 4) and the withdrawal of relevant superseded Supplementary Planning Guidance referenced within it (Appendix 5).

3 Background

- 3.1 The adoption of the DMB means that it will become part of Birmingham's Local Plan and it will support the adopted Birmingham Development Plan (2017) (BDP) by setting out non-strategic planning policies for the determination of planning applications. It will be one of the Council's key planning policy documents alongside the BDP and it replaces the remaining extant policies of the Birmingham Unitary Development Plan (2005) (UDP) which will be revoked.

- 3.2 The DMB document has been subject to four public consultation events which have all been previously approved by Cabinet.

Stage 1 – Development Management DPD Consultation (Regulation 18) (June 2015) Consultation period 7 September - 19 October 2015 (6 weeks)

Stage 2 - Preferred Options Document Consultation (Regulation 18) (January 2019) Consultation period 4 February and 29 March 2019 (8 weeks)

Stage 3 – Publication DMB Document (Regulation 19) (October 2019) Consultation period 9 January – 21 February 2020 (6 weeks)

Stage 4 – Proposed Main Modifications to the DMB document following Examination Hearings (Regulation 22) (March 2021) Consultation period 24 March – 5 May 2021 (6 weeks)

- 3.3 Following Stage 3 (Publication), the DMB was published and submitted to the Ministry for Housing, Communities and Local Government (MHCLG) in July 2020 for examination by the Planning Inspectorate (PINS). A Planning Inspector (Kelly Ford) was appointed to carry out the Examination in Public of the DMB. As part of the Examination, public hearings took place between the 10th and 12th November 2020.
- 3.4 At the end of the hearings, the Inspector agreed a set of 12 main modifications with council officers which were deemed to be required to make the document sound and compliant. As set out in paragraph 3.2 above (Stage 4), these modifications were then approved by Cabinet and subject to consultation earlier this year. Primarily, the modifications added additional text to the policies and/or the supporting text to clarify and assist in the application of the policies. The thrust of the policies themselves remained the same.
- 3.5 Following consultation on the proposed main modifications, 16 individual representations were received and forwarded to the Planning Inspector for her consideration. The Inspector issued her final report on 30 September 2021 which

was published soon after receipt in line with Regulation 25 of the Town and Country (Local Planning) (England) Regulations 2012. The report is attached as Appendix 1 and is available on the Council's website. In addition, those who responded at the Regulation 19 consultation have been notified of the publication of the report in line with Regulation 35.

- 3.6 The report concludes that with the recommended main modifications (Appendix 2) being incorporated into the DMB, it satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the tests of 'soundness' as set out in the National Planning Policy Framework 2012. A summary of the key effects of the Inspector's main modifications are set out in paragraph 3.6 of the Cabinet Report of 9th November 2021 (Appendix 11).
- 3.7 Where the Inspector's report recommends that main modifications are needed, the Council must incorporate the recommended main modifications in order for the document to be deemed as 'sound'. The report is not binding on the Council, but the Council may not adopt an unsound plan.
- 3.8 Adoption of the DMB provides the city with a comprehensive Local Plan framework. The DMB will be given full weight in determining planning applications and appeals decisions.
- 3.9 During the preparation of the Local Plan Review the Council is required by law (Planning and Compulsory Purchase Act 2004 and Environmental Assessment of Plans and Programmes Regulations ["the SEA Regulations"]) to carry out a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) of the plan as it developed. This legal requirement is an important element of testing the "soundness" of local plans that is required by National Planning Policy Framework 2012 paragraph 182.
- 3.10 Both the SA and SEA requirements were met through a single integrated process (referred to as SA), the method and findings of which were described in numerous SA reports published alongside the different versions of the DMB during its development. The final SA (October 2019) and SA Addendum (May 2020) are attached as Appendix 7. There are no implications on the SA of the main modifications. A SA Post Adoption Statement (Appendix 8) has been prepared ready for publication upon adoption of the DMB.
- 3.11 The adoption of the DMB means that the document will supersede what remains of the Birmingham Unitary Development Plan (UDP) (Chapter 8). The UDP was originally adopted in full in 2005 but the majority of the document was revoked in 2017 when the Birmingham Development Plan was adopted apart from the development control policies set out as Chapter 8 and attached as Appendix 4. The DMB will also supersede a number of outdated Supplementary Planning Documents and Guidance. Authority is therefore also sought to revoke and withdraw the remainder of the UDP as a result of the adoption of the DMB.

4 Appendices

Appendix 1 – Report of the Planning Inspectorate for the ‘Development Management in Birmingham’ Development Plan Document

Appendix 2 - Main modifications

Appendix 3 – Additional (minor) modifications

Appendix 4 – Saved policies of the Birmingham Unitary Development Plan 2005 (Chapter 8) to be superseded

Appendix 5 – Supplementary Planning Guidance to be superseded through the adoption of the Development Management in Birmingham Development Plan Document

Appendix 6 – Final version of ‘The Development Management in Birmingham’ Development Plan Document, including the main modifications and additional (minor) modifications

Appendix 7 - Sustainability Appraisal of the Development Management in Birmingham Development Plan Document and Addendum

Appendix 8 - Sustainability Appraisal of the Development Management in Birmingham’ Development Plan Document Post Adoption Statement

Appendix 9 - Development Management in Birmingham Development Plan Document Adoption Statement

Appendix 10 – Equalities Analysis of the final version of the ‘Development Management in Birmingham’ Development Plan Document

Appendix 11 - Cabinet Report 9th November 2021 – Adoption of the ‘Development Management in Birmingham’ Development Plan Document

5 Background Documents

Cabinet Report 27th July 2015 - Public Consultation on the Development Management Development Plan Document (Issues and Options)

Cabinet Report 22nd January 2019 - Public Consultation on the ‘Development Management in Birmingham’ Development Plan Document. (Preferred Options).

Cabinet Report 29th October 2019 - Public consultation on the Publication version of the ‘Development Management in Birmingham’ Development Plan Document

Cabinet Report 23rd June 2020 – Submission of the ‘Development Management in Birmingham’ Development Plan Document

City Council Report 14th July 2020 - Submission of the ‘Development Management in Birmingham’ Development Plan Document

Cabinet Report 16th March 2021 – Consultation on Main Modifications to the ‘Development Management in Birmingham’ Development Plan Document

Report to Birmingham City Council

by K Ford MSc MRTPI

Inspector appointed by the Secretary of State

Date: 30 September 2021

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Development Management in Birmingham Development Plan Document

The Plan was submitted for examination on 17 July 2020

The examination hearings were held between 10 and 12 November 2020

File Ref: PINS/P4605/429/10

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Abbreviations used in this Report

AONB	Area of Outstanding Natural Beauty
BDP	Birmingham Development Plan
The Council	Birmingham City Council
MM	Main Modification
NDSS	National Described Space Standard
NPPF	National Planning Policy Framework
The Plan	Development Management in Birmingham Development Plan Document
SRDTP	Standards for Residential Development Topic Paper (EBD40)
SPD	Supplementary Planning Document

Non-Technical Summary

This report concludes that the Development Management in Birmingham Development Plan Document (the Plan) provides an appropriate basis for the planning of the City, provided that a number of main modifications (MMs) are made to it. Birmingham City Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council has prepared schedules of the proposed modifications. The MMs were subject to public consultation over a 6 week period. In some cases I have amended their detailed wording where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deletion of part of Policy DM15 on parking standards.
- Changes to the monitoring framework.
- A number of other modifications to ensure the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Development Management in Birmingham Development Plan Document (the Plan) in terms of Section 20(5) of the Planning and 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 compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) 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 starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The Plan, submitted in July 2020 is the basis for my examination. It is the same document as was published for consultation in January 2020.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modification (MMs) necessary to rectify matters that make the Plan unsound and not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs. The MM schedule was subject to public consultation for 6 weeks. I have taken into account the consultation responses in coming to my conclusions in this report and reflecting this I have made some amendments to the detailed wording of the main modifications where necessary for consistency and clarity. None of the amendments significantly alters the content of the modification as published for consultation or undermines the participatory process. Where necessary I have highlighted these amendments in the 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 that would result from the proposals in the submitted local plan. In this case, there are no changes proposed to the Policies Map.

Context of the Plan

6. The Plan is proposed to replace the saved policies in the Birmingham Unitary Plan, adopted in 2005. The Plan area covers the city of Birmingham which has a population of over one million people. This is expected to rise to 1.25 million by 2031.
7. The city is a major employment centre, drawing workers from across the West Midlands to work in a wide range of employment sectors. The city centre is surrounded by many leafy suburbs and other residential areas. More than a fifth of the city's area consists of parks, nature reserves, allotments, golf courses and playing fields making Birmingham one of Great Britain's greenest cities.
8. The coronavirus pandemic started before the hearing sessions necessitating that they be undertaken virtually. Lockdown restrictions were also taken into account in the consultation arrangements on the MMs. The short, medium and long term social, economic and environmental impacts of the pandemic for the city and for the implementation of the Plan are unknown at the present time. Nevertheless, the Plan forms part of the framework to support the city's environment, communities and economy as it moves forward from the pandemic.

Public Sector Equality Duty

9. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the need for accessible and adaptable housing and inclusive design in development.

Assessment of Duty to Co-operate

10. 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.
11. The Council's Duty to Co-operate Statement sets out the work that has been undertaken with relevant Council's and prescribed bodies. There are no strategic policies in the Plan. However, the Council consulted relevant bodies when preparing the Plan. No strategic issues were identified and no concerns have been raised by prescribed bodies about cross boundary issues under the Duty to Co-operate.
12. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Duty to Co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

13. The Plan has been prepared in accordance with the Council's Local Development Scheme.
14. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement and I am satisfied that individuals have had suitable opportunity to engage meaningfully in the development of the Plan.
15. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal and published the report along with the Plan and other submission documents under regulation 19. The appraisal was reviewed to assess the main modifications. The SA is considered adequate.
16. The Council has reviewed the Plan against the requirements of the Habitats Regulations and Section 4.4 of the Sustainability Appraisal (October 2019) sets out why an Appropriate Assessment is not necessary. The Plan will not introduce any new effect pathways and will not have any significant effects on any European sites as a result of its implementation as it is an expansion and clarification of the strategic policies in the BDP. The BDP was determined not to have any likely significant effects on European sites, either alone or in combination with other plans.
17. The Plan, taken as a whole, includes policies designed to ensure that the development and use of land in the Council's area contributes to the mitigation of, and adaptation to climate change. This includes policies DM1, DM4, DM14 and DM15.
18. The Plan complies with all other relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

19. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 6 main issues upon which the soundness of the 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 or policy criterion in the Plan.

Issue 1: Whether the Plan gives effect to and is consistent with the Birmingham Development Plan

20. The Birmingham Development Plan was adopted in 2017 (BDP). It sets out the vision and objectives that will guide the future development of the City during the period up to 2031. It also establishes the spatial strategy and context for growth and how it will be planned, managed and delivered.
21. The role of the Plan, as set out in the Local Development Scheme is to provide detailed policies on a range of planning matters to ensure development in the city happens in the right place, delivers the best design and enhances infrastructure. The Plan builds on the strategic policies contained in the BDP, providing greater detail on a range of subjects for development management purposes. In doing so it assists in delivering the vision for the city and the 11 objectives contained in the BDP.
22. For the reasons set out above, I conclude that the Plan gives effect to, and is consistent with the BDP.

Issue 2: Are the environment and sustainability policies justified, effective and consistent with national policy?

Policy DM1 Air Quality

23. Birmingham has some of the highest levels of nitrogen dioxide exceedances outside of London and the whole city is designated as an Air Quality Management Area. It is estimated that poor air quality is responsible for some 900 premature deaths in the city each year. Policy DM1 seeks to ensure that new development considers air quality and is accompanied by an appropriate scheme of mitigation where negative impacts are identified. For effectiveness, **MM1** is necessary to identify that air pollution exposure will be considered at the development site or other relevant receptors and clarify that mitigation measures will be required as necessary. In the supporting text **MM1** also defines what is meant by unacceptable deterioration and unacceptable levels of air quality. This is necessary for effectiveness.

Policy DM2 Amenity

24. Policy DM2 seeks to protect the amenity of occupiers and neighbours of development with the aim of ensuring that places are fit for purpose and that development proposals are acceptable. In the case of residential development, the requirements of Policy DM10 link to the requirements of Policy DM2. More specifically, the separation distances referred to in Policy DM10 link to the achievement of criteria a, b and c of Policy DM2 and criterion d of Policy DM2 links to point 4 of Policy DM10. Cross reference to Policy DM10 is therefore necessary to make this effective. This is achieved through **MM2**.
25. For effectiveness **MM2** also defines what 'in the vicinity' means in relation to point h of the policy which is concerned with the individual and cumulative

impacts of development proposals in the immediate area. This is necessary for the purpose of effectiveness and clarity. There is little to indicate that the requirements of the policy are overly prescriptive or would stifle appropriate development, particularly in relation to noise. The supporting text identifies that businesses should not be subject to unreasonable restrictions where nearby land uses have changed since they were established. This is in line with paragraph 187 of the NPPF.

Policy DM3 Land affected by Contamination, Instability and Hazardous Substances

26. Policy DM3 seeks to ensure that land affected by contamination, instability and hazardous substances is brought back into use in a safe manner. **MM3** is necessary to ensure consistency with paragraph 174 of the NPPF with regards to the mitigation of risk where proposals for new development are to be located on land which is known to be or potentially contaminated or unstable.

Policy DM4 Landscaping and Trees

27. The Council recognises green infrastructure within the city as an asset that provides an important visual backdrop for development as well as a resource in mitigating the impacts of climate change.
28. Provisions within Policy DM4 ensure landscaping is integrated into the design of new development and takes a criteria-based approach in considering how existing landscaping should be factored into development proposals. The policy ensures that development takes opportunities to provide high quality landscapes that enhance landscape character and green infrastructure within the city. The policy is consistent with provisions in the NPPF in this regard.
29. For effectiveness it is necessary to specify in part 2 of the policy that the provision of new trees will be expected in appropriate locations within the multi-functional green infrastructure network. Following consultation on the MMs reference to 'other green infrastructure' has been deleted from **MM4** as it is unnecessary.
30. In part 3 of the policy it is necessary to make clear that development resulting in the loss or deterioration of Ancient Woodland or Ancient/ Veteran trees will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. This is to ensure alignment with the provisions of paragraph 180 of the NPPF.
31. Part 5 of the policy requires contributions to off-site tree planting where on site replacement is not achievable. For effectiveness, it is necessary to make reference to the Council's Tree Strategy, a Supplementary Planning

Document (SPD) that will contain the methodology for calculating the contributions.

32. For clarity on the definition of quality trees, reference to the British Standard for Trees BS5837 and associated terms used within it is necessary in the supporting text. It is also necessary for effectiveness to refer a requirement to replace category A, B and C trees if they are removed as a result of development. Although category C trees are lower quality they generate significant benefits in an urban environment and their loss could have a significant impact on total tree coverage in the city. Therefore, in order to be effective and protect the environment in line with the policy aims, reference to category C trees alongside category A and B trees is justified. **MM4** achieves the required amendments.

Policy DM6 Noise and Vibration

33. Policy DM6 identifies a requirement for new development to be designed, managed and operated in such a way that it reduces exposure to noise and vibration. For effectiveness **MM5** is necessary to clarify that the criteria of the policy apply only where it is relevant because of the presence of a sensitive receptor. In doing so the policy demonstrates flexibility.
34. **MM5** also makes changes to the supporting text which clarifies that noise assessments will be based on an understanding of the existing and predicted levels of environmental noise at both the development site and nearby receptors. The supporting text also refers to a guidance note on noise and vibration. For certainty it is necessary to explain that the document does not have SPD status. This is achieved through **MM5**.

Conclusion on Issue 2

35. In conclusion, subject to the aforementioned modifications, the Environment and Sustainability policies within the Plan are justified, effective and consistent with national policy.

Issue 3: Are the economy and network centres policies justified and consistent with national policy and will they be effective?

Policy DM8 Places of Worship and Faith Related Community Uses

36. With a diverse population, there are a wide range of faiths within Birmingham that generate a need for faith premises. The policy states that the preferred location for faith related community uses will be the network of centres, as defined in Policy TP21 of the BDP and outside of this where identified criteria are met. However, the BDP also identifies some site allocations where faith related uses would be acceptable. For clarity and to ensure the policy is effective the policy should be amended in line with **MM6** so that such allocations are also the Council's preferred location for places of

worship and faith related community uses, as well as the network of centres and locations that meet the policy criteria.

Policy DM9 Day Nurseries and Early Years Provision

37. Policy DM9 seeks to balance the need for suitable child care facilities for children with the need to protect the amenity of the occupiers of neighbouring development. To achieve this the policy takes a criteria-based approach to ensure the care facilities for children are appropriately located. The policy directs day nurseries and facilities for the care, recreation and education of children to the network of centres defined in Policy TP21 of the BDP and the locations that meet the listed criteria. However, in addition to this there may be allocations in the BDP where such facilities would be appropriate. For effectiveness and clarity **MM7** is therefore required.
38. For effectiveness the threshold number of children, above which a home would be considered a day nursery, does not include the children living at the address. For effectiveness, **MM7** also ensures cross reference is made to the Council's Parking Guidelines and Car Park Design Guide SPDs to ensure sufficient safe parking is provided at such developments.

Conclusion on Issue 3

39. In conclusion, subject to the above modifications the policies in the Plan on the economy and network centres are clear, justified, effective and consistent with national policy.

Issue 4: Are the homes and neighbourhoods policies justified and consistent with national policy and will they be effective?

Policy DM10 Standards for Residential Development

40. Policy DM10 deals with development standards for residential dwellings. This includes the nationally described space standard (NDSS), residential internal space standards and accessible and adaptable homes.
41. Planning Practice Guidance on Housing (optional technical standards) indicates that in establishing a need for internal space standards, local planning authorities should take account of need, viability and timing. The Council's Local evidence on the space standard in the Standards for Residential Development Topic Paper EBD40 (SRDTP) indicates that developments are meeting the space standard voluntarily. However, this could not always be guaranteed. Of the developments not according with the space standard a notable amount were more than 10% below the standard. The requirement in the policy is therefore justified.

42. For effectiveness, in point one of the policy it is necessary to make clear that the requirement to meet the NDSS does not include specialist accommodation which is covered by Policy DM12 and paragraph 4.27 of the Plan.
43. Part 2 of the policy requires that housing developments of 15 or more dwellings should seek to provide at least 30% of dwellings as accessible and adaptable homes, in line with Building Regulations Part M4(2). The SRDTP identifies that during the period 2019-2031 the number of people in the city aged 65 and over is expected to increase from 147,900 to 188,500, accounting for 15.1% of the total population. By 2031 47,142 people aged 65 and over are expected to have limiting long term illnesses whose day to day activities will be limited a little. A further 55,730 people's activities will be limited a lot. Overall, this equates to a 19.6% increase between 2019-2036. There is predicted to be a 7.4% increase in people aged 18-64 with moderate or severe learning disability living with a parent by 2030. In addition, it is also apparent from the SRDTP that the housing stock in Birmingham tends to be older and therefore more difficult and expensive to adapt. Based on the evidence, cumulatively there is a clear need for the provision of accessible and adaptable homes.
44. The viability evidence does not indicate that the requirements of part 2 of the policy would render development unviable. In individual instances where the requirements of part 2 of the policy may make development unviable there is provision for the requirements to be reviewed. The policy is effectively flexible in this regard.
45. There is scope within national policy to apply a transitional period during which the requirements of the policy do not apply. Given the length of time that has elapsed since the proposed submission document was subject to consultation, the development industry has been aware of the potential for such a policy for some time, even if it was not adopted policy. It is not considered necessary to provide a transitional period. Nonetheless, for effectiveness it is necessary to make clear that the policy does not apply to applications registered prior to the adoption of the Plan. Following consultation on the MMs I have added additional words to **MM8** to clarify this point.
46. There is little to demonstrate that the requirements of the policy would prevent housing sites from coming forward for development. Nevertheless, Policy DM10 makes provision for exceptions in part 6 and is therefore flexible. However, for clarity and effectiveness it is necessary to include further detail explaining that exceptions may be acceptable where physical constraints or financial viability issues can be demonstrated. For

effectiveness, the wording in the footnote to policy DM10 should make clear that the Places for Living SPD will have the status of guidance. **MM8** makes the necessary amendments that have been identified.

Policy DM13 Self and Custom Build Housing

47. The Self-Build and Custom Housebuilding Act 2015 requires Councils to keep a register of those seeking to acquire a plot for self-build and to have regard to the register in carrying out their planning, housing, land disposal and regeneration functions. Policy DM13 is a reflection of the increasing number of people on the register in Birmingham.
48. It is reasonable that affordable and custom build housing is considered a suitable product within the affordable housing requirement on larger sites. **MM9** is necessary for effectiveness to define what is meant by larger sites, with the definition of 200 dwellings justified with reference to the Council's monitoring threshold of largescale major developments. For effectiveness **MM9** also explains that it should not be substituted for social rented and affordable rented housing where it is needed.

Conclusion on Issue 4

49. In conclusion, subject to the identified modifications the homes and neighbourhood policies of the Plan are clear, justified, effective and consistent with national policy.

Issue 5: Are the connectivity policies justified and consistent with national policy and will they be effective?

Policy DM14 Transport Access and Safety

50. Policy DM14 sets out the transport and traffic considerations of new development to ensure there is no negative impact on the efficiency and safety of the system. An amendment to part one of the policy regarding the need to ensure the safety of highway users by avoiding unacceptable adverse impacts is necessary for consistency with paragraph 111 of the NPPF.
51. Part 5 of the policy deals with access points onto the strategic highway network within the city. The strategic highway network is defined in the BDP. For consistency with the BDP reference to other principle and main distributor routes should be deleted.

52. Amongst other things, part 6 of the policy supports new vehicle access points where it would not prevent or restrict the implementation of necessary or future transport improvements. For effectiveness, additional supporting text is necessary to clarify where details of the future transport improvements referred to in part 6e of the policy can be found. **MM10** achieves all the necessary amendments.

Policy DM15 Parking and Servicing

53. Policy DM15 seeks to manage parking and servicing provision within the city. As worded the policy directs details of the parking standards to the Council's Parking SPD. In the absence of evidence to demonstrate the parking standards in the document are justified, reference to the Parking SPD should be deleted. As identified in paragraph 008 in the Planning Practice Guidance on Plan Making SPDs cannot be used to introduce new policy and set standards.
54. For effectiveness, additional supporting text is necessary to explain the use of the SPD as a guide in the determination of planning applications. Furthermore, for effectiveness and to reflect the status of the SPDs as guidance the supporting text should also identify that the Council will take into account other circumstances in which an alternative level of parking provision will be considered. **MM11** achieves these changes.
55. Representors made reference to Government consultation to make electric vehicle charging facilities mandatory through Building Regulations. Nevertheless, any changes associated with the consultation have not yet been confirmed or implemented. The NPPF supports the transition to a low carbon future in a changing climate and encourages measures that contribute to the reduction of greenhouse emissions. The NPPF also identifies that, where practical, developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. The policy is consistent with national policy in this regard. The Council's Financial Viability Assessment indicates that the requirements of the policy would not have a significant impact on the viability of a development. **MM11** ensures that the policy promotes the provision of on street and off-street charging points. This is necessary for effectiveness and clarity.
56. For effectiveness and clarity, it is necessary through **MM11** to refer to the Parking SPD in the supporting text of Policy DM15 as the source of guidelines on the expected size of garages where they are to count towards parking provision. Following consultation on the MM's I have amended the wording in paragraph 5.16 to ensure it is clear that the reference is to guidance. **MM11** also includes requirements for servicing as well as parking to be designed to be secure and accessible to users and adhere to relevant SPDs. This is necessary for effectiveness.

Conclusion on Issue 5

57. Overall, subject to the above modifications, the connectivity policies in the Plan are clear, justified, effective and consistent with national policy.

Issue 6: Will the Plan be viable and deliverable and are the monitoring arrangements robust?

58. The Council's Financial Viability Assessment provides an assessment of Plan viability taking into account the requirements of the policies in the Plan. The assessment indicates that the Plan clearly sets out policy requirements so that they can be priced into land. Flexibility has been built into the policies where it can be justified and demonstrated that the requirements would impact on development viability.

59. Overall, the evidence is proportionate for its purpose and indicates that the deliverability of the Plan would not be put at serious risk as a consequence of the policies contained within it.

60. The monitoring framework for the Plan sets out a range of monitoring indicators. **MM12** is necessary to identify appropriate targets and triggers to enable the effective measurement of success in the delivery of the policies.

Conclusion on Issue 6

61. Subject to modification **MM12**, the Plan is viable and deliverable and provides robust monitoring arrangements.

Overall Conclusion and Recommendation

62. The Plan has a number of deficiencies in respect of 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 2004 Act. These deficiencies have been explained in the main issues set out above.

63. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to co-operate has been met and that with the recommended main modifications set out in the Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

K Ford

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

Appendix 2

Development Management in Birmingham Inspector Report Schedule of Main Modifications

MM Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through; new text is in <u>bold and underlined</u> .
MM1	Policy DM1 Air Quality Paragraph 2.7	<p>Policy DM1 Part 1 1. ...or increase exposure <u>at the development site or other relevant receptors</u> to unacceptable levels of air pollution will not be considered favourably.</p> <p>Policy DM1 Part 2 2. <u>Where required</u>, mitigation measures such as low and zero carbon energy, green infrastructure and sustainable transport can <u>to</u> help to reduce and/or manage air quality impacts and will be proportionate to the background air quality...</p> <p>Paragraph 2.7 (last sentence) 2.7 ...'Unacceptable' deterioration <u>and 'unacceptable levels' is are</u> defined as where the development, <u>in isolation or cumulatively</u>, would result in exposure to pollutant concentrations close to the limit values <u>within 5% of below the nationally or locally set objectives at the development site and/ or other relevant receptors; and where development would result in further exceedances where pollutant concentrations are already over the limit values.</u></p>
MM2	Policy DM2 Amenity Paragraph 2.20	<p>Add the following footnote to Policy DM2 Amenity: <u>See also Policy DM10 'Standards for Residential Development' where proposals relate to residential development.</u></p> <p>Paragraph 2.20 2.20 Consideration should not only be given to the impact of individual developments, but also to cumulative impacts of development proposals in the vicinity. <u>As a minimum, the definition of 'in the vicinity' is the area immediately adjoining and directly opposite the application site; but each proposal will be assessed on a site-by-site basis with scope agreed between the applicant and the Council through the planning application process.</u></p>
MM3	Policy DM3 Land affected by contamination,	<p>Policy DM3 Part 2 2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on</p>

MM Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through ; new text is in <u>bold and underlined</u> .
	instability and hazardous substances	detailed site investigation to <u>minimise and mitigate</u> remove <u>unacceptable</u> risks to both the development and the surrounding area and/ or groundwater.
MM4	Policy DM4 Landscaping and trees	<p>Policy DM4 Part 2</p> <p>2. The composition of the proposed landscape should be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees <u>in appropriate locations within a multi-functional green infrastructure network</u>, and other green infrastructure, create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.</p> <p>Policy DM4 Part 3</p> <p>3. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees <u>of quality</u>, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order., or which are designated as <u>Development resulting in the loss or deterioration of</u> Ancient Woodland or Ancient/ Veteran Trees <u>will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.</u> or which are designated as Where trees and/or woodlands are proposed to be lost as a part of development, this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.</p> <p>Policy DM4 Part 5 (Last sentence)</p> <p>5. ... Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement. <u>The method of calculating these contributions will be contained within the city's Tree Strategy.</u></p> <p>Paragraph 2.37</p> <p>2.37 Trees <u>of quality</u> classified <u>in line with BS5837</u> as being of categories A or B in value <u>quality and woodland and/ or hedgerows of visual or nature conservation value</u> should be considered as worthy of protection and development proposals should seek to avoid their loss and minimise risk of harm.</p> <p>Paragraph 2.39</p> <p>2.39 Where development would result in the loss of a <u>(BS5837) category A, B or C</u> tree(s) and / or other landscaping, adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent), pre-development canopy cover and biodiversity considerations. Reasonable deductions will...</p>
MM5	Policy DM6 Noise and vibration	<p>Policy DM6 Part 2</p> <p>2. <u>Applications for</u> Nnoise and/or vibration-generating development must, <u>where relevant</u>, be accompanied by an assessment of the potential impact of any noise and/ or vibration generated by the development on the amenity of its</p>

MM Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through ; new text is in <u>bold and underlined</u> .
	Paragraph 2.52	<p>occupiers, nearby residents and other noise sensitive uses/ areas, including nature conservation. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and/or mitigated.</p> <p>Policy DM6 Part 3</p> <p>3. <u>Applications for</u> Noise-sensitive development (such as residential uses, hospitals and schools) must, <u>where relevant</u>, be accompanied by an assessment of the impact of any existing and/or planned sources of noise and vibration in the vicinity of the proposed development including transport infrastructure, entertainment/cultural/community facilities and commercial activity. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and/or mitigated.</p> <p>Paragraph 2.52</p> <p>2.52 In all cases, the assessment will be based on an understanding of the existing and <u>predicted</u> planned levels of environmental noise <u>at both the development site and nearby receptors</u> and the measures needed to bring noise down to acceptable levels for the existing or proposed noise-sensitive development. A noise assessment and scheme mitigation will be required as part of the planning application. The determination of noise impact will be based on the Noise Policy Statement for England and the Planning Practice Guidance on Noise. <u>Although not a Supplementary Planning Document</u>, the Council also has a detailed guidance note on Noise and Vibration maintained by Environmental Health.</p>
MM6	Policy DM8 Places of worship and faith related community uses Paragraph 3.10	<p>Policy DM8 Part 1</p> <p>1. <u>Except for any specific allocation in the Local Plan</u>, the Council's preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres <u>these locations</u> will be considered favourably where...</p> <p>Paragraph 3.10</p> <p>3.10 The <u>preferred</u> most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP <u>and as part of any specific allocations in the Local Plan</u>. These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance.</p>
MM7	Policy DM9 Day nurseries and early years provision	<p>Policy DM9 Part 1</p> <p>1. <u>Except for any specific allocation in the Local Plan</u>, the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy</p>

MM Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through ; new text is in <u>bold and underlined</u> .												
	<p>Paragraph 5.14 (formerly 5.13)</p> <p>Paragraph 5.15 (formerly 5.14)</p> <p>Paragraph 5.16 (formerly 5.15)</p>	<p>3. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking <u>and servicing</u> should be designed to be secure and fully accessible to <u>its</u> all users and adhere to the principles of relevant Supplementary Planning Documents.”</p> <p>Paragraph 5.<u>14 (formerly 5.13)</u> ... It provides revised parking standards for all new developments in the city to reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. <u>The Parking SPD will be used as a guide in the determination of planning applications. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking provision.</u> The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city.”</p> <p>Paragraph 5.<u>15 (formerly 5.14)</u> 5.14 The Council will support and promote the provision of <u>on-street and off-street</u> charging points for ultra-low emission vehicles and car clubs. The availability of...</p> <p>Paragraph 5.<u>16 (formerly 5.15)</u> 5.15 Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space. <u>Guidance on this is contained within the Parking SPD.</u> This will help...</p>												
MM12	Appendix 2: Monitoring Framework	<p>Appendix 2: Monitoring Framework</p> <table><tr><th>Policy</th><th>Monitoring Indicator</th><th>Target</th><th>Trigger</th></tr><tr><td>Policy DM1 Air Quality</td><td><ul style="list-style-type: none">• Number of applications refused approved where proposals exceed nationally or locally set objectives for air quality, particularly for nitrogen dioxide, or increase exposure to unacceptable levels of air pollution <u>approved contrary to the policy</u>• Number of applications for fuelling stations refused due to air quality and percentage successfully defended at appeal <u>Number of applications refused on air quality grounds and successfully defended at appeal</u></td><td><ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u>• <u>All relevant appeal decisions uphold air quality impact as valid reason for refusal</u></td><td><ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u>• <u>10% of appeals where inspector rejected air quality as a reason for refusal</u></td></tr><tr><td>Policy DM2 Amenity</td><td><ul style="list-style-type: none">• Number of applications refused on amenity grounds and percentage of</td><td><ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u></td><td><ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u></td></tr></table>	Policy	Monitoring Indicator	Target	Trigger	Policy DM1 Air Quality	<ul style="list-style-type: none">• Number of applications refused approved where proposals exceed nationally or locally set objectives for air quality, particularly for nitrogen dioxide, or increase exposure to unacceptable levels of air pollution <u>approved contrary to the policy</u>• Number of applications for fuelling stations refused due to air quality and percentage successfully defended at appeal <u>Number of applications refused on air quality grounds and successfully defended at appeal</u>	<ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u>• <u>All relevant appeal decisions uphold air quality impact as valid reason for refusal</u>	<ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u>• <u>10% of appeals where inspector rejected air quality as a reason for refusal</u>	Policy DM2 Amenity	<ul style="list-style-type: none">• Number of applications refused on amenity grounds and percentage of	<ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u>	<ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u>
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MM Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through; new text is in <u>bold and underlined</u> .			
			refusals successfully defended at appeal <u>approved contrary to the policy</u> • Use of conditions securing compliance with the policy <u>Number of applications refused on amenity grounds and successfully defended at appeal</u>	<ul style="list-style-type: none"> • <u>All relevant appeal decisions uphold loss of amenity as valid reason for refusal</u> 	<ul style="list-style-type: none"> • <u>10% of appeals where inspector rejected amenity as reason for refusal</u>
		Policy DM3 Land affected by Contamination and Hazardous substances	• Number of applications where there are outstanding EA/HSE objections and no submission of a preliminary risk assessment, and where appropriate, a risk management and remediation strategy <ul style="list-style-type: none"> • <u>Number of applications approved contrary to the policy</u> • <u>Number of applications refused on contamination grounds and successfully defended at appeal</u> 	<ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold risk of contamination as a valid reason for refusal</u> 	<ul style="list-style-type: none"> • <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected contamination as reason for refusal</u>
		Policy DM4 Landscaping and Trees	• Ha/ sq. m. in loss of ancient woodland • Number of applications providing replacement trees/landscaping <u>approved without tree replacement provision (where relevant)</u>	<ul style="list-style-type: none"> • <u>No loss of ancient trees/ woodland</u> • <u>No applications approved without tree replacement provision (where relevant)</u> 	<ul style="list-style-type: none"> • <u>10% loss of ancient trees/ woodland</u> • <u>10% of applications approved without tree replacement provision (where relevant)</u>
		Policy DM5 Light Pollution	• Number of applications refused on light pollutions grounds and percentage successfully defended at appeal <u>approved contrary to the policy</u> • Number of applications refused on light pollution grounds and successfully defended at appeal	<ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold light pollution as a valid reason for refusal</u> 	<ul style="list-style-type: none"> • <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected light pollution as reason for refusal</u>
		Policy DM6 Noise and Vibration	• Number of successful planning enforcement cases carried out in relation to noise <ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on noise <u>impact</u> grounds and percentage 	<ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold noise impact as a valid reason for refusal</u> 	<ul style="list-style-type: none"> • <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected noise impact as reason for refusal</u>

MM Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through ; new text is in <u>bold and underlined</u> .			
			of refusals successfully defended at appeal • Number of applications approved with successful mitigation schemes		
		Policy DM7 Advertisements	• Number of enforcement cases successfully concluded • <u>Number of applications approved contrary to the policy</u> • Number of applications refused <u>on this policy</u> and percentage successfully defended at appeal	• <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold the reason(s) for refusal related to the policy</u>	• <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected the reason(s) for refusal related to the policy</u>
		Policy DM8 Places of Worship	• Percentage of permissions for places of worship granted inside/outside the network of centres • <u>Number of applications approved contrary to the policy</u> • Percentage of applications refused <u>on this policy and</u> successfully defended at appeal	• <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold the reason(s) for refusal related to the policy</u>	• <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected the reason(s) for refusal related to the policy</u>
		Policy DM9 Day nurseries and early years provision	• Percentage of permissions for day nurseries granted inside/outside the network of centres • <u>Number of applications approved contrary to the policy</u> • Percentage of applications refused <u>on this policy and</u> successfully defended at appeal	• <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold the reason(s) for refusal related to the policy</u>	• <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected the reason(s) for refusal related to the policy</u>
		Policy DM10 Standards for Residential Development	• Percentage of applications refused on space standards not being met successfully defended at appeal • <u>Number of dwellings meeting NDSS.</u> • <u>Number of dwellings provided as accessible and adaptable</u> • Percentage <u>Number</u> of applications refused on 45 Degree Code successfully defended at appeal	• <u>100% of dwellings meet NDSS</u> • <u>100% of development of 15 or more dwellings provide 30% accessible homes</u> • <u>All relevant appeals on 45 Degree Code policy successfully defended</u>	• <u>Provision of NDSS compliant homes falls below 80%</u> • <u>Provision of accessible and adaptable homes falls below 80%.</u> • <u>10% of appeals where inspector rejected 45 Degree Code policy as reason for refusal</u>
		Policy DM11 House in multiple occupation	• Percentage of applications refused successfully defended at appeals	• <u>No new areas with over 10% concentration of HMOs</u>	• <u>Increase in areas with over 10% concentration of HMOs</u>

MM Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through ; new text is in <u>bold and underlined</u> .			
			<ul style="list-style-type: none"> • <u>New areas with over 10% concentration of HMOs</u> 		
		Policy DM12 Residential conversions and specialist accommodation	<ul style="list-style-type: none"> • Percentage <u>Number</u> of applications refused on criteria not being met and successfully defended at appeal <u>approved contrary to policy</u> 	<ul style="list-style-type: none"> • <u>All relevant applications to meet the policy requirements</u> 	<ul style="list-style-type: none"> • <u>10% of applications approved contrary to the policy</u>
		Policy DM13 Self and custom building housing	<ul style="list-style-type: none"> • Number and of individuals and groups listed on the self-build register each year • Number of new homes granted exemption from CIL due to self/custom build Status • Numbers of plots made available for self and custom build each year 	<ul style="list-style-type: none"> • <u>No specific target</u> 	<ul style="list-style-type: none"> • <u>No specific trigger</u>
		Policy DM14 Highway and safety access	<ul style="list-style-type: none"> • Percentage <u>Number</u> of major applications which are accompanied by a Transport Assessment and a Travel Plan <u>approved contrary to the policy</u> • Percentage of refused applications successfully defended on appeal 	<ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> 	<ul style="list-style-type: none"> • <u>10% of applications approved contrary to the policy</u>
		Policy DM15 Parking and servicing	<ul style="list-style-type: none"> • <u>Number of applications approved contrary to the policy</u> • Number of applications refused <u>on this policy</u> on car parking or servicing grounds successfully defended at appeal 	<ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> 	<ul style="list-style-type: none"> • <u>10% of applications approved contrary to the policy</u>
		Policy DM16 Telecommunications	<ul style="list-style-type: none"> • Percentage <u>Number</u> of applications refused successfully defended at appeal <u>approved contrary to the policy</u> 	<ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> 	<ul style="list-style-type: none"> • <u>10% of applications approved contrary to the policy</u>

Appendix 3

Schedule Proposed additional (minor) changes to the Development Management in Birmingham Publication Document

This schedule details the minor changes to Development Management in Birmingham (Development Plan Document).

All of the changes identified relate to typographical errors and factual updates.

Text proposed to be deleted is struck through; text proposed to be added is in bold and underlined.

The changes are minor and do not materially change the policies or strategic direction of the Plan. The reasons for making each of the changes are clearly set out in the schedule.

The schedule of proposed changes should be read in conjunction with the Publication document. The page/paragraph numbers in the table refer to this document.

Page No.	Para / Policy No.	Amendment	Reason
5	N/A	Waheed Nazir <u>Ian MacLeod</u> <u>Acting</u> Director of Inclusive Growth	Change in personnel.
6	1.1 (bullet points below)	<u>Adopted</u> Balsall Heath Neighbourhood Development Plan <u>Adopted</u> Bordesley Park Area Action Plan	For consistency.
10	Policy DM1 Air Quality, Part 1	1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone, <u>particularly for nitrogen dioxide and particulate matter</u> . Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality; particularly for nitrogen dioxide and particulate matter, or increase...	Re-ordering.
15	2.29	Advice on how to ensure that development is suitable to its ground conditions and how to avoid risks caused by unstable land or subsidence is provided in the Planning Practice Guide <u>Guidance on</u> Land stability.	For consistency.
18	2.45	Proposals involving or adjacent to designated and un-designated historic assets <u>non-designated heritage assets</u> , must apply a...	Terminology correction.
20	2.50	'Planned' sources of noise mean sites in the nearby vicinity that are under construction; <u>sites with</u> extant consents; sites that have planning consent which are not yet started; and sites which are allocated in the development plan.	For consistency.
22	DM7 Advertisements Point 2	2. Illuminated advertisements <u>s</u> and signs...	Spelling error

Appendix 3

Page No.	Para / Policy No.	Amendment	Reason
22	DM7 Advertisements Point 3	3. The siting of advertisements hoardings....	Spelling error
24	3.12	Proposals will need to include travel plans...	Spelling error.
26	3.18	...mitigation measures will be put in place to minimise the impact form from noise and disturbance.	Spelling error.
26	3.21	... car parking provision and transport patterns,...	For clarity.
26	DM9, Point b	local amenity, parking, public and highway safety;	Missing comma.
31	4.21 Stage 2	...privately flats.	Spelling error
34	4.26	The BDP (Policies TP27 and 30) seeks to ensure that hew housing...	Spelling error.
34	4.29	If a site lies within an identified Area of Restraint, pPlanning permission may be refused on grounds that further development of such uses will have a harmful impact on local character, appearance, amenity and sustainable communities.	Explanatory text correction.
34	DM12, point c	...needs of it's intended occupiers...	Delete apostrophe.
36	Between 4.36 and 4.37	Bullets should be paragraph numbers: First bullet should be 4.37 Second bullet should be 4.38 Third bullet should be 4.39 Subsequent paragraphs should be numbered 4.40 – 4.43	Missing paragraph numbers.
42	Paragraph 5.13	5.13. The Council's parking <u>standards currently set out in the</u> is currently consulting on a new Parking Supplementary Planning Document (SPD) which will replace the existing Car Parking Guidelines Supplementary Planning Document (2012) <u>will be replaced by updated standards in the Parking Supplementary Planning Document</u> and elements of the Birmingham Parking Policy (2010).	Rephrasing.
44	5.21	...the cumulative exposure will not exceed the International Commission on N on-ionising R adiation P rotection (<u>ICNIRP</u>) G uidelines is needed....	Capital letters.
46	6.2	The Birmingham Authority Monitoring Report (AMR) will monitor the effectiveness of the policies of the Development Management policies.	Repetition.
46	Add a new paragraph 6.4	<u>Once the Development Management in Birmingham DPD is adopted, a review of the document will be undertaken at least every five years.</u>	Review period.
50	Appendix 2 Policy DM13	Self and Custom Building Housing	Wrong title

Appendix 3

Page No.	Para / Policy No.	Amendment	Reason
50	Appendix 2 Policy DM13	<ul style="list-style-type: none"> Number and of individuals and groups listed on the self-build register each year Number of new homes granted exemption from CIL due to self/custom build status Numbers of plots made available for self and custom build each year <u>Numbers of plots made available for self and custom build each year</u> 	Delete 'and'. Additional bullet point.
51	Appendix 3 The Design of new development (paras 3.14 – 3.14D)	Replaced by 'DM2 Amenity, <u>BDP PG3 Place making</u> '	Additional policy reference.
51	Appendix 3 Hotels and guest houses (paras 8.18- 8.22)	Replaced by ' <u>Policy TP24 Promotion of diversity of uses within centres, Policy TP25 Tourism and cultural facilities,</u> ' not DM2 Amenity, DM12 Residential conversions and specialist accommodation	Incorrect reference.
52	Appendix 3 DC11 Car Park Design Guide	Replaced by ' <u>Emerging Birmingham Design Guide SPD</u> ' not by the emerging Parking SPD.	Incorrect reference.
53 & 54	Appendix 3	Table headings DMB or other policy/ guidance <u>replacement</u>	Missing word.
53	ENV2 Nature Conservation Strategy for Birmingham	BDP TP12 Historic environment <u>Retain</u>	Explanatory error.
53	Appendix 3 Areas of restraint	Retain boundary and r Replace policy with DM12 Residential Conversions and Specialist Accommodation <u>and DM11 Houses in multiple occupation</u>	Explanatory error.
56	Glossary	Company Process Order <u>Compulsory Purchase Order</u> (CPO): an order which enables a statutory authority to purchase an area of land compulsorily for an approved project.	Incorrect term used plus spelling error
58	Glossary	'Statement of Community Involvement' entry needs to be separated from 'Modeshift STARS'	Layout error.

Appendix 4

Birmingham Unitary Development Plan 2005

Saved Policies to be superseded

*This document contains the policies of the Birmingham UDP
(2005) which were saved following the adoption of the
Birmingham Development Plan (BDP) on 10th January 2017.*

The Design of New Development

3.14 ~~[New developments will be expected to contribute, in terms of their design and landscaping, to the enhancement of the City's environment. In particular, the planting of trees will be encouraged where appropriate.] A high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. The design and landscaping of new developments will be expected to contribute to the enhancement of the City's environment. Good design may also help to promote and secure sustainable forms of development.~~

3.14A ~~In order to ensure a high standard of design in all new developments in accordance with the advice set out in PPG 1 – General Policy and Principles, the City Council has set out below a series of general good design principles. These are concerned with the design of and the relationship between buildings, streets, squares, parks, nature conservation areas, waterways and other spaces that make up the public domain. This includes the nature and quality of the public domain itself, the relationship of one part of the City with other parts, and the patterns of movement and activity which are thereby established.~~

3.14B ~~In submitting applications for new development, including outline applications, developers will be expected to demonstrate that the scheme has been considered as part of its context. Apart from very minor applications affecting unlisted buildings outside conservation areas, and changes of use which do not affect the character or appearance of an existing building, all development proposals should be accompanied by a short written statement setting out the design principles adopted. In addition, all proposals should be accompanied by plans, elevations and drawings or photographs showing the site and the proposed development in relation to the surrounding buildings and uses. Where appropriate, developers should also provide illustrations showing the impact of their proposals at a detailed level. In more complex schemes, pre-application discussions are recommended in order to avoid unnecessary delays at a later stage. Design statements should be part of such discussions. To avoid problems of piecemeal and incremental development on very large development sites, comprehensive master plans or development briefs should be prepared to aid in the formulation and consideration of individual proposals~~

3.14C ~~Development should have regard to the development guidelines set out in "Places for All," "Places for Living," the Birmingham Nature Conservation Strategy, the Conservation Strategy, the Canalside Development Design Guidelines and any other relevant Supplementary Planning Guidance/ Documents.~~

Good Urban Design Principles

3.14D ~~Applications for new development will be assessed against the following principles:~~

- ~~• The City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, including topography, street patterns, building lines, boundary treatments, views, skyline, open spaces and landscape, scale and massing, and neighbouring uses;~~
- ~~• Local characteristics which are considered detrimental in terms of urban design and which undermine the overall character of the area should not be used as a~~

precedent for the design of new developments; for example, buildings that back onto the public realm;

- **The scale and design of new buildings and spaces should generally respect the area surrounding them, and should reinforce and evolve any local characteristics, including natural features such as watercourses, which are considered to be positive;**
- **People should be able to move around freely, easily and safely throughout the City: therefore in new developments, streets and routes should generally link up rather than take the form of culs-de-sac and dead ends;**
- **Mixed uses will be encouraged in centres, and in other areas where they can contribute towards meeting an identified local need;**
- **To ensure that places feel safe, pleasant and legible, the fronts and backs of buildings should be clearly defined. Windows and more active rooms should face the public realm and main entrances should open onto the public realm, whereas the backs of buildings should be private and face other backs;**
- **Landscaping should be an integral part of all major development proposals, and this should be designed to complement the new development and the surrounding area;**
- **Any existing mature trees should be retained where possible, and the planting of new trees will be required where appropriate in accordance with the policy set out in paragraph 3.16A below.**

CHAPTER 8 - ADDITIONAL CITY-WIDE POLICIES

Introduction

8.1 There are a number of specific issues which are not dealt with in previous chapters which require detailed development control guidance. These relate to applications for or affecting the following:

- Hot food shops and restaurants/cafes
- Amusement centres and arcades
- Car hire booking offices
- Day nurseries
- Hotels and guest houses
- Houses in Multiple Paying Occupation
- Flat conversions
- Hostels and residential homes
- Places of worship
- Development affecting Archaeological Remains
- Notifiable Installations
- The 45° Code for House Extensions
- Parking of vehicles at commercial and industrial premises adjacent to residential property
- Planning Obligations
- Telecommunications
- Development in the Green Belt
- Enforcement Policy

8.2 Detailed policies for these matters [uses] are set out here. These seek to make proper provision for development whilst at the same time taking account of the need to protect, and wherever possible improve the physical quality of the environment. They therefore give positive guidance on suitable locations for certain uses, where appropriate, and the criteria that will be considered to ensure that the development does not adversely affect residential amenities or the locality generally. Guidance on the use of planning obligations is also provided in this chapter.

8.3 As well as the detailed policies set out here planning applications will be considered in the context of the following:

- Strategic policies set out in chapters two to seven
- Constituency Statements in chapters nine to twenty-one
- **Supplementary Planning Guidance (SPG):** *[current documents are listed in Annex 2.] all current and proposed City-wide SPG documents (at 2001) are listed at the end of this chapter (see Other Policies). Current and proposed area - and site- specific SPG documents (at 2001) are listed at the end of each Constituency Statement. The City Council's policies towards SPG are set out in paragraphs 8.70 - 8.72 below.** This provides further information on the standards and criteria which the City Council will use to assess planning applications, and may be amended/supplemented as necessary.

8.4 Examples of strategic policies from chapters two to seven which will be applied in conjunction with the policies set out below when assessing applications for the uses dealt with in this chapter include the following:

- Applications for service uses in shopping centres (eg. amusement centres, hot food shops) should also be considered in the context of policies for shopping in chapter seven. For example, these state that service uses should not be permitted where they create significant areas of dead frontage or would be at the expense of the primary retail function of the centre.

* N.B. The policy towards SPG in this Chapter pre-dates the Planning and Compulsory Purchase Act 2004. No new SPG has been prepared by the City Council since it came into effect. The lists of SPG in this Chapter and in the Constituency Chapters were accurate at the time that the UDP Alterations were prepared early in 2001. An up-to-date listing of SPG currently in use and new Local Development Documents (LDDs) in preparation may be found in the current Local Development Scheme (LDS) for Birmingham.

- Applications involving alterations to existing premises and new development should be considered in the context of policies for the built environment in chapter three which states that the design of new buildings should contribute to the enhancement of the City's environment.

8.5 Finally, the policies set out here are not exhaustive as they do not cover all circumstances, and there may be instances where other matters may be relevant. Each application will therefore be considered on its merits having regard to these guidelines, and any other material considerations.

Hot Food Shops and Restaurants/Cafes

8.6 This policy applies to restaurants, cafes and premises used for the sale of hot food for consumption off the premises (take-away hot food shops), which are uses that fall within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). They will also be largely applicable to wine bars but will not apply to public houses.

8.7 The following criteria have been approved by the ~~[Planning Committee]~~ City Council and give general guidance as to where new hot food shops, restaurants and cafes can acceptably be located. They will therefore be used by the City Council when considering planning applications for such development. However the guidelines will only represent one consideration; the City Council is required to consider each proposal on its individual merits and it must be emphasised that this will be done. There may well be circumstances where, due to the specific type of operation proposed, any likely adverse impact may be lessened and hence consent could be granted to that specific use. More detailed advice on the interpretation and application of these guidelines may be obtained from the Department of Planning and Architecture.

- Due to the amenity issues usually associated with such development (late night opening, noise, disturbance, smell and litter) and their impact on traffic generation, hot food shops and cafes/ restaurants should generally be confined to shopping areas or areas of mixed commercial development.
- Within such areas and wherever similar facilities exist, account will be taken of the cumulative impact of such development particularly in terms of impact on the amenity of the area and traffic generation. Where concentrations of facilities exist that are already causing such problems planning consent may well be refused if the additional use would cause further demonstrable harm.
- Where a proposal involves evening opening (and this is likely to be the case in most instances), account will be taken of the following factors in addition to other considerations: proximity (to both the premises themselves and areas that are likely to be used for car parking purposes) and extent of any nearby residential accommodation, the nature and character of the centre, and ambient noise levels. With these factors in mind, the Council will be particularly concerned to ensure that proposed hot food shops and cafes/restaurants do not give rise to additional problems of noise and disturbances, such as to cause demonstrable harm, for the occupiers of any nearby dwellings. To ensure this, conditions may be attached restricting evening opening hours, normally requiring the premises to be closed and cleared of customers by 11.30 p.m.
- When considering a proposal, and particularly the change of use from an existing shop, account will be taken of the impact that it will have on the vitality and viability of the frontage and centre of which it forms part. Where a primary retail frontage has been identified within a shopping centre, the change of use of existing retail premises to a hot food shop/restaurant or cafe will not be permitted. Elsewhere, within shopping areas or areas of mixed commercial development, a proposal will be considered on its merits with account being taken of the character and prosperity of the centre (e.g. as evidenced by the number of vacant units) and subject to the other specified criteria.
- In all cases, account will be taken of proposed opening hours in considering the merits of a proposal.
- The availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety will be important considerations. Where there is insufficient car parking or likely traffic

movements are such as to create a traffic hazard planning consent is likely to be refused.

- **If a proposal is for a specific use which it is alleged would not give rise to the problems outlined above, full supporting justification must be given. In such cases, if consent is granted, a condition would normally restrict the use to that applied for.**

[Further guidance on likely conditions is outlined in Supplementary Planning Guidance.]

Amusement Centres and Arcades

8.8 Amusement centres are premises used exclusively or predominantly for the conduct of games of chance for profit. Amusement arcades are premises used exclusively or predominantly for the conduct of games for amusement only.

8.9 Amusement centres and arcades may appropriately be located within larger shopping areas and areas of mixed commercial uses. However, regard will need to be paid to the likelihood of noise and disturbance problems for the occupants of any nearby residential accommodation (e.g. above shops) and issues relating to the safety and free flow of pedestrians and vehicles on the adjoining highway.

8.10 Planning permission is likely to be refused for amusement centres or arcades in cases where:

- The site is situated within a predominantly residential area.
- The site forms part of an identified primary retail frontage **or is identified as an area where planning permission will be refused for additional non-retail uses**
- The proposal would generate a degree of noise and disturbance demonstrably greater than existing levels of noise and activity in the surrounding area, and which would adversely affect occupiers of residential accommodation in close proximity to the site, **in particular, living accommodation above shops.**
- It can be demonstrated that noise and disturbance likely to be generated by the proposal would be unduly obtrusive to users of places of worship, schools, hospitals or other community, cultural or institutional premises in the vicinity of the application site.
- The proposal would adversely affect the appearance or setting of a statutorily listed building, or the character or appearance of a conservation area.
- The proposal would prejudice the safety and free movement of pedestrians and motor vehicles due to a combination of circumstances in the vicinity of the site.
- **Proposals would result in the creation or consolidation of areas of “dead frontage” within predominantly retail frontages, which would detract from the shopping character and attractiveness of such areas, or where the loss of a**

retail use would be detrimental to the maintenance of a local shopping facility for the local community.

8.10A Any external works, such as alterations to the front elevation of premises, should be sympathetic to the overall character and appearance of the surrounding area. This includes the treatment of the street frontages of individual units within indoor shopping developments.

[Further guidance on likely conditions is contained in Supplementary Planning Guidance.]

Car Hire Booking Offices

8.11 This policy applies to private car hire booking offices, but not to self drive car hire booking offices.

8.12 Applications will normally be granted where:

- There is no residential accommodation within 50 metres of the proposed premises.
- The proposed development would not adversely affect the amenities of the occupiers of dwellings in the area because of noise and disturbance.
- The proposal does not make use of accommodation which could readily be used for housing purposes.
- Nearby highways are not subject to 'no waiting' restrictions.
- Off-street parking is available adjacent to the booking office and is adequate for the number of vehicles used by the applicant.

8.13 Applications will be likely to be refused where:

- The proposed premises are within 50 metres of residential accommodation and the hours of operation extend beyond the normal working day.
- No parking facilities are provided off the highway or where parking proposals are inadequate or unsuitable for the number of vehicles used by the applicant.
- The proposed development would be likely to result in interference with the free flow of traffic in the adjoining highway, or is generally dangerous to traffic.

Day Nurseries

8.14 Day nurseries fall within the Class D1 - Non-residential Institutions Use Class of the Town and Country Planning (Use Classes) Order, 1987 (as amended). Although a day nursery and child minding use are essentially the same there is a fundamental difference in scale, with a day nursery existing where premises [are used to supervise more than seven children under school age.] have been altered to provide facilities to meet registration standards required under the Children's Act 1989.

8.14A External play areas provided as part of day nurseries should be adequately screened, and a proportion of open area provided with a safe, all-weather finish.

Use of Dwellinghouses

8.15 The following guidelines will be used when considering planning applications for the use of dwellinghouses as day nurseries:

- Day nurseries should generally be confined to detached houses. Properties which may be particularly appropriate are those which have good separation from adjacent residential properties or which are not adjoined on all sides by other residential uses and those which have adequate on-site parking with suitable and safe access and egress.
- Semi-detached and terraced residential properties due to their proximity to other adjoining residential property are not generally suitable for the location of day nurseries, except where adjoined by non-residential uses.
- Proposals for semi-detached houses may be considered where it can be demonstrated that the number of children proposed or the location of nursery rooms is unlikely to cause undue noise and disturbance nuisance to adjoining residential occupiers, and no suitable alternative exists in a particular area.
- Where a proposal relates to a site in an area which already contains premises in a similar use, properties used for hotels, hostels, residential care/nursing homes, self contained flats and houses in multiple paying occupation account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in the Constituency Statements or in Supplementary Planning Guidance planning permission may be refused on grounds that further development of such uses would adversely affect the character of the area.
- Proposals for day nurseries in residential frontages should [normally] retain [an element of] a predominantly residential use on the upper floor(s), with rooms facing onto the street being restricted to residential use. The residential use should provide a viable residential unit capable of being occupied by a minimum of two people. Any external work, such as alterations to the front and side elevation of residential properties should be sympathetic to the overall character and appearance of the surrounding area.
- Day nurseries will not be accepted in residential roads which have a general absence of non-residential traffic and contain houses capable of single family occupation.

The Use of Non Residential Properties and Locations Within Commercial/Mixed Use Frontages

8.16 The following guidelines will be used when considering planning applications for use of non-residential properties and locations within commercial/mixed use frontages:

- Favourable consideration may be given to proposals for day nurseries within mixed use frontages and commercial areas. This will be subject to the availability of convenient on-street and where required off-street parking with satisfactory access; a satisfactory environment must also exist for the location of a day nursery.

~~[8.17 Further Supplementary Planning Guidance is available on detailed requirements including car parking, external play areas and the type of planning conditions which may be appropriate.]~~

Hotels and Guest Houses

8.18 This policy applies to hotels and guest houses which fall within Class C1 of the Town and Country Planning Use Classes Order 1987 (as amended). It will not apply to hostels which are the subject of separate policy guidelines.

Policy for new major hotels

8.19 The following guideline will apply when assessing planning applications:

- In order to provide a balanced range of hotel bedspaces capable of meeting the needs of tourism and business visitors, the provision of additional hotels and extensions will be encouraged subject to local planning, amenity and highway considerations.

Policy for new small hotels and guest houses

8.20 The provision of new facilities will ~~[be encouraged where]~~ normally be refused where proposals do not comply with the following criteria:

- The site is on a major traffic route in the City, and is served by public transport.
- The section of the major traffic route is already predominantly commercial in nature.
- The site is not on a major traffic route but is within a predominantly commercial area.
- The site is on the fringe of an established centre, in a frontage which already contains mixed commercial/ residential uses and it can be demonstrated that the proposal would not adversely affect standards of residential amenity and the existing character of the area.
- The property is not attached to any residential property.
- The existing properties are too large for residential occupation as single family accommodation.
- There is sufficient site area to accommodate car parking and provide physical separation from adjoining uses.

Extensions to existing small hotels and guesthouses

8.21 The following guidelines will apply when assessing planning applications:

- Existing hotel premises which meet the criteria set out in paragraph 8.20 will be permitted to extend and improve existing facilities subject to compliance with [the relevant criteria set out in Supplementary Planning Guidance] other relevant policies.
- Existing premises within predominantly residential areas may be permitted to extend and improve existing facilities where no additional amenity/traffic problems would be created.

Ancillary Facilities

8.22 ~~[Supplementary Planning Guidance sets out detailed requirements for the design and layout of new developments and extensions, car parking, highway issues, and the use of ancillary facilities such as restaurants/bars and conference rooms by non-residents.]~~ Many hotels now provide extensive ancillary facilities such as restaurants, bars, leisure/fitness centres, function rooms and conference facilities. Further car parking may be required to serve these facilities, over and above that associated with the number of bedrooms. The level of parking required will depend on the size and type of facilities, the hours of use, accessibility to public transport and the number of parking spaces already available. In situations where the provision of additional car parking spaces is not possible or acceptable, applications for non-residential uses will be refused.

Houses in Multiple Paying Occupation

8.23 This policy applies to dwellings which are either let in one or more separate tenancies, or are occupied by persons who do not form a single household.

8.24 The following criteria will be referred to in determining planning applications:

- The effect of the proposal on the amenities of the surrounding area, and on adjoining premises;
- The size and character of the property;
- The floorspace standards of the accommodation;
- The facilities available for car parking;
- The amount of provision in the locality.

8.25 The following guidelines will also apply:

- Generally, the use of small terraced or small semi-detached houses for multiple paying occupation will cause disturbance to the adjoining house(s), and will [normally] be resisted. The impact of such a use will depend, however, on the existing use of adjoining properties and on the ambient noise level in the immediate area.*

- Where a proposal relates to a site in an area which already contains premises in similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

Flat Conversions

8.26 This policy applies to the subdivision or conversion of properties into self-contained dwelling units. *The Supplementary Planning Guidance for the design of new residential developments also applies to flat conversions.*

8.27 The following guidelines will apply when assessing applications for such uses:

- Proposals should not have an unduly adverse effect on the residential amenities of adjoining occupiers. The potential for noise and disturbance nuisance will vary according to the size and type of property involved, the number of flats proposed, the existing use of adjoining properties, and ambient noise levels in the vicinity. Generally, detached properties are most appropriate for flat conversions, semi-detached and terraced properties may be considered suitable but the potential effect on adjoining occupiers will be assessed particularly carefully.
- Properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout. (Favourable consideration will not normally be given to the sub-division of single dwellinghouses with 3 or less bedrooms into smaller dwelling units). Notwithstanding this, in some parts of the City there are particular shortages of large family accommodation and the City Council will be sensitive to any such need when considering proposals for flat conversions.
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple occupation, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.
- Proposals should not prejudice the safety and free flow of pedestrians and traffic in the adjoining highway. Provision should generally be made for off-street car parking facilities for occupants, but the level of parking provision deemed appropriate in any particular instance will take into account the nature of the road(s) which a site adjoins, existing traffic conditions in the vicinity, the availability of alternative parking provision in the area and the importance of retaining site features which contribute to the character of the area.

- **Any external works forming part of a proposal should be sympathetic to the character and appearance of the application property and the surrounding area.**

Hostels and Residential Homes

8.28 This policy applies to hostels and to residential care homes as defined by Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended). ~~*[It also applies to hostels as defined by Class C1 (Hotels and Hostels) but does not apply to hotels and guest houses.]*~~

8.29 The following guidelines will apply in assessing planning applications for such uses:

- Proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Hostels and residential care homes are normally most appropriately located in large detached properties set in their own grounds. The development of such uses in smaller detached or large semi-detached or terraced houses ~~*[may also be acceptable, where]*~~ **will not be acceptable, unless [the amenity of]** adjoining occupiers can be safeguarded against loss of amenity due to, ~~*for example,*~~ undue noise~~*[,]*~~ **or** disturbance ~~*[etc].*~~
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on grounds that further development of hostels, residential care homes or other similar uses would adversely affect the character **and appearance** of the area.
- Proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character **and appearance** of the area.
- Proposals should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents. The amount and location of such space should be related to the proposed number of residents and their particular needs. ~~*This should normally be a minimum of 16 sq.m of space per resident, separate from car parking areas, access ways and circulation space, and should take account of factors such as privacy, aspect, shelter and gradient.*~~

8.30 ~~*[Further guidance on likely conditions is outlined in Supplementary Planning Guidance.] In order to protect the amenity of occupiers of nearby properties and the character of the area, proposals should take account of other relevant policies in this*~~

Plan (e.g. the 45° Code for House Extensions - see paragraphs 8.39-8.44 - and Parking of Vehicles at Commercial, Institutional and Industrial Premises adjacent to Residential Property - see paragraphs 8.45-8.49), and in Supplementary Planning Guidance (e.g. Residential Buildings and Design, Design Guidelines for New Residential Development- "Places for Living", Access for People with Disabilities and Car Parking Guidelines).

Places of Worship

8.31 This policy relates to the use of land and buildings, for, or in connection with, public worship or religious instruction, which are uses which fall within Class D1 (Non-residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Purpose Built Places of Worship and/or Religious Instruction

8.32 The following guidelines will apply in assessing applications for such uses:

- In the case of premises which are intended to serve a wide catchment area and/or are likely to be used for festivals and ceremonies attracting substantial numbers of people, sites should be of sufficient size and located so as not to cause loss of amenity to occupiers of nearby residential accommodation through undue noise and disturbance nuisance. Sites which may be particularly appropriate are those which adjoin main roads and/or are on the fringe of commercial areas. Where a site is located in a predominantly residential area, the development should take account of the need to avoid attracting extraneous traffic to quiet residential streets, in order to minimise disturbance to residents.
- The site should be capable of accommodating a development which may be non-domestic in scale and of non-traditional design.
- In assessing the amount of car parking to be provided regard should be had to the capacity of the road network and proximity of public transport facilities, the availability of alternative parking in the area, the scale of the development and car ownership levels. Off-street car parking spaces should be located so as to minimise noise and disturbance to adjoining occupiers and safeguard the visual amenity of the surrounding area.

Conversion of Existing Buildings to provide Places of Worship serving the needs of more than just the immediate local population

8.33 The following guidelines will apply in assessing applications for such uses:

- Such proposals generally relate to premises of domestic scale, and are intended to serve the needs of more than just the local community. The Council accepts that in principle such uses may be appropriately sited in residential areas. However, in certain instances all buildings e.g. commercial/ industrial may also be suitable for conversion.

- The use of detached dwellinghouses or pairs of semi-detached houses will normally be considered acceptable in principle. Similarly the use of end terraced houses or one half of a pair of semi-detached houses will normally be acceptable where a Priest or other officer of the religious body occupies the adjoining house. The use of terraced houses and semi-detached where the Priest or other official does not live in an adjoining house may be considered favourably. However, in such cases when considering whether a particular proposal is acceptable regard will be had to:-
 - **Whether the site is within an Area of Restraint (see paragraph 5.19B).**
 - Results of the public participation exercise.
 - The local population characteristics.
 - The means of pedestrian access.
 - The nature of the immediate surroundings.
 - The likelihood of noise emanating from the premises, and the degree to which it can be prevented.
 - The number of non-residential uses that already exist within a residential area.
- Except where sites adjoin busy traffic routes, proposals for developments of this type will not normally be required to include provision for off street parking.

Local Prayer Houses

8.34 This type of use serves only an immediate local or neighbourhood need and generally occupies smaller premises. The criteria applicable in assessing such properties are those stated in paragraph 8.33. Weddings, festivals and funerals which attract large numbers of people will not **[normally]** be permitted to take place in this type of facility.

Social, Cultural and Educational Facilities

8.35 The most common type of use in this category is educational establishments and these will usually vary in impact with activity linked to certain hours, noise and traffic generation problems may occur particularly with arrival and departures. The criteria used to assess proposals are listed in paragraph 8.33.

Development affecting Archaeological [Sites and Monuments] Remains

8.36 Development proposals affecting **[areas of]** archaeological **[importance]** **remains** will be considered in the light of the following policies:-

- **an assessment of the archaeological aspects of development proposals will be ~~[examined and evaluated]~~ required from applicants before the planning application is determined. Planning permission will not ~~[normally]~~ be granted in cases where the assessment of the archaeological implications is inadequate.**
- **development proposals which will have an adverse effect on scheduled ancient monuments and other nationally important archaeological ~~[sites and monuments]~~ remains and their settings will not ~~[normally]~~ be allowed.**
- **development adversely affecting other known ~~[sites and monuments of archaeological significance]~~ archaeological remains will be resisted although permission may be granted if the applicant has demonstrated that particular archaeological ~~[sites and monuments]~~ remains will be satisfactorily preserved either in situ or, where this is not feasible, by record.**
- **where appropriate, Section 106 agreements will be negotiated to protect, enhance and interpret archaeological remains.**

More detailed policies are contained in the Conservation Strategy (Supplementary Planning Guidance) and will be included in the Archaeology Strategy which is being prepared as Supplementary Planning Guidance.

Notifiable Installations

8.37 Certain sites and pipelines are designated as notifiable installations by virtue of the quantities of hazardous substance stored or used. The siting of such installations will be subject to planning controls aimed at keeping these separated from housing and other land uses with which such installations might be incompatible from the safety viewpoint. To this end, the advice of the Health and Safety Executive will be sought on the suitability of proposals for development of such notifiable installations in relation to the risks that the notifiable installation might pose to the surrounding population.

8.38 There are a number of installations within the City which handle notifiable substances, including high pressure natural gas transmission pipelines. Whilst these are subject to stringent controls under existing Health and Safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. In determining whether or not to grant consent for a proposed development on land within these consultation distances account will be taken of advice received from the Health and Safety Executive on risks to the proposed development from the notifiable installation.

The 45⁰ Code for House Extensions

8.39 This Code applies to new buildings and extensions to existing premises which might affect adjoining residential occupiers. Its purpose is to achieve a reasonable balance between the interests of those wanting to develop or extend, and the interests of the occupiers of adjoining residential accommodation by ensuring that development would not seriously affect the outlook or daylight of these properties.

8.40 To comply with the Code, new building work should be designed so as to not cross the appropriate 45⁰ line drawn from the nearest front or rear window of the residential accommodation that may be affected. This window must be the main source of light to a habitable room. (e.g. a living room, kitchen, conservatory or bedroom).

8.41 If the extension/building is single storey the line is drawn from the midpoint of the nearest ground floor window of the adjoining premises. If the extension/building is two storey the measurement is taken from the quarter point of the nearest ground floor window.

8.42 If the neighbouring property has already been extended, the measurement is normally taken from the nearest habitable room window of that extension. If the neighbouring property has an extension which is made mainly of glass the Code is applied to the original window opening in the wall where the extension has been added.

8.43 The Code will be applied if a further storey is added to an existing single storey extension. The Code is applied to applications for new conservatories built mainly of glass, although this is taken into account when looking at their potential impact.

8.44 Further details and information on applying the Code and circumstances which may affect the use of the Code are contained in a separate explanatory leaflet.

Parking of Vehicles at Commercial, Institutional and Industrial Premises Adjacent to Residential Property

8.45 These guidelines apply to car parking proposals relating to commercial, institutional and industrial premises which could cause noise, disturbance or loss of amenity to the occupiers of adjoining residential property. Parking proposals relating to commercial, institutional and industrial premises which cause unacceptable noise, disturbance or loss of amenity to the occupiers of adjoining residential property will not be permitted. Such proposals will be expected to comply with the City Council's Supplementary Planning Guidance relating to this issue.

Development adjoining rear gardens of houses

8.46 Reasonable distance separation should exist by virtue of the length of rear gardens. Where rear gardens are short, consideration will be given to setting the car parking spaces off the boundary to provide a buffer area. To maintain privacy screen fencing or walling should be provided on the boundary.

Development facing houses across the road

8.47 Whilst the highway should provide adequate distance separation parking areas should be screened by means of fencing/walling and planting. Without prejudice to highway safety a vehicular access if required should be positioned to avoid car headlights shining directly into the windows of houses opposite.

Development adjoining side curtilage of houses

8.48 Wherever possible a buffer strip of land with good quality planting should be maintained where a car park would otherwise abut the side of the curtilage of a house. Its depth and extent will be dependent on the proximity to the boundary of habitable rooms in the house, the presence of intervening structures e.g. a garage/ outbuilding, and the existing or proposed boundary treatments. As a guide, the minimum distance between the car park surfaced edge and the house gable wall should be 5m where no intervening structure exists. Screen boundary fencing/walling will be required to provide privacy. Where a vehicular access is required and without prejudice to highway safety, it should normally be positioned away from the boundary to the adjoining house.

Development involving an extension to premises as well as new parking facilities

8.49 Where development involves an extension to premises as well as new parking facilities, an assessment of the general effect of the car park in conjunction with the extension on the residential area through any overall increase in vehicular traffic will need to be made, with particular reference to amenity and road safety considerations.

Planning Obligations

8.50 This policy relates to the use of planning obligations made under section 106 of the Town and Country Planning Act 1990 (as substituted by Section 12 of the Planning and Compensation Act 1991).

8.51 The City Council will take all appropriate opportunities to negotiate planning obligations (also known as planning benefits or planning agreements) to enable development to proceed, and to secure the proper planning of the development and of the area. The City Council will also encourage developers to provide other planning benefits which are beneficial to the development and the area. However, unacceptable development will not be permitted because of unnecessary or unrelated benefits offered by an applicant.

8.52 This policy applies to all proposed developments. Examples of obligations which may be sought in appropriate circumstances are set out in Figure 8.1. Where the need arises, measures other than those set out in Figure 8.1 will also be sought as planning obligations.

8.53 In determining the type, scale and mix of benefits, the City Council will have regard to the following:

- This Plan**

- Relevant Local Action Plans, Development Briefs and other Supplementary Planning Guidance
- Other relevant City Council policies
- Government Guidance
- The views of the community and other consultees, including Ward Sub-Committees
- The views of the developer
- The type of development
- Any specific local needs

In assessing the appropriate level of benefit, the City Council will also take account of the economic viability of the scheme and any exceptional costs associated with the development - for example land reclamation costs, or exceptional costs associated with the conversion of an existing building.

8.54 The City Council has also produced a Code of Practice, which sets out the procedure for negotiating planning obligations. This aims to ensure that obligations are negotiated in a fair, open and reasonable manner.

FIGURE 8.1 EXAMPLES OF PLANNING OBLIGATIONS WHICH MAY BE SOUGHT

<u>TYPE OF MEASURE/ OBLIGATION</u>	<u>EXAMPLES</u>
<u>1. TRANSPORT/PHYSICAL INFRASTRUCTURE</u>	<ul style="list-style-type: none"> • <u>Public transport e.g. park and ride, LRT facilities, bus service improvements</u> • <u>Cycle facilities</u> • <u>Pedestrian facilities</u> • <u>Green Transport Plans</u> • <u>Highways e.g. improvements to road network and access to site</u> • <u>Commuted sums in lieu of parking</u> • <u>Improvements to public parking</u>
<u>2. ENHANCING THE BUILT AND NATURAL ENVIRONMENT</u>	<ul style="list-style-type: none"> • <u>Archaeology – retention/preservation/recording/public interpretation of archaeological remains</u> • <u>Archaeology – retention/recording of other feature</u> • <u>Restoration of listed building (whole or in part)</u> • <u>Restoration of building of local importance</u> • <u>Environmental enhancement/pedestrian facility including off-site landscaping</u> • <u>Public access within development</u> • <u>Public access to open space</u> • <u>Land reclamation</u> • <u>Nature conservation, e.g. retain feature/enhance value</u>
<u>3. MEASURES TO OFFSET IMPACT ON ENVIRONMENT AND LOSS OF/IMPACT ON AMENITY/RESOURCE ON SITE OR NEARBY</u>	<ul style="list-style-type: none"> • <u>Physical measures to alleviate for impact, e.g. traffic management, landscaping, noise insulation</u> • <u>Replacement/retention of recreation/environmental facilities e.g. playing field, nature conservation area</u> • <u>Replacement/retention of social economic facilities, e.g. training scheme, community facilities</u>
<u>4. PROVISION OF FACILITIES/SERVICES TO SUPPORT DEVELOPMENT AND SECURE THE PROPER PLANNING OF THE AREA</u>	<ul style="list-style-type: none"> • <u>Affordable housing and lifetime homes</u> • <u>Public (open) space</u> • <u>Play space</u> • <u>Sports facilities</u> • <u>Community and education facilities to support development</u> • <u>Other community facilities, e.g. primary health care</u>
<u>5. OTHER OBLIGATIONS RELATED TO THE DEVELOPMENT</u>	<ul style="list-style-type: none"> • <u>Public art</u> • <u>Childcare/creche/nursery</u> • <u>Training/employment facilities</u> • <u>Access for people with disabilities e.g. shopmobility</u> • <u>Crime prevention measures</u> • <u>Facilities for children</u> • <u>Toilet facilities, parent and child facilities</u> • <u>Appropriate maintenance provision e.g. for open space, public transport</u>

Telecommunications

8.55 It is recognised that modern and comprehensive telecommunications systems are an essential element in the life of the local community and the economy of the City. Chapter 3 states that new developments will be expected to contribute, in terms of their design and landscaping, to the enhancement of the City's Environment. Telecommunications infrastructure must take account of this policy. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties.

8.55A Within the City, there are locations that are considered more sensitive than others for the siting of telecommunications equipment. Sensitive locations include transport corridors, predominantly residential areas, listed buildings and conservation areas, historic parks and gardens, public open space, the Green Belt, and locations within or adjacent to the grounds of education and health institutions, and any other location identified in Supplementary Planning Guidance. Telecommunications equipment will only be acceptable in sensitive areas if the applicants are able to demonstrate that there is no other suitable location. The City Council will also seek to encourage telecommunications operators to locate new equipment away from residential areas and, where they are of high quality, areas of open space, wherever possible. Where applications are submitted within such areas, the City Council will require them to be accompanied by evidence confirming that no reasonable alternatives exist. In all cases, and if the equipment has been should be designed to minimise its impact on the visual amenity of the area.

8.55B Operators will be expected to share masts and sites wherever possible to minimise their visual impact this is desirable. Telecommunications equipment sited on buildings should be sited to minimise obtrusiveness, for example, by the use of permeable and opaque screens. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street will be considered. Detailed guidance on the siting, location and design of telecommunications equipment is contained in Supplementary Planning Guidance (DC24) (see paragraph 8.72).

8.55C Developers and operators will be expected to have regard to the Government's Telecommunications Planning Policy Guidance (PPG8) and any other advice published by the DETR Government.

Development in the Green Belt

8.56 The following policies will apply to proposals for development within the Green Belt. These policies should be considered in conjunction with the Green Belt policy statement in Chapter 3.

New Agricultural Buildings

8.57 In some cases, agricultural buildings require planning permission. Proposals for such buildings will be considered favourably, provided that they are sited so as to minimise the impact on the openness of the Green Belt, and that their design is in keeping with the character of the Green Belt and appropriate to their function.

Re-use of Buildings

8.58 The re-use of buildings which are no longer required for their original purpose will only be acceptable where it has been demonstrated that the buildings are genuinely redundant for agricultural use. In such cases, conversion to uses that are most likely to retain their character, such as riding/livery stables, offices or workshops, will be supported. If these alternative uses have been explored and can be demonstrated not to be viable, other uses may be acceptable in principle. In all cases, proposals for the re-use of agricultural buildings will only be permitted where be acceptable in principle, provided that:

- **The proposal does not conflict with highway safety;**
- **The existing buildings are of permanent and substantial construction, are capable of being converted without major or complete reconstruction, and any alterations to the buildings are in keeping with the character of the buildings, the Green Belt and the surroundings;**
- **There is no adverse effect on the amenity of the surrounding area, and the development does not prejudice the openness of the Green Belt;**
- **The accommodation provided by the conversion is self-contained and the conversion does not involve significant extensions to the buildings.**
- **Where a change to residential use is proposed, it is supported by evidence that every reasonable attempt has been made to secure a suitable business re-use.**

In the case of residential conversions, permitted development rights may be removed by way of a condition, to control future extensions to the buildings. Strict control will also be exercised over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land within it.

New Farm Dwellings

8.59 Proposals for new farm dwellings will only be allowed where:

- The dwelling is essential for the proper functioning of the farm business, taking into account the processes involved, the number of workers needed, and the availability of existing accommodation;
- The dwelling is sited within or immediately adjacent to the farm complex;
- The farm business is viable.

The applicant should provide evidence demonstrating the need for a new dwelling, and that the business is viable, as part of the application. In cases where the applicant is proposing to establish a new farm business, permission will not be granted for a permanent dwelling in the first instance. Permission may be granted for a temporary building for a period of up to three years, in order to allow the applicant sufficient time to demonstrate the viability of the enterprise. An agricultural occupancy condition will be attached to all consents for new farm dwellings.

Extensions to Existing Dwellings

8.60 Proposals for extensions to existing dwellings in the Green Belt will be allowed, provided that the proposed extension would not increase the total habitable floor area of the building by more than 50% or by more than 200 sq.m., whichever is the greater. Extensions approved and constructed within the 20 years preceding the application will be counted towards the 50% or 200 sq.m. figure. Garages will be included within the floor area measurement, where they are physically attached to the dwelling or are sited within 5 metres of it.

Outdoor Recreational Facilities

8.61 New outdoor recreational facilities which cannot be located within the built-up area may be permitted in the Green Belt, provided that they are in keeping with the character and appearance of the area. The most common types of proposals for recreational facilities in the Green Belt involve golf courses, playing fields and equestrian facilities. These will be assessed according to the policies below.

Golf Courses and Playing Fields

8.62 New golf courses and playing fields and extensions to existing golf courses and playing fields, will be acceptable in the Green Belt, provided that the layout is sympathetic to the landscape of the area. Applications for new development should comply with the design principles for sustainable development (see Chapter 3, paragraph 3.14E). In respect of high grade agricultural land (i.e. Grade 1, 2 and 3A), consideration should be given within the design stage to a possible future return to agricultural land and the economic use of the land for that purpose. Significant natural features such as woodland, hedgerows and streams should be retained wherever possible. Proposals affecting historic landscapes will be expected to retain in situ any significant historic features and archaeological remains. In such cases, applicants should have regard to the policies set out in Chapter 3 (paragraphs 3.20-3.33), in paragraph 8.36 above, and any relevant guidance issued by English Heritage.

8.62A New golf courses and playing fields and extensions to existing golf courses and playing fields, will be acceptable in the Green Belt, provided that the layout is

sympathetic to the landscape of the area. Applications for new development should comply with the principles of sustainable development (see Chapter 3, paragraph 3.14E). In respect of high grade agricultural land (i.e. Grade 1, 2 and 3A), consideration should be given within the design stage to a possible future return to agricultural land and the economic use of the land for that purpose. Significant natural features such as woodland, hedgerows and streams should be retained wherever possible. Proposals affecting historic landscapes will be expected to retain in situ any significant historic features and archaeological remains. In such cases, applicants should have regard to the policies set out in Chapter 3 (paragraphs 3.20-3.33), in paragraph 8.36 above, and any relevant guidance issued by English Heritage.

8.62B Applications for new golf courses and playing fields or extensions to golf courses and playing fields should be accompanied by an assessment of the impact of the development on the landscape and environment. Applicants should provide supporting information demonstrating that facilities such as car parks, changing rooms or club houses are genuinely ancillary to the golf course or playing fields. New buildings and car parks should also be designed so as to minimise the impact on the openness of the Green Belt, and should be visually in scale and sympathy with the character of the area.

Equestrian Facilities

8.63 Riding schools and livery stables should use existing farm buildings wherever possible. New riding schools should also be sited in close proximity to bridle paths. Proposals for new equestrian facilities will be acceptable in the Green Belt, provided that:

- There is safe and adequate means of access to the highway;**
- The siting and design of any new buildings minimises the impact on the openness of the Green Belt, and is in keeping with the surrounding area;**
- The siting and design of jumps and other ancillary equipment is designed to minimise their obtrusiveness, and to enable their removal when not required.**

Enforcement Policy

8.64 The City Council has established procedures to enforce planning legislation and the policies set out in this Plan. Common planning complaints relate to changes of use of land or buildings, development by householders without planning permission, and advertisements. All properly made complaints will be investigated to decide whether or not further action is appropriate. In all cases, records will be kept of action taken, and decisions made.

8.65 It is a criminal offence to lop, top or fell a protected tree without prior consent, to carry out alterations to or demolish a listed building without prior consent, to carry out development affecting a Scheduled Ancient Monument without prior consent, or to display certain types of advertisement without consent. In cases where evidence is obtained in respect of such offences, action will be taken in the Courts.

8.66 It is not an offence to carry out development without planning permission. However, if a breach of planning control occurs, action will be taken if it is considered that demonstrable harm has been caused to interests of acknowledged importance, such as the appearance of the area, the amenities of people living nearby or protected land, trees or buildings, and if it is considered expedient to do so.

8.67 There is no obligation to take action in every case. If the issue can be resolved by means other than enforcement action, such methods will be considered. If formal action is taken, this will be because it has been decided that this is the best way to solve the problem. In such cases, the enforcement procedures will be used to pursue the matter to a conclusion with the minimum of delay.

8.68 If the City Council believes the situation to be urgent, then immediate enforcement action may be taken. This may include dealing with threats to protected trees or buildings and in cases where public facilities could be seriously affected. Immediate action may also be taken if it is believed that planning regulations were knowingly breached. In such cases, the decision may be to decline any negotiation and instigate immediate legal action.

8.69 The City Council will also monitor major and significant developments to ensure that they comply with their planning permission, including any conditions imposed. Sites will be regularly inspected with the aim of preventing problems before they occur.

Aerodrome Safeguarding

8.69 Parts of Birmingham fall within the Birmingham International Airport Aerodrome Safeguarding Area. Within this area, planning applications for new development will be considered in the context of, and be subject to, the Aerodrome Safeguarding requirements, as identified in DETR Circular 2/92, Safeguarding Aerodromes, Technical Sites and Explosives Storage Areas: Town and Country Planning (Aerodromes and Technical Sites) Direction 1992. In assessing proposals for development within this area, the City Council will also consider the appropriateness of features that are likely to attract birds, and proposals for lighting that could confuse or distract pilots of landing aircraft. Proposals for the development of tall buildings and other tall structures will also be expected to comply with the Aerodrome Safeguarding requirements identified in Circular 2/92. Any new development or planning application must be considered in the context of, and be subject to, Aerodrome Safeguarding requirements, as laid out in Government Circulars or other national policy guidance relating to Aerodrome Safeguarding. Aerodrome Safeguarding requirements are intended to ensure the continued safe operation of aerodromes (including Birmingham International Airport) and do not constitute an automatic presumption against development.

8.69B Proposals for the development of tall buildings and other tall structures should ensure that there is no conflict with Aerodrome Safeguarding requirements as identified in Government Circulars or other national policy guidance.

8.69C Other Aerodrome Safeguarding requirements which should be borne in mind when assessing new development and planning applications include bird attracting features and lighting which could confuse or distract pilots.

Other Policies

8.70 In Birmingham, Supplementary Planning Guidance policies will be a material consideration in determining planning applications. Current Government guidance (e.g. PPG1, PPG12) indicates that development plans should avoid excessive detail, and this is the approach that the City Council has adopted in this Plan. In accordance with Government guidance, the City Council has prepared a series of specific, additional policies as Supplementary Planning Guidance (SPG). These policies contain more detail than it is possible to include in the UDP, and are intended to supplement the policies in the Plan. As they are more flexible than the Plan, they may be updated from time to time, to keep abreast of changed conditions or circumstances (such as new Government guidance). The City Council will prepare new SPG as and when required.*

8.71 There are four main types of SPG as follows:

- **Local Action Plans, Development Frameworks and Land Use Strategies for specific areas;**
- **Development and Planning Briefs for specific sites;**
- **Detailed Development Control Policies for specific types of use;**
- **Environmental, Design and Landscape Guidance.**

8.72 All current and proposed City-wide SPG (at 2001) is listed below. Current and proposed area or site-specific SPG (at 2001) is listed at the end of each Constituency Statement.**

*** N.B. This policy pre-dates the Planning and Compulsory Purchase Act 2004. Following the Act, the City Council will no longer prepare Supplementary Planning Guidance (SPG), but will bring forward new Local Development Documents (LDDs) in accordance with its current Local Development Scheme (LDS).**

**** This list was accurate at the time that the UDP Alterations were prepared early in 2001. An up-to-date listing of SPG currently in use and new LDDs in preparation may be found in the current Local Development Scheme (LDS) for Birmingham.**

Development Control Policies

DC1) Design Guidelines for New Residential Development – “Places for Living”

Chapter 3 emphasises the need for all new developments to achieve a high standard of design, and to respect the character of the area surrounding them. In Chapter 5, the need to provide residential accommodation of all sizes and types in an attractive and safe environment is acknowledged. More detailed guidance on detailed design principles for new housing developments, including crime reduction measures, is provided in the revised residential design guidance, “Places for Living.” The guidance also includes guidance on the development of infill and backland sites.

DC2) ~~Buildings and Design~~ Home Extensions Design Guide - “Extending Your Home”

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. This includes house extensions, which should also complement and harmonise with the existing dwelling. Buildings and Design (SPG) Extending Your Home is being prepared as a Supplementary Planning Document and will provides specific, detailed guidance on altering, converting and extending existing buildings dwellings, including the design of new extensions, windows, doors, porches and roofs. This should be read in conjunction with “Places for Living” (DC1) and the 45° Code policies above. Additional Supplementary Planning Guidance, specifically aimed at residential extensions, is also being prepared.

DC3) Specific Needs Residential Uses: Houses in Multiple Paying Occupation, Hostels and Residential Care and Nursing Homes and Bedroom Sizes for Student Accommodation

Detailed policies on the development of new houses in multiple paying occupation, hostels and residential homes are set out in this chapter. The Specific Needs Residential Uses SPG provides more detailed guidance on the standards that the City Council expects for each of these types of development and for student accommodation.

DC4) Access for People with Disabilities

Chapter 3 states that the design of new developments where the public are admitted or which are employment generating should make provision for the access and other needs of all sectors of the community, including people with disabilities. Access for People with Disabilities (SPG) includes detailed guidance on access requirements for new buildings, alterations, extensions and changes of use, comprehensive developments, parking standards, and residential developments. The Shop Front Design Guide (SPG - see below) contains more detailed guidelines on access requirements for new shop fronts.

DC5) ~~Shop Front~~ Shopfronts Design Guide

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. Chapter 7 also recognises the need for high design standards in new shopping developments, and the need to provide a pleasant, safe environment in shopping centres. The Shop Front Design Guide (SPG) provides detailed guidelines on the elements of good shop front design, including advertisements, security shutters and access for people with disabilities. A special design guide has been produced for Moseley shopping centre, which is within a Conservation Area. A SPG statement also exists dealing with medium and high level signs in the City Centre. A separate leaflet on the design of roller shutters is also available.

DC6) Electronic Information and Advertisement Signs

Electronic information boards and signs can provide a useful means of conveying information. Electronic Information and Advertisement Signs (SPG) provides detailed guidance on suitable locations and the design of such signs, and the conditions likely to be imposed where they are considered to be acceptable.

DC7) Use of Basement Floors for Entertainment Purposes

Applications involving the use of basement floors for entertainment facilities, such as public houses, wine bars, clubs and restaurants, will be expected to address the relevant public safety issues and should make adequate provision for escape in the case of fire or bomb threat. In assessing such applications, the City Council will have regard to the views of the Police and Fire Service, and the guidelines set out in Use of Basement Floors for Entertainment Purposes (SPG).

DC8) Petrol Filling Stations

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. Chapter 7 contains policies towards new retail development. These policies apply to petrol filling stations, which usually include a variety of signs together with a canopy and a shop. Petrol Filling Stations (SPG) contains detailed guidance on the design of canopies, pole signs, other signs, and the conditions likely to be imposed upon petrol station shops.

DC9) Guidelines for assessing Planning Applications for Development on or near to Landfill Sites

In Birmingham, most new development takes place on “brownfield” sites, i.e. sites which have previously been developed. Some of these sites have been subject to landfill, and to ensure that the development of such sites does not constitute a risk, the City Council has prepared Guidelines for assessing Planning Applications for Development on or near to Landfill Sites (SPG). The City Council will also have regard to the Landfill Sites policy set out in Chapter 3 and the advice in Planning Policy Guidance Note 14: Development on Unstable Land and Planning Policy Guidance Note 23: Planning and Pollution Control.

DC10) Car Parking Guidelines

Chapter 6 contains general policies towards the provision of car parking in different parts of the City. More detailed guidance is will be provided in the Car Parking Guidelines (SPG) which contains a new Development Plan Document setting out the Council’s car parking standards. This will contain guidance on the level of parking expected for different types of development, including significant changes of use of existing buildings. It will also includes detailed guidance on parking for people with disabilities and cycle and powered two wheeler parking provision. The City Council will also have regard to any parking guidelines published in future Local Transport Plans in future reviews of its Car Parking Guidelines preparing this document.

DC11) Car Park Design Guide

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. The Car Park Design Guide (SPG) includes guidance on the key considerations in car park deign e.g. personal safety, crime prevention, accessibility, management and appearance.

DC12) Development involving Former Public Houses

Public houses can provide an important focal point for the local community. Proposals involving their redevelopment with other uses will be assessed according to the Supplementary Planning Guidance for development involving former Public Houses. This contains detailed guidance on issues such as the loss of leisure/social facilities, impact on adjacent land uses and other related matters.

DC13) Evening Opening of Licensed Betting Offices

The evening opening of licensed betting offices can create amenity problems for local residents. Detailed guidance on suitable locations, and instances where a temporary permission may be granted are included in Evening Opening of Licensed Betting Offices (SPG).

DC14) Development Involving Residential Accommodation Above Commercial Premises (Living Over Above the Shop)

The conversion of redundant non-residential buildings, including vacant upper floors in shopping centres, to residential accommodation is encouraged, both in Chapter 5 and in the Constituency Statements, particularly Chapter 15 - City Centre. The Living above the Shop policy (SPG) contains detailed guidance on residential development above commercial premises, including advice on suitable locations, the need for insulation works, space standards, car parking/highway considerations and external works. The SPG should be read in conjunction the Flat Conversions policy above.

DC15) Proposals involving Isocyanate Paints

Vehicle paint spraying processes involving isocyanate paints in residential areas can have an adverse effect on nearby residents. Proposals for flues to ventilate such processes will be subject to the Proposals involving Isocyanate Paints (SPG) which contains detailed guidance on the appropriate design and siting of ventilation flues, and other issues which the City Council will consider in assessing such proposals.

DC16) Design Guidelines for Bottle and Recycling Banks at Supermarket Car Parks

Chapter 3 contains general policies relating to Waste Treatment and Disposal, including a commitment towards minimising waste through re-use and recycling. New supermarket developments provide a good opportunity for the placement of recycling banks. Detailed guidance on appropriate siting and design of these facilities is set out in this SPG.

DC17) Houseboat Residential Moorings

Chapter 15 seeks to encourage new housing developments along canal frontages in the City Centre. Houseboat moorings can contribute towards the attractiveness of canal frontages, both in the City Centre and elsewhere on the canal network. The Houseboat Moorings policy (SPG) contains detailed guidance on the issues that the City Council will consider in assessing proposals for new residential moorings. The SPG should be read in conjunction with the policies in Chapter 3, Chapter 5, the Constituency Statements, in particular Chapter 15 - City Centre, and the Canalside Development in Birmingham - Design Guidelines (SPG).

DC18) Policy for Ground Floor Non-Retail Uses in Shopping Centres

To maintain the vitality and viability of shopping centres, the City Council has prepared Supplementary Planning Guidance governing ground floor Non-Retail uses. This policy applies to all centres which do not have their own separate policy, including those where a separate policy is proposed but has not yet been prepared,

and provides more detailed guidance than Chapter 7 on the issues which the City Council will consider when assessing proposals for changes of use.

DC19) Guidelines for the Location of Advertisement Hoardings

Advertisement hoardings can be difficult to satisfactorily integrate with their surroundings. This policy aims to improve current practice, by advising prospective advertisers on the type of displays which are likely to be acceptable. It includes guidance on regulating both proposed and existing displays, general land use considerations, and more detailed guidance on landscaping and positioning adjacent to footpaths.

DC20) Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution)

The floodlighting of sports pitches, open storage compounds and car parks can cause problems of light pollution, especially in residential areas. Proposals involving floodlighting should include the minimum level of lighting required for operational purposes and personal safety, and should be designed to minimise light glare and spillage. More detailed guidance on the circumstances where floodlighting is likely to be acceptable may be found in the Supplementary Planning Guidance on light pollution.

DC21) Affordable Housing

Chapter 5 emphasises the need to meet the full range of the City's housing needs, including balanced provision of Market and Social housing across the City. The Affordable Housing Supplementary Planning Guidance is currently being revised and will contain detailed guidance and policies relating to requirements for affordable and social housing.

DC22) Use of Section 106 Agreements to secure provision of Public Toilet Facilities as part of New Retail Developments

The instances where the provision of public toilet facilities will be required for new retail developments by means of Section 106 agreements may be found in the SPG dealing with the above subject.

DC23) Guidelines for Bedroom Sizes for Student Accommodation

Chapter 5 embraces the need to meet the full range of the City's housing needs. Students have specific space requirements. This SPG provides specific guidance on the floorspace standards for new buildings and changes of use.

DC24) Guidelines for the Location of Telecommunications Equipment (Mobile Telephone Infrastructure)

Chapter 3 contains strategic policies designed to protect and enhance the City's environment. This chapter includes a specific policy on Telecommunications (paragraphs 8.55-8.55B). Draft Supplementary Planning Guidance for the Location of Telecommunications Equipment provides more detailed guidance for the location of equipment, listing factors which will be relevant in assessing proposals and locations which are more sensitive than others for the siting of equipment. It also provides detailed guidance on design and appearance considerations.

Environmental, Design and Landscape Guidelines

ENV1) Conservation Strategy for Birmingham – “Regeneration through Conservation”

Chapter 3 contains the City Council's broad strategic policies towards the historic built environment and urban design. The City's 28 existing conservation areas are also identified on the Proposals Map, and proposed conservation areas are allocated as proposals in the Plan. In addition, the policy on development affecting archaeological remains above contains more detailed guidance (a separate Archaeology Strategy is has also being been prepared as Supplementary Planning Guidance – see below). The Conservation Strategy (SPG), revised in 1999, seeks to raise the profile of conservation in Birmingham, and identifies a series of policy objectives, which provide the foundation for this. The SPG also sets out detailed guidance on listed buildings, the “local list,” conservation areas, historic landscapes, canals and archaeology.

ENV2) Nature Conservation Strategy for Birmingham

Chapter 3 contains the City Council's broad strategic policies towards nature conservation. The City's two Sites of Special Scientific Interest (SSSIs) and forty-one Sites of Interest for Nature Conservation (SINCs) are identified as proposals in the Plan. The Nature Conservation Strategy (SPG) builds on this policy context, providing more detailed guidance on protecting and managing the natural environment resource. The SPG identifies the main habitats and features, and sets out detailed policies, principles and guidelines for nature conservation activity. It also includes a strategy for future work.

ENV3) Canalside Development in Birmingham - Design Guidelines

Chapter 3 recognises the historic importance of the City's canals, and their potential for tourism, recreation and leisure. This is also reflected in the Conservation Strategy (draft SPG). The general design policies in Chapter 3 also emphasise the need for all new developments to achieve a high standard of design and to respect the surrounding area. The Canalside Development in Birmingham - Design Guidelines draft (SPG) is aimed at developers and designers, and will provide detailed urban design principles to guide development adjacent to canals. It will also include a character appraisal for each of the City's canals, and guidance on appropriate uses for canalside settings, access arrangements, conservation issues, and the types of materials to be used in buildings, towpaths and other canalside features.

ENV4) Birmingham Canals Action Plan

Chapter 3 recognises the historic importance of the City's canals, and their potential for tourism, recreation and leisure. Chapter 6 also recognises that the canals may have potential for the transportation of freight. The Birmingham Canals Action Plan will be a strategy for future environmental improvements to the canal network, and will identify the main principles and priorities for action. It will examine the scope for the use of canals for freight purposes, and will include detailed guidance on towpath improvements, interpretation, moorings, access, development opportunities, maintenance, safety, community involvement and other related issues.

ENV 5) Open Space Requirements for New Residential Developments

Chapter 5 establishes the need for new public open space to serve the needs of the occupiers of new residential developments. This SPG will set out the detailed requirements.

ENV6) Archaeology Strategy

The importance of the City's archaeological resource is recognised in Chapter 3, which contains broad strategic policies towards protecting remains. There are additional development control policies in this Chapter. The future Archaeology Strategy will includes more detailed guidance on the City's archaeological resource, including the main types of surviving remains. It will also contains detailed policies towards protecting and managing archaeology within the City. It will be derived from reflects the West Midlands Regional Archaeology Strategy, which is currently being prepared.

ENV7) Sustainable Development – “Places for the Future”

Chapter 3 recognises the need to move towards a more sustainable pattern of development. This will be examined in more detail in SPG a Supplementary Planning Document for sustainable development. This SPG will consider opportunities to secure more sustainable forms of development, such as renewable energy, waste minimisation, and more careful use of scarce resources.

ENV8) General Urban Design Principles – “Places for All”

Chapter 3 contains general policies towards the design of new development, including a series of Good Design Principles. As well as the special guidance for canalside developments and residential developments, a more detailed draft Supplementary Planning Guidance policy has been prepared, to provide more general guidance on the design of all types of development, City-wide.

ENV9) Lighting Strategy – “Lighting Places”

It is important that any new lighting is part of a co-ordinated strategy, particularly in the City Centre, that brings together all aspects of lighting. Detailed Supplementary Planning Guidance will be prepared that provides a framework for lighting the City and general guidance on the design of lighting proposals.

ENV10) Tall Buildings Policy – “High Places”

In certain localities, and in the City Centre in particular, pressures exist to develop tall buildings. Chapter 3 (paragraph 3.14D) recognises the need for new developments to be considered in relation to their impact on the local character of an area. The Birmingham Urban Design Studies and City Centre Strategy recognised the need to accommodate tall buildings and provides guidance for their design and location in the City Centre. The development of tall buildings also needs to be considered in the context of the policy on Aerodrome Safeguarding set out elsewhere in this Chapter, and the Aerodrome Safeguarding requirements identified in DETR Circular 9/92. any requirements identified in Government Circulars or other national policy guidance relating to Aerodrome Safeguarding. More detailed Supplementary Planning Guidance on tall buildings City-wide (“High Places”) will be has been prepared.

Appendix 5

**Planning policies and Supplementary Planning Guidance
to be superseded by the Development Management in
Birmingham DPD (DMB) and/ or SPDs**

Policy topics and paragraphs in Saved UDP	DMB or other policy / guidance replacement
The Design of new development (paras 3.14 – 3.14D)	DM2 Amenity, PG3 Place making
Hot food shops and restaurants/ cafes (paras 8.6 – 8.7)	DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making, TP21 The network and hierarchy of centres, TP24 Promoting a diversity of uses within centres
Amusement centres and arcades (paras 8.8 – 8.10)	DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making, TP21 The network and hierarchy of centres, TP24 Promoting a diversity of uses within centres
Car hire booking offices (paras 8.11-8.13)	DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making, TP21 The network and hierarchy of centres, TP24 Promoting a diversity of uses within centres
Day nurseries (paras 8.14-8.16)	DM9 Day nurseries and early years provision, DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making, TP21 The network and hierarchy of centres
Hotels and guest houses (paras 8.18-8.22)	PG3 Place making, Policy TP24 Promotion of diversity of uses within centres, Policy TP25 Tourism and cultural facilities,
Houses in Multiple Paying Occupation (paras 8.23-8.25)	DM11 Houses in multiple occupation (HMO), DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making
Flat conversions (paras 8.26-8.27)	DM12 Residential conversions and specialist accommodation, DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making
Hostels and residential homes (paras 8.28-8.30)	DM12 Residential conversions and specialist accommodation, DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making
Places of worship (paras 8.31-8.35)	DM8 Places of worship and other faith related community facilities, DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making, TP21 The network and hierarchy of centres, TP24

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	Promoting a diversity of uses within centres
Development affecting Archaeological Remains (para 8.36)	BDP TP12 Historic environment
Notifiable Installations (paras 8.37-8.38)	DM3 Land affected by contamination, instability and hazardous substances
The 45 Degree Code for House Extensions (paras 8.39-8.44)	DM10 Standards for residential development, DM2 Amenity, PG3 Place making
Parking of vehicles at commercial, institutional and industrial premises adjacent to residential property (para 8.45)	DM15 Parking and servicing
Planning Obligations (paras 8.50-8.54)	BDP TP47 Developer contributions
Telecommunications (paras 8.55-8.55C)	DM16 Telecommunications
Development in the Green Belt (paras 8.56-8.62B)	BDP TP10 Green Belt
Enforcement Policy (paras 8.64-8.69)	Local Enforcement Plan (adopted May 2021 and any subsequent revision)
Aerodrome Safeguarding (paras 8.69-8.69C)	Covered by National Planning Policy
Areas of restraint SPG	DMB or other policy/guidance replacement
Church Road, Erdington: Review of Interim Draft Area of Restraint (1998)	DM11 Houses in multiple occupation, DM12 Residential conversions and specialist accommodation
Gillott Road, area of Edgbaston (1991)	DM11 Houses in multiple occupation, DM12 Residential conversions and specialist accommodation
Moseley and Sparkhill (1994)	DM11 Houses in multiple occupation, DM12 Residential conversions and specialist accommodation
Wheelwright Road (1992)	DM11 Houses in multiple occupation, DM12 Residential conversions and specialist accommodation
Middleton Hall Road and Bunbury Road (1993)	DM11 Houses in multiple occupation, DM12 Residential conversions and specialist accommodation
Handsworth, Sandwell and Soho (1994)	DM11 Houses in multiple occupation, DM12 Residential conversions and specialist accommodation
SPGs Listed in Chapter 8 of Saved UDP	DMB or other policy/guidance replacement
DC1 Places for Living SPG	Emerging Birmingham Design Guide SPD
DC2 Extending your Home SPG	Emerging Birmingham Design Guide SPD
DC3 Specific Needs Residential Uses SPG	Emerging Birmingham Design Guide SPD
DC4 Access for People with Disabilities SPG	Emerging Birmingham Design Guide SPD
DC5 Shopfronts Design Guide SPG	Emerging Birmingham Design Guide SPD

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DC6 Electronic Information and Advertisement Signs SPG	DM7 Advertisements
DC7 Use of Basement Floors for Entertainment Purposes SPG	DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing, PG3 Place making, TP21 The network and hierarchy of centres, TP24 Promoting a diversity of uses within centres
DC8 Petrol Filling Stations SPG	DM1 Air quality, DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and servicing
DC9 Guidelines for assessing Planning Applications for Development on or near to Landfill Sites SPG	DM3 Land affected by contamination, instability and hazardous substances
DC10 Car Parking Guidelines SPG	Emerging Parking SPD
DC11 Car Park Design Guide SPG	Emerging Birmingham Design Guide SPD
DC12 Development involving Former Public Houses SPG	Retain
DC13 Evening Opening of Licensed Betting Offices SPG	DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and Servicing, PG3 Place making, TP21 The network and hierarchy of centres, TP24 Promoting a diversity of uses within centres
DC14 Development Involving residential accommodation above commercial premises (Living above the shop) SPG	Revoked in 2012
DC15 Proposals involving Isocyanate Paints SPG	Not replaced
DC16 Design Guidelines for Bottle and Recycling Banks at Supermarket Car Parks SPG	Emerging Birmingham Design Guide SPD
DC17 Residential moorings SPG	Revoked in 2012
DC18 Policy for Ground Floor Non-Retail Uses in Shopping Centres SPG	Revoked in 2012
DC19 Location of Advertisement Hoardings SPG	Policy DM7 Advertisements
DC20 Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution) SPG	DM5 Light pollution
DC21 Affordable Housing SPG	BDP TP31 Affordable housing
DC22 Use of S106 Agreements to secure provision of Public Toilet Facilities as part of new retail development SPG	Revoked in 2012
DC23 Guidelines for Bedroom Sizes for Student Accommodation SPG	BDP TP33 student accommodation
DC24 Guidelines for the location of Telecommunications Equipment (Mobile	DM16 Telecommunications

Appendix 5

Telephone Infrastructure)	
ENV1 Regeneration through conservation SPG	BDP TP12 Historic environment
ENV2 Nature Conservation Strategy for Birmingham SPG	Retain
ENV3 Canalside development in Birmingham – Design Guidelines SPG	BDP TP12 Historic environment, Emerging Birmingham Design Guide SPD
ENV4 Birmingham Canals Action Plan SPG	BDP TP12 Historic environment
ENV5 Open Space Requirements for New Residential Development SPG	Retain
ENV6 Archaeology Strategy SPG	BDP TP12 Historic environment
ENV7 Places for the future SPG	Emerging Birmingham Design Guide SPD
ENV8 Places for all SPG	Emerging Birmingham Design Guide SPD
ENV9 Lighting Places SPG	Policy DM5 Light pollution, emerging Birmingham Design Guide SPD
ENV10 High places SPG	Emerging Birmingham Design Guide SPD
Other SPD/Gs	DMB or other policy/guidance replacement
45 degree code (2006)	Emerging Birmingham Design Guide SPD
Loss of industrial land to alternative uses SPD (2011)	Retain
Mature suburbs SPD (2008)	Emerging Birmingham Design Guide SPD
Places of worship SPD (2011)	DM8 Places of worship and other faith related community facilities, DM2 Amenity, DM6 Noise and vibration, DM14 Transport access and safety, DM15 Parking and Servicing, PG3 Place making, TP21 The network and hierarchy of centres, TP24 Promoting a diversity of uses within centres
Sustainable management of urban rivers and floodplains SPD (2007)	Retain
Selly Oak, Edgbaston and Harborne: Houses in Multiple Occupation Article 4	DM11 Houses in multiple occupation (HMO)



DEVELOPMENT MANAGEMENT IN BIRMINGHAM

Development Plan Document

December 2021



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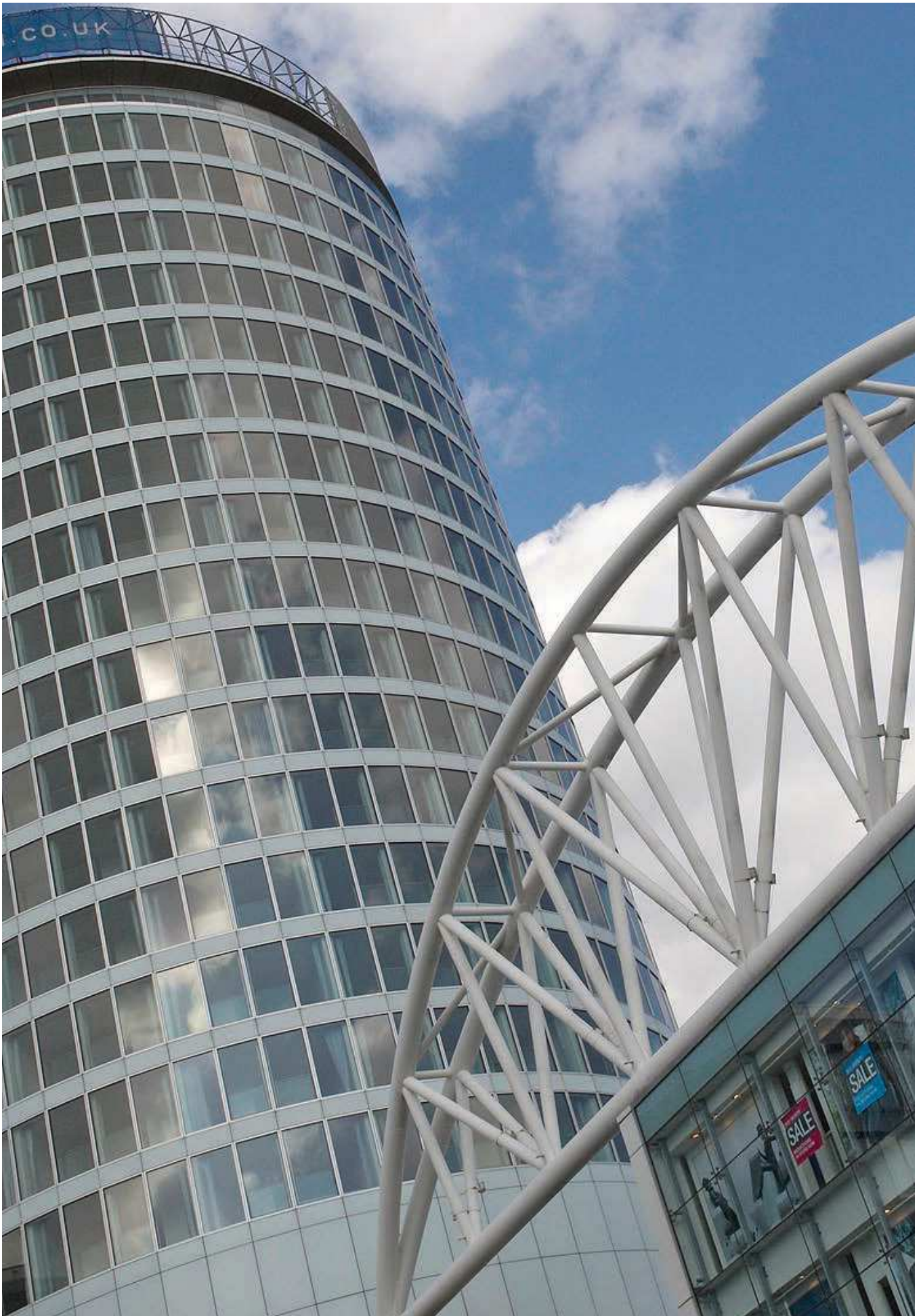
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Foreword

Birmingham is going through exciting changes which will see significant levels of new development and infrastructure delivered in the city over the next 15 years. Through the Birmingham Development Plan (adopted in 2017), over 51,100 new homes and substantial amounts of employment land, retail and office development will be delivered by 2031.

At the heart of the Council's Local plan is the objective of sustainable growth which seeks to ensure that we build a strong and competitive economy, vibrant and healthy communities and protect and enhance our environment.

The Development Management in Birmingham (DMB) document aligns with the Birmingham Development Plan and the Council's key priorities, which are to make Birmingham a great city to live, grow up and age well in; as well as an excellent city to learn, work and invest in.

Growth must therefore be managed in the most positive, effective and sustainable way possible, which is why this document is important in providing detailed planning policies to support the implementation of the Birmingham Development Plan.

Ian Ward

Leader

Birmingham City Council

Building on the Birmingham Development Plan, which sets out the overall spatial strategy for the city, the Development Management in Birmingham (DMB) document will provide detailed development management policies that will be used to guide future development and determine planning applications. Overall, these policies will ensure that development is guided to the right location, is of a high standard, and that inappropriate development is deterred.

The DMB will help to ensure that the development which takes place in our city makes our city better and enhances and protects what is good, contributing to our vision and objectives for sustainable growth and development.

Ian MacLeod

Acting Director of Inclusive Growth

Birmingham City Council

1 Introduction

Birmingham's Local Plan

1.1 Birmingham has established a clear agenda to deliver sustainable growth meeting the needs of its population and securing high quality development and infrastructure. This agenda is set out through Birmingham's Local Plan which consists of a series of documents containing the strategy and policies for growth.

All proposals for development that require planning permission will be determined in accordance with the relevant policies in the Local Plan, which consists of the:

- Adopted Birmingham Development Plan (BDP).
- Adopted Aston, Newtown and Lozells Area Action Plan.
- Adopted Longbridge Area Action Plan.
- Adopted Balsall Heath Neighbourhood Development Plan.
- Adopted Bordesley Park Area Action Plan.

1.2 The Development Management in Birmingham Development Plan Document (DMB) replaces the 2005 Birmingham Unitary Development Plan policies and form part of Birmingham's Local Plan.

1.3 Other relevant planning documents which provide guidance on how planning policies will be applied include Supplementary Planning Documents and Guidance (SPD/ SPG) and non-statutory area frameworks. The Council is in the process of updating and consolidating existing design related SPDs and SPGs into one new SPD called the Birmingham Design Guide. A revised Parking SPD is also currently being prepared to replace the Council's existing Parking Guidelines SPD (2012). The Council also has Local Validation Requirements for Planning Applications which can be found at: https://www.birmingham.gov.uk/downloads/file/7362/local_validation_criteria_2018

Development Management in Birmingham

1.4 The purpose of the DMB is to provide detailed development management policies which are non-strategic and provide detailed often criteria based policies for specific types of development. The policies will give effect to, and support, the strategic policies set out in the Birmingham Development Plan (BDP), adopted in January 2017. It is intended that the policies contained within this document are to be applied City-wide unless specified otherwise.

1.5 This document contains 16 policies arranged in themes to reflect the BDP. They are informed by national policies and guidance which set out Government's planning policies for England and how it expects them to be applied.

1.6 The DMB provides detailed policies in areas where further detail is needed beyond that contained in the BDP. Each policy in the DMB seeks to deliver and/or clarify in detail a BDP policy. The Council is satisfied that the DMB is in general conformity with the policies of the BDP and also takes full account of national planning policy and European Union Directives.

Objectives

1.7 The DMB will support the delivery of the objectives for the City as set out in the BDP. These are:



- To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.
- To make provision for a significant increase in the City's population.
- To create a prosperous, successful and enterprising economy with benefits felt by all.
- To promote Birmingham's national and international role.
- To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.
- To create a more sustainable City that minimises its carbon footprint and waste, and promotes brownfield regeneration while allowing the City to grow.
- To strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places.
- To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.
- To protect and enhance the City's heritage assets and historic environment.
- To conserve and enhance Birmingham's natural environments, allowing biodiversity and wildlife to flourish.

- To ensure that the City has the infrastructure in place to support its future growth and prosperity.

Principles

1.8 The following key principles have been used to guide the preparation of the policies contained in the DMB

- **Additionality** - the DMB will provide detailed policies to support the delivery of the BDP. Where principles for development are addressed by national or BDP policies, they are not repeated. Some areas of policy will be supported by supplementary planning documents to provide more detailed advice about how particular policies will work in practice.
- **Justification** - the development management policies are based on an appropriate and deliverable strategy when considered against alternatives and relevant, proportionate and up-to-date evidence.
- **Conformity** - the development management policies have been developed in consultation with the relevant statutory consultees and other key stakeholders in accordance with the Duty to Co-operate and the Statement of Community Involvement. The policies are consistent with national policy and the BDP.

Structure of the document

1.9 The policies have been organised on a topic basis mirroring the structure of the BDP. Each policy begins with

an introduction setting out the purpose of the policy. The policy text is shown in a box. The explanatory supporting text provides a reasoned justification for the policy and important information on how the policy will be applied. Other relevant links are made including reference to BDP policies, relevant Supplementary Planning Documents (SPDs) and other guidance

Stages in producing the DMB Initial Consultation Document

consultation: September - October 2015

Preferred Options document

consultation: February - March 2019

Publication document

consultation:

November - December 2019

Submission to the Secretary of State: July 2020

Examination in Public:
November 2020

Main Modifications:
May 2021

Adoption:
December 2021

Duty to co-operate

1.12 Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act, places a duty on local authorities and relevant statutory bodies to cooperate on strategic planning issues. This duty requires ongoing, constructive and active engagement on the preparation of development plan documents. Duty to Co-operate bodies have been involved through the key stages of the process.

Sustainability appraisal

1.13 A Sustainability Appraisal (SA) assesses the social, economic and environmental effects of the proposed policies. It is a process that must be carried out during the preparation of a Local Plan. A Sustainability Appraisal (SA) of the impact of the DMB has been undertaken and is available in a separate document.

1.14 A Habitats Regulations Assessment Screening has been carried out in accordance with the European Union Directive to complement the SA. These have been undertaken as an integral and iterative part of the preparation of the DMB and their outcomes have been taken into account in formulating and refining the policies of the DMB.

1.15 Copies of the SA report and the Habitats Regulations Assessment Screening are available at www.birmingham.gov.uk/DMB.

Equality Duty

1.16 The Council has a commitment to equality which is also a statutory duty under the Equality Act 2010. The Act aims to promote equality, eliminate discrimination and encourage good relations between different groups. Engaging with residents and other stakeholders is key to meeting this duty in order to better understand the needs of diverse groups. Consultation on the DMB has been undertaken with a wide range of groups and an Equality Assessment has been undertaken.

Evidence base

1.17 The DMB has been informed by national and local planning policies, guidance and evidence produced by the Government, the Council and its partners. It has also drawn upon the evidence base which informed the development of the BDP. Evidence reports have also been specifically prepared for this DMB which form background evidence to the policy formation process. The evidence base

supporting the DMB can be found on the DMB page of the Council's website at www.birmingham.gov.uk/DMB.



2 Environment and sustainability

2.1 The policies in this chapter have a focus on ensuring that new development over its lifetime contributes towards improvements in the quality of life in Birmingham. This approach also supports the key objective of the BDP in bringing forward sustainable development and creating quality places.

DM1 Air quality

Introduction

2.2 The city's built environment and transport systems can have an impact on the City's air quality and, as a consequence, on health and wellbeing. Policies in the BDP seek to improve air quality within the city by taking a proactive approach to planning, regeneration and new development. This policy seeks to ensure that any proposal considers air quality and is accompanied by an appropriate scheme of mitigation where negative impacts are identified. The Government's current threshold for nitrogen dioxide is 40 micrograms/m³.

Why we have taken this approach and how the policy will be applied

2.3 Poor air quality is a public health concern at both a local and national level. The whole of Birmingham is designated as an Air Quality Management Area (AQMA) for nitrogen dioxide (NO₂) and the Council maintains an Air Quality Action Plan (AQAP) to direct compliance with national objectives.

2.4 In order to deliver compliance, Government has determined the need for Birmingham to introduce a Clean Air Zone (CAZ) to control road transport related emissions

particularly NO₂. The Council's Cabinet has approved the preferred measures for a Birmingham Clean Air Zone that will seek to achieve air quality compliance with UK and EU statutory NO₂ limits in the shortest time possible, as part of a longer term air quality programme.

2.5 The positive management of air quality is a priority for the City, and it is imperative that development does not undermine the objectives of the CAZ, specifically that compliance within the CAZ is maintained and that no other areas become subject to requiring the declaration of a CAZ.

2.6 The AQAP, BDP and Birmingham Connected (the City Council's transport strategy) provide the framework to improve air quality in the city, including measures to encourage walking, cycling and the use of public transport, together with the support for the uptake of cleaner vehicle technologies through infrastructure provision, fleet transition and travel behaviour changes.

2.7 New developments have the potential to adversely affect air quality or be affected by air quality. This particularly relates to development that would trigger an Air Quality Assessment (AQA) as set out in the Local Validation Requirements. The assessment and mitigation approach contained within the West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014) (or any subsequent future replacement) should be utilised to assess where relevant exposure may arise, calculate the emission damage

POLICY DM1 Air quality

1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone particularly for nitrogen dioxide and particulate matter. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, or increase exposure at the development site or other relevant receptors to unacceptable levels of air pollution, will not be considered favourably.
2. Where required, mitigation measures such as low and zero carbon energy, green infrastructure and sustainable transport to help to reduce and/or manage air quality impacts will be proportionate to the background air quality in the vicinity, including Clean Air Zone designations.
3. The development of fuelling stations for low emission and electric vehicles will be supported in principle where they establish a network of facilities to support the City's transport and air quality objectives. New or extended fuelling stations for petrol and diesel vehicles would need to be justified on the basis of addressing clear gaps in existing provision, demonstrate compliance with Part 1 of this policy and provide fuelling for low emission and electric vehicles.

*As defined in paragraph 2.7

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
✓	✓		✓	✓	

costs and identify mitigation. 'Unacceptable' deterioration and 'unacceptable levels' are defined as where development in isolation or cumulatively, would result in exposure to pollutant concentrations within 5% below the nationally or locally set objectives at the development site and/ or other relevant receptors; and where development would result in further exceedances where pollutant concentrations are already over the limit values.

2.8 AQAs must outline the current and predicted future pollutant concentrations at, and in the vicinity of, the development site. The AQA should also consider any potential cumulative impacts on air quality arising from planned development in the vicinity of the development site. The AQA should set out the planned mitigation measures to address any negative impacts. Mitigation measures should be provided on-site, however where this is impractical the AQA should demonstrate that it is possible to include measures in the local area which have equivalent air quality benefits. Mitigation measures may be secured either by planning condition or legal agreement where appropriate. Any impacts upon air quality will be considered in the context of the benefits the development brings to the City.

2.9 Mitigation measures will include ensuring that developments are designed to ensure walking and cycling is an obvious choice for short trips and that there is good public transport access to contribute towards the reduction in emissions, particularly nitrogen oxides and particulate matter. Where appropriate, new development should include low

emission vehicle charging points as part of their parking provision, and consideration should be given to options to introduce car clubs as an alternative model of car ownership. Further details will be set out in an updated Parking Supplementary Planning Document.

2.10 Developments for sensitive uses such as schools, hospitals and residential units should be located away from major sources/areas of air pollution. However, where this is not possible, developments must be designed and sited to reduce exposure to air pollutants by incorporating mitigation measures.

2.11 The City Centre offers an opportunity for air quality improvement with an extensive public transport network, good pedestrian access and cycle routes. Outside the City Centre, development proposals will also need to demonstrate how they will contribute towards improvements in air quality.

2.12 Where an AQA is required and the development involves significant demolition, construction or earthworks, the developer will also be required to assess the risk of dust and emissions impacts and include appropriate mitigation measures to be secured in a Construction Management Plan.

2.13 The UK Government has confirmed it will be outlawing the sales of new conventional petrol and diesel cars, as part of its 'Road to Zero' strategy. According to the proposals, no new cars or vans powered solely by a petrol or diesel engine will be sold in the UK from 2040. The Road to Zero strategy does, however, aim to considerably increase the viability and ease-of-use of electric cars.

2.14 Recent studies have shown that petrol fuelling stations are a source of higher rates of air pollution immediately adjacent to their operation and should therefore be subject to an AQA and subsequent mitigation requirements. New fuelling stations must also be capable of meeting the needs of new alternative fuel vehicles as well as electric vehicles to help meet growing demand.

2.15 Birmingham and the West Midlands have particular expertise and a strong skills base in relation to manufacturing processes, autonomous vehicles and energy technologies. These offer the opportunity to develop innovations and products in the ultra-low emissions and autonomous vehicles sector. The City is well placed to capitalise on the opportunity that this presents and put in place the infrastructure needed to support this policy.

Policy links

Birmingham Development Plan

- PG3 Place making
- TP1 Reducing the City's carbon footprint
- TP2 Adapting to climate change
- TP3 Sustainable construction
- TP4 Low and zero carbon energy generation
- TP5 Low carbon economy
- TP7 Green infrastructure network
- TP37 Health
- TP38 A sustainable transport network
- TP43 Low emission vehicles
- TP44 Traffic congestion and management

DM2 Amenity

Introduction

2.16 Birmingham seeks to sustainably manage growth so that it takes place in the most appropriate locations; meeting the city's needs while continuing to conserve and enhance the features that make Birmingham an attractive, vibrant, historic and interesting place to live, work and visit. Promoting and protecting high standards of amenity is a key element of ensuring sustainable growth and will be a major consideration when the Council assesses development proposals.

Why we have taken this approach and how the policy will be applied

2.17 The delivery of a high quality environment in Birmingham leaves a lasting impression on how the city is perceived and how it functions. In delivering the BDP, amenity is an important planning consideration to ensure places are fit for purpose and development proposals are acceptable.

2.18 Each development will have its own considerations, both within the site itself and its impact on the character of the area in which it is set. These factors will influence how amenity needs to be addressed. The careful design of development can ensure that proposals help to maintain or improve amenity. Development proposals should mitigate and reduce to a minimum, potential adverse impact on the amenity of nearby occupiers and neighbours. The Birmingham Design Guide, which will replace existing design guidance once adopted, will provide detailed design guidance relating to the policy criteria.

2.19 The built up nature of Birmingham presents opportunities for new uses to address and improve the amenity of the city. This can be achieved by ensuring that all developments are suitably located, well designed, adequately separated from neighbouring uses and operate in an appropriate way for the area in which they are located. Unless otherwise stated, this policy applies to all forms of development within the

city, including changes of use and smaller proposals such as extensions.

2.20 Consideration should not only be given to the impact of individual developments, but also to cumulative impacts of development proposals in the vicinity. As a minimum, the definition of 'in the vicinity' is the area immediately adjoining and directly opposite the application site; but each proposal will be assessed on a site-by-site basis with scope agreed between the applicant and the Council through the planning application process. This will include committed and planned development proposals meaning those with planning permission and allocated in an adopted local plan.

2.21 The protection of amenity covers both living and working conditions. This means firstly that new development should provide for adequate day to day living and working conditions for those who will be occupying it. Secondly, it means that development should not have undesirable amenity impacts on the living conditions of neighbouring residents or compromise the continued operation of uses and activities which are already established in the locality. The NPPF is clear (with particular reference to noise) that businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

2.22 It may be necessary to apply planning conditions to new developments to ensure amenity standards are maintained such as hours of operation, requirements for ventilation equipment to be properly maintained, and delivery times.

Policy links
Birmingham Development Plan
 • PG3 Place making, TP1-TP46.

POLICY DM2 Amenity

1. All development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours. In assessing the impact of development on amenity, the following will be considered:
 - a. Visual privacy and overlooking.
 - b. Sunlight, daylight and overshadowing.
 - c. Aspect and outlook.
 - d. Access to high quality and useable amenity space.
 - e. Noise, vibration, odour, fumes, dust, air or artificial light pollution.
 - f. Safety considerations, crime, fear of crime and anti-social behaviour.
 - g. Compatibility of adjacent uses.
 - h. The individual and cumulative impacts of development proposals in the vicinity on amenity.

See also Policy DM10 'Standards for Residential Development' where proposals relate to residential development.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓



DM3 Land affected by contamination, instability and hazardous substances

Introduction

2.23 Regeneration of previously developed land is a key Government policy and is integral to the city's growth strategy for the creation of housing and jobs. While the Council supports development opportunities that bring areas of land affected by contamination or instability back into beneficial use, the potential for any risks associated with these issues should be appropriately considered to make development safe. This equally applies to any risks associated with hazardous substances.

Why we have taken this approach and how the policy will be applied

2.24 With the re-use of previously developed land in urban areas such as Birmingham, the potential for land contamination and instability is commonplace. The contamination of land can have adverse impacts on human health, wildlife and contribute to the pollution of water bodies. The pollution of land can have an adverse impact on its suitability for certain types of development. There is often a link between the contamination and stability of land. New development, however, presents an opportunity to bring contaminated land back into use.

2.25 Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. When development is proposed on or adjacent to land that is known or suspected to be affected by contamination and/ or instability, or where development is proposed that would be sensitive to these risks, proposals for development should be accompanied by an appropriate level of supporting information. Early engagement with the local planning authority and environmental health, particularly if the land is determined as contaminated land under Part 2A of the Environmental Protection Act 1990, will clarify what assessment is needed to support the application and issues that need to be considered in the design of a development.

2.26 A preliminary risk assessment will be required to identify the nature and extent of contamination and/ or instability. Where the assessment identifies significant harmful risk to human health or the environment, the Council will require a full ground investigation and a risk assessment management and remediation strategy. Any remedial measures must be agreed by the Council before the development is commenced and completed prior to occupation. Planning conditions may be applied to ensure remedial measures are submitted to and approved by the Local Planning Authority. As part of this, the developer will be required to provide a report verifying that the works have been carried out as approved. The Planning Practice Guidance: Land affected by contamination provides further detail on how contamination may be identified, mitigated and remediated.

2.27 The Environment Agency will also have an interest in the case of 'special sites' designated under Part 2A of the Environmental Protection Act 1990 and all sites where there is a risk of pollution to controlled waters. Remediation will

POLICY DM3 Land affected by contamination, instability and hazardous substances

1. Proposals for new development will need to ensure that risks associated with land contamination and instability are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and the environment within the development and the surrounding area and/or groundwater.
2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation to minimise and mitigate unacceptable risks to both the development and the surrounding area and/or groundwater.
3. Proposals for development of new hazardous installations, or development located within the vicinity of existing hazardous installations, will only be permitted where it is demonstrated that necessary safeguards, in consultation with the Control of Major Accidents Hazards (COMAH) competent authority, are incorporated to ensure the development is safe; and that it supports the spatial delivery of growth as set out in the Birmingham Development Plan.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

need to meet their requirements. The developer should also check whether an environmental permit is required before development can start. See also BDP Policy TP6 Management of flood risk and water resources.

2.28 Remedial measures will need to be carried out in line with current legislation, guidelines and best practice, including applying the Environment Agency's principles in managing risks to groundwater (the precautionary principle, risk based approach and groundwater protection hierarchy).

2.29 When a new development is proposed that could cause land to become contaminated and/or unstable, for instance by nature of the proposed use or by reason of specific elements of the proposed development, the development should be designed in such a way as to minimise the risk of contamination or instability occurring. Advice on how to ensure that development is suitable to its ground conditions and how to avoid risks caused by unstable land or subsidence is provided in the Planning Practice Guidance on Land Stability.

2.30 Hazardous installations comprise a range of chemical process sites, fuel and chemical storage sites, and pipelines. It is important that any risks associated with the development of hazardous installations, or development near them, are appropriately considered through the planning process.

2.31 The Council will consult with the COMAH competent authority, which in most cases is the Health and Safety Executive (HSE) and Environment Agency acting jointly and for nuclear sites the Office of Nuclear Regulation and the Environment Agency, acting jointly. The Council will need to be completely satisfied that the proposal will not constitute a hazard to existing communities or the local environment.

2.32 Hazardous substances consent is required for the presence of certain quantities of hazardous substance stored or used. The hazardous substances consent process ensures that necessary measures are taken to prevent major accidents and limit their consequences to people and the environment. The list of substances and controlled quantities are set out in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015. An application for hazardous substances consent must provide the information set out at regulation 5 of the Regulations. The Council will consult the COMAH competent

authority and others as required by legislation. It will consider the comments received and take account of local needs and conditions, the local plan, and any other material considerations. Further guidance is set out in the Planning Practice Guidance on Hazardous Substances.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP37 Health.



DM4 Landscaping and trees

Introduction

2.33 Maintaining and expanding the green infrastructure network

throughout Birmingham is important to the city’s growth agenda and provide net gains for biodiversity. Green landscaping (including trees, hedgerows and

woodland) forms a critical part of this network and provide a multitude of benefits, having a positive impact on human health and improving the quality of visual amenity and ecological networks. This policy seeks to ensure that landscaping is an integral part of the overall design of development. It also sets out criteria for how existing landscaping should be considered in development proposals.

POLICY DM4 Landscaping and trees

Landscaping

- 1. All developments must take opportunities to provide high quality landscapes and townscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places and a coherent and resilient ecological network.
- 2. The composition of the proposed landscape should be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees in appropriate locations within a multi-functional green infrastructure network, create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.

Trees, woodland and hedgerow protection

- 3. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees of quality, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order. Development resulting in the loss or deterioration of Ancient Woodland or Ancient/ Veteran Trees will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Where trees and/or woodlands are proposed to be lost as a part of development this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.
- 4. Where a proposed development retains existing trees or hedgerows on site, or where there is an incursion into a tree root protection area, provision must be made for their protection during the demolition and construction phase of development with monitoring and mitigation measures being put in place to ensure that development works do not have an adverse impact on retained trees, hedgerows and associated wildlife.
- 5. To ensure that the benefits of proposed development outweigh the harm resulting from the loss of any trees, woodlands or hedgerows, adequate replacement planting will be required to the satisfaction of the Council. Replacement should be provided on-site unless the developer can justify why this is not achievable. Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement. The method of calculating these contributions will be contained within the city’s Tree Strategy.

* see the adopted Local Validation Criteria

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
			✓	✓	✓

Why we have taken this approach and how the policy will be applied

2.34 The green infrastructure of the city is an important part of our landscape and townscape - enhancing quality of the environment, human well-being and can positively affect the value of local property and attract investment. Policy TP7 Green Infrastructure in the BDP, and other supporting policies, set out how the green infrastructure network will be maintained and enhanced, with the role of landscape and trees clearly recognised.

2.35 New development has a clear role in supporting the city’s approach to green infrastructure, and can contribute to and enhance the landscape, provide biodiversity net gain and help to reduce the impact of climate change. Each development site will be able to contribute to the green infrastructure network in appropriate ways reflecting the site context and location. The ecological network is currently described in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022, which identifies opportunities for habitat creation, restoration and enhancement within Core Ecological Areas, Ecological Linking Areas and Ecological Opportunity Areas. This strategy, and subsequent revisions, should be referenced to ensure new development is in keeping with the surrounding landscape and supports the maintenance of a resilient and coherent ecological

network.

2.36 Protected trees, woodland and hedgerows should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are exceptional circumstances such as, where the tree is considered to be imminently dangerous or its loss is significantly outweighed by the benefits of the proposed scheme and there are no viable development alternatives. Sufficient consideration must be given to retained trees and the proposed new use of the land around them, especially in respect of their long term viability, beneficial or adverse shade to buildings, perceived threat and building distances.

2.37 Trees of quality classified in line with BS5837 as being of categories A or B in quality and woodland and/or hedgerows of visual or nature conservation value should be considered as worthy of protection and development proposals should seek to avoid their loss and minimise risk of harm.

2.38 All development proposals that impact on trees are required to follow the process outlined in the latest British Standard (BS 5837 2012 or subsequent updated version) and provide an up-to-date AIA. This should be undertaken by suitably qualified and experienced professionals, including arboricultural consultants and tree surgeons.

2.39 Where development would result in the loss of (BS5837) category A, B or C tree(s), adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). Reasonable deductions will be permitted based on the value of any replacement planting works and the individual circumstances of the proposal.

The Council will provide detailed guidance in a Tree Strategy.

2.40 New trees, including trees on the highways should be provided with sufficient above and below ground planting space requirements (soil volumes, water supply and drainage) to allow for healthy growth to maturity without creating conflicts with buildings, pavements and utility infrastructure. Where appropriate, the maintenance of a Landscape Management Plan will be required through a planning condition. Planting should be maintained in accordance with the plan and follow Secured by Design principles.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP7 Green infrastructure network.
- TP8 Biodiversity and geodiversity.



DM5 Light pollution

Introduction

2.41 Creative and appropriate lighting can provide a valuable contribution to making Birmingham successful, safe and connected. Given the built up nature of the area, the city needs to ensure that lighting makes a positive impact on the built and natural environment. This policy seeks to ensure that impact of light pollution from new development will be minimised and mitigated.

Why we have taken this approach and how the policy will be applied

2.42 Well-designed lighting can make a positive contribution to the urban environment, providing safe environments for a range of activities, creating landmarks out of existing buildings and developing way-finding opportunities through the city. It can also improve safety by lighting dark places and enhance the visual appearance of buildings and townscapes. Through careful planning and design, adverse impacts of light pollution, including glare, light spill and sky

glow can be avoided.

2.43 In applying the policy the Council will seek to limit the impact of artificial lighting on local amenity and nature conservation (including ecological networks and blue and green infrastructure).

2.44 BDP policy TP11 Sports facilities provides policy on sports facilities lighting. Advice and guidance is provided by and should be sought from Sport England on sports lighting proposals.

2.45 Proposals involving or adjacent to designated and non-designated heritage assets, must apply a lighting design appropriate to the asset, considering the architecture of the building to be illuminated and the impact this may have on the character of its surroundings.

2.46 Where appropriate, the Council will require applicants to submit a Lighting Assessment Report/ Strategy (as set out in the Local Validation Requirements) to detail the measures which will be implemented to minimise and control the level of illumination,

glare, and spillage of light and retain dark landscapes to protect wildlife. Planning conditions may be imposed to restrict lighting levels and hours of use or require measures to be taken to minimise adverse effects.

2.47 Lighting associated with new developments should be designed in accordance with established industry standard guidance which is currently set out by the Institute of Lighting Professionals. In particular, the use of low energy light sources will be encouraged. Detailed guidance on the design of lighting proposals will be included in the Birmingham Design Guide. The Planning Practice Guidance on Light Pollution also provides detailed guidance on how light pollution should be managed.

Policy links

Birmingham Development Plan

- TP8 Biodiversity and geodiversity.
- TP11 Sports facilities.
- TP12 Historic Environment
- TP37 Health.

POLICY DM5 Light pollution

1. Development incorporating external lighting should make a positive contribution to the environment of the city and must seek to avoid or mitigate any potential adverse impacts from such lighting on amenity and public safety.
2. Proposals for external lighting will need to demonstrate that the lighting is:
 - a. Appropriate for its purpose in its setting.
 - b. Designed to avoid or limit its impact on the privacy or amenity of its occupiers, nearby residents and other light sensitive uses/ areas, intrinsically dark landscapes, and nature conservation.
 - c. Designed to preserve or enhance the character or appearance of any heritage assets which are affected.
 - d. Designed to a high standard and well integrated into the proposal.
 - e. Energy efficient.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓



DM6 Noise and vibration

Introduction

2.48 Noise is an inherent part of everyday life and contributes to the character of different places. Ensuring that noise and vibration are considered in development proposals and managed appropriately brings benefit to the quality of the living and working environments. This policy seeks to mitigate the impact of new noise and vibration generating development and to ensure that noise sensitive uses are located and designed in a way to protect them from major sources of noise.

Why we have taken this approach and how the policy will be applied

2.49 The growth of Birmingham over the centuries has led to a dynamic and attractive environment with its busy commercial areas in close proximity to residential areas. Noise and vibration needs to be considered where new developments may create additional noise and/ or vibration, or when they would be sensitive to existing or planned sources of noise and/or vibration.

2.50 Proposals for noise sensitive developments in areas of existing

and/or planned sources of major noise will be subject to a case by case analysis with reference to expert advice from the Council's Environmental Health Team. As far as is practicable, noise sensitive developments should be located away from major sources of existing and/or planned sources of noise unless an appropriate and robust scheme of mitigation is provided and the benefits of the proposal in terms of regeneration are considered to outweigh the impacts on amenity and biodiversity. 'Planned' sources of noise mean sites in the nearby vicinity that are under construction; sites with extant consents; sites that have planning consent which are not yet started; and sites which are allocated in the development plan.

2.51 New development should be sited and designed so that it can be integrated effectively with existing businesses, cultural, entertainment and community facilities (such as places of worship, pubs, music venues, and sport clubs). Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') is required to provide suitable mitigation.

2.52 In all cases, the assessment will be based on an understanding of the existing and predicted levels of environmental noise at both the development site and nearby receptors and the measures needed to bring noise down to acceptable levels for the existing or proposed noise-sensitive development. A noise assessment and scheme of mitigation will be required as part of the planning application. The determination of noise impact will be based on the Noise Policy Statement for England and the Planning Practice Guidance on Noise. Although not a Supplementary Planning Document, the Council also has a detailed guidance note on Noise and Vibration maintained by Environmental Health.

POLICY DM6 Noise and vibration

1. Development should be designed, managed and operated to reduce exposure to noise and vibration. The following will be taken into account when assessing development proposals:
 - a. The location, design, layout and materials.
 - b. Positioning of building services and circulation spaces.
 - c. Measures to reduce or contain generated noise (e.g. sound insulation).
 - d. Existing levels of background noise.
 - e. Hours of operation and servicing.
 - f. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.
2. Applications for noise and/or vibration-generating development must, where relevant, be accompanied by an assessment of the potential impact of any noise and/or vibration generated by the development on the amenity of its occupiers, nearby residents and other noise sensitive uses/areas, including nature conservation. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and/or mitigated.
3. Applications for noise-sensitive development (such as residential uses, hospitals and schools) must be accompanied, where relevant, by an assessment of the impact of any existing and/or planned sources of noise and vibration in the vicinity of the proposed development including transport infrastructure, entertainment/ cultural/community facilities and commercial activity. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and/or mitigated.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

2.53 The design of mitigation measures should have regard to the need to provide a satisfactory environment for future occupiers and take account of other material planning considerations such as urban design.

2.54 Noise and vibration can have a significant impact on amenity and on wildlife and habitats. For large or prolonged development, consideration should also be given to the potential noise and vibration impacts during construction as well as the post development phase.

2.55 Sources of vibration include transportation (especially railways) and industrial processes. Where the proposed works will include piling, vibro-compaction or blasting (demolition) the applicant shall assess the impact of vibration on any structure in the vicinity of works. Where an adverse impact is predicted development proposals shall include details of any vibration monitoring and precautions to prevent damage to any structure.

Environmental Health can advise where a vibration assessment will be required.

2.56 Good design of developments, along with other actions, can help to mitigate any noise or vibration impacts. These include:

- Reduction and/or containment of the source of impact, and/or protection of surrounding sensitive buildings.
- Layout to provide adequate distance between the source and sensitive buildings or areas, and/or screening/buffers.
- Limiting operating times or activities of sources allowed on the site, and/or specifying acceptable limits.

Policy links

Birmingham Development Plan

- PG3 Placemaking
- TP37 Health.



3 Economy and network of centres

3.1 Ensuring that Birmingham has a successful and prosperous economy requires the provision of a wide range of employment opportunities and services to meet the needs of the city's growing population. The BDP provides the strategic approach to ensuring provision for a wide range of businesses and jobs in the city. This section sets out detailed policies for specific types of development to support economic success.

DM7 Advertisements

Introduction

3.2 Commercial advertising is a component of modern day life but must integrate effectively into the city's environment through appropriate siting and design.

The aim of this policy is to ensure that advertisements are well designed and relate well in scale and character to a building or surrounding area.

Why we have taken this approach and how the policy will be applied

3.3 The Council aims to ensure that advertisements, including hoardings, are designed to a high standard and contribute to a safe and attractive environment. Poorly placed or designed advertisements can have a negative impact on the appearance of both the built and natural environment, and impact on amenity, public safety and movement. At the same time, sensitive areas need to be protected from any adverse impacts from advertisements.

3.4 The display of advertisements is subject to a separate planning consent process as set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Through the planning system, advertisements are subject to the consideration of impacts in the interests of amenity and public safety. The Planning Practice Guidance: Advertisement explains the control of the advertisement regime and provides detail in relation to consideration affecting public safety and amenity.

3.5 Policy DM7 applies to all types of advertisements, including hoardings, freestanding signs, those attached to buildings, telecommunication assets, totems and other signs. It also applies to internally and externally illuminated signs, and digital signs.

POLICY DM7 Advertisements

1. Proposals for advertisements should be designed to a high standard and meet the following criteria:
 - a. Suitably located, sited and designed having no detrimental impact on public safety or amenity, taking into account cumulative impact.
 - b. Sympathetic to the character and appearance of their location, adjacent buildings and the building on which they are displayed having regard to their size, materials, construction, location and level of illumination.
 - c. Avoid proliferation or clutter of signage on the building and in the public realm.
 - d. Not obscure architectural features of a building or extend beyond the edges or the roofline of buildings and respect the building's proportions and symmetry.
 - e. Not create a dominant skyline feature when viewed against the immediate surroundings.
 - f. Designed to preserve or enhance the character or appearance of any heritage assets which are affected.
2. Illuminated advertisements and signs should seek to avoid or mitigate any potential adverse impact on uses/ areas sensitive to light such as nearby residential properties and other light sensitive uses/ areas, intrinsically dark landscapes, and nature conservation.
3. The siting of advertisement hoardings will be resisted where visible from the M6 motorway or A38 Aston Expressway and purposefully designed to be read from the roadway and where the attention of drivers is likely to be distracted.

Implementation

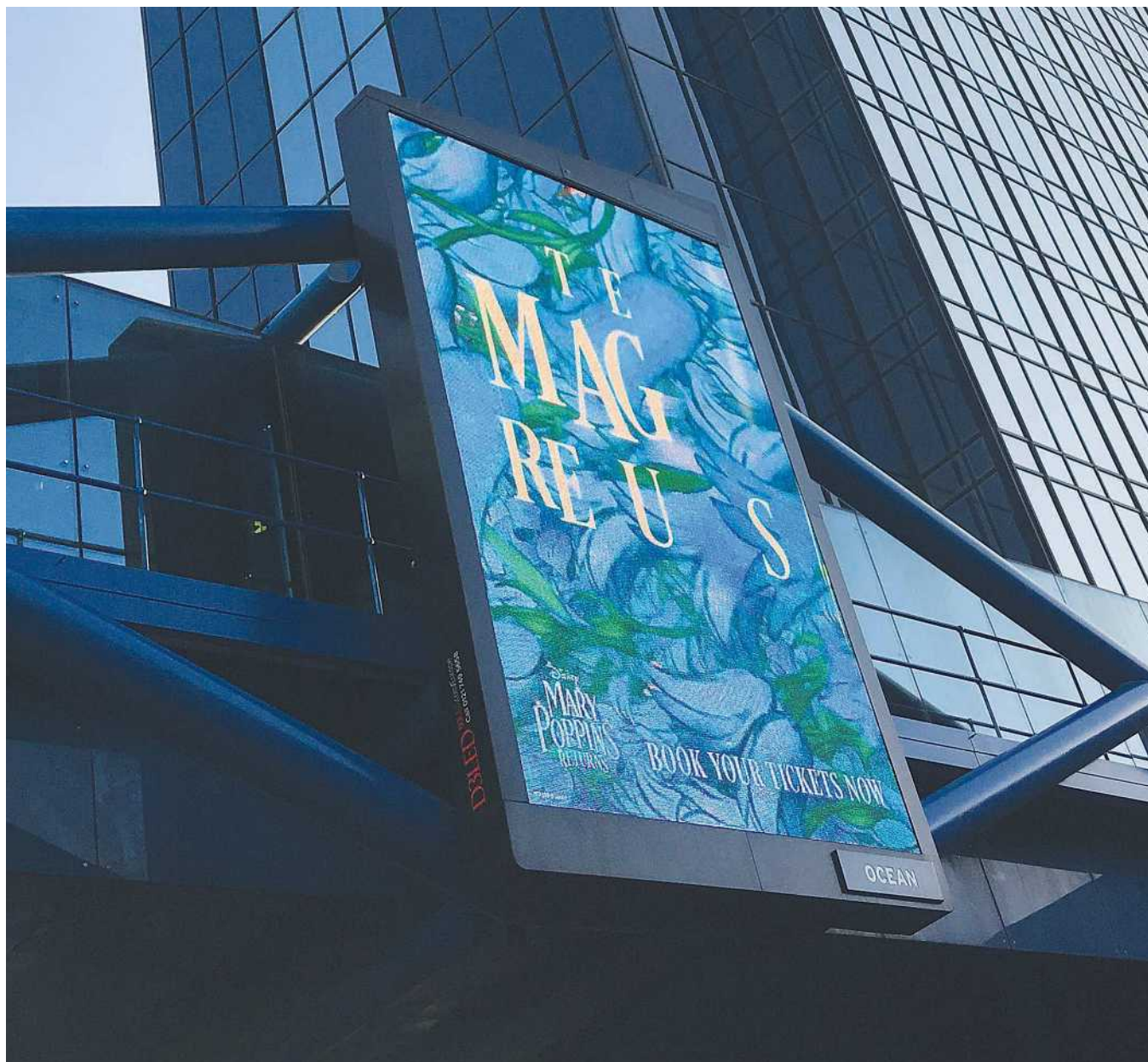
Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

3.6 Detailed guidance on the design of advertisements, signs and shop fronts will be updated and included in the emerging Birmingham Design Guide SPD.

Policy links

Birmingham Development Plan

- PG3 Place making.



DM8 Places of worship and faith related community uses

Introduction

3.7 Birmingham's population is increasingly diverse with a broad range of faiths and a growing demand for faith premises. Places of worship are an important part of the infrastructure, culture and identity of the city. The aim of this policy is to ensure such facilities are appropriately located, designed and managed to benefit users and protect local neighbourhoods.

Why we have taken this approach and how the policy will be applied

3.8 Places of worship are places where groups of people gather to perform acts of religious praise, honour, or devotion. In addition to this main function, they can also include facilities that provide religious or faith-related training, accommodation, and social welfare, as well as community and educational facilities. This policy also relates to faith related community and educational uses which do not physically form part of a place of worship.

3.9 The Council recognises the important and valuable contribution of places of worship to communities across the city and wishes to ensure that the needs of faith communities in Birmingham are appropriately met in the context of a growing and increasingly diverse population.

3.10 The preferred locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan. These are the most sustainable locations in terms of transport accessibility and parking. Other locations will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance.

3.11 Development should be designed, managed and operated to reduce and/ or mitigate any potential adverse impact from noise on nearby residents. Consideration will be given to attaching conditions to any

planning permission granted, which would help to reduce or eliminate such problems.

3.12 Proposals will need to include travel plans where appropriate and management plans to reduce the risk of vehicles parking inappropriately and causing an obstruction or having a detrimental impact on highway safety.

3.13 Additional ancillary activities such as weddings, funerals, and other special occasions are likely to lead to higher volumes of people and increased noise levels, traffic movements and parking demand. These can have an adverse impact on local amenity and public safety and will need to be carefully considered having regard to their frequency and the number of additional people that would be attracted to the premises. A travel plan and/or management plan will be required to address such issues.

3.14 Good design can help to mitigate noise and promote sustainable development. Good design can also ensure that places of worship respect the local context and character of an area and contribute to a high quality environment.

3.15 The information to be submitted in support of a planning application for a place of worship or faith related community use is set out in the Local Validation Requirements for planning applications.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP21 The network and hierarchy of centres.

POLICY DM8 Places of worship and faith related community uses

1. Except for any specific allocation in the Local Plan, the Council's preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of these locations will be considered favourably where:

- It is well located to the population the premises is to serve by means of walking, cycling and public transport.
- It will not have an unacceptable adverse impact on local amenity, parking, public and highway safety.
- It does not conflict with any other policies in the Local Plan.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	



DM9 Day nurseries and early years provision

Introduction

3.16 The Council recognises the value and importance of provision of suitable day care facilities for preschool children. Demand for a range of such facilities, operated either from dwellings or other premises, is likely to increase over the plan period. To ensure that basic standards are maintained, the Council will seek to ensure that all facilities are appropriately located, in particular to protect the amenity of the neighbouring properties and the wider area.

Why we have taken this approach and how the policy will be applied

3.17 Increasing living costs, coupled with a need for both parents to work have resulted in increasing demand for pre-school nurseries. Although some schools have sought to provide nursery places, private companies provide the majority of pre-school nursery places. This is often provided through the conversion of existing buildings and sometimes through the development of purpose built facilities.

3.18 Early years facilities bring benefits to the community by reducing barriers to work for parents and carers and can provide an environment conducive to the development of the children who attend. Investment in the expansion and improvement of educational facilities is supported, in accordance with the BDP (Policy TP36 Education). However, such facilities must be provided in appropriate locations and suitable premises to ensure high standards of provision and prevent harm to the amenity of neighbours. The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of any specific allocations in the Local Plan, are considered the preferred locations for such uses, but other locations will be considered appropriate where the policy criteria are met. Where nurseries are proposed in residential areas it is important to ensure that they would not give rise to unacceptable adverse impacts on local amenity. In these cases it may be necessary to ensure that there is sufficient distance between buildings and/or that mitigation measures will be put in place to minimise the impact from noise and disturbance.

3.19 If you are using your home (dwellinghouse) for childcare provision and more than seven children are minded, not including your own children, this will be considered as a day nursery and planning consent would be required.

3.20 There is normally a need for parents to drop off their children in the morning and pick them up in the afternoon or evening. It is therefore important that sufficient safe parking is provided, following the guidance set out in the Council's Parking Guidelines and Car Park Design Guide Supplementary Planning Documents and any subsequent revision.

3.21 The Council will expect all planning applications for day nurseries and child care facilities in residential buildings and other non-residential buildings to outline: the numbers of staff and other visitors expected to attend the facility; the days of the week and the hours when the facility will operate; the nature of the activity; parking provision and transport patterns, including servicing of the use; disabled access; steps taken to minimise the noise impact of such uses; and a travel plan and noise mitigation measures where appropriate.

POLICY DM9 Day nurseries and early years provision

1. Except for any specific allocation in the Local Plan, the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside these locations will be considered favourably where:
 - a. It is well served by means of walking, cycling and public transport.
 - b. It will not have an unacceptable adverse impact on local amenity, parking, public and highway safety.
 - c. Sufficient useable outdoor play space to meet the needs of the children is provided.
 - d. The property can accommodate satisfactorily the number of children proposed.
 - e. It does not conflict with any other policies in the Local Plan.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP21 The network and hierarchy of centres
- TP36 Education.



4 Homes and neighbourhoods

4.1 The provision of the right amount and right type of housing in the right location is essential to supporting the city's growing population and creation of sustainable neighbourhoods. The BDP sets out the overall approach to developing new homes and promoting sustainable communities in the city. The policies in this section offers an approach to ensure the delivery of a good standard of housing and addressing the impacts and issues of certain forms of housing.

DM10 Standards for residential development

Introduction

4.2 Birmingham residents should be able to enjoy good levels of amenity and have accommodation that meets every day needs for indoor and outdoor space, privacy, daylight and outlook. This policy sets out how to achieve high quality residential environments to protect the health and well-being of residents of existing and new dwellings.

Why we have taken this approach and how the policy will be applied

4.3 In delivering Policy PG3 Place making, amenity is an important consideration as it contributes to peoples' physical and mental health and well-being. Homes should meet occupiers' needs in terms of the size and layout of internal and external spaces.

4.4 The Government's Technical Housing Standards - Nationally Described Space Standards (March 2015 as updated) applies to new residential development in Birmingham. This will ensure that all homes are highly functional, meeting occupiers' typical day to day needs at a given level of occupation. It is based on being able to accommodate a basic set of furniture, fittings, storage, activity and circulation space appropriate to the design and occupancy level of the dwelling. When Government amends these standards, the City Council will prepare technical notes to demonstrate how the update is applied within Birmingham.

POLICY DM10 Standards for residential development

1. All residential development will be required to meet the minimum Nationally Described Space Standards (Appendix 1). This does not include specialist accommodation covered by Policy DM12 and defined in paragraph 4.28 of this document.
2. Housing developments of 15 or more dwellings, should seek to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable.
3. Separation distances* between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance.
4. All new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development and adequate provision for recycling/refuse storage and collection*.
5. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected.
6. Exceptions to the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with site specific issues or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must demonstrate that residential amenity will not be significantly diminished.

* Guidelines are set out in Places for Living SPD which will be replaced by the Birmingham Design Guide.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

4.5 Where space standards are to be met, applicants must submit appropriate supporting documentation alongside the planning application to ensure that compliance with the standards can be verified, including completion of an internal space compliance statement. The Policy will not apply to applications that are already registered prior to the date of adoption of the DMB.

4.6 All new development, including extensions of properties within residential areas has the potential to affect adjoining dwellings. Daylight and outlook are important to create pleasant spaces and support everyday activities.

4.7 The '45 Degree Code' is a well-established approach in Birmingham to protect daylight levels and outlook for occupiers, particularly for existing houses. In applying the code the main considerations include:

- If the extension/building is single storey, the line is drawn from the midpoint of the nearest habitable room ground floor window of the adjoining premises.
- If the extension/building is two storey or taller, the measurement is taken from the quarter point of the nearest habitable room ground floor window.
- If the neighbouring property has already been extended, the measurement is normally taken from the nearest habitable room window of that extension.

- If the neighbouring property has an extension which is made mainly of glass, the policy is applied to the original window opening in the wall where the extension has been added.

Existing guidance on the 45 degree code will be merged into the forthcoming Birmingham Design Guide SPD.

4.8 Amenity will also be considered in terms of adequate separation from surrounding uses (existing and proposed) to ensure that satisfactory living standards can be achieved through suitable and careful design.

4.9 Outdoor private space is highly valued and it is important for both children and adults to have access to some private outdoor space for play and relaxation as well as more practical requirements such as for garden tools/ furniture, drying clothes and outdoor toys. The amount and type of outdoor space should relate to the potential occupancy of the dwelling and should be useable, with consideration from a number of factors, including shape, orientation, landform and shading. Outdoor amenity spaces should receive sunlight for at least part of the day, with garden sizes increased where necessary to take account of overshadowing. Any proposal affecting an existing dwelling will also need to ensure that private external open spaces are retained in accordance with the standards set out in the policy.

4.10 Existing guidance on outdoor amenity space and separation distances is set out in Places for Living SPD, which will be updated through the forthcoming Birmingham Design Guide SPD.

4.11 'Physical constraints', as described in Part 6 of the policy, may include (but are not limited to) site specific constraints such as topography, flood risk, ground conditions, location of services or heritage and character considerations.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP28 Location of new housing
- TP30 The type, size and density of new housing.
- TP37 Health.

DM11 Houses in multiple occupation (HMO)

Introduction

4.12 With the city's growing population, there is a need to ensure that new development supports successful communities by ensuring the right mix of housing types in an area, securing appropriate design and supporting well managed properties. HMOs provide an important contribution to people's housing choice. The policy aims to ensure that such development also preserves the residential amenity and character of an area and that harmful concentrations do not arise.

Why we have taken this approach and how the policy will be applied

4.13 A House in Multiple Occupation, commonly known as a HMO, is defined as a property rented to at least three people who are not from one 'household' (e.g. a family) but share facilities such as a bathroom and kitchen. Planning use classes distinguish between 'small' HMOs of up to six people (C4 use class), and 'large' HMOs of seven or more occupants which are Sui Generis.

4.14 The BDP recognises that different types of residential accommodation are important to meeting the wide ranging housing needs of people in the city. All developments should achieve a high quality design contributing to a strong sense of place (BDP Policy PG3), and new homes should contribute towards achieving mixed and balanced communities (BDP policy TP30). The City Council will seek to prevent the loss to other uses of housing which is in good condition (BDP Policy TP35).

4.15 The conversion and reuse of existing buildings for housing can help to meet the changing housing needs of the city. There has been a significant trend for this form of housing in the private rented market in Birmingham in recent years. This trend has emerged in

part due to the accommodation needs of the city's substantial student population, but also to cater for transient populations and to address a general need for low cost accommodation for young professionals unable to afford home ownership.

4.16 It is important that such proposals take account of effects on the surrounding area. Over-concentrations of certain types of accommodation can have a number of negative impacts on the local communities, including the loss of family housing, effects to the

POLICY DM11 Houses in multiple occupation (HMO)

1. Proposals for the conversion of existing dwellinghouses or the construction of new buildings to be used as Houses in Multiple Occupation (HMO) should protect the residential amenity and character of the area and will be permitted where they:
 - a. Would not result in this type of accommodation forming over 10% of the number of residential properties* within a 100 metre radius of the application site**.
 - b. Would not result in a C3 family dwellinghouse being sandwiched between two HMOs or other non-family residential uses***.
 - c. Would not lead to a continuous frontage of three or more HMOs or non-family residential uses***.
 - d. It would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies.
 - e. Would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety and parking.
 - f. Provide high quality accommodation with adequate living space including:
 - Bedrooms of at least 7.5 sq.m. (single) and 11.5 sq.m. (double).
 - Communal living space comprising lounge, kitchen and dining space either as distinct rooms or in an open plan format.
 - Washing facilities.
 - Outdoor amenity space.
 - Recycling/ refuse storage.
2. Where a) and c) has already been breached, planning permission will only be granted in exceptional circumstances****.
3. Proposals for the intensification or expansion of an existing HMO should comply with (e) and (f) above, having regard to the size and character of the property.

* Paragraph 4.22 sets out the residential properties identified for the purposes of calculating the percentage concentration of HMOs and the data sources for the purposes of identifying HMOs.

** Measured from the centre point of the property

*** For the purposes of this policy a non-family residential use is defined as a HMO, student accommodation, residential accommodation within C1 and C2 Use and self-contained flats.

**** Exceptional circumstances are set out in paragraph 4.25.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

residential character, appearance, and amenity of an area as a result of excessive noise and disturbance to residents and increased parking pressures.

4.17 The cumulative effect of incremental intensification in an area caused by numerous changes of use from small HMO to large HMOs or the extension of existing HMOs can be also significant. For these reasons applications for such changes will be assessed using criteria three of the policy.

4.18 A planning policy for the Article 4 Direction Area of Selly Oak, Harborne and Edgbaston was adopted in November 2014. This will be replaced by Policy DM11 Houses in Multiple Occupation in the DMB when adopted.

4.19 Where additional bedrooms are created in both new build HMOs and conversions of existing buildings, these will be expected to meet the internal space standards set out in the policy. Appropriately sized, proportioned and equipped communal areas and adequate bathroom and cooking facilities should be provided, relative to the expected number of occupants in accordance with the Council's adopted guidance on Property and Management Standards applicable to Private Rented Properties including HMOs. Communal living space should be provided within the main structure of the building and not within conservatories due to the inferior noise insulation and consequent effect on amenity of neighbours. Insufficient communal areas increase the time occupants must spend in their individual bedrooms and can therefore hinder social cohesion within the property. The size of the bedrooms and the extent of their ability to function as social areas will be taken into account in determining whether communal space provision is sufficient. Planning applications must be supported by a full set of floor plans that includes details showing the internal measurements for each room; for bedrooms

indicating if they are intended to be single or double; and any areas of reduced ceiling heights.

4.20 The City Council, local residents, universities, private landlords and other partners will continue to work together to support the best management, maintenance and provision of residential accommodation, and to ensure that a good standard of amenity is maintained.

4.21 In the right location, good design of development and its future operation can help to limit any negative impacts. This includes ensuring the proposal can be delivered in line with best practice and Government guidance.

4.22 The Council will calculate the number of HMOs in the relevant area for each individual planning application based on the following method.

Stage 1

Identifying residential properties

The residential properties identified are those located within 100m of the application site (measured from the centre point of the

property). For the purposes of assessing applications for HMO development, dwelling houses and HMOS that are located within blocks of flats or subdivided properties are counted as one property. Residential institutions, care homes, hostels and purpose built student accommodation and other specialist housing are also counted as one property per block. This will ensure that calculations of HMO concentration are not skewed.

Stage 2

Count HMOs

HMOs are identified from the following sources:

- Properties licensed as a HMO
- Properties with C4 or Sui Generis HMO planning consent or issued with a Certificate of Lawful Development
- Declared C4 HMOs recorded in the 12 month notice period for the city-wide Article 4 Direction 2019
- Council tax records – student exemptions for council tax excluding purpose built student accommodation and private flats



Stage 3

Calculate concentration

The concentration of HMOs surrounding the application site is calculated as a percentage of the total estimated number of existing HMO units against the total number of residential properties. It is accepted that although the HMO sources listed above provide the most robust approach to identifying the numbers and locations of HMOs in an area, it will not identify all HMOs.

4.23 Additional HMOs can also impact on residential amenity where they lead to concentrations in the immediate vicinity of an application site, as well as creating other impacts where they proliferate at a broader neighbourhood level. Planning permission would not be granted where the introduction of a new HMO would result in an existing C3 dwelling being 'sandwiched' by any adjoining HMOs or non-family residential uses on both sides. This would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets. Planning permission would not be granted where it would result in a continuous frontage of 3 or more HMOs or non-family residential uses. In situations where properties are not traditional houses situated along a street frontage, the policy can be applied flexibly depending on the individual circumstances of the proposal.

4.24 The Council's Strategic Housing Market Assessment (SHMA) (2013) indicates a need for accommodation of all sizes but it also shows that the highest net change in the number of homes needed is for 3 and 4 or more bedroom homes. Where there are particular shortages of large family accommodation, the City Council will be sensitive to any such need when considering proposals for HMOs which would result in the loss of such housing.

Exceptional circumstances

4.25 The concentration of HMOs in an area may be at such a point where the introduction of any new HMO would not change the character of the area. This is because the vast majority of properties are already in HMO use. In these circumstances the retention of the property as a family dwelling will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining buildings to a HMO would not further harm the character of the area.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP28 The location of new housing.
- TP30 The type, size and density of new housing.
- TP35 The existing housing stock.



DM12 Residential conversions and Specialist accommodation

Introduction

4.26 The development of any new type of housing should help contribute to creating sustainable neighbourhoods and provide good quality accommodation to meet the needs of people in the city. This policy seeks to ensure that such development is well located, achieves a high standard of design, protects local character and achieves good levels of amenity.

Why we have taken this approach and how the policy will be applied

4.27 The BDP (Policies TP27 and 30) seeks to ensure that new housing provision is made in the context of creating sustainable communities which contain a wide mix of housing. New housing should add to the choice of accommodation available to people, whatever

their circumstances. A strong and sustainable community responds to the needs of all residents, including those who are considered to be most vulnerable and requiring access to housing that meets their specific needs.

4.28 Specialist residential accommodation is a generic description used to describe housing that meets the needs of specific groups of people. This can comprise of hostels, shared housing, care homes and supported accommodation for older people and people with mental health, learning disabilities, dementia, physical and sensory impairment, ex-offenders and drugs and alcohol dependency. It does not include age-restricted general market housing, retirement living or sheltered housing.

4.29 It remains a priority for the Council to provide safe environments which facilitate independent living for vulnerable residents and older people in

Birmingham. All applications for specialist housing including extensions to existing facilities should have regard to the Council's latest housing needs strategies.

4.30 The Council will resist proposals for residential conversion and specialist accommodation where it would result in an over-concentration of similar uses in the immediate area, if it is considered that the proposal will cause demonstrable harm to the character and function of an area, and/or local amenity. Planning permission may be refused on grounds that further development of such uses will have a harmful impact on local character, appearance, amenity and sustainable communities.

4.31 Specialist accommodation is normally most appropriately located in large detached properties set in their own grounds. The development of such uses in smaller detached or large semi-detached or terraced houses will not be acceptable, unless the amenity of adjoining occupiers can be safeguarded. Proposals should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents. The amount and location of such space should be related to the proposed number of residents and their particular needs. This should normally be a minimum of 16 sq.m. of space per resident. Details of the management arrangements of such developments should be submitted with an application.

4.32 Conversions are a useful way of maximising the efficient use of the existing housing stock and land. It may also enable many large, old properties to be retained which are important to the character of many residential areas.

4.33 However, it is important that development is carefully managed in order not to detract from the character of the area and/or amenity of nearby residents; and

POLICY DM12 Residential conversions and Specialist accommodation

1. This policy applies to the subdivision or conversion of properties into self-contained dwelling units and the development of specialist accommodation*. Such development will be supported where:
 - a. It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area.
 - b. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers.
 - c. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers.
 - d. The scale and intensity of the proposed use is appropriate to the size of the building.
 - e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.

* Specialist accommodation is defined in para 4.28

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
✓				✓	

that the size of the property or site is suitable and can provide a good living environment for occupants. The conversion of a single dwelling house into several separate units may result in an increased intensity of use and possible adverse effects on the adjacent properties, including increased amount of traffic, on-street parking and poor waste management. This should be fully assessed and adequate mitigation measures will be required to address any adverse impacts.

4.34 Generally, detached properties are most appropriate for flat conversions. Semi-detached and terraced properties may be

considered but the potential effect on adjoining occupiers will be assessed particularly carefully. Properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout. Favourable consideration will not normally be given to the subdivision of single dwellinghouses with 3 or less bedrooms into smaller dwelling units.

4.35 The Council's Strategic Housing Market Assessment (SHMA) (2013) indicates a need for accommodation of all sizes, but it also shows that the highest net change in the number of homes needed to 2031 is for 3 and 4 or

more bedroom homes. Where there are particular shortages of large family accommodation, the City Council will be sensitive to any such need when considering proposals for flat conversions and the specialist accommodation.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP28 the location of new housing
- TP30 The type, size and density of new housing.
- TP31 Affordable housing.
- TP32 Housing regeneration.
- TP35 The existing housing stock.



DM13 Self and custom build housing

Introduction

4.36 Self and custom build housing can be an additional source of supply to conventional housing and further housing choice. The Council will seek to support individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership.

Why we have taken this approach and how the policy will be applied

4.37 Self-build and custom build housing can be defined as homes built or commissioned by individuals or groups of individuals for their own use. There is a strong push at a national level to increase self-build activity and a number of requirements have been placed on local councils, including keeping a register of those seeking to acquire a plot for self-building and having regard to the register in carrying out their planning, housing, land disposal and regeneration functions.

4.38 The National Planning Policy Framework requires local planning authorities to clearly understand need and plan for a mix of housing, including for people wishing to build their own homes.

4.39 The Self-Build and Custom Housebuilding Act 2015 places a duty on local authorities to keep a register of those seeking to acquire a plot for self-build and to have regard to the register in carrying out their planning, housing, land disposal and regeneration functions.

4.40 The Housing and Planning Act introduced a duty on local authorities to "give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period". The Act defines 'demand' as evidenced by the number of entries added to the register during the relevant period.

4.41 The Council has been operating its self-build register since November 2014 and the

number of entries on the register is increasing. The number of new homes granted exemptions from the Community Infrastructure Levy due to their self/custom build status also indicates that there is considerable self-build activity in the city.

4.42 The Council will encourage and facilitate self and custom build housing, including promotion of the self-build register, further engagement with local self-build groups and consideration of Council owned land opportunities. The Council welcomes engagement with local residents or community groups wishing to build their own home, and pre-application planning discussion is recommended.

4.43 The Council's Housing Development Team is also working to make permissioned plots available to support this type of house building. This development management policy will therefore form just one part of a wider package of measures intended to promote and facilitate self-build and custom build housing development in the city.

4.44 While the Council is generally supportive of proposals for self or custom build units, it is important that applications for self or custom build do not compromise the strategy of the BDP. Planning applications for this type of housing will still need to comply with other relevant policies in the Local Plan.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP30 The type, size and density of new housing.

POLICY DM13 Self and custom build housing

1. The Council will actively support the development of self and custom-build homes in suitable locations where they support the delivery of the Birmingham Development Plan and do not conflict with other policies in the Local Plan.
2. The Council will encourage developers to consider incorporating an element of self-build plots into development schemes as part of the housing mix. The Council's self-build register will be used as a source of evidence of the demand for self-build and custom build housing locally, and the level of demand will be a material consideration in determining proposals.
3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing mix provided on larger sites (200 dwellings or more) where it is demonstrated to meet an identified need and is not substituted for needed social rented and affordable rented housing.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
✓				✓	



5 Connectivity

5.1 Connectivity is key to the successful future growth of Birmingham and the wellbeing of its residents. The core principles in regard to how we use our streets, create places and link people and businesses to opportunities are covered by the BDP. The development management policies in this section set out the detailed transport and traffic considerations relevant to individual development proposals. It also sets out the policy on telecommunications.

DM14 Transport access and safety

Introduction

5.2 Transport from individual developments can have an impact on the efficiency, safety and sustainability of the city's transport system. This policy will be used to determine whether or not a proposed development would have an impact on the existing highway network and, therefore, whether the proposal would be considered appropriate in transport terms. It also provides guidelines on the provision of adequate access and servicing for development.

Why we have taken this approach and how the policy will be applied

5.3 New developments make an important contribution towards an efficient, comprehensive and sustainable transport system in Birmingham. At the same time this network is an enabler for economic growth across the city ensuring that businesses can operate successfully and people have a choice of sustainable transport modes for their journeys.

5.4 Highway safety is fundamental to the design of the highway network and no development should have a negative impact on highway safety. The Road Safety Strategy for Birmingham adopts a 'Safe System' approach which acknowledges the risk of human error and places significant responsibility on design of the transport network to ensure that collisions do not result in serious injury. Effective traffic management is essential to the safe and free flow of movement on the highway

POLICY DM14 Transport access and safety

1. Development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an unacceptable adverse impact on highway safety.
2. Development must ensure that safe, convenient and appropriate access arrangements are in place for all users, including the needs of people with disabilities and reduced mobility within the development and onto the highway network, both during the construction and operation stages of the development. Priority shall be given to the needs of sustainable transport modes.
3. Developments should provide for the efficient delivery of goods and access by service and emergency service vehicles. Where it is demonstrated that this is not feasible, an appropriate alternative solution must be agreed with the City Council and secured.
4. Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment and should be located where the need to travel will be minimised, and is in a location that is readily accessible by sustainable transport modes. Development proposals that generate significant amounts of traffic will be required to provide, implement and monitor a Travel Plan that sets out the means by which the developer will encourage users to adopt more sustainable modes of travel.
5. On Birmingham's strategic highway network, development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where specified in a local plan or where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety).
6. All new vehicle access points (including private driveways) will be supported where it would not result in:
 - a. Reduction in pedestrian or highway safety.
 - b. Detrimental impact on public transport, cycling and walking routes;
 - c. Adverse impact on the quality of the street scene and local character of the area.
 - d. The loss of important landscape features, including street trees and significant areas of green verge which cannot be appropriately replaced, or their loss mitigated.
 - e. The prevention or restriction of the implementation of necessary or future transport improvements.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
	✓		✓	✓	

network. It can improve accessibility and potentially reduce congestion by understanding flows of traffic at peak and non-peak periods. Where it is necessary for the developer to undertake improvements to the highway network to facilitate the safe and smooth movement of traffic, or incorporate pedestrian, cycle or public transport improvements, these works will be secured through the use of appropriate planning conditions and legal agreements.

5.5 Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment or Statement and will be required to provide a Travel Plan. Applications for development with significant transport implications should demonstrate the measures they are taking to minimise the impact of the development on highway users. The Council's thresholds for Transport Assessments/ Statements and Travel Plans are set out in the Council's Local Validation Requirements for Planning Applications. Further guidance on the preparation of TAs and TSs can be found in national policies and guidance.

5.6 Detailed guidance on Travel Plans is provided on the Birmingham Connected Business Travel Network website with requirements for uploading and maintaining travel plans through STARSfor. For schools refer to information on Modeshift STARS. Where Travel Plans are to be submitted alongside a planning application, they should be worked up in consultation with the local authority using the STARSfor



online system. They should have measurable outputs, which might relate to targets in the local transport plan, and should set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement, in the event that agreed objectives are not met. This is likely to be addressed through a legal agreement between the relevant parties and the Council under a Section 106 Agreement.

5.7 Travel Plans must include clear, viable proposals for monitoring of travel patterns post occupation. Where a Travel Plan is required to mitigate significant impacts on the highway, the agreed measures and targets of the Travel Plan may be secured with a sanction to ensure that any failure to deliver agreed measures and/or outcomes can be remedied. The sanction would be used, if required, to address the travel impact of the scheme to the benefit of all parties.

5.8 Where construction activity is likely to have an impact on the highway network (physical highway occupation or increased traffic due to site construction or servicing) a Construction Traffic Management Plan (CTMP) will be required. This should meet the Council's CTMP guidance notes and ensure safe and efficient operation of the highway. This should include consideration of communications in relation to travel impact, in liaison with the Transportation Demand Management Team. It is the developer's responsibility to ensure the impact on the highway network is reduced as far as reasonably possible and any necessary Highways Act licenses are obtained before construction takes place.

5.9 With all development, the existing network and proposed access points to the site will need to be suitable for future traffic levels. The main parts of the highway network within Birmingham, including the strategic highway network and the West Midlands key route network, are more sensitive to traffic impacts

from development. Any new or amended access arrangements need to be carefully considered to ensure the efficient, effective and safe operation of the highway infrastructure across the City.

5.10 In relation to criteria 6.e. of the policy, 'necessary or future transport improvements' are defined as those included in policies, strategies and programmes published by Birmingham City Council, West Midlands Combined Authority, West Midlands Rail Executive, Network Rail, Highways England, National Government and other relevant public sector organisations.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP38 A sustainable transport network.
- TP39 Walking.
- TP40 Cycling.
- TP41 Public transport.
- TP42 Freight.
- TP43 Low emission vehicles.
- TP44 Traffic and congestion management.
- TP45 Accessibility standards for new development.





DM15 Parking and servicing

Introduction

5.11 Managing parking in the right way can play a crucial role in creating a balanced, efficient and sustainable transport network. The Council recognises that a flexible and balanced approach is needed to prevent excessive car parking provision and not increasing parking pressure on existing streets.

Why we have taken this approach and how the policy will be applied

5.12 It is estimated that the growth in the city's population will result in 1.2 million additional daily trips across the network by 2031

(by all transport modes). It is not possible or indeed desirable to accommodate all these by private car due to existing constraints on our highway capacity and because of the significant detrimental impact of traffic on our environment.

5.13 In order to ensure that development is sustainable, local parking policies, alongside other planning and transport measures, should act to promote sustainable transport choices and reduce reliance on the private car for work and other journeys. Careful and appropriate management of parking is a key element of Birmingham's transport strategy.

5.14 The Council's parking standards currently set out in the Car Parking Guidelines Supplementary Planning Document (2012) will be replaced by updated standards in the Parking Supplementary Planning Document. It provides revised parking standards for all new developments in the city to reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The Parking SPD will be used as a guide in the determination of planning applications. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking provision. The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city.

5.15 The Council will support and promote the provision of on-street and off-street charging points for ultra-low emission vehicles and car clubs. The availability of car club vehicles has been shown to reduce the level of car ownership and usage. The Council considers this would contribute to sustainable development in the City. Car club bays should ideally be placed on-site if they would be accessible to the public as well as for the occupants of the site, or on the public highway close to the development.

5.16 Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space. Guidance on this is contained within the Parking SPD. This will help ensure that parking of cars in garages contributes to parking needs and residential amenity by creating a more secure environment, and reducing the potential for unsocial parking and visual impacts.

POLICY DM15 Parking and servicing

1. Parking and servicing should contribute to the delivery of an efficient, comprehensive and sustainable transport system. Development should promote sustainable travel, reduce congestion, and make efficient use of land.
2. New development will need to ensure that the operational needs of the development are met in terms of parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs.
3. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking and servicing should be designed to be secure and accessible to its users and adhere to the principles of relevant Supplementary Planning Documents.
4. Proposals for standalone parking facilities must demonstrate that there is a deficit in local publicly available off-street parking, or that it will help to relieve on-street parking problems.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
	✓		✓	✓	

5.17 It is essential that a design led approach is adopted to ensure parking functions satisfactorily for all users including disabled drivers, pedestrians, cyclists and service vehicles and does not impact negatively on the surrounding streetscape. Well planned and designed parking can have a determining influence on the streetscape, can influence development density and is important to the success of all developments. The existing Car Park Design Guide will be replaced by the forthcoming Birmingham Design Guide SPD, providing detailed guidance on parking design.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP38 A sustainable transport network.
- TP39 Walking.
- TP40 Cycling.
- TP41 Public transport.
- TP42 Freight.
- TP43 Low emission vehicles.
- TP44 Traffic and congestion management.
- TP45 Accessibility standards for new development.



DM16 Telecommunications

Introduction

5.18 The Council recognises the importance of advanced high quality communications infrastructure to serve local business and communities and their crucial role in the national and local economy. This includes the development of high speed broadband technology and other communication networks for which there is a growing demand. The objective of this policy is to ensure the right balance is struck between providing essential telecommunications infrastructure and protecting the environment and local amenity.

Why we have taken this approach and how the policy will be applied

5.19 Whilst there are significant economic and social benefits associated with the development of telecommunications infrastructure, the development of masts, antennae and other associated infrastructure can give rise to significant levels of concern relating to visual intrusion and impact on the surrounding area in which it is located. Operators and local authorities work to the 'Code of best practice on mobile network development' in England, which has been produced in accordance with a working group including English Heritage, the Mobile Operators Association, National Parks England, and the Planning Officers Society.

5.20 Proposals for new telecommunications equipment require either planning permission or prior notification from the City Council, although some small installations are not required to seek this approval.

5.21 The necessary evidence to justify the proposed development should support applications for telecommunications development. This should include the outcome of consultations with organisations with an interest in the proposed development. When adding to an existing mast or base station, a statement that self-certifies the cumulative exposure will not exceed the International Commission on Non-Ionising Radiation Protection Guidelines is needed, or evidence that the applicant has explored the possibility for erecting antennas on an existing building, mast or other structure and a statement certifying International Commission guidelines will need to be met.

5.22 Relating to the visual intrusion of masts, careful consideration into the design should be carried out to minimise the visual impact of the development. Such design solutions may relate to the form of structure, to colour and to materials, for example masts can be designed to look like trees or street furniture or can be designed into the fabric of a building.

5.23 When freestanding masts outside of the built up area are being developed, it is essential to ensure that they, as far as possible, blend in with the natural landscape. This includes the associated equipment such as underground cable, service routes and means of enclosure. Development should be designed such that there is minimal loss or damage to trees and other natural vegetation. Additional planting of trees and vegetation is a means to screen such development. In accordance with the policy no unacceptable harm should arise to the natural environment as a result of such applications.

POLICY DM16 Telecommunications

1. The Council will promote the development of advanced, high quality communications infrastructure to support economic growth and more accessible, inclusive communities. This will be achieved by requiring new development proposals to:
 - a. Demonstrate opportunities have been explored for sharing of masts or sites. Such evidence should accompany any application made to the local planning authority.
 - b. Demonstrate that there are no suitable alternative sites for telecommunications development available in the locality including the erection of antennae on existing buildings or other suitable structures.
 - c. Be sited and designed in order to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas.
 - d. If on a building, apparatus and associated structures to be sited and designed in order to minimise impact to the external appearance of the building.
 - e. Not have unacceptable harm on areas of ecological interest, areas of landscape importance, or heritage assets and their setting.
 - f. Conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, taking account where appropriate of the cumulative impact of all operators' equipment located on the mast/site.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

5.24 Further guidance is contained in paragraphs 42-46 of the NPPF, and the Telecommunications Development: Mobile Phone Infrastructure SPD.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP46 Digital communications.



6 Implementation and monitoring

6.1 The DMB will be implemented through the development management process. Its policies along with other Birmingham Local Plan policies and the National Planning Policy Framework will be the primary means by which the Council will make decisions on planning applications.

6.2 The Birmingham Authority Monitoring Report (AMR) will monitor the effectiveness of the Development Management policies. Updates of the AMR will normally be published annually.

6.3 The Development Management policies support the delivery of the BDP. Each Development Management policy identifies links to BDP policies. The effectiveness of the Development Management policies will be monitored using indicators set out in Appendix 2 of this document, many of which link with BDP monitoring indicators.

6.4 Once the Development Management in Birmingham DPD is adopted, a review of the document will be undertaken at least every five years.





7 Appendices

Appendix 1: Technical Housing Standards - Nationally Described Space Standard (March 2015 as updated)

Table 1 - Minimum Gross Internal floor Areas (GIA) and Storage

Number of bedrooms	Number of bedspaces (people)	1 storey dwelling (sq.m)	2 storey dwelling (sq.m)	3 storey dwelling (sq.m)	Built in storage* (sq.m)
1b	1	39(37)**	-	-	1
	2	50	58	-	1.5
2b	3	61	70	-	2
	4	70	79	-	
3b	4	74	84	90	2.5
	5	86	93	99	
	6	95	102	108	
4b	5	90	97	103	3
	6	99	106	112	
	7	108	115	121	
	8	117	124	130	
5b	6	103	110	116	3.5
	7	112	119	125	
	8	121	128	134	
6b	7	116	123	129	4
	8	125	132	138	

* The built-in storage figures are included within the GIAs (i.e. are not additional).

** Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

The Standard requires that:

- a. the dwelling provides at least the GIA and built-in storage area set out in Table 1.
- b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom.
- c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5 sq.m and is at least 2.15m wide.
- d. in order to provide two bedspaces, a double (or twin) bedroom has a floor area of at least 11.5 sq.m.
- e. one double (or twin) bedroom is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- f. any area with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage (if the area under the stairs is to be used for storage, assume general floor area of 1sq.m within the GIA).
- g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all.
- h. a built-in wardrobe counts towards the GIA and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72 sq.m in a double bedroom and 0.36sq.m in a single bedroom counts towards the built-in storage requirement.
- i. the minimum floor to ceiling height is 2.3m for at least 75% of the GIA.

Compliance

All areas are to be denoted in square metres (sq.m) and all linear dimensions in metres (m). Developers are to provide a schedule of dwelling types indicating their overall GIA and in-built storage areas.

Developers will be able to achieve 'type approval' for standardised designs. (Note that internal floor plans will still normally need to be submitted in order to assess amenity impacts and to demonstrate compliance with design principles such as active frontages, natural surveillance and the 45 degree code). For dwellings without type approval, drawings will need to be submitted at a scale of no greater than 1:100 showing room dimensions and heights for plan checking purposes

The City Council will accept type approval of plans where this is confirmed by a building control body (which can be either a Local Authority Building Control Body, or a Government Approved Inspector) providing that the information used to assess compliance is also submitted, to enable checking by the City Council.

If the proposed development does not comply with the Standard, room floor plans with indicative furniture layouts will be required to demonstrate the functionality of internal spaces.

Appendix 2: Monitoring Framework

Policy	Monitoring indicator	Target	Trigger
Policy DM1 Air Quality	Number of applications approved contrary to the policy. Number of applications refused on air quality grounds and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. • All relevant appeal decisions uphold air quality impact as valid reason for refusal. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected air quality as a reason for refusal.
Policy DM2 Amenity	Number of applications approved contrary to the policy. Number of applications refused on amenity grounds and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold loss of amenity as valid reason for refusal. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected amenity as reason for refusal.
Policy DM3 Land affected by Contamination and Hazardous substances	Number of applications approved contrary to the policy. Number of applications refused on contamination grounds and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold risk of contamination as a valid reason for refusal. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected contamination as reason for refusal.
Policy DM4 Landscaping and Trees	Ha/sq.m. in loss of ancient woodland. Number of applications approved without tree replacement provision (where relevant).	<ul style="list-style-type: none"> • No loss of ancient trees/ woodland. • No applications approved without tree replacement provision (where relevant). 	<ul style="list-style-type: none"> • 10% loss of ancient trees/ woodland. • 10% of applications approved without tree replacement provision (where relevant).
Policy DM5 Light Pollution	Number of applications approved contrary to the policy. Number of applications refused on light pollution grounds and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. • All relevant appeal decisions uphold light pollution as a valid reason for refusal. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected light pollution as reason for refusal.
Policy DM6 Noise and Vibration	Number of applications approved contrary to the policy. Number of applications refused on noise impact grounds and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. • All relevant appeal decisions uphold noise impact as a valid reason for refusal. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected noise impact as reason for refusal.
Policy DM7 Advertisements	Number of applications approved contrary to the policy. Number of applications refused on this policy and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. • All relevant appeal decisions uphold the reason(s) for refusal related to the policy. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected the reason(s) for refusal related to the policy.
Policy DM8 Places of Worship	Number of applications approved contrary to the policy. Percentage of applications refused on this policy and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. • All relevant appeal decisions uphold the reason(s) for refusal related to the policy. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected the reason(s) for refusal related to the policy.

Policy	Monitoring indicator	Target	Trigger
Policy DM9 Day nurseries and early years provision	Number of applications approved contrary to the policy. Percentage of applications refused on this policy and successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. • All relevant appeal decisions uphold the reason(s) for refusal related to the policy. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy. • 10% of appeals where inspector rejected the reason(s) for refusal related to the policy.
Policy DM10 Standards for Residential Development	Number of dwellings meeting NDSS. Number of dwellings provided as accessible and adaptable. Number of applications refused on 45 Degree Code successfully defended at appeal.	<ul style="list-style-type: none"> • 100% of dwellings meet NDSS. • 100% of development of 15 or more dwellings provide 30% accessible homes. • All relevant appeals on 45 Degree Code policy successfully defended. 	<ul style="list-style-type: none"> • Provision of NDSS compliant homes falls below 80%. • Provision of accessible and adaptable homes falls below 80% • 10% of appeals where inspector rejected 45 Degree Code policy as reason for refusal.
Policy DM11 House in multiple occupation	New areas with over 10% concentration of HMOs.	<ul style="list-style-type: none"> • No new areas with over 10% concentration of HMOs. 	<ul style="list-style-type: none"> • Increase in areas with over 10% concentration of HMOs.
Policy DM12 Residential conversions and specialist accommodation	Number of applications approved contrary to policy.	<ul style="list-style-type: none"> • All relevant applications to meet the policy requirements. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to the policy.
Policy DM13 Self and custom build housing	Numbers of plots made available for self and custom build each year.	<ul style="list-style-type: none"> • No specific target. 	<ul style="list-style-type: none"> • No specific trigger.
Policy DM14 Transport access and safety	Number of applications approved contrary to the policy.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to the policy.
Policy DM15 Parking and servicing	Number of applications approved contrary to the policy. Number of applications refused on this policy successfully defended at appeal.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to the policy.
Policy DM16 Tele-communications	Number of applications approved contrary to the policy.	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements. 	<ul style="list-style-type: none"> • 10% of applications approved contrary to the policy.

Appendix 3: Glossary of Terms

45 Degree Code: a well-established approach in Birmingham applied to house extension proposals in order to protect daylight levels and outlook for occupiers, particularly of existing houses.

Accessibility: ability of people or goods and services to reach places and facilities.

Active frontages: street frontages where there is an active visual engagement between those in the street and those on the ground floors of buildings. This quality is assisted where the front facade of buildings, including the main entrance, faces and opens towards the street. This is not the same as attractive frontages, such as art walls, green walls or display boxes. Active frontages are often taken to mean continuous rows of highly-glazed Shopfronts with frequent entries and cafes.

Affordable Housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

Air Quality Action Plan (AQAP): Air Quality Action Plans are produced by local authorities (in collaboration with national agencies and others) to state their intentions and objectives towards achieving air quality targets through the use of the powers they have available.

Air Quality Management Area (AQMA): areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites.

Arboricultural Impact Assessment (AIA): a study to assess the impacts to trees caused by any development.

Area Action Plan (AAP): Development Plan Documents used to provide a planning framework for areas of change (e.g. major regeneration) and areas of conservation.

Article 4 Direction: a power available under the 1995 General Development Order allowing the Council, in certain instances, to restrict permitted development rights.

Authority Monitoring Report (AMR): a report published by the Council which provides updates on the preparation of the Council's Local Plan and other planning documents and assesses performance of adopted planning policies.

Biodiversity: encompasses the whole variety of life on earth (including on or under water) including all species of plants and animals and the variety of habitats within which they live. It also includes the genetic variation within each species.

Birmingham Connected: Birmingham's long-term transport strategy for the city.

Birmingham Connected Business Travel Network: a framework for the range of transport information, resources, services and activities that businesses and other organisations can access. This includes general advice around encouraging sustainable travel along with specific elements relating to road safety, air quality, freight and smarter working.

Birmingham Design Guide: a Supplementary Planning Document being prepared by the Council as the primary planning guidance used to assess and guide the design of all new development across the city.

Birmingham Development Plan (BDP): adopted by the Council in January 2017, it sets out a spatial vision and strategic policies for the sustainable growth of Birmingham for the period 2011 to 2031.

Brownfield Land: previously developed land which is or has been occupied by a permanent structure.

Capital Asset Value for Amenity Trees (CAVAT): a tool for measuring the value of trees as public assets developed in 2008 and now used widely by local authorities across the UK.

Car Clubs: schemes which facilitate vehicle sharing.

Clean Air Zone (CAZ): an area where targeted action is taken to improve air quality, in particular by discouraging the most polluting vehicles from entering the zone. No vehicle is banned in the zone, but those which do not have clean enough engines will have to pay a daily charge if they travel within the area.

Community Infrastructure Levy (CIL): a per square metre tariff on new development seeking to raise revenue to fund new infrastructure.

Compulsory Purchase Order (CPO): an order which enables a statutory authority to purchase an area of land compulsory for an approved project.

Conservation (for heritage policy): the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Conservation Area: area designated by the Council under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as possessing special architectural or historic interest.

Development Plan Documents (DPD): statutory planning documents that form part of the Local Plan including the Strategic Policies, Development Management Policies and Site Allocations Documents.

Environmental Protection Act 1990: deals with issues relating to waste on land, defining all aspects of waste management and places a duty on local authorities to collect waste.

Geodiversity: the range of rocks, minerals, fossils, soils and landforms.

Green Infrastructure: a network of connected, high quality, multi-functional open spaces, corridors and the links in between that provide multiple benefits for people and wildlife.

Groundwater: water held underground in the soil or in pores and crevices in rock.

Habitats Regulations Assessment Screening: assesses whether a plan or a planning proposal will impact upon a European protected ecological site such as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites which are afforded strict protection under the Conservation of Habitats and Species Regulations 2017.

Heritage asset: a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic Parks and Gardens: Parks and gardens containing historic features dating from 1939 or earlier registered by English Heritage. These parks and gardens are graded I, II or II* in the same way as Listed Buildings.

Houses in Multiple Occupation (HMOs): a property rented out by at least 3 people who are not from one 'household' (for example a family) but share facilities like the bathroom and kitchen. (Housing Act 2004).

International Commission on Non-Ionising Radiation Protection (ICNIRP): Organisation providing scientific advice and guidance on the health and environmental effects of non-ionizing radiation (NIR) to protect people and the environment from detrimental exposure. Activities include determining exposure limits for electromagnetic fields used by devices such as cellular phones.

Landmarks: buildings and structures which are visually or culturally prominent

Landscape: The character and appearance of land, including its shape, form, ecology, natural features, colours and elements and the way these elements combine.

Listed Buildings: Locally listed buildings are those which satisfy one or more of the following criteria: historic interest, architectural interest or environmental significance. Statutory listed buildings are buildings of special architectural or historic interest, they are graded as I, II* or with grade I being the highest. English Heritage is responsible for designating buildings for statutory listing in England.

Local Plan: a plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Local Validation Requirements: document which sets out the information that Birmingham City Council will require to be able to register, assess and determine planning applications.

Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Market Housing: private housing for rent or for sale, where the price is set in the open market.

National Planning Policy Framework (NPPF): sets out the Government's planning policies for England and how they are expected to be applied.

Noise-sensitive Development: development which increases noise exposure or may have a detrimental impact for residents or users.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Open Space: all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Public realm: the space between and within buildings that is publicly accessible, including streets, squares, forecourts, parks and open spaces.

Regeneration: the economic, social and environmental renewal and improvement of a rural or urban area.

Remediation strategy: to manage environmental liabilities – specifically land and water contamination risks in order for land to be brought forward for development.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Road to Zero: UK Government strategy which sets out measures to clean up road transport and lead the world in the developing, manufacturing and using zero emission road vehicles.

Section 106 Agreement (S106)/Planning Obligations: These agreements confer planning obligations on persons with an interest in land in order to achieve the implementation of relevant planning policies as authorised by Section 106 of the Town and Country Planning Act 1990.

Secured by Design: The planning and design of street layouts, open space, and buildings so as to reduce the likelihood of crime, fear of crime, and anti-social behaviour.

Self-build and Custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Modeshift STARS: an Accreditation system run by Birmingham City Council to encourage schools to review their travel plans to reduce congestion and encourage more active travel to and from school.

Statement of Community Involvement (SCI): the Council's policy for involving the community in the preparation, review and alteration of LDDs and planning applications. It includes who should be involved and the methods to be used.

Sui Generis: A term used to categorise buildings that do not fall within any particular use class for the purposes of planning permission. The different use classes are set out in the Town and Country Planning (Use Classes) Order 1987.

Supplementary Planning Documents (SPD): documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainability Appraisal (SA): a systematic and continuous assessment of the social, environmental and economic effects of strategies and policies contained in the DPDs, which complies with the EU Directive for Strategic Environmental Assessment.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

The National Planning Practice Guidance: Government guidance to accompany the National Planning Policy Framework.

Transport Assessment (TAs): a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport Statement (TSs): a simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel Plan: a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Tree Preservation Order (TPO): made under the Town and Country Planning Act 1990 by the local planning authority to protect trees of importance for amenity, landscape and nature conservation.

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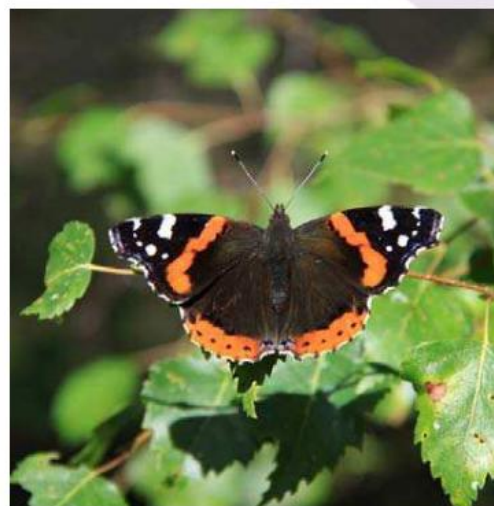


Birmingham City Council

Sustainability Appraisal of the Development Management Development Plan Document

Publication Version (Regulation 19)

Sustainability Report



Report for

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Non-Technical summary

Introduction

This Non-Technical Summary (NTS) provides an overview of the Sustainability Appraisal (SA) Report produced as part of the SA of the Development Management DPD (DM DPD) that is currently being prepared by Birmingham City Council (the Council). The SA is being carried out on behalf of the Council by Wood¹ to help integrate sustainable development into the emerging DPD. This iteration of the SA report concerns the Publication Draft DM DPD.

The following sections of this NTS:

- ▶ provide an overview of the DM DPD;
- ▶ describe the approach to undertaking the SA of the DM DPD;
- ▶ summarise the findings of the SA of the DM DPD; and
- ▶ set out the next steps in the SA of the DM DPD including how to respond to the consultation on this SA Report.

What is the Development Management DPD?

The Development Management DPD provides detailed policy guidance on a range of planning matters, covering environmental, social and economic topics, and will be a material consideration in the determination of planning applications. The DPD will be applicable to any location in the City, helping to deliver the BDP vision of Birmingham as *“an enterprising, innovative and green City that has delivered sustainable growth meeting the needs of its population”*, with an emphasis on supporting growth and creating high quality places. The objectives of the DPD mirror those of the BDP. The policies within the Development Management DPD reflect, and are in accordance with, the policies and guidance set out within the National Planning Policy Framework (NPPF) and the strategic spatial objectives and policies in the BDP. There are 16 proposed policies under the following themes:

Environment and Sustainability

- ▶ DM1 Air quality
- ▶ DM2 Amenity
- ▶ DM3 Land affected by contamination, instability and hazardous substances
- ▶ DM4 Landscaping and trees
- ▶ DM5 Light pollution
- ▶ DM6 Noise and vibration

Economy and network of centres

- ▶ DM7 Advertisements
- ▶ DM8 Places of worship and other faith related community facilities

¹ Formerly Amec Foster Wheeler, which was acquired in October 2017 by Wood Group.

- ▶ DM9 Day nurseries and early years provision

Homes and Neighbourhoods

- ▶ DM10 Standards for residential development
- ▶ DM11 Houses in multiple occupation (HMO)
- ▶ DM12 Residential conversions and specialist accommodation
- ▶ DM13 Self and custom build housing

Connectivity

- ▶ DM14 Highway safety and access
- ▶ DM15 Parking and servicing
- ▶ DM16 Telecommunications

What is Sustainability Appraisal?

National planning policy² states that local plans should be prepared with the objective of contributing to the achievement of sustainable development. Sustainable development is that which seeks to secure net gains across economic, environmental and social objectives to meet the needs of the present without compromising the ability of future generations to meet their own needs.

The DM DPD should contribute to a sustainable future for the plan area. To support this objective, the Council is required to carry out a SA of the DPD³. SA is a means of ensuring that the likely social, economic and environmental effects of the DPD are identified, described and appraised and also incorporates a process set out under a European Directive⁴ and related UK regulations⁵ called Strategic Environmental Assessment (SEA). Where negative effects are identified, measures are proposed to avoid, minimise or mitigate such effects. Where any positive effects are identified, measures are considered that could enhance such effects. SA is therefore an integral part of the preparation of the DM DPD.

How has the Development Management DPD been appraised?

Table NTS 1 presents the range of SA Objectives that were developed in light of the baseline data, key sustainability issues identified for the City and with reference to the sustainability objectives developed for the SA/SEA of the Birmingham Development Plan and the SEA topic areas. These have been used to appraise the effects of DM DPD and to consider whether the Plan objectives, policies and proposals are sustainable.

² See paragraph 16 of the National Planning Policy Framework (Ministry for Housing, Communities and Local Government, 2019).

³ The requirement for SA of local plans is set out under section 19(5) of the Planning and Compulsory Purchase Act 2004.

⁴ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.

⁵ Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No. 1633).

Table NTS 1 Sustainability Appraisal Objectives

SEA Directive Topic Area(s)	DM DPD Sustainability Appraisal Objectives
Material assets, soil	1. ENV1 Encourage development that optimises the use of previously developed land and buildings
Material assets	2. ENV2 To promote the application of high standards of design, construction and maintenance of buildings
Material assets, air quality, human health	3. ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel
Cultural heritage, landscape, biodiversity, flora and fauna	4. ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage, including resilient ecological networks able to meet the demands of current and future pressures.
Climatic Factors	5. ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly floodrisk management and reduction
Water, air quality, human health, material assets	6. ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management
Population and human health	7. ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all
Population and human health	8. ECON2 To help promote the vitality of local centres
Population and human health	9. ECON3 To promote the regeneration of areas across the City through appropriate development
Population and human health	10. ECON4 To encourage investment in learning and skills development
Population and human health	11. SOC1 To help ensure equitable access to community services and facilities
Population and human health	12. SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs
Population and human health	13. SOC3 To encourage development which promotes health and well-being
Population and human health	14. SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour
Population and human health	15. SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life

The DPD Objectives have been assessed for their compatibility with the SA Objectives.

The policies have been appraised against the SA Objectives using matrices to identify likely significant effects on the SA objectives. A qualitative scoring system has been adopted which is set out in **Table NTS 2**.

Table NTS 2 Scoring System Used in the Appraisal of the Draft DPD

Score	Description	Symbol
Significant Positive Effect	The proposed option/policy contributes significantly to the achievement of the objective.	++
Minor Positive Effect	The proposed option/policy contributes to the achievement of the objective but not significantly.	+
Neutral	The proposed option/policy does not have any effect on the achievement of the objective	0
Minor Negative Effect	The proposed option/policy detracts from the achievement of the objective but not significantly.	-
Significant Negative Effect	The proposed option/policy detracts significantly from the achievement of the objective.	--
No Relationship	There is no clear relationship between the proposed option/policy and the achievement of the objective or the relationship is negligible.	~

Score	Description	Symbol
Uncertain	The proposed option/policy has an uncertain relationship to the objective or the relationship is dependent on the way in which the aspect is managed. In addition, insufficient information may be available to enable an appraisal to be made.	?

NB: where more than one symbol/colour is presented in a box it indicates that the appraisal has identified both positive and negative effects. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.

What are the likely significant effects of the Development Management DPD?

The results of the SA of the DM policies indicate that there are likely to be largely positive or significantly positive effects resulting from implementation of the policies. This reflects the positive intent of the policies and the need to deal systematically and objectively with planning issues arising day-to-day across the City, as well as the experience accumulated through their ongoing implementation in the past through the UDP. More generally, the Development Management policies represent the lowest tier in a hierarchy of planning policies, adding local detail to implement the broader principles of policies within the NPPF and the BDP. As such they specifically address local issues and are designed to mitigate potential adverse effects associated with development.

No significant negative effects, either associated with specific sustainability objectives or cumulatively, have been identified. This contrasts with the scores attributed to the absence of a policy which are typically significantly negative, reflecting the clear need to systematically control development and the likely consequences of the absence of such a policy framework which is to the benefit of applicants, residents and the City as a whole.

Some policies have been identified as holding some uncertainty as to their precise effects in respect of meeting sustainability objectives. These apply principally to whether significant positive effects are likely to be fully realised in respect of matters such as sustainable travel and construction, or enhanced access by local communities to skills enhancement from the construction of education facilities, reflecting the case-by-case nature of individual developments and their particular circumstances. Nevertheless, the potential for the realisation of significant positive or positive effects exists.

Proposed mitigation measures

No suggestions were made as to the specific wording of policies reflecting their positive intention. This reflects the positive scores, the absence of negative effects and the intention to use the policies in combination with the policies of the BDP, which for each policy are cross-referenced.

However, the following suggestions are made in respect of the presentation of the policies in order to make clearer how the policies will be implemented:

- ▶ Ensure that, wherever possible, the specific criteria against which the policy will be implemented and monitored are included.
- ▶ For each DM policy, provide further detail against the cited BDP policies on how these will work together.
- ▶ Set out more clearly in paragraph 1.10 of the DPD which matters are covered by the BDP, such as the control of various forms of retail development.

In Summary

The SA of the DM DPD has scrutinised the basis for, content and likely effects of the proposed suite of policies. The SA has ensured that there has been consideration of the likely environmental effects of various options associated with each policy, demonstrating how the performance of the proposed policy is likely to lead to positive outcomes for the location of proposed developments and for the City as a whole.

Comments

This Sustainability Appraisal Report which accompanies the Publication DM DPD is subject to consultation between Monday 11th November 2019 and Monday 23rd December 2019. Comments on this Report should be sent to:

Planning Policy
Birmingham City Council
Planning and Development
1 Lancaster Circus
Queensway
Birmingham
B1 1TU

www.birmingham.gov.uk/DMB

Next Steps

Following consultation and an analysis of the responses, the Council will produce a Submission Development Management DPD for scrutiny at an Examination in Public.



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1. Background

1.1 Introduction

- 1.1.1 The Birmingham Development Plan⁶ (BDP) was adopted by Birmingham City Council (the Council) in 2017. The BDP provides the strategic planning policies for over 51,100 new homes and substantial amounts of employment land, retail and office development to be delivered by 2031. The Council has also been preparing the Development Management Development Plan Document (DM DPD). It will provide detailed planning policies for specific types of development and support the implementation of the BDP.
- 1.1.2 The Council issued an initial draft Development Management DPD in March 2015⁷. Following an analysis of the consultation responses and the adoption of the BDP, the Council prepared a Draft Development Management DPD, consulted on as Preferred Options version in January – February 2019 and now as a Publication version.
- 1.1.3 Wood Environment and Infrastructure Solutions Ltd. (Wood) was been commissioned by the Council to undertake a Sustainability Appraisal (SA) of the Development Management DPD. The SA appraises the environmental, social and economic performance of the Development Management DPD and any reasonable alternatives.
- 1.1.4 This report presents the findings of the SA of the Publication Draft Development Management DPD. It sets out the results of the appraisal of the DPD's sustainability performance using a SA framework developed in the Scoping Report⁸.
- 1.1.5 This Sustainability Appraisal Report accompanies the Publication Draft Development Management DPD and is subject to consultation between Monday 11th November 2019 and Monday 23rd December 2019. Comments on this Report should be sent to:

Planning Policy
Birmingham City Council
Planning and Development
1 Lancaster Circus
Queensway
Birmingham
B1 1TU

www.birmingham.gov.uk/DMB

1.2 What is Sustainability Appraisal?

- 1.2.1 Sustainability Appraisal (SA) is a process whereby the environmental, social and economic aspects of a proposed plan, policy or programme (and any reasonable alternatives) are systematically identified, described and evaluated. In doing so, it will help to inform the selection of options and identify measures to avoid, minimise or mitigate any potential negative effects that may arise from

⁶ Birmingham City Council (January 2017) *Birmingham Development Plan: Part of Birmingham's Local Plan, Planning for sustainable growth*.

⁷ Birmingham City Council (June 2015) *Regulation 18 Consultation on Development Management DPD*

⁸ Birmingham City Council (2018) *Sustainability Appraisal of the Development Management DPD: Scoping Report*

the plan, policy or programme's implementation as well as opportunities to improve the contribution towards sustainability.

Legislation

- 1.2.2 Under Section 19(5) of the Planning and Compulsory Purchase Act (PCPA) 2004, a local planning authority (LPA) is required to:
- a) carry out an appraisal of the sustainability of the proposals in each development plan document;
 - b) prepare a report of the findings of the appraisal.
- 1.2.3 The development plan documents referred to in Section 19 (5a) include Local Plans.
- 1.2.4 In developing the DPDs, LPAs must also address the requirements of European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, referred to as the SEA Directive, and its transposing regulations.⁹ In the case of the Development Management DPD, following screening against the requirements of the SEA Directive, the Council considered that it was likely to have significant effects, and in consequence, this SA includes meeting the requirements of the SEA Directive and implementing regulations.
- 1.2.5 Section 39 of the PCPA requires that the authority preparing a DPD must do so "with the objective of contributing to the achievement of sustainable development". On this, it echoes Article 1 of the SEA Directive, which states that the objective of SEA is:
- "to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development".*

National Planning Policy Framework and Guidance

- 1.2.6 At paragraph 16, the National Planning Policy Framework (NPPF) (2019)¹⁰ sets out that local plans should be prepared with the objective of contributing to the achievement of sustainable development.¹¹ In this context, paragraph 32 of the NPPF reiterates the requirement for SA/SEA as it relates to local plan preparation:
- "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.¹² This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered)."*

⁹ [Environmental Assessment of Plans and Programmes Regulations 2004](#) (the 'Strategic Environmental Assessment Regulations'), which implement the requirements of the [European Directive 2001/42/EC](#) (the 'Strategic Environmental Assessment Directive')

¹⁰ Ministry of Housing, Communities and Local Government (2019) *National Planning Policy Framework* <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹¹ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act, 2004)

¹² The reference to relevant legal requirements in the NPPF relates to Strategic Environmental Assessment.

- 1.2.7 The Planning Practice Guidance (Plan-making paragraph 03713) also makes clear that SA plays an important role in demonstrating that a local plan reflects sustainability objectives and has considered reasonable alternatives. In this regard, SA will help to ensure that a local plan is *"justified"*, a key test of soundness that concerns the extent to which the plan provides an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. The PPG also states¹⁴ that *"The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings"* and leads to a series of SA Reports being completed to accompany each stage of the plan preparation.
- 1.2.8 Therefore current legislation, planning policy and guidance all make clear that compliance with requirements of the SEA Directive through the completion of an integrated SA is critical to ensuring that a plan is found sound at Examination and can then be formally adopted.

1.3 Purpose of this SA Report

- 1.3.1 Specifically, this SA Report sets out:
- ▶ an overview of the Publication Draft Development Management DPD;
 - ▶ a review of relevant international, national, regional, sub-regional and local plans, policies and programmes;
 - ▶ baseline information for the DPD area across key sustainability topics;
 - ▶ key economic, social and environmental issues relevant to the appraisal of the Publication Draft Development Management DPD;
 - ▶ the approach to undertaking the appraisal of the Publication Draft Development Management DPD;
 - ▶ the findings of the appraisal of the Publication Draft Development Management DPD; and
 - ▶ conclusions and an overview of the next steps in the SA process.

1.4 The Development Management DPD

- 1.4.1 The Development Management DPD provides detailed policy guidance on a range of planning matters, covering environmental, social and economic topics, and will be a material consideration in the determination of planning applications. The DPD will be applicable to any location in the City, helping to deliver the BDP vision of Birmingham as *"an enterprising, innovative and green City that has delivered sustainable growth meeting the needs of its population"*, with an emphasis on supporting growth and creating high quality places. The DPD will support the delivery of the BDP objectives, namely:
- ▶ To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.
 - ▶ To make provision for a significant increase in the City's population.
 - ▶ To create a prosperous, successful and enterprising economy with benefits felt by all.

¹³ Planning Practice Guidance, Reference ID 61-037-20190315 (Revision date: 15/03/2019)

¹⁴ Planning Practice Guidance, Strategic environmental assessment and sustainability appraisal, Paragraph: 018 Reference ID: 11-018-20140306 (Revision date: 06 03 2014)

- ▶ To promote Birmingham's national and international role.
- ▶ To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.
- ▶ To create a more sustainable City that minimises its carbon footprint and waste and promotes brownfield regeneration while allowing the City to grow.
- ▶ To strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places.
- ▶ To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.
- ▶ To protect and enhance the City's heritage assets and historic environment.
- ▶ To conserve and enhance Birmingham's natural environments, allowing biodiversity and wildlife to flourish.
- ▶ To ensure that the City has the infrastructure in place to support its future growth and prosperity.

Evolution of the Development Management DPD

1.4.2 The DM DPD has been subject to an extensive process of consultation that has played an important role in helping to shape the policies in the plan. The Council has undertaken two key consultation exercises prior to publication of the Council's Publication version DM DPD in October 2019.

Stage 1 - Initial Consultation Document (June 2015)

Stage 2 - Preferred Options Consultation Document (January 2019)

Stage 3 - Publication version Consultation (October 2019 - this stage)

1.4.3 The first two stages of consultations are considered to be work undertaken as 'preparation of a local plan' under Regulation 18 of the Regulations. The reason for the large time gap between the first consultation in 2015 and the second consultation in 2019 was due delays around the adoption of the Birmingham Development Plan (BDP). The BDP Inspector issued his final report in March 2016. The Government placed a holding direction on the adoption of the BDP until November 2016. After the holding direction was lifted the Birmingham City Council sought to adopt the BDP as soon as practicable, which was at its Council meeting of January 2017.

1.4.4 Consultation on the Issues and Options version of the DM DPD (Regulation 18 Stage) took place in Summer 2015. In total, 26 respondents provided a total of 91 responses, which have been taken into consideration as the policies in the DPD were prepared. Relevant responses are summarised in **Appendix E**.

1.4.5 In light of the consultation and re-appraisal of the relationship between the emerging DM DPD and the adopted BDP, various policies have been deleted and others merged (**Table 1.1**).

Table 1.1 Changes to the Suite of Policies from the Regulation 18 Document to the Preferred Options Document

Proposed policy in October 2015 Consultation	How this was dealt with in the Preferred Options Draft Document
Hot food Takeaways (DM01)	Covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Sheesha Lounges (DM02)	Covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Restaurants/ Cafes/ Pubs (DM03)	Covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Private Hire and Taxi Booking Offices (DM08)	Covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Education Facilities – Use of Dwellings Houses (DM09)	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Education Facilities Non-Residential Properties (DM10)	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Hotels and Guest Houses (DM11)	Not considered necessary. Majority of impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Flat Conversions (DM14)	Not considered necessary. Majority of impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Hostels and Residential Homes (DM15)	Not considered necessary. Majority of impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Planning Obligations (DM17)	Covered by BDP Policy TP47 Developer contributions
Aerodrome Safety (DM19)	Covered by ODPM Circular1/2003
Design (DM23)	Covered by BDP Policy PG Place-making

1.4.6

Consultation on the Preferred Options Draft Development Management DPD took place from 4th February to 29th March 2019. Some 69 individuals/ organisations responded generating 650 separate comments; general Comments regarding Development Management DPD and SA are recorded in **Appendix G** along with where there have been refinements made through amended wording to the proposed policies in response to the comments made. Policies within the Homes and Neighbourhood section have been expanded from three to four as follows:

Preferred Options Plan Homes & Neighbourhoods policies	Publication Plan Homes & Neighbourhoods policies
DM10 Houses in multiple occupation and other residential accommodation	DM10 Standards for residential development
DM11 Standards for Residential development	DM11 Houses in multiple occupation (HMO)

DM12 Self and custom build housing

DM12 Residential conversions and specialist accommodation

DM13 Self and custom build housing

-
- 1.4.7 Changes to the structure of the policies and their content in response to comments have been taken into account in the appraisal.
- 1.4.8 The only comment on the SA of the Preferred Options document noted the need to include specific reference to the HRA produced for the BDP. This omission has been corrected in this document (see section 1.6)
- 1.4.9 The proposed policies within the Publication Draft Development Management DPD reflect, and are in accordance with, the policies and guidance set out within the National Planning Policy Framework (NPPF) and the strategic spatial objectives and policies in the BDP. There are 16 proposed policies under the following themes:

Environment and Sustainability

- ▶ DM1 Air quality
- ▶ DM2 Amenity
- ▶ DM3 Land affected by contamination, instability and hazardous substances
- ▶ DM4 Landscaping and trees
- ▶ DM5 Light pollution
- ▶ DM6 Noise and vibration

Economy and network of centres

- ▶ DM7 Advertisements
- ▶ DM8 Places of worship and other faith related community facilities
- ▶ DM9 Day nurseries and early years provision

Homes and Neighbourhoods

- ▶ DM10 Standards for residential development
- ▶ DM11 Houses in multiple occupation (HMO)
- ▶ DM12 Residential conversions and specialist accommodation
- ▶ DM13 Self and custom build housing

Connectivity

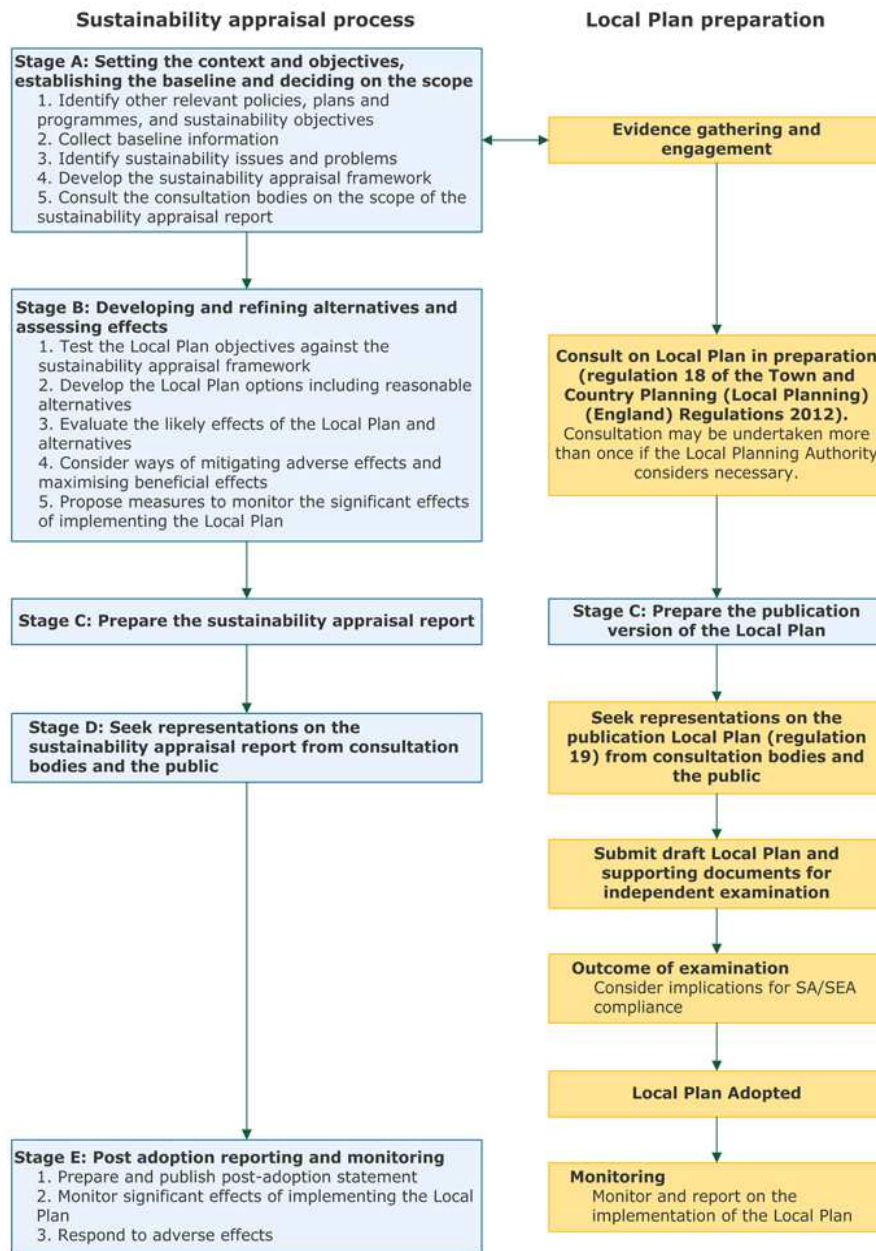
- ▶ DM14 Highway safety and access
- ▶ DM15 Parking and servicing
- ▶ DM16 Telecommunications.

1.5 The Sustainability Appraisal process

- 1.5.1 The appraisal of the DM DPD is an integral part of the plan preparation and has five sequential stages. These are highlighted in **Figure 1.1** below together with links to the development of the DPD.
- 1.5.2 The first stage (**Stage A**) led to the production of a SA Scoping Report¹⁵. Informed by a review of other relevant policies, plans and programmes as well as baseline information and the identification of key sustainability issues affecting the City, the Scoping Report set out the proposed framework for the appraisal of the DPD (termed the SA Framework).
- 1.5.3 Consultation on the Scoping Report ran from Friday 12th December 2014 until Friday 22nd January 2015 and from 21st May and 29th June 2018. Responses were received to the consultation from the statutory SEA consultation bodies (Natural England, Historic England and the Environment Agency). Responses related to various aspects of the Scoping Report and resulted in amendments to the SA Framework. **Appendix D** contains a schedule of the consultation responses received on the Scoping Report, the Council's response and the subsequent action taken.
- 1.5.4 **Stage B** of the SA process is iterative and involves the development and refinement of the DPD by testing the sustainability strengths and weaknesses of the emerging policy options. An SA of the Issues and Options and Preferred Options versions of the DM DPD (Regulation 18 Stage) were completed and subject to consultation (along with the draft DPD) in summer 2015 and winter 2019 respectively. **Appendix F** and **G** contains a schedule of the consultation responses received.
- 1.5.5 At **Stage C**, a final SA Report will be prepared to accompany the publication draft DPD. As with this SA Report, it will be available for consultation alongside the DPD itself. In some instances following consultation, further amendments are made to the SA Report prior to submission and consideration by an independent planning inspector (**Stage D**).
- 1.5.6 Following Examination in Public, and subject to any significant changes to the draft DPD that may require appraisal, the Council will issue a Post Adoption Statement as soon as reasonably practicable after the adoption of the DPD. This will set out the results of the consultation and SA processes and the extent to which the findings of the SA have been accommodated in the adopted DPD. During the period covered by the DPD, the Council will monitor its implementation and any significant social, economic and environmental effects (**Stage E**).

¹⁵ Birmingham City Council (2018) *Sustainability Appraisal of the Development Management DPD: Scoping Report*

Figure 1.1 The relationship between the SA process and Local Plan preparation



Source: Ministry of Housing, Communities and Local Government (MHCLG) (2019) *Planning Practice Guidance Strategic Environmental Assessment and Sustainability Appraisal* (Paragraph: 013 Reference ID: 11-013-20140306). Available at <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

1.6 Habitats Regulations Assessment

1.6.1 Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') requires that competent authorities assess the potential impacts of land use plans on the Natura 2000 network of European protected sites¹⁶ to determine whether there will be any 'likely

¹⁶ Strictly, 'European sites' are any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been

significant effects' (LSE) on any European site as a result of the plan's implementation (either alone or 'in combination' with other plans or projects); and, if so, whether these effects will result in any adverse effects on that site's integrity with reference to the site's conservation objectives. The process by which the effects of a plan or programme on European sites are assessed is known as 'Habitats Regulations Assessment' (HRA)¹⁷.

- 1.6.2 In accordance with the Habitats Regulations, what is commonly referred to as a HRA screening exercise has been undertaken to identify the likely impacts of the emerging Local Plan upon European sites, either alone or 'in combination' with other projects or plans, and to consider whether these effects are likely to be significant. Where the possibility of significant effects could not be excluded, a more detailed Appropriate Assessment¹⁸ (AA) has been carried out to determine whether these effects would adversely affect the integrity of European sites.
- 1.6.3 The HRA is reported separately from the SA of the DPD (although a summary of the findings is included in **Section 4.4** of this report) but importantly has helped to inform the appraisal process, particularly in respect of the potential effects of proposals on biodiversity.

1.7 Compliance with the SEA Directive/Regulations

- 1.7.1 This Sustainability Appraisal Report has been compiled with reference to the legal requirements of the SEA Directive and associated Regulations. **Table 1.2** sets out where and how the requirements of the SEA Directive have been addressed in producing this SA Report.

Table 1.2 Compliance with the requirements of the SEA Directive

Annex I, SEA Directive requirement	Where covered in the SA Report
a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans.	Sections 1 and 2
b) The relevant aspects of the current states of the environment and the likely evolution thereof without implementation of the plan or programme.	Section 2
c) The environmental characteristics of areas likely to be significantly affected.	Section 2
d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance.	Section 2
e) The environmental protection objectives, established at international, community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.	Section 2
f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material and archaeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.	Section 4

identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') are applied; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Conservation of Habitats and Species Regulations 2017 are applied a matter of Government policy when considering development proposals that may affect them (NPPF para 176). 'European site' is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites.

¹⁷ See: https://www.birmingham.gov.uk/download/downloads/id/1523/sub6_pre-submission_habitat_regulations_assessment_2013.pdf

¹⁸ 'Appropriate Assessment' has been historically used as an umbrella term to describe the process of assessment as a whole. The whole process is now more usually termed 'Habitats Regulations Assessment' (HRA), and 'Appropriate Assessment' is used to indicate a specific stage within the HRA.

g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan.	Section 4
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties encountered in compiling the required information.	Section 4
i) A description of measures envisaged concerning monitoring.	Section 5
j) A non-technical summary of the information provided under the above headings.	This Report

2. Review of Contextual Information

2.1 Review of Plans, Policies and Programmes

- 2.1.1 One of the first steps in undertaking SA is to identify and review other relevant plans and programmes that could influence the DM DPD. The requirement to undertake a plan and programme review and to identify the environmental and wider sustainability objectives relevant to the plan being assessed is set out in the SEA Directive. An 'environmental report' required under the SEA Directive should include: *"An outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes"* to determine *"the environmental protection objectives, established at international (European) community or national level, which are relevant to the plan or programme ... and the way those objectives and any environmental considerations have been taken into account during its preparation"* (Annex 1 (a), (e)).
- 2.1.2 Plans and programmes relevant to the DPD may be those at an international/ European, UK, national, regional, sub-regional or local level, as relevant to the scope of the document. The review of relevant plans and programmes aims to identify the relationships between the DPD and these other documents, i.e. how the DPD could be affected by the other plans' and programmes' aims, objectives and/or targets, or how it could contribute to the achievement of their sustainability objectives. The review also ensures that the relevant environmental protection and sustainability objectives are integrated into the SA. Additionally, reviewing plans and programmes can provide appropriate information on the baseline for the plan area and help identify the key sustainability issues.
- 2.1.3 The relationship between various policies, plans, programmes and environmental protection objectives may influence the DM DPD. The relationships are analysed to help:
- ▶ identify any external social, environmental or economic objectives that should be reflected in the SA/SEA process;
 - ▶ identify external factors that may have influenced the preparation of the plan; and
 - ▶ determine whether the policies in other plans and programmes might lead to cumulative or synergistic effects when combined with policies in the plan.
- 2.1.4 This process enables the DM DPD to take advantage of any potential synergies and to respond to any inconsistencies and constraints. The plans and programmes to be considered include those at the international, national, regional and local scale.
- 2.1.5 The review aims to identify the relationships between the DM DPD and these other documents i.e. how the DPD could be affected by the other plans' and programmes' aims, objectives and/or targets, or how it could contribute to the achievement of any environmental and sustainability objectives. An understanding of the plans and programmes alongside which the DM DPD sits is important in developing a baseline approach to the assessment. It is also a valuable source of information to support the completion of the social, economic and environmental baseline and aid the determination of the key issues. The completed review of plans and programmes will also be used to provide the policy context for the subsequent assessment process and help to inform the development of objectives that comprise the assessment framework.
- 2.1.6 The SA Scoping Report (2015 and 2018 update) included a review of plans and programmes, consistent with the requirements of the SEA Directive, and which was used to inform the development of the SA Framework. Table 2.1 lists the plans, programmes and strategies at international, national, regional and local scale reviewed within the Scoping Report, whilst

Appendix B sets out where the content of the plans, programmes and strategies reviewed have been translated into the Sustainability Objectives.

Table 2.1 Plans, Programmes and Strategies Relevant to the SA of the DM DPD

International
<p>Council of Europe (2006) European Landscape Convention</p> <p>Council of Europe (1985) Convention on the Protection of the Architectural Heritage of Europe</p> <p>EU (2007) Floods Directive</p> <p>EU (1991) Urban Waste Water Treatment Directive.</p> <p>EC (2007) Together for Health: A Strategic Approach for the EU 2008-2013</p> <p>The Pan-European Biological and Landscape Diversity Strategy (1995)</p> <p>EU Directive on the Conservation of Wild Birds (79/409/EEC)</p> <p>EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC) & Subsequent Amendments</p> <p>EU Directive on Waste (Directive 75/442/EEC, 2006/12/EC 2008/98/EC as amended)</p> <p>EU Packaging and Packaging Waste Directive (94/62/EC)</p> <p>EU (1996) Ambient Air Quality Assessment and Management (96/62/EC, Air Quality Framework Directive).</p> <p>EU (1998) Aarhus Convention</p> <p>EU Drinking Water Directive (98/83/EC)</p> <p>EU Directive on the Landfill of Waste (99/31/EC)</p> <p>EU (2000) Directive on Establishing a Framework for Community Action in the Field of Water Policy (2000/60/EC, The Water Framework Directive).</p> <p>EU 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (SEA Directive)</p> <p>EU (2005) Clean Air Strategy.</p> <p>EU (2010) The Industrial Emissions Directive</p> <p>UNFCCC (1997) Kyoto Protocol to the UN Framework Convention on Climate Change.</p> <p>UNFCCC (2009) Copenhagen Accord (Climate Change).</p>
National
<p>CLG (2019) National Planning Policy Framework (NPPF)</p> <p>DCLG (2011) The Localism Act</p> <p>DCLG (2011) The Community Infrastructure Levy Regulations</p> <p>DCLG (2014) Planning Policy for Traveller Sites (updated August 2015)</p> <p>DCLG (2019) Planning Practice Guidance</p> <p>DCLG (2014) National Planning Policy for Waste</p> <p>DCLG (2014) Written Statement on Sustainable Drainage Systems</p> <p>DCLG (2017) Fixing Our Broken Housing Market</p> <p>DECC (2008) UK Climate Change Act 2008.</p> <p>DCMS (2007) Heritage Protection for the 21st Century.</p> <p>DCMS (2013) <i>Scheduled Monuments & Nationally Important but Non-Scheduled Monuments</i></p> <p>DCMS (2016) The Culture White Paper</p> <p>DCMS (2017) Heritage Statement</p> <p>Defra (2007) Guidance for Local Authorities on Implementing Biodiversity Duty</p>

Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Volume 2).

Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland

Defra (2007) Strategy for England's Trees, Woods and Forests

Defra (2008) Future Water, the Government's Water Strategy for England

Defra (2009) Safeguarding our Soils: A Strategy for England

Defra (2011) Natural Environment White Paper; The natural choice: securing the value of nature

Defra (2011) Biodiversity 2020: A strategy for England's wildlife and ecosystem

Defra (2011) Review of Waste Policy in England

Defra & HM Government (2011) Water White Paper; Water for Life

Defra & Environment Agency (2001) National Flood and Coastal Erosion Risk Management Strategy for England

DfT (2008) Delivering a Sustainable Transport System (DaSTS).

English Heritage (2008) Conservation Principles, Policies and Guidance

English Nature (2006) Climate Change Space for Nature

Environment Agency (2009) Water for people and the environment - Water resources strategy for England and Wales.

Environment Agency (2011) The National Flood and Coastal Erosion Risk Management Strategy for England

Forestry Commission (2005): Trees and Woodlands Nature's Health Service

HM Government (1979) Ancient Monuments and Archaeological Areas Act

HM Government (1981) Wildlife and Countryside Act

HM Government (1990) Planning (Listed Building and Conservation Areas) Act

HM Government (2000) Countryside and Rights of Way Act 2000

HM Government (2003) Sustainable Energy Act

HM Government (2003) The Water Environment (Water Framework Directive) (England and Wales) Regulations

HM Government (2004 and revised 2006) Housing Act

HM Government (2005) Securing the Future – the UK Sustainable Development Strategy

HM Government (2006) The Natural Environment and Rural Communities Act 2006

HM Government (2006) The Natural Environment and Rural Communities (NERC) Act 2006

HM Government (2008) The Climate Change Act 2008

HM Government (2008) The Planning Act

HM Government (2009) The UK Renewable Energy Strategy

HM Government (2010) The Government's Statement on the Historic Environment for England

HM Government (2010) The Air Quality Standards 2010

HM Government (2010) Flood and Water Management Act

HM Government (2010) White Paper: Healthy Lives, Healthy People: Strategy for Public Health in England

HM Government (2011) The Localism Act

HM Government (2011) Water for Life: White Paper

HM Government (2011) Carbon Plan: Delivering our Low Carbon Future

HM Government (2013) The Community Infrastructure Levy (Amendment) Regulations 2013

HM Government (2014) Water Act 2014

HM Government (2015) Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015.

HM Government (2015) Government Response to the Committee on Climate Change.

HM Government (2016) Environmental Permitting (England and Wales) Regulations 2016.

HM Government (2016) Housing and Planning Act 2016

HM Government (2017) The Conservation of Habitats and Species Regulations 2017

HM Government (2006) Climate Change The UK Programme

Regional

Severn Trent Water Resources Management Plan (2019)

Energy Capital (2018) a Regional Approach to Clean Energy Innovation

Environment Agency Humber River Basin Management Plan (2015)

Environment Agency

The Tame, Anker and Mease Management Catchment (2017)

Environment Agency Trent Catchment Flood Management Plan (2010)

Environment Agency (2015) Severn River Basin District River Basin Management Plan

The Greater Birmingham and Solihull Local Enterprise Partnership Strategy (2013)

Greater Birmingham & Solihull Local Enterprise Partnership (2016) Strategic Economic Plan 2016-2030

Natural England (2012) National Character Area profile no. 67: Cannock Chase and Cank Wood

Natural England (2012) National Character Area profile no. 97: Arden

Transport for West Midlands (2017) 2026 Delivery Plan for Transport

Environment Agency (2009) A Water Resources Strategy Regional Action Plan for the West Midlands Region

Forestry Commission (2004) West Midlands Regional Forestry Framework

Peter Brett Associates LLP (2014) GBSLEP Joint Strategic Housing Study

Greater Birmingham and Solihull LEP, Strategic Economic Plan 2016-2030

West Midlands Combined Authority (2017) West Midlands Roadmap to a Sustainable Future in 2020 (Annual Monitoring Report)

West Midlands Combined Authority (2017) Thrive West Midlands – An Action Plan to drive better mental health and wellbeing in the West Midlands

Local

Birmingham City Council (1994) Handsworth, Sandwell and Soho: Areas of Restraint

Birmingham City Council (1996) Shopfronts design guide

Birmingham City Council (1999) Location of advertisement hoardings

Birmingham City Council (1999) Wheelwright Road: Area of Restraint

Birmingham City Council (1999) Regeneration through Conservation SPG

Birmingham City Council (2000) Parking of vehicles at commercial and industrial premises adjacent to residential property

Birmingham City Council (2000) Floodlighting of sports facilities, car parks and secure areas

Birmingham City Council (2001) Specific needs residential uses SPG

Birmingham City Council (2001) Places for living

Birmingham City Council (2001) Places for all

Birmingham City Council (2001) Affordable Housing SPG

Birmingham City Council (2003) High Places

Birmingham City Council (2004) Archaeology Strategy SPG

Birmingham City Council (2005) Developing Birmingham: An Economic Strategy for the City 2005-2015

Birmingham City Council (2006) Air Quality Action Plan

Birmingham City Council (2006) Municipal Waste Management Strategy
 Birmingham City Council (2006) The Future of Birmingham's Parks and Open Space Strategy
 Birmingham City Council (2006) Loss of industrial land SPD
 Birmingham City Council (2006) Access for People with Disabilities SPD
 Birmingham City Council (2006) 45 Degree Code for Residential Extensions
 Birmingham City Council (2007) Extending your home: Home extensions guide
 Birmingham City Council (2007) Public open space in new residential development SPD
 Birmingham City Council (2007) Sustainable Management of Urban Rivers and Floodplains SPD
 Birmingham City Council (2008) Sustainable Community Strategy
 Birmingham City Council (2008) Birmingham Private Sector Housing Strategy 2008+ (updated 2010).
 Birmingham City Council (2008) Telecommunications development mobile phone infrastructure SPD
 Birmingham City Council (2008) Contaminated Land Inspection Strategy for Birmingham Second Edition
 Birmingham City Council (2008) Lighting Places Strategy
 Birmingham City Council (2008) Mature suburbs
 Birmingham City Council (2008) Statement of Community Involvement
 Birmingham City Council (2008) Large format banner advertisements SPD
 Birmingham City Council (2010) Birmingham Climate change action plan 2010+
 Birmingham and Black Country Biodiversity Partnership (2010) Birmingham and the Black Country Biodiversity Action Plan
 Birmingham City Council (2011) Places of worship and Faith-Related Community and Educational Uses SPD
 Birmingham City Council (2011) Air Quality Action Plan
 Birmingham City Council (2011) Multi-agency Flood Plan
 Birmingham City Council (2012) Employment Land Review
 Birmingham City Council (2012) Shopping and Local Centres SPD
 Birmingham City Council (2012) Car Parking guidelines SPD
 Birmingham City Council (2012) Car park design guide
 Birmingham City Council (Jan 2012) Level 1 & 2 Strategic Flood Risk Assessment
 Birmingham City Council (2013) Strategic Housing Market Assessment
 Birmingham City Council (2013) Health and Well-being Strategy (Updated Priorities 2017)
 Birmingham City Council (2013) Employment Land and Office Targets
 Birmingham City Council (2013) Green Living Spaces Strategy
 Birmingham City Council (2013) Birmingham Health and Wellbeing Strategy
 Birmingham City Council (2013) Carbon Roadmap
 Birmingham City Council (2014) Gypsy and Traveller Accommodation Assessment
 Birmingham City Council (2014) Birmingham Connected White Paper
 Birmingham City Council (2014) Protecting the Past – Informing the Present. Birmingham's' Heritage Strategy (2014-2019)
 Birmingham City Council (2014) Planning Policy Document, Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston & Harborne wards
 Birmingham City Council (2015) Birmingham Surface Water Management Plan
 Birmingham City Council (2015) Corporate Emergency Plan
 Birmingham City Council (2016) Guide to Protected Trees
 Birmingham City Council (2016) A Road Safety Strategy for Birmingham
 Birmingham City Council (2017) Local Flood Risk Management Strategy
 Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022
 Birmingham City Council (2017) Birmingham Cultural Strategy

Birmingham City Council (2017) Birmingham Development Plan
Birmingham City Council (2018) Council Plan and Budget 2018+
Birmingham City Council (2018) SHLAA 2017
Birmingham City Council (2018) Community Cohesion Strategy (Green Paper)
Birmingham City Council (2018) Air Quality Annual Status Report
Birmingham City Council (February 2019) Draft Clean Air Strategy
Birmingham City Council (2019) Public Health Green Paper
Birmingham City Council (2019) Birmingham Community Cohesion Strategy
Birmingham City Council (2019) Draft Birmingham Walking and Cycling Strategy and Infrastructure Plan

2.2 Environmental, social and economic baseline and evolution without the Plan

- 2.2.1 The SEA Regulations require that information is provided on "... the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan." **Appendix C** contains the updated Scoping Report Baseline.
- 2.2.2 The analysis of the baseline information led to the identification of a number of issues relevant to the Development Management DPD, as set out in **Table 2.2**. These issues are used in combination with the review of plans and programmes and the SA/SEA of the Birmingham Development Plan to inform the development of the Sustainability Objectives and the Assessment Framework as set out in chapter 3.

Table 2.2 Baseline summary and issues relevant to the Development Management DPD

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
Biodiversity and geodiversity	<p>The City has 2 SSSIs and a number of other statutory and non- statutory designated sites which cover approximately 10% of the City. There is one Local Nature Reserve designated in order to protect its geodiversity. The Birmingham and Black Country Nature Improvement Area (NIA) Ecological Strategy provides a landscape-scale framework for action to conserve and enhance biodiversity and geodiversity and to improve ecological networks across the City. The Cannock Chase to Sutton Park Project is another example of landscape-scale action.</p> <p>Biodiversity and Geodiversity is linked to issues related to air quality, water quality, soil quality, health and natural landscape.</p>	<p>Biodiversity and greenspace resources, including locally and nationally important sites, across the City are mapped and managed. Development Management policies will be important in protecting the integrity of biodiversity and geodiversity assets, including designated sites, important habitats and legally protected and notable species both directly and indirectly. For example, continued monitoring of developments on the periphery of designated sites will be important to determine potential indirect and cumulative impacts. Monitoring the potential effects of developments on biodiversity and geodiversity assets more generally is also important because of the potential for these to be influenced by a variety of environmental pathways.</p>	<p>BDP AMR</p> <p>Birmingham and Black Country NIA Ecological Strategy, and BCC and EcoRecord data</p> <p>Birmingham Green Living Spaces Strategy</p> <p>Birmingham and the Black Country Biodiversity Action Plan</p> <p>Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022</p>	<p>In the absence of the DM DPD, there is likely to be less opportunity for the scrutiny of the impacts of specific development in specific locations on biodiversity and geodiversity.</p>
Population and health	<p>Birmingham is the major employment centre for the West Midlands. Birmingham has a high proportion of economically inactive people e.g. students, people caring full-time for relatives. Unemployment is higher than the national average. The economic activity rate for Black and Minority Ethnic residents is far higher than that for white residents.</p>	<p>The population of Birmingham is predicted to grow considerably over the next 20 years and the adopted Birmingham Development Plan is responding to this change through the provision of housing and employment land across the City. The locations of</p>	<p>ONS population estimates</p> <p>BDP</p> <p>Birmingham Health and Wellbeing Strategy</p>	<p>In the absence of the DM DPD, there is likely to be less opportunity for the scrutiny of the impacts of</p>

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>There is significant disparity in terms of average household income between Birmingham's constituencies. About 40% of Birmingham's residents live in areas that are in the most deprived 10% in England. Concentrations of deprivation are very high in wards to the east, north and west of the City Centre and also in Tyburn and Kingstanding Wards to the north of the M6 motorway. Unemployment rates are above the national average.</p> <p>Economy and equality is linked to issues related to poverty, learning and skills, equality, housing and community involvement.</p> <p>Birmingham faces several issues relating to housing: there are large numbers of homeless people, social housing is in need of updating and relocating, and the number of households is increasing. House prices in Birmingham peaked in January 2008 and sharply declined through to 2010, and now have stabilised. This suggests that the affordability of housing for poorer families and first-time buyers has declined due to other national economic conditions.</p> <p>Housing is linked to issues related to poverty, equality, built and historic environment, natural landscape, sense of place, resource use, energy efficiency and sustainable design, construction and maintenance.</p> <p>The number of residents feeling in poor health is higher than the national average, and people in Birmingham have generally less healthy lifestyles than the English average. Life expectancy in Birmingham is below the England average.</p> <p>Health is linked to issues related to air quality, water quality, biodiversity, natural landscape, culture, sport and recreation, equality and crime.</p> <p>Air quality is an issue as the whole City is designated as an Air Quality Management Area (AQMA); the main source pollutant being nitrogen dioxide as a result of pollution from vehicle emissions. There is a strong correlation between traffic congestion and poor air quality. Given the allocation of an AQMA, and the requirement to maintain an Air Quality Action Plan (AQAP) to direct compliance with national objectives, air quality should improve within the City. In order to deliver compliance, Government has determined the need for Birmingham to introduce a Clean Air Zone (CAZ) to control road transport related emissions particularly Nitrogen Dioxide. A Clean Air Zone feasibility</p>	<p>this development could place greater and different demands on the application of Development Management policies, requiring, for example, that they facilitate development in areas of need and cumulatively do not result in negative effects on specific population groups, areas of the City or key issues such as health through, for example, access to greenspace or reductions in motor transport. Consideration of the wider effects of policy application, such as on health, will also be important through, for example, the control of certain kinds of development in local centres.</p>	<p>Birmingham Air Quality Action Plan</p> <p>Birmingham Air Quality Annual Status Report</p> <p>Birmingham Walking and Cycling Strategy and Infrastructure Plan</p>	<p>specific development in specific locations on the health and well-being of the City's population.</p>

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>study to determine the type and extent of the zone is underway.</p> <p>Air quality is linked to issues related to biodiversity, health, sustainable transport reducing the need to travel, climate change mitigation and adaptation).</p> <p>Noise pollution is a problem in some parts of the city, with Birmingham airport and traffic being the principal sources. It is anticipated this trend will continue.</p> <p>Noise is linked to issues related to sustainable transport and housing.</p>			
Water resources and quality	<p>New additional water management measures or water resources needed to ensure there is sufficient water for new housing proposed in the Birmingham Plan. New foul drainage infrastructure will also be required to support the proposed level of growth.</p> <p>Resource use is linked to issues related to water quality.</p>	<p>Water resources are under pressure in Birmingham and across the regional generally, with reliance on external sources such as Wales.</p> <p>Development Management policies, in combination with the BDP, should contribute to the protection of water resources and quality through the application of development standards which encourage prudent water resource use and guard against pollution.</p>	<p>Catchment Abstraction Management Strategies (CAMS)</p> <p>Humber River Basin Management Plan</p> <p>Severn Trent Water Resources Management Plan</p> <p>BDP</p>	<p>The BDP contains specific policies on water management measures which development will adhere to.</p>
Climate change	<p>CO₂ emissions and the heat island effect are significant climate related issues which need to be actively managed to avoid their effects becoming more detrimental in the coming decades. Use of the City's Green Infrastructure network will be particularly important in addressing this issue.</p> <p>Reducing carbon emissions and responding to the challenge of climate change is linked to issues related to sustainable transport, reducing the need to travel, air quality, biodiversity health and natural landscape.</p> <p>Recent developments have shown evidence of energy efficiency, but the large number of old properties in the City will need improving to make them more energy efficient, building on current initiatives.</p> <p>Energy efficiency is linked to issues related to renewable energy, sustainable design construction and maintenance, housing and social and environmental responsibility.</p> <p>Although the City has good public transport infrastructure, it needs expanding and upgrading to help minimise the high level of car use in Birmingham. Emphasis will be placed on 'smarter travel', discouraging</p>	<p>Climate change impacts for Birmingham are likely to consist of higher temperatures and more extreme events, including rainfall leading to flooding. Whilst it is challenging for Development Management policies to be specific on climate change adaptation measures, the design of buildings for example will be important, as will the continued encouragement of CO₂ reductions through energy efficiency measures and encouraging pedestrian, cycling and public transport access wherever possible.</p>	<p>UKCP09 predictions</p> <p>Birmingham Climate Change Action Plan 2010, Carbon Roadmap 2013</p> <p>BDP</p> <p>Birmingham Air Quality Action Plan</p> <p>Birmingham Carbon Roadmap</p> <p>Birmingham Walking and Cycling Strategy and Infrastructure Plan</p>	<p>The BDP contains policies (TP1 – TP4) relating to climate change, although the DM DPD allows for the scrutiny of the impacts of specific development on climate change.</p>

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>unnecessary journeys and encouraging people to use public transport. Congestion is a significant issue at certain times on both road and rail.</p> <p>Sustainable transport is linked to issues related to air quality, reducing the need to travel, health, climate change mitigation and adaptation.</p> <p>A very small proportion of people who work and live in the city (one tenth) work from home and therefore avoid travelling to work. There is little evidence of people being actively encouraged to work from home. More emphasis needs to be placed on 'smarter travel', discouraging unnecessary journeys, encouraging people to use public transport, and the provision of new/enhanced footways and cycleways.</p> <p>Reducing the need to travel is linked to issues related to sustainable transport, air quality, health, climate change mitigation and adaptation and noise.</p>			
Flood risk, incidences of flooding and flood defences	<p>Birmingham City Council has a good record of taking on board Environment Agency comments in terms of permitting development in flood risk areas. It is recognised by the City Council that measures will need to be put in place to manage and where possible reduce flood risk. Use of the City's Green Infrastructure network will be particularly important in addressing this issue.</p> <p>Managing and reducing flood risk is linked to issues related to health and well-being, biodiversity and infrastructure provision.</p>	Sources of flood risk are from river flooding, surface water flooding, sewer flooding and groundwater flooding. There are around 9,000 properties at risk from fluvial flooding and 30,000 from surface water flooding (1 in 100 year event). These risks will be taken into account as part of the assessment of applications for development.	<p>Birmingham Strategic Flood Risk Assessment</p> <p>BCC records</p> <p>Birmingham Local Flood Risk Management Strategy</p> <p>Birmingham Multi-agency Flood Plan</p> <p>Birmingham Surface Water Management Plan</p>	The BDP contains specific policies on water management measures which development will adhere to.
Material assets (housing, economy, key infrastructure, minerals and waste)	<p>Good use is being made of previously developed land as a very high proportion of new housing and office development has taken place on previously developed land. Multifunctional use of land is also important with the City's Green and Blue Infrastructure network having an important role to play in achieving this.</p> <p>Efficient use of land is linked to issues related to soil quality, flood risk, water quality, natural landscape, built and historic environment, biodiversity culture, sport and recreation and sense of place. Use of renewable energy could be significantly improved.</p>	Development Management policies, in combination with those of the BDP, will be influential in promoting the efficient use of material assets through, for example, attention on energy efficiency standards, the use of recycled aggregates and promotion of waste management. The effects are likely to be cumulative and long term in character, associated with the progressive replacement of the City's	<p>ONS data</p> <p>BDP</p> <p>Green Living Spaces Strategy</p> <p>Municipal Waste Management Strategy</p>	In the absence of the DM DPD, there will be less opportunity to monitor and evaluate the specific effects on material assets of developments, and in turn promote more sustainable

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>Renewable energy is linked to issues related to climate change mitigation and adaptation.</p> <p>Landfill diversion rates are increasing in the City, and past targets for recycling have been met.</p> <p>The percentage of waste sent to landfill within the City has decline to one third of its level ten years ago, whilst recycling has trebled. Given European and national targets, it is likely these trends will continue.</p> <p>Waste reduction and minimisation is linked to issues related to air quality, soil quality, natural landscape and built and historic environment.</p>	<p>housing stock through renewal and new build.</p> <p>There is high demand for housing in Birmingham and not all of it can be met within Birmingham itself and demand for housing is likely to continue to increase with forecast population growth.</p>		management of these.
Cultural heritage	<p>Birmingham has a large amount of land designated as Conservation Areas, some of which are nationally recognised such as the Jewellery Quarter and Bourneville. The City also has an extensive number of archaeological remains Listed Buildings and Registered Parks & Gardens.</p> <p>Built and historic environment is linked to issues related to sense of place, housing, sustainable design, construction and maintenance, crime and poverty.</p>	<p>Cultural heritage is a diverse, City-wide asset which can be vulnerable to the effects of development, both direct and indirect, short-term and cumulative. Criteria guiding Development Management policies will help to avoid immediate impacts, but monitoring will be required to ensure that there are no unintended consequences for example in relation to the wider setting of cultural heritage assets which can be affected by cumulative development.</p>	<p>BDP</p> <p>Birmingham Regeneration through Conservation SPG</p> <p>Birmingham Archaeology Strategy SPG</p> <p>Protecting the Past – Informing the Present.</p> <p>Birmingham's' Heritage Strategy (2014-2019)</p>	<p>In the absence of the DM DPD, there will be less opportunity to monitor and evaluate the specific effects of development on cultural heritage.</p>
Landscape and townscape	<p>Although much of Birmingham is built up, there is a significant amount of open land within the City including areas of agricultural land to the north east and south west of the City. The City falls within the National Character Areas (NCAs) of Arden to the south and Cannock Chase and Cank Wood to the north. The assessment of these areas for the Countryside Quality Counts project for Natural England indicates that they are subject to a high rate of change. Most of Birmingham is built up, but 15% of the City is designated as Green Belt.</p> <p>Natural landscape is linked to issues related to biodiversity, health, soil quality, sense of place, culture, sport and recreation, climate change mitigation and adaptation, managing and reducing flood risk.</p>	<p>Although much of Birmingham is built up, there is a significant amount of open land within the City. Landscape character is a key contributor to regional and local identity, influencing sense of place, shaping the settings of people's lives and providing a critical stimulus to their engagement with the natural environment. The Development Management DPD, in combination with the BDP, will be influential in helping to retain a sense of character across the City in the context of development pressures.</p>	<p>BDP</p> <p>Birmingham Green Living Spaces Strategy</p> <p>Birmingham Health and Wellbeing Strategy</p>	<p>Whilst the BDP (policy PG3) addresses place-making, in the absence of the DM DPD there will be less opportunity to scrutinise specific matters relating to landscape and trees.</p>

3. Methodology

3.1 The SA Framework

- 3.1.1 The SA Framework comprises of 15 objectives and associated guide questions. Broadly, the SA objectives present the preferred environmental, social or economic outcome which typically involves minimising detrimental effects and enhancing positive effects. They have been developed to enable a comprehensive assessment of the likely significant effects of the implementation of the Development Management DPD by covering key environmental, social and economic issues.
- 3.1.2 The development of the SA objectives has been informed by the review of plans and programmes, the analysis of the baseline evidence the consideration of the key sustainability issues for Birmingham (presented in **Table 2.2**) and the SA Objectives developed for the BDP. In addition, they also reflect comments received during the Regulation 18 consultation of the SA Scoping Report (summarised in **Appendices D and E**), the Issues & Options Consultation (**Appendix F**) and the Preferred Options Consultation (**Appendix G**).
- 3.1.3 **Table 3.1** sets out the SA Framework for assessing the sustainability performance of the Development Management DPD, specifically evaluating whether there are likely to be any significant effects associated with implementation of the DPD.

Table 3.1 Sustainability Objectives, Guide Questions and Indicators

SEA Directive Topic Area(s)	Sustainability Objectives	Guide Questions	Potential Indicators
Material assets	ENV1 To encourage development that optimises the use of previously developed land and buildings	Will the use of previously developed land be encouraged? Will development densities be maximised?	Proportion of new development on previously developed land Development densities achieved
Material assets	ENV2 To promote the application of high standards of design, construction and maintenance of buildings	Will development be encouraged to meet and where possible exceed standards for energy efficiency?	Proportion of developments meeting energy efficiency standards for design, construction and maintenance
Material assets	ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	Will development be encouraged to incorporate measures which promote sustainable transport? Will development help to reduce the need to travel?	Work place travel plans Measures to promote sustainable transport such as provision for cyclists
Landscape, cultural heritage, biodiversity, flora and fauna	ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	Will development protect and where possible enhance the City's cultural and natural heritage?	Development affecting historic assets Development affecting natural assets including open space
Climatic factors	ENV5 To promote development which anticipates and responds to the challenges associated with	Will development help to reduce flood risk?	Renewable energy installed

SEA Directive Topic Area(s)	Sustainability Objectives	Guide Questions	Potential Indicators
	climate change, particularly managing and reducing flood risk	Will development take into account and actively mitigate climate change impacts?	Other measures installed such as SUDS Flooding events Approvals made contrary to EA advice
Water, air, material assets	ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	Will development incorporate water efficiency measures? Will development actively avoid creating additional pollution burdens?	Water use and technologies Changes in water quality Change to/within Air Quality Management Areas Noise complaints Sustainable waste management
Population and human health	ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	Will development promote growth in key economic sectors? Will development contribute to encouraging a culture of enterprise and innovation?	Employment creation by area and type Business start-ups
Population and human health	ECON2 To help promote the vitality of local centres	Will development contribute to the maintenance and enhancement of the vitality of local centres?	Local centre health checks
Population and human health	ECON3 To promote the regeneration of areas across the City through appropriate development	Will development contribute to regeneration of areas of the City most in need?	Location and type of development
Population and human health	ECON4 To encourage investment in learning and skills development	Will development contribute to investment in learning and skills?	Local initiatives to promote skills development
Population and human health	SOC1 To help ensure equitable access to community services and facilities	Will development help to promote equitable access to services?	Accessibility indices of key facilities
Population and human health	SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	Will development help to promote access to a range of housing types which meet the needs of residents?	Development types and spatial distribution
Population and human health	SOC3 To encourage development which promotes health and well-being	Will development help to promote a healthier, more active population?	Activity levels by area and sector of the population
Population and human health	SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	Will development help to discourage crime?	Crime levels by area and type
Population and human health	SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	Will public participation be encouraged as part of the planning of new development?	Participation in consultations

3.2 Appraisal Methodology

- 3.2.1 Based on the contents of the Development Management DPD detailed in Section 1.4, the SA Framework has been used to appraise the DPD Objectives and Development Management policies. The approach to the appraisal of each of the elements listed above is set out in the sections that follow.

DPD Objectives

- 3.2.2 It is important that the Objectives of the DPD (which are those of the BDP) are aligned with the SA objectives. The Objectives contained in the DPD (see **Section 1.4**) have therefore been appraised for their compatibility with the objectives that comprise the SA Framework to help establish whether the proposed general approach to the DPD is in accordance with the principles of sustainability. A compatibility matrix has been used to record the appraisal, as shown in **Table 3.2** below.

Table 3.2 Compatibility matrix

SA Objective	DPD Objective			
	Objective 1	Objective 2	Objective 3	Objective 4
ENV1 To encourage development that optimises the use of previously developed land and buildings	0	0	+	?
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	+
Etc...	+	0	+	?

Key

+	Objectives are potentially compatible	?	Uncertain if Objectives are related	~	No clear relationship between Objectives	-	Objectives are potentially incompatible
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DPD Policies

- 3.2.3 The proposed Development Management policies have been appraised against each of the SA objectives that comprise the SA Framework using an appraisal matrix. The matrix includes:
- The SA objectives;
 - A score indicating the nature of the effect for each option on each SA objective;
 - A commentary on significant effects (including consideration of the cumulative, synergistic and indirect effects as well as the geography, duration, temporary/permanence and likelihood of any effects) and on any assumptions or uncertainties; and
 - Recommendations, including any mitigation or enhancements measures.
- 3.2.4 The format of the matrix that has been used in the appraisal is shown in **Table 3.3**. A qualitative scoring system has been adopted which is set out in **Table 3.4**. The proposed policies contained in the DPD have been appraised against the SA objectives with a score awarded both for each

constituent policy and for the cumulative effect of each policy. The policy appraisal matrices are presented at **Appendix A**, including reasonable alternatives, where appropriate. Reasonable alternatives comprise combinations of: no policy, retention of the existing UDP Policy or a policy with differing content. In the majority of instances, however, there are no reasonable alternatives as a policy is required by National Policy in order to interpret the intention and requirements of the NPPF at the local level. In each case, reasons for the proposed policy are given.

Table 3.3 Appraisal matrix

SA Objective	Score	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	-	<p><u>Likely Significant Effects</u></p> <p>A description of the likely significant effects of the preferred option on the SA objective has been provided here, drawing on baseline information as appropriate.</p> <p><u>Mitigation</u></p> <ul style="list-style-type: none"> Mitigation and enhancement measures are outlined here. <p><u>Assumptions</u></p> <ul style="list-style-type: none"> Any assumptions made in undertaking the appraisal are listed here. <p><u>Uncertainties</u></p> <ul style="list-style-type: none"> Any uncertainties encountered during the appraisal are listed here.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	<p><u>Likely Significant Effects</u></p> <p>A description of the likely significant effects of the preferred option on the SA objective has been provided here, drawing on baseline information as appropriate.</p> <p><u>Mitigation</u></p> <ul style="list-style-type: none"> Mitigation and enhancement measures are outlined here. <p><u>Assumptions</u></p> <ul style="list-style-type: none"> Any assumptions made in undertaking the appraisal are listed here. <p><u>Uncertainties</u></p> <p>Any uncertainties encountered during the appraisal are listed here.</p>
Etc.		

Table 3.4 Appraisal Scoring system

Score	Description	Symbol
Significant Positive Effect	The proposed option/policy contributes significantly to the achievement of the objective.	++
Minor Positive Effect	The proposed option/policy contributes to the achievement of the objective but not significantly.	+
Neutral	The proposed option/policy does not have any effect on the achievement of the objective	0
Minor Negative Effect	The proposed option/policy detracts from the achievement of the objective but not significantly.	-
Significant Negative Effect	The proposed option/policy detracts significantly from the achievement of the objective.	--
No Relationship	There is no clear relationship between the proposed option/policy and the achievement of the objective or the relationship is negligible.	~

Score	Description	Symbol
Uncertain	The proposed option/policy has an uncertain relationship to the objective or the relationship is dependent on the way in which the aspect is managed. In addition, insufficient information may be available to enable an appraisal to be made.	?

NB: where more than one symbol/colour is presented in a box it indicates that the appraisal has identified both positive and negative effects. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.

3.3 Geographical and temporal scope

- 3.3.1 The geographical scope of the SA principally relates to administrative area of the City of Birmingham, but also takes into account sub-regional, regional and national impacts where appropriate. Birmingham's position as the principal settlement of the West Midlands means that its environmental, social and economic role and impact reach far beyond its immediate boundaries, with attendant implications for key sustainability issues such as carbon emissions, housing provision and wealth creation. The assessment considers sustainability issues and effects in relation to the short term (1-5 years), medium term (5-10 years) and longer term, (10-20 years), the latter being the intended lifespan of the Development Management DPD (to 2031).

3.4 Mitigation

- 3.4.1 Identifying effective mitigation measures will also be an important part of the Environmental Report. **Box 3.1** provides information on types and examples of mitigation measures that might be proposed and includes an overview of the mitigation hierarchy. The mitigation hierarchy is based on the principle that it is preferable to prevent the generation of an impact rather than counteract its effects. It thus suggests that mitigation measures higher up the hierarchy should be considered in preference to those further down the list.

Box 3.1	Mitigation Hierarchy and Example Measures
<p><u>Mitigation measures should be consistent with the mitigation hierarchy (after DETR 1997¹⁹ and CLG 2006²⁰):</u></p> <ul style="list-style-type: none"> Avoidance - making changes to a design (or potential location) to avoid adverse effects on an environmental feature. This is considered to be the most acceptable form of mitigation. Reduction - where avoidance is not possible, adverse effects can be reduced through sensitive environmental treatments/design. Compensation - where avoidance or reduction measures are not available, it may be appropriate to provide compensatory measures (e.g. an area of habitat that is unavoidably damaged may be compensated for by recreating similar habitat elsewhere). It should be noted that compensatory measures do not eliminate the original adverse effect, they merely seek to offset it with a comparable positive one. Remediation - where adverse effects are unavoidable, management measures can be introduced to limit their influence. Enhancement - where there are no negative impacts, but measures are adopted to achieve a positive move towards the sustainability objectives e.g. through innovative design. <p><u>Examples of how mitigation measures could be incorporated into DM DPD proposals could include:</u></p> <ul style="list-style-type: none"> Ensuring that development management decisions are scrutinised for consistency, cumulative impacts and potential unintended consequences at site, neighbourhood and City-wide levels. Monitoring the scope the DM DPD and its relationship with the BDP, and where there could be policy gaps. 	

¹⁹ Department of the Environment, Transport and the Regions (1997) *Mitigation Measures in Environmental Statements*. London: DETR

²⁰ Department for Communities and Local Government (2006): *Consultation Document - EIA: A guide to good practice and procedures*. London: CLG

Box 3.1	Mitigation Hierarchy and Example Measures
<ul style="list-style-type: none"> Monitoring the impacts of particular policies and their effectiveness, particularly in respect of the criteria used to help define the policy. 	

3.5 Who carried out the appraisal

- 3.5.1 The SA has been undertaken by Wood on behalf of Birmingham City Council.

3.6 Difficulties encountered

- 3.6.1 The SEA Directive requires the identification of any difficulties (such as technical deficiencies or lack of knowledge) encountered during the appraisal process. These uncertainties and assumptions are detailed in the appraisal matrices. Those uncertainties and assumptions common across the appraisal are outlined below.

Uncertainties

- The case-by-case character of individual development proposals which although of a similar type could yield different sustainability outcomes depending on their location.
- The cumulative sustainability impacts of developments in a particular area.
- The trade-offs which might be required between environmental, social and economic sustainability outcomes in light of the specific character of developments.
- Notwithstanding monitoring of various indicators (as part of the BDP as a whole), the difficulty of precisely measuring the sustainability impacts (positive and negative) of specific developments in particular localities and over time.

Assumptions

- That all development proposals will be consistently judged against the policy requirements of the DM DPD and the BDP more widely, including wider statutory measures relating, for example, to energy efficiency in buildings and air pollution.
- That monitoring of the environmental, social and economic impacts of development will enable judgements to be made on the overall sustainability of development in the City, and in turn feed back into policy evolution.
- That policy will be implemented consistently across the City and the results of DM decisions monitored accordingly.

4. Appraisal of the Publication Development Management DPD and Reasonable Alternatives

4.1 Compatibility between the DPD Objectives and the SA Objectives

4.1.1 A matrix has been completed to assess the compatibility of the objectives contained in the Publication Draft Development Management DPD against the SA objectives. It helps to identify at an early stage where there could be conflict between the two sets of objectives, particularly in respect of economic and social objectives which can sometimes be at odds with environmental objectives.

4.1.2 The following Objectives (repeating those of the BDP) have been set for the emerging Development Management DPD:

1. To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.
2. To make provision for a significant increase in the City's population.
3. To create a prosperous, successful and enterprising economy with benefits felt by all.
4. To promote Birmingham's national and international role.
5. To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.
6. To create a more sustainable City that minimises its carbon footprint and waste, and promotes brownfield regeneration while allowing the City to grow.
7. To strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places.
8. To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.
9. To protect and enhance the City's heritage assets and historic environment.
10. To conserve and enhance Birmingham's natural environments, allowing biodiversity and wildlife to flourish.
11. To ensure that the City has the infrastructure in place to support its future growth and prosperity.

4.1.3 **Table 4.1** presents an assessment of the compatibility between these Objectives and the SA Objectives.

Table 4.1 Compatibility between the Development Management DPD Objectives and the SA Objectives

Sustainability Objectives	Plan Objectives										
	1. Sustainable Neighbourhoods	2. Population Growth	3. Prosperity	4. National & International Role	5. Connectivity	6. Sustainable City	7. Education	8. Health & Well-being	9. Heritage	10. Natural Environment	11. Infrastructure
ENV1 To encourage development that optimises the use of previously developed land and buildings	+	+	?	?	~	+	~	+	~	?	~
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	~	~	+	~	+	~	~	+	~	~
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	~	+	?	+	+	~	+	~	~	+
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage, including resilient ecological networks able to meet the demands of current and future pressures	+	?	~	+	+	+	+	+	+	+	
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing flood risk	+	?	?	~	~	+	~	+	?	?	?
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	+	?	?	~	~	+	~	+	~	+	~
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	+	+	+	~	+	+	+	?	?	~
ECON2 To help promote the vitality of local centres	+		+	~	~	+	~	~	~	~	~
ECON3 To promote the regeneration of areas across the City through appropriate development	+	+	+	~	+	+	~	+	~	~	+
ECON4 To encourage investment in learning and skills development	~	~	+	~	~	~	+	~	~	~	~
SOC1 To help ensure equitable access to community services and facilities	+	~	+	~	+	+	+	+	~	~	+
SOC2 To help provide decent and affordable housing for all, of the right	+	+	~	~	~	~	~	+	~	~	~

	Plan Objectives										
Sustainability Objectives	1. Sustainable Neighbourhoods	2. Population Growth	3. Prosperity	4. National & International Role	5. Connectivity	6. Sustainable City	7. Education	8. Health & Well-being	9. Heritage	10. Natural Environment	11. Infrastructure
quantity type, tenure and affordability to meet local needs											
SOC3 To encourage development which promotes health and well-being	+	~	~	~	+	+	~	+	~	+	~
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	+	~	~	~	~	~	~	+	~	~	~
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	~	~	~	~	~	~	+	~	~	~
+	Objectives are potentially compatible	?	Uncertain if Objectives are related	~	No clear relationship between Objectives	-	Objectives are potentially incompatible				

4.1.4 The compatibility analysis in **Table 4.1** reveals that the great majority of SA Objectives and Plan Objectives are either compatible or have no direct relationship with one another. No potential incompatibilities between objectives have been identified, although there are a number of uncertain relationships relating to:

- ▶ Plan Objective 2 (population growth);
- ▶ Plan Objective 3 (prosperity);
- ▶ Plan Objective 4 (national and international role);
- ▶ Plan Objective 9 (heritage);
- ▶ Plan Objective 10 (natural environment); and
- ▶ Plan Objective 11 (infrastructure).

4.1.5 The potential uncertainties principally relate to dilemmas in reconciling the need and demand for development with environmental protection (ENV1, 3, 4, 5 and 6 and ECON 1). In many instances, any potential conflicts arising will have to be determined on a case-by-case basis given the particular character and context of development. These uncertainties are not regarded as barriers to development although particular attention will have to be paid to the application of policy in light of these relationships. These are highlighted as issues which could require monitoring.

4.2 Policies and alternatives

4.2.1 The Development Management DPD proposes 16 policies to manage various aspects of development across the City. The policies have emerged through a process of consultation within

Birmingham City Council and with interested parties. In reaching the proposed policies, options have been considered in most cases. This took account of the following factors:

- the extent to which the policy is required in light of the City Council's corporate objectives and national planning policy;
- the extent to which there is a reasonable need to update the existing policy (which is the most common instance);
- the extent to which a potential alternative approach would ensure efficient and effective management of development to meet local needs and priorities to address the specific issues identified;
- the extent to which a potential alternative could be pursued without placing an unreasonable burden on applicants or the decision making process (such as through requirements for supporting information).

4.2.2 In consequence, alternatives that have been considered have included:

- having no policy;
- reliance on national policy (i.e. the NPPF);
- using the existing UDP policy;
- variations on the proposed policy.

4.2.3 The development of such alternatives have been considered on a case by case basis, to ensure only those that are reasonable, realistic and achievable are subject to appraisal. In comes instances when considering individual policies, no reasonable alternatives have been identified.

4.3 Summary of results and the reasons for selecting/rejecting the alternatives

4.3.1 **Table 4.2** summarises the results of the appraisal of policies, drawn from the analysis in **Appendix A** which appraises the proposed policies against reasonable alternatives.

Table 4.2 Summary of the results of the appraisal of the preferred policy option

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
Environment and Sustainability		
DM1 Air Quality	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. The policy could benefit from the inclusion of examples of measures against	No alternative has been identified to this policy - National policy requires planning to contribute towards compliance with relevant limit values or national objectives for pollutants and take into account local AQMA and Clean Air Zones (CAZ). Therefore in order to comply with national policy it is considered necessary to set policy aimed at improving air quality and mitigating the impacts of development on air quality. Having no air quality policy will risk undermining the AQMA and CAZ and failure to deliver relevant actions within the City's Air Quality Action Plan, transport strategy and the objectives

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
	which the policy will be implemented and measured.	of the BDP in promoting sustainable development, and helping to address climate change.
DM2 Amenity	Good design is important to securing sustainable development through balancing a wide variety of considerations. The detailed criteria within DM01 against which developments will be considered serve as a reference point against which specific proposals can be considered, thereby helping to ensure that development takes account of the specific matters which help to make the City and its neighbourhoods attractive and successful places to live. The specific requirements of DM02 complement the overarching principles set out in DM01. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address design issues yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy on amenity and rely instead on the NPPF and ad hoc considerations of proposals on a case by case basis. Reason for rejection: The Council believes the preferred approach will provide a more transparent, consistent and fairer basis for considering planning proposals than having no policy. To ensure the successful delivery of the BDP, amenity considerations are considered important. The NPPF is clear that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
DM3 Land affected by Contamination, Instability and Hazardous Substances	A policy which clearly addresses environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal.	No alternative to this policy has been identified - Environmental health legislation requires local authorities to identify contaminated land and ensure it is managed in an appropriate manner. The NPPF also stresses the need for policies to ensure that new development is compatible with its location. The NPPF makes clear that developers and landowners are responsible for securing safe development where a site is affected by contamination.
DM4 Landscaping and Trees	Trees and landscaping are fundamental to a high quality and ultimately sustainable environment, contributing aesthetically and functionally to the quality of life across the City. Specification of expectations for design and use of trees and landscaping as part of new development will ensure that, in combination with other policies, high quality design is realised and wider sustainability enhancements are secured. There are no suggested changes to the content of the policy arising from the appraisal, other than cross-referencing Council Strategies relating to Green Infrastructure, for example.	No alternative to this policy has been identified - The NPPF and BDP provide strong support for protecting and enhancing valued landscapes. Local planning authorities are advised to set criteria based policies against which proposals for any development on or affecting protected wildlife or landscape areas will be judged.
DM5 Light Pollution	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum	No alternative to this policy has been identified - The NPPF is clear that planning policy should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The draft policy provides a detailed approach for achieving this.

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
	standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal.	
DM6 Noise and Vibration	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal.	No alternative has been identified to this policy - National planning policy requires development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition, the BDP seeks to create well designed, healthy and safe environments. It is therefore considered necessary to include this policy.
Economy and Network of Centres		
DM7 Advertisements	A specific policy which clearly controls the siting and design of advertisements will provide an important reference point for ensuring that a range of sustainability benefits are secured, focused on enhancing economic development in the City whilst ensuring that residential amenity and City-wide amenity is protected. In all cases, the greater certainty and precision associated with an updated policy is likely to yield positive sustainability effects. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy on advertisements Reasons for rejection: Not having a policy and relying upon applications being considered against the National Planning Policy Framework would not be favoured since there would be no safeguard against inappropriate advertisements and signs.
DM8 Places of Worship and other faith related community facilities	Ensuring the appropriate location and design of these uses will help to ensure that sustainable development is promoted, particularly having regard to equitable access through public transport and sensitive design ensuring that impacts on local amenity are minimised. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	Retain the wording of existing policy in paragraphs 8.31 - 8.35 of the Saved Unitary Development Plan 2005 and Places for Worship and Faith-related Community and Educational Facilities SPD (2011) Reasons for rejection: This policy needs to be updated to reflect Policy TP21 of the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres. No policy on places of worship and faith related community uses. Reasons for rejection: Birmingham has a diverse mix of faiths and cultures. A policy is required to ensure that development for places of worship and faith related

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
		community uses takes place in the appropriate locations and their impacts on the local area are managed.
DM9 Day nurseries and early years provision	A policy which ensures the consistent provision of educational facilities of various kinds across the City will help to ensure that there is equitable access (for example through sustainable locations) and in a fashion which maintains and enhances local amenity. The precise effects of the policy will have to be monitored to determine whether the policy objectives are being realised in practice. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address education-related development issues yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>Retain existing UDP policy</p> <p>Reasons for rejection: The policy requires updating as it refers to out of date policies. The existing policy does not reflect the Policy TP21 in the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.</p> <p>No policy on day nurseries and child care provision</p> <p>Reasons for rejection: Without a policy on the development of day nurseries and childcare provision, development may result in adverse impacts on the vitality of local centres, residential amenity and character of an area.</p>
Homes and Neighbourhoods		
DM10 Standards for Residential Development	This policy will yield a range of sustainability benefits, associated with ensuring that there is high quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>Retain existing UDP policy in paragraph 8.39-8.44 of the Saved Unitary Development Plan regarding house extensions. There is no existing policy on housing technical standards for internal space, outdoor amenity space or accessible and adaptable housing.</p> <p>Reasons for rejection: The policy requires updating to achieve good standards of amenity for the occupiers of new residential buildings and protect the amenity of nearby occupiers and residents. The general thrust of the existing policy regarding residential extensions is taken forward into the new policy.</p> <p>No minimum space standards or policy on separation distances, outdoor amenity space and accessible and adaptable housing.</p> <p>Reasons for rejection: Having no such policy would risk developments not achieving a reasonable level of amenity therefore impacting on quality of life. Minimum space standards will help to ensure that there is sufficient space, privacy and storage facilities to ensure the long-term sustainability and usability of homes. DM9 is consistent with the NPPF requires local planning authorities to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>
DM11 Houses in Multiple Occupation (HMO)	The sustainability effects of a clear policy which seeks to control Houses in Multiple Occupation (HMO) is likely be positive, reflecting the potential issues associated with them. The sustainability effects relate to ensuring that local amenity and design quality is appropriately protected, whilst providing for the needs of those in need. No likely significant negative effects have been identified. There are no suggested changes to	<p>Retain existing UDP policy</p> <p>Reasons for rejection: This policy requires updating as it refers to out of date UDP policies, but the main thrust of the policy remains unchanged in DM11.</p> <p>No policy on HMO</p> <p>Reasons for rejection: Without a HMO policy, development could result in concentrations of HMOs which can lead to a number of negative impacts on local communities, for example more frequent noise nuisance,</p>

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
	the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	depopulation of neighbourhoods during academic vacations, and increased pressure on parking due to higher population densities. Less prescriptive policy Reasons for rejection: Defining cumulative impact by using a threshold against which applications will be assessed will aid in transparency and consistency in decision-making.
DM12 Residential conversions and specialist accommodation	Promoting sensitive residential conversions and the development of appropriate specialist accommodation is likely to result in significant positive effects through the provision of appropriate accommodation for those in particular need. The option of having no specific policy could result in some minor adverse effects relating to social indicators.	No policy on Residential Conversions Reasons for rejection: Without a policy on residential conversions and specialist accommodation there are likely to be a range of negative effects relating to poor quality living environments and negatives impacts on local amenity arising from over-concentrations of such uses.
DM13 Self and Custom-build Housing	Promoting self- and custom-build housing through a specific policy is likely to yield positive sustainability effects City-wide with no adverse effects identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of having no specific policy could result in some minor adverse effects relating to social indicators.	No policy on self and custom build housing. Reasons for rejection: The Council wishes to take a proactive approach to supporting individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership. It is also a duty upon local authorities to have regard to the Self and Custom Build Register in carrying out their planning, housing, land disposal and regeneration functions.
Connectivity		
DM14 Highway Safety and Access	Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal.	No alternative to this policy has been identified - the NPPF requires development to provide for safe and suitable access to the site for all users. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
DM15 Parking and Servicing	Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely	No policy Reasons for rejection: National policy makes clear that parking standards should be determined at the local level in response to local circumstances. The proposed policy supports the implementation of the BDP in developing a sustainable, high quality, integrated transport system. It is considered essential that appropriate parking is provided to contribute to traffic

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
	significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	reduction and ensure safety, inclusive development and manage any impact on amenity.
DM16 Telecommunications	Ensuring that the City has an up-to-date telecommunications infrastructure will ensure sustainability benefits across a range of objectives, notably the contribution to the City's economic performance, creating opportunities for travel reduction and ensuring that all residents have equitable access to high quality services that enable them to fulfil their economic and social potential. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address telecommunications siting matters yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy Reasons for rejection: policy supports the implementation of the Policy TP46 Digital Communications of the BDP. The Council supports well-designed and located high quality communications infrastructure and this policy is intended to facilitate provision in line with this aspiration.

- 4.3.2 **Table 4.3** summarises the scores, by SA Objective, attributed to the preferred policy option and then provides an overall assessment of the cumulative effects of the 15 preferred policies against each SA Objective.
- 4.3.3 The results set out in Tables 4.2 and 4.3 demonstrate the overwhelming likely positive or significantly positive effects resulting from implementation of the policies. This reflects their positive intent and the need to deal systematically and objectively with planning issues arising day-to-day across the City, as well as the experience accumulated through implementation of previous Development Management policies through the UDP. More generally, the Development Management policies represent the lowest tier in a hierarchy of planning policies, adding local detail to implement the broader principles of policies within the NPPF and the Birmingham Development Plan. As such they specifically address local issues and are designed to mitigate potential adverse effects associated with development.
- 4.3.4 No significant negative effects, either associated with specific sustainability objectives or cumulatively have been identified. This contrasts with the scores attributed to the absence of a policy which are typically significantly negative (see **Appendix A**), reflecting the clear need to systematically control development and the likely consequences of the absence of such a local policy framework whose presence is to the benefit of applicants, residents and the City as a whole.
- 4.3.5 Some policies have been identified as holding some uncertainty as to their precise effects in respect of meeting sustainability objectives. These apply principally to whether significant positive effects are likely to be fully realised in respect of matters such as sustainable travel and construction, or enhanced access by local communities to skills enhancement from the construction of education facilities, reflecting the case-by-case nature of individual developments and their particular circumstances. Nevertheless, the potential for the realisation of significant positive or positive effects exists.

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DM1 Air Quality	?	ENV1 optimise use of previously developed land	?	++?
DM2 Amenity	?	ENV2 apply high standards of design, construction and maintenance	++	?
DM3 Land affected by contamination, instability and hazardous substances	++	ENV3 encourage sustainable methods of transport and reduce the need to travel	?	+
DM4 Landscaping and trees	?	ENV4 protect and enhance Birmingham's cultural and natural heritage	++	?
DM5 Light Pollution	?	ENV5 anticipate and respond to the challenges associated with climate change, particularly managing and reducing flood risk	++	?
	+	ENV6 make best use of water resources, reduce pollution and encourage sustainable waste management	++	++?
	?	ECON1 improve the performance of the local and City-wide economy to provide opportunity for all	++	+
	?	ECON2 promote the vitality of local centres	++	?
	?	ECON3 promote the regeneration of areas across the City	++	+
	?	ECON4 encourage investment in learning and skills development	?	?
	?	SOC1 ensure equitable access to community services and facilities	?	?
	?	SOC2 provide decent and affordable housing for all meet local needs	?	?
	?	SOC3 promotes health and well-being	++	+
	+	SCO4 reduce crime, the fear of crime and antisocial behaviour	++	?
	?	SCO5 enable communities to influence the decisions that affect their neighbourhoods and quality of life	?	?

DM6 Noise and Vibration	?	ENV1 optimise use of previously developed land
	++?	ENV2 apply high standards of design, construction and maintenance
DM7 Advertisements	?	ENV3 encourage sustainable methods of transport and reduce the need to travel
	++?	ENV4 protect and enhance Birmingham's cultural and natural heritage
DM8 Places of worship and other faith related community facilities	?	ENV5 anticipate and respond to the challenges associated with climate change, particularly managing and reducing flood risk
	++?	ENV6 make best use of water resources, reduce pollution and encourage sustainable waste management
DM9 Day nurseries and early years provision	?	ECON1 improve the performance of the local and City-wide economy to provide opportunity for all
	++?	ECON2 promote the vitality of local centres
DM10 Standards for residential development	?	ECON3 promote the regeneration of areas across the City
	++?	ECON4 encourage investment in learning and skills development
DM11 Houses in multiple occupation (HMO)	++?	SOC1 ensure equitable access to community services and facilities
	++?	SOC2 provide decent and affordable housing for all meet local needs
	?	SOC3 promotes health and well-being
	++?	SCO4 reduce crime, the fear of crime and antisocial behaviour
	++?	SOC5 enable communities to influence the decisions that affect their neighbourhoods and quality of life



DM12 Residential conversions and specialist accommodation	++?	ENV1 optimise use of previously developed land				
	++	ENV2 apply high standards of design, construction and maintenance				
DM13 Self and custom-build housing	?	?	ENV3 encourage sustainable methods of transport and reduce the need to travel			
	?	?	ENV4 protect and enhance Birmingham's cultural and natural heritage			
DM14 Highway Safety and Access	?	?	ENV5 anticipate and respond to the challenges associated with climate change, particularly managing and reducing flood risk			
	?	?	ENV6 make best use of water resources, reduce pollution and encourage sustainable waste management			
DM15 Parking	?	+	++?	ECON1 improve the performance of the local and City-wide economy to provide opportunity for all		
	?	+	+	ECON2 promote the vitality of local centres		
DM16 Telecommunications	?	+	?	ECON3 promote the regeneration of areas across the City		
	?	+	?	ECON4 encourage investment in learning and skills development		
Cumulative Effect of all Policies	~+/++	?	?	SOC1 ensure quality of life and access to community services and facilities		
	~+/++	?	?	SOC2 provide decent and affordable housing for all meet local needs		
	~+/++	+	+	SOC3 promotes health and well-being		
	~+/++	+	+	SOC4 reduce crime, the fear of crime and antisocial behaviour		
	~+/++	+	+	SOC5 enable communities to influence the decisions that affect their neighbourhoods and quality of life		
	~+/++	+	+			

Sustainability Appraisal Scoring

Score Key:	++ Significant positive effect	+ Minor positive effect	0 No overall effect	- Minor negative effect	-- Significant negative effect	? Score uncertain	~ No clear relationship
NB: where more than one symbol is presented in a box it indicates that the appraisal has found more than one score for the category. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.							

4.4 Summary of the Habitats Regulations Assessment (HRA)

4.4.1 BCC has reviewed the DM DPD against the requirements of Regulation 105 of the Habitats Regulations; this review has drawn on the evidence gathered by the 2013 HRA²¹ undertaken for the Birmingham Development Plan and a technical review, taking into account the scope and content of the Development Management DPD. The 2013 HRA established that there were unlikely to be any significant adverse effects on any European site as follows:

E1 This HRA report has carefully considered the effects that might be associated with development as part of the Pre-Submission Version of the BDP. Having previously screened the BDP options, this report has revisited assessments made during November 2012 and assessed new content in the latest version of the plan.

E2 There are no European sites in the City of Birmingham. Of those that have been identified from a 20km area of search and others that have been included through hydrological pathways that lie beyond this search zone, none are expected to experience adverse effects from proposals in the BDP. Earlier assessment in November 2012 recommended that the issues of air quality, disturbance from recreation, water supply and treatment be explored as part of further HRA work. These issues have been appraised along with several other identified vulnerabilities of European sites.

E3 The following 14 sites were included in this HRA report:

• Cannock Chase SAC; • Cannock Extension Canal SAC; • Elan Valley Woodlands SAC; • Elenydd SAC; • Elenydd-Mallaen SPA; • Ensor's Pool SAC; • Fens Pools SAC; • Humber Estuary SAC; • Humber Estuary SPA; • Humber Estuary Ramsar; • River Mease SAC; • Severn Estuary SAC; • Severn Estuary SPA; and • Severn Estuary Ramsar.

E4 The Pre-Submission Version of the BDP is not likely to lead to adverse effects on any European sites alone or in-combination with other plans. There is no requirement to prepare an appropriate assessment.

4.4.2 The technical review has determined that the significant effects considered in the 2013 HRA remain relevant, valid and can be relied upon, when considering the effects of the Development Management DPD. It is noted that the Development Management DPD will not introduce any new effect pathways. The review has concluded that the Development Management DPD will have no significant effects on any European sites as a result of its implementation as it is an expansion and clarification of the strategic policies of the BDP, which itself was determined not to have any likely significant effects on European sites, either alone, or in combination with other plans.

4.5 Proposed mitigation measures

4.5.1 When considering planning policies, mitigation can usually be in the form of policy amendments. For the Development Management DPD preferred policies, there are no recommendations for the modification of the range of policies. This reflects the positive scores, the absence of negative effects and the intention to use the policies in combination with the policies of the BDP, which for each policy are cross-referenced.

²¹ Lepus Consulting (October 2013) Habitats Regulations Assessment of the Birmingham Development Plan: Pre-Submission Version https://www.birmingham.gov.uk/download/downloads/id/1523/sub6_pre-submission_habitat_regulations_assessment_2013.pdf

4.5.2

Whilst there are no recommendations for the amendment of policy wording, the following general points can be made in respect of the presentation of the policies in order to make clearer how they will be implemented:

- ▶ Ensure that, wherever possible, the specific criteria against which the policy will be implemented and monitored are included.
- ▶ For each DM policy, provide further detail against the cited BDP policies on how these will work together.
- ▶ Set out more clearly in paragraph 1.10 of the DPD which matters are covered by the BDP, such as the control of various forms of retail development.

4.6 Uncertainties and risks

4.6.1

The principal uncertainties centre on the implementation of the policies and the inevitable variability associated with case-by-case judgements. However, any unintended sustainability effects are likely to be localised, and monitoring of implementation is an important part of development management. It is through this mechanism that consistency of implementation and unintended consequences (and hence potential effects on sustainability) should be identified. Monitoring activity has been undertaken for policies applied as part of the Unitary Development Plan and lessons learnt in the development of new policies. It can be assumed therefore that the new policies are more sophisticated and should therefore yield more sustainable effects. Nevertheless, many of the scores retain a '?' to indicate that there is uncertainty associated with their effects.

5. Next steps

5.1 Preparation of the Submission Development Management DPD

- 5.1.1 Following consultation and an analysis of the responses, the Council will revise the Publication Draft Development Management DPD which will be subject to a statutory period of public consultation. Following this, a Submission Development Management DPD will be produced. This will be submitted for consideration by an independent planning inspector.

5.2 Finalising the SA Report and Post Adoption Statement

- 5.2.1 Following EiP, and subject to any significant changes to the draft DPD that may require appraisal, the Council will issue a Post Adoption Statement (PAS) as soon as reasonably practicable after the adoption of the DPD. The PAS will set out the results of the consultation and SA processes and the extent to which the findings of the SA have been accommodated in the adopted DPD.

5.3 Monitoring Requirements

- 5.3.1 Following adoption of the Development Management DPD, there will need to be monitoring of any significant effects identified. Monitoring the sustainability effects of implementing the Development Management DPD should be conducted as part of an overall approach to monitoring the sustainability effects of the BDP and various SPDs across the City. An Authority Monitoring Report is already produced for the BDP. This does not currently cover DM-related matters and this could be refined to reflect the content of the Development Management DPD and combined with the monitoring of potential sustainability effects.
- 5.3.2 **Table 5.1** sets out a number of potential indicators for monitoring the potential significant sustainability effects of implementing the Development Management DPD, drawing on those set out in Table 3.1 above which relate to sustainability objectives. Note that the indicators proposed are included as suggestions at this stage, as it is recognised that many datasets may not be available for monitoring some of the sustainability effects of the Development Management DPD, and that the indicators included may change once the City Council finalises the monitoring framework for the DPD itself. The data used for monitoring could be provided by outside bodies.

Table 5.1 Potential monitoring indicators for the Development Management DPD

Policy	Potential Indicator(s)
DM1 Air Quality	BDP AQ monitoring Change to/within Air Quality Management Areas Effects on human health and biodiversity
DM2 Amenity	Development Management (DM) statistics on applications refused as contrary to policy Development affecting natural assets including open space Effects on heritage assets and biodiversity

Policy	Potential Indicator(s)
DM3 Land affected by contamination, instability and hazardous substances	DM statistics on applications with contamination/stability issues Proportion of new development on previously developed land
DM4 Landscaping and trees	BDP monitoring of city-greening DM statistics on conditions attached to applications
DM5 Light Pollution	DM statistics on applications refused as contrary to policy Effects on heritage assets and biodiversity
DM6 Noise and Vibration	DM statistics on applications refused as contrary to policy Noise complaints Effects on heritage assets and biodiversity
DM7 Advertisements	DM statistics on applications refused as contrary to policy Effects on heritage assets
DM8 Places of worship and other faith related community facilities	DM statistics on applications Accessibility indices of key facilities
DM9 Day nurseries and early years provision	DM statistics on applications refused as contrary to policy Accessibility indices of key facilities
DM10 Standards for residential development	DM statistics on applications refused as contrary to policy
DM11 Houses in Multiple Occupation (HMO)	DM statistics on applications refused as contrary to policy
DM12 Residential conversions and specialist accommodation	DM statistics on applications refused as contrary to policy
DM13 Self and custom-build housing	DM statistics on applications
DM14 Highway Safety and Access	DM statistics on applications refused as contrary to policy
DM15 Parking and Servicing	DM statistics on applications refused as contrary to policy
DM16 Telecommunications	DM statistics on applications Effects on heritage assets and biodiversity

5.4 Quality Assurance Checklist

- 5.4.1 The Government's Guidance on SEA²² contains a quality assurance checklist to help ensure that the requirements of the SEA Directive are met. This has been completed for the Development Management DPD in **Table 5.2**.

Table 5.2 Completed Quality Assurance Checklist for the Development Management DPD

Objectives and Context	
<ul style="list-style-type: none"> The plan's purpose and objectives are made clear. 	Section 1.4
<ul style="list-style-type: none"> Sustainability issues, including international and EC objectives, are considered in developing objectives and targets. 	Key sustainability issues identified through a review of relevant plans and programmes (see Section 2) and analysis of baseline conditions (see Section 2) have informed the development of the SA Framework presented in Section 3.
<ul style="list-style-type: none"> SEA objectives are clearly set out and linked to indicators and targets where appropriate. 	Section 3.1 presents the SA objectives and guide questions.
<ul style="list-style-type: none"> Links with other related plans, programmes and policies are identified and explained. 	A review of related plans and programmes is presented in Section 2 of this SA Report.
Scoping	
<ul style="list-style-type: none"> The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the Environmental Report. 	The environmental bodies were consulted on the Scoping Report in March 2015 and August 2018.
<ul style="list-style-type: none"> The assessment focuses on significant issues. 	Sustainability issues have been identified in the baseline analysis contained in Section 2 of this SA Report on a topic-by-topic basis. Section 2.2 summarises the key sustainability issues identified.
<ul style="list-style-type: none"> Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit. 	Section 3.6 of this SA Report sets out the difficulties, uncertainties and assumptions.
<ul style="list-style-type: none"> Reasons are given for eliminating issues from further consideration. 	No issues have been knowingly eliminated from this SA Report.
Baseline Information	
<ul style="list-style-type: none"> Relevant aspects of the current state of the environment and their likely evolution without the plan are described. 	Section 2 and Appendix B of this SA Report presents the baseline analysis of the City's social, economic and environmental characteristics including their likely evolution without the Local Plan.
<ul style="list-style-type: none"> Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable. 	Throughout Section 2 of this SA Report, reference is made to areas which may be affected by the Local Plan.
<ul style="list-style-type: none"> Difficulties such as deficiencies in information or methods are explained. 	Section 3.6 of this SA Report sets out the difficulties, uncertainties and assumptions.
Prediction and evaluation of likely significant effects	
<ul style="list-style-type: none"> Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant. 	Section 4 summarises the appraisal of the sustainability performance of the Pre-Submission Local Plan in terms of the Local Plan Vision and Spatial Principles, preferred development requirements and Spatial Strategy, site allocations and policies. Detailed appraisal matrices are

²² (Former) Office of the Deputy Prime Minister (2005) *A Practical Guide to the Strategic Environmental Assessment Directive*.

<ul style="list-style-type: none"> Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed. Likely secondary, cumulative and synergistic effects are identified where practicable. Inter-relationships between effects are considered where practicable. Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds. Methods used to evaluate the effects are described. 	<p>set out in Appendix A that have been developed to meet the requirements of the SEA Directive.</p> <p>Positive and negative effects are considered within the appraisal matrices and within Section 4. Potential effects are identified in the short, medium and long-term.</p> <p>The cumulative effects of the Plan are considered in Appendix A and summarised in Section 4 where relevant.</p> <p>Inter-relationships between effects are identified in the assessment commentary, where appropriate.</p> <p>These are identified in the commentary, where appropriate.</p> <p>These are described in Section 3.</p>
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Mitigation measures

<ul style="list-style-type: none"> Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated. Issues to be taken into account in development consents are identified. 	<p>These are identified within the appraisal matrices.</p> <p>These are identified within the appraisal matrices.</p>
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The SA Report

<ul style="list-style-type: none"> Is clear and concise in its layout and presentation. Uses simple, clear language and avoids or explains technical terms. Uses maps and other illustrations where appropriate. Explains the methodology used. Explains who was consulted and what methods of consultation were used. Identifies sources of information, including expert judgement and matters of opinion. Contains a non-technical summary 	<p>The SA Report is clear and concise.</p> <p>Maps and tables have been used to present the baseline information in Appendix B where appropriate.</p> <p>Section 3 presents the proposed methodology to be used for assessment whilst consultation arrangements are discussed in Section 1.</p> <p>Information is referenced throughout the SA Report.</p> <p>Included.</p>
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Consultation

<ul style="list-style-type: none"> The SEA is consulted on as an integral part of the plan-making process. The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and SA Report. 	<p>This SA Report is being consulted upon along with the Publication Draft Development Management DPD.</p> <p>The emerging Plan and SA have been made available for consultation in line with planning regulations.</p>
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Decision-making and information on the decision

<ul style="list-style-type: none"> The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan. An explanation is given of how they have been taken into account. Reasons are given for choices in the adopted plan, in the light of other reasonable options considered. 	<p>Responses received to this SA Report will inform the preparation of the Submission Draft Development Management DPD. They will also be summarised in the Post Adoption Statement.</p> <p>This information will be provided in subsequent reports.</p> <p>These will be present in the Post Adoption Statement.</p>
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Appendix A

Policy Appraisal

Sustainability Appraisal Scoring

Score Key:	++ Significant positive effect	+ Minor positive effect	0 No overall effect	- Minor negative effect	-- Significant negative effect	? Score uncertain	~ No clear relationship
<p>NB: where more than one symbol is presented in a box it indicates that the appraisal has found more than one score for the category. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.</p> <p>Potential cumulative, synergistic and temporal effects reflect the likely city-wide application of the policy over the short, medium and longer term (short term (0 - 10 years), medium term (between 10 and 25 years) and long term (>25 years))</p>							

Policy	Reasonable Alternatives
DM1 Air Quality	<ul style="list-style-type: none"> None – a policy is required by National Policy
DM2 Amenity	<ul style="list-style-type: none"> No policy – rely on National Policy
DM3 Land affected by contamination, instability and hazardous substances	<ul style="list-style-type: none"> None – a policy is required by Legislation
DM4 Landscaping and Trees	<ul style="list-style-type: none"> None – a policy is required by National Policy
DM5 Light Pollution	<ul style="list-style-type: none"> None – a policy is required by National Policy
DM6 Noise and Vibration	<ul style="list-style-type: none"> None – a policy is required by National Policy

Policy	Reasonable Alternatives
DM7 Advertisements	<ul style="list-style-type: none"> No policy
DM8 Places of Worship and Faith-related Community Facilities	<ul style="list-style-type: none"> Retain existing UDP policy No policy
DM9 Day Nurseries and Childcare Provision	<ul style="list-style-type: none"> Retain existing UDP policy No policy
DM10 Standards for Residential Development	<ul style="list-style-type: none"> Retain existing UDP policy No minimum space standards or policy
DM11 Houses in Multiple Occupation	<ul style="list-style-type: none"> Retain existing UDP policy No policy Less prescriptive policy
DM12 Residential conversions and specialist accommodation	<ul style="list-style-type: none"> No policy
DM13 Self and Custom-Build Housing	<ul style="list-style-type: none"> No policy
DM14 Highway safety and access	<ul style="list-style-type: none"> None – a policy is required by National Policy
DM15 Parking and Servicing	<ul style="list-style-type: none"> No policy
DM16 Telecommunications	<ul style="list-style-type: none"> No policy

Policy DM1 Air Quality

Policy Content	Options Considered
<ol style="list-style-type: none"> 1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide, or increase exposure to unacceptable levels of air pollution, will not be considered favourably. 2. Mitigation measures such as low and zero carbon energy, green infrastructure and sustainable transport can help to reduce and/ or manage air quality impacts and will be proportionate to the background air quality in the vicinity, including Clean Air Zone designations. 3. The development of fuelling stations for low emission and electric vehicles will be supported in principle where they establish a network of facilities to support the City's transport and air quality objectives. New or extended fuelling stations for petrol and diesel vehicles would need to be justified on the basis of addressing clear gaps in existing provision, demonstrate compliance with Part 1 of this policy and provide fuelling for low emission and electric vehicles. <p>* As defined in paragraph 2.7</p>	<ul style="list-style-type: none"> • None – a policy is required by National Policy

SA Objective	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	++?	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	Measures to reduce air pollution through the use of Travel Plan will help to promote sustainable transport, contributing sustainability across the City. However, these measures are unlikely to significantly address air quality issues generated by road traffic.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	No clear relationship

SA Objective	New Policy	Commentary
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	++?	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	Enhancement of the City's environmental quality will make a contribution to the City's economic success.
ECON2 To help promote the vitality of local centres	~	No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	+	Enhancement of the City's environmental quality will make a contribution to the City's economic success.
ECON4 To encourage investment in learning and skills development	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	++	Clear, consistent policies which seek high environmental standards in new development and in turn will contribute to health and well-being.

SA Objective	New Policy	Commentary
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	No clear relationship

Commentary

A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes and the wider objectives and policies established in the BDP for the enhancement of air quality across the City through various means. The outcome of policy implementation is likely to be enhanced sustainability performance, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. The policy could benefit from the inclusion of examples of measures against which the policy will be implemented and measured. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM1 Air Quality:

Government has determined the need for Birmingham to introduce a Clean Air Zone (CAZ) to control road transport related emissions particularly NO₂. The Council's Cabinet has approved the preferred measures for a Birmingham Clean Air Zone that will seek to achieve air quality compliance with UK and EU statutory NO₂ limits in the shortest time possible, as part of a longer term air quality programme. The positive management of air quality is a priority for the City, and it is imperative that development does not undermine the objectives of the CAZ, specifically that compliance within the CAZ is maintained and that no other areas become subject to requiring the declaration of a CAZ.

The AQAP, BDP and Birmingham Connected (the City Council's transport strategy) provide the framework to improve air quality in the city, including measures to encourage walking, cycling and the use of public transport, together with the support for the uptake of cleaner vehicle technologies through infrastructure provision, fleet transition and travel behaviour changes. New developments have the potential to adversely affect air quality or be affected by air quality. This particularly relates to development that would trigger an Air Quality Assessment (AQA) as set out in the Local Validation Requirements. The assessment and mitigation approach contained within the West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014) (or any subsequent future replacement) should be utilised to assess where relevant exposure may arise, calculate the emission damage costs and identify mitigation. 'Unacceptable' deterioration is defined as where the development would result in exposure to pollutant concentrations close to the limit values.

AQAs must outline the current and predicted future pollutant concentrations at, and in the vicinity of, the development site. The AQA should also consider any potential cumulative impacts on air quality arising from planned development in the vicinity of the development site. The AQA should set out the planned mitigation measures to address any negative impacts. Mitigation measures should be provided on-site, however where this is impractical the AQA should demonstrate that it is possible to include measures in the local area which have equivalent air quality benefits. Mitigation measures may be secured either by planning condition or legal agreement where appropriate. Any impacts upon air quality will be considered in the context of the benefits the development brings to the City.

Mitigation measures will include ensuring that developments are designed to ensure walking and cycling is an obvious choice for short trips and that there is good public transport access to contribute towards the reduction in emissions, particularly nitrogen oxides and particulate matter. Where appropriate, new development should include low emission vehicle charging points as part of their parking provision, and consideration should be given to options to introduce car clubs as an alternative model of car ownership.

Birmingham City Council; Air Quality Annual Status Report (November 2017) (2018 version now also available via the same link)

https://www.birmingham.gov.uk/downloads/download/1488/air_quality_annual_status_report

Birmingham City Council; Clean Air Zone - Full Business Case & Cabinet Report (December 2018)

https://www.birmingham.gov.uk/info/20076/pollution/1763/a_clean_air_zone_for_birmingham/8

Environmental Protection UK & Institute of Air Quality Management; Guidance on land-use planning and development control: Planning for air quality (Jan 2017) <https://iaqm.co.uk/guidance/>

HM Government; Road to Zero Strategy (July 2018) <https://www.gov.uk/government/publications/reducing-emissions-from-road-transport-road-to-zero-strategy>

Low Emissions Towns and Cities Programme; Good Practice Air Quality Planning Guidance (May 2014)

https://go.walsall.gov.uk/low_emissions_towns_and_cities_programme

Birmingham City Council, Draft Clean Air Strategy (February 2019)

<https://www.birminghambeheard.org.uk/economy/clean-air-strategy-consultation/>

Birmingham City Council, Air Quality Action Plan (2011) (pdf)

Department of Chemical Engineering, School of Chemistry, University of Murcia, Spain; Assessing the impact of petrol stations on their immediate surroundings (2010) (pdf)

Policy DM2 Amenity

Policy Content	Options Considered
<p>All development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours. In assessing the impact of development on amenity, the following will be considered:</p> <ol style="list-style-type: none"> Visual privacy and overlooking; Sunlight, daylight, overshadowing; Aspect and outlook; Access to high quality and useable amenity space; Noise, vibration, odour, fumes, dust, air or artificial light pollution; Safety considerations, crime, fear for crime and anti-social behaviour; Compatibility of adjacent uses; and The individual and cumulative impacts of development proposals in the vicinity on amenity. 	<ul style="list-style-type: none"> No policy – rely on National Policy

SA Objective	No policy	New policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	-	++	Clear design and environmental quality expectations will help to ensure that there is a strong reference point against which development proposals can be assessed for their quality and contribution to achieving sustainable neighbourhoods and design quality across the City.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	-	++	Implicit in the criteria-based approach of the policies is sensitivity towards the context into which new development will be placed.

SA Objective	No policy	New policy	Commentary
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	-	++	Attractive and sustainable design will contribute to the City's image as a progressive and responsible place in which to invest.
ECON2 To help promote the vitality of local centres	-	++	Attractive and sustainable design will contribute to the success and rejuvenation of local centres.
ECON3 To promote the regeneration of areas across the City through appropriate development	-	++	Attractive and sustainable design will contribute to the regeneration of the City through helping to produce attractive and successful places.
ECON4 To encourage investment in learning and skills development	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	-	++	Good design, by its nature, promotes health and well-being, through the promotion of amenity and local environmental quality.

SA Objective	No policy	New policy	Commentary
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~	No clear relationship

Commentary

Good design is important to securing sustainable development through balancing a wide variety of environmental and social considerations. The detailed criteria within DM2 against which developments will be considered serve to ensure that development takes account of the specific matters which help to make the City and its neighbourhoods attractive and successful places to live. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address design issues yields more positive sustainability outcomes than the reasonable alternative presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM2 Amenity:

The built-up nature of Birmingham presents opportunities for new uses to address and improve the amenity of the City. This can be achieved by ensuring that all developments are suitably located, well designed, adequately separated from neighbouring uses and operate in an appropriate way for the area in which they are located.

The protection of amenity covers both living and working conditions. This means firstly that new development should provide for adequate day to day living and working conditions for those who will be occupying it. Secondly, it means that development should not have undesirable amenity impacts on the living conditions of neighbouring residents or compromise the continued operation of uses and activities which are already established in the locality. The NPPF is clear (with particular reference to noise) that businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

It may be necessary to apply planning conditions to new developments to ensure amenity standards are maintained such as hours of operation, requirements for ventilation equipment to be properly maintained, and delivery times.

Birmingham City Council; Birmingham Design Guide Vision Document (2015) <https://www.birminghambeheard.org.uk/economy/birmingham-design-guide-vision/>

Birmingham Design Guide SPD (in preparation)

Birmingham City Council, Places for All

https://www.birmingham.gov.uk/directory_record/682/places_for_all

Birmingham City Council, Places for Living

https://www.birmingham.gov.uk/directory_record/683/places_for_living

Policy DM3 Land affected by contamination, instability and hazardous substances

Policy Content	Options Considered
<ol style="list-style-type: none"> Proposals for new development will need to ensure that risks associated with land contamination and instability are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and the environment within the development and the surrounding area and/ or groundwater. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation to remove risks to both the development and the surrounding area and/ or groundwater. Proposals for development of new hazardous installations, or development located within the vicinity of existing hazardous installations, will only be permitted where it is demonstrated that necessary safeguards, in consultation with the Control of Major Accidents Hazards (COMAH) competent authority, are incorporated to ensure the development is safe; and that it supports the spatial delivery of growth as set out in the Birmingham Development Plan. 	<ul style="list-style-type: none"> None – a policy is required by National Policy

SA Objective	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	++	Redevelopment of brownfield land is a priority of the BDP and environmental quality policies will be an important part of realising this key objective through ensuring that the development process and its outputs are undertaken with reference to clear standards. A specific policy on contamination and stability is particularly important in respect of use the previously developed land.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	~	No clear relationship
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	No clear relationship

SA Objective	New Policy	Commentary
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	++?	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	Enhancement of the City's environmental quality will make a contribution to the City's economic success.
ECON2 To help promote the vitality of local centres	~	No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	+	Enhancement of the City's environmental quality will make a contribution to the City's economic success.
ECON4 To encourage investment in learning and skills development	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	++	Clear, consistent policies which seek high environmental standards in new development will contribute to health and well-being.

SA Objective	New Policy	Commentary
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	No clear relationship

Commentary

A policy which clearly addresses environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM3 Land affected by contamination, instability and hazardous substances:

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. When development is proposed on or adjacent to land that is known or suspected to be affected by contamination and/ or instability, or where development is proposed that would be sensitive to these risks, proposals for development should be accompanied by an appropriate level of supporting information. Early engagement with the local planning authority and environmental health, particularly if the land is determined as contaminated land under Part 2A of the Environmental Protection Act 1990, will clarify what assessment is needed to support the application and issues that need to be considered in the design of a development.

A preliminary risk assessment will be required to identify the nature and extent of contamination and/or instability. Where the assessment identifies significant harmful risk to human health or the environment, the Council will require a full ground investigation and a risk assessment management and remediation strategy. The Environment Agency will also have an interest in the case of 'special sites' designated under Part 2A of the Environmental Protection Act 1990 and all sites where there is a risk of pollution to controlled waters. Remediation will need to meet their requirements. The developer should also check whether an environmental permit is required before development can start. See also BDP Policy TP6 Management of flood risk and water resources.

Remedial measures will need to be carried out in line with current legislation, guidelines and best practice, including applying the Environment Agency's principles in managing risks to groundwater (the precautionary principle, risk based approach and groundwater protection hierarchy).

Environment Agency; Land Contamination: Technical Guidance (2014, updated 2016) <https://www.gov.uk/government/collections/land-contamination-technical-guidance>

Health & Safety Executive; Land Use Planning Methodology Guidance <http://www.hse.gov.uk/landuseplanning/>

MHCLG, Planning Practice Guidance, Land affected by Contamination (July 2019)
<https://www.gov.uk/guidance/land-affected-by-contamination>.

MHCLG, Planning Practice Guidance, Land instability (July 2019)
<https://www.gov.uk/guidance/land-stability>

MHCLG, Planning Practice Guidance, Hazardous substances (March 2019)
<https://www.gov.uk/guidance/hazardous-substances>

Policy DM4 Landscaping and Trees

Policy Content	Options Considered
<p>Landscaping</p> <ol style="list-style-type: none"> 1. All developments must take opportunities to provide high quality landscapes and townscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places and a coherent and resilient ecological network. 2. The composition of the proposed landscape should be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees and other green infrastructure, create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions. <p>Trees, woodland and hedgerow protection</p> <ol style="list-style-type: none"> 1. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland or Ancient/ Veteran Trees. Where trees and/or woodlands are proposed to be lost as a part of development this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application. 2. Where a proposed development retains existing trees or hedgerows on site, or where there is an incursion into a tree root protection area, provision must be made for their protection during the demolition and construction phase of development with monitoring and mitigation measures being put in place to ensure that development works do not have an adverse impact on retained trees, hedgerows and associated wildlife. 3. To ensure that the benefits of proposed development outweigh the harm resulting from the loss of any trees, woodlands or hedgerows, adequate replacement planting will be required to the satisfaction of the Council. Replacement should be provided on-site unless the developer can justify why this is not achievable. Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement. <p>* see the adopted Local Validation Criteria</p>	<ul style="list-style-type: none"> • None – a policy is required by National Policy

SA Objective	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	No clear relationship

SA Objective	New Policy	Commentary
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	++	Tress and landscaping are very often a critical aspect of good design.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	++	Trees and landscaping can very often be central to achieving high quality development which contributes to its context.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	++	Trees and landscaping will be increasingly important in ensuring that climate change is managed, such as through shading and part of wider flood risk management for vulnerable locations.
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	++	Trees and landscaping are central to assisting pollution reduction and mitigation through filtration of air and water, for example.
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	++	Trees and landscaping contribute to a high quality environment which is attractive to investors, in turn enhancing prosperity.
ECON2 To help promote the vitality of local centres	++	Trees and landscaping contribute to a high quality environment which is attractive to investors, in turn enhancing prosperity.
ECON3 To promote the regeneration of areas across the City through appropriate development	++	Trees and landscaping contribute to a high quality environment which is attractive to investors, in turn enhancing prosperity.
ECON4 To encourage investment in learning and skills development	~	No clear relationship

SA Objective	New Policy	Commentary
SOC1 To help ensure equitable access to community services and facilities	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	++	Trees and landscaping contribute to a high quality environment which contributes to health and well-being through aesthetic, pollution control and climate regulation functions.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	++	Trees and landscaping contribute to a high quality environment in which people can take pride.
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	No clear relationship

Commentary

Trees and landscaping are fundamental to a high quality and ultimately sustainable environment, contributing aesthetically and functionally to the quality of life across the City. Specification of expectations for design and use of trees and landscaping as part of new development will ensure that, in combination with other policies, high quality design is realised and wider sustainability enhancements are secured. There are no suggested changes to the content of the policy arising from the appraisal, other than cross-referencing Council Strategies relating to Green Infrastructure, for example. The option of developing a new policy to address trees and landscape issues yields more positive sustainability outcomes than the reasonable alternative presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM4 Landscaping and Trees:

New development has a clear role in supporting the City's approach to green infrastructure, and can contribute to and enhance the landscape, provide biodiversity net gain and help to reduce the impact of climate change. Each development site will be able to contribute to the green infrastructure network in

appropriate ways reflecting the site context and location. The ecological network is currently described in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022, which identifies opportunities for habitat creation, restoration and enhancement within Core Ecological Areas, Ecological Linking Areas and Ecological Opportunity Areas. This strategy, and subsequent revisions, should be referenced to ensure new development is in keeping with the surrounding landscape and supports the maintenance of a resilient and coherent ecological network.

Trees and other vegetation make an important contribution to delivering sustainable development and high quality design. Protected trees, woodland and hedgerows should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are exceptional circumstances such as, where the tree is considered to be imminently dangerous or its loss is significantly outweighed by the benefits of the proposed scheme and there are no viable development alternatives. Sufficient consideration must be given to retained trees and the proposed new use of the land around them, especially in respect of their long term viability, beneficial or adverse shade to buildings, perceived threat and building distances.

New trees, including trees on the highways should be provided with sufficient above and below ground planting space requirements (soil volumes, water supply and drainage) to allow for healthy growth to maturity without creating conflicts with buildings, pavements and utility infrastructure. Where appropriate a Landscape Management Plan will be required through a planning condition. Planting should be maintained in accordance with the plan and follow Secured by Design principles.

Birmingham City Council; Guide to Protected Trees (2016) https://www.birmingham.gov.uk/downloads/download/275/a_guide_to_tree_preservation_orders

Natural England; Green Infrastructure Guidance (2009) <http://publications.naturalengland.org.uk/publication/35033>

[Arboricultural Journal, Kerion J. Doick et al, CAVAT \(Capital Asset Value for Amenity Trees\): valuing amenity trees as public assets \(April 2019\)](https://www.tandfonline.com/doi/full/10.1080/03071375.2018.1454077)
<https://www.tandfonline.com/doi/full/10.1080/03071375.2018.1454077>

Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022
<https://www.bbcwildlife.org.uk/sites/default/files/2018-10/NIA%20Ecological%20Strategy%202017-22%20Summary.pdf>

Technical Report of the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022
<https://www.bbcwildlife.org.uk/sites/default/files/2018-10/NIA%20Ecological%20Strategy%202017-22%20Technical%20Report.pdf>

Birmingham City Council, Green Living Spaces Plan (2013)
<https://www.birmingham.gov.uk/greenlivingspaces>

Birmingham City Council, Sustainable Management of Urban Rivers & Floodplains SPD (2007)
https://www.birmingham.gov.uk/downloads/file/1166/sustainable_management_of_urban_rivers_and_floodplains_supplementary_planning_document

Policy DM5 Light Pollution

Development incorporating external lighting should make a positive contribution to the environment of the city and must seek to avoid or mitigate any potential adverse impacts from such lighting on amenity and public safety. Proposals for external lighting will need to demonstrate that the lighting is:

1. Appropriate for its purpose in its setting;
2. Designed to avoid or limit its impact on the privacy or amenity of its occupiers, nearby residents and other light sensitive uses/ areas, intrinsically dark landscapes, and nature conservation;
3. Designed to preserve or enhance the character or appearance of any heritage assets which are affected;
4. Designed to a high standard and well integrated into the proposal; and
5. Energy efficient

- None – a policy is required by National Policy

SA Objective	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	Well designed, low maintenance lighting will be encouraged as part of this policy.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	++	Sensitively designed lighting should ensure the protection and enhancement of the City's cultural heritage.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	No clear relationship

SA Objective	New Policy	Commentary
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	No clear relationship
ECON2 To help promote the vitality of local centres	+	Ensuring appropriate lighting design will contribute to the overall character of local centres.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	No clear relationship
ECON4 To encourage investment in learning and skills development	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	~	No clear relationship
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	+	Ensuring appropriate lighting design will contribute to crime reduction.

SA Objective	New Policy	Commentary
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	No clear relationship

Commentary

A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance of developments reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM5 Light Pollution:

Lighting associated with new developments should be designed in accordance with established industry standard guidance which is currently set out the Institute of Lighting Professionals. In particular, the use of low energy light sources will be encouraged. Detailed guidance on the design of lighting proposals will be included in the Birmingham Design Guide. The Planning Practice Guidance on Light Pollution also provides detailed guidance on how light pollution should be managed.

In applying the policy the Council will seek to limit the impact of artificial lighting on the local amenity and nature conservation (including ecological networks and blue and green infrastructure). Proposals involving or adjacent to designated and undesignated historic assets, must apply a lighting design appropriate to the asset, considering the architecture of the building to be illuminated and the impact this may have on the character of its surroundings.

BDP policy TP11 Sports facilities provides policy on sports facilities lighting. Advice and guidance is provided by and should be sought from Sport England on sports lighting proposals.

A Lighting Assessment Report/ Strategy (as set out in the Local Validation Requirements) could be required to detail the measures which will be implemented to minimise and control the level of illumination, glare, and spillage of light and retain dark landscapes to protect wildlife. Planning conditions may be imposed to restrict lighting levels and hours of use or require measures to be taken to minimise adverse effects.

Birmingham City Council; Lighting Places Strategy (2008)

https://www.birmingham.gov.uk/directory_record/678/lighting_places_a_lighting_strategy_for_the_city_centre_and_local_centres_of_birmingham

Policy DM6 Noise and Vibration

Development should be designed, managed and operated to reduce exposure to noise and vibration. The following will be taken into account when assessing development proposals:

- a. The location, design, layout and materials;
- b. Positioning of building services and circulation spaces;
- c. Measures to reduce or contain generated noise (e.g. sound insulation);
- d. Existing levels of background noise;
- e. Hours of operation and servicing; and
- f. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.

- None – a policy is required by National Policy

Noise and/or vibration-generating development must be accompanied by an assessment of the potential impact of any noise and/ or vibration generated by the development on the amenity of its occupiers, nearby residents and other noise sensitive uses/ areas, including nature conservation. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and /or mitigated.

Noise-sensitive development (such as residential uses, hospitals and schools) must be accompanied by an assessment of the impact of any existing and/ or planned sources of noise and vibration in the vicinity of the proposed development including transport infrastructure, entertainment/ cultural/ community facilities and commercial activity. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and /or mitigated.

SA Objective	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.

SA Objective	New Policy	Commentary
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	No clear relationship
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	No clear relationship
ECON2 To help promote the vitality of local centres	~	No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	~	No clear relationship
ECON4 To encourage investment in learning and skills development	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	No clear relationship

SA Objective	New Policy	Commentary
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	++	Clear, consistent policies which seek high environmental standards in new development will contribute to health and well-being.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	No clear relationship

Commentary

A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance of developments reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM6 Noise and Vibration:

Noise and vibration can have a significant impact on amenity of noise sensitive uses and on wildlife and habitats. For large or prolonged development, consideration should also be given to the potential noise and vibration impacts during construction as well as the post development phase. Sources of vibration include transportation (especially railways) and industrial processes.

As far as is practicable, noise sensitive developments should be located away from major sources of existing and/ or planned sources of noise unless an appropriate and robust scheme of mitigation is provided and the benefits of the proposal in terms of regeneration are considered to outweigh the impacts on

amenity and biodiversity. 'Planned' sources of noise mean sites in the nearby vicinity that are under construction; extant consents; sites that have planning consent which are not yet started; and sites which are allocated in the development plan.

The design of mitigation measures should have regard to the need to provide a satisfactory environment for future occupiers and take account of other material planning considerations such as urban design. Good design of developments, along with other actions, can help to mitigate any noise or vibration impacts. These include:

- Reduction and/or containment of the source of impact, and/ or protection of surrounding sensitive buildings.
- Layout to provide adequate distance between the source and sensitive buildings or areas, and/ or screening/buffers.
- Limiting operating times or activities of sources allowed on the site, and/or specifying acceptable limits.

Department for Environment, Food and Rural Affairs (DEFRA); Noise Policy Statement for England (2010) <https://www.gov.uk/government/publications/noise-policy-statement-for-england>

[Birmingham City Council, Planning Consultation Guidance Note Noise and Vibration \(pdf\)](#)

Policy DM7 Advertisements

Policy Content	Options Considered
<p>Proposals for advertisements should be designed to a high standard and meet the following criteria:</p> <ol style="list-style-type: none"> Suitably located, sited and designed having no detrimental impact on public safety or amenity, taking into account cumulative impact; Sympathetic to the character and appearance of their location, adjacent buildings and the building on which they are displayed having regard to their size, materials, construction, location and level of illumination; and Avoid proliferation or clutter of signage on the building and in the public realm. Not obscure architectural features of a building or extend beyond the edges or the roofline of buildings and respect the building's proportions and symmetry; Not create a dominant skyline feature when viewed against the immediate surroundings; and Designed to preserve or enhance the character or appearance of any heritage assets which are affected <p>Illuminated advertisement and signs should seek to avoid or mitigate any potential adverse impact on uses/ areas sensitive to light such as nearby residential properties and other light sensitive uses/ areas, intrinsically dark landscapes, and nature conservation.</p> <p>The siting of advertisements hoardings will be resisted where visible from the M6 motorway or A38 Aston Expressway and purposefully designed to be read from the roadway and where the attention of drivers is likely to be distracted.</p>	<ul style="list-style-type: none"> No policy – allow the market to select the location of such uses and use Environmental and Highway Regulations to control any nuisance. Develop a new policy

SA Objective	No policy	New policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	-?	++?	Clear specification of locational, siting and design expectations will serve to enhance standards of implementation across the City.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	No clear relationship

SA Objective	No policy	New policy	Commentary
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	-?	++?	Clear specification of locational, siting and design expectations will serve to enhance standards of implementation across the City.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	-?	++?	Well controlled and sited advertising plays an important role in promoting the City's commercial vibrancy and image at local and City-wide scales.
ECON2 To help promote the vitality of local centres	-?	++?	Well controlled and sited advertising plays an important role in promoting the City's commercial vibrancy and image at local and City-wide scales.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	No clear relationship
ECON4 To encourage investment in learning and skills development	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~	No clear relationship

SA Objective	No policy	New policy	Commentary
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	~	~	No clear relationship
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	-	+	An updated policy will provide the reference point for the consideration of likely effects on local amenity.

Commentary

A specific policy which clearly controls the siting and design of advertisements will provide an important reference point for ensuring that a range of sustainability benefits are secured, focused on enhancing economic development in the City whilst ensuring that residential amenity and City-wide amenity is protected. In all cases, the greater certainty and precision associated with an updated policy is likely to yield positive sustainability effects. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM7 Advertisements:

The display of advertisements is subject to a separate planning consent process as set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Through the planning system, advertisements are subject to the consideration of impacts in the interests of amenity and public safety. The Planning Practice Guidance: Advertisement explains the control of the advertisement regime and provides detail in relation to

consideration affecting public safety and amenity. Detailed guidance on the design of advertisements, signs and shop fronts will be updated and included in the emerging Birmingham Design Guide SPD.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007: <http://www.legislation.gov.uk/uksi/2007/783/made>

MHCLG, Planning Practice Guidance, Advertisements (July 2019): <https://www.gov.uk/guidance/advertisements>

Policy DM8 Places of Worship and Faith-related Community Facilities

Policy Content	Options Considered
<p>The Council's preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres will be considered favourably where:</p> <ol style="list-style-type: none"> 1. It is well located to the population the premises is to serve or is well served by means of walking, cycling and public transport; 2. It will not have an unacceptable adverse impact on local amenity, parking, public and highway safety; and 3. The site is appropriate for its purpose in its setting, suitable for the scale of the development and number of users proposed. 	<ul style="list-style-type: none"> • Retain existing UDP policy • No policy

* means suitable for the development proposed.

SA Objective	Existing Policy	No policy	New policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	++?	-?	+++?	There are opportunities to make productive re-use of buildings for these uses and a clear policy establishes the reference point for how this might best be achieved.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	++?	-?	+++?	A clear policy establishes the reference point for how design of these uses might best be achieved.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	++?	-?	+++?	Location of these uses will be considered in respect of their relationship with public transport network, thus encouraging sustainable travel patterns.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	++?	-?	+++?	
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship

SA Objective	Existing Policy	No policy	New policy	Commentary
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~	No clear relationship
ECON2 To help promote the vitality of local centres	++?	-?	+++?	Potential beneficial effects on local centres, particularly outside commercial hours.
ECON3 To promote the regeneration of areas across the City through appropriate development	++?	-?	+++?	Potential beneficial effect resulting from the re-use of buildings and the creation of a focus of activity.
ECON4 To encourage investment in learning and skills development	~	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	++?	-?	+++?	Having regard to the location of these facilities will help to promote equitable access.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	++?	-?	+++?	Part of the creation of a community focus wider beneficial effects.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship

SA Objective	Existing Policy	No policy	New policy	Commentary
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	++	The policy sets out a clear reference point for how the location of these facilities will be considered.

Commentary

Ensuring the appropriate location and design of these uses will help to ensure that sustainable development is promoted, particularly having regard to equitable access through public transport and sensitive design ensuring that impacts on local amenity are minimised. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM8 Places of Worship and Faith-related Community Facilities:

The most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP. These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance.

Development should be designed, managed and operated to reduce and/ or mitigate any potential adverse impact from noise on nearby residents. Consideration will be given to attaching conditions to any planning permission granted, which would help to reduce or eliminate such problems.

Proposals will need to include travel plans where appropriate and management plans to reduce the risk of vehicles parking inappropriately and causing an obstruction or having a detrimental impact on highway safety.

Additional ancillary activities such as weddings, funerals, and other special occasions are likely to lead to higher volumes of people and increased noise levels, traffic movements and parking demand. These can have an adverse impact on local amenity and public safety and will need to be carefully considered having regard to their frequency and the number of additional people that would be attracted to the premises. Applications will be expected to be supported by a travel plan and/or management plan where appropriate to address such issues.

Good design can help to mitigate noise and promote sustainable development. Good design can also ensure that places of worship respect the local context and character of an area and contribute to a high quality environment.

Birmingham City Council; Places of Worship and Faith-Related Community and Educational Uses SPD (May 2011):

https://www.birmingham.gov.uk/directory_record/73724/places_of_worship

Home Office; Fire safety risk assessment: small and medium places of assembly (2006): <https://www.gov.uk/government/publications/fire-safety-risk-assessment-small-and-medium-places-of-assembly>

Home Office; Fire safety risk assessment: large places of assembly (2006): <https://www.gov.uk/government/publications/fire-safety-risk-assessment-large-places-of-assembly>

Monitoring of planning applications for places of worship and faith related community uses (to be prepared)

Policy DM9 Day Nurseries and Childcare Provision

Policy Content	Options Considered
<p>The Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres will only be considered favourably where:</p> <ol style="list-style-type: none"> 1. It is well served by means of walking, cycling and public transport; 2. It will not have an unacceptable adverse impact on local amenity, parking public and highway safety; 3. The site is appropriate for its purpose in its setting, suitable for the scale of the development and the number of children proposed; and 4. Sufficient useable outdoor play space to meet the needs of the children is provided. 	<ul style="list-style-type: none"> • Retain existing UDP policy • No policy

SA Objective	No change	No policy	New policy	Commentary
ENV1 Encourage development that optimises the use of previously developed land and buildings	~	~	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	Complementing wider development management policies which encourage high quality design, these policies will help to ensure that there is consistent application across the City for these particular uses.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	++	Consideration of the location of these uses should ensure that matters such as catchment areas are considered with attendant positive effects through travel reduction. The extent of the benefits is uncertain however, reflecting parental choice and wider catchment planning issues.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	~	~	No clear relationship

SA Objective	No change	No policy	New policy	Commentary
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	-	+	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all, although the precise effects are uncertain.
ECON2 To help promote the vitality of local centres	+	-	+	Control of such uses should be of benefit to local centres, helping to produce balanced property uses which complement one another.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	No clear relationship
ECON4 To encourage investment in learning and skills development	+	-	+	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all, although the precise effects are uncertain.
SOC1 To help ensure equitable access to community services and facilities	+	-	+	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all, although the precise effects are uncertain.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	+	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all, although the precise effects are uncertain.

SA Objective	No change	No policy	New policy	Commentary
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~	~	No clear relationship

Commentary

A policy which ensures the consistent provision of day nurseries and facilities for the care, recreation and education of children across the City will help to ensure that there is equitable access (for example through sustainable locations) and in a fashion which maintains and enhances local amenity. The precise effects of the policy will have to be monitored to determine whether the policy objectives are being realised in practice. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address education-related development issues yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM9 Day Nurseries and Childcare Provision:

Early years facilities bring benefits to the community by reducing barriers to work for parents and carers and can provide an environment conducive to the development of the children who attend. Investment in the expansion and improvement of educational facilities is supported, in accordance with the BDP (Policy TP36 Education). However, such facilities must be provided in appropriate locations and suitable premises to ensure high standards of provision and prevent harm to the amenity of neighbours.

The network of centres as defined by Policy TP21 of the Birmingham Development Plan is considered the most appropriate location, but locations outside of centres will be considered appropriate where the policy criteria are met. Where nurseries are proposed in residential areas it is important to ensure that they would not give rise to unacceptable adverse impacts on local amenity. In these cases it may be necessary to ensure that there is sufficient distance between buildings and/ or that mitigation measures will be put in place to minimise the impact from noise and disturbance.

The Council will expect all planning applications for day nurseries and child care facilities in residential buildings and other non-residential buildings to outline: the numbers of staff and other visitors expected to attend the facility; the days of the week and the hours when the facility will operate; the nature of the activity; car parking and transport patterns, including servicing of the use; disabled access; and steps taken to minimise the noise impact of such uses.

Birmingham City Council, Education Services Delivery and Improvement Plan 2017 – 2018

https://www.birmingham.gov.uk/downloads/file/4340/education_services_delivery_and_improvement_plan_2016_to_2017_v20_26_may_2016

Birmingham City Council, Changing Times Report (2016)

https://www.birmingham.gov.uk/downloads/download/925/changing_times_report

Education Development Plan 2014-19 (2014) (pdf)

Monitoring of planning applications for day nurseries and childcare provision (to be prepared).

Policy DM10 Standards for Residential Development

Policy Content	Options Considered
<ul style="list-style-type: none"> All residential development will be required to meet the minimum Nationally Described Space Standards (Appendix 1). Proposals for major residential development, should seek to include a proportion of OR 7% on new affordable housing should be accessible and adaptable dwellings in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable. Separation distances* between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance. All new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development and adequate provision for recycling/ refuse storage and collection*. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree Code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected. Exceptions to the above will only be considered in order to deliver innovative high quality design, deal with exceptional site issues, respond to local character and where it can be demonstrated that residential amenity will not be significantly diminished. 	<ul style="list-style-type: none"> Retain the existing UDP Policy No policy

* Standards are set out in the Birmingham Design Guide SPD.

SA Objective	Retain UDP Policy	No policy	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	++	Clear policies for residential design will help to ensure a consistent and progressive approach across the City.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	~	No clear relationship

SA Objective	Retain UDP Policy	No policy	New Policy	Commentary
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	~	~	No clear relationship
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	++?	-?	+++?	A clear policy for residential amenity and design will help to ensure a consistent and progressive approach across the City, contributing to its economic success through the provision of high quality development.
ECON2 To help promote the vitality of local centres	++?	-?	+++?	Where residential development is encouraged in local centres, clear policy will help to ensure that it is part of good quality mixed uses.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	No clear relationship
ECON4 To encourage investment in learning and skills development	~	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship

SA Objective	Retain UDP Policy	No policy	New Policy	Commentary
SOC3 To encourage development which promotes health and well-being	+	-	++	The policy will help to ensure that residential development of whatever kind is well-designed and constructed.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~	~	No clear relationship

Commentary

This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM10 Standards for Residential Development:

The Government's Technical Housing Standards - Nationally Described Space Standards (March 2015 as updated) applies to new residential development in Birmingham. This will ensure that all homes are highly functional, meeting occupiers' typical day to day needs at a given level of occupation. It is based on being able to accommodate a basic set of furniture, fittings, storage, activity and circulation space appropriate to the design and occupancy level of the dwelling. When Government amends these standards, the City Council will prepare technical notes to demonstrate how the update is applied within Birmingham.

All new development, including extensions of properties within residential areas, has the potential to affect adjoining dwellings. Daylight and outlook are important to create pleasant spaces and support everyday activities. The size and layout of windows in new residential development should be maximised and the layout and design of development must consider levels of sunlight reaching residential properties and take opportunities to benefit from passive solar gain whilst preventing overheating of indoor spaces.

The '45 Degree Code' is a well-established approach in Birmingham to protect daylight levels and outlook for occupiers, particularly for existing houses. In applying the code the main considerations include:

- If the extension/building is single storey, the line is drawn from the midpoint of the nearest habitable room ground floor window of the adjoining premises.
- If the extension/building is two storey or taller, the measurement is taken from the quarter point of the nearest habitable room ground floor window.
- If the neighbouring property has already been extended, the measurement is normally taken from the nearest habitable room window of that extension. • If the neighbouring property has an extension which is made mainly of glass, the policy is applied to the original window opening in the wall where the extension has been added.

Outdoor private space is highly valued and it is important for both children and adults to have access to some private outdoor space for play and relaxation. The amount and type of outdoor space should relate to the potential occupancy of the dwelling and should be useable, with consideration from a number of factors, including shape, orientation, landform and shading. Outdoor amenity spaces should receive sunlight for at least part of the day, with garden sizes increased where necessary to take account of overshadowing. Existing guidance on outdoor amenity space and separation distances is set out in Places for Living SPD, which will be updated through the forthcoming Birmingham Design Guide SPD.

Across the UK as a whole, more people are living longer. Birmingham is following that national trend, and it is predicted that the percentage of those aged over 65 within the Birmingham will increase from 12.9% (145,865 people) to 16% (210,906 people) of the population. This represents a 58% increase to 2031 and a 45% increase to 2041 of people within this group. Despite increasing life expectancy, there remains a gap in healthy life expectancy. This in turn presents series of health and care challenges for older people and people with mobility impairments as it means they will be living longer with impairments and life-limiting conditions.

There will be a larger elderly population who will living longer and are likely to be living with disabilities in their later years. A requirement of 30% of new homes to meet the optional building regulation for accessible and adaptable homes is considered appropriate.

- Birmingham's older population makes up 12.9% of the total Birmingham population. Population forecasts show that this will increase to 16% in 2041. (ONS 2016 sub national population projections).
- The number of households headed by those aged 65+ has been increasing in Birmingham and is projected to increase to 28% of total households in the city.
- The Census 2011 shows that 18.4% of people currently report themselves as having a long term health problem or disability (being limited a little and a lot).
- Healthy life expectancy of men and women in Birmingham is much lower than the national average. The gap between healthy life expectancy and life expectancy indicates that the older population will therefore spend more years in poor health.
- In terms of those 65+, there is predicted to be 30.6% increase in people with a limiting long term illness whose day-to-day activities will be limited a little and 31.8% increase in people whose day-to-day activities will be limited a lot by 2035.

Birmingham City Council; 45 Degree Code for Residential Extensions (March 2006):

https://www.birmingham.gov.uk/directory_record/669/45_degree_code_for_residential_extensions

Department for Communities and Local Government; Technical Housing Standards – Nationally Described Space Standard (March 2015):

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

Ministry of Housing, Communities and Local Government; Access to and use of buildings: Approved Document M (2016):

<https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

Strategic Housing Land Availability Assessment (SHLAA) (2018)

Birmingham City Council, Standards for Residential Development Topic Paper (September 2019)

Policy DM11 Houses in Multiple Occupation (HMO)

Policy Content	Options Considered
<p>Proposals for the conversion of existing dwellinghouses or the construction of new buildings to be used as Houses in Multiple Occupation (HMO) should protect the residential amenity and character of the area and will be permitted where they:</p> <ol style="list-style-type: none"> would not result in this type of accommodation forming over 10% of the number of residential properties* within a 100 metre radius of the application site**; and would not result in a family dwellinghouse being sandwiched between two non-family residential uses***; and would not lead to a continuous frontage of three or more non-family residential uses***; and it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety and parking; and provide high quality accommodation with adequate living space including: <ol style="list-style-type: none"> bedrooms of at least 7.5 sq.m. (single) and 11.5 sq.m. (double); and communal living space comprising lounge, kitchen and dining space either as distinct rooms or in an open plan format; and washing facilities; and outdoor amenity space; and recycling/ refuse storage. <p>Where a) and c) has already been breached, planning permission will only be granted in exceptional circumstances****.</p> <p>Proposals for the intensification or expansion of an existing HMO should provide high quality accommodation in accordance with (e) and (f) above and have regard to the size and character of the property.</p> <p>* Paragraph 4.17 below sets out the residential properties identified for the purposes of calculating the percentage concentration of HMOs and the data sources for the purposes of identifying HMOs.</p> <p>** Measured from the centre point of the property</p> <p>*** For the purposes of this policy a non-family residential use is defined as a HMO, student accommodation, residential accommodation within C1 and C2 Use and self-contained flats.</p> <p>****Exceptional circumstances are set out in paragraph 4.18 below.</p>	<ul style="list-style-type: none"> Retain existing UDP policy No policy Less prescriptive policy

SA Objective	Existing UDP policy	No policy	Less prescriptive Policy	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	+	-	+	++?	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	~	~	~	~	No clear relationship
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	~	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	++?	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~	~	No clear relationship
ECON2 To help promote the vitality of local centres	~	~	~	~	No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	~	No clear relationship

SA Objective	Existing UDP policy	No policy	Less prescriptive Policy	New Policy	Commentary
ECON4 To encourage investment in learning and skills development	~	~	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~	~	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	+	-	+	++?	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
SOC3 To encourage development which promotes health and well-being	~	~	~	~	No clear relationship
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	+	-	+	++?	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	+	++?	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.

Commentary

The sustainability effects of a clear policy which seeks to control HMOs is likely be positive, reflecting the potentially contentious issues associated with them. The sustainability effects principally relate to ensuring that local amenity and design quality is appropriately protected, whilst meeting demand and need. No likely significant negative effects have been identified although there is uncertainty relating to implementation, the outcomes of which will require monitoring. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM11 Houses in Multiple Occupation (HMO):

Public consultation was undertaken on the city-wide Article 4 Direction between 6 June and 18 July 2019. A total of 251 individual comments were received in response to the publicity period. 151 (60%) of these comments expressed support for the city-wide Article 4 Direction, 89 (36%) were opposed to it and 10 (4%) did not express a view. A petition was also received in support of the city-wide Article 4 Direction which was signed by 323 individuals. The main issues raised by those who support the city-wide direction are summarised as follows:

- Low levels of maintenance of HMO properties, resulting in poor quality living environments for occupants and neighbours;
- High amounts of litter and rubbish generated due to people occupying HMO properties;
- Noise generated from HMO properties;
- Incidences of crime and anti-social behaviour associated with some occupants of HMOs;
- Problems caused by parking and subsequent impacts on highway safety;
- Transient population and less community cohesion.

The main issues raised by those who object to the City-wide Direction are summarised as follows:

- The effect it will have on limiting the availability of different types of housing in the city;
- Knock-on effects that it will have on the affordability of housing and potential increases in homelessness as a result;
- That it will discriminate against students and younger age groups, who typically occupy such properties;
- That the case put forward to justify the Article 4 Direction was based on anecdotal and not factual evidence;
- That other mechanisms should be used instead to control the negative impacts associated with HMOs (e.g. Anti-Social Behaviour Orders and enforcing HMO Management Regulations)

More generally, concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;

- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

Wider impacts on infrastructure and services created by a high concentration of HMOs and arising from the changing demography of the neighbourhood include:

- decline in owner occupied stock;
- increased population densities can place a strain on existing services, refuse disposal and street cleansing;
- reduction in demand for some local services;
- the decline of local school enrolment;
- underuse of community facilities; and
- increased demand for other services such as takeaway food, bars.

The BDP recognises that different types of residential accommodation are important to meeting the wide ranging housing needs of people in the City. All developments should achieve a high quality design contributing to a strong sense of place (BDP Policy PG3), and new homes should contribute towards achieving mixed and balanced communities (BDP policy TP30). The City Council will seek to prevent the loss to other uses of housing which is in good condition (BDP Policy TP35).

The conversion and reuse of existing buildings for housing can help to meet the changing housing on the surrounding area. Over-concentrations of certain types of accommodation can have a number of negative impacts on the local communities, including the loss of family housing, effects to the residential character, appearance, and amenity of an area as a result of excessive noise and disturbance to residents and levels of parking. The National HMO lobby and National Organisation of Residents Associations consider a 10% concentration of HMOs, equating to a 20-30% population as the tipping point to an unbalanced community. The Council's Strategic Housing Market Assessment (2013) identifies a need for market accommodation of all sizes but shows that the highest net change in the number of homes needed to 2031 is in the 3 and 4 or more bedroom category. A high proportion of 3 and 4 person households are also inadequately housed.

The cumulative effect of incremental intensification in an area caused by numerous changes of use from small HMO to large HMOs or the extension of existing HMOs can be also significant. In the right location, good design of development and its future operation can help to limit any negative impacts. This includes ensuring the proposal can be delivered in line with best practice and Government guidance, and setting residential institution developments within their own grounds.

Birmingham City Council; Planning Policy Document, Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston & Harborne wards (Nov 2014) https://www.birmingham.gov.uk/downloads/file/3232/planning_policy_document_final_17_november_2014

Birmingham City Council, Houses in Multiple Occupation Topic Paper (2019) (in draft)

Birmingham City Council, 45 Degree Code for Residential Extensions (March 2006):
https://www.birmingham.gov.uk/directory_record/669/45_degree_code_for_residential_extensions

National HMO Lobby - Balanced Communities and Studentification (2008): <http://www.hmolobby.org.uk/lobbybalancedcomms.htm>

Planning Inspectorate; Appeal Decision APP/P4605/W/14/3001406 (23/03/2015): <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3001406>

Planning Inspectorate; Appeal Decision APP/P4605/W/15/3024057 (11/08/2015): <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3024057>

Strategic Housing Market Assessment (SHMA) (2013)

Policy DM12 Residential Conversions and Specialist Accommodation

Policy Content

This policy applies to the subdivision or conversion of properties into self-contained dwelling units and the development of specialist accommodation. Proposals will be supported where:

- high quality accommodation is provided that complies with Policy DM10 Standards for Residential Development and other relevant Local Plan policies; and
- it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies;
- it will not lead to an adverse impact on the amenity, character and appearance of the area, taking into account the cumulative effects of similar uses in the area;
- the accommodation and facilities, including provision for safety and security, is suitable for the intended occupiers; and
- they have good access to local shops, services, public transport and facilities appropriate to the needs of the intended occupiers.

Options Considered

- No policy
- New policy

SA Objective	No policy	New Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	-	++?	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	~	++	Development will accord with design standards set out in policy DM10.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	-	++?	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	No clear relationship

SA Objective	No policy	New Policy	Commentary
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	No clear relationship
ECON2 To help promote the vitality of local centres	~	~	No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	No clear relationship
ECON4 To encourage investment in learning and skills development	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	-	++?	The policy is designed to meet the specific housing needs of sectors of the population.
SOC3 To encourage development which promotes health and well-being	~	++?	The policy is designed to meet the specific housing needs of sectors of the population.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	-	++?	A positive policy will assist with local decision making on appropriate accommodation for specific needs and sectors of the population.

Commentary

Promoting the sensitive conversion of properties for specific needs is likely to result in significant positive effects through the provision of appropriate accommodation for those in particular need. The option of having no specific policy could result in some minor adverse effects relating to social indicators. In particular, no likely significant negative effects have been identified although there is uncertainty relating to implementation, the outcomes of which will require monitoring. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM12 Residential Conversions and Specialist Accommodation

Specialist residential accommodation is a generic description used to describe housing that meets the needs of specific groups of people. This can comprise hostels, shared housing, care homes and supported accommodation for older people and people with mental health, learning disabilities, dementia, physical and sensory impairment, ex-offenders and drugs and alcohol dependency. It does not include age-restricted general market housing, retirement living or sheltered housing.

The Council's Strategic Housing Market Assessment (SHMA) (2013) indicates a need for market accommodation of all sizes it also shows that the highest net change in the number of homes needed to 2031 is in the 3 and 4 or more bedroom categories. Increasing the amount of general housing that is suitable for older and less able people (e.g. smaller homes, bungalows and serviced flats), together with more specialist housing, can have the added benefit of freeing up larger homes in communities that are required by families, of which there is a high level of demand for in Birmingham (SHMA 2013).

The recognition of the need and demand for specialist residential accommodation reflects a movement away from institutional care and studio accommodation into the provision of self-contained accommodation respecting individual choice and independence and offering the chance to remain integrated in the community. However, it is difficult to quantify the exact types of development, or numbers of bedspaces that will be required to meet hostel and other supported housing needs which arise as this can vary on a weekly basis.

There is a significant amount of older person's specialist housing in Birmingham at present, the majority of which is within the affordable sector. The vast majority of both the affordable and market supply is sheltered housing. There are relatively small amounts of other types of specialist older person's housing, and this is especially true for the Council's own stock.

The quality as well as the quantity of accommodation is crucial to the ongoing health and wellbeing of older people. While there is specialist housing that meets current best practice and design standards, other dwellings were developed or converted under historic standards and are now unable to meet the expectations of citizens. The conversion of a single dwelling house into several separate units may result in an increased intensity of use and possible adverse effects on the adjacent properties, including increased amount of traffic, on-street parking and poor waste management.

Birmingham City Council, Standards for Residential Development Topic Paper (September 2019)

Policy DM13 Self and Custom Build Housing

Policy Content	Options Considered
<ol style="list-style-type: none"> The Council will actively support the development of self and custom-build homes in suitable locations where they support the delivery of the Birmingham Development Plan and do not conflict with other policies in the Local Plan. The Council will encourage developers to consider whether an element of self-build plots can be incorporated into development schemes as part of the housing mix. The Council's self-build register will be used as a source of evidence of the demand for self-build and custom build housing locally, and the level of demand will be a material consideration in determining proposals. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement on larger sites. 	<ul style="list-style-type: none"> No policy

SA Objective	No policy	New policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	-?	+	Self-build could be part of land and building re-use where traditional solutions have failed.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	-?	+	A policy on self-build should encourage innovation in design standards.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	~	No clear relationship
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	No clear relationship

SA Objective	No policy	New policy	Commentary
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	No clear relationship
ECON2 To help promote the vitality of local centres	~	~	No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	-?	++	Self-build could be part of the wider solution to realising housing development in regeneration areas.
ECON4 To encourage investment in learning and skills development	-?	+++	Self-build can be the focus for individual training and skills development.
SOC1 To help ensure equitable access to community services and facilities	~	~	No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	-?	++	A proactive approach to self-build should contribute to providing more diverse routes to housing provision which meet individual circumstances.
SOC3 To encourage development which promotes health and well-being	-?	++	A proactive approach to self-build should contribute to realising individual ambitions and needs.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	-?	+++	A proactive approach to self-build should contribute to helping communities realise aspirations for more diverse housing delivery models.

Commentary

Promoting self- and custom-build housing through a specific policy is likely to yield positive sustainability effects City-wide with no adverse effects identified. No likely significant negative effects have been identified although there is uncertainty relating to implementation, the outcomes of which will require monitoring. There are no suggested changes to the content of the policy arising from the appraisal. The option of having no specific policy could result in some minor adverse effects relating to social indicators. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM13 Self and Custom Build Housing:

Councils are required to adopt a proactive and positive approach to encouraging and supporting self-build, in light of:

- The National Planning Policy Framework requires local planning authorities to clearly understand need, and plan for a mix of housing, including for people wishing to build their own homes.
- The Self-Build and Custom Housebuilding Act 2015 places a duty on local authorities to keep a register of those seeking to acquire a plot for self-building and to have regard to the register in carrying out their planning, housing, land disposal and regeneration functions.
- The Housing and Planning Act introduced a duty on local authorities to “give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period”.

Birmingham City Council has been operating its self-build register since November 2014. The number of entries on the register at present is relatively low but increasing. The number of new homes granted exemptions from the Community Infrastructure Levy due to their self/custom build status also indicates that there is considerable self-build activity in the city. Applications for this type of housing will be judged against the same relevant policies in the Plan, particularly standards for residential development (DM10).

Self-build and Custom Housebuilding Act 2015 <https://www.legislation.gov.uk/ukpga/2015/17>

Birmingham City Council Self Build Register https://www.birmingham.gov.uk/info/20054/planning_strategies_and_policies/1052/apply_to_be_on_the_self-build_and_custom_housebuilding_register

Birmingham City Council, Standards for Residential Development Topic Paper (September 2019)

Policy DM14 Highway Safety and Access

Policy Content	Options Considered
<ol style="list-style-type: none"> 1. Development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety. 2. Development must ensure that safe, convenient and appropriate access arrangements are in place for all users, including the needs of people with disabilities and reduced mobility within the development and onto the highway network, both during the construction and operation stages of the development. Priority shall be given to the needs of sustainable transport modes. 3. Developments should provide for the efficient delivery of goods and access by service and emergency service vehicles. Where it is demonstrated that this is not feasible, an appropriate alternative solution must be agreed with the City Council and secured. 4. Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment and should be located where the need to travel will be minimised, and is in a location that is readily accessible by a variety of transport modes. Development proposals that generate significant amounts of traffic will be required to provide a Travel Plan that sets out the means by which the developer will encourage users to adopt more sustainable modes of travel. 5. Vehicle access points (including private driveways) will be supported where it would not result in: <ul style="list-style-type: none"> • a reduction in pedestrian or highway safety; • detrimental impact on public transport, cycling and walking routes; • adverse impact on the quality of the street scene and local character of the area; • the loss of important landscape features, including street trees and significant areas of green verge; and • the prevention or restriction of the implementation of necessary or future transport improvements. 5. On Birmingham's strategic highway network, and other principle and main distributor routes, development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes). Any new access point must allow for access and egress in a forward gear. 	<ul style="list-style-type: none"> • Retain the existing UDP Policy • No policy

SA Objective	No change	No policy	New policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	++	An efficient and effective transport system contributes enhancing sustainable travel, through the requirements for production of Travel Plans, for example.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~	No clear relationship
ECON2 To help promote the vitality of local centres	+	-	++	An efficient and effective transport system contributes significantly to economic growth and thereby the well-being of residents through job opportunities.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	No clear relationship

SA Objective	No change	No policy	New policy	Commentary
ECON4 To encourage investment in learning and skills development	~	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	+	-	+	An efficient and effective transport system enables access to services and facilities by residents.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	+	An efficient and effective transport system contributes significantly to economic growth and thereby the well-being of residents through job opportunities.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	++	The policy could assist local neighbourhoods in realising greater control over highway-related issues.

Commentary

Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM14 Highway Safety and Access:

Highway Safety is fundamental to the design of the highway network and no development should have a negative impact on highway safety. Effective traffic management is essential to the safe and free flow of movement on the highway network. It can improve accessibility and potentially reduce congestion by understanding flows of traffic at peak and non-peak periods. This is to be secured through:

- Ensuring that development proposals that will generate significant amounts of traffic are accompanied by a Transport Assessment or Statement and will be required to provide a Travel Plan. Applications for development with significant transport implications should demonstrate the measures they are taking to minimise the impact of the development on highway users.
- Travel Plans which have measurable outputs, which might relate to targets in the local transport plan, and set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement, in the event that agreed objectives are not met.
- Travel Plans which include clear, viable proposals for monitoring of travel patterns post occupation.
- Consideration of the existing network and proposed access points to the site will need to be suitable for future traffic levels.
- Any new or amended access arrangements need to be carefully considered to ensure the efficient, effective and safe operation of the highway infrastructure across the City in view of the main parts of the highway network within Birmingham, including the strategic highway network and the West Midlands key route network, which are more sensitive to traffic impacts from development.

These measures complement the Road Safety Strategy for the City (2016) which is part of the Birmingham Connected vision for the future of transport in Birmingham, working towards a safer, healthier, greener city with a reliable integrated transport system which supports the City's growing population and economy, including through:

Safer roads

- Considering all road users and providing for the most vulnerable (pedestrians, cyclists, motorcyclists, 16 to 24 year-olds and children) when maintaining or making changes to our road network.
- Understanding where accidents are happening in the city and seeking to address problems.
- Addressing speeding by reducing speed limits and trialling digital speed cameras.

Safer people

- Providing education, training and campaigns on key road safety issues including walking, cycling, driver behaviour, motorcycle safety and large vehicle/HGV awareness.
- Targeting the delivery of road safety information to the people and places where it is most needed.

The emerging walking and cycling strategy for the City proposes a ten year plan to ensure that walking and cycling become popular choices for short journeys and for recreational activities and to increase opportunities for walking and cycling and reduce dependence on the motor car. Key objectives are to enable, develop and inspire walking and cycling, with proposals for a city-wide cycle route network and walking investment are set out in the Local Cycling and Walking Infrastructure Plan.

Birmingham City Council, Birmingham Connected (2014)

https://www.birmingham.gov.uk/downloads/download/552/birmingham_connected

Birmingham City Council, Draft Birmingham Walking and Cycling Strategy and Infrastructure Plan (June 2019)

https://www.birmingham.gov.uk/info/20013/roads_travel_and_parking/1942/walking_and_cycling_strategy_and_infrastructure_plan

Birmingham City Council; A Road Safety Strategy for Birmingham (October 2016)

https://www.birmingham.gov.uk/info/20163/safer_greener_healthier_travel/361/birmingham_road_safety_strategy

Birmingham City Council; Birmingham Connected Business Travel Network guidance

https://www.birmingham.gov.uk/info/20013/roads_travel_and_parking/1020/business_travel_network

Birmingham City Council; STARSfor guidance https://www.birmingham.gov.uk/info/20013/roads_travel_and_parking/1020/business_travel_network/2

CLG, DfT, Manual for Streets (2007)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

Policy DM15 Parking and Servicing

Policy Content	Options Considered
<ol style="list-style-type: none"> All development proposals will be required to follow the standards in the Parking SPD (and any subsequent revisions). This includes provision for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles. Proposals for parking and servicing shall avoid highway safety problems and protect local amenity and character of the area. For development where no standards exist, parking shall be provided to ensure that the operational needs of the development are adequately met, having regard to the need to points above. Development should include transport infrastructure that improves equality of access to travel and supports the efficient use of space, such as cycle hire and car club schemes. Parking proposals should have regard to the Birmingham Design Guide and be designed to be fully accessible to all users. Proposals for standalone parking facilities must demonstrate that there is a deficit in local publicly available off-street parking, or that it will help to relieve on-street parking problems. 	<ul style="list-style-type: none"> Retain the existing UDP Policy No policy

SA Objective	No change	No policy	New policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	++	An efficient and effective transport system contributes enhancing sustainable travel, through provision for cycle parking and infrastructure, for example.

SA Objective	No change	No policy	New policy	Commentary
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~	No clear relationship
ECON2 To help promote the vitality of local centres	+	-	++	Efficient and effective parking policy can have a significant effect on local centre viability.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	No clear relationship
ECON4 To encourage investment in learning and skills development	~	~	~	No clear relationship
SOC1 To help ensure equitable access to community services and facilities	+	-	+	An efficient and effective transport system enables access to services and facilities by residents.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship

SA Objective	No change	No policy	New policy	Commentary
SOC3 To encourage development which promotes health and well-being	+	-	+	An efficient and effective transport system contributes significantly to economic growth and thereby the well-being of residents through job opportunities.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	++	The policy could assist local neighbourhoods in realising greater control over highway-related issues.

Commentary

Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect of enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM15 Parking and Servicing:

Growth in the city's population will result in 1.2million additional daily trips across the network by 2031 (by all transport modes). It is not possible or indeed desirable to accommodate all these by private car due to existing constraints on our highway capacity and because of the significant detrimental impact of traffic on our environment. Local parking policies, alongside other planning and transport measures, should act to promote sustainable transport choices and reduce reliance on the private car for work and other journeys. Careful and appropriate management of parking is a key element of Birmingham's transport strategy. The Council is currently consulting on a new Parking Supplementary Planning Document (SPD). The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The Parking SPD will set out how the city will manage on-street (public highway) and off-street parking provision across the city. This will be through:

- Support for and promotion of the provision of charging points for ultra-low emission vehicles and car clubs which would contribute to sustainable development in the City.

- Accepting garages as contributing towards parking provision for development if they have adequate functional space, contributing to parking needs and residential amenity by creating a more secure environment, and reducing the potential for unsocial parking and visual impacts.
- Ensuring a design led approach is adopted to ensure parking functions satisfactorily for all users including disabled drivers, pedestrians, cyclists and service vehicles and does not impact negatively on the surrounding streetscape.
- Encouraging new hotel developments in locations where bike hire schemes are established to provide publicly accessible bike hire facilities on site in liaison with the city bike hire provider.

Birmingham City Council, Birmingham Connected (2014)

https://www.birmingham.gov.uk/downloads/download/552/birmingham_connected

Birmingham City Council; Car Park Design Guide SPD (2012) https://www.birmingham.gov.uk/directory_record/673/car_park_design_guide

Birmingham City Council; Car Parking Guidelines SPD (2012)

https://www.birmingham.gov.uk/directory_record/646/car_parking_guidelines_supplementary_planning_document

Birmingham City Council; Parking of Vehicles at Commercial and Industrial Premises Adjacent to Residential Property Guidance

https://www.birmingham.gov.uk/directory_record/680/parking_of_vehicles_at_commercial_and_industrial_premises_adjacent_to_residential_property

Movement for Growth; West Midlands Strategic Transport Plan

<https://www.wmca.org.uk/what-we-do/transport/>

Policy DM16 Telecommunications

Policy Content	Options Considered			
<p>The Council will promote the development of advanced, high quality communications infrastructure to support economic growth and more accessible, inclusive communities. This will be achieved by requiring new development proposals to:</p> <ol style="list-style-type: none"> Demonstrate opportunities have been explored for sharing of masts or sites. Such evidence should accompany any application made to the local planning authority; Demonstrate that there are no suitable alternative sites for telecommunications development available in the locality including the erection of antennae on existing buildings or other suitable structures Be sited and designed in order to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas; If on a building, apparatus and associated structures to be sited and designed in order to minimise impact to the external appearance of the building; Not have unacceptable harm on areas of ecological interest, areas of landscape importance, or heritage assets and their setting; and Conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, taking account where appropriate of the cumulative impact of all operators' equipment located on the mast / site. 	<ul style="list-style-type: none"> Retain the existing UDP Policy No policy 			
SA Objective	No change	No policy	New policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~	No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+?	-?	+	The policy should promote the efficient use of shared facilities, for example, and more widely help to realise good design.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+?	-?	+	Modern telecommunications infrastructure is an important part of helping to reduce the need to travel through home-working and teleconferencing, for example.

SA Objective	No change	No policy	New policy	Commentary
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	Attention to the impacts on cultural and natural heritage will help to protect their interests.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	-	+	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.
ECON2 To help promote the vitality of local centres	+	-	+	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.
ECON3 To promote the regeneration of areas across the City through appropriate development	+	-	+	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.
ECON4 To encourage investment in learning and skills development	+	-	+	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.
SOC1 To help ensure equitable access to community services and facilities	+	-	+	Modern telecommunications infrastructure is an important part of basic community services.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship

SA Objective	No change	No policy	New policy	Commentary
SOC3 To encourage development which promotes health and well-being	+	-	+	Modern telecommunications infrastructure helps to develop economic performance, employment opportunities and thereby the well-being of residents.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	+	Modern telecommunications infrastructure contributes to the development of advances in e-democracy.

Commentary

Ensuring that the City has an up-to-date telecommunications infrastructure will ensure sustainability benefits across a range of objectives, notably the contribution to the City's economic performance, creating opportunities for travel reduction and ensuring that all residents have equitable access to high quality services that enable them to fulfil their economic and social potential. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address telecommunications siting matters yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

BCC Background - DM16 Telecommunications:

Evidence to justify the proposed development should support applications for telecommunications development and include:

- the outcome of consultations with organisations with an interest in the proposed development.
- a statement that self-certifies the cumulative exposure will not exceed the International Commission on non-ionising radiation protection guidelines is needed, or evidence that the applicant has explored the possibility for erecting antennas on an existing building, mast or other structure and a statement certifying International Commission guidelines will be met.
- consideration of the design which minimises the visual impact of the development which may relate to the form of structure, to colour and to material.
- ensuring that masts, as far as possible, blend in with the natural landscape. This includes the associated equipment such as underground cable, service routes and means of enclosure should be designed such that there is minimal loss or damage to trees and other natural vegetation.

Birmingham City Council; Telecommunications development mobile phone infrastructure SPD (March 2008)

https://www.birmingham.gov.uk/directory_record/690/telecommunications_development_mobile_phone_infrastructure_supplementary_planning_document

Mobile UK; Code of Best Practice on Mobile Network Development in England (2016) <https://www.gov.uk/government/publications/code-of-best-practice-on-mobile-phone-network-development>

International Commission on Non-Ionizing Radiation Protection; Guidelines for Limiting Exposure to Non-Ionizing Radiation (1998)

<https://www.icnirp.org/en/publications/article/icnirp-publications-1992-2004.html>

West Midlands Local Industrial Strategy (2019)

<https://www.gov.uk/government/publications/west-midlands-local-industrial-strategy>

West Midlands Strategic Economic Plan

<https://www.wmca.org.uk/what-we-do/strategy/>



Appendix B

Review of Plans, Policies and Strategies and their use in the Sustainability Objectives

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
International		
Council of Europe (2006) European Landscape Convention	Aims to promote the protection, management and planning of Europe's landscapes, both rural and urban, and to foster European co-operation on landscape issues.	Incorporated in Sustainability Objective ENV4
Council of Europe (1985) Convention on the Protection of the Architectural Heritage of Europe	This convention commits signatories to protect their architectural heritage by means of identifying monuments, buildings and sites to be protected; preventing the disfigurement, dilapidation or demolition of protected properties; providing financial support by the public authorities for maintaining and restoring the architectural heritage on its territory; and supporting scientific research for identifying and analysing the harmful effects of pollution and for defining ways and means to reduce or eradicate these effects.	Incorporated in Sustainability Objective ENV4
EU (2007) Floods Directive	The Floods Directive aims to provide a consistent approach to managing flood risk across Europe. The approach is based on a 6 year cycle of planning which includes the publication of Preliminary Flood Risk Assessments, hazard and risk maps and flood risk management plans. The Directive is transposed into English law by the Flood Risk Regulations 2009.	Incorporated in Sustainability Objective ENV5
EU (1991) Urban Waste Water Treatment Directive.	<p>The Directive aims to protect the environment from the adverse effects of urban waste water discharges and discharges from certain industrial sectors and concerns the collection, treatment and discharge of:</p> <ul style="list-style-type: none"> • Domestic Waste Water; • Mixture of Waste Water; and • Waste Water from Certain Industrial Sectors. <p>There are four main principles: planning, regulation, monitoring, and information and reporting.</p>	Incorporated in Sustainability Objective ENV6
EC (2007) Together for Health: A Strategic Approach for the EU 2008-2013	The Strategy aims to provide an overarching strategic framework spanning core issues in health as well as health in all policies and global health issues.	Incorporated in Sustainability Objective SOC3
The Pan-European Biological and Landscape Diversity Strategy (1995)	The strategy aims to address degradation of biological and landscape diversity across Europe reinstating these assets where possible.	Incorporated in Sustainability Objective ENV4
EU Directive on the Conservation of Wild Birds (79/409/EEC)	<p>Identifies 181 endangered species and sub-species for which the Member States are required to designate Special Protection Areas.</p> <p>Makes it a legal requirement that EU countries make provision for the protection of birds. This includes the selection and designation of Special Protection Areas.</p> <p>Target Actions include:</p> <ul style="list-style-type: none"> • Creation of protected areas; • Upkeep and management; and • Re-establishment of destroyed biotopes. 	Incorporated in Sustainability Objective ENV4.
EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora	Directive seeks to conserve natural habitats. Conservation of natural habitats requires member states to identify special areas of conservation and to maintain, where necessary landscape features of importance to wildlife and flora.	Incorporated in Sustainability Objective ENV4.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
(92/43/EEC) & Subsequent Amendments	<p>The amendments in 2007:</p> <ul style="list-style-type: none"> • Simplify the species protection regime to better reflect the Habitats Directive; • Provide a clear legal basis for surveillance and monitoring of European protected species (EPS); • Toughen the regime on trading EPS that are not native to the UK; and • Ensure that the requirement to carry out appropriate assessments on water abstraction consents and land use plans is explicit. 	
EU Directive on Waste (Directive 75/442/EEC, 2006/12/EC 2008/98/EC as amended)	<p>Promotes the development of clean technology to process waste, promoting recycling and re-use.</p> <p>The Directive contains a range of provision including:</p> <ul style="list-style-type: none"> • The setting up of separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors – including by 2015 separate collection for at least paper, metal, plastic and glass. • Household waste recycling target – the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly other origins as far as these waste streams are similar to waste from households, must be increased to a minimum of 50% by weight by 2020. <p>Construction and demolition waste recovery target – the preparing for re-use, recycling and other material recovery of non-hazardous construction and demolition waste must be increased to a minimum of 70% by weight by 2020.</p>	Incorporated in Sustainability Objective ENV6.
EU Packaging and Packaging Waste Directive (94/62/EC)	<p>This Directive aims to harmonize national measures concerning the management of packaging and packaging waste in order, on the one hand, to prevent any impact thereof on the environment of all Member States as well as of third countries or to reduce such impact, thus providing a high level of environmental protection, and, on the other hand, to ensure the functioning of the internal market and to avoid obstacles to trade and distortion and restriction of competition within the Community.</p> <p>To this end this Directive lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste.</p> <p>No later than five years from the date by which this Directive must be implemented in national law (1996), between 50 % as a minimum and 65 % as a maximum by weight of the packaging waste will be recovered.</p> <p>Within this general target, and with the same time limit, between 25 % as a minimum and 45 % as a maximum by weight of the totality of packaging materials contained in packaging waste will be recycled with a minimum of 15 % by weight for each packaging material.</p>	Incorporated in Sustainability Objective ENV6.
EU (1996) Ambient Air Quality Assessment and Management (96/62/EC, Air Quality Framework Directive).	<p>The Directive ensures that where pollutants exceed certain limit values, Member States take action to reduce pollution down to the limit values. The list of atmospheric pollutants to be considered includes: sulphur dioxide, nitrogen dioxide, particulate matter, lead, ozone, benzene, carbon monoxide, poly-aromatic hydrocarbons, cadmium, arsenic, nickel and mercury.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • Obtain adequate information on ambient air quality; and • Maintain ambient air quality where it is good and improve air quality where it is bad. 	Incorporated in Sustainability Objective ENV6
EU (1998) Aarhus Convention	<p>The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for:</p> <ul style="list-style-type: none"> • The right of everyone to receive environmental information that is held by public authorities ("access to environmental information"). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under 	Incorporated in Sustainability Objective SOC5

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>the Convention, to actively disseminate environmental information in their possession;</p> <ul style="list-style-type: none"> The right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("public participation in environmental decision-making"); The right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice"). 	
EU Drinking Water Directive (98/83/EC)	<p>Provides for the quality of drinking water.</p> <p>The standards are legally binding.</p>	Incorporated in Sustainability Objective ENV6.
EU Directive on the Landfill of Waste (99/31/EC)	<p>Sets out requirements to ensuring that where landfilling takes place the environmental impacts are understood and mitigated against.</p> <p>By 2006 biodegradable municipal waste going to landfills must be reduced to 75% of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available.</p>	Incorporated in Sustainability Objective ENV6.
EU (2000) Directive on Establishing a Framework for Community Action in the Field of Water Policy (2000/60/EC, The Water Framework Directive).	<p>The Directive establishes an integrated approach to protection, improvements and sustainable use of water bodies, introducing a statutory system of analysis and planning based upon the river basin.</p> <p>The Directive imposes a statutory responsibility on Member States to ensure all water bodies meet certain water quality standards. The four main stages of implementation are:</p> <ul style="list-style-type: none"> Environmental and economic assessment ('Characterisation') of river basin districts including identification of pressures and impacts; Environmental monitoring based on river basin district characterisation; Setting of environmental objectives; and Designing and carrying out a programme of measures to achieve these environmental objectives. <p>Targets:</p> <p>All water bodies in all Member States are to reach 'Good Ecological Status' by 2015. Good ecological status applies to natural water bodies and is defined as a slight variation from undisturbed natural conditions.</p> <p>Some water bodies are designated as 'artificial' or 'heavily modified'. This is because they may have been created or modified for a particular use such as water supply, flood protection, navigation or urban infrastructure. By definition, artificial and heavily modified water bodies are not able to achieve natural conditions. Instead the classification and objectives for these water bodies, and the biology they represent, are measured against 'ecological potential' rather than status. For an artificial or heavily modified water body to achieve good ecological potential, its chemistry must be good. In addition, any modifications to the structural or physical nature of the water body that harm biology must only be those essential for its valid use. All other such modifications must have been altered or managed to reduce or remove their adverse impact, so that there is the potential for biology to be as close as possible to that of a similar natural water body.</p>	Incorporated in Sustainability Objectives ENV5 and ENV6
EU 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (SEA Directive)	<p>The SEA Directive provides the following requirements for consultation:</p> <ul style="list-style-type: none"> Authorities which, because of their environmental responsibilities, are likely to be concerned with the effects of implementing the plan or programme, must be consulted on the scope and level of detail of the information to be included in the Environmental Report. These authorities are designated in the SEA Regulations as the Consultation Bodies (Consultation Authorities in Scotland). The public and the Consultation Bodies must be consulted on the draft plan or programme and the Environmental Report, and must be given an early and effective opportunity within appropriate time frames to express their opinions. 	Directive sets the basis for SEA as a whole and therefore Indirectly covers all objectives.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> Other EU Member States must be consulted if the plan or programme is likely to have significant effects on the environment in their territories. 	
EU (2005) Clean Air Strategy.	The strategy aims to extend clean air laws into new sectors - agriculture and transport - that were not covered before, targeting five main pollutants including fine-dust particles which are most harmful to human health.	Incorporated in Sustainability Objective ENV6
EU (2010) The Industrial Emissions Directive	<p>The Johannesburg Declaration on Sustainable Development was adopted at the World Summit on Sustainable Development (WSSD), sometimes referred to as Earth Summit 2002, at which the Plan of Implementation of the World Summit on Sustainable Development was also agreed upon.</p> <p>The Johannesburg Declaration builds on earlier declarations made at the United Nations Conference on the Human Environment at Stockholm in 1972, and the Earth Summit in Rio de Janeiro in 1992. While committing the nations of the world to sustainable development, it also includes substantial mention of multilateralism as the path forward.</p> <p>In terms of the political commitment of parties, the Declaration is a more general statement than the Rio Declaration. It is an agreement to focus particularly on <i>"the worldwide conditions that pose severe threats to the sustainable development of our people, which include: chronic hunger; malnutrition; foreign occupation; armed conflict; illicit drug problems; organized crime; corruption; natural disasters; illicit arms trafficking; trafficking in persons; terrorism; intolerance and incitement to racial, ethnic, religious and other hatreds; xenophobia; and endemic, communicable and chronic diseases, in particular HIV/AIDS, malaria and tuberculosis."</i> Johannesburg Declaration</p>	The principles of sustainable development are included in all of the sustainability objectives.
UNFCCC (1997) Kyoto Protocol to the UN Framework Convention on Climate Change.	The protocol shares the Convention's objective (to achieve stabilisation of greenhouse gas concentrations in the atmosphere at safe levels, so that ecosystems can adapt naturally, and food supply is not threatened) but strengthens the convention by committing Countries to legally-binding targets to limit or reduce their greenhouse gas emissions.	Incorporated in Sustainability Objective ENV5
UNFCCC (2009) Copenhagen Accord (Climate Change).	<p>The Copenhagen Accord is a treaty that is to take over from the Kyoto Protocol's targets, as of when it expires in 2012, for curbing the growth in greenhouse gas emissions sufficiently to avoid climate change impacts projected by the IPCC. The Copenhagen Accord commits Countries to legally binding targets including:</p> <ul style="list-style-type: none"> To reduce global emissions so as to hold the increase in global temperature below 2°C; Commit developed countries to reducing greenhouse gas emissions; Projects to reduce greenhouse gas emissions in developing countries will be subject to international monitoring if they are internationally funded; Provide developing countries with financial incentives to preserve forests; and Implementation of the Accord to be reviewed in 2015 and an assessment to be made on whether the goal of keeping global temperature rise within 2°C needs to be strengthened to 1.5°C. 	Incorporated in Sustainability Objective ENV5
National		
National Planning Policy Framework (NPPF) (2019)	<p>The 2012 NPPF was the adopted NPPF at the outset of the plan making process. The NPPF was updated in 2018 and the revised NPPF was updated in February 2019. Key points from the updated document are summarised under the sub-headings below.</p> <p>Section 2 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</p> <p>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and</p>	

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>improved productivity; and by identifying and coordinating the provision of infrastructure;</p> <p>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</p> <p>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p> <p>These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.</p> <p>The NPPF is supported by National Planning Practice Guidance which expands upon and provides additional guidance in respect of national planning policy.</p> <p>Biodiversity, Geodiversity & Soil:</p> <ul style="list-style-type: none"> Protecting and enhancing valued landscapes, geological conservation interests and soils; Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; Minimising impacts on biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures including Nature Recovery Networks (paragraph 174); Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in the Framework, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries. <p>Landscape:</p> <ul style="list-style-type: none"> Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; 	<p>Incorporated in Sustainability Objectives ENV1, ENV4 and ENV6</p> <p>Incorporated in Sustainability Objective ENV4</p>

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> Minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Plans and decisions should encourage effective use of brownfield sites and take into account the economic benefits of agricultural land when assessing development, seeking to utilise areas of poorer quality land. <p>The NPPF includes strong protections for valued landscapes and townscapes as well as recognising the intrinsic character and beauty of the countryside. Planning policies and decisions are expected to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The Framework states (at paragraph 130) that: <i>“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”</i>.</p> <p>The Framework has a number of specific requirements relating to planning and landscape including a clear expectation that the planning system should contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes. Local planning authorities are expected to set criteria based policies against which proposals for any development on or affecting protected landscape areas will be judged. In doing so, distinctions should be made between the hierarchy of international, national and locally designated sites and <i>“great weight”</i> should be given to <i>“conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty”</i>. It is also expected that the scale of development in these areas will be limited, with planning permission refused for major developments <i>“other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest”</i> (paragraph 172).</p> <p>Historic Environment:</p> <ul style="list-style-type: none"> One of the NPPF’s core planning principles for plan and decision making is conserving and enhancing the historic environment. Local planning authorities are required to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The desirability of sustaining and enhancing the significance of the heritage assets, and putting them to viable uses consistent with their conservation; The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; The desirability of new development making a positive contribution to local character and distinctiveness; and Opportunities to draw on the contribution made by the historic environment to the character of a place. <p>Paragraph 188 of the NPPF states that Local Planning Authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.</p>	Incorporated in Sustainability Objective ENV4

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>Paragraph 194 of the NPPF identifies that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.</p> <p>Water:</p> <p>Among the NPPF's core principles are '<i>conserving and enhancing the natural environment</i>' and '<i>meeting the challenge of climate change, flooding and coastal change</i>'; In fulfilling these objectives, the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment.</p> <p>Strategic Policies should make sufficient provision for water supply and wastewater.</p> <p>Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.</p> <p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (where existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid where possible flood risk to people and property and manage any residual risk by:</p> <ul style="list-style-type: none"> • applying the Sequential Test; • if necessary, applying the Exception Test; • safeguarding land from development that is required, or likely to be required for current or future flood management; • using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and • Where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations. <p>Climate Change:</p> <p>One of the core principles of the NPPF is meeting the challenge of climate change, flooding and coastal change and encourages the adoption of proactive strategies to mitigate and adapt to climate change in line with the objectives and provisions of the Climate Change Act 2008, taking full consideration of flood risk, coastal change and water supply and demand. The NPPF also supports low carbon future by helping to increase the use of renewable and low carbon sources in line with the National Policy Statement for Renewable Energy Infrastructure. It seeks to ensure that all types of flood risk are taken into account over the long term at the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.</p> <p>Plans are expected to take a proactive approach to mitigating and adapting to climate change in light of its long term implications including changes to flood risk and water supply. New development should both avoid increased</p>	<p>Incorporated in Sustainability Objectives ENV5 and ENV6</p> <p>Incorporated in Sustainability Objective ENV5</p>

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions, such as through its location, orientation and design.</p> <p>To help increase the use and supply of renewable and low carbon energy and heat, plans should:</p> <ul style="list-style-type: none"> • Provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); • Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and • Identify opportunities for development to draw its energy supply from decentralized, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers. <p>Air Quality:</p> <p>Planning policies and decisions should sustain and contribute towards compliance with relevant limits or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.</p> <p>Mineral and Waste:</p> <p>One of the core principles of the NPPF is facilitating the sustainable use of minerals. Policy guidance suggests the need to: Identify policies for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction; so far as practicable take account of contribution secondary and recycled materials and minerals waste would make to the supply of materials before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously; the definition of Mineral Safeguarding Areas so that locations of mineral sources are not sterilised by other developments; set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place; safeguarding of existing and planned mineral infrastructure (rail links, wharfage, storage, processing etc), environmental criteria to ensure there is not an unacceptable environmental impact; when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and policies for reclaiming land and site aftercare.</p> <p>Minerals planning authorities are expected to provide for the extraction of mineral resources of local and national importance and safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development. The NPPF defines '<i>mineral resources of local and national importance</i>' as minerals which are necessary to meet society's needs, including aggregates, brickclay, silica sand, cement raw materials, gypsum, salt, fluorspar, coal, oil and gas (including conventional and unconventional hydrocarbons) tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.</p> <p>Economy:</p> <p>One of the NPPF's core planning principles for plan and decision making is building a strong competitive economy. The NPPF highlights the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system does everything it can to support sustainable economic growth.</p>	<p>Incorporated in Sustainability Objective ENV6</p> <p>Incorporated in Sustainability Objective ENV1</p> <p>Incorporated in Sustainability Objectives ECON1 – ECON4</p>

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>Local planning authorities are required to proactively meet development needs recognising potential barriers to invest (including infrastructure, housing and services) and regularly review land allocations. Economic growth in rural areas should be supported to create jobs and sustainable new developments, including expansion of all types of businesses, diversification of agriculture, supporting tourism and retention of local services.</p> <p>In drawing up local plans, local authorities should;</p> <ul style="list-style-type: none"> • Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration; • Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; • Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing or a poor environment; and • Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances. <p>Planning policies should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.</p> <p>Planning policies should support a prosperous rural economy and should enable:</p> <ul style="list-style-type: none"> • The sustainable growth of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; • The development and diversification of agricultural and other land-based rural business; • Sustainable rural tourism and leisure developments which respect the character of the countryside; and • The retention and development of accessible local services and community facilities. <p>Housing:</p> <p>To determine the minimum number of homes needed strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.</p> <p>The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.</p> <p>Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:</p> <ul style="list-style-type: none"> • Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and • The agreed approach contributes to the objective of creating mixed and balanced communities. <p>For major developments involving the provision of housing, planning policies should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area.</p> <p>Strategic policy making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified</p>	<p>Incorporated in Sustainability Objective SOC2</p>

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>housing ended (and any needs that cannot be met within neighbouring areas) can be met over the plan period.</p> <p>Planning policies should identify a supply of:</p> <ul style="list-style-type: none"> • Specific, deliverable sites for years 1-5 of plan period; and • Specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan. <p>Strategic policy making authorities should identify suitable locations for large scale housing development.</p> <p>Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement.</p> <p>In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.</p> <p>Planning policies should avoid the development of isolated homes in the countryside except in special circumstances.</p> <p>Healthy and Safe Communities:</p> <p>Amongst the planning principles of the NPPF is the promotion of healthy and safe communities.</p> <p>Planning policies should:</p> <ul style="list-style-type: none"> • Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other; • Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; • Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. <p>To provide the social, recreational and cultural facilities and services the community needs, planning policies should:</p> <ul style="list-style-type: none"> • Plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments; • Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; • Guard against the unnecessary loss of valued facilities and services; • Ensure established shops, facilities and services are able to develop and modernize, and are retained for benefit of the community; and • Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. <p>Open Space and Recreation:</p> <p>The framework sets out open space, sport and recreation considerations for neighbourhood planning bodies which include an assessment of needs and opportunities. Information gained from the assessments should be used to determine what open space, sport and recreation provision is needed, which plans should then seek to accommodate.</p> <p>Transport & Accessibility:</p> <p>Amongst the planning principles of the NPPF are:</p> <ul style="list-style-type: none"> • Promoting sustainable transport. 	<p>Incorporated in Sustainability Objective SOC3</p> <p>Incorporated in Sustainability Objectives SOC2 – SOC5</p> <p>Incorporated in Sustainability Objective ENV3</p>

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p> <ul style="list-style-type: none"> • The potential impacts of development on transport networks can be addressed; • Opportunities from existing or proposed transport infrastructure, and changing transport and usage are realized; • Opportunities to promote walking, cycling and public transport use are identified and pursued; • The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account; and • Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. <p>Planning policies should:</p> <ul style="list-style-type: none"> • Support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities; • Be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned; • Identify and protect, where there is robust evidence, sites and routes which could be crucial in developing infrastructure to widen transport choice and realise opportunities for large scale development; • Provide for high quality walking and cycling networks and supporting facilities such as cycle parking; • Provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy; and • Recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time. <p>Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.</p>	
DCLG (2011) The Localism Act	<p>The Localism Bill includes five key measures that underpin the Government's approach to decentralisation.</p> <ul style="list-style-type: none"> • Community rights; • Neighbourhood planning; • Housing; • General power of competence; and • Empowering cities and other local areas. 	Incorporated in Sustainability Objectives SOC1 - SOC5
DCLG (2011) The Community Infrastructure Levy Regulations	<p>The Community Infrastructure Levy is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want - for example new or safer road schemes, park improvements or a new health centre. The system applies to most new buildings and charges are based on the size and type of the new development.</p>	Incorporated in Sustainability Objectives 11 - 15
DCLG (2014) Planning Policy for Traveller Sites (updated August 2015)	<p>This document sets out the Government's planning policy for Traveller sites. It identifies the following aims:</p> <ul style="list-style-type: none"> • That local planning authorities should make their own assessment of need for the purposes of planning; 	Incorporated in Sustainability Objective SOC2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites; To encourage local planning authorities to plan for sites over a reasonable timescale; That plan-making and decision-taking should protect Green Belt from inappropriate development; To promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites; That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective; For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies; To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply; To reduce tensions between settled and Traveller communities in plan making and planning decisions; To enable provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure; and For local planning authorities to have due regard to the protection of local amenity and local environment. 	
DCLG (2019) Planning Practice Guidance	Planning Practice Guidance is designed to support the NPPF. It reflects the objectives of the NPPF which are not repeated here.	All of the Objectives reflect NPPF and PPG.
DCLG (2014) National Planning Policy for Waste	<p>This document sets out detailed waste planning policies for local authorities. States that planning authorities need to:</p> <ul style="list-style-type: none"> Use a proportionate evidence base in preparing Local Plans. Identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. Identify suitable sites and areas. <p>The overall objective of the document is to work towards a more sustainable and efficient approach to resource use and management. Planning plays a pivotal role e.g. by ensuring the design and layout of new development and other infrastructure complements sustainable waste management.</p>	Incorporated in Sustainability Objective ENV6
DCLG (2014) Written Statement on Sustainable Drainage Systems	This statement sets out that it is the Government's expectation that sustainable drainage systems will be provided in new developments wherever this is appropriate.	Incorporated in Sustainability Objective ENV6.
DCLG (2017) Fixing Our Broken Housing Market	<p>The White Paper makes the following proposals as 'step 1':</p> <ul style="list-style-type: none"> Making sure every part of the country has an up-to-date, sufficiently ambitious plan so that local communities decide where development should go; Simplifying plan-making and making it more transparent, so it's easier for communities to produce plans and easier for developers to follow them; Ensuring that plans start from an honest assessment of the need for new homes, and that local authorities work with their neighbours, so that difficult decisions are not ducked; Clarifying what land is available for new housing, through greater transparency over who owns land and the options held on it; Making more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land, regenerating estates, releasing more small and medium-sized sites, allowing rural communities to grow and making it easier to build new settlements; Maintaining existing strong protections for the Green Belt, and clarifying that Green Belt boundaries should be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their identified housing requirements; Giving communities a stronger voice in the design of new housing to drive up the quality and character of new development, building on the success of neighbourhood planning; and 	Incorporated in Sustainability Objective SOC2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> • Making better use of land for housing by encouraging higher densities, where appropriate, such as in urban locations where there is high housing demand; and by reviewing space standards. 	
DECC (2008) UK Climate Change Act 2008.	<p>The 2008 Climate Change Act seeks to manage and respond to climate change in the UK, by:</p> <ul style="list-style-type: none"> • Setting ambitious, legally binding targets; • Taking powers to help meet those targets; • Strengthening the institutional framework; • Enhancing the UK's ability to adapt to the impact of climate change; and • Establishing clear and regular accountability to the UK Parliament and to the devolved legislatures. 	Incorporated in Sustainability Objective ENV5
DCMS (2007) Heritage Protection for the 21 st Century.	<p>This White Paper responds to the public call for change, and to this changing policy context. It sets out a vision for a new heritage protection system. The proposals in the White Paper reflect the importance of the heritage protection system in preserving heritage for people to enjoy now and in the future. They are based around three core principles:</p> <ul style="list-style-type: none"> • Developing a unified approach to the historic environment; • Maximising opportunities for inclusion and involvement; and • Supporting sustainable communities by putting the historic environment at the heart of an effective planning system. 	Incorporated in Sustainability Objective ENV4
DCMS (2013) <i>Scheduled Monuments & Nationally Important but Non-Scheduled Monuments</i>	<p>This policy statement sets out Government policy on the identification, protection, conservation and investigation of nationally important ancient monuments, under the provisions of the Ancient Monuments and Archaeological Areas Act 1979. It includes principles relating to the selection of scheduled monuments and the determination of applications for scheduled monument consent.</p>	Incorporated in Sustainability Objective 4.
DCMS (2016) The Culture White Paper	<p>The White Paper is structured around four core themes:</p> <ul style="list-style-type: none"> • Everyone should enjoy the opportunities culture offers, no matter where they start in life; • The riches of our culture should benefit communities across the country; • The power of culture can increase our international standing; and • Cultural investment, resilience and reform. 	Incorporated in Sustainability Objective ENV4
DCMS (2017) Heritage Statement	<p>This statement sets out how the government will support the heritage sector and help it to protect and care for our heritage and historic environment in the coming years.</p> <p>There are no formal targets or objectives in this statement.</p>	Incorporated in Sustainability Objective ENV4
Defra (2007) Guidance for Local Authorities on Implementing Biodiversity Duty	<p>The Duty is set out in Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006, and states that: <i>"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"</i>. Particular areas of focus include: Policy, Strategy and Procurement; Management of Public Land and Buildings; Planning, Infrastructure and Development; and Education, Advice and Awareness.</p>	Incorporated in S Sustainability Objective ENV4
Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Volume 2).	<p>The Strategy sets out standards and objectives for the 8 main health-threatening air pollutants in the UK. The standards are based on an assessment of the effects of each pollutant on public health. They are based on recommendations by the Expert Panel on Air Quality Standards, The European Union Air Quality Daughter Directive and the World Health Organisation. Local Authorities are responsible for seven of the eight air pollutants under Local Air Quality Management (LAQM). National objectives have also been set for the eighth pollutant, ozone, as well as for nitrogen oxides and sulphur dioxide.</p>	Incorporated in Sustainability Objective ENV6
Defra (2007) The Air Quality Strategy for	<p>The Strategy:</p> <ul style="list-style-type: none"> • Sets out a way forward for work and planning on air quality issues; • Sets out the air quality standards and objectives to be achieved; 	Incorporated in Sustainability

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
England, Scotland, Wales and Northern Ireland	<ul style="list-style-type: none"> Introduces a new policy framework for tackling fine particles; and Identifies potential new national policy measures which modelling indicates could give further health benefits and move closer towards meeting the Strategy's objectives. <p>The Air Quality Strategy sets out objectives for a range of pollutants. As these are quite extensive they have not been reproduced here.</p>	Objectives ENV3 and SOC2.
Defra (2007) Strategy for England's Trees, Woods and Forests	<p>Key aims for government intervention in trees, woods and forests are:</p> <ul style="list-style-type: none"> To secure trees and woodlands for future generations; To ensure resilience to climate change; To protect and enhance natural resources; To increase the contribution that trees, woods and forests make to our quality of life; and To improve the competitiveness of woodland businesses and products. <p>These aims will form the basis on which the Delivery plan will be developed by Natural England and the Forestry Commission England (FCE). The strategy provides a national policy direction, which can be incorporated alongside regional priorities within regional forestry frameworks.</p> <p>Strategy aims to create 2,200 hectares of wet woodland in England by 2010.</p>	Incorporated in Sustainability Objective ENV4.
Defra (2008) Future Water, the Government's Water Strategy for England	<p>Objectives: By 2030 at the latest, we have:</p> <ul style="list-style-type: none"> Improved the quality of our water environment and the ecology which it supports, and continued to provide high levels of drinking water quality from our taps; Sustainably managed risks from flooding and coastal erosion, with greater understanding and more effective management of surface water; Ensured a sustainable use of water resources, and implemented fair, affordable and cost reflective water charges; Cut greenhouse gas emissions; and Embedded continuous adaptation to climate change and other pressures across the water industry and water users. <p>Targets: Key targets are within the objectives above and further a number of sub-targets are included within the document.</p>	Incorporated in Sustainability Objectives ENV5 and ENV6
Defra (2009) Safeguarding our Soils: A Strategy for England	<p>The Soil Strategy for England provides a vision to guide future policy development across a range of areas and sets out the practical steps that are needed to take to prevent further degradation of our soils, enhance, restore and ensure their resilience, and improve understanding of the threats to soil and best practice in responding to them. The Strategy is underpinned by the following vision:</p> <p>By 2030, all England's soils will be managed sustainably and degradation threats tackled successfully. This will improve the quality of England's soils and safeguard their ability to provide essential services for future generations.</p> <p>Achieving this vision will mean that:</p> <ul style="list-style-type: none"> Agricultural soils will be better managed and threats to them will be addressed; Soils will play a greater role in the fight against climate change and in helping us to manage its impacts; Soils in urban areas will be valued during development, and construction practices will ensure vital soil functions can be maintained; and <p>Pollution of our soils is prevented, and our historic legacy of contaminated land is being dealt with.</p> <p>Key objectives of the strategy include:</p> <ul style="list-style-type: none"> Better protection for agricultural soils; Protecting and enhancing stores of soil carbon; Building the resilience of soils to a changing climate; Preventing soil pollution; 	Incorporated in Sustainability Objective ENV4.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> Effective soil protection during construction and development; and Dealing with the legacy of contaminated land. 	
Defra (2011) Natural Environment White Paper; The natural choice: securing the value of nature	<p>The Natural Environment White paper sets out the Government's plans to ensure the natural environment is protected and fully integrated into society and economic growth. The White Paper sets out four key aims:</p> <ul style="list-style-type: none"> (i) protecting and improving our natural environment; (ii) growing a green economy; (iii) reconnecting people and nature; and (iv) international and EU leadership, specifically to achieve environmentally and socially sustainable economic growth, together with food, water, climate and energy security and to put the EU on a path towards environmentally sustainable, low-carbon and resource-efficient growth, which is resilient to climate change, provides jobs and supports the wellbeing of citizens. 	Incorporated in Sustainability Objectives ENV4 and ECON1
Defra (2011) Biodiversity 2020: A strategy for England's wildlife and ecosystem	<p>This biodiversity strategy for England that builds on the Natural Environment White Paper and provides a comprehensive picture of the Government is implementing the international and EU commitments. It sets out the strategic direction for biodiversity policy for the next decade on land (including rivers and lakes) and at sea. The Strategy has as its mission to halt overall biodiversity loss, support healthy well-functioning ecosystems, and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. The Strategy is designed to help to deliver the Natural Environment White Paper and includes the following priorities:</p> <ul style="list-style-type: none"> Creating 200,000 hectares of new wildlife habitats by 2020; Securing 50% of SSSIs in favourable condition, while maintaining at least 95% in favourable or recovering condition; Encouraging more people to get involved in conservation by supporting wildlife gardening and outdoor learning programmes; and Introducing a new designation for local green spaces to enable communities to protect places that are important to them. 	Incorporated in Sustainability Objective ENV4
Defra (2011) Review of Waste Policy in England	<p>Building on waste reduction targets established in the 2007 Waste Strategy, the Review sets out a range of commitments relating to:</p> <ul style="list-style-type: none"> Sustainable use of materials; Waste prevention, re-use and recycling; Regulation and enforcement; Householders and local authorities working together; Business waste collection; Energy recovery; Landfill; and Infrastructure and planning. 	Incorporated in Sustainability Objective ENV2
Defra & HM Government (2011) Water White Paper; Water for Life	<p>Water for Life describes a vision for future water management in which the water sector is resilient, in which water companies are more efficient and customer focused, and in which water is valued as the precious and finite resource it is.</p>	Incorporated in Sustainability Objective ENV5
Defra & Environment Agency (2001) National Flood and Coastal Erosion Risk	<p>The strategy describes what needs to be done by all organisations involved in flood and coastal erosion risk management. The strategy sets out a statutory framework that will help communities, the public sector and other organisations to work together to manage flood and coastal erosion risk.</p>	Incorporated in Sustainability Objective ENV5

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
Management Strategy for England		
DfT (2008) Delivering a Sustainable Transport System (DaSTS).	<p>Objectives:</p> <ul style="list-style-type: none"> To support national economic competitiveness and growth, by delivering reliable and efficient transport networks; To reduce transport's emissions of carbon dioxide and other greenhouse gases, with the desired outcome of tackling climate change; To contribute to better safety and health and longer life-expectancy by reducing the risk of death, injury or illness arising from transport and by promoting travel modes that are beneficial to health; To promote greater equality of opportunity for all citizens, with the desired outcome of achieving a fairer society; and To improve quality of life for transport users and non-transport users, and to promote a healthy natural environment. 	I Incorporated in Sustainability Objectives ENV3, ECON1 – 3, SOC3
English Heritage (2008) Conservation Principles, Policies and Guidance	<p>A framework for the sustainable management of the historic environment based on the following principles:</p> <ul style="list-style-type: none"> The historic environment is a shared resource; Everyone should be able to participate in sustaining the historic environment; Understanding the significance of places is vital; Significant places should be managed to sustain their values; Decisions about change must be reasonable, transparent and consistent; and Documenting and learning from decisions is essential. 	Incorporated in Sustainability Objective ENV3
English Nature (2006) Climate Change Space for Nature	Context for the next 80 years in terms of the likely effects of climate change on biodiversity. Prescribes suggested actions to be taken in preparation for change.	Incorporated in Sustainability Objective ENV3 and ENV5
Environment Agency (2009) Water for people and the environment - Water resources strategy for England and Wales.	<p>Objectives:</p> <ul style="list-style-type: none"> Enable habitats and species to adapt better to climate change; Allow the way we protect the water environment to adjust flexibly to a changing climate; Reduce pressure on the environment caused by water taken for human use; Encourage options resilient to climate change to be chosen in the face of uncertainty; Better protect vital water supply infrastructure; Reduce greenhouse gas emissions from people using water, considering the whole life-cycle of use; and Improve understanding of the risks and uncertainties of climate change. <p>Target: In England, the average amount of water used per person in the home is reduced to 130 litres each day by 2030.</p>	Incorporated in Sustainability Objective ENV3 and ENV6
Environment Agency (2011) The National Flood and Coastal Erosion Risk Management Strategy for England	<p>The strategy encourages more effective risk management by enabling people, communities, businesses, infrastructure operators and the public sector to work together to:</p> <ul style="list-style-type: none"> Ensure a clear understanding of the risks of flooding and coastal erosion, nationally and locally, so investment risk can be prioritised more effectively; Set out clear and consistent plans for risk management so that communities and business can make informed decisions about the management of the remaining risk; Manage flood and coastal erosion risks in an appropriate way, taking account of the needs of communities and the environment; 	Incorporated in Sustainability Objective ENV5.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> Ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond effectively to flood forecasts, warnings and advice; and Help communities to recover more quickly and effectively after incidents. 	
Forestry Commission (2005): Trees and Woodlands Nature's Health Service	An advisory document which provides detailed examples of how the Woodland Sector (trees, woodlands and green spaces) can significantly contribute to people's health, well-being (physical, psychological and social) and quality of life. Increasing levels of physical activity is a particular priority.	Incorporated in Sustainability Objective ENV4 and SOC3
HM Government (1979) Ancient Monuments and Archaeological Areas Act	The Act defines sites that warrant protection as ancient monuments. They can be a Scheduled Ancient Monuments or <i>"any other monument which in the opinion of the Secretary of State is of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it"</i> . There are no specific targets or objectives identified.	Incorporated in Sustainability Objective ENV4.
HM Government (1981) Wildlife and Countryside Act	The main UK legislation relating to the protection of named animal and plant species includes legislation relating to the UK network of nationally protected wildlife areas: Site of Special Scientific Interest (SSSIs). There are no specific targets or objectives identified.	Incorporated in Sustainability Objective ENV4.
HM Government (1990) Planning (Listed Building and Conservation Areas) Act	The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. There are no specific targets or objectives identified.	Incorporated in Sustainability Objective ENV4.
HM Government (2000) Countryside and Rights of Way Act 2000	This Act: <ul style="list-style-type: none"> Gives people greater freedom to explore open country on foot; Creates a duty for Highway Authorities and National Park Authorities to establish Local Access Forums; Provides a cut-off date of 1 January 2026 for the recording of certain rights of way on definitive maps and the extinguishment of those not so recorded by that date; Offers greater protection to wildlife and natural features, better protection for Sites of Special Scientific Interest (SSSIs) and more effective enforcement of wildlife legislation; and Protects Areas of Outstanding Natural Beauty with legislation similar to that for National Parks. There are no specific objectives or targets in the Act.	Incorporated in Sustainability Objective ENV4.
HM Government (2003) Sustainable Energy Act	The Act aims to promote sustainable energy development and use and report on progress regarding cutting the UK's carbon emissions and reducing the number of people living in fuel poverty. Specific targets are set by the Secretary of State as energy efficiency aims.	Incorporated in Sustainability Objective ENV4.
HM Government (2003) The Water Environment (Water Framework Directive) (England and Wales) Regulations	Requires all inland and coastal waters to reach "good status" by 2015. This is being done by establishing a river basin structure with ecological targets for surface waters.	Incorporated in Sustainability Objective ENV6
HM Government (2004 and revised 2006) Housing Act	Energy efficiency must be at least 20% greater in properties by 2010 than compared with 2000.	Incorporated in Sustainability Objective ENV4.
HM Government (2005) Securing the Future – the UK Sustainable Development Strategy	The Strategy contains a new set of indicators to monitor progress towards sustainable development in the UK. Those most relevant at the local authority level include: <ul style="list-style-type: none"> Greenhouse gas emissions Road freight (CO2 emissions and tonne km, tonnes and GDP) Household waste (a) arisings (b) recycled or composted Local environmental quality 	Incorporated in Sustainability Objectives ENV1 - 4, and ENV6.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
HM Government (2006) The Natural Environment and Rural Communities Act 2006	<p>The Act is primarily intended to implement key aspects of the Government's Rural Strategy published in July 2004; it also addresses a wider range of issues relating broadly to the natural environment.</p> <p>The Act established an independent body – Natural England – responsible for conserving, enhancing and managing England's natural environment for the benefit of current and future generations.</p> <p>The Act also established the Commission for Rural Communities ("the Commission"). The Commission will be an independent advocate, watchdog and expert adviser for rural England, with a particular focus on people suffering from social disadvantage and areas suffering from economic under-performance. It will provide information, advice, monitoring and reporting to Government and others on issues and policies affecting rural needs.</p> <p>The Act also reconstitutes the Joint Nature Conservation Committee and renames and reconstitutes the Inland Waterways Amenity Advisory Council (which becomes the Inland Waterways Advisory Council).</p> <p>In line with the 2004 Rural Strategy, the Act extends both the Secretary of State's funding powers for functions within Defra's remit, and the ability to authorise other bodies to carry out those functions. Public bodies for which Defra is responsible are given the power to enter agreements to enable various other designated bodies to perform functions on their behalf. These various powers are intended to be used to simplify and devolve delivery arrangements and to improve their effectiveness and efficiency.</p> <p>The Act makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species. It alters enforcement powers in connection with wildlife protection, and extends time limits for prosecuting certain wildlife offences. It addresses a small number of gaps and uncertainties which have been identified in relation to the law on sites of special scientific interest. It amends the functions and constitution of National Park authorities, the functions of the Broads Authority and the law on rights of way.</p>	Incorporated in Sustainability Objectives ENV4, ECON1 - 3
HM Government (2006) The Natural Environment and Rural Communities (NERC) Act 2006	<p>The Act:</p> <ul style="list-style-type: none"> • Makes provision about bodies concerned with the natural environment and rural communities; • Makes provision in connection with wildlife, Sites of Special Scientific Interest (SSSIs), National Parks and the Broads; • Amends the law relating to rights of way; • Makes provision as to the Inland Waterways Amenity Advisory Council; and • Provides for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes. <p>There are no specific objectives or targets in the Act.</p>	Incorporated in Sustainability Objective 4.
HM Government (2008) The Climate Change Act 2008	<p>The Act sets:</p> <ul style="list-style-type: none"> • Legally binding targets - greenhouse gas emission reductions through action in the UK and abroad of at least 80% by 2050, and reductions in CO2 emissions of at least 26% by 2020, against a 1990 baseline. The 2020 target will be reviewed soon after Royal Assent to reflect the move to all greenhouse gases and the increase in the 2050 target to 80%. <p>Further, the Act provides for a carbon budgeting system which caps emissions over five year periods, with three budgets set at a time, to set out our trajectory to 2050.</p>	Incorporated in Sustainability Objective ENV5.
HM Government (2008) The Planning Act	<p>Introduces a new system for nationally significant infrastructure planning, alongside further reforms to the Town and Country Planning system. A major component of this legislation is the introduction of an independent Infrastructure Planning Commission (IPC), to take decisions on major infrastructure projects (transport, energy, water and waste). To support decision-making, the IPC will refer to the Government's National Policy Statements (NPSs), which will provide a clear long-term strategic direction for nationally significant infrastructure development.</p> <p>There are no specific objectives or targets in the Act.</p>	This act is not specifically relevant to any of the objectives.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
HM Government (2009) The UK Renewable Energy Strategy	A vision is set out in the document whereby by 2020: <ul style="list-style-type: none"> • More than 30% of our electricity is generated from renewables; • 12% of our heat is generated from renewables; and • 10% of transport energy is generated from renewables. 	Incorporated in Sustainability Objective ENV5.
HM Government (2010) The Government's Statement on the Historic Environment for England	The Vision of the Statement is <i>"that the value of the historic environment is recognised by all who have the power to shape it; that Government gives it proper recognition and that it is managed intelligently and in a way that fully realises its contribution to the economic, social and cultural life of the nation."</i> This vision is supported by six aims: <ol style="list-style-type: none"> 1 Strategic Leadership: Ensure that relevant policy, guidance, and standards across Government emphasize our responsibility to manage England's historic environment for present and future generations. 2 Protective Framework: Ensure that all heritage assets are afforded an appropriate and effective level of protection, while allowing, where appropriate, for well managed and intelligent change. 3 Local Capacity: Encourage structures, skills and systems at a local level which: promote early consideration of the historic environment; ensure that local decision makers have access to the expertise they need; and provide sufficiently skilled people to execute proposed changes to heritage assets sensitively and sympathetically. 4 Public Involvement: Promote opportunities to place people and communities at the centre of the designation and management of their local historic environment and to make use of heritage as a focus for learning and community identity at all levels. 5 Direct Ownership: Ensure all heritage assets in public ownership meet appropriate standards of care and use while allowing, where appropriate, for well managed and intelligent change. 6 Sustainable Future: Seek to promote the role of the historic environment within the Government's response to climate change and as part of its sustainable development agenda. <p>No key targets.</p>	Incorporated in Sustainability Objective ENV4
HM Government (2010) The Air Quality Standards 2010	The Regulations largely implement Directive 2008/50/EC on ambient air quality and cleaner air for Europe.	Incorporated in Sustainability Objective ENV6
HM Government (2010) Flood and Water Management Act	The Act takes forward a number of recommendations from the Pitt Review into the 2007 floods and places new responsibilities on the Environment Agency, local authorities and property developers (among others) to manage the risk of flooding. <ul style="list-style-type: none"> • The Environment Agency is responsible for developing and applying a flood risk management strategy for England and Wales. Every other agency with a flood risk management function across England and Wales must take account of this strategy. • Local authorities across England and Wales are required to develop, maintain, apply and monitor a strategy for local flood risk management in their areas. These local strategies must include the risk of flooding from surface water, watercourse and groundwater flooding. • Lead local authorities must establish and maintain a register of structures which have an effect on flood risk management in their areas. • The Act introduces a requirement to improve the flood resistance of existing buildings by amending the Building Act 1984. • The Act introduces the provision for residential landlords to be charged the cost of their tenant's unpaid water bills should the landlord fail to pass on the tenants details to the respective water company for the local area. • The Act introduces the requirements for developers of property to construct Sustainable Drainage Systems (SUDS). • Local authorities have a duty to adopt these SUDS once completed. By adoption, the Act means that they become responsible for maintaining the systems. 	Incorporated in Sustainability Objective ENV5

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>Those key targets related to water resources, include:</p> <ul style="list-style-type: none"> To widen the list of uses of water that water companies can control during periods of water shortage, and enable Government to add to and remove uses from the list. To encourage the uptake of sustainable drainage systems by removing the automatic right to connect to sewers and providing for unitary and county councils to adopt SUDS for new developments and redevelopments. To reduce 'bad debt' in the water industry by amending the Water Industry Act 1991 to provide a named customer and clarify who is responsible for paying the water bill. <p>To make it easier for water and sewerage companies to develop and implement social tariffs where companies consider there is a good cause to do so, and in light of guidance that will be issued by the Secretary of State following a full public consultation.</p>	
HM Government (2010) White Paper: Healthy Lives, Healthy People: Strategy for Public Health in England	<p>Aims to create a 'wellness' service (Public Health for England) and to strengthen both national and local leadership.</p> <p>No formal targets or objectives.</p>	Incorporated in Sustainability Objective SOC3.
HM Government (2011) The Localism Act	<p>The Localism Bill includes five key measures that underpin the Government's approach to decentralisation.</p> <ul style="list-style-type: none"> Community rights; Neighbourhood planning; Housing; General power of competence; and Empowering cities and other local areas. <p>No key targets or indicators.</p>	Incorporated in Sustainability Objective SOC5.
HM Government (2011) Water for Life: White Paper	<p><i>Water for Life</i> describes a vision for future water management in which the water sector is resilient, in which water companies are more efficient and customer focused, and in which water is valued as the precious and finite resource it is.</p> <p><i>Water for Life</i> includes several proposals for deregulating and simplifying legislation, to reduce burdens on business and stimulate growth. Ofwat's proposals for reducing its regulatory burdens complement these.</p> <p>No key targets or objectives.</p>	Incorporated in Sustainability Objective ENV6.
HM Government (2011) Carbon Plan: Delivering our Low Carbon Future	<p>This sets out how the UK will achieve decarbonisation within the framework of energy policy:</p> <ul style="list-style-type: none"> To make the transition to a low carbon economy while maintaining energy security, and minimising costs to consumers, particularly those in poorer households. <p>There are no formal objectives or targets.</p>	Incorporated in Sustainability Objective ENV5.
HM Government (2013) The Community Infrastructure Levy (Amendment) Regulations 2013	<p>The Community Infrastructure Level (CIL) is a charge which may be applied to new developments by local authorities. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.</p> <p>There are no formal objectives or targets.</p>	Not specifically applicable to any of the objectives.
HM Government (2014) Water Act 2014	<p>The provisions in the Act enable the delivery of Government's aims for a sustainable sector as set out in the Water White Paper in a way that this is workable and clear. This Act aims to makes steps towards reducing regulatory burdens, promoting innovation and investment, giving choice and better service to customers and enabling more efficient use of scarce water resources.</p> <p>There are no formal objectives or targets.</p>	Incorporated in Sustainability Objective ENV6.
HM Government (2015) Water Framework Directive (Standards and Classification) Directions	<p>The regulations implement provisions of the Water Framework Directive (Directive 2000/60/EC), the Environmental Quality Standards Directive (Directive 2008/105/EC) and the priority substances amendment of these directives (Directive 2013/39/EU). This includes directions for the classification</p>	Incorporated in Sustainability Objective ENV6.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
(England and Wales) 2015.	of surface water and groundwater bodies, monitoring requirements, standards for ecological and chemical status of surface waters, and environmental quality standards for priority substances. There are no formal objectives or targets.	
HM Government (2015) Government Response to the Committee on Climate Change.	In June 2015 the Committee on Climate Change and the Adaptation Sub-Committee published the seventh progress report on Government's mitigation activity and the first statutory assessment of the National Adaptation Programme. This included five recommendations and it is those recommendations that are responded to within this response. There are no formal objectives or targets.	Incorporated in Sustainability Objective ENV5.
HM Government (2016) Environmental Permitting (England and Wales) Regulations 2016.	The Regulations provide a consolidated system of environmental permitting in England and Wales, and transpose the provisions of 15 EU Directives. It provides a system for environmental permits and exemptions for industrial activities, mobile plant, waste operations, mining waste operations, water discharge activities, groundwater activities, flood risk activities and radioactive substances activities. It also sets out the powers, functions and duties of the regulators. Certain flood risk activities are now regulated under the Environmental Permitting Regulations, with environmental permits required for some activities. There are slight variations between England and Wales. There are no formal objectives or targets.	Not specifically relevant to any of the objectives.
HM Government (2016) Housing and Planning Act 2016	This Act makes widespread changes to housing policy and the planning system. It introduces legislation to allow the sale of higher value local authority homes, introduce starter homes and "Pay to Stay" and other measures intended to promote home ownership and boost levels of housebuilding. The Act introduces numerous changes to housing law and planning law: <ul style="list-style-type: none"> • A proposal to abolish secure and assured tenancies for new tenancies, and replace them with fixed term tenancies lasting between two and five years. However, following an amendment, this was later extended to tenancies of up to 10 years with the possibility of for longer tenancies for families with children.[3] The Act requires where there is a succession to the tenancy that unless they are a spouse or civil partner the new tenancy has to be fixed term rather than secure. Housing associations are not affected by this change. • The promotion of self-build and custom build housebuilding. • The building of 200,000 starter homes which will be obtainable to first time buyers between 23 and 40 for sale at 20% below market prices. • The extension of right to buy to include housing association properties. Due to a deal with the National Housing Federation right to buy will be extended to housing association tenants on a voluntary basis with the Government making payments to housing associations to compensate for the discounts on offer. • A policy dubbed "pay to stay" that would see some council tenants pay higher rent. Income of £31,000 or £40,000 in London would see someone hit by "Pay to Stay". Tenants in receipt of housing benefit would not be affected by this change and neither would housing association tenants. • The forced sale of high value empty local authority properties. The stated aim of this policy was to fund right-to-buy for housing associations in order to promote home ownership. The Act states that lost social housing will be replaced with "affordable housing" which could be a starter home. In London two properties will be built for every one sold. • The speeding up of the planning system so as to deliver more housing. A concept called "permission in principle" is being introduced which is "an automatic consent for sites identified in local plans and new brownfield registers subject to further technical details being agreed by authorities". It is hoped that this will speed up house building. • Powers to force local authorities to have a Local Plan where they do not have one. • Changes to banning orders on "rogue landlords" The Act allows a local authority to apply for a banning order when a landlord or letting agent 	Incorporated in Sustainability Objective SOC2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>commits certain offences. The Act also creates a database of rogue landlords that will be maintained by local authorities.</p> <ul style="list-style-type: none"> Changes relating to Rent Repayment Orders allowing a local authority to apply for one where a landlord has committed certain offences. A law allowing recovery of abandoned properties. A private landlord will be allowed to do this without serving a section 21 notice and without serving a court order. 	
HM Government (2017) The Conservation of Habitats and Species Regulations 2017	<p>The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I and II of the Habitats Directive respectively) to the European Commission. Once the Commission and EU Member States have agreed that the sites submitted are worthy of designation, they are identified as Sites of Community Importance (SCIs).</p>	Incorporated in Sustainability Objective ENV4.
HM Government (2006) Climate Change The UK Programme	<p>The Climate Change Programme aims to tackle climate change by setting out policies and priorities for action in the UK and internationally.</p> <p>Aims and Objectives:</p> <ul style="list-style-type: none"> To reduce carbon dioxide emissions by 20% below 1990 levels by 2010 (more than is required by the Kyoto Agreement); Make agreements with other countries as to how they will tackle climate change together; Report annually to Parliament on UK emissions, future plans and progress on domestic climate change; and Set out the adaptation plan for the UK, informed by additional research on the impacts of climate change. 	Incorporated in Sustainability Objective ENV5
Regional		
Severn Trent Water Resources Management Plan (2019)	<p>Guidance on the approach to water management over the period 2020-2025, focused on achieving and maintaining the level of headroom necessary to ensure we can deliver our target levels of service at least cost to customers, whilst minimizing the impact on the environment. WRMP we forecast a significant deficit will develop between supply and demand for water over the medium term unless we act. One key difference from our previous plans is the need to prevent the risk of future environmental deterioration, which is a fundamental requirement of the Water Framework Directive. This means that, in order to protect our environment for future customers, some of our current sources of water cannot be relied upon in the future and we need to find alternative ways of meeting demand.</p> <p>Our plan aims to respond to this, and other strategic challenges, and ensure that we:</p> <ul style="list-style-type: none"> Preserve our current level of resilience against droughts; Tackle unsustainable abstraction and prevent future environmental deterioration; Appropriately plan for climate change; Meet future population growth; Improve the resilience of customers' supplies; Meet our customers' and stakeholders' needs and expectations; Meet our wider regulatory obligations; and Understand and allow for future uncertainty. 	Incorporated in Sustainability Objectives ENV2 and ENV5
Energy Capital (2018) a Regional Approach to Clean Energy Innovation	<p>The report states the main focus of the (Energy Improvement Zones) EIZs will be to integrate low carbon technologies, to develop the business models and infrastructure needed to support new approaches to clean energy as well as overcome the regulatory barriers necessary for them to flourish. They will be</p>	Incorporated in sustainability objective ENV5.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>designed to stimulate local clean energy innovation and drive productivity within the region, exports and growth.</p> <p>The EIZs aim to demonstrate new technologies, and to turn them into fully commercial propositions, breeding regional markets and supply chains that provide a platform for exports and growth. They will also offer a controlled environment in which innovators of all types can trial new services, technologies and business models.</p>	
Environment Agency Humber River Basin Management Plan (2015)	<p>A strategic document summaries key issue by river catchment. For the Tame, Anker and Mease these are to:</p> <ul style="list-style-type: none"> • Improve sewage treatment works at a number of locations to reduce the levels of phosphate, for the River Trent designation. • Target pollution prevention campaigns around industrial areas in the urban areas, particularly around Birmingham and the Black Country. • Improve sewage treatment works at a number of locations in the River Mease catchment to reduce the levels of phosphate in the SAC site. 	Incorporated in Sustainability Objectives ENV5 and ENV6
Environment Agency The Tame, Anker and Mease Management Catchment (2017)	<p>Catchment Vision</p> <p>Our catchment has a sustainable and diverse water environment that is valued for the benefits it brings to people, the economy of the region and the natural environment. It has improved resilience to climate change, flooding and pollution events, and is in good ecological condition. People from many sectors and disciplines across the catchment are committed to caring for the catchment by working together, and using innovation, to capitalise on the opportunities presented and solutions to the challenges faced.</p> <p>Catchment Objectives</p> <ul style="list-style-type: none"> • To promote the value of rivers, streams and wetlands and to increase their natural capacity to ameliorate the impacts of flooding and pollution. • To create a more sustainable and diverse water environment that is a valued asset for the economy, people and the natural environment • To work with local stakeholders to harness their support and enthusiasm to address the opportunities and challenges faced by the water environment and to optimise the benefits. • To enhance the quality of the natural environment for the benefit of people's health and wellbeing, giving access to aesthetic and enjoyable landscapes which are rich in wildlife. 	Incorporated in Sustainability Objectives ENV5 and ENV6
Environment Agency Trent Catchment Flood Management Plan (2010)	<p>A strategic planning document that provides an overview of the main sources of flood risk in the Trent catchment and how these can be managed in a sustainable framework for the next 50 to 100 years. The CFMP covers Birmingham and the Black Country and identifies that Birmingham should "take further action to reduce flood risk".</p>	Incorporated in Sustainability Objective ENV5
Environment Agency (2015) Severn River Basin District River Basin Management Plan	<p>This River Basin Management Plan seeks to protect the River Severn so that it can be enjoyed by different Districts the river runs through without each District affecting the others ability to enjoy the river. It also seeks to conserve and enhance the quality of the River Severn environment and maintain its high water quality and habitats, as the River Severn benefits from having particularly rich and diverse wildlife and habitats.</p>	Incorporated in Sustainability Objective ENV6.
The Greater Birmingham and Solihull Local Enterprise Partnership Strategy (2013)	<p>The Greater Birmingham & Solihull LEP is a partnership of businesses, local authorities and universities which supports private sector growth and job creation. Set up to strengthen local economies, encourage economic development and enterprise, and improve skills across the region. The LEP has set out plans to:</p> <ul style="list-style-type: none"> • Increase economic output (GVA) in the area by £8.25 billion by 2020; • Create 100,000 private sector jobs by 2020; • Stimulate growth in the business stock and business profitability; • Boost indigenous and inward investment; 	Incorporated in Sustainability Objectives ECON1 - 4

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> • Become global leaders in key sectors, including: automotive assembly, low carbon R&D, business and professional services, clinical trials, creative and digital sectors; and • Increase the proportion of adults with appropriate qualifications to meet employment needs. 	
Greater Birmingham & Solihull Local Enterprise Partnership (2016) Strategic Economic Plan 2016-2030	<p>This Strategic Economic Plan sets out a mission for the West Midlands Region: <i>'To create jobs and grow the economy of Greater Birmingham and in so doing raise the quality of life for all of the LEP's population.'</i></p> <p>This plan includes the following targets:</p> <ul style="list-style-type: none"> • Create 250,000 private sector jobs by 2030 and be the leading Core City LEP for private sector job creation; • Increase GVA by £29bn by 2030; • Decrease unemployment to the National Average by 2020 and to have the lowest unemployment amongst the LEP Core Cities by 2030; • GBSLEP to be the leading Core City by 2030 for GVA per head; • Increase % of working age population with NVQ3+ to the National Average by 2025; • Increase productivity rates to the National Average by 2030; and • GBSLEP to be the Leading Core City LEP for Quality of Life by 2030. 	Incorporated in Sustainability Objectives ECON1 - 4
Natural England (2012) National Character Area profile no. 67: Cannock Chase and Cank Wood	Cannock Chase and Cank Wood National Character Area (NCA) extends north of the Birmingham and Black Country conurbation and includes a major area of this city. It is situated on higher land consisting of sandstone and the South Staffordshire Coalfield. The NCA principally coincides with the historical hunting forest of Cannock Chase, with major remnants surviving within the Cannock Chase Area of Outstanding Natural Beauty (AONB), which supports internationally important heathland Special Areas of Conservation (SAC) and the Sutton Park National Nature Reserve.	Incorporated in sustainability objective ENV4.
Natural England (2012) National Character Area profile no. 97: Arden	Arden National Character Area (NCA) comprises farmland and former wood-pasture lying to the south and east of Birmingham, including part of the West Midlands conurbation. Traditionally regarded as the land lying between the River Tame and the River Avon in Warwickshire, the Arden landscape also extends into north Worcestershire to abut the Severn and Avon Vales. To the north and northeast it drops down to the open landscape of the Mease/Sence Lowlands. The eastern part of the NCA abuts and surrounds Coventry, with the fringes of Warwick and Stratford-upon-Avon to the south. This NCA has higher ground to the west, the Clent and Lickey Hills and to the east, the Nuneaton ridge.	Incorporated in sustainability objective ENV4.
Transport for West Midlands (2017) 2026 Delivery Plan for Transport	<p>Movement for Growth sits alongside the WMCA Strategic Economic Plan as a complementary critical set of policies and plans - providing the overarching approach to the development a transport system into one which is fit for the challenges of economic & housing growth, social inclusion and environment change.</p> <p>A modern effective, efficient and reliable transport system as envisioned by Movement for Growth forms one of the pillars underpinning the delivery of the WMCA's key objectives, namely closing the GVA gap in the West Midlands and creating 500,000 new jobs. The plan is based on improvements, year in year out, over the long term to an integrated transport system and is made up of four tiers:</p> <ul style="list-style-type: none"> • National and Regional • Metropolitan (Metropolitan Rail and Rapid Transit Network including Sprint, Key Route Network, Strategic Cycle Network) • Local • Smart Mobility <p>To support the delivery of Movement for Growth, the WMCA approved the 2026 Delivery Plan for Transport in September 2017. The plan comprises the Delivery Plan and two supporting sets of documents:</p> <ul style="list-style-type: none"> • The 2026 Delivery Plan for Transport • 16 Corridor Strategies 	Incorporated in Sustainability Objective ENV3

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
<ul style="list-style-type: none"> Four Dashboards of Schemes. 		
Environment Agency (2009) A Water Resources Strategy Regional Action Plan for the West Midlands Region	<p>The EA Water Resources Strategy for England and Wales, <i>Water for People and the Environment</i>, sets out a number of actions that are reflected in the Regional Action Plan. This Plan takes the aims and objectives of the strategy and identifies Regional actions that will enable:</p> <ul style="list-style-type: none"> Water to be abstracted, supplied and used efficiently; The water environment to be restored, protected and improved so that habitats and species can better adapt to climate change; Supplies to be more resilient to the impact of climate change, including droughts and floods; Water to be shared more effectively between abstractors; Improved water efficiency in new and existing buildings; Water to be valued and used efficiently; Additional resources to be developed where and when they are needed in the context of a twin-track approach with demand management; Sustainable, low carbon solutions to be adopted; and Stronger integration of water resources management with land, energy, food and waste. 	Incorporated in Sustainability Objective ENV2
Forestry Commission (2004) West Midlands Regional Forestry Framework	<p>The Framework sets out priorities for activity across the private, public and voluntary sector, and includes priorities and actions based around the following themes:</p> <ul style="list-style-type: none"> Tree and Woodland Cover; Trees Woodland and Forestry Industry; Wood Energy and Recycling; Recreation and Tourism; Health and Wellbeing; Fostering Social Inclusion; Enhancing Biodiversity; Climate Change; and Green Infrastructure. 	Incorporated in Sustainability Objectives ENV4 - 6 and SOC3
Peter Brett Associates LLP (2014) GBSLEP Joint Strategic Housing Study.	<p>This study outlined the oversights of past population projections for the Birmingham area and its surrounding districts/regions. It highlights a need for a considerable amount of housing building needed each year and a need for more housebuilding in the regions and districts surrounding Birmingham.</p> <ul style="list-style-type: none"> Preferred scenario 2011-31 – 165,000 dwellings. 	Incorporated in Sustainability Objective SOC2.
West Midlands Combined Authority (2017) West Midlands Roadmap to a Sustainable Future in 2020 (Annual Monitoring Report)	<p>This report is an annual monitoring report of the progress the West Midlands Roadmap to Sustainability and includes the following objective:</p> <ul style="list-style-type: none"> Reverse the rise in health inequalities for women 	Incorporated in Sustainability Objective SOC3.
West Midlands Combined Authority (2017) Thrive West Midlands – An Action Plan to drive better mental health and wellbeing in the West Midlands	<p>This Action Plan forms an agreement between the key organisations of the West Midlands to work together to improve the mental health and wellbeing of the residents of the West Midlands:</p> <ul style="list-style-type: none"> Improve the accessibility of jobs for people with mental health issues and their general wellbeing. 	Incorporated in Sustainability Objective SOC3.
Local		
Birmingham City Council (1994) Handsworth,	Restricts non-family dwelling house uses in Handsworth, Sandwell and Soho Wards.	Incorporated in Sustainability

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
Sandwell and Soho: Areas of Restraint		Objectives ECON3 and SOC5.
Birmingham City Council (1996) Shopfronts design guide	These guidelines set out the principles of good shopfront design. They help establish the ground rules for the design of shop fronts and advertisements.	Incorporated in sustainability objective ENV2, ECON2 and ECON3.
Birmingham City Council (1999) Location of advertisement hoardings	Guidelines for outdoor advertisement hoardings, including those with mechanically changing displays, ranging from 96 sheet size to smaller 12 sheet panels, and will be used to control the display of existing and proposed hoardings. States that applications must be treated on their own individual merits, with regards to the general characteristics of the locality in which they will be displayed. Also provides specific guidance on location and land use guidelines.	Incorporated in sustainability objectives ENV2 and ECON1.
Birmingham City Council (1999) Wheelwright Road: Area of Restraint	Restricts non-family dwelling house uses in Wheelwright Road.	Incorporated in Sustainability Objectives ECON3 and SOC5
Birmingham City Council (1999) Regeneration through Conservation SPG	Sets out how the historic buildings and townscapes of the City play a central role in prompting sustainable regeneration. The strategy sets out eight priority objectives for securing this aim, including: <ul style="list-style-type: none"> - Placing conservation at the heart of policies for regeneration - Relating conservation decisions to evolving policies for a sustainable environment - Maximising financial support - Focusing on buildings at risk - Producing Conservation Area appraisals 	Incorporated in Sustainability Objective ENV4
Birmingham City Council (2000) Parking of vehicles at commercial and industrial premises adjacent to residential property	These guidelines apply to car parking proposals relating to commercial and industrial premises which could cause noise and disturbance to occupants in adjoining residential accommodation.	Incorporated in sustainability objective ENV2.
Birmingham City Council (2000) Floodlighting of sports facilities, car parks and secure areas	Supplementary planning guidance for the installation of flood lighting. Flood lighting should: <ul style="list-style-type: none"> • Point downwards. • Minimise the flood of light near to or above the horizontal to reduce potential glare. • The main floodlight beam should, where possible, be directed towards below a 70° arc from a vertical column. • Use asymmetrical beams that permit the front glazing to be kept at or near parallel to the surface being lit. 	Not specifically relevant to any single objective but covered in general terms by the majority of the Objectives.
Birmingham City Council (2001) Specific needs residential uses SPG	Guidance relating to the use of land and buildings for residential accommodation, and in certain cases associated care, to people whose housing needs may be termed 'specific'. Targets: <ol style="list-style-type: none"> 1 Parking space per 3 beds. <ol style="list-style-type: none"> a) Single room used for living/sleeping/cooking – 15.0sq.m. b) Two room letting as living/sleeping room and separate kitchen One individual: 12.50sq.m (135 sq.ft.) floor area Two individuals: 18.0sq.m (190sq.ft.) c) Two room letting with kitchen/living room and separate bedroom One individual bedroom: 6.50.sq.m (70sq.ft.) floor area 	Incorporated in sustainability objectives ENV2 and SOC2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<p>One individual kitchen/living area: 11.50sq.m (120sq.ft) floor area</p> <p>Two individual's bedroom: 12.50sq.m. (135 sq.ft.) floor area</p> <p>Two individual's kitchen/living room: 15.0sq.m. (160sq.ft.) floor area</p>	
Birmingham City Council (2001) Places for living	<p>Residential development is the major land use in Birmingham and the majority of new development proposals within the city will continue to be for new homes. It is important that residential areas are desirable, sustainable and enduring. They should provide good quality accommodation in a safe and attractive environment, which people.</p> <ol style="list-style-type: none"> 1. Places not estates - Successful developments must address wider issues than simply building houses and create distinctive places that offer a choice of housing and complementary activities nearby 2. Moving around easily - Places should be linked up with short, direct public routes overlooked by frontages. 3. Safe places, private spaces - Places must be safe and attractive with a clear division between public and private space 4. Building for the future - Buildings and spaces should be adaptable to enhance their long-term viability and built so they harm the environment as little as possible. 5. Build on local character - Developers must consider the context and exploit and strengthen the characteristics that make an area special. 	Incorporated in sustainability objectives ENV2, ENV3, ENV5, ENV6, ECON3 and SOC2.
Birmingham City Council (2001) Places for all	<p>The guide was produced as a response to the lack of general design guidance that relates to all types of development throughout the city. Good design should apply everywhere not just in key locations such as the city centre and conservation areas.</p> <p>The main targets are:</p> <ol style="list-style-type: none"> 1. Creating diversity - The aim must be to create or build within places that have an accessible choice of closely mixed complementary activities. 2. Moving around easily - Places should be linked up with short, direct public routes overlooked by frontages. 3. Safe places, private spaces - Places must be safe and attractive with a clear division between public and private space. 4. Building for the future - Buildings and spaces should be adaptable to enhance their long-term viability and built so they harm the environment as little as possible. 5. Build on local character - Development must consider the context and exploit and strengthen the characteristics that make an area special. 	Incorporated in sustainability objectives ENV2, ENV5, ENV6, ECON3 and SOC3.
Birmingham City Council (2001) Affordable Housing SPG	The purpose of this supplementary planning guidance is to provide an additional, complementary mechanism for securing affordable homes in response to recent government advice.	Incorporated in sustainability objectives ECON2, ECON3 and SOC2.
Birmingham City Council (2003) High Places	<p>This supplementary planning guidance provides policy and design guidance for tall buildings in Birmingham. It provides guidance on the location, form and appearance of tall buildings. It provides information on:</p> <ul style="list-style-type: none"> • The location of tall buildings. • The design of tall buildings. • Conservation Areas and Listed Buildings where tall buildings are inappropriate • The sustainability of proposals. 	Incorporated in sustainability objectives ENV2, ENV5
Birmingham City Council (2004) Archaeology Strategy SPG	Describes Birmingham's archaeological remains and national, regional and local policies on archaeological remains affected by new development. The Strategy explains the process when proposed new development is likely to affect archaeological remains. It stresses the importance of early consultation about the archaeological implications of a proposed development and the	

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	process of assessment and evaluation to inform decision making on requirements for preservation or recording of archaeological remains. The Strategy also describes particular archaeological requirements for different parts of the city.	
Birmingham City Council (2005) Developing Birmingham: An Economic Strategy for the City 2005-2015.	<p>The vision of the Economic Strategy is: <i>"To build on Birmingham's renaissance and secure a strong and sustainable economy for our people."</i></p> <p>The strategy identifies four key areas to focus on:</p> <ol style="list-style-type: none"> 1) development and Investment; 2) creating a skilled workforce; 3) fostering business development and diversification; and 4) creating sustainable communities and vibrant urban villages. 	Incorporated in Sustainability Objectives ECON7, 8, 9 and 10.
Birmingham City Council (2006) Air Quality Action Plan.	<p>The Action Plan sets out 41 actions which follow the objectives below:</p> <ul style="list-style-type: none"> • Reducing vehicle emissions; • Improving public transport to reduce traffic volumes; • Improving the road network to reduce congestion; • Using area planning measures to reduce traffic volumes; • Reducing air pollution from industry, commerce and residential areas; and • Changing levels of travel demand/promotion of alternative modes of transport. 	Incorporated in Sustainability Objective ENV6.
Birmingham City Council (2006) Municipal Waste Management Strategy.	<p>The Strategy sets out the following vision for delivering its municipal waste management services:</p> <p><i>"To run a city that produces the minimum amount of waste that is practicable, and where the remainder is re-used, recycled or recovered to generate energy. The material recovered through composting, recycling, re-use and from the energy recovery process will replace the need for extraction of virgin materials.</i></p> <p><i>The waste management strategy will be sensitive to local needs and will provide a service to help Birmingham become as clean and green a city as it can be. Birmingham City Council and the Constituency partners will provide a service that citizens are pleased to support, and where there is malpractice or deliberate misuse of the service, that this is dealt with efficiently to maintain a clean, safe and healthy environment."</i></p> <p>The Strategy has the following objectives:</p> <ul style="list-style-type: none"> • The Council will explore ways of reducing the amount of waste sent to landfill to an absolute minimum, recovering value from waste wherever economically and environmentally practicable through energy recovery and measures to increase re-use, recycling and composting; • The City Council and its partners will raise awareness among the wider community to view waste as a resource and will deliver communications activities and work with relevant stakeholders (such as community groups and schools) to promote the cultural change needed to significantly increase recycling and re-use and reduce the overall quantity of waste requiring treatment or disposal; • The City Council will develop recycling and composting system that meet the targets set out in this strategy through methods that are acceptable and accessible to the residents of Birmingham; • the City Council will explore ways of working with other local authorities and will expand its partnership activities with the private voluntary sectors to assist in delivery of this strategy; and • The City Council will work with its partners and other agencies to provide efficient and effective enforcement of its services to contribute to a clean, green, safe and healthy environment. 	Incorporated in Sustainability Objective ENV6.
Birmingham City Council (2006) The Future of Birmingham's Parks and Open Space Strategy	<p>This Strategy is intended to protect and guide the planning, design, management, maintenance and provision of parks and public open spaces in the city over the next 10-15 years. Contains 30 policies around the provision and use of green spaces and parks.</p>	Incorporated in sustainability objectives ENV4, ENV6, ECON2 and SOC3.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
Birmingham City Council (2006) Loss of industrial land SPD	This document provides guidance on the information required by the City Council where a change of use from industrial to an alternative use is being proposed. The SPD applies to all industrial land.	Incorporated in sustainability objectives ENV1 and ECON2.
Birmingham City Council (2006) Access for People with Disabilities SPD	Provides guidance under Part M of the Building Regulations and their obligations under the Disability Discrimination Act around: <ul style="list-style-type: none"> • Works in the Public Realm • Approaches to buildings and open areas within an application site • Entrances into buildings used by the public • Signage • Access onto upper floors 	Incorporated in SOC1, SOC3 and SOC5.
Birmingham City Council (2007) Extending your home: Home extensions guide	A guide to tell the public about the council's policies on good design and explain what we are looking for when we assess planning applications for home extensions. Outlines three main principles: <ol style="list-style-type: none"> 1. Respect the appearance of the local area and your home. 2. Ensure the extension does not adversely affect your neighbours. 3. Minimise the impact on the environment. Provides detailed guidance on the three principles, as well as specific guidance on types of extensions, for example back extensions and dormers.	Incorporated in sustainability objectives ENV 2, ENV 4 and ECON 3.
Birmingham City Council (2007) Public open space in new residential development SPD	<ul style="list-style-type: none"> • An amount of open space equivalent pro rata, to 2 ha per 1000 population will be required. • As part of the overall requirement, a children's play area will be required where there is no existing provision within walking distance of the new development (defined as 400m, taking into account barriers such as main roads, railways and canals, which restrict access). • Public open space should be sited where it will be overlooked, safe, useable and accessible to all residents and designed to local authority criteria. It should take into account the needs of people with disabilities and any cultural needs identified in consultation with local residents. • The key aim of large scale redevelopments is to achieve a good quality environment overall coupled with a good housing stock. 	Incorporated in sustainability objectives ENV2, ECON2, ECON3, SOC1, SOC3 and SOC4.
Birmingham City Council (2007) Sustainable Management of Urban Rivers and Floodplains SPD	A Supplementary Planning Document which responds to the demands of the Water Framework Directives and sets out policies for development near to river corridors relating to: <ul style="list-style-type: none"> • Water Quality; • Water Pollution Prevention; • Sustainable Urban Drainage Systems (SUDS) and Surface Water Run-Off; • Character of the River Corridors; • The Floodplain; • Nature Conservation and Landscaping; • The Historic Environment; • Design of Developments; • Access; • Education and Recreation; • Safety and Litter; and • Community Involvement. 	Incorporated in Sustainability Objective ENV5.
Birmingham City Council (2008) Sustainable Community Strategy	The document's vision is 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.	Incorporated in Sustainability Objectives ENV2, ENV6, SOC3,

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	Five outcomes Birmingham people will be enabled to: 1. Succeed economically 2. Stay safe in a clean, green city 3. Be healthy 4. Enjoy a high quality of life 5. Make a contribution	ECON2, SOC4, SOC5.
Birmingham City Council (2008) Birmingham Private Sector Housing Strategy 2008+ (updated 2010).	The strategy details priority issues and actions to increase levels of decent homes in owner-occupied and private rented sector housing; promote domestic energy efficiency and affordable warmth; and address the growing demand from elderly and disabled residents for assistance to live independently in their own homes. It also set out how the council will fulfil its regulatory role in the licensing and inspection of Houses in Multiple Occupation (HMOs) as prescribed by the Housing Act (2004) and promote better standards of management within the private rented sector (PRS).	Incorporated in Sustainability Objective SOC 12.
Birmingham City Council (2008) Telecommunications development mobile phone infrastructure SPD	This Supplementary Planning Document (SPD) is intended to provide guidance to the public, licensed telecommunications operators and planners on the process for the control of telecommunications development and for its siting and appearance within Birmingham.	Incorporated in sustainability objective ENV4.
Birmingham City Council (2008) Contaminated Land Inspection Strategy for Birmingham Second Edition	<ul style="list-style-type: none"> To identify any contaminated land as defined by the legislation. To take steps to control any risk from any contaminated land identified using voluntary or enforcement action. To liaise with the Environment Agency regarding sites that may be polluting controlled waters or other special sites. 	Incorporated in Sustainability Objective ENV6.
Birmingham City Council (2008) Lighting Places	<p>A supplementary planning document detailing how Birmingham's city centre should be lit. The objectives are as follows:</p> <ul style="list-style-type: none"> To foster multilateral exchange of experience, ideas, creations, technologies and expertise. To encourage exchange of technical experts. To organise theme based meetings. To help public authorities undertake concerted action to promote illumination projects. To provide a structure for this exchange within the scope of an international network of local public authorities. To create arenas for research and experimentation and/or operations. To include lighting issues within a perspective that is both environmentally friendly and in favour of sustainable development. To enable the cities to develop an identity by means of their artistic or technical choices. To impose lighting as a tool for promotion of the cities. 	Incorporated in sustainability objectives ENV2, ENV6, ECON1 and ECON2.
Birmingham City Council (2008) Mature suburbs	<p>The purpose of these guidelines is to set out the City Council's aspirations for such types of development within the City's mature suburbs and residential areas. It sets out key design issues for housing intensification and what is expected from developers and designers when submitting planning applications. Aims for buildings in mature suburbs to be assessed against:</p> <ul style="list-style-type: none"> Plot Size Building Form and Massing Building Siting Landscape and Boundary Treatment Plot Access Parking Provision and Traffic Impact Design Styles Public Realm Archaeology, Statutorily Listed and Locally Listed Buildings Design Out Renewable Energy and Climate Cumulative Impact 	Incorporated in sustainability objectives ENV6, ECON3, and SOC2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
Birmingham City Council (2008) Statement of Community Involvement	<p>The Statement of Community Involvement (SCI) sets out how we will encourage more people to participate in decision-making in Planning. The document sets out our minimum standards for consultation on new policies and planning applications. The key objectives are:</p> <p>a) We will consult early in the development process - this will help to ensure that the views of the community, specific consultation bodies, developers and businesses are fed into the process at the outset. Early engagement is one of the government's objectives in reviewing the planning system.</p> <p>b) Use appropriate consultation methods for each document and for each community.</p> <p>c) Use plain English for all documents.</p> <p>d) Be prepared to experiment with a wide range of innovative consultation methods. e) Ensure that everyone, including people from under-rep</p>	Incorporated in Sustainability Objective SOC5.
Birmingham City Council (2008) Large format banner advertisements SPD	<p>A supplementary planning document detailing the policy around large banners. States that:</p> <ul style="list-style-type: none"> • A large format banner will only normally be permitted where a building is to be scaffolded for building or related work, and that such scaffolding covers an entire elevation. • A commercial advertisement element should occupy no more than 40% of the extent of the scaffolded elevation. No elevation should normally contain an advertisement element greater than 500sq.m in area or 40% of the scaffolded elevation, whichever is the lesser. • Within sensitive areas such as conservation areas, or on, facing or in close proximity to a listed building, the entire scaffolding mesh must be covered by a 1:1 scale image of the building being constructed/refurbished, or other similar appropriate image. The use of 1:1 scale images will be encouraged in other locations. • Scaffolded elevations shall have the whole elevation covered by mesh to a good quality of workmanship, and shall have any commercial element sitting within, and framed by, the mesh. • The scaffold and associated banner advert(s) should be removed as soon as the relevant work, as described in 3.1 above, is complete. The advertisement consent will last no longer than the agreed building programme or one year, whichever is the shorter. Consent for continued display in accordance with this policy would not be unreasonably withheld. • Such adverts will not normally be permitted in predominantly residential areas. 	Incorporated in sustainability objective ENV2.
Birmingham City Council (2010) Birmingham Climate change action plan 2010+	<ul style="list-style-type: none"> • Birmingham becoming a 'Low Carbon Transition' city; • Improving the energy efficiency of the city's 'Homes and Buildings'; • Reducing the city's reliance on unsustainable energy through 'Low Carbon Energy Generation'; • Reducing the city's impact on the non-renewable resources through 'Resource Management'; • Reducing the environmental impact of the city's mobility needs through 'Low Carbon Transport'; • Making sure the city is prepared for climate change through 'Climate Change Adaptation'; and • Making sure that this action plan 'Engages with Birmingham Citizens and Businesses'. 	Incorporated in Sustainability Objective ENV5.
Birmingham and Black Country Biodiversity Partnership (2010) Birmingham and the Black Country Biodiversity Action Plan	<p>Objectives are to:</p> <ul style="list-style-type: none"> • Maintain and increase biodiversity of key sites and landscapes through appropriate protection and management; • Restore degraded habitats and key species populations by restoring key areas; • Link key areas with ecological corridors to reconnect wildlife populations and make them less vulnerable; 	Incorporated in Sustainability Objectives ENV4 and 5.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	<ul style="list-style-type: none"> Promote and support the use of the natural environment to mitigate against, and adapt to the effects of climate change; Enable the sustainable use of the natural environment to benefit health and wellbeing of residents, workers and visitors as well as improving the local economy. 	
Birmingham City Council (2011) Places of worship	The document provides clear and proactive guidance to communities seeking to establish a place of worship and looking to submit applications for planning permission. Its main aim is to ensure a consistent approach to planning applications, not only for places of worship, but also for faith-related community and educational use.	Incorporated in sustainability objectives ENV4 and SOC1.
Birmingham City Council (2011) Multi-agency Flood Plan	A plan outlining flood risk, warnings mechanisms, the actions, roles and responsibilities of those organisations and communities with a key response role in the event, or threat of flooding in the Birmingham local authority area.	I Incorporated in Sustainability Objective ENV5.
Birmingham City Council (2012) Employment Land Review	<p>The Employment Land Review (ELR) provides an analysis of the employment land supply position in Birmingham, recent completions, key conclusions and recommendations for future action.</p> <p>As the supply of best urban employment land has declined over recent years. There is a need to identify new employment land opportunities to ensure that an adequate supply of land is maintained.</p> <ul style="list-style-type: none"> The Washwood Heath sites be excluded from the potential best urban supply at present due to the proposed HS2 route safeguarding. Given that the supply of good urban land is low and the scope for new opportunities is limited, existing good urban employment land be retained in industrial use and new opportunities safeguarded. That the approach for the Protection of Employment land set out in the Supplementary Planning Document on the 'Loss of Industrial Land to Alternative Uses' be maintained. This aims to protect good quality sites whilst recognising that poor quality and outdated sites should either be upgraded or used for new development where appropriate Maximise the use of available funding sources to promote the delivery of key employment sites such as the Regional Investment Site at East Aston. The City Council continues to work proactively with property agents, major companies, landowners and developers to bring sites forward for development. The use of Compulsory Purchase Orders to assemble land to facilitate employment development be considered where necessary. Where developments involve the loss of employment land an appropriate Section 106 contribution should be secured and utilised to improve other 5 industrial sites. When the Community Infrastructure Levy is adopted a proportion of the monies raised should also be used to improve existing industrial sites. The Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) consider the supply of land for strategic sites such as Major Investment Sites and Regional Logistic Sites and the mechanism for delivery. 	Incorporated in Sustainability Objectives ECON1 and ECON3.
Birmingham City Council (2012) Shopping and Local Centres SPD	<p>This expands on policies for shopping and local centres in the UDP and to bring Birmingham's policies for shopping and local centres up to date and in line with national planning policy.</p> <ul style="list-style-type: none"> Within the Primary Shopping Areas at least 55 % of all ground floor units in the Town and District Centres should be retained in retail (Class A1 use) and 50% of all ground floor units in the Neighbourhood Centres should be retained in retail (Class A1) use. Applications for change of use out of A1 will normally be refused if approval would have led to these thresholds being lowered, unless exceptional circumstances can be demonstrated in line with Policy 3. No more than 10% of units within the centre or frontage shall consist of hot food takeaways. Applications for new A3, A4 and A5 uses are encouraged within the Centre Boundary of Town, District and Neighbourhood Centres, 	Incorporated in sustainability objectives ENV2, ECON1, ECON2 and ECON3.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
	subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity.	
Birmingham City Council (2012) Car Parking guidelines SPD	A Development Plan Document providing detail on car parking standards. The parking standards guidance is intended to be considered alongside a number of other local policies. Encourages the use of sustainable travel, including electric vehicles, car clubs and cycling.	Incorporated in sustainability objectives ENV2, ENV3 and SOC1.
Birmingham City Council (Jan 2012) Level 1 & 2 Strategic Flood Risk Assessment	Assesses and maps all known sources of flood risk, including fluvial, surface water, sewer, groundwater and impounded water bodies, taking into account future climate change predictions, to allow the Council to use this as an evidence base to locate future development primarily in low flood risk areas. The outputs from the SFRA will also assist in preparing sustainable policies for the long term management of flood risk.	Incorporated in Sustainability Objective ENV5.
Birmingham City Council (2013) Strategic Housing Market Assessment	<p>This evidence based document was commissioned by Birmingham City Council in March 2012 to enable the Council to develop planning and housing policies and take decisions which encourage the provision of the most appropriate mix of housing (in terms of type, size, tenure, and affordability)</p> <p>The study bears directly on two areas of Council policy, housing and planning. It should inform affordable housing policies, by assessing both the total need for affordable housing and the profile of that need in terms of household sizes and types. It should also inform planning policies in the emerging Core Strategy, in particular the housing target, showing how much housing development the Council should provide land for in the next 20 years, in both the market and affordable sectors.</p> <p>The study established that for the housing market area (comprising Birmingham, the Black Country, Bromsgrove, Coventry, Lichfield and Solihull), the best available estimate of objectively assessed housing need to 2031 is for some 9,300 net new homes per annum.</p>	Incorporated in Sustainability Objective SOC2.
Birmingham City Council (2013) Health and Well-being Strategy (Updated Priorities 2017)	<ul style="list-style-type: none"> • Improve the wellbeing of children •Detect and prevent Adverse Childhood Experiences (ACEs). • Improve the independence of adults. • Improve the wellbeing of the most disadvantaged. • Make Birmingham a Healthy City. 	Incorporated in Sustainability Objective SOC3.
Birmingham City Council (2013) Employment Land and Office Targets	This evidence based document provides robust evidence in relation to future requirements for industrial land and office space up to the year 2031. The study helped to inform TP17-TP21 in the Birmingham Development Plan.	Incorporated in Sustainability Objectives ECON1, ECON3 and ECON4.
Birmingham City Council (2013) Green Living Spaces Strategy	Includes seven green living spaces principles but no formal objectives or targets.	Incorporated in Sustainability Objectives ENV4 and SOC3.
Birmingham City Council (2013) Birmingham Health and Wellbeing Strategy	<p>Identifies priorities and delivery mechanisms for addressing acute and chronic health and well-being issues across the City, some of which are closely related to spatial planning. These include aspirations to:</p> <ul style="list-style-type: none"> • Create fair employment and good work for all; • Ensure Healthy Standard of living for all; and • Create and develop healthy sustainable homes and communities 	Incorporated in Sustainability Objectives SOC1, SOC2, ECON4
Birmingham City Council (2013) Carbon Roadmap	60% reduction in CO2 emissions by 2027.	Incorporated in sustainability objective ENV5.
Birmingham City Council (2014) Gypsy and Traveller Accommodation Assessment	Estimates a need for 4 additional pitches during the period 2014-2031.	Incorporated in Sustainability Objective SOC2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
Birmingham City Council (2014) Birmingham Connected White Paper	<p>Birmingham Connected is directly linked to the strategies and policies of the BDP. Investing in a radically improved integrated transport system will realise the city's potential to support sustainable economic growth, job creation and linking communities.</p> <p>As well as the above Birmingham Connected covers a number of other agendas. Its vision is to create a transport system which puts the user first and delivers the connectivity that people and businesses require. We will improve people's daily lives by making travel more accessible, more reliable, safer and healthier and using investment in transport as a catalyst to improve the fabric of our city. We also want to use the transport system as a way of reducing inequalities across the city by providing better access to jobs, training, healthcare and education as well as removing barriers to mobility.</p>	Incorporated in Sustainability Objectives ENV 3, ENV6, ECON2, SOC1 and SOC3.
Birmingham City Council (2014) Protecting the Past – Informing the Present. Birmingham's Heritage Strategy (2014-2019)	<p>The strategy sets a direction for the City's heritage sector for the next 5 years and is a partnership document for the city as a whole, not a Council strategy and reflects the need to attract funding and other kinds of support from a wider constituency of interest and the opportunity to work with partners outside the authority in promoting the city's heritage tourism assets.</p> <p>The strategy contains no formal objectives or targets.</p>	Incorporated in Sustainability Objective ENV4
Birmingham City Council (2015) Birmingham Surface Water Management Plan	A study undertaken in consultation with key local partners who are responsible for surface water management and drainage in their area. Partners work together to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term. The process of working together as a partnership is designed to encourage the development of innovative solutions and practices.	Incorporated in Sustainability Objective ENV5.
Birmingham City Council (2015) Corporate Emergency Plan	<p>Aim of the plan delivered through the following objectives:</p> <ul style="list-style-type: none"> To provide an overview of the civil emergency risks which can give rise to emergencies / major business disruptions requiring activation of this plan; To outline emergency management and business continuity responsibilities of the Council at a corporate and directorate level, including specialist capabilities, such as emergency welfare provision, information and communication systems; To provide a summary of equipment and facilities available for corporate emergency response actions; To clarify wider resilience structures for both planning and response; and To summarise corporate training and exercises and other assurance processes. 	Not specifically relevant to anyone objective but covered in general terms by the majority of the Objectives.
Birmingham City Council (2017) Local Flood Risk Management Strategy	<p>Includes the following objectives:</p> <ul style="list-style-type: none"> Identify all stakeholders with a role in flood risk management , set out their responsibilities and work with them to adopt a partnership approach to managing local flood risk; Develop a clear understanding of flood risk from surface water, groundwater and ordinary watercourses and set out how this information will be communicated and shared; Outline how flood risk assets are identified, managed and maintained and develop a clear understanding of riparian responsibilities; Define the criteria and for responding to and investigating flooding incidents, and set out the role of emergency planning, flood action groups and individual property owners; Define the criteria for how and when flood risk management measures will be promoted to ensure that they provide value for money whilst minimising long-term revenue costs and maximising external funding contributions; Minimise the impact of development on flood risk by developing guidance, policies and standards that manage flood risk and reduce the risk to existing communities; and Adapt a sustainable approach to managing local flood risk by ensuring actions deliver wider environmental benefits. 	Incorporated in Sustainability objective ENV5.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in the Sustainability Objectives
Birmingham City Council (2017) Birmingham Cultural Strategy	<p>Our strategy 'Imagination, Creativity and Enterprise' represents the cultural fabric of Birmingham. It was developed in partnership with many cultural sector organisations, businesses, educational institutions and individuals. Multiple agencies use it to deliver the agreed actions and outcomes and advocate on behalf of the cultural sector.</p> <p>The strategy has five themes through which the vision will be delivered:</p> <ol style="list-style-type: none"> 1. Culture on Our Doorstep Becoming a leader in cultural democracy where people come together to co-create, commission, lead and participate in a wide range of locally relevant, pluralistic and community driven cultural ventures. 2. Next Generation Ensuring that all children and young people have opportunities to engage with a diverse range of high quality arts and cultural experiences at every stage of their development and which they value as worth it. 3. A Creative City Supporting and enabling the growth of creative and cultural SMEs and micro-businesses and individuals through business support, skills and talent development and access to finance. 4. Our Cultural Capital Cementing Birmingham's role and reputation as a centre of imagination, innovation and enterprise, with local roots and international reach. 5. Our Cultural Future Adapting our business models to ensure they are capable of sustaining and growing the sector into the future through collaboration, diversification, rebalancing and devolution 	Incorporated in Sustainability Objectives ENV4, SOC1, and ECON4 .
Birmingham City Council (2017) Birmingham Development Plan	A Development Plan Document which sets the long-term spatial planning vision and objectives for Birmingham. It contains a set of strategic policies that are required to deliver the vision including the broad approach to development.	Incorporated in all Sustainability Objectives
Birmingham City Council (2018) Council Plan and Budget 2018+	Birmingham City Council's Council Plan and Budget for 2018/19 – 2021/22 setting the objectives, priorities and spending plans of the City Council and the tough decisions that have been made for the 2018/19 financial year ensure a balanced financial position and long-term financial sustainability.	Incorporated in all Sustainability Objectives
Birmingham City Council (2018) SHLAA 2017	The SHLAA is a study of sites within Birmingham that have the potential to accommodate housing development. Its purpose is to provide evidence to support the Local Development Framework, in particular the Birmingham Development Plan. It is a key component of the evidence base to support the delivery of land to meet the need for new homes within the city. It is not a decision making document and it does not allocate land for development.	Incorporated in Sustainability Objective SOC2.
Birmingham City Council (2018) Community Cohesion Strategy (Green Paper)	<p>The Birmingham Community Cohesion Strategy (Green Paper) sets out proposals for a collaborative approach in which the City Council works alongside residents, local organisations and city partners to ensure Birmingham is a place where people from different backgrounds can come together to improve things for themselves and their communities. This is a draft (Green Paper) document at present but is expected to be adopted during 2019.</p> <p>https://www.birminghambeheard.org.uk/economy/community-cohesion-strategy/</p>	Incorporated in Sustainability Objectives ENV4, SOC1, and ECON4 .
Birmingham City Council (n.d.) Car park design guide	A design guide providing detail on the design objectives and components of car park design required by the council. Includes a provision for those with mobility difficulties and takes into account issues around safety and security.	Incorporated in sustainability objectives ENV2, ECON3, SOC1 and SOC4.



Appendix C

Scoping Report Baseline

Birmingham is the United Kingdom's second largest urban conurbation and neighboured by several other large conurbations, such as Solihull, Wolverhampton, and the towns of the Black Country. It is situated just to the west of the geographical centre of England on the Birmingham Plateau - an area of relatively high ground, ranging around 150-300 metres above sea level. With the Clent, Waseley and Lickey Hills towards the south-west of the City, Birmingham slopes gently to the east of the conurbation. Birmingham is at the heart of the West Midlands Region which also contains the city of Coventry and the Black Country city region. It is the major centre for economic activity and is the major contributor to the regional economy. The City has a vibrant city centre, a strong cultural mix and contains many prosperous areas. The continued urban renaissance of Birmingham, as the regional capital, has been crucial to the Region. This period of renaissance has brought about the successful delivery of key infrastructure projects such as the development of extended public transport networks. These have been vital to improving the City's local, regional and national accessibility. The city also has an international airport acting as a key gateway to the region and is well served by the M5, M6 and M40 providing access to a number of key cities across the UK.

Material Assets

Resource Use

There are no active mineral workings in Birmingham, and no extant planning permissions for mineral extraction. This is due to the lack of naturally-occurring minerals in Birmingham for which there is a demand. As a result, Secondary Aggregates are derived from a very wide range of materials that may be used as aggregates. Secondary aggregates include by-product waste, synthetic materials and soft rock used with or without processing. According to the Study²³, in 2003, about 4.29 million tonnes of recycled aggregate and about 0.65 million tonnes of recycled soil were produced in the West Midlands.

Most of Birmingham is in the area served by Severn Trent Water with a small area to north served by the South Staffordshire Water Company. In 2004 domestic water consumption was 137 litres/head/day²⁴. This was lower than the national average in 2007/08 of 14 litres/head/day (Audit Commission²⁵).

The current Water Resources Plan²⁶, prepared by Severn Trent Water for the Birmingham Water Resource Zone includes the development of four significant new water resources. These developments mean that the growth identified in the Water Resources Plan can be accommodated without the zone going into deficit. This zone requires new water resource developments to keep the zone in surplus without which the zone will go into a significant deficit by 2030. Abstraction is licensed by the Environment Agency on a catchment basis²⁷ which set show they will manage water resources in the Tame, Anker and Mease catchments. It provides information on how existing abstraction is regulated and whether water is available for further abstraction. The strategy details delivery commitments under the Water Framework Directive, ensuring no ecological deterioration of rivers. New additional water management measures or water resources will be

²³ Communities and Local Government (2007) Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste

²⁴ <http://www.defra.gov.uk/sustainable/government/progress/regional/summaries/16.htm>

²⁵ <http://www.defra.gov.uk/sustainable/government/progress/national/16.htm>

²⁶ Severn Trent Water (2013) Water Resources Management Plan

²⁷ Environment Agency (2013) Tame, Anker and Mease Licensing Strategy at: <https://www.gov.uk/government/publications/cams-tame-anker-and-mease-abstraction-licensing-strategy>

needed to ensure water is available to meet the needs of new housing. New foul drainage infrastructure will also be required to support the proposed level of growth.

Sustainable Design, Construction and Maintenance

Environmental improvements by the City Council during the late 1980s and early 1990s have improved the overall quality of the environment within the City Centre. There have been notable successes in relation to improving the quality of design and the environment, particularly in the City Centre. This was recognised by the award to the city of the RTPI Silver Jubilee Cup in 2004. Good design continues to be evident in recent and ongoing developments, such as the Birmingham High Performance Centre at the Alexander Stadium, the Attwood Green Area and Brindley Place.

Eastside was conceived as a demonstration of sustainable development principles. In addition to the CHP network, renewable energy technology like wind and solar power will be placed on site along with green roofs and sustainable urban drainage systems. Several large building schemes in Birmingham have achieved high BREEAM Buildings and Ecohomes/Code for Sustainable Homes ratings, exemplifying sustainable building practice. There are currently 39 BREEAM Excellent buildings within Birmingham. There are no BREEAM Outstanding buildings. Commercial buildings include 19 George Road (Excellent), Calthorpe House (Excellent) and Baskerville House (Excellent). The homes at Attwood Green received Excellent Ecohomes standard.

Renewable Energy

Birmingham imports in the region of 22,800GWhr of energy per year costing the City's population and businesses over £1.5bn, with costs predicted to rise along with fuel prices over the coming years.²⁸ The city currently produces just 1% of the £1.3bn of energy that its residents and businesses purchase and consume each year. This not only represents a significant loss of money from the local economy, more critically, it leaves the city exposed to threats from energy security, low levels of resilience, as well as price fluctuations in global energy trading which affect energy bills, having a significant impact upon fuel poverty. BCC has therefore committed to developing energy activity in the city to bring about a more decentralised energy system, and to improve the social and economic opportunities of its residents by addressing fuel poverty and decarbonisation of energy. BCC has begun to tackle this through a focus on energy, and understanding where and how decentralised energy systems could provide major opportunities for the city to produce, control and distribute heat and power networks.

The Climate Change Strategic Framework²⁹ identifies that 46% of Birmingham's CO₂ emissions come from industry, 33% from domestic energy and 21% from road transport. The Framework outlines that Birmingham has limited scope for large-scale renewable energy projects; however, energy users can support developments elsewhere through their purchasing decisions. Furthermore, it is acknowledged in the Annual Monitoring Report¹ that the City Council currently does not monitor the provision of new renewable energy capacity although consideration is being given by the Council to ways of monitoring additional renewable energy capacity installed through new development. Photovoltaic panels are currently fitted to some buildings as part of the 'Birmingham Energy Savers Scheme' BES resulted in the construction of 3,000 (5%) of its planned energy saving measures.

The largest renewable energy scheme currently operating in Birmingham is the Tyseley Energy from Waste Plant facility which produced a total of over 95,030.50 tonnes of ash between April 2010 and March 2011 and generates 25MWh per annum, from the thermal treatment of waste. A total of 80,241.22 tonnes of bottom ash that was produced was sent for recycling in Castle Bromwich where metals are removed and recycled with the remaining material used within the construction industry. This is substantially short of the target for renewable energy to account for 15% of energy produced by 2020 in the Climate Change Strategy and

²⁸ Birmingham City Council website 'Renewable Energy'

²⁹ Birmingham City Council (2009) Cutting CO₂ for a Smarter Birmingham Strategic Framework

Action Plan Consultation 2007. The City has a number of operational 'Combined Heat and Power' (CHP) facilities, such as Birmingham Children's Hospital and Aston University which are part of an award-winning CHP scheme, which are able to generate and supply heat and electricity for local consumption. Birmingham District Energy Scheme is a co-joint co-operation between ENGIE and Birmingham City Council. The scheme is the fastest growing in the UK, with the Council House, ICC, Aston University and Birmingham Children's Hospital among the buildings benefitting from more efficient energy. It incorporates three district energy networks, all built and operated by ENGIE through the Birmingham District Energy Company (BDEC):

1. Broad Street – a tri-generation (heat, power and cooling) system;
2. Aston University – CHP (combined heat and power) system; and
3. Birmingham Children's Hospital – CHP system.

The Council signed a 25-year energy supply agreement in 2006. The scheme helps Birmingham to save more than 15,000 tonnes of CO₂ emissions every year. Two residential towers are connected to the District Heat network - Crescent and Cambridge towers, situated at the rear of the ICC. The secondary delivery to these blocks is owned by BCC. The 'total cost of ownership' of access to heat and power infrastructure, servicing, maintenance, as well as heating and power costs are currently estimated at around 5% less per year. Developers have also shown an interest in bringing forward Anaerobic Digestion (AD) energy generating schemes. As set out in the AMR 2013, the Council will work positively with developers to realise the opportunities that AD hold and emphasise the potential of AD technology for use within Birmingham City Centre as it is a technology seen by the Government as a sustainable and viable waste management solution which utilises waste as a valuable resource.

The city also has a number of district heat networks. An energy network feasibility study is currently in progress to help with the development of up to 3 potential energy network opportunities. The Langley Sustainable Urban Extension (SUE) is currently underway and will deliver approximately 6,000 new homes, with a focus on family housing. As stated in the Birmingham Development Plan, adopted January 2017, the new neighbourhood will provide for a mix of housing sizes, types and tenures, including affordable housing in line with the requirements in Policy TP31 (35%). The site is adjacent to a BCC owned site called Peddimore; a large industrial development location; and energy networks are currently being considered in both locations with a potential interconnection at a new junction on the A38. BCC has recently secured feasibility funding from HNDU to further refine this significant network opportunity and consider the potential to deliver affordable and low carbon heat to businesses and residents alike. Selly Oak's large energy demands of the acute care NHS sites in Selly Oak has been under consideration for some time as a potential connection since HNDU funding was secured in 2016. BCC owned housing blocks Thirlmere House and Windemere House are in close proximity to the hospital trust site and are currently heated via electric storage heaters. As this study continues, the potential to convert these buildings to wet heating systems and adopt them onto a local network will be assessed.

Energy Use

There are 100,000 dwellings in the city which are more than 80 years old according to the Birmingham Sustainability Strategy and Action Plan 2000-2005. As a result, the construction form is intrinsically energy-poor. Recent developments, such as the Birmingham High Performance Centre at the Alexander Stadium, have incorporated innovative, energy-efficient design. Although they are not referred to as 100% sustainable energy systems, CHP can be a more efficient energy system generating and supplying heat and electricity for local consumption. Heating is by far the largest domestic use of energy in Birmingham. Space heating accounts for 62% of use, while water heating accounts 22%. This is exacerbated by a large number of homes that do not meet Decent Homes standards, including 49,250 Council-owned homes and an estimated 35,000 private sector dwellings.

Only a very small fraction of Birmingham's building stock is built new each year, so new building standards will take decades to have a significant impact on resource use across the city, making the condition of the existing building stock very important. There are no indicators of the age or quality of the building stock as a whole in Birmingham, but energy use data suggest there are a large number of homes of poor quality that

contribute to high energy usage. The Sustainable Community Strategy sets out a vision for Birmingham in 2026 to become the first sustainable global city in Britain. The strategy envisages that in 2026 Birmingham will lead on Climate Change with local energy generation from CHP and cooling schemes will reduce CO₂ emissions. If Birmingham is to become the first sustainable global city it needs to dramatically increase deployment in low carbon energy generation technologies. The UK has signed up to the European Renewable Energy Directive, which sets a target of 15% of all energy generated to be sourced from renewable sources by 2020.

The Climate Change Framework aims that by 2026 Birmingham will provide an improved quality and choice of housing and 'decent' standard for virtually all housing, with efficient heating systems and insulation in line with the best UK cities.

Sustainable Transport

Rail and Metro

The BDP sets out the transport improvements required to deliver the growth agenda to support development and attract investment. Birmingham Connected provides the long-term strategy for improving the City's transport system. This includes measures challenging the car culture, significant investment in walking and cycling and new high quality public transport routes such as Metro, 'Sprint' (the bus rapid transit system) and heavy rail. This is being supplemented by a number of proposals including the Birmingham Cycle Revolution, 20mph zones and the West Midlands Bus Alliance.

The proposed High Speed 2 (HS2) rail link, initially between Birmingham and London, will bring radically improved rail connections into the City Centre when it opens in 2026, as well as a significant number of new jobs and visitors to the City. This will be supported by the HS2 Connectivity Programme to ensure that the wider region has access to the benefits that HS2 will bring.

Birmingham is at the heart of the rail network and in easy reach of millions of people. The £600m redevelopment of New Street Station was opened in 2016 providing a bright modern transport hub and enhanced facilities. There is also a network of suburban and freight rail services.

The Midland Metro is a light-rail/tram line in the county of West Midlands, England, operating between the cities of Birmingham and Wolverhampton via the towns of West Bromwich and Wednesbury. The Midland Metro extension from Snow Hill to New Street Station was completed in 2016. Upwards of £300 million is being invested in extending the network that will link key city centre destinations - New Street Station with HS2 at Birmingham Curzon, the business district at Snow Hill, the civic areas around Victoria Square and Centenary Square, Digbeth and Birmingham Smithfield.

The line has potential to extend across a wider area running from Birmingham Smithfield to the south of the City to the University of Birmingham, Life Sciences Campus and Queen Elizabeth Hospital. And also from Birmingham through east Birmingham to Birmingham Airport.

Road

Birmingham has a complex road network with around 12 major radial roads and ring roads traversing the city. There are also three busy motorways: the M5, M6 and M42, located towards the west, north and east of the city respectively. Although there has been a recent rise in the use of the car, there has been a reduction in average travel speeds. Much of this is due to outward migration of people, which has in turn led to longer car journeys; there have also been a number of out-of-town developments in recent years which have encouraged additional car journeys to be made. Increased congestion has however resulted in lower average vehicle speeds. Congestion is a significant issue and demand exceeds available capacity at certain times and in some locations, both on road and rail. Congestion has indirect and cumulative effects on the economy, on people's health and well being and on air quality. Congestion can make deliveries less reliable and deter investment. Congestion also affects the wider transport of goods and services via the M5 and M6 and whilst the opening of the M6 Toll has provided an alternative for some trips, there are still significant peak hour demands that require management.

The Highways Agency (HA) Midlands Motorway Box (MMB) Route Management Strategy highlights a number of problems and issues that affect both the HA and the local authority networks. The MMB network caters for a mixture of commuter and long distance strategic traffic, the M5 and M6 form part of the Trans-European Network, with a peak hour period of around 18 hours. The route has a high regularity of junctions, 13 miles of the route is elevated making it difficult to plan and carry out maintenance and the MMB is sensitive to changes in demand and flow when large scale events are held such as those at the National Exhibition Centre (West Midlands Local Transport Plan 2006). Casualties are disproportionately higher in deprived areas. The West Midlands Metropolitan Area is on course to reduce the number of people killed or seriously injured by 2010 by 40%, reduce the number of children killed or seriously injured by 50%. This good progress is reflected in the area's designation as a Centre of Excellence for Integrated Transport specialising in road safety.

Bus and Coach

Approximately 85% of all public transport trips in Birmingham are handled by the city's buses. The bus network is operated by a number of companies, with services along the main radial routes providing good coverage to the City Centre. There are priority measures in place on a number of these routes, such as Digbeth High Street, while others are planned. Pedestrianisation limits bus traffic to a few key corridors in the City Centre, which reduces capacity and creates significant environmental problems along these routes. Coach travel is also important, particularly in providing an inexpensive means of longer distance travel for those on low incomes. The city has a number of on-street coach set down and pick up points around the City Centre. The Brewery Street Lorry and Coach Park has capacity for up to 32 18.5m/14m vehicles.

Travel Behaviour

Birmingham has a relatively high percentage of households without a car – 35.8% compared to the English average of 25.6%³⁰. However, despite this fact, just over half of people who both live and work in the City use their car to get to work, only a fifth use the bus, and a tenth walk or work from home¹⁸. In contrast, over three quarters of people commuting into the city use a car, about a tenth use the train, and a further tenth travel by bus. Table 4.2 shows statistics for people travelling to work in Birmingham.

Table 4.2 Means of Travel to Work in Birmingham, 2001 (Census 2001)

Travel to Work - Method	% of those working		
	Live in Birmingham, works outside	Live and work in Birmingham	Work in Birmingham, live outside
Work at/from home	0	9.5	0
Train	2.9	2.4	10.3
Bus	12.8	22.1	10.2
Car	78.3	52.4	75.5
Walk	2.7	10.4	1.2
Other	3.3	3.2	2.8
Total (100%)	79,000	288,000	162,000

Source: ONS 2001 Census

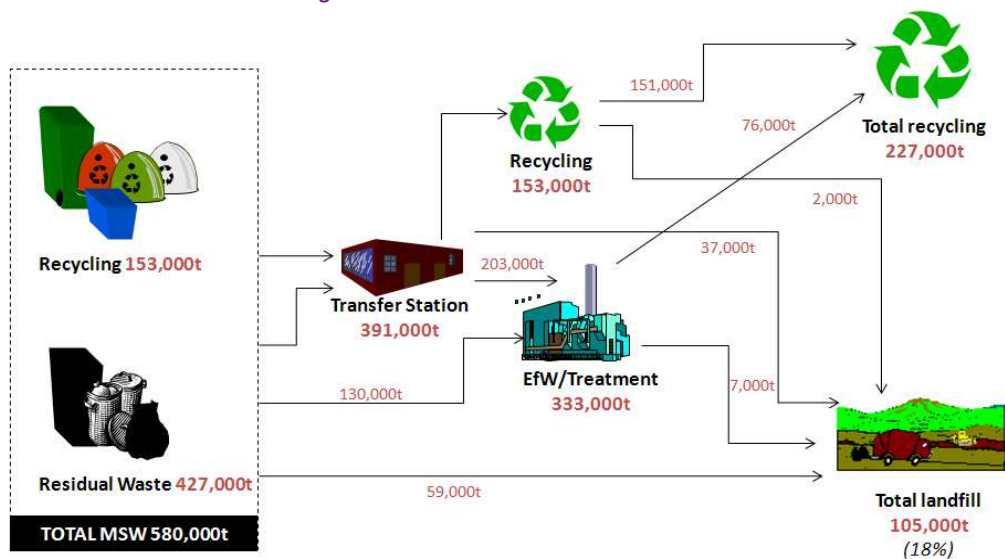
The picture is different for trips to the city centre with over 60% of trips arriving by non-car modes. According to the Birmingham Cordon Surveys, the total number of car trips entering Birmingham City Centre during the morning peak hours (07:30-09:30 hrs) has decreased in the past ten years. However, the number of bus trips remained relatively constant with a slight decrease since 2005, while the number of rail trips has

³⁰ Birmingham City Council (2014) Annual Monitoring Report 2013

increased since 2001. In 2006/7 some 62.7% of bus users in the West Midlands metropolitan areas were satisfied with services which already exceeds the target of 60% by 2009/10 (West Midlands Local Transport Plan Delivery Report 2006-2008). Bus punctuality³¹ in 2006/7 was about 65%, marginally below the target. Performance has tended to vary from year to year and from corridor to corridor (West Midland Local Transport Plan Delivery report 2006-2008). In 2011, 8 out of 10 journeys made by public transport were made by bus The Bus Alliance is committed to ensuring that all buses in the region are a minimum of Euro V by 2020 (West Midland Local Transport Plan Delivery Report 2017/18). The Transportation and Street Services Overview and Scrutiny Committee set a target of 83% by 2010/11.

In 2012/13 there was 488,867 tonnes of municipal waste collected of which 70.48% was used to recover heat and power from the Tyseley EfW facility. Municipal waste is a significant part of the waste stream, but only represents a small proportion of the total amount of waste produced in Birmingham (Figure 4.1).

Figure 4.1 Destination of Birmingham's Waste Stream



Note: Tonnage figures are rounded to nearest '000 & are based on calendar year 2008 in order to cross match figures with data in the Environment Agency waste data interrogator 2008

Source: [http://www.bebirmingham.org.uk/documents/Birmingham Total Waste Strategy Final Report 24.11.10.pdf](http://www.bebirmingham.org.uk/documents/Birmingham%20Total%20Waste%20Strategy%20Final%20Report%2024.11.10.pdf)

Birmingham's recycling and composting rates have been improving over the past ten years and the current performance (for 2012/13) is 32%. The percentage of waste sent to landfill is 7.48% for the 2012/13. Both rates represent a significant improvement in performance over the past decade (Table 4.3).

According to the Municipal Waste Management Strategy, the amount of household waste generated per person is lower in Birmingham than in other metropolitan authorities, and its rate of growth has also been lower than the national growth. Birmingham City Council recovers energy from the majority of its 'residual' municipal waste through the Tyseley Energy from Waste Plant (EfW)³². This reduces reliance on landfill as a disposal option. The Strategy identifies that the City Council has sufficient municipal waste treatment capacity up to 2019.

³¹ Birmingham City Council (2007) Building Bus Use: A Report from Overview & Scrutiny

³² Birmingham City Council (2006) Municipal Waste Management Strategy 2006-2026

Table 5.3 Municipal Waste Arising in Birmingham and Methods of Management 2002 - 2013

Year	Waste Arising (tonnes)	Waste Recycled/Composted		Waste Recovered EFW		Waste sent to Landfill		% of 2001 level sent to landfill
		Tonnes	%	Tonnes	%	Tonnes	%	
2002/3	536,191	50,519	9.42	352,535	72.80	123,347	23.00	63.08
2003/4	551,691	58,442	10.70	337,491	61.20	126,778	22.97	64.83
2004/5	568,035	69,924	12.30	340,127	59.87	112,726	19.84	57.65
2005/6	557,810	77,744	13.93	338,605	60.70	102,588	18.39	52.46
2006/7	570,591	96,929	18.39	313,775	47.92	101,372	17.76	51.82
2007/8	565,548	123,572	26.43	325,167	51.96	107,699	19.04	55.05
2007/8	543,645	140,541	30.59	335,346	61.68	77,763	14.30	39.75
2008/9	527,207	138,589	31.78	334,409	63.47	64,748	12.28	33.10
2010/11	508,884	131,001	32.00	341,684	67.15	52,800	10.37	26.94
2011/12	484,099	124,537	31.28	348,157	71.92	23,804	4.92	12.18
2012/13	488,867	130,035	32.31	344,526	70.48	36,584	7.48	18.72

Source: BCC AMR 2013

Efficient Use of Land

Since 2002/03, the proportion of new housing developed on previously developed land (PDL) has been high (at over 90%) and generally increasing with the exception of 2008/9 when slightly less housing completions (89%) took place on PDL. No housing completions taking place on greenfield land in 2009/10. The density of new housing completions over the decade to 2011/12 has been 65% for 50+ dwellings per ha, 28% for 30-50 dph and 7% for less than 30 dph. The average density of development over the decade to 2011/12 is 59.6 dph, falling from a peak of 80dph in 2008/09 reflecting the fall in apartment development.

Soil Quality

As most of Birmingham is built-up, there is very little soil of a high quality. There is agricultural land situated to north-east of the City at Sutton Coldfield and a lesser amount is to be found at Woodgate Valley to the south-west. In terms of agricultural land classification, almost the whole of Birmingham is classified as Urban and just a small area in the north and north east are classified as Grade 3 agricultural land (MAGIC website).

There are a number of sites which could be subject to land contamination within Birmingham. This includes a total of 67 former known landfill sites that have been identified in the City since the 1960s although risk and remediation schemes have already been carried out on many of these sites. The majority of identified landfill sites are situated next to housing and some are located on Birmingham's major aquifer. Public open space within the city, except for the 85ha that former landfills, this land is not likely to be affected by contamination³³.

Historically, Birmingham has had a very broad spectrum of manufacturing industries. Many of these have the potential to leave a legacy of land contamination. As with many industrial cities, energy requirements have changed as new technologies have become available. Birmingham is no exception. The production of energy from coal to produce town gas or electricity has obvious contamination issues and there are several areas of Birmingham where historically such activities have been undertaken. At the heart of the United Kingdom's

³³ Birmingham City Council (2008) Contaminated Land Inspection Strategy for Birmingham Second Edition

road and rail network Birmingham has considerable areas of land which may be contaminated due to transportation activities. These include roads, canals, railways and airports.

Waste disposal activities in Birmingham range from complex waste treatment plants dealing with highly hazardous waste to waste transfer stations handling inert building waste and soil. The potential land contamination issues in respect of landfill sites have been considered previously, but all waste disposal activities will be the subject of assessment.

The Council is required under Section 78R of Part IIA of the Environmental Protection Act 1990 to maintain a Public Register of Contaminated Land of which there are 121 entries.

Influence of the DM DPD on Material Assets

The DM DPD is likely to have a mixed and indirect influence on material assets through the granting of planning permission which will entail additional resource use. However, the requirements for increasingly demanding standards of energy efficiency and waste management in the construction and running of buildings will bring about improved resource use overall as will the maintenance of the preference for the use of previously developed land. Detailed design requirements and conditions associated with the granting of planning permission could also be influential in encouraging more sustainable travel, for example in restricting parking spaces.

Climatic Factors

Climate Change

UK Climate Change Projections (UKCP09)³⁴ suggest that mean summer temperatures could rise by 2.6°C, summer rainfall could decrease by 17% and winter rainfall could increase by 13% in the West Midlands by the 2050s. These are the central estimates for a medium emissions scenario. By the 2050s central England could have irrigation needs similar to those currently seen in central and southern Europe. Mean monthly river flows could decrease by 50% to 80%. However, by the 2080s, the latest UK climate projections (UKCP09) are that there could be around three times as many days in winter with heavy rainfall (defined as more than 25mm in a day). It is plausible that the amount of rain in extreme storms (with a 1 in 5 annual chance, or rarer) could increase locally by 40%³⁵. The impact of wetter winters and more of this rain falling in wet spells may increase river flooding. More intense rainfall causes more surface runoff, increasing localised flooding and erosion. In turn, this may increase pressure on drains, sewers and water quality. Storm intensity in summer could increase even in drier summers.

More generally, according to the UK's Climate Change Risk Assessment³⁶ the following key impacts associated with climate change are likely:

- ▶ Flood risk is projected to increase across the UK. Expected annual damages increase from a current baseline of £1 billion to between £1.8 and £5.6 billion by the 2080s for England (not including the effects of projected population growth);
- ▶ Risk of increased pressure on the country's water resources. The current public water supply surplus of around 900MI/day on average is projected to turn into a water supply deficit of around 1,250MI/day by the 2020s and 5,500MI/day by the 2050s, with large regional variations;
- ▶ Potential health risks related to hotter summer conditions, but potential benefits from milder winters;

³⁴ UKCP09 <http://ukclimateprojections.defra.gov.uk/content/view/515/499/>

³⁵ Birmingham City Council (2011) Preliminary Flood Risk Assessment

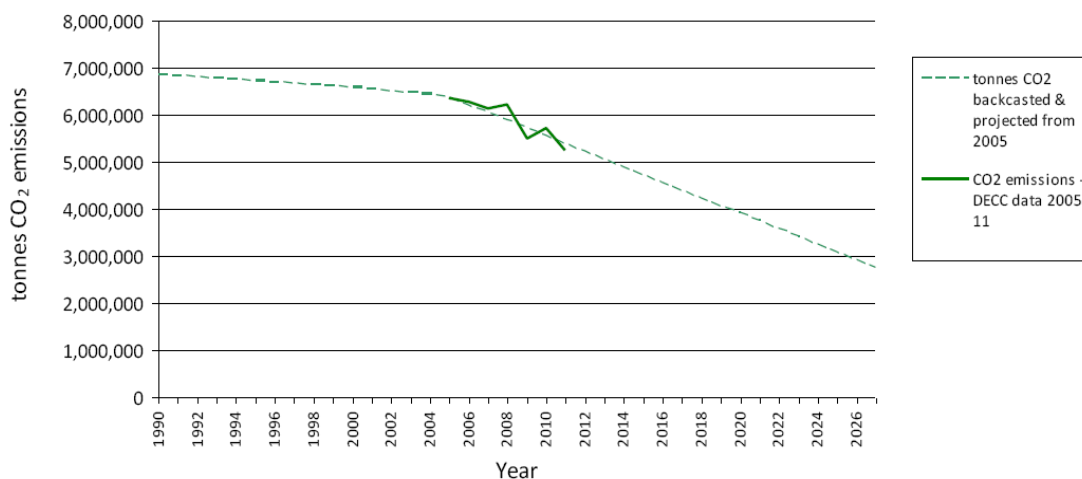
³⁶ http://www.sustainabilitywestmidlands.org.uk/media/resources/adaptation_sub-committee_report.pdf

- ▶ There are projected to be between 580 to 5,900 additional premature deaths per year by the 2050s in hotter summer conditions. Conversely, between 3,900 and 24,000 premature deaths are projected to be avoided per year with milder winters by the 2050s;
- ▶ Sensitive ecosystems that have already been degraded by human activity may be placed under increasing pressure due to climate change. The main direct impacts relate to changes in the timing of life-cycle events, shifts in species distributions and ranges, and potential changes in hydrological conditions. While some species would benefit from these changes, many more would suffer; and
- ▶ Some climate changes projected for the UK provide opportunities to improve sustainable food and forestry production. Some agri-businesses may be able to increase yields of certain types of crops and introduce new crops in some parts of the country, as long as pests and diseases are effectively controlled and sustainable supplies of water are available.

The UK is at risk of both water supply deficits (too little water) and greater risk of flooding (too much water). While this can seem counterintuitive, it arises due to changes in the timing and extent of when rain falls. Water supplies (groundwater and reservoirs) need sustained rainfall over a period of time, particularly in winter, to remain at required levels. The intense rain that can lead to flooding from rivers and surface water does not necessarily replenish these large stores, as the water may flow rapidly downstream before it is captured, and not fall in sufficient quantity over a prolonged period.

Birmingham imports in the region of 22,800GWhr of energy per year costing the city's population and businesses over £1.5bn, with costs predicted to rise along with fuel prices over the coming years³⁷. The Climate Change Strategic Framework³⁸ identifies that 46% of Birmingham's CO₂ emissions come from industry, 33% from domestic energy and 21% from road transport. Between 2005 and 2011, there was a 12.5% decrease in per capita carbon emissions (Figure 4.2). The Birmingham Climate Change Framework provides a key target to produce a 60% reduction in carbon dioxide (CO₂) emissions produced in the City by 2026. The overall actual and projected reduction in CO₂ emissions is illustrated in Figure 4.2 where a halving of emissions over the next ten years is anticipated.³⁹

Figure 4.2 CO₂ Emissions Progress and Required Reduction Path

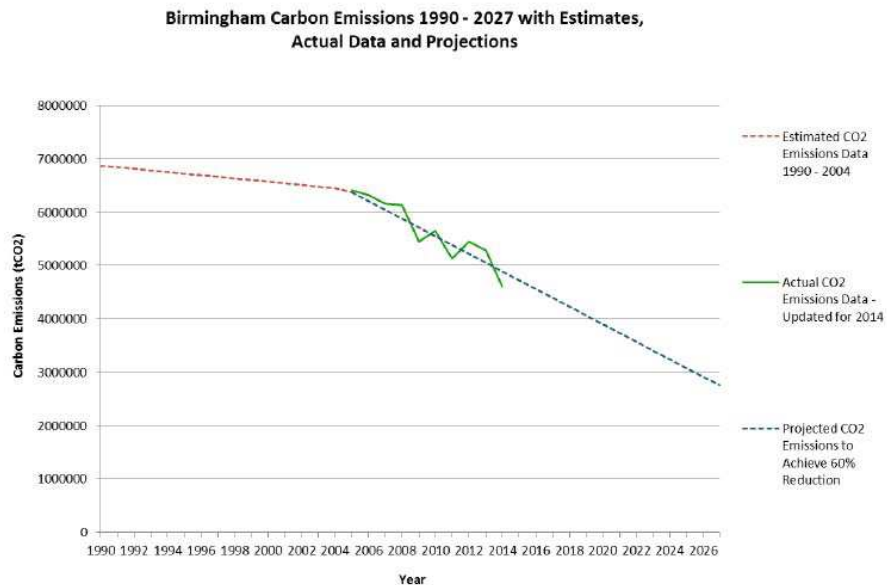


³⁷ Birmingham City Council website 'Renewable Energy'

³⁸ Birmingham City Council (2009) Cutting CO₂ for a Smarter Birmingham Strategic Framework

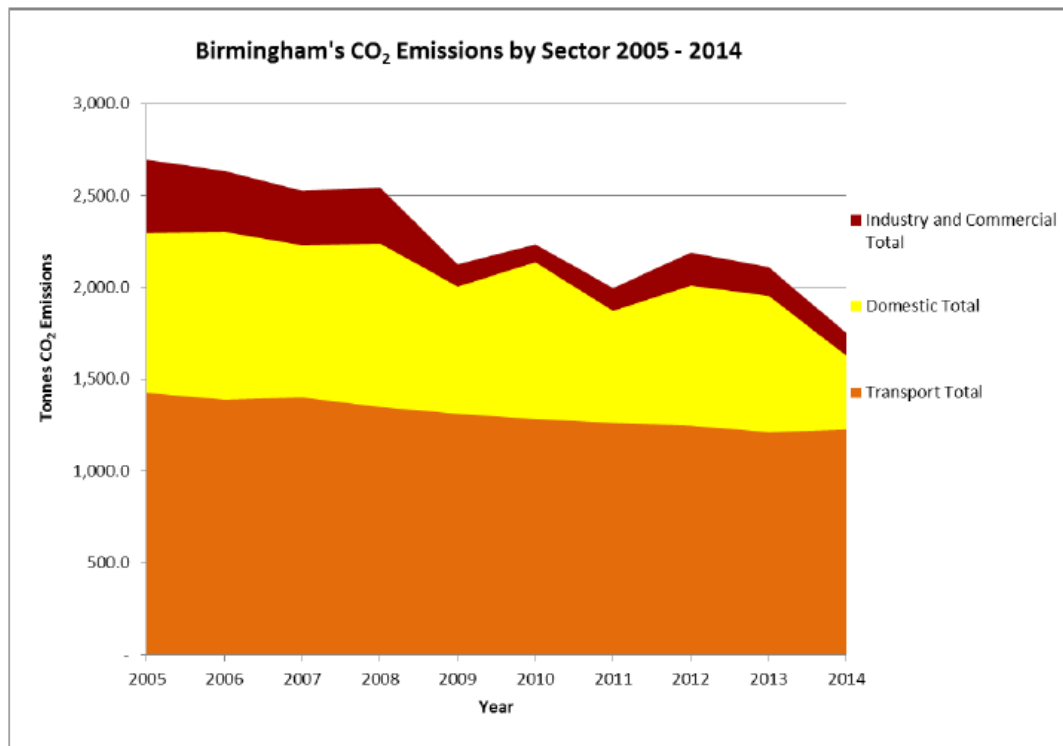
³⁹ Birmingham's Green Commission (September 2013) Report on Birmingham's Carbon Emissions Progress

<http://greencity.birmingham.gov.uk/wp-content/uploads/2013/11/Birmingham-CO2-Emissions-Progress-September-2013.pdf>



In terms of sectoral emissions (Figure 4.3), the clearest contributions to overall reductions are associated with the industrial and domestic sectors, with transport proving to be more stubborn.

Figure 4.3 Birmingham's CO₂ Emissions by Sector 2005 – 2014



Birmingham's CO₂ Framework suggests that the City has limited scope for large-scale renewable energy projects; however, energy users can support developments elsewhere through their purchasing decisions. The largest renewable energy scheme currently operating in Birmingham is probably the Tyseley Energy from Waste Plant facility which produced a total of over 95,030.50 tonnes of ash between April 2010 and March 2011 and generates 25MWh per annum, from the thermal treatment of waste. A total of 80,241.22 tonnes of

bottom ash that was produced was sent for recycling in Castle Bromwich where metals are removed and recycled with the remaining material used within the construction industry. This is substantially short of the target for renewable energy to account for 15% of energy produced by 2020 in the Climate Change Strategy and Action Plan Consultation 2007. The City has a number of operational 'Combined Heat and Power' (CHP) facilities, such as Birmingham Children's Hospital and Aston University which are part of an award-winning CHP scheme, which are able to generate and supply heat and electricity for local consumption. The connection of Birmingham Children's Hospital to the CHP scheme has allowed for the supply of heat to Lancaster Circus.

Whilst it is acknowledged in the Annual Monitoring Report¹ that the Birmingham City Council currently does not monitor the provision of new renewable energy capacity, it is understood that further consideration is being given by Birmingham City Council to ways of monitoring additional renewable energy capacity installed through new development.

There are 100,000 dwellings in the city which are more than 80 years old according to the Birmingham Sustainability Strategy and Action Plan 2000-2005. As a result, the construction form is intrinsically energy-poor. Recent developments, such as the Birmingham High Performance Centre at the Alexander Stadium, have incorporated innovative, energy-efficient design. Although they are not referred to as 100% sustainable energy systems, CHP can be a more efficient energy system generating and supplying heat and electricity for local consumption.

Heating is by far the largest domestic use of energy in Birmingham. Space heating accounts for 62% of use, while water heating accounts 22%. This is exacerbated by a large number of homes that do not meet Decent Homes standards, including 49,250 City Council-owned homes and an estimated 35,000 private sector dwellings. The Climate Change Framework aims that by 2026 Birmingham will provide an improved quality and choice of housing and 'decent' standard for virtually all housing, with efficient heating systems and insulation in line with the best UK cities.

The Sustainable Community Strategy sets out a vision for Birmingham in 2026 to become the first sustainable global city in modern Britain. The strategy envisages that in 2026 Birmingham will lead on Climate Change with local energy generation from CHP and cooling schemes will reduce CO₂ emissions. If Birmingham is to become the first sustainable global city it needs to dramatically increase deployment in low carbon energy generation technologies. The UK has signed up to the European Renewable Energy Directive, which sets a target of 15% of all energy generated to be sourced from renewable sources by 2020.

Managing and Reducing Flood Risk

Many of Birmingham's rivers and streams are susceptible to flooding (whether due to climate change or otherwise) and Birmingham City Council is required to consult the Environment Agency on all planning applications within the floodplain zones defined by the Agency.

Since 2011 the Environment Agency has provided advice on 212 approved planning applications including 97 in 2015/16. All of these applications were approved with no outstanding objection from the Environment Agency. In a number of cases an objection was raised to a proposal as initially submitted but, through amendments and discussions during the consideration of the application, issues were resolved and objections removed prior to the applications being approved.

The Level 1 revised Strategic Flood Risk Assessment was published in January 2012 by the City Council which assesses and maps all known sources of flood risk including fluvial, surface water, sewer, groundwater and impounded water bodies, taking into account future climate change predictions, to be used as an evidence base to locate future development, primarily in low flood risk areas. The Level 2 Strategic Flood Risk Assessment (April 2012) assesses possible development locations identified in the Strategic Housing Land Assessment in terms of flood zones and the sequential test. The results of the SFRA should be incorporated into the SA process once they become available.

One factor that can help to manage and adapt to the impact if climate change is the development and enhancement of Green Infrastructure (GI) (also including 'blue infrastructure'). GI is the interconnected network of open spaces and natural areas, such as greenways, waterway and waterbodies, parks, forest preserves and native plant vegetation, that can help naturally manage storm water, reduce flooding risk and improve water quality, helping to reduce the City's 'heat island effect'.

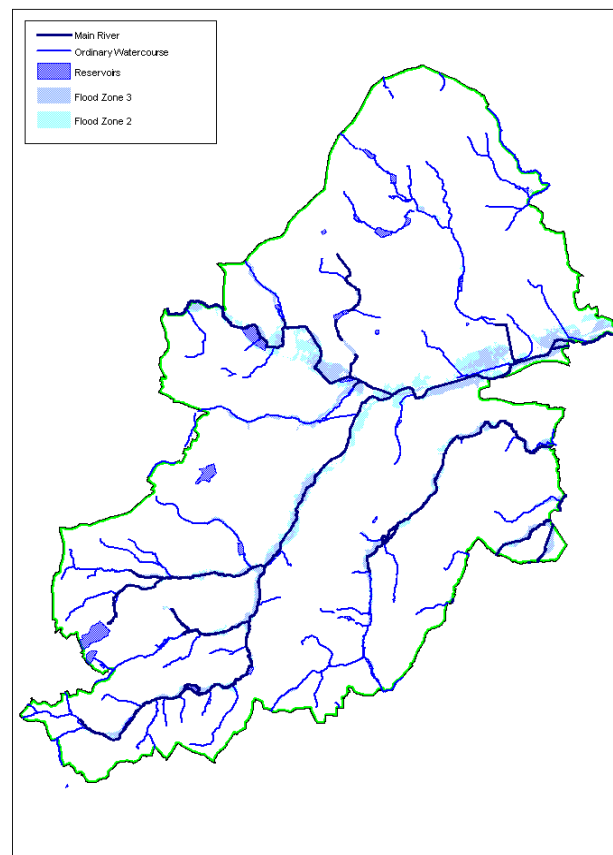
Birmingham is at risk of flooding from Main Rivers, ordinary watercourses, surface water, sewer flooding and groundwater. There is also the potential for canal and reservoir breach and overtopping. It is estimated that there are 11,365 at risk of fluvial flooding and 24,600 properties at risk of surface water flooding.

The Level 1 revised Strategic Flood Risk Assessment (SFRA) was published in January 2012 by Birmingham City Council. The SFRA assesses and maps all known sources of flood risk including fluvial, surface water, sewer, groundwater and impounded water bodies, taking into account future climate change predictions, and these are to be used as an evidence base to locate future development, primarily in low flood risk areas. The Level 2 Strategic Flood Risk Assessment (April 2012) assesses possible development locations identified in the Strategic Housing Land Assessment in terms of flood zones and the sequential test. Emerging strategies at the City-wide level to manage flood risk include the Surface Water Management Plan and the Local Flood Risk Management Strategy.

Fluvial Flood Risk

Fluvial flooding occurs when water draining from the surrounding land exceeds the capacity of a watercourse. The Environment Agency produced Flood Zones show the areas potentially at risk of flooding from rivers, ignoring the presence of defences. Figure 4.4 shows the flood zones in Birmingham showing 1 in 100 and 1 in 1,000 year risks associated with Birmingham's rivers and their tributaries.

Figure 4.4 Flood Zones across Birmingham



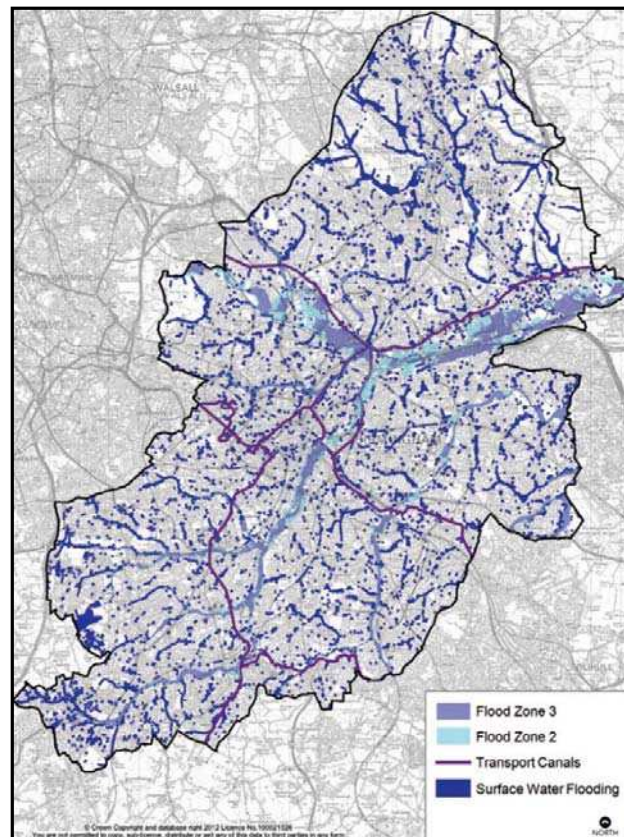
Surface Water Flooding

Surface water flooding describes flooding from sewers, drains, small watercourses and ditches that occurs during heavy rainfall in urban areas. It includes:

- ▶ Pluvial flooding - flooding as a result of high intensity rainfall when water is ponding or flowing over the ground surface (surface run-off) before it enters the underground drainage network or watercourse, or cannot enter it because the network is full to capacity;
- ▶ Sewer flooding⁴⁰ - flooding which occurs when the capacity of underground systems is exceeded, resulting in flooding inside and outside of buildings. Normal discharge of sewers and drains through outfalls may be impeded by high water levels in receiving waters;
- ▶ Flooding from small open-channel and culverted urban watercourses⁴¹ which receive most of their flow from inside the urban area; and
- ▶ Overland flows from the urban/rural fringe entering the built-up area, including overland flows from groundwater springs.

Birmingham City Council has developed a Surface Water Management Plan⁴². The SWMP process is a framework through which key local partners with responsibility for surface water and drainage in their area work together to understand the causes and effects of surface water flooding and agree the most cost-effective way of managing surface water flood risk for the long term. The process of working together as a partnership is designed to encourage the development of innovative solutions and practices. The purpose is to make sustainable urban surface water management decisions that are evidence based, risk based, future proofed and inclusive of stakeholder views and preferences. Figure 4.5 illustrates the areas susceptible to surface water flooding across the City.

Figure 4.5 Areas Susceptible to Surface Water Flooding



Source: Birmingham City Council (May 2013) Green Spaces Living Plan

⁴⁰ Consideration of sewer flooding in 'dry weather' resulting from blockage, collapse, or pumping station mechanical failure is excluded from SWMPs as this is for the sole concern of the sewerage undertaker

⁴¹ Interactions with larger rivers and tidal waters can be an important mechanism controlling surface water flooding

⁴² <https://www.birmingham.gov.uk/downloads/file/2561/surface-water-management-plan-for-birmingham-final-report>

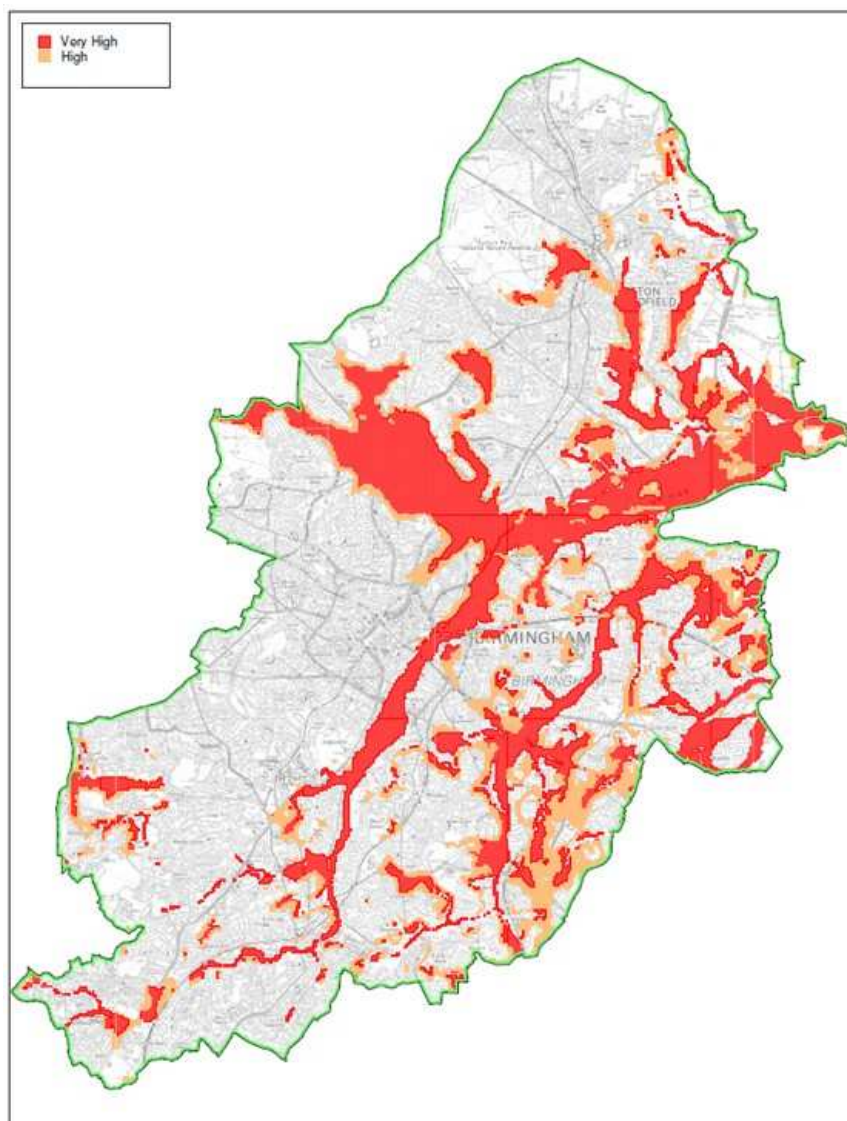
Groundwater Flood Risk

In response to the need for more information on groundwater flooding, the British Geological Society (BGS) has produced the first national hazard or susceptibility data set of groundwater flooding. The data is based on geological and hydrogeological information and can be used to identify areas where geological conditions could enable groundwater flooding to occur and where groundwater may come close to the ground surface.

Although this is not a risk data set in that it does not provide information about the likelihood of a groundwater flood occurring, it can be used to provide an understanding of groundwater flooding.

Areas susceptible to groundwater flooding are shown Figure 4.6.

Figure 4.6 Areas Susceptible to Groundwater Flooding



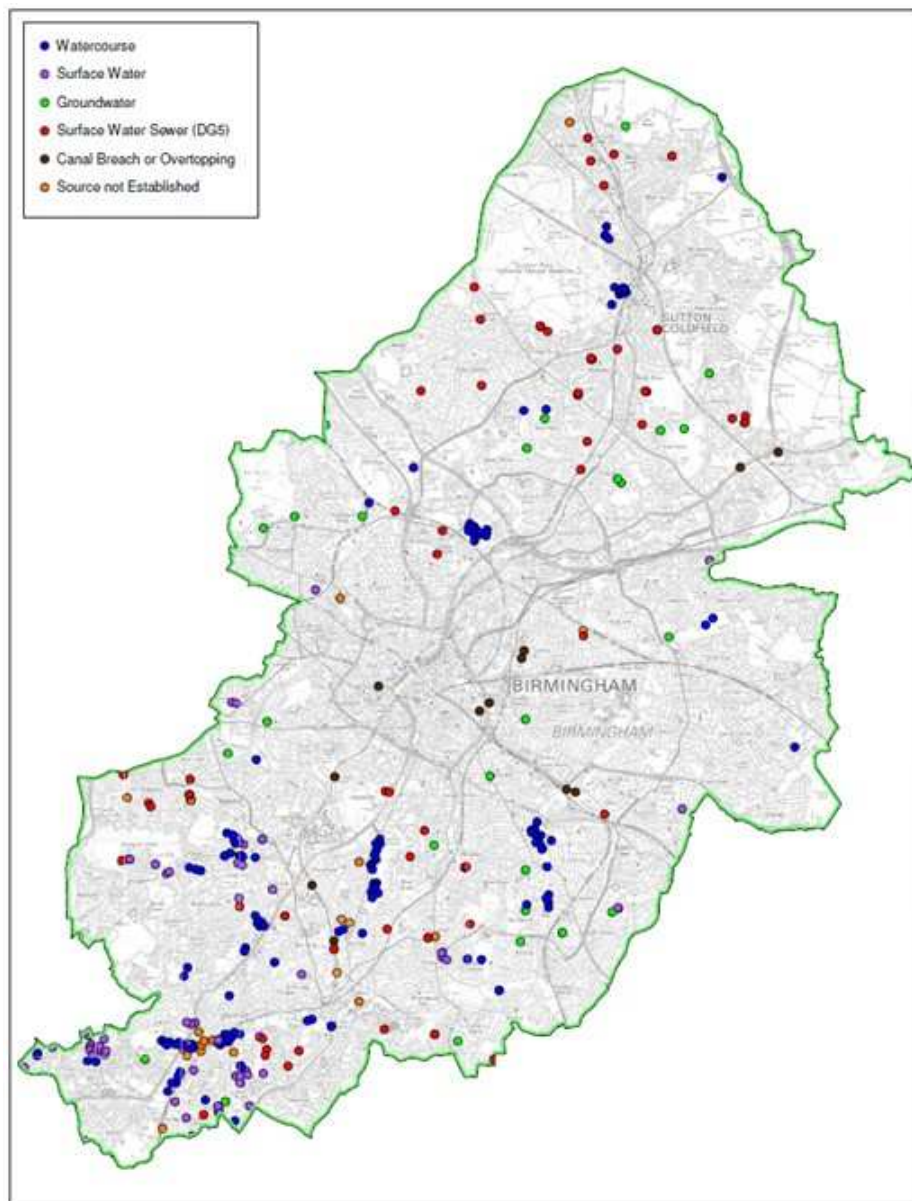
Source: Birmingham City Council (May 2011) Preliminary Flood Risk Assessment

Historic Flood Risk in Birmingham

A number of datasets have been collated to assess the local historic flood risk in Birmingham; this includes flooding from watercourses, surface water and groundwater. However due to the urbanised nature of the Birmingham catchment there are often significant interactions between sources of flooding and it is not always possible to ascertain the source of the flooding.

Historical flooding records provide a source of data that directly indicates both areas and sources of flooding. Recent years have seen a number of flooding events affecting Birmingham (September 1998, April 1999, June 1999, July 2000, June 2005, June 2007, July 2007, September 2008 and more recently in June 2016 and in May 2018), all historical flooding data has been collected from BCC, Severn Trent Water and British Waterways. The PFRA mapped historic flood locations across the City, shown in Figure 4.7.

Figure 4.7 Historic Flood Locations across Birmingham by Flooding Source



Source: Birmingham City Council (May 2011) Preliminary Flood Risk Assessment

Influence of the DM DPD on Climate Change and Managing and Reducing Flood Risk

There are opportunities to adopt more sustainable approaches to directly address potential increases in extreme weather events which may arise through climate change. Scrutiny of building design could include climate-proofing measures such as passive ventilation and opportunities to enhance energy efficiency which will indirectly assist in mitigating climate change. The extension and enhancement of Green Infrastructure across the City will be important in providing necessary resilience against the likely impacts of climate change. The DM DPD will directly influence where development takes place through guiding development away from flood risk areas, requiring appropriate adaptation measures where this is not possible, and enhancing the City's capacity to mitigate and adapt to the likely effects of climate change.

Biodiversity and Geodiversity

The City has a number of areas that are protected for their nature conservation value. The City's nature conservation sites include two Sites of Special Scientific Interest (SSSIs): Sutton Park and Edgbaston Pool. Sutton Park is also designated as a National Nature Reserve (NNR). There are 12 Local Nature Reserves (LNRs), over 50 Sites of Importance for Nature Conservation (SINCs) and over 120 Sites of Local Importance for Nature Conservation (SLINCs) covering various ancient woodlands, grasslands, lakes, streams, and other important wildlife habitats or examples of natural landscape. Within the City Centre there are a number of sites of local importance for nature conservation (SLINCs), essentially the canal network and the River Rea. These areas, as well as the linear corridors along main rail and Metro lines, are key wildlife corridors. Together these form the City's green and blue infrastructure network through a series of corridors and stepping stones which, in accordance with the NPPF (para 109) should be protected and enhanced to increase their resilience to current and future pressures. Table 4.4 shows the total area covered by different types of nature conservation sites, Figure 4.8 maps these assets.

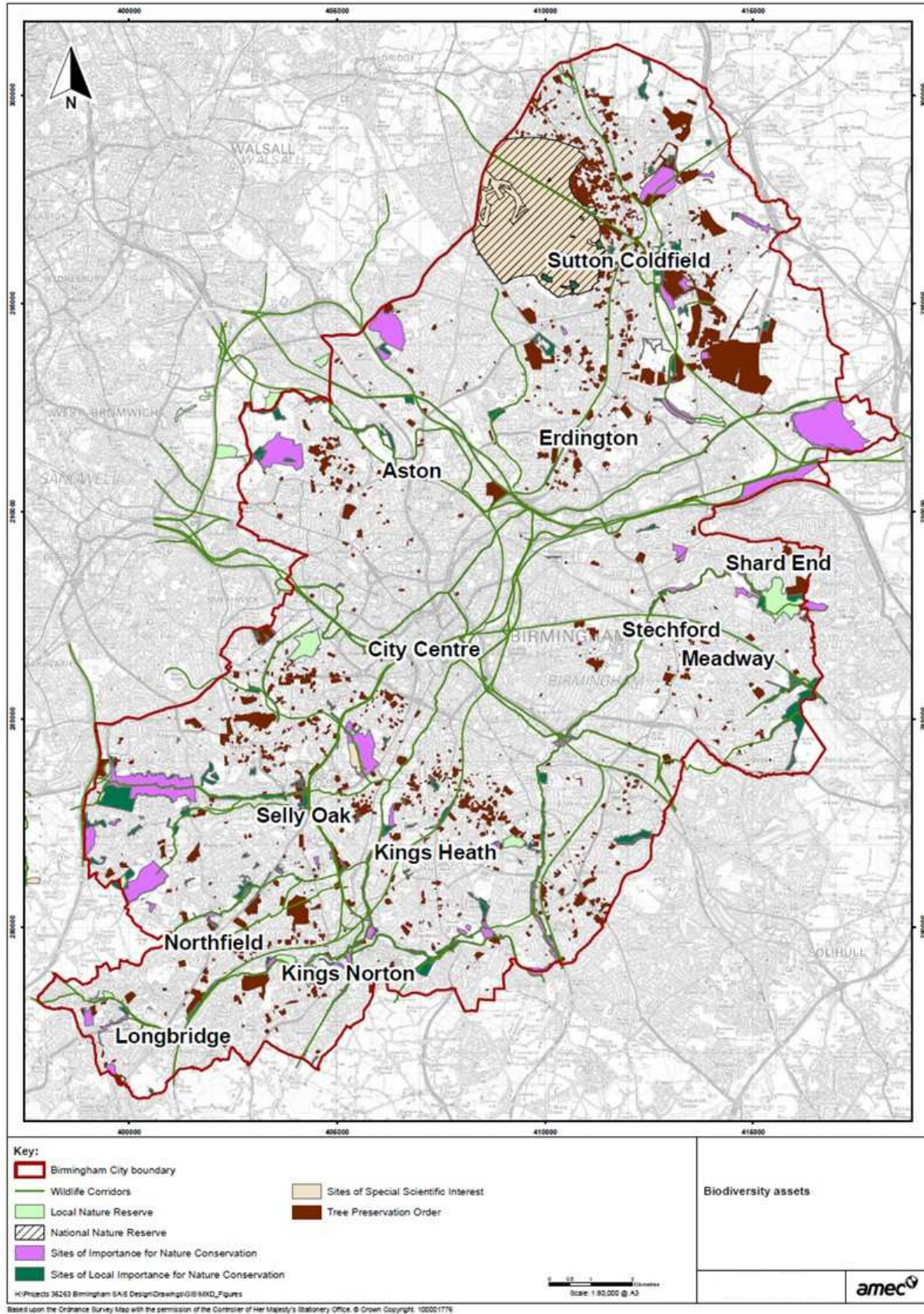
Table 4.4 Birmingham's Designated Nature Conservation Sites

Type of Area	Number of Sites	Total Area (Hectares)	% of City's Area
SSSIs	2	896.59	3.35
NNRs	1	811.73	3.03
LNRs	12	316.73	1.16
SINCs	55	828.03	3.09
SLINCs	121	698.96	2.62

Source: Birmingham City Council, AMR (2013 and 2014)

The 2016-2017 AMR reports only very limited changes to designated sites as a result of planning applications, with one application approved for development within designated sites of national importance (SSSIs or NNRs). Some 43 applications for development were approved for development in or adjacent to SINCs: for these schemes where adverse impacts on sites' nature conservation interests were anticipated, appropriate mitigation and compensation were secured to satisfactorily address these impacts.

Figure 4.8 Birmingham's Biodiversity Assets



Green Infrastructure (GI) refers to the living network of green spaces, water and other environmental features in both urban and rural areas. It is often used in an urban context to cover benefits provided by trees, parks, gardens, road verges, allotments, cemeteries, woodlands, rivers and wetlands⁴³. GI can provide a number of benefits including:

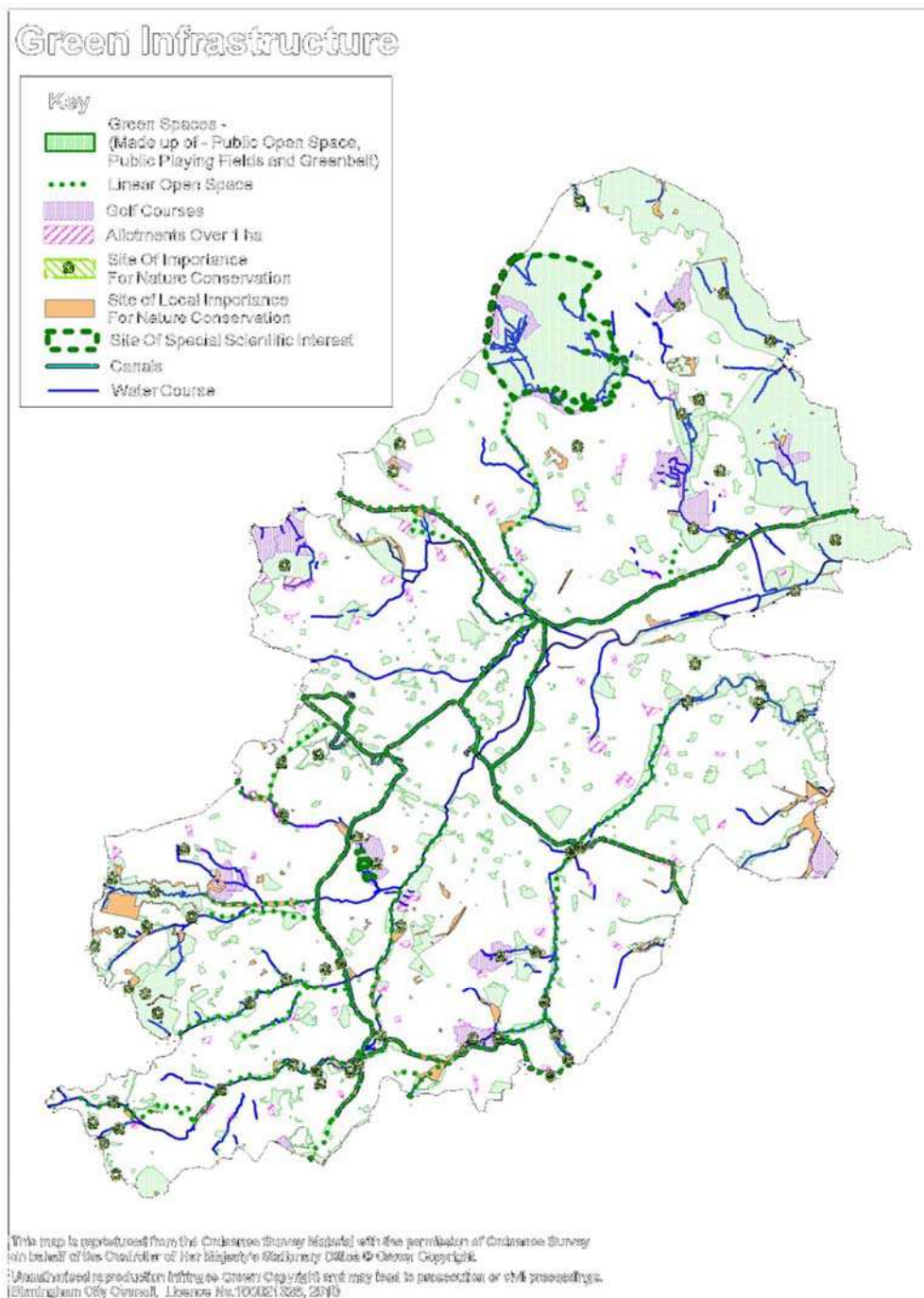
- ▶ Safeguarding and enhancing natural and historic assets;
- ▶ Increasing contact between people and nature;
- ▶ Protecting and enhancing landscape character and local distinctiveness;
- ▶ Providing for climate change mitigation and adaptation;
- ▶ Creating a focus for social inclusion, education, training, health and well-being;
- ▶ Increasing property and land values; and
- ▶ Attracting and retaining people ensuring stable populations and labour supply.

The Birmingham and Black Country Nature Improvement Area (NIA) Ecological Strategy provides a landscape-scale framework for action to conserve and enhance biodiversity and geodiversity and to improve ecological networks across the City. The approach set out in the Strategy reflects ecological principles set out in *Making Space for Nature* (Lawton *et al* 2010) and national policy and guidance relating to the natural environment and green infrastructure. The Cannock Chase to Sutton Park Project encompasses an area of approximately 670 square km extending from the edge of Birmingham northwards into Staffordshire. The Project area is characterised by two core areas of semi-natural habitat: Cannock Chase and Sutton Park. These areas support significant amounts of lowland heath habitat along with a range of additional habitats including acidic and neutral grasslands, scrub, woodland and wetlands. The City's ecological networks are a fundamental component of Birmingham's Green Infrastructure and in accordance with paragraphs 91, 150 and 171 of the NPPF should inform policy and its implementation to ensure that development that may affects them is compatible with their purpose and can contribute to their enhancement. The Council's Green Living Spaces Plan recognises the essential role of the green infrastructure network in securing a resilient and healthy city and provides a framework for increasing natural capital and the ability of green infrastructure assets to deliver environmental and socio-economic benefits.

Figure 4.9 illustrates the City's GI network

⁴³ Defra (2011) The Natural Choice: securing the value of nature.

Figure 4.9 Birmingham's Green Infrastructure Network



Source: <http://consult.birmingham.gov.uk/portal/ps/csd/csdraft?pointId=d2670232e7333>

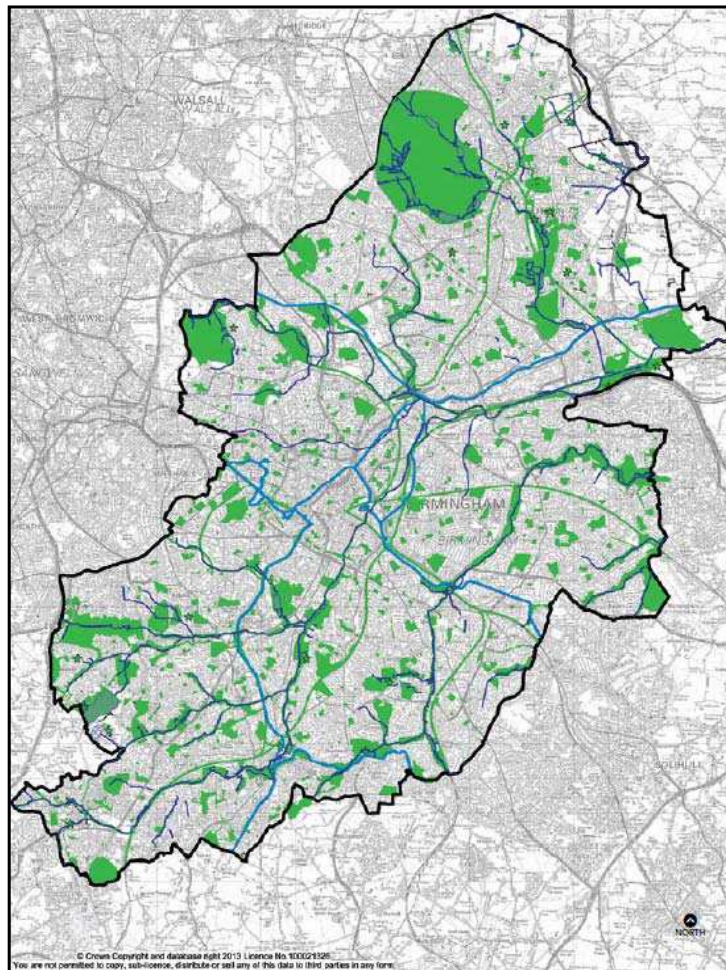
Birmingham is characterised by a large number of well-established parks, many of which were created in the 19th century. The City's greenspace is supplemented by a large linear open space network, which is based primarily on the Rivers Cole and Rea and the City's extensive canal network. The extent of green spaces (excluding areas designated for nature conservation) is shown in Table 4.5 and are mapped in Figure 4.10.

Table 4.5 Green Spaces in Birmingham

Open Space Category	Area (ha)	% of City Council Area
Public Open Space	3,069.77	11.46
Public Playing Fields	296.9	1.11
Private Playing Fields	268.11	1.0
Private Open Space	67.19	0.25
Educational Playing Fields	166.33	0.62
Golf Courses	657.78	2.46
Statutory Common Land	11.25	0.04
Allotments	243.8	0.91
Green Belt	4,154.77	15.52

Source: Birmingham City Council, AMR (2015)

Figure 4.10 Green Spaces in Birmingham

Source: <http://consult.birmingham.gov.uk/portal/ps/csd/csdraft?pointId=d2670232e7333>

Geodiversity

The term geodiversity incorporates all the variety of rocks, minerals and landforms and the processes which have formed these features throughout geological time. The geology of the West Midlands is dominated by the South Staffordshire Coalfield, the exploitation of which has contributed greatly to the industrial and economic development of the area⁴⁴. Upper Carboniferous Coal Measures underlie the main conurbation of Wolverhampton, Walsall, West Bromwich and Dudley. Surrounding these shales, sandstones and mudstones are Triassic aged rocks which comprise red mudstones and sandstones. These underlie much of Birmingham and form the solid geology up to Sutton Coldfield. Within the main mass of the Coal Measures are a number of isolated outcrops of older Silurian rock. These shallow water limestones and shales contain a wide range of marine fossils and form the famous outcrops at Wren's Nest and Dudley Castle Hill. There are also a number of igneous intrusions into the Coal Measures. Much of the area has been mantled in thick deposits of boulder clay and sands and gravel deposited by ice sheets and meltwaters during the Ice Ages of the last two million years⁴⁵.

The geology underlying the City has a significant influence over the use of SuDS which include a variety of techniques including swales and basins, permeable pavements and ponds and wetlands to mimic natural drainage processes and mitigate the impacts that development has on surface water runoff rates and volumes. The SFRA for Birmingham (2011) notes that the geology beneath Birmingham, is essentially divided into two due to a fault, known as the 'Birmingham Fault', running approximately north-east to south-west and consists of Permian and Triassic sandstones and mudstones. To the west of the fault line the rock strata predominantly consists of red and red-orange sandstones and is indicative of high permeability soils (good to very good drainage), and to the east the rock strata predominately consists of red and red-brown mudstones which are inter-bedded by several silt and sandstone bands and are typically representative of low permeability soils (poor drainage to practically impervious). The SFRA encourages that these characteristics should be considered in the development process where large increases in impermeable area for a site could contribute to a significant and resulting increase in surface water runoff peak flows and volumes. In turn this could contribute to an increase in flood risk elsewhere unless adequate SuDS techniques are implemented as part of a development. Additionally, indirect impacts on the water table and source protection zones need to be taken into account.

Influence of the DM DPD on Biodiversity and Geodiversity

Policies and proposals pursued in the DM DPD could include a range of direct and indirect impacts, all having the potential to adversely affect biodiversity. Careful scrutiny of development proposals will be required to ensure that direct impacts are avoided where possible and indirect impacts (such as downstream effects) are anticipated and appropriately mitigated. If well managed, development can benefit wildlife and recreational interests, through habitat improvement or creation using the Green and Blue infrastructure multifunctional network as a starting point. This accords with guidance in the NPPF (para 118) which requires the application of the 'avoid, then mitigate and, (as a last resort) compensate for adverse impacts on biodiversity' principle. Given the need to minimise impacts on biodiversity, DM DPD policies and their application should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets (in accordance with the NPPF para 117). For geodiversity, there is a need to conserve, interpret and manage geological sites and features in the wider environment, and not just designated sites.

⁴⁴ http://www.naturalengland.org.uk/ourwork/conservation/geodiversity/englands/counties/area_ID38.aspx

⁴⁵ http://www.naturalengland.org.uk/ourwork/conservation/geodiversity/englands/counties/area_ID38.aspx

Population and Human Health

Housing

Birmingham's 2017 housing strategy states that: *"Every citizen should have the opportunity to live in a safe and warm home within a neighbourhood they are proud of"*. The strategy outlines the importance of tackling fuel poverty to improve health, well-being and financial inclusion. This is highlighted as a cross-cutting issue within the Council's Vision and Priorities statement. The strategy also makes reference to the well-established "Stay Warm Stay Well" (SWSW) programme that delivers practical solutions to vulnerable people affected by fuel poverty. This programme is delivered through a network of third sector partners. The Council has an ambition to extend an offer of affordable warmth works to private sector households within the areas where ECO-funded improvement works are being carried out on Council-owned homes.

The City covers an area of 26,779ha (267.8km²), of which 15,200ha is residential. According to the Housing Development Plan⁴⁶ Birmingham's residents live in 406,000-410,000 households. The City has about 414,000 self-contained properties. In April 2018, there were about 61,000 Council owned properties and an estimated 37,650 owned by registered social landlords. In addition to this there are also 3,000 shared ownership properties. Since 2001, the City's population has grown after experiencing declines between 1991 and 2001 due to net out-migration. The current population of the City (according to ONS population estimates) is 1,218,100. If recent trends continue the population of Birmingham is projected to grow from 1,101,400 in 2014 to 1,189,600 (+8.0%) in 2024 and to 1,268,100 (+15.1%) in 2034 (sub national population projections)⁴⁷. Substantial growth is expected among pensioners particularly those aged 85 years or more. This age group is expected to increase by almost 25% by 2024. The gains reflect a shift in the overall balance of migration from negative to positive, coupled with greater natural increases. The main reason for this has been the high levels of international immigration in recent years. The growth in the ageing population is reflective of national trends. These statistics have implications for housing provision. Table 4.6 shows that the number of households in the City increased in the period from 2001 to 2011. Despite the above, the rate of increase in households in Birmingham has been less than the national and regional rates.

Table 4.6 Change in Households in Birmingham, the West Midlands Region and England, 2001 and 2011

Area	2001 Households	2011 Households
Birmingham	390,800	410,700
West Midlands Region	2,153,700	2,294,900
England	20,451,400	22,063,400
Index of Change		
Birmingham		+0.95
West Midlands Region		+0.93
England		+0.92

Source: Census of Population, 2001 and 2011, Office of National Statistics

⁴⁶ Source:

<http://www.birmingham.gov.uk/cs/Satellite?c=Page&childpagename=Housing%2FPageLayout&cid=1223092723273&pagename=BCC%2FCommon%2FWrapper%2FWrapper>

⁴⁷ Statistics from https://www.birmingham.gov.uk/info/50065/population_and_census/1003/population_in_birmingham/6 [Accessed April 2018]

If recent trends continue the population of Birmingham is projected to grow from 1,101,400 in 2014 to 1,189,600 (+8.0%) in 2024 and to 1,268,100 (+15.1%) in 2034. Substantial growth is expected among pensioners particularly those aged 85 years or more. This age group is expected to increase by almost 25% by 2024.

Forecast organic population growth equates to just under 40,000 new residents over the next five years. Birmingham is forecast to see growth in the number of households from 422,022 in 2014 to 440,529 – a rise of around 18,500 households. This equates to an average annual increase of approximately 3,680⁴⁸ households each year. Longer term forecasts⁴⁹ show that the number of households will increase by over 100,000 over the next 20 years.

The average household size in Birmingham is greater than the national average and is greatest in the West Midlands Region according to the 2011 Census with an average household size of 2.6 people. Birmingham has relatively high proportions of households containing one person or with five or more people. Average household size reduced from 2.54 in the period 1991 to 2001, largely as a result of growing numbers of one-person households. However, for the period of 2011 to 2011 the average household size (persons) has increased to 2.56⁵⁰. The City has a relatively low proportion of detached housing, and higher proportions of terraced housing and flats.

According to the 2011 Census, Birmingham was the most densely populated local authority within the West Midlands region with 4,000 people per square kilometre. This is an increase on the 2011 population density of 3,677 people per square kilometre which equates to an increase of 0.9%. The average housing density has decreased from over 74 dwellings in 2009/10 to just over 40.6 dwellings per hectare in 2014/15. This could be attributed to factors such as the reluctance of the development industry to commit to apartment schemes at the present time.

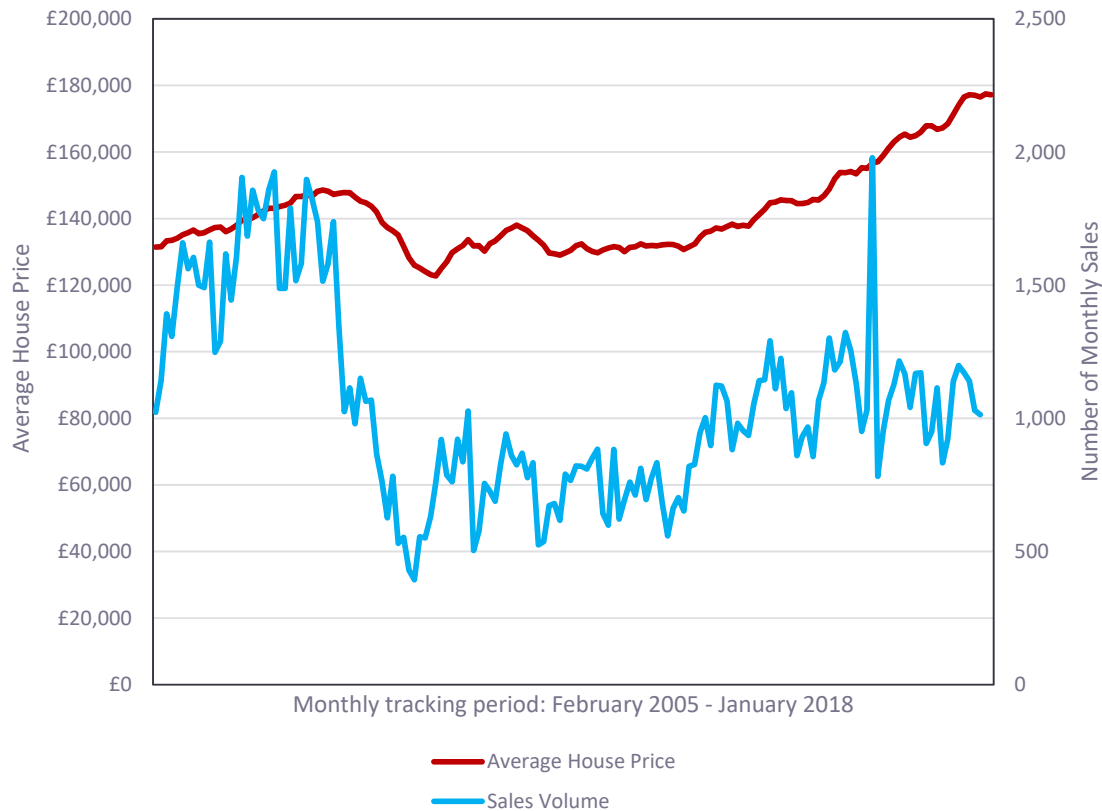
In recent years there have been political concerns over high density suburban development. This has manifested itself in a *'Mature Suburbs: Guidelines to Control Residential Intensification - Supplementary Planning Document'* and away from the City Centre this has led to decreasing densities over the past five years.

The mean house price in the City is below the regional average, particularly at the cheaper end of the market. Figure 4.11 indicates that house prices in Birmingham peaked in January 2008 and sharply declined through to 2010, and now have recovered strongly to over one third higher in 2018 than 15 years ago at almost £180,000. Over the same period sales volumes initially declined but have recovered to levels of 15 years previously. Overall, the figures suggest that the affordability of housing for poorer families and first-time buyers has declined. 89,000 new homes are needed from 2011 to 2031. Whilst it is not possible to deliver all of this new housing within the city boundary, Birmingham council have ambitious but achievable plans to build at least 51,000 new homes in this period.

⁴⁸ Figures from ONS

⁴⁹ ONS 2039 Household Projections

⁵⁰ Office for National Statistics 2011 Census: Population and household estimates for England and Wales – supplementary figures Pt 2

Figure 4.11 Average House Prices and Sales Volume in Birmingham 2005-2018⁵¹

Birmingham has a relatively high proportion of households renting from Birmingham City Council. Statistics from the Housing Strategy Statistical Appendix 2011 show that within Birmingham the number of local authority rented housing is 61,000 and Registered Social Landlord housing is 37,650 which collectively equates to 25.6% of the total housing supply or the local authority.

There is a mismatch between the existing supply of affordable housing and the location of demand. There is continued demand for affordable housing in Birmingham. The most recent City wide Strategic Housing Market Assessment (SHMA)⁵² found that approximately 38% of the City's overall housing requirement is for affordable housing. The Birmingham Development Plan will help to address some of this demand.

The Birmingham Housing Plan (2010 Review) identifies that the vast majority of Birmingham's City Council housing meets the Decent Homes standard. In the private sector, Birmingham has a substantial number of older homes that are in need of repair and modernisation. As of April 2018, the new minimum energy efficiency standard (MEES) regulations will come into action. The new standard requires landlords of privately rented domestic (PRS) and non-domestic property in England or Wales to ensure that their properties reach at minimum Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants⁵³. If a property does not meet EPC standard E, landlords are obligated to carry out any works under the value of £2,500 to bring the property up to standard. Special exemptions may apply, for example if the building is listed. There are clear links between the condition of housing and human health. For

⁵¹ Land Registry (2018) <http://www.landregistry.gov.uk/public/house-prices-and-sales/search-the-index>

⁵² Available at https://www.birmingham.gov.uk/downloads/download/359/strategic_housing_market_assessment_2013 [Accessed April 2018]

⁵³

example, research⁵⁴ undertaken by Birmingham University showed that there is a clear relationship between excess winter deaths, especially of older people, cold housing and low energy efficiency.

Birmingham has benefitted from 1,944 net dwelling completions and 111 vacant dwellings being returned to use in 2016/17 which totalled over 2,000⁵⁵ new dwellings being added to the housing stock. This was lower than the 2015/16 period (3,113) but higher than the four preceding years.

Historically, homeless applications in Birmingham have been twice the national average; although they are declining. There were 19,496 applicants for housing on the Local Authority Housing Register as at 01 April 2013. Increasingly, older and disabled people

Birmingham City Council understands that Trading Standards will be leading on the primary delivery and prosecution process associated with MEES. BCC's Private Rented Services Regulation & Enforcement team have a good working relationship with the people who wish to remain in their own homes. This results in strong demand for property adaptations, and an implication of need for to build homes to 'lifetime' standards. There were 1,899 referrals for assistance from Birmingham City Council in 2011/12. Demand for housing still remains strong albeit that there was a fall from over 28,000 households on the register to just over 20,000 in 2015/16. The overall total as at April 2016 stood at 20,292.

Every year, housing partners across the city ensure that thousands of households who are homeless, or at high risk of homelessness, are provided with shelter and a pathway into settled accommodation. For 2015/16 this included 5,578 households assisted through the statutory homeless system as well an additional 7,824 households whose homelessness was prevented or relieved by Council delivered services or commissioned services delivered by partners. In addition, there are many other agencies active in the city who provide advice and assistance to people in housing crisis.

In 2016 Birmingham undertook a homelessness review⁵⁶ which included examining the extent, nature and causes of homelessness in the City. One of the key findings from this review is that there are an estimated 20,000 households in Birmingham each year who are homeless. This study also highlighted that there are more than 20,000 households on the BCC housing register (as at April 2016) so there is significant demand for Council housing.

Birmingham still manages its own stock and, notwithstanding Right to Buy, there remain very significant areas of predominantly local authority housing. These areas are however clustered and there are indeed significant pockets of the City (e.g. Edgbaston and Sutton) where affordable housing is in lesser supply and average houses prices are the highest in the City.

Economy

Birmingham's economic prosperity was originally built on manufacturing, but changes in the 1970s and 1980s led to a massive decline in this sector. However, highly-skilled, specialist manufacturing remains important to the city. Birmingham has since developed a substantial business and financial services sector through the transformation and growth of the City Centre and has become a major employment centre drawing in workers from across the West Midlands. It is an economic cluster with a particular focus on the banking, finance and insurance and distribution, hotels and restaurants and public service sectors. Birmingham is now a major centre for business conferences.

Despite declines in manufacturing, Birmingham is still a major employment centre drawing in workers from across the West Midlands region. Table 4.7 shows the number of economically active people within

⁵⁴ <https://www.birmingham.ac.uk/Documents/college-social-sciences/social-policy/SPSW/Housing/2016/good-housing-better-health-2016.pdf> [Accessed April 2018]

⁵⁵ All figures from 2016/17 Authority Monitoring Report [Accessed April 2018]

⁵⁶ Birmingham City Council Homelessness Review 2016/17 Available at https://www.birminghambeheard.org.uk/people-1/birmingham-homelessness-prevention-strategy-2017/supporting_documents/Birmingham%20Homelessness%20Review%202016%20FINAL.pdf [Accessed April 2018]

Birmingham, and Table 4.8 shows the number of employed residents in Birmingham by Gender and Ethnic Group.

Table 4.7 Economically Active Residents (2017)⁵⁷

	Birmingham (numbers)	Birmingham (%)	West Midlands (%)	Great Britain (%)
All People				
Economically active	500,900	69.4	76.4	78.4
In employment	458,900	63.6	72.4	74.9
Employees	391,500	54.3	62.4	64.0
Self employed	65,900	9.1	9.7	10.6
Unemployed	42,100	8.4	5.4	4.5
Males				
Economically active	275,000	76.9	82.0	83.4
In employment	250,000	69.9	77.5	79.6
Employees	200,900	56.2	63.9	65.2
Self employed	49,100	13.7	13.4	14.1
Unemployed	25,000	9.1	5.5	4.6
Females				
Economically active	225,900	62.1	70.9	73.4
In employment	208,900	57.4	67.2	70.3
Employees	190,600	52.4	60.9	62.7
Self employed	16,800	4.6	6.0	7.2
Unemployed	17,100	7.6	5.2	4.3

Table 4.8 Employed Residents in Birmingham by Gender and Ethnic Group⁵⁸

	2013		2014		2015		2016		2017	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Male	228,100	66.4	236,000	68.2	240,500	68.8	256,000	72.1	250,000	69.9
Female	179,700	51.6	198,500	55.9	194,500	54.3	197,200	54.8	208,900	57.4
White	261,100	67.4	290,600	67.5	306,200	69.1	272,400	73.1	283,400	71.7
Ethnic Minority	145,300	48.1	143,900	53.4	128,700	48.8	180,800	52.8	174,700	54.0

At 63.6%, Birmingham's employment rate is well below both the corresponding regional (72.4%) and national rate (74.9%). The female employment rate for Birmingham (57.4%) is much lower than the male rate (66.9%)

⁵⁷ [ONS Annual Population Survey](#)

⁵⁸ ONS Annual Population Survey

and both are lower in Birmingham than the national averages; for women there is a 12.9 point difference from the rate for Great Britain.

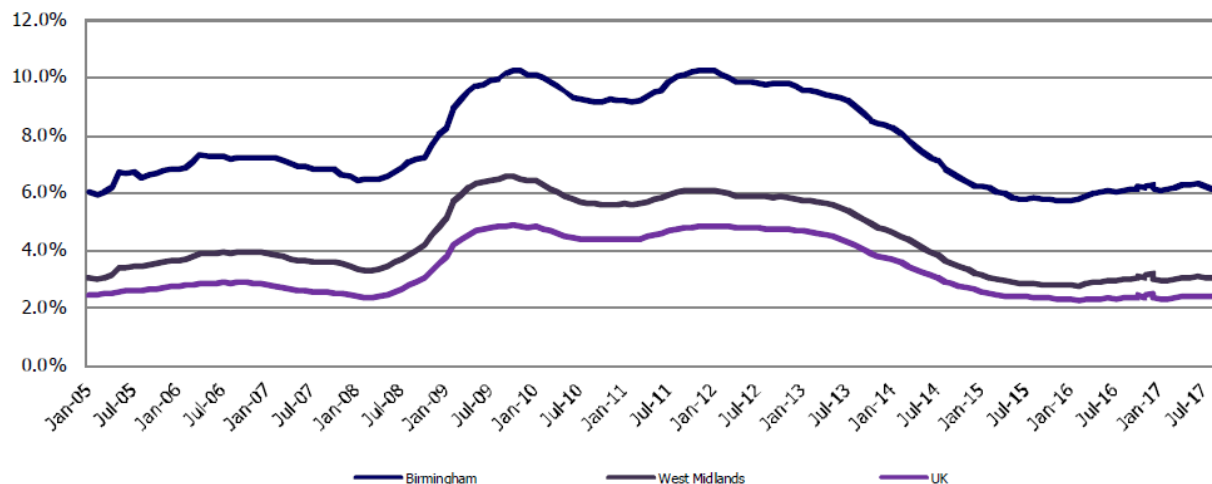
Nearly a third (30.6%) of Birmingham's working age population is economically inactive (neither working nor seeking work). This is 9.0 percentage points higher than the national rate. The female economic inactivity rate in the city is 11.3 percentage points higher than the male rate. Table 4.9 summarises economic inactivity for those aged 16-64 in Birmingham. This shows that the highest proportion of economically inactive residents are full time students (39.6%), which is 12.6 percentage points higher than the national average of 27.0%. The non-white economic inactivity rate is 39%, significantly higher than the white rate of 24%. Both rates are above the GB averages of 30% and 20% respectively.

Table 4.9 Economic Inactivity in Birmingham 2017²

	Birmingham (level)	Birmingham (%)	West Midlands (%)	Great Britain (%)
Student	87,400	39.6	28.2	27.0
Looking after family/home	61,500	27.9	26.1	24.4
Temporary sick	4,300	2.0	2.3	2.1
Long-term sick	36,800	16.7	20.9	22.1
Discouraged	!	!	0.3	0.4
Retired	11,300	5.1	11.8	13.2
Other	18,500	8.4	10.5	10.8
Total Economically Inactive	220,600	30.6	23.6	21.6
Male Economic inactivity	82,700	23.1	16.6	18.0
Female Economic inactivity	137,900	37.9	26.6	29.1
White Economic inactivity	93,900	23.7	20.9	20.2
BME Economic inactivity	125,300	38.8	34.8	29.9

Birmingham has seen persistently higher levels of unemployment over the past decade, compared to the West Midlands and the UK, as can be seen from Figure 4.12.

Figure 4.12 Unemployment Rates in Birmingham, the West Midlands and the UK, 2005-2017



Source: Birmingham Labour Market Update (January 2018)

Employment growth in the city as a whole is set to be relatively subdued over the period 2010-2025 as the economy recovers from the recession and adjusts to a decline in public sector employment. Indeed, the forecast level of employment in the city in 2025 is only just returning to the levels seen prior to the recession.

The Greater Birmingham & Solihull LEP is a partnership of businesses, local authorities and universities which supports private sector growth and job creation. It was set up to strengthen local economies, encourage economic development and enterprise, and improve skills across the region. The City Deal between the Government and the Partnership was announced in July 2012 which consists of a package of measures that are to be implemented to drive economic growth designed to exploit the area's economic assets and address its challenges⁵⁹. The first phase of the City Deal is to focus on the delivery of a range of economic benefits for the Greater Birmingham and Solihull area. These include:

- ▶ 10,000 additional direct jobs, building on the 40,000 created by the vanguard Enterprise Zone in Birmingham City Centre;
- ▶ Leveraging in over £15bn of private sector investment over 25 years from £1.5bn of public funding;
- ▶ A Single Settlement to cover all economic development funding;
- ▶ A world-class skills system which meets the needs of employers and fulfils the expectations of employees;
- ▶ 3,560 apprenticeships (AGE) grants to be delivered by March 2013;
- ▶ Improvements to employers' perceptions of 'work readiness' year-on-year;
- ▶ In excess of 2,800 additional new homes through the use of public assets;
- ▶ At least 100% capital return on current market value of public assets;
- ▶ An Institute of Translational Medicine to respond to national unmet need, unlock growth potential in the NHS and create a portal for SMEs and international pharmaceutical companies;
- ▶ £35M of largely private sector clinical trial investment and £50M of free drugs;
- ▶ 15,000 homes refurbished delivering savings in domestic energy usage of 26 ktonnes pa of CO₂ and at least 40 public buildings refurbished delivering savings in energy usage of 10 ktonnes pa of CO₂; and
- ▶ Retrofitting to the properties of 1,500 people on pension or disability premium and 2,250 people in fuel poverty.

The City Deal comprises five elements: GBS Finance; Skills; Public Assets; Life Sciences and Green Deal, each of which includes specific commitments from the LEP and Government. Progress against these will be monitored to ensure they are delivered.

Median gross weekly pay for workers in Birmingham in 2015 was £488.20. This figure is a 1.9% increase on 2014 but it is below the UK figure of £527.70 which saw a 1.8% increase from 2014. However, people who work in the city earn more than the residents (£538.70 compared to £488.20). Workplace earnings in the city are similar to the figure for the UK. The difference between resident and workplace earnings reflects Birmingham's position as the regional capital and the large numbers of people who commute into the city to work. It also highlights that not all Birmingham residents are able to access the better paid jobs in the city.

Education and Skills

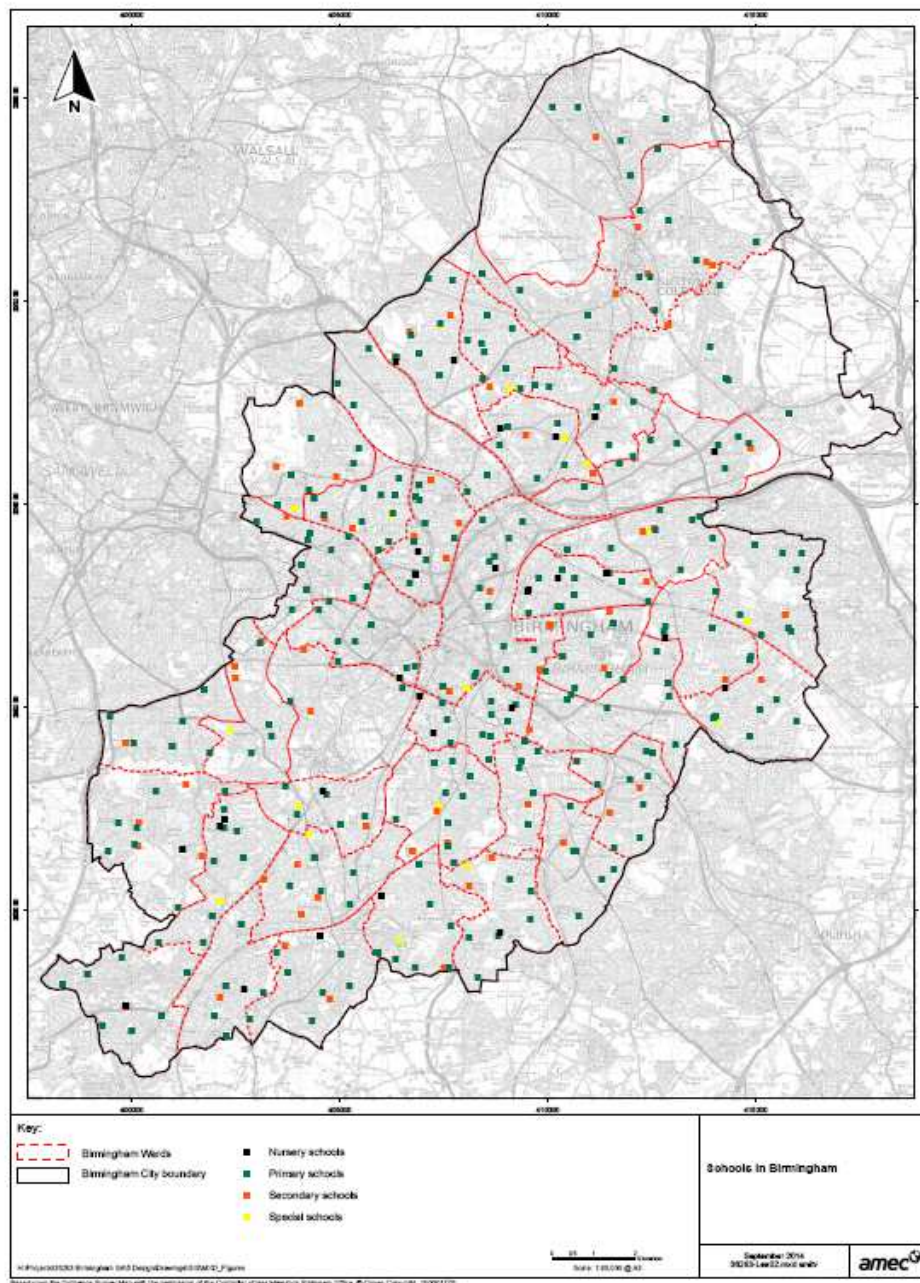
The City has a substantial education sector, from early years and schools through to colleges, universities and adult education. According to the Education Services Delivery and Improvement Plan (2017/18), the City has 445 state-funded schools. In addition, there are five colleges, five universities and a thriving independent school sector. The City Council itself is a major provider of adult and community learning through its Adult Education Service. (Figure 4.13). Birmingham is one of the youngest cities in Europe with around 46% of the population aged under 30. Based on 2014 levels, by 2022 the population aged between 0 to 4 is due to grow by 3.8% to 88,100 children; the 5 to 9 population is expected to grow by 4.5% to 84,000 but the largest growth rate in Birmingham's children will be the 10 to 14 age group – increasing by 14.6% to 82,600. The demographic makeup of Birmingham's young people has also changed significantly over recent years and is becoming increasingly diverse. For example, according to the 2011 census over 60% of the under 18 population is now from a non-white British background, compared to around 44% in

⁵⁹ <http://centreofenterprise.com/about-the-lep/key-projects-and-issue/>

2001. Approximately, 43% of Birmingham's school children have a first language that is other than English. This equated to 38,089 pupils, which is 1.3% more than in 2014.

According to the Annual Population Survey (2017), the City has a substantial education sector (Figure 4.13). The pupils and students of the City's schools and colleges have made major improvement in educational achievement, closing the gap on national averages. The percentage of Birmingham's population achieving NVQ Level 3 or above in 2011 was 43.5%, and this has increased to 50.4% in 2017. However, this remains marginally below the Regional average (50.8%) and significantly below the National average (57.2%). The proportion of the population educated to degree level was 31.4% compared to 31.8% regionally and 38.6% nationally. As a result, nearly half the high-skilled jobs in Birmingham are currently taken by people who live outside of the City.

Figure 4.13 Nursery, Primary and Secondary Education Resources across Birmingham



Birmingham's 2016 GCSE results were very positive. 2016 saw the introduction of a new accountability system for schools with the new measure of Progress 8 – "the progress a pupil makes from the end of Key Stage 2 to Key Stage 4, compared with pupils nationally with similar attainment". The national average performance is therefore zero. A positive score indicates out-performing the national average. Birmingham's provisional result is zero, second best out of core cities.

Birmingham Adult Education Service (BAES) runs a number of adult education courses in the City and these can be undertaken in a variety of locations across the city and cover a wide variety of topics to help improve education and skills levels in the city. The Birmingham Education and Development Plan 2015-2020 includes a vision that by 2013 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.'

To deliver the vision the plan includes a number of objectives including to ensure sufficient school places for young people; that additional places are provided where needed at the right time to meet needs; and to ensure young people participate fully in the school education offer and beyond into further education and training.

Worklessness and long term unemployment is a key issue for Birmingham's residents and can lead to poor economic performance. Table 4.10 shows the total number of residents currently claiming Job Seekers Allowance (JSA). JSA is payable to people who are available for, and actively seeking work. The number of claimants steadily rose to over 50,000 in 2012 but had dropped to 30,685 by 2017. However, the claimant rate of 6.1% was higher than other cities in the UK – Newcastle was the next highest at 5.1%⁶⁰.

Table 4.10 Total JSA Claimants 2007 - 2017⁶¹

	Birmingham (number)	Birmingham (%)	West Midlands (%)	UK
2007	35,058	7.7	3.9	2.7
2008	35,154	7.7	4.0	2.9
2009	49,011	10.7	6.6	4.8
2010	48,074	10.5	6.2	4.7
2011	49,319	10.8	6.2	4.8
2012	50,123	11.0	6.2	5.0
2013	47,278	10.4	5.8	4.6
2014	41,955	5.9	3.7	3.0
2015	31,605	4.4	2.5	2.1
2016	29,030	4.0	2.2	1.8
2017	30,660	4.2	2.3	1.8
2018	31,405	4.3	2.5	2.0

Birmingham's Local Centres

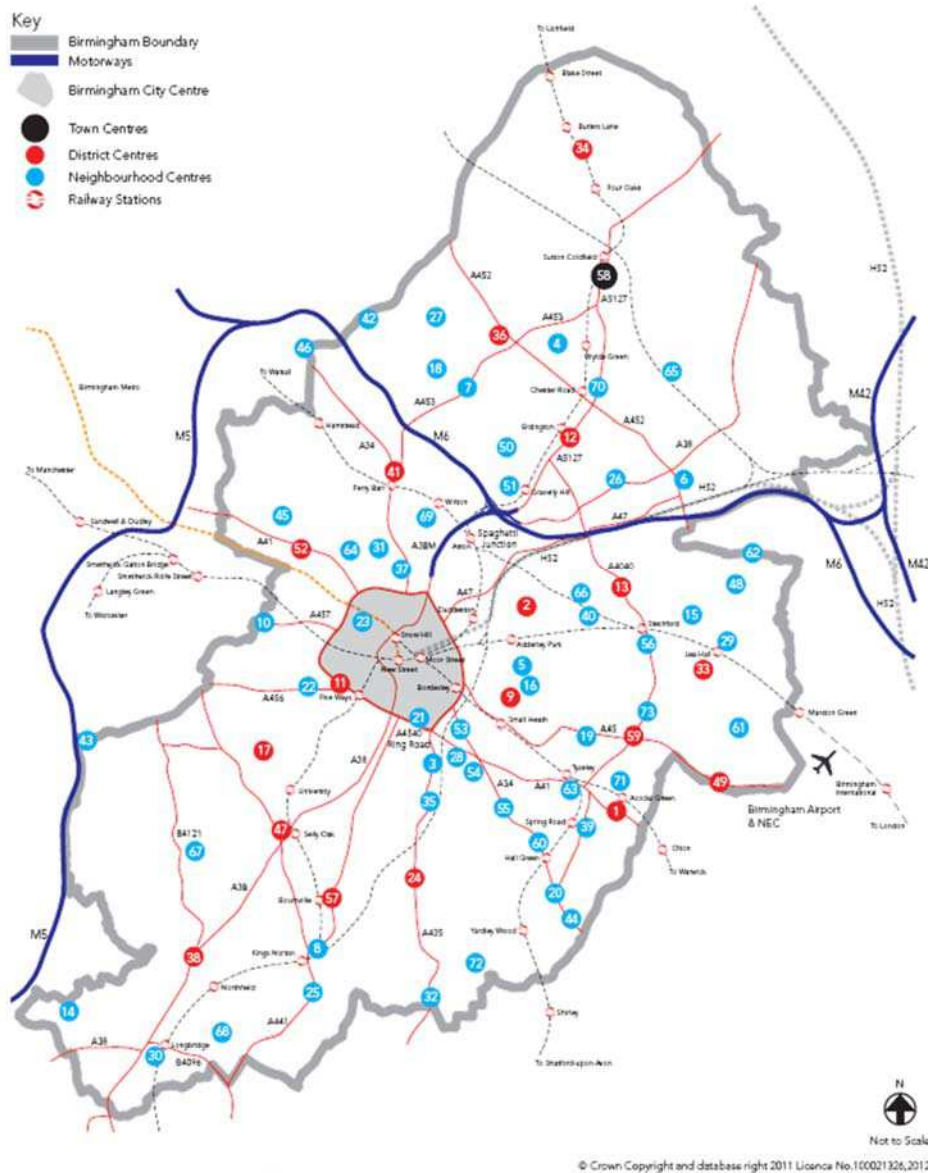
Birmingham's network of 73 local centres provides the focal points for much day-to-day shopping and community activity. Uses of buildings within local centres have been surveyed by Birmingham City Council

⁶⁰ Figures from Birmingham Labour Market Update January 2018

⁶¹ ONS claimant count with rates and proportions and Birmingham Labour Market profile 2018.

during 2013 and 2014 in order to help track of changes in use which can affect their vitality and require a policy response. Figure 4.14 below maps the local centres across the City.

Figure 4.14 Birmingham's Local Centres

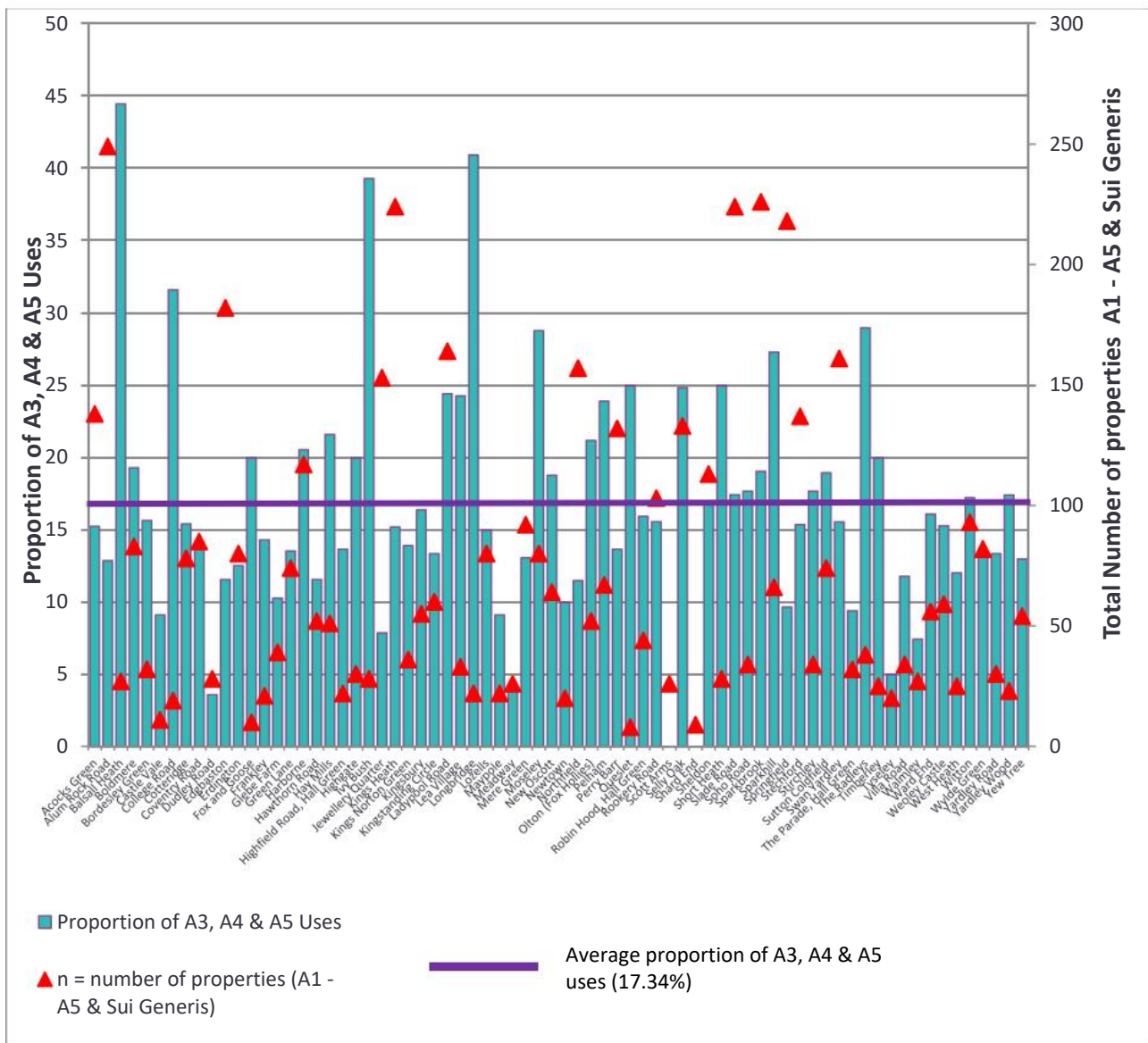


Source: BCC (2012) Shopping and Local Centres SPD

- | | | |
|--------------------------------|-----------------------------------|----------------------------|
| 1. Acocks Green | 26. Kingsbury | 51. Slade Road |
| 2. Alum Rock Road | 27. Kingstanding Circle | 52. Soho Road |
| 3. Balsall Heath | 28. Ladypool Road | 53. Sparkbrook |
| 4. Boldmere | 29. Lea Village | 54. Sparkhill |
| 5. Bordesley Green | 30. Longbridge | 55. Springfield |
| 6. Castle Vale | 31. Lozells | 56. Stechford |
| 7. College Road | 32. Maypole | 57. Stirchley |
| 8. Cotteridge | 33. Meadway | 58. Sutton Coldfield |
| 9. Coventry Road | 34. Mere Green | 59. Swan |
| 10. Dudley Road | 35. Moseley | 60. The Parade, Hall Green |
| 11. Edgbaston | 36. New Oscott | 61. The Radleys |
| 12. Erdington | 37. Newtown | 62. Timberley |
| 13. Fox and Goose | 38. Northfield | 63. Tyseley |
| 14. Frankley | 39. Olton Boulevard (Fox Hollies) | 64. Villa Road |
| 15. Glebe Farm | 40. Pelham | 65. Walmley |
| 16. Green Lane | 41. Perry Barr | 66. Ward End |
| 17. Harborne | 42. Queslett | 67. Weoley Castle |
| 18. Hawthorn Road | 43. Quinton | 68. West Heath |
| 19. Hay Mills | 44. Robin Hood, Hall Green | 69. Witton |
| 20. Highfield Road, Hall Green | 45. Rookery Road | 70. Wylde Green |
| 21. Highgate | 46. Selly Oak | 71. Yardley Road |
| 22. Ivy Bush | 47. Short Heath | 72. Yardley Wood |
| 23. Jewellery Quarter | 48. Shard End | 73. Yew Tree |
| 24. Kings Heath | 49. Sheldon | |
| 25. Kings Norton Green | 50. Short Heath | |

Analysis of the proportion of three use classes – A3 (restaurants), A4 (pubs and drinking establishments) and A5 (hot food takeaways) – which are likely to be a particular focus for policy, reveals significant variation across centres, and some disproportionately high occurrences above the mean of 17.34% (Figure 4.15). The significance of some of these relatively high proportions of A3/A4/A5 uses in terms of their relationship to issues such as health is unproven. Section 4.6.8 below explores the spatial pattern of health across Birmingham.

Figure 4.15 Proportion of Use Classes A3, A4 and A5 by centre and total units



Culture/Sport/Recreation

Birmingham is internationally known for sports and exhibitions, with well-known venues including the National Indoor Arena and the National Exhibition Centre. Developments in arts, sports and leisure have played a key part in the City's renaissance over the past twenty years. Birmingham has many strengths including world-class performance, arts, sports and exhibition facilities, and internationally recognised companies of cultural excellence. Many of these facilities are located in the City Centre, including the International Convention Centre; Birmingham Symphony Hall, home of Birmingham Symphony Orchestra, the

National Indoor Arena, a major concert and sporting venue; Birmingham Hippodrome; Birmingham Royal Ballet and Birmingham Museum & Art Gallery. These are complemented by smaller venues such as the IKON Gallery, Jam House and Electric Cinema.

The proportion of leisure development that has taken place in centres has varied considerably year on year, and there appears to be no clear trend or pattern. This is probably in part due to the fact that there are various types of leisure development and some (e.g. sports facilities associated with playing fields or pitches), would not necessarily be expected to be located in centres. The relatively high proportion of out-of-centre leisure development overall since 1991 (61%) is skewed by a small number of very large developments, such as 'Star City' (Nechells), Birmingham Great Park and Longbridge which were committed before the current national planning policy guidance came into effect. There has also been a significant amount of leisure development based around existing sports facilities in out-of-centre locations. During 2010/11 88% was built out-of-centre including an indoor sports arena at the Tenby building, Great King Street (Aston). Also out-of-centre, but under construction, included the erection of a 5,000 seat stand at the Alexander Stadium in Perry Barr. Birmingham will host the 2020 Commonwealth Games which will prompt a significant amount of construction activity.

Investment in new hotels continues e.g. the Radisson and Etap. Other recent leisure developments in the City Centre include Millennium Point and the Five Ways Leisure complex. A significant amount of leisure development that has taken place in Birmingham since 1991 has been tourism related, for example, the National Sea Life Centre and Millennium Point. The number of overseas visitors to the City has increased from 520,000 in 2000, to 713,000 in 2012 and 1,110,000 in 2015⁶². Birmingham is now the fourth most popular destination in the UK among overseas residents after London, Edinburgh and Manchester. Birmingham welcomed the highest number of visitors on record in 2016, with tourist numbers reaching 39 million, and tourism revenue hitting an all-time high of £6.5 billion.

Culture and leisure facilities both attract people to Birmingham and serve local residents. According to the Community Strategy, surveys show that 45% of Birmingham residents had been to the theatre or a concert in the city in the last year, while 36% had visited a museum or gallery.

Community Involvement

Community involvement can be measured by a number of indicators, including election turnout. Table 4.11 shows the election turnout in Birmingham for the 2017 General Election by constituency. It can be seen that the turnout varies between some of the different constituencies.

Table 4.11 General Election Turnout in Birmingham for the 2017 General Election

Constituency	% Turnout
Sutton Coldfield	70.06
Hall Green	69.63
Selly Oak	66.05
Edgbaston	64.21
Perry Barr	63.28
Northfield	61.53
Hodge Hill	61.50
Yardley	61.46
Ladywood	59.21
Erdington	57.37

⁶² Source: <http://birminghamtoolkit.com/files/downloads/VisitorEconomyHeadlines2016withupdatedSTEAMfigures.pdf>

Constituency**% Turnout**

Source:

https://www.birmingham.gov.uk/info/20097/elections_and_voting/1273/parliamentary_general_election_results_june_2017/5

Erdington constituency had the lowest turnout, which was the third lowest turnout in the UK. Conversely, Sutton Coldfield had the highest turnout, but this was only the 217th highest turnout in the UK.

One important aspect of community involvement is the extent to which people feel involved in the development of their local area. As part of the Government's Big Society, new legislation has been introduced to encourage local people to have more say in how their area looks. Neighbourhood Planning is a process by which communities can come together and prepare land use plans that will guide the type of developments they would wish to see in their area.

The Sustainable Community Strategy indicates that in 2006, 40% of people agreed that they can influence decisions that affect their local area, an improvement of 22% from 2004. Furthermore, the Birmingham Community Strategy (Strategic Assessment Update November 2006) found over half those asked felt that people together can influence decisions in their constituency (most apparent in areas of Ladywood and Sparkbrook), compared to just over a quarter who felt that people collectively had little or no influence (most apparent in Perry Barr and Selly Oak).

Equality

Birmingham's residents are from a range of national, ethnic and religious backgrounds, as Birmingham is one of the most ethnically diverse cities in Europe. Table 4.12 summarises the proportion of the main ethnic groups present. Almost 10% are Pakistani, with the next largest groups being Indian and Black Caribbean. Between 1991 and 2001, the Black and Minority Ethnic (BME) population increased, particularly the Pakistani and Bangladeshi groups. BME groups are mainly concentrated in the inner parts of the City. BME groups vary in terms of housing, the labour market, health and age structure. Most established BME groups are growing through natural change and immigration. Since 2001 the city has attracted migrants from a widening range of countries, including Eastern Europe, Africa and the Middle East.

Table 4.12 Largest Ethnic Groups in Birmingham and England, 2010

Ethnic Group	% of Population Birmingham	% of Population England
White British	63.3	82.8
Pakistani	9.7	1.9
Indian	5.8	2.7
Black Caribbean	4.0	1.2
White Irish	2.1	1.1
White Other	2.6	3.6
Mixed Groups	3.2	1.8
Bangladeshi	2.5	0.7
All other groups	6.8	4.1

Source: Experimental Estimates, National Statistics, Crown Copyright 2010

Birmingham has a fairly youthful population. Approximately 46% of residents are younger than 30, compared with the national (England) average of 38%⁶³.

⁶³ Source: Mid Year Population Estimates, ONS

Inequalities are reflected in statistics relating to people without a car. Birmingham has a relatively high percentage of households without a car, 38%, compared to the English average of 27%. The percentages without a car are high in the inner parts of the city and in some more peripheral areas. About two thirds of those in social-rented housing live in households without a car, as do nearly half of unemployed people and those not working because of long term sickness or disability. Percentages are particularly high among households containing lone pensioners and lone parents. Percentages are also high among Black, Bangladeshi and White Irish households.

Work undertaken for the West Midlands Local Transport Plan showed that there is generally good accessibility in most places at most times for the 33.7% (2001) of households without a car, due to the extensive bus network. However, two particular problems were identified with access for unemployed people to attend job interviews and with access to major NHS hospitals by public transport.

Further detail on equality has been covered in the section on Economy and Equality.

Health

Information on health for Birmingham can be found in the NHS Health Profile for the area 2017⁶⁴, which gives a snapshot of health in Birmingham. According to the NHS, life expectancy in Birmingham for males is 77.1 years which is 'significantly worse' when compared to an average across England of 79.5 years. Furthermore, life expectancy for females is 81.9 years compared to an average across England of 83.1 years.

Adults in Birmingham are less likely than average to follow healthy eating guidelines, but the proportion of obese adults is not vastly different to the England average. A survey undertaken by Sport England⁶⁵ reveals that there is a low rate of participation in sport and other physical activity in Birmingham compared with other local authorities within the West Midlands. The 2017 health profile reflects this trend with the percentage of physically active adults lower (51.1%) than the national average (57%).

Teenage pregnancy rates are 'significantly worse' for Birmingham (47.4 per 1,000) than the England average (38.1 per 1,000). Binge drinking is lower than the England average; however, hospital stays for alcohol-related harm were 'significantly worse' in Birmingham for 2017 with 6,786 per 100,000 rate of admission episodes for alcohol attributable conditions compared to the national average of 1,163⁶⁶. Rates of sexually transmitted infections are better than the England average. The incidence of malignant melanoma is lower than average (2017). Estimated levels of adult 'healthy eating' and obesity are worse than the England average.

People in routine and manual occupations have poorer health than those in more highly-skilled jobs, and these people are also more likely to smoke. The infant death rate is greater than the England average in this group. Birmingham has a higher than average number of people working in lower grade jobs such as process plant and machine operatives than in the rest of the West Midlands and England.

Local health priorities for Birmingham include childhood obesity, statutory homelessness and reducing the numbers of vulnerable children and adults

Poverty

According to the Index of Deprivation, in 2015 about 40% of Birmingham's residents lived in areas that were in the most deprived 10% in England. Concentrations are very high in wards to the east, north and west of the City Centre and also in the Tyburn and Kingstanding Wards to the north of the M6 motorway (Figure

⁶⁴ Available at <http://fingertipsreports.phe.org.uk/health-profiles/2017/e08000025.pdf> [Accessed April 2018]

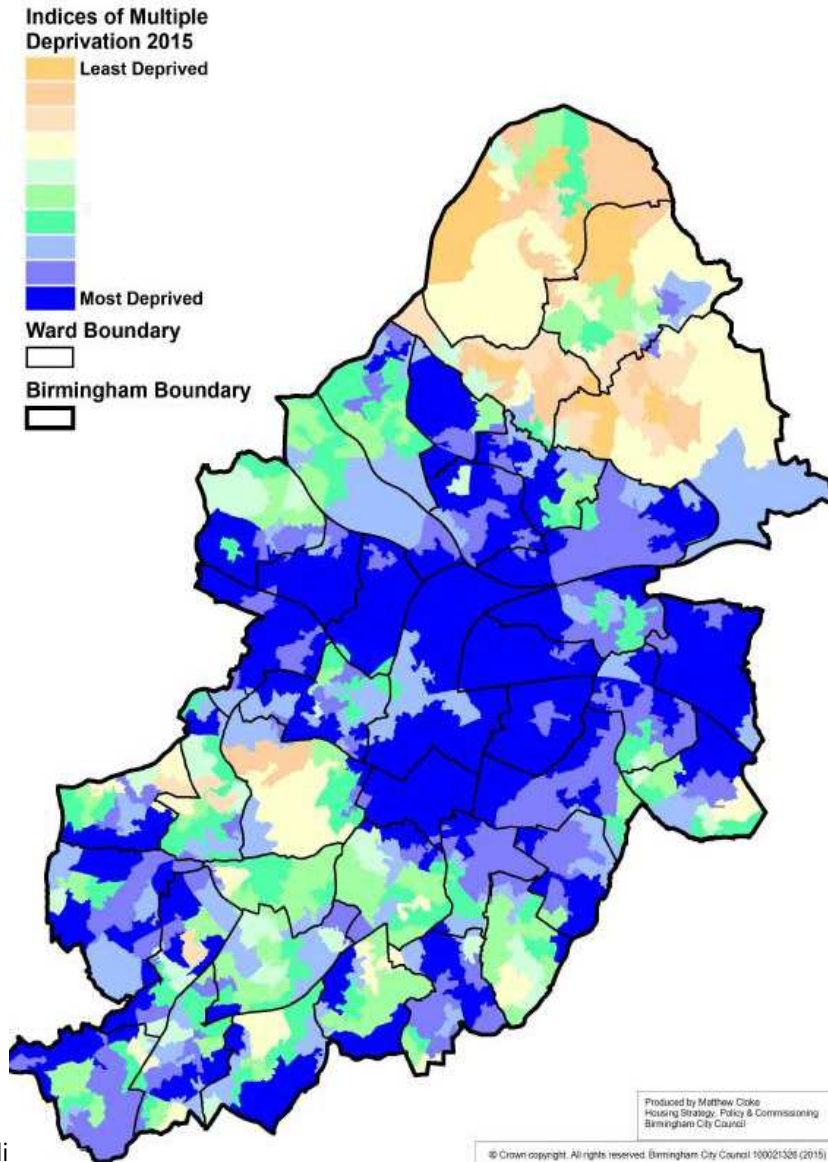
⁶⁵ http://www.sportengland.org/research/active_people_survey/active_people_survey_2/regional_results.aspx

⁶⁶ Public Health Organisations (2017) Hospital stays for alcohol related harm from 2017 Birmingham Health Profile

4.16). In 2014 (the most recent figures available) the proportion of child living in poor households in Birmingham was 32.9%, compared to 20.3% for England and 20% for the UK.⁶⁷

In Birmingham there are over 100,000 children living in poverty, the equivalent of 37% of all children in the city (after housing costs). Nearly half of Birmingham's children live in the 10% most deprived areas in the country – with nearly 8,000 living in the 1% most deprived areas. Birmingham Ladywood Constituency has the third highest level of child poverty in the UK among parliamentary constituencies with 47% of children living in poverty after housing costs⁴⁷.

Figure 4.16 Index of Multiple Deprivation 2015



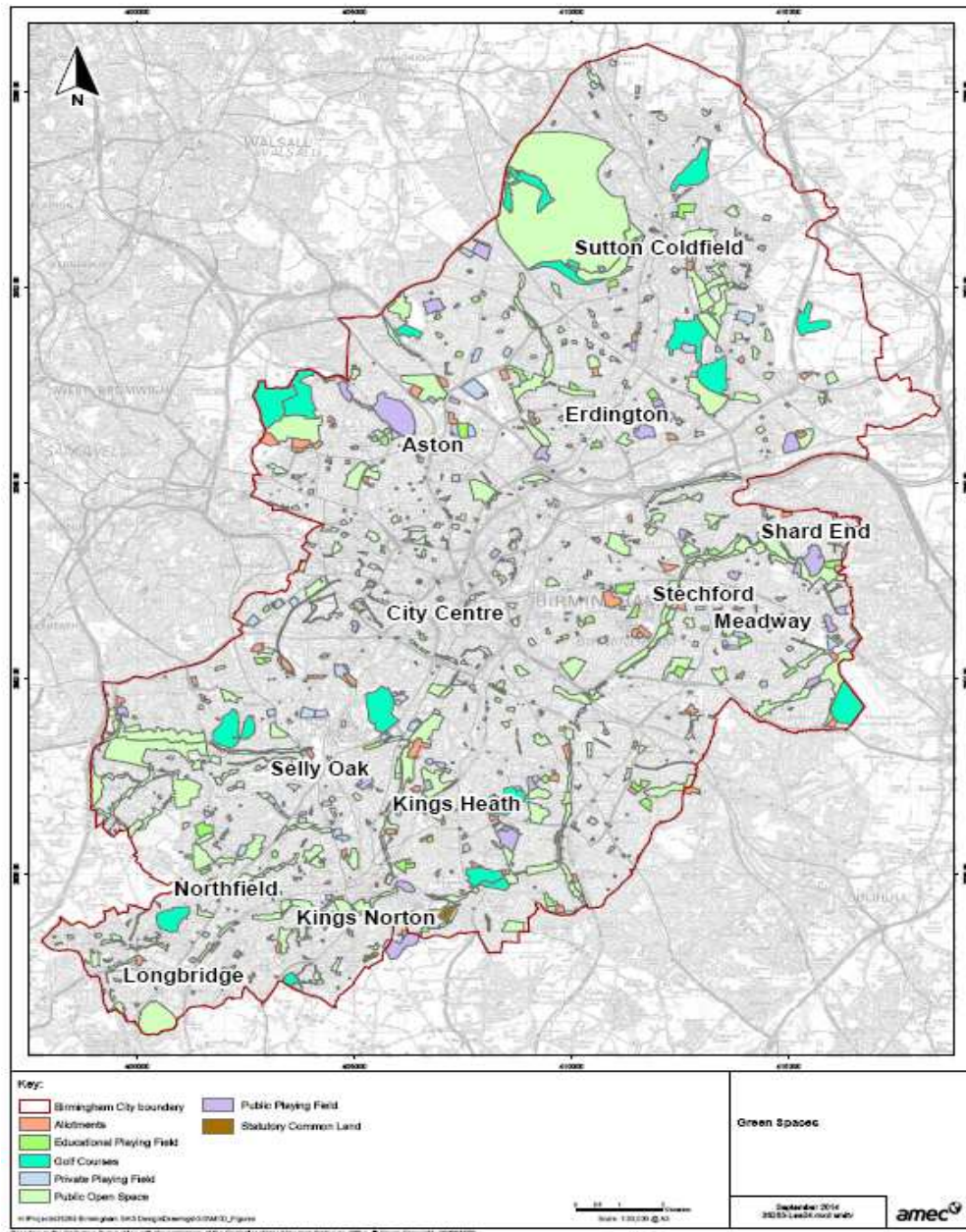
Data from the Public Health England (PHE) Index of Multiple Deprivation 2015 shows that 32.9% of Birmingham's population live in neighbourhoods classified as some of the most deprived (based on IMD classifications) compared to the average for England of 20%. In consequence, less than 10% of residents in Birmingham live in neighbourhoods classified as the least deprived.

⁶⁷ <https://www.gov.uk/government/statistics/personal-tax-credits-children-in-low-income-families-local-measure-2014-snapshot-as-at-31-august-2014-30-september-2016>

⁶⁸ Available from <http://fingertipsreports.phe.org.uk/health-profiles/2017/e08000025.pdf> [Accessed April 2017]

As noted above, well planned GI can give access to high quality green spaces that will provide opportunities for better health and well-being. Figure 4.17 illustrates the distribution of green spaces, by type, across the City. Further information on health in Birmingham can be found in the Department of Health Birmingham Health Profile 2017⁶⁹.

Figure 4.17 Green Spaces Across Birmingham



Crime

Burglary crime in Birmingham was declining between 2011 and 2015, however the most recent data from 2016 indicates that crime is on the rise. The total Birmingham crime rate for 2014-2016 is 205 crimes per 1000 people. This is notably much lower than other cities of a similar size: the crime rate in Manchester – the

⁶⁹Department of Health Birmingham Health Profile 2017 <http://fingertipsreports.phe.org.uk/health-profiles/2017/e08000025.pdf>

next largest UK city after Birmingham – is 87% higher, at 384 crimes per 1000 people. Antisocial is the most reported crime in Birmingham, followed by violent crime, which is 40% higher than the national average. Crime and safety remain a concern of local people, however Birmingham City Council's Performance Plan⁷⁰ feedback indicates that 95% of Birmingham residents surveyed say they feel safe during the day. The Birmingham Community Safety Partnership's 2012 annual report reveals that the city is making good progress to reducing serious violence among 10-19 year olds, with a 19.3% reduction.

More recent figures show that Burglary crime whilst fluctuating has increased with 7,625 victims of Burglary reported for the 12 months ending 30th September 2017. Robbery has also increased with 3,647 incidents for the 12 months ending 30th September, compared with 3165 for the equivalent period in 2016. Shoplifting offences fell slightly, whilst violent offences have been steadily increasing, alongside possession of weapons offences. This is also reflected in the total crimes recorded in Birmingham which has been steadily increasing and stood at 96,992⁷¹ for the 12 months ending 30th September 2017. In the month of February 2018, West Mercia police had recorded 10 street crimes in Birmingham and this included 3 violent offences, 1 incident of shoplifting and 2 other thefts.

Vehicle crime is a notably bigger problem in Birmingham than other cities. Although making up just 10% of total crime recorded in Birmingham in 2016 the city had the fourth highest amount of vehicle crime over the period in the country with 22 recorded incidents per 1,000 people which was 145%⁷² higher than the national average.

Figures from the Birmingham Community Safety Partnership in 2005 showed that there are certain areas in Birmingham which have higher burglary rates than elsewhere in Birmingham, notably Erdington Ward, Lozells in Perry Barr, Bournbrook Student Area in Selly Oak, Frankley and Rubery in Northfield, and Brandwood and Billesley Ward Boundary in Hall Green. The number of robberies and muggings in Birmingham tends to fluctuate (as demonstrated by the more up to date statistics provided above), but there were higher rates in the following four areas than in other areas in Birmingham: Nechells Parkway in Ladywood District, Soho Road Lozells and Aston in Ladywood and Perry Barr Districts; the city centre; Coventry Road on the Ladywood, Bordesley Green and Yardley Border. Noise

Levels of noise pollution are problems in certain parts of the city according to the Sustainable Community Strategy⁷³. Surveys have shown that one in eight residents are concerned about noise, and the Council receives over 3,000 complaints about noise a year. Traffic is one of the principal sources of this noise. Birmingham has pioneered 'noise mapping' to help manage the problem.

Influence of the DM DPD on Population and Human Health

The influence of the DM DPD on population and human health could make a significant difference in respect of certain measures such as changes in the use of buildings in local centres. Here, for example, changes to hot food takeaways could be carefully monitored in order to gauge their potential impact on the character of the locality, health indicators and vulnerable groups such as children. Individual approaches to specific service centres may be required to take account of special circumstances including their size, economic health and proximity to specific receptors such as schools. More widely, the role of Green Infrastructure in promoting health and well-being needs to be recognised and planned for.

⁷⁰ Source: <http://www.birmingham.gov.uk/cs/Satellite?c=Page&childpage=Policy-and-Delivery%2FPageLayout&cid=1223092613434&page=Page&BCC%2FCommon%2FWrapper%2FWrapper>

⁷¹ All crime statistics from <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/recordedcrimedatatacommunitysafetypartnershiplocalauthoritylevel> [Accessed April 2018]

⁷² <https://www.verisure.co.uk/advice-and-help/crime-statistics/birmingham-crime-statistics>

⁷³ https://www.birmingham.gov.uk/downloads/file/1543/strat1_sustainable_community_strategy_birmingham_2026_2008pdf

Water & Air Quality

The State of Birmingham's Rivers

The BCC SPD on sustainable management of rivers and floodplains⁷⁴ summarises the key issues relating to the state of the City's rivers:

- ▶ Parts of the river system are in a poor ecological state;
- ▶ Parts of the river system are inaccessible over much of their length and are of poor amenity value to the local community;
- ▶ Fly tipping of domestic and commercial waste;
- ▶ Beneath Birmingham, groundwater is rising, bringing with it contaminants that have previously remained in the ground;
- ▶ Wildlife habitats in the rivers and at the banksides have been badly damaged;
- ▶ During storms pollution flushes into the river, causing a loss of oxygen and killing fish; and
- ▶ There are increasing development pressures on bank-side locations.

Across the Humber River Basin⁷⁵ as a whole, despite recent progress, a range of challenges still remain, which will need to be addressed to secure the predicted outcomes. They include:

- ▶ Physical modifications - affecting 42% of water bodies;
- ▶ Pollution from waste water – affecting 38% of water bodies;
- ▶ Pollution from towns, cities and transport - affecting 16% of water bodies;
- ▶ Changes to the natural flow and level of water - affecting 6% of water bodies;
- ▶ Negative effects of invasive non-native species - affecting <1% of water bodies;
- ▶ Pollution from rural areas - affecting 32% of water bodies; and
- ▶ Pollution from abandoned mines - affecting 4% of water bodies.

Reservoirs and Canals

Birmingham has 22 reservoirs as defined under the Reservoir Act 1975 of which 11 large raised reservoirs are the responsibility of Birmingham City Council. The remaining reservoirs are the responsibility of a variety of organisations including Environment Agency (3), Severn Trent Water (5), British Waterways (1) and private companies (2). Of these, two reservoirs are used for drinking water supply and one, a canal feed reservoir at Edgbaston.

Birmingham has an extensive network of canals, the exact length depends on where you draw the city boundaries, but the whole Birmingham Canal Navigations system extends for approximately 160 miles in total. It is one of the most intricate canal networks in the world. These waterways converge in the city centre at Gas Street Basin. The canals within Birmingham include:

- ▶ Birmingham & Fazeley Canal;

⁷⁴https://www.birmingham.gov.uk/downloads/file/1166/sustainable_management_of_urban_rivers_and_floodplains_supplementary_planning_document

⁷⁵ Environment Agency (2016) Humber River Basin Management Plan

- ▶ Birmingham Canal Main Line;
- ▶ Birmingham Canal Old Main Line;
- ▶ Grand Union Canal;
- ▶ Tame Valley Canal;
- ▶ Worcester and Birmingham Canal; and
- ▶ Stratford-upon-Avon Canal.

Air

The whole of Birmingham was declared as an Air Quality Management Area (AQMA) in 2003. The main pollutant is nitrogen dioxide, the primary sources of which are transport and industrial combustion processes.

The transportation sector is a major contributor to the emissions of nitrogen oxides across the city, but there has been a slight decrease in the traffic contribution over the last few years according to the Air Quality Action Plan. The City's principal road network is illustrated in Figure 4.18 and shows the distinct presence of motorways to the north of the City and their influence, along with the City Centre, on NO₂ concentrations (Figure 4.19). The overall number of morning rush hour car trips into Birmingham City Centre has declined by around one third over the period 1999 – 2011 (AMR, 2013), replaced by an increase in rail trips by one third (18,987 to 27,674) and a doubling of tram trips (998 to 1,687).

Figure 4.18 Birmingham's Transportation Network

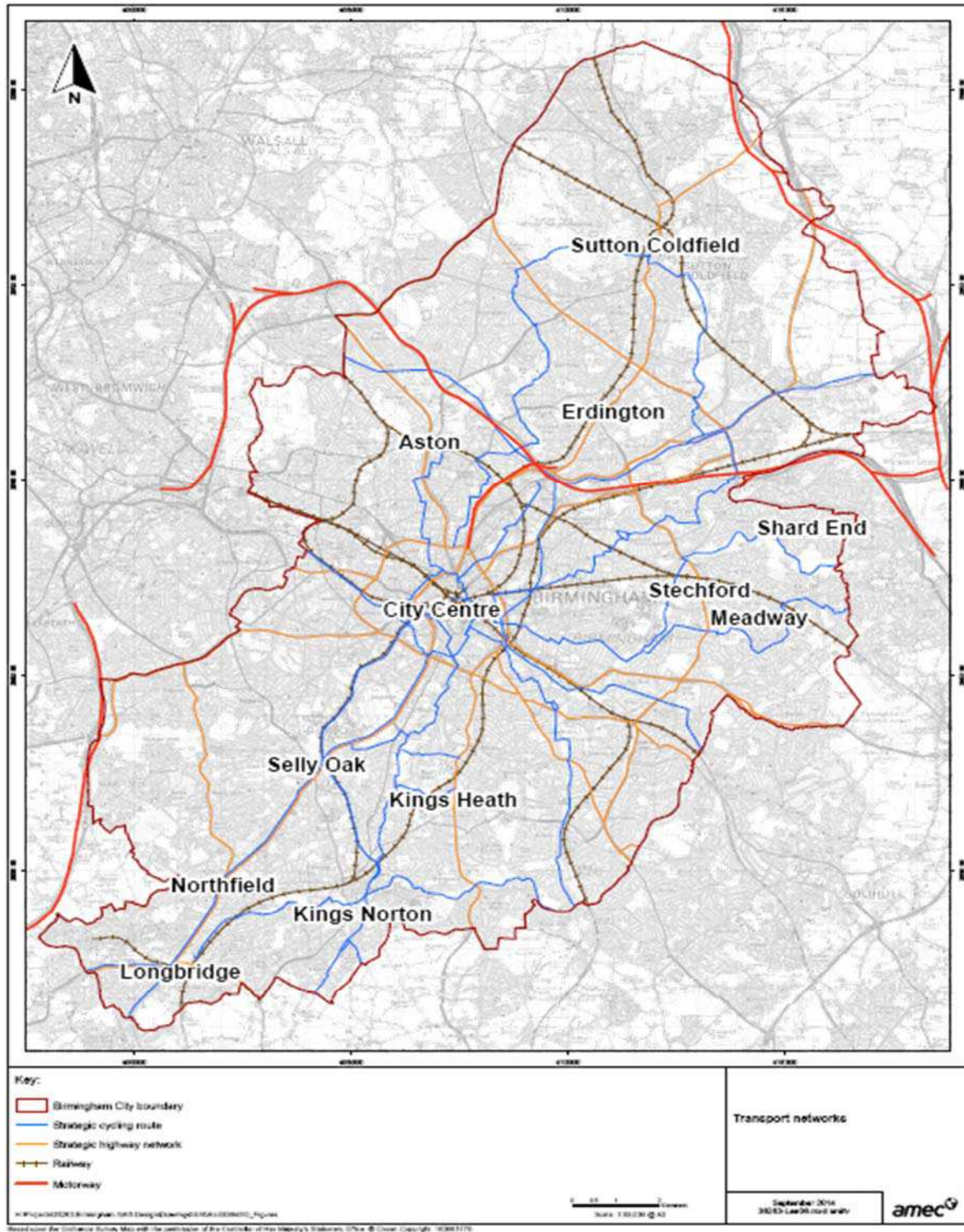
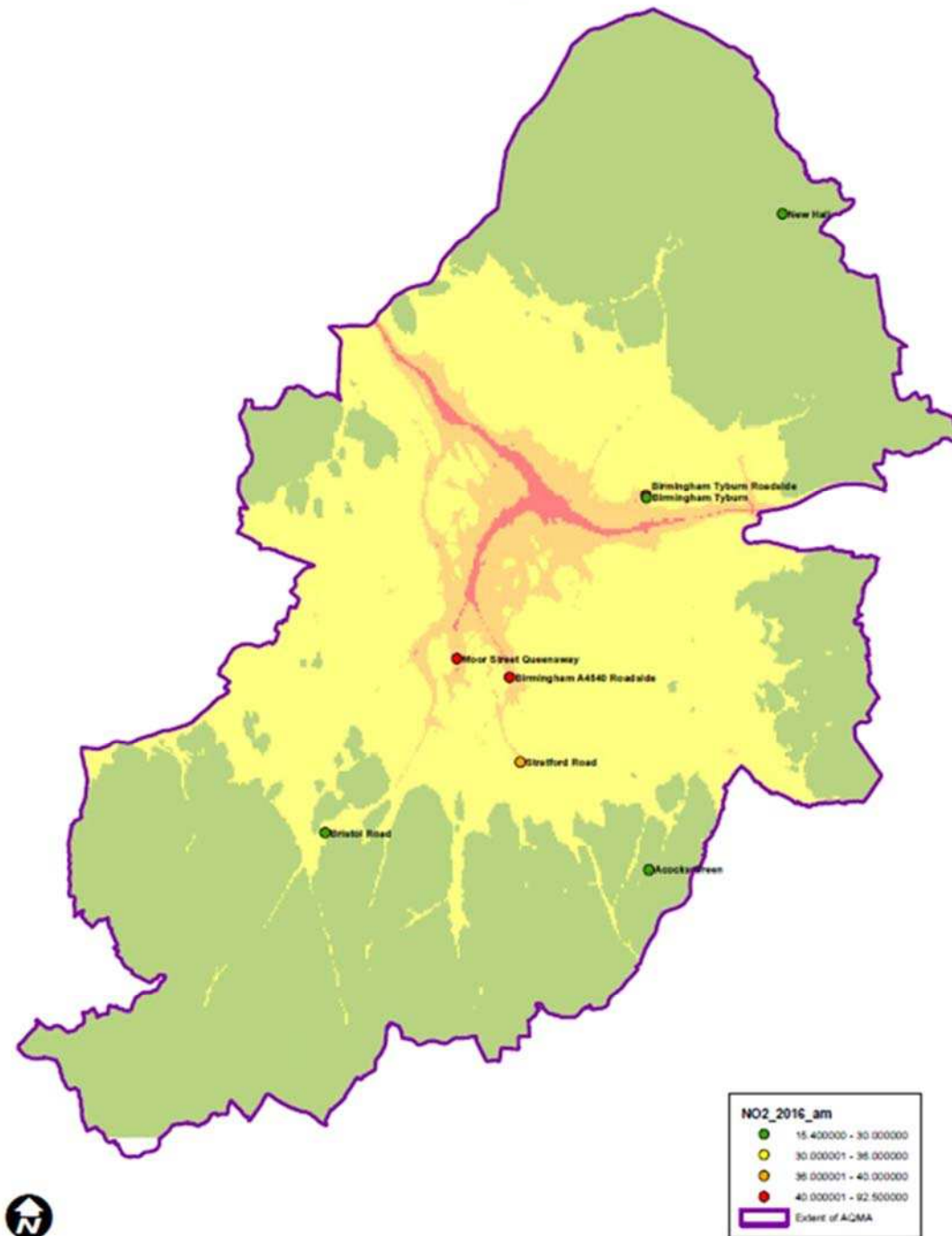


Figure 4.19 Modelled N02 Concentrations across Birmingham 2016⁷⁶

Influence of the DM DPD on Water and Air Quality

The influence of the DM DPD on water and air quality is likely to be both direct and indirect, short and longer term, and potentially cumulative reflecting the impact of multiple developments over a long timescale. Through the application of the supporting criteria to the policies and appropriate conditions, negative effects should be avoided and where appropriate mitigated. However, monitoring of developments will be required to determine net effects. A specific issue relates to the increased volume of waste water and sewage effluent

⁷⁶ Birmingham City Council (2017) 2016 Air Quality Annual Status Report (ASR)

associated with City's growth proposals will need to be treated to a high enough standard to ensure that there is no detriment in the quality of the watercourses receiving this discharge. Given the dispersed nature of the proposed development, it is likely that there will be a requirement for widespread upgrading of the sewerage pipe network throughout the City. Policy will need to ensure that the sewerage system has adequate capacity to manage any additional flows.

Cultural Heritage

Built and Historic Environment

Birmingham has a wide variety of distinctive historic townscapes, buildings and landscapes. The extent of the City's historic resource is summarised in Table 4.13 and mapped in Figure 4.20.

Table 4.13 Birmingham's Historic Built Environment

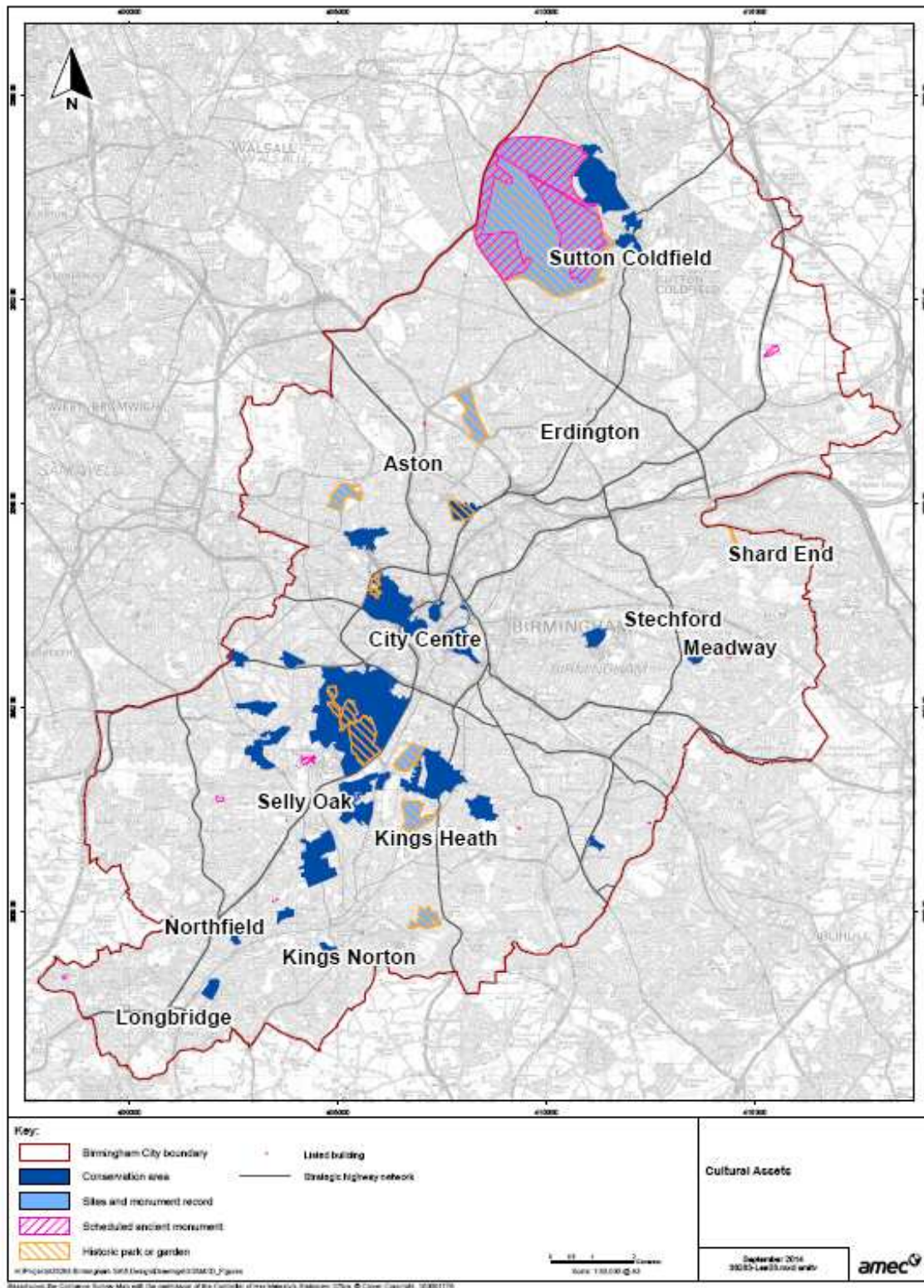
Heritage Asset	Number	Area (Hectares)
Scheduled Ancient Monuments	14	528.72
Statutorily Listed Buildings	1,486	369.98
Locally Listed Buildings	444	176.06
Conservation Areas	30	1,223.22
Registered Parks and Gardens	14	1,183.44
		Length (Kilometres)
Canals	-	57.4

Source: Birmingham City Council, AMR (2015)

There are currently 30 Conservation Areas in Birmingham, which account for 4% of the land area of the City including five within the City Centre. Some Conservation Areas, such as the Jewellery Quarter and Bourneville, are unique and are nationally recognised. Birmingham also has nearly 1,500 statutorily listed buildings and 14 registered parks and gardens of special historic interest. The City Council applied to the United Nations Educational, Scientific and Cultural Organisation for 'World Heritage Site' status in 2011 for the Jewellery Quarter. The City's Listed Buildings range in date from mediaeval churches and houses to important examples of twentieth century architecture. Birmingham also has an extensive network of historic canals, reflecting its key role during the Industrial Revolution in the eighteenth and nineteenth centuries.

The City's archaeological resource is surprisingly varied for such a major urban area. Some remains are recognised as being of national importance, and are protected by scheduling. Known remains range in date from prehistoric earthworks to nineteenth and twentieth century industrial buildings and structures. The Historic Environment Record maintained by the City Council includes details of all known archaeological remains within the City. These now total almost 5,525 records which has increased from 5,445 from 2012. Historic Landscape Characterisation of the City commenced in 2011 with 4,141 polygons captured. Environmental improvements by the City Council during the late 1980s and early 1990s, such as the development of the ICC and Centenary Square, Victoria Square and the pedestrianisation of New Street, have improved the overall quality of the environment within the City Centre. There have been notable successes in relation to improving the quality of design and the environment, particularly in the city centre. This was recognised by the award to the city of the RTPI Silver Jubilee Cup in 2004. Birmingham also won the European City of the Future Award at the European Property Awards in Munich in 2005.

Figure 4.20 Birmingham's Heritage Assets



There are a number of challenges and opportunities facing Birmingham's historic environment including the condition of its designated and non-designated heritage assets, the continuing programme of townscape and public realm improvements, pressure on the skyline and its cultural identity and distinctiveness.

There are 26 entries on Historic England's 'at risk' register for Birmingham⁷⁷ and these include a number of churches, the Grand Hotel on Colmore Row, the public baths in Moseley, the Red Lion pub on Soho Road, several conservation areas, former school of art on Moseley road, and Perrott's Folly. The condition of these historic assets on the register varies, for example Icknield Street School is classed as category A i.e. at immediate risk of further rapid deterioration, as are the public baths on Moseley Road, the Red Lion pub on Soho pub is category C so in slow decay but not in any immediate risk of rapid deterioration and Austin Village Conservation Area is in very bad condition and is deteriorating significantly. Some of these are in the process of being repaired or have plans in place for repair whilst others are at risk, for example the vacant British Rail goods office.

Birmingham's Heritage Strategy⁷⁸ 2014-19 has four key aims:

- ▶ Preservation – including ensuring heritage is properly considered in the planning process, supporting the Heritage Champion and improving the sustainability of heritage programmes and projects;
- ▶ Prioritisation – including working with the Heritage Strategy Group to bring forward projects, including in local districts, to co-ordinate bidding for funds and planning for major anniversaries and city events;
- ▶ People – including participation, engagement volunteering, celebrating local heritage and identity and supporting Districts to engage with heritage in neighbourhoods; and
- ▶ Promotion – including building a better story around our heritage and improving our marketing of heritage assets.

The strategy notes that given reductions in funding available that partnership working will be important going forward for Birmingham's historic environment. The strategy also notes Community Infrastructure Levy (CIL) will be important for providing funding for the historic environment and also the Heritage Lottery Fund (HLF). HLF has identified a number of priority areas in the city which have received less funding than other parts of the region. These are:

- ▶ Perry Barr;
- ▶ Oscott;
- ▶ Handsworth Wood;
- ▶ Lozells & East Handsworth;
- ▶ Aston;
- ▶ Soho;
- ▶ Ladywood; and
- ▶ Nechells.

There is a continuing programme of townscape and public realm improvements in Birmingham which presents opportunities for historic environment improvements. One of the big City Centre development

⁷⁷ <https://historicengland.org.uk/advice/heritage-at-risk/search-register/results?q=birmingham&searchtype=har&page=2> [Accessed July 2018]

⁷⁸ Birmingham Heritage Strategy 2014-2019 Available at https://www.birmingham.gov.uk/downloads/file/2008/exam_30_birmingham_heritage_strategy_2014-2019 [Accessed July 2018]

schemes currently ongoing is the paradise area between the museum and art gallery and the library. Paradise is to be transformed into a vibrant mixed use development of commercial, civic, retail, leisure and hotel space, providing major improvements to pedestrian access and greatly enhanced public realm befitting this exemplary historic setting. There are also masterplans for developments in other parts of the City Centre including around Snowhill.

In 2017 Historic England published an updated edition of Streets for all which is a practical guide for anyone involved in planning and implementing highways and public realm works in sensitive historic locations. A supplementary document was then published in the context of the West Midlands⁷⁹. This document explains how historic character adds value to the region's contemporary public realm and summarises some of the priorities and opportunities for further improvements to the West Midlands' streetscapes.

This supplementary document notes that through support by the Greater Birmingham and Solihull Local Economic Partnership, Birmingham is now in the top three spenders on public realm nationally. This level of spending has helped to deliver a number of public realm improvements across the City.

Natural Landscape

Although much of Birmingham is built up, there is a significant amount of open land within the City (Table 4.14).

Table 4.14 The Natural Environment and Open Space

Open Space Category	Area (ha)	% of City Council Area
Sites of Special Scientific Interest	896.59	3.35
National Nature Reserves	811.73	3.03
Local Nature Reserves	316.73	1.16
Sites of Importance for Nature Conservation	828.03	3.09
Sites of Local Importance for Nature Conservation	698.98	2.62
Public Open Space	3,069.77	11.46
Public Playing Fields	296.9	1.11
Private Playing Fields	268.11	1.0
Private Open Space	67.19	0.25
Educational Playing Fields	166.33	0.62
Golf Courses	657.78	2.46
Statutory Common Land	11.25	0.04
Allotments	243.8	0.91
Green Belt	4,154.77	15.52

Source: Birmingham City Council, AMR (2015)

Landscape character is a key contributor to regional and local identity, influencing sense of place, shaping the settings of people's lives and providing a critical stimulus to their engagement with the natural environment. The National Character Areas (NCAs) provide a description of landscape character across

⁷⁹ <https://content.historicengland.org.uk/images-books/publications/streets-for-all-west-midlands/heag149h-sfa-west-midlands.pdf/>

England⁸⁰. These are used by Natural England to provide a context for monitoring landscape change through the Countryside Quality Counts (CQC) project⁸¹. Birmingham falls within two NCAs, Arden to the south and Cannock Chase and Cank Wood to the north. The part of the City which lies within Arden is almost entirely urbanised. The wider landscape to the south is characterised by a farmed woodland landscape of rolling landform with narrow meandering river valleys.

The National Character Area description relevant to Birmingham states:

"Birmingham has a clearly-defined concentric pattern of development. Much of the landscape is dominated by 19th and 20th century housing, the former in characteristic red brick. Canals, parks, golf courses and the river corridor form the main open spaces, with a substantial parkland area around the University at Edgbaston and some low-density garden suburbs like Bourneville. Enclosed within the urban area are fragments of older landscapes like Castle Bromwich Park⁸²."

The change in landscape character in the period 1998-2003 is described in the CQC assessment as:

"...development pressure continues to be evident throughout the area, with evidence of expansion around many major settlements such as Nuneaton, Coventry, Bromsgrove and Redditch, and expansion of major roads such as the M6 toll⁸³."

The northern part of the city lies within the Cannock Chase and Cank Wood NCA. Relevant extracts from the JCA are set out below:

"Cannock Chase and Cank Wood is a landscape dominated by its history as a former forest and chase and by the presence at its centre of the South Staffordshire Coalfield. It forms an area of higher ground, with the towns and large villages of the Black Country rising out of the lowlands of Shropshire and Staffordshire to the west. In the south it merges with Birmingham and Arden. 9% of the area is woodland, 45% is urban and 9% lies within Cannock Chase AONB. Part of the area lies within the Forest of Mercia (Community Forest) and the Black Country Urban Forest. To the north of Birmingham and west of West Bromwich there are many more areas of open land, primarily in agricultural use, but with a large historic park at Sutton Park and with fragments of heathland, such as Barr Beacon. There are medium-sized fields, generally with good quality hedgerows, patches of ancient enclosure fields and areas of semi-natural vegetation including acid grassland, pools, fens and fragments of ancient woodland. Narrow, hedged lanes are often present and there is a real feeling of countryside despite the nearness of the built-up area⁸³."

The change in landscape character is characterised in the CQC assessment as:

"High rate of change to urban (JCA ranked 11th nationally); 46% of JCA is within greenbelt. Marked expansion of fringe into peri-urban around Cannock, Lichfield, Burntwood and Norton Canes. Also development of M6 Toll has had major impact. Character of the area continues to be transformed."

Approximately 15% of Birmingham's land area is designated as Green Belt which lies within the Cannock Chase and Cank Wood JCA. This includes all the open countryside within the City's boundary, as well as other areas extending into the City, for example along river valleys. There are also areas of open space within the built-up areas of the City, such as parks and playing fields, nature reserves and allotments.

Influence of the DM DPD on Cultural Heritage

Development Management policies potentially have a significant influence over cultural heritage assets, emphasising the importance of clear policy, application of suitable conditions and monitoring of impacts to mitigate potential negative impacts.

⁸⁰ <http://publications.naturalengland.org.uk/category/587130>

⁸¹ <http://www.countryside.gov.uk/LAR/Landscape/CC/cqc.asp>

⁸² Source: http://www.naturalengland.org.uk/Images/jca097-arden_tcm2-21191_tcm6-5424.pdf

⁸³ Source: <http://www.farmsteadstoolkit.co.uk/downloads/jca/JCA%2067.pdf>



Appendix D

Consultation Responses on the Scoping Report update (August 2018) and the Council's Response

Ref	Consultee	Consultee Response Summary	Response/ Action
1	Natural England	<p>General Comments</p> <p>We understand that due to the delayed adoption of the Birmingham Development Plan (adopted January 2017), work on this DPD has been put on hold and re-started this year. We also understand that Natural England provided comments on the 2014 SA Scoping Report in correspondence to you dated 22 January 2015.</p> <p>Specifically, we support and welcome the updating of this report in respect of the main changes (as acknowledged by your authority):</p> <ul style="list-style-type: none"> - Updates to the evidence base (where required); - Updated DPD objectives (which are now the same as the BDP objectives); and - Updated review of policies and programmes. 	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p>
	Natural England	<p>Scope of the Proposed Assessment</p> <p>We welcome the reference to the need for a Habitat Regulations Assessment and confirm that a HRA will be required to ascertain if any likely significant effects on any European site as a result of the Plan's implementation (either on its own or 'in combination' with other plans or projects) will occur and, if so, whether these effects will result in any adverse effects on the site's integrity.</p> <p>Where the possibility of significant effects cannot be excluded, a more detailed Appropriate Assessment (AA) is carried out to determine whether those effects would adversely affect the integrity of European sites.</p> <p>We welcome the comprehensive list of Plans, Programmes and Strategies relevant to the SA/SEA of the DM DPD at Table 3.1. Natural England has not reviewed the plans listed. However, we advise that the following types of plans relating to the natural environment should be considered where applicable to your plan area:</p> <ul style="list-style-type: none"> • Green Infrastructure Strategies • Biodiversity Plans • Rights of Way Improvement Plans • Shoreline Management Plans • Coastal Access Plans • River Basin Management Plans • AONB and National Park Management Plans • Relevant Landscape Plans and Strategies. 	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken. The plans and programmes listed are considered to be comprehensive.</p>
	Natural England	<p>Main Issues Identified</p> <p>We welcome and generally agree with the key sustainability issues for Birmingham as detailed at Table 4.1.</p> <p><u>Proposed Objectives and Guide Questions</u></p> <p>NE notes that that only one guide question relates to biodiversity – i.e. 'Will development protect and where possible enhance the City's cultural and natural heritage?' – In this regard, we recommend the strengthening of the need for restoration or enhancement of biodiversity in line with National Planning Policy Framework.</p> <p><u>Table 6.3 – Compatibility between the Sustainability Objectives and the Draft DM DPD Objectives</u></p> <p>NE advises that effective and inventive application of Policy ENV4 ('To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage') can also lever in positive benefits towards 'education' and 'sustainable connectivity' Plan</p>	<p>Comments are noted. No action taken.</p> <p>This comment has been actioned accordingly.</p> <p>Positive benefits on these objectives have now been noted via positive scores in this table.</p>

Ref	Consultee	Consultee Response Summary	Response/ Action
		Objectives via adoption of a multi-functional green infrastructure approach.	
	Natural England	<p>Objectives Covering the Breadth of Issues Appropriate for Assessing the Effects</p> <p>Generally, yes. We welcome in particular the positive correlations made between effective green infrastructure and human health.</p> <p>Ecological connectivity: There is a risk that in some situations, development on land of limited biodiversity value in its own right can lead to the creation of islands of biodiversity, permanently severed from other areas. We thus suggest adding 'Ensure current ecological networks are not compromised, and future improvements in habitat connectivity are not prejudiced'.</p>	<p>Comments are noted. No action taken.</p> <p>Objective ENV4 amended to: <i>"To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage, including resilient ecological networks able to meet the demands of current and future pressures."</i></p>
2	Environment Agency	<p>Evidence Base</p> <p>The updated scoping report incorporates our previous comments from 2015. The most up to date evidence base should be used going forward for this assessment.</p> <p>The Birmingham Level 1 & Level 2 SFRA's were completed in 2012 and these should be updated to take into account the most accurate flood risk information and the updated climate change allowances (published in February 2016).</p>	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken – the Council will consider updates to the SFRA's as part of the evidence base work in support of this DPD.</p>
	Environment Agency	<p>Aims and Objectives</p> <p>Section 1.3 'Aims and Objectives' does not include any reference to flood risk. The second to last bullet point states to 'enhance Birmingham's natural environment' but there should be a wording to ensure flood risk is not increased and reduced at every possibility.</p>	For continuity, the Aims and Objectives are drawn from the Birmingham Plan. These will be reviewed as part of future plan review.
	Environment Agency	<p>Flood Risk Baseline</p> <p>In this section 'Managing and Reducing Flood Risk', the figures used relate to 2012/13 and 2013/14. We consider this section should refer to the most up to date data available which is most likely to be more representative.</p> <p>We assume the 'Historic Flood Risk' section on page 41 includes all flooding events to have occurred in Birmingham? We consider this should be updated with the most recent flooding events as it currently it goes up September 2008 and there have been a number of flooding events since then.</p>	<p>More recent data has now been included in this section.</p> <p>Reference to more recent flooding events has been added in this section.</p>
	Environment Agency	<p>Groundwater and Contaminated Land</p> <p>From a Ground Water and Contaminated Land perspective there are no additional detailed comments to make on the updated Scoping Report. However we would re-iterate our comments made in 2014 regarding land contamination issues.</p> <p>Land contamination can be a significant source of water pollution in the environment. In the worst cases pollution plumes can extend many kilometres and can also cause pollution that impacts on boreholes used for Public Water Supply or impact the quality of ecology in linked surface waters.</p> <p>The plan should seek to protect water quality through the various regulatory and advisory mechanisms with respect to land contamination. The aim should strongly encourage voluntary remediation or remediation of land contamination through the planning regime.</p> <p>The plan should encourage the use of sustainable and effective remedial measures to prevent or address water pollution from sites affected by contamination and so provide a better environment and amenity value. This includes the sustainable recycling of water and soils where appropriate. However, these operations must not result in an</p>	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p>

Ref	Consultee	Consultee Response Summary	Response/ Action
		<p>unacceptable release to groundwater and must where necessary have appropriate permits and controls.</p> <p>Sustainable remediation should seek to manage unacceptable risks to human health and the environment (including groundwater), while optimising the environmental, economic and social impacts. Sustainable remediation appraisal requires consideration of a wide range of environmental, social and economic factors, including, for example, climate change impacts such as greenhouse gas emission from the remedial works or the site itself, worker safety and cost.</p> <p>The concept that a site should be 'suitable for use' should underlie the approach to remediation of historic contamination. This means suitable for the environment as a whole, not just for use by people. Protecting surface water and groundwater may mean carrying out work over and above that required to make the land suitable for the proposed development and to protect human health.</p> <p>We would also strongly recommend that strategies promote risk based assessment methodology and good practice promoted through use of the framework, tools and supplementary guidance set out in Model procedures for the management of land contamination (Contaminated land report 11) (Environment Agency and Defra 2004).</p> <p>Management of Contaminated Land by application of the well-established principles and practices outlined above will help both the Local Authorities and the Environment Agency deliver its obligations to reduce diffuse urban pollution required by virtue of the Water Framework Directive.</p>	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p>
3	Historic England	<p>Executive Summary</p> <p>In the Executive Summary can you please change reference from English Heritage to Historic England.</p>	This change has been actioned accordingly.
	Historic England	<p>Section 3 Plans and Programmes Review</p> <p>You may wish to add: The Government's Heritage Statement, 2017. https://www.gov.uk/government/publications/the-heritage-statement-2017</p> <p>Protecting the past – informing the present. Birmingham's' Heritage Strategy 2014-2019 https://www.birmingham.gov.uk/downloads/file/2008/exam_30_birmingham_heritage_strategy_2014-2019</p>	These have been added to the plans and programmes review accordingly.
	Historic England	<p>Section 4 Key Sustainability Issues</p> <p>At present the Report sets out what the City's designated heritage assets area with a brief commentary but doesn't really set out the challenges and opportunities (the issues) facing Birmingham's historic environment such as the condition of its designated and non-designated heritage assets; the continuing programme of townscape and public realm improvements; the pressure on its skyline and its cultural identity and distinctiveness. Where do the risks lie? Birmingham's Heritage strategy (see above) may be a useful source.</p>	The historic environment section of the baseline has been updated accordingly.



Appendix E

Consultation Responses on the Scoping Report (2014) and the Council's Response

Consultee: English Heritage

"It appears an appropriately focussed proposal, proportionate and streamlined to the role of the Plan and as such I have no concerns. However, you may wish to apply the same or similar indicators as those that will monitor the HE policy in the B'ham Plan and in particular re the city's heritage assets formerly 'at risk'.

For information, EH has prepared specific guidance for the preparation of SA in relation to historic environment. It may be worth referring this to AMEC to consider and apply during work on the SA and the environmental report."

Consultee: Environment Agency

Comment	Response
<p><u>Executive Summary</u></p> <p>We support the inclusion of environmental issues identified as Key Sustainability Issues for the city of Birmingham (pages vi-ix).</p>	Noted
<p>We note the issue of water resources is raised in Theme 1; Resource Use, however recommend that another key theme relating to water sustainability is the timely provision of foul drainage infrastructure to support the proposed level of growth. The city's transmission infrastructure is currently undersized to accommodate the increase in loading that will go hand in hand with the level of development proposed and the SA should ensure this is addressed through the DM DPD.</p>	Reference to foul drainage added to Theme 1
<p>We welcome the consideration of both climate change adaption and mitigation (Themes 2, 9 and 10). We question however whether Theme 10 should be relabeled as Flood Risk as this is the only issue identified in relation to the management of climate change. We question whether there are other climate change related issues that should be incorporated under this heading relating to health, wellbeing, biodiversity and infrastructure provision (see section 4.4.1: Climate Change page 23). The issue of flood risk could be separated out under its own heading as it is an issue in its own right as the issues are not wholly resulting from the impacts of climate change.</p>	<p>Flood risk separated out under Theme 10</p> <p>Links made to other climate change issues.</p>
<p>Theme 8: The efficient use of land should be linked with the issue of flood risk (theme 10) as the flood risk sequential test outlined within national policy steers development to areas at lowest risk of flooding. This can sometimes conflict with the preference for brownfield redevelopment sites. We support the reuse of brownfield land as this can enable the remediation of underlying ground contamination caused by previous land uses, improving ground water quality. This therefore links with Theme 16: water quality and vice versa.</p>	Link made
<p>Theme 16 refers to the chemical and biological quality of rivers and waterways, and observes that Birmingham suffers from low quality against these measures. Water quality in the city is largely influenced by the efficiency of the foul drainage infrastructure – this links to our comments in relation to Theme 1.</p>	Comment added
<p>We note that the 28 sustainability issues identified for this plan are to be addressed by 18 standard objectives which are taken from the Development Plan SA/SEA. It should be ensured that all issues raised within this report are reflected within the proposed objectives – it appears that Issue 1: Resources Uses (water) has not been included within the objectives. We recommend it is added in under ENV5 or ENV6.</p>	Added to ENV6

Comment	Response
We draw your attention towards Sustainability Objectives 16, 17 and 18 on Page x, which appear to be duplicates of Objectives 1, 2 and 3.	Corrected
<p><u>Plans, Programmes and Strategies</u></p> <p>Table 3.1 lists the <i>Severn Trent Water Resources Management Plan (2010)</i> under the Regional heading. This is updated every 5 years and as such this is not the current version. The SA should refer to the 2014 plan found at http://www.severntrent.com/future/plans-and-strategy/water-resources-management-plan as referenced on page 15 of the report.</p>	Reference added
<p>The SA should also consider the findings of the Environment Agency publication <i>Tame, Anker and Mease abstraction licensing strategy (February 2013)</i> which can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291402/LIT_3306_bc78df.pdf. This relates the availability of water for ground and surface water for abstraction purposes. Information from this strategy should be summarised alongside other water resources issues on page 15.</p>	Reference added
<p>The Environment Agency now has in draft the <i>Humber Flood Risk Management Plan</i> which sets out proposals for managing the risk of flooding at a catchment and river basin district scale. These proposals will help inform decisions about where investment and action are targeted in future to best protect people and places from the risk of flooding. For more information about this please see the link at the end of this letter that directs you towards this consultation document.</p> <p>Birmingham City Council also have a number of other water-based evidence documents that should be considered. These include:</p> <ul style="list-style-type: none"> • <i>Surface Water Management Plan for Birmingham (2013 emerging draft)</i> • <i>Local Flood Risk Management Strategy for Birmingham (2014 outline version). Preliminary Flood Risk Assessment (2011)</i> 	References added
<p><u>Appendix A</u> reviews the relevant plans and programmes in more detail. Under the Objectives and Targets identified for the Water Framework Directive (WFD) (page A1) it states that all waterbodies are to reach 'Good Ecological Status' by 2015. This is currently correct, however this will change when the next round of River Basin Management Plan (RBMP) is published in December 2015, therefore this will need to be kept up to date. The next statement: '<i>Exactly what constitutes 'Good Ecological Status' has not yet been defined.</i>' is incorrect. The following definition is taken from the Humber RBMP (relevant to Birmingham) and should be reflected within the SA:</p> <p><i>Good ecological status applies to natural water bodies, and is defined as a slight variation from undisturbed natural conditions.</i></p> <p><i>Some water bodies are designated as 'artificial' or 'heavily modified'. This is because they may have been created or modified for a particular use such as water supply, flood protection, navigation or urban infrastructure. By definition, artificial and heavily modified water bodies are not able to achieve natural conditions. Instead the classification and objectives for these water bodies, and the biology they represent, are measured against 'ecological potential' rather than status. For an artificial or heavily modified water body to achieve good ecological potential, its chemistry must be good. In addition, any modifications to the structural or physical nature of the water body that harm biology must only be those essential for its valid use. All other such modifications must have been altered or managed to reduce or remove their adverse impact, so that there is the potential for biology to be as close as possible to that of a similar natural water body.</i></p>	Noted
<p>The objectives of the Trent Catchment Flood Management Plan (CFMP) are very broad and high level and should be summarised in terms relevant to the local distinctiveness of Birmingham as a city. The CFMP considers Birmingham alongside the Black Country, and forms Policy Unit 10. Based on the level of proposed growth, and flooding characteristics of the area, Policy Option 5 has been applied which identifies that Birmingham is to "<i>take further action to reduce flood risk</i>". This very specific aim should be reflected within the</p>	ENV5 amended

Comment	Response
SA's issues and objectives, particularly ENV5 i.e. the policies should ensure they do not just 'manage' flood risk but 'reduce' flood risk.	
The Humber RBMP (local delivery vehicle for WFD), although listed in Table 3.1 under the Regional subgroup does not appear to be included in Appendix A. This should be rectified with locally-specific objectives summarised and reflected within the SA. Consideration should also be given to the draft plan currently out for consultation.	Amended
We recommend that Birmingham City Council undertake a Water Cycle Study to pull together all the available information on water resource availability and water quality to inform detailed development management policies on development requirements and their impact on the water environment. This should be undertaken in liaison with Severn Trent Water and the Environment Agency with a focus on how development within the city will support objectives set out within the Humber River Basin Management Plan (already referenced within the report).	Noted
<p><u>Key Sustainability Issues for Birmingham</u></p> <p>Section 4.4.2 refers to information on planning application consultations and overrulings on flood risk issues from 2011/12. Information is currently available for 2013-14 which is likely to be more representative than the information currently included in this report. Environment Agency records show we responded to 64 consultations in 2013-14, which comprised as follows:</p> <ul style="list-style-type: none"> • Full 35 • Outline 8 • Change of Use 5 • Conditions 11 • Reserved Matters 2 • Variations 3 <p>Please find attached a dataset for this period detailing applications which we objected to on flood risk grounds. This information should be correlated with Birmingham's records of decisions made to ascertain if there were any overrulings during the period (we are not notified of all planning decisions). This may already be undertaken as part of the annual monitoring process.</p>	Equivalent 2013-14 data not yet available for Birmingham
Section 4.7.1 provides background information to the current state of water and air quality within the city. The Humber RBMP indicates that there are twenty-three surface water bodies which fall within or cross the Birmingham boundary comprising of two lakes, eight canals and thirteen rivers. In the baseline year of 2009 only three out of these twenty-three water bodies achieved the required 'Good Ecological Status' or 'Good Ecological Potential'. We draw your attention towards the WFD Evidence Pack provided by the Environment Agency to support the development of your Development Plan. The Humber RBMP is currently being revised with the new version being published in December 2015. The draft 2015 RBMP is now available as part of the formal consultation process, and any changes to the current plan should be considered within this report. The consultation on the 2015 plan is open until the end of March 2015 (please see details at end of letter).	Noted
The increased volume of waste water and sewage effluent produced by the proposed additional 50,000 dwellings will need to be treated to a high enough standard to ensure that there is no detriment in the quality of the watercourses receiving this discharge. Information currently available indicates that Minworth sewage treatment works should have the capacity to manage this additional capacity however given the dispersed nature of the proposed development, it is likely that there will be a requirement for widespread upgrading of the sewerage pipe network throughout the City. Section 4.7.4 should therefore include a reference to the required upgrading of foul drainage pipework and transmission infrastructure. Cumulative impact is key to this, making it hard to assess which sites and when will trigger the current drainage system to become overloaded and for water quality to become detrimentally impacted by development. It is likely therefore that a blanket policy is required to cover all developments and ensure the sewerage system has adequate capacity to manage any additional flows.	Text updated

Comment	Response
<p><u>Sustainability Objectives and the SA Framework</u></p> <p>Table 6.2 shows the proposed objectives, guide questions and indicators. As discussed above, in line with the emerging Birmingham Development Plan and the CFMP evidence base, ENV5 should be amended to reflect the need to REDUCE flood risk not just manage it. A guide question should be added to table 6.2 to ask '<i>Will development help reduce flood risk?</i>'</p>	ENV5 amended
<p>We support the inclusion of ENV6 which aims to reduce pollution and ENV1 which will encourage the remediation of brownfield contaminated land. These objectives should help ensure the DM DPD is in line with Humber RBMP's requirements in improving the water quality of the city's rivers, canals and groundwater. The Environment Agency can provide information on water quality objections to planning applications which could be used as a potential indicator to ENV6 (as per flood risk in ENV5).</p>	Noted
<p><u>Development of Environment Agency publications as part of the evidence base</u></p> <p>Environment Agency strategies including the draft River Basin Management Plans (RBMPs) and draft Flood Risk Management Plans (FRMPs) are undergoing public consultation at present. The updated plans are due to be published in December 2015 and they will guide us in directing considerable investment and action from 2016 to 2021 and beyond, which will provide benefits to society and the environment. The catchment of interest to Birmingham city is the Humber.</p>	Noted

Consultee: Natural England

Comment	Response
<p>Question 1 - Scope of the proposed SA</p> <p>Natural England is generally supportive of the scope of the proposed SA.</p> <p>We are also supportive of the series of objectives provided at 1.3 to confirm and clarify the Development Management DPD. We particularly welcome the recognised need for development to make a positive contribution to (1) ...health and well being, and (2) environmental considerations.</p>	Noted
<p>We support the proposed SEA Topic Areas as proposed at Table 4.1.</p>	Noted
<p>Paragraph 2.2.1 Habitat Regulation's Assessment (HRA) – we recognise the acknowledgement that a HRA will be required and concur with the need for this.</p>	Noted
<p>Question 2 - Do we agree with the main issues identified?</p> <p>We generally agree with the 28 sustainability themes (and related issues) identified as being particularly important affecting the city (page vi and Table 4.15). Specific comments in relation to the 28 Sustainability Themes (ST) and the related issues are provided below:</p>	Noted
<p>- We would argue that ST6 'Reducing the need to Travel' may be provided for via the provision of new / enhanced footways / cycleways and, by this, this ST may also potentially related to the improvement of health and well-being.</p>	Reference included
<p>- Natural England would also like to see a mention of the benefits of multi-functional green infrastructure (GI) (and blue infrastructure) as a potential consideration in the efficient use of land (ST8).</p>	Reference included
<p>- ST9 and ST10 (Reducing and Managing Climate Change) - relate to the important need for the city to tackle climate change. There are many ways that the natural landscape and GI can be utilised for this purpose.</p>	Reference included
<p>- ST13 (Natural Landscape) – Natural England understands that a large proportion of the open land and green belt land discussed here is being considered for development via the Birmingham Plan. The SA / DM DPD,</p>	BDP not yet approved

Comment	Response
therefore, surely needs to recognise this here in order to be able to provide a truly reflective account. In this way, should Figure 4.9, Table 4.5 and the statistics provided within paragraph 4.8.2 (Natural Landscape) also be updated to reflect the reduction in green belt and public open space area's proposed?	
- ST14 (Biodiversity and Geodiversity) – Incorrect reference to Biodiversity Enhancement Areas (BEAs). This work / project has now ceased. Reference here should instead be made to The Cannock Chase to Sutton Park Project. Reference should also be made here to the Nature Improvement Area (NIA) designation. (see notes re: NIA below).	BEA reference removed NIA reference included
- ST25 (Health) – we support the reference to natural landscape and recreation.	Noted
ST28 (Culture/Sport/Recreation) – we support the reference to health and natural landscape.	Noted
Section 4: Key Sustainability Issues for Birmingham <i>Managing and Adapting to Climate Change</i> - Paragraph 4.4.2 – Natural England welcomes the reference made here in respect of the value of GI to helping to mitigate and adapt to climate change. We also recommend a reference to the value of blue infrastructure (e.g. rivers, canals, SuDS) for this purpose.	Reference included
- Paragraph 4.4.4 (Influence of DM DPD on Managing Climate Change) – potential inclusion of need for maximisation of GI as part of development proposals, as appropriate, to help mitigate and adapt to climate change.	Reference included
<i>Biodiversity and Geodiversity</i> - Section 4.5—acknowledge the importance of urban ecological sites and corridors as stepping stones for habitats/species and, in accordance with paragraph 109 of the NPPF, also acknowledge the need to establish improved coherent ecological networks that are more resilient to current and future pressures. We would also recommend inclusion of reference to multi-functional GI (and blue infrastructure) for this purpose.	Reference included
- Acknowledge also the need for the council to ensure net gains are made (to conserve and enhance biodiversity) where possible, from development proposals by applying the ' <i>avoid, then mitigate and, (as a last resort) compensate for adverse impacts on biodiversity</i> ' principle (NPPF para 118). By this, when determining planning applications opportunities to incorporate biodiversity in and around developments should also be encouraged.	Reference included
- Also, given the need to minimise impacts on biodiversity and geodiversity, the SA must ensure the DM DPD policies promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets (NPPF 117).	Reference included
- Page 34 – we support the reference made to the work of the West Midlands Biodiversity Partnership (WMBP) and in particular, The Cannock Chase to Sutton Park Project. References made to the 'BEA', however, are incorrect as this designation / project has now ceased.	BEA reference removed
- Page 34 - This section should also acknowledge the Nature Improvement Area (NIA) designation. NIAs are fundamental to the step-change needed to establish a coherent and resilient ecological network. Where NIAs are in place (in accordance with para's 117 and 157 of the NPPF), Natural England wishes to see Local Plans: identify them on proposals maps; and include policies to ensure that any development affect them is compatible with their purpose and makes a positive contribute to their enhancement (using CIL/S106 agreements/conditions as appropriate).	Reference included
- Page 34 (GI) – neglects to include a reference to climate change mitigation and adaptation benefits.	Reference included
- Page 38 (Geodiversity) – we support the inclusion of geodiversity within the SA. However, we recommend the SA makes an explicit reference to geological conservation and the need to conserve, interpret and manage geological sites and features in the wider environment not just in relation to designated sites	Reference made
- Paragraph 4.5.2 (Biodiversity and Geodiversity) – comments supported.	Noted

Comment	Response
<p><i>Population and Human Health</i></p> <p>- Paragraph 4.6.11 – Recommend inclusion of reference to GI benefits upon human health and well-being.</p>	Reference included
<p>Section 5: Issues and Problems Relevant to the DM DPD</p> <p>- Table 5.1 – Generally support.</p>	Noted
<p>- We particularly welcome the reference to the need for continued monitoring of developments on periphery of designated sites to determine potential indirect and cumulative impacts. We would, also, recommend the inclusion of a reference to the need for monitoring of effects upon designated sites which may result from other environmental pathways outside those developments on the immediate periphery.</p>	Noted and reference included
<p>- We also welcome the reference to the importance of greenspace and reductions in motor transport that can have positive impacts upon populations and health.</p>	Noted
<p>- Climate Change – include reference to GI and its benefits.</p>	Reference included
<p>Question 3: Do the objectives cover the breadth of issues appropriate for assessing the effects?</p> <p>Generally, yes. Ensure incorporation of the above.</p>	Noted

Appendix F

Regulation 18 (Issues & Options) Consultation Responses

Development Management DPD: Schedule of Regulation 18 Stage Consultation Responses					
Question 1: Do you agree with the Purpose and Aims of the DPD?					
Response from:	Support?	Reasons	LPA Response	Action	Ref
Selly Park Property Owners' Association.	Yes	- No comments.	Noted.	None.	006/1
Highways England	Yes	- Highways England is supportive of overall purpose and aims of the DPD and the DPD's complimentary role to the adopted BDP.	Noted.	None.	010/1
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	Yes	- No comments.	Noted.	None.	015/1
Primesight	Yes	- No comments.	Noted.	None.	021/1
Susan Fleming on behalf of Clear Channel UK Ltd	Yes	- Aim and purpose understood. - Planning development policy for Birmingham needs to be current and in keeping with the recent development and regeneration.	Noted.	None.	025/1
Alvechurch Parish Council	Yes		Noted.	None.	022/1
Question 2: Please give us your views on the Objectives on page 6 of the Consultation Document					
Response from:	Comments		LPA Response	Action	Ref
Selly Park Property Owners' Association.	- No comments		Noted.	None.	006/2

Highways England	- Highways England supports the Objectives of the DPD.	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	010/2
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	- Ensure that development responds to local character and history, in accordance with NPPF para 58.	One of the strategic objectives of the Birmingham Development Plan (BDP) is "To protect and enhance the City's heritage and historic environments". BDP Policy PG3 Place making requires all new development to "reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and local area context, including heritage assets and appropriate use of innovation in design."	None.	015/2
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	- The PCCWM support the DPD objective 1.	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document. The contents of Objective 1 is covered by the following two BDP Objectives "To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space" and "To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character."	None.	016/1
Turley on behalf of Calthorpe Estates	- Generally supportive of the six key objectives identified - Especially the commitment to the strengthening the vitality and viability of retail centres - And the objective to ensure that new development is designed to integrate effectively with its setting and promote local distinctiveness. -	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	019/1
Susan Fleming on behalf of Clear Channel UK Ltd	- Agree with the objectives, - Point 4 is key. Birmingham must be able to compete internationally and continue to attract investment from abroad.	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	025/2
Alvechurch Parish Council	- Should have respect and consideration to adjoining Authorities and areas.	Noted. BCC engages with other local authorities through the Duty to Co-operate and will continue to consult other local authorities at key stages in the preparation of the document.	None.	022/2
Environment Agency	- The Environment Agency support the Objectives identified on page 6.	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	012/1
Turley on behalf of Aberdeen Asset Management	- Generally supportive of these objectives. - Pleased the importance of strengthening the vitality and viability of centres has been recognised. Should be reflected in final drafting.	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	013/1

Question 3: Please give us your views on the Proposed Policy List on page 8 of the Consultation Document

Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	- No comments.	Noted.	None.	006/3
Susan Fleming on behalf of Clear Channel UK Ltd	- The Authority has identified those areas where they believe review or greater control is required.	The Consultation Document contains an assessment of existing policy documents and a list of proposed policies.	None.	025/3

Question 4: Please give us your views on proposed Policy DM01 – Hot Food Takeaways

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- This should have no effect unless adjacent to existing Alvechurch parish residential or business buildings.	Noted.	None.	022/3

Question 5: Please give us your views on proposed Policy DM02 – Sheesha Lounges

Response from:	Comments	LPA Response	Action	Ref
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	- Policy should be written to design out crime, and to introduce, where appropriate, to ensure the community feel safe during an extended business/leisure day (i.e CCTV). - Particularly relevant when drawing Policy DM02 and DM03.	This policy is no longer proposed in the Preferred Options Document. The impacts of Sheesha Lounges are mainly on amenity of nearby residents or occupiers, noise and vibration, highway safety and access, parking and servicing are covered by proposed policies DM 2, DM6, DM13, DM14 in the Preferred Options Document. The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	016/2
Alvechurch Parish Council	- This should have no effect unless adjacent to existing Alvechurch parish residential or business buildings.	Noted.	None.	022/4

Question 6: Please give us your views on proposed Policy DM03 – Restaurants, Cafés and Pubs

Response from:	Comments	LPA Response	Action	Ref
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	- Request that reference be made to the need to design out crime, as to ensure the community feel safe during an extended business/leisure day (i.e. CCTV).	This policy is no longer proposed in the Preferred Options Document. The impacts of Restaurants, Cafés and Pubs are mainly on amenity of nearby residents or occupiers, noise and vibration, highway safety and access, parking and servicing are covered by proposed policies DM 2, DM6,	Detailed design guidance on creating safe places and anti-terror	016/3

	- Particularly relevant when drawing Policy DM02 and DM03.	DM13, DM14 in the Preferred Options Document. The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	measures and safe buildings will be set out in the emerging Birmingham Design Guide.	
Turley on behalf of Calthorpe Estates	- Policies DM03 and DM11 should be sufficiently flexible as to ensure that high quality niche offerings are not unduly restricted by broad blanket policies.	Policies specifically for Restaurants/ Cafes/ Pubs and Hotels and Guest Houses are not proposed in the Preferred Options Document. The proposed draft policies are unlikely to restrict niche offerings in any way.	None.	019/2
Alvechurch Parish Council	- No effect unless adjacent to existing Alvechurch parish residential or business buildings.	Noted.	None.	022/5

Question 7: Please give us your views on proposed Policy DM04 - Environmental Protection – Air Quality

Response from:	Comments	LPA Response	Action	Ref
Highways England	- Highways England is supportive of the principle of the introduction of an Air Quality policy. - Not clear whether at this stage how (or indeed if) this policy may apply to road improvement schemes. - Recommendation that the policy should not be worded in such a way that it may be restrictive to the development and delivery of necessary road improvement schemes.	Noted.	None.	010/3
Alvechurch Parish Council	- Agree	Noted.	None.	022/6

Question 8: Please give us your views on proposed Policy DM05 - Environmental Protection – Noise and Vibration

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- Agree	Noted.	None.	022/7

Question 9: Please give us your views on proposed Policy DM06 - Environmental Protection – Light

Response from:	Comments	LPA Response	Action	Ref
Highways England	- The establishment of this policy is welcomed - Recommendation that the policy accords with requirements outlined by the Institution of Lighting Engineers (ILE) with evidence submitted in the form	Noted. Reference to guidance set out by the Institute Lighting of Professionals is included in the Preferred Options Document.	Comments have been taken into account and incorporated into the supporting text of the	010/4

	of an external lighting report.		policy.	
Susan Fleming on behalf of Clear Channel UK Ltd	<ul style="list-style-type: none"> - Consideration has to be given to public safety in specific environments and the ability for individuals and businesses to adequately protect themselves against criminal activity. 	Noted. The proposed policy recognises that well-designed lighting can make a positive contribution to the urban environment, providing safe environments for a range of activities.	Comments have been taken into account and incorporated into the supporting text of the policy.	025/4
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable for the rural adjoining parish of Alvechurch. 	Noted.	None.	022/8

Question 10: Please give us your views on proposed Policy DM07 - Environmental Protection – Land Contamination

Response from:	Comments	LPA Response	Action	Ref
	<ul style="list-style-type: none"> - DMO7 is welcomed as it could provide further support for the protection of groundwater resources within the city and build upon BDP Policy TP6. - Land contamination can be a significant source of water pollution in the environment. The following principles are used when assessing the effect on groundwater solutions; The Precautionary principle; Risk-based approach; Groundwater protection hierarchy - We recommend these principles are incorporated into a policy addition to Policy DM07 as to deliver the Water Framework Directive. - Where the potential consequences of a development or activity are serious or irreversible the precautionary principle will be applied to the management and protection of water 	Noted. It is recognised that contamination of land can have adverse impacts on human health, wildlife and contribute to the pollution of water bodies. BDP Policy TP6 Management of Flood Risk and Water Resources states that "Proposals should demonstrate compliance with the Humber River Basin Management Plan exploring opportunities to help meet the Water Framework Directive's targets. Development will not be permitted where a proposal would have a negative impact on surface water (rivers, lakes and canals) or groundwater quantity or quality either directly through pollution of groundwater or by the mobilisation of contaminants already in the ground." The supporting text of the policy refers to the Environment Agency's principles in managing risks to groundwater (the precautionary principle, risk based approach and groundwater protection hierarchy).	Comments have been taken into account and incorporated into the supporting text of the policy.	012/2
Alvechurch Parish Council	<ul style="list-style-type: none"> - Agree 	Noted.	None.	022/9

Question 11: Please give us your views on proposed Policy DM08 – Private Hire and Taxi Booking Offices

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	<ul style="list-style-type: none"> - No effect on Alvechurch Parish unless adjacent to existing property. 	Noted.	None.	022/10

Question 12: Please give us your views on proposed Policy DM09 – Education Facilities - Use of Dwelling Houses

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- May have an adverse effect through increased traffic if adjacent to existing property.	Noted. Proposed policy on DM13 Highway Safety and Access and DM14 Parking and Servicing addresses these impacts of development. The Preferred Options Document also includes a policy on Day nurseries and early years provision (DM9) and a policy on Places of worship and faith related community uses (D10) which covers proposals for the use of dwelling houses for education facilities.	None. Comments have been taken into account and incorporated into proposed policy.	022/11
Question 13: Please give us your views on proposed Policy DM10 – Education Facilities – Non Residential Properties				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- May have an adverse effect through increased traffic if adjacent to existing property	Noted. Proposed policy on DM13 Highway Safety and Access and DM14 Parking and Servicing addresses these impacts of development. The Preferred Options Document also includes a policy on Day nurseries and early years provision (DM9) and a policy on Places of worship and faith related community uses (D10) which covers proposals for the use of dwelling houses for education facilities.	None. Comments have been taken into account and incorporated into proposed policy.	022/12
Question 14: Please give us your views on proposed Policy DM11 – Hotels and Guest Houses				
Response from:	Comments	LPA Response	Action	Ref
Turley on behalf of Calthorpe Estates	- Ensure that policy is sufficiently flexible to ensure that high quality niche offerings are not unduly restricted by broad blanket policies.	Policies specifically for Restaurants/ Cafes/ Pubs and Hotels and Guest Houses are not proposed in the Preferred Options Document. The proposed draft policies are unlikely to restrict niche offerings in any way.	None.	019/3
Alvechurch Parish Council	- Applicable if adjoining property in the rural adjoining parish of Alvechurch.	Noted.	None.	022/13
Question 15: Please give us your views on proposed Policy DM12 – Houses in Multiple Occupation - City-wide				
Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	- Policy should restrict the development of HMOs where they will impact on the standards of residential amenity and character the area - The cumulative effect of HMOs in an area to also be considered.	Noted. Proposed policy DM10 HMOs and other non-family housing and DM2 Amenity address the individual and cumulative impacts of HMOs on residential amenity.	None. Comments have been taken into account and incorporated into proposed policy.	006/4
Summerfield Residents Association	- SRA collectively registers support for the introduction of an Article 4 Direction in parts of Ladywood Ward.	Comments are noted. However, this consultation relates to the Development Management DPD. The process for considering further Article 4 Direction area is separate to the DPD process. Justification for an	The request for an Article 4 Direction for parts of	011/1

	<ul style="list-style-type: none"> - It would provide control over increasing concentration of Houses in Multiple Occupation (HMOs) in this historic residential area, which is blighted with an over proliferation of such properties (including hostels). - A desire to attract more families to the area as achieved by SRB6 and Housing Market Renewal Initiatives. - Concerned with related ancillary issues associated with HMO's such as parking/anti-social behaviour - Concern on the proliferation of 'To Let' signs and associated negative connotations 	<p>Article 4 Direction is based on whether the exercise of permitted development rights would undermine local objectives to create or maintain mixed communities. Government guidance states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. It is considered that a strategic approach is needed for addressing issues with HMOs. In assessing the need for further Article 4 Directions, a city-wide analysis will be undertaken to assess the locations and concentration of HMOs. A mapping exercise of the licensed HMOs, along with Council Tax N exemptions and planning consents for Sui Generis HMOs is underway.</p> <p>The introduction of the new licensing rules will require many more properties to be licenced resulting in enable a better understanding of the location and numbers of HMOs in the City. Based on analysis of this intelligence, a more robust and strategic approach to the need for consideration for further Article 4 Direction Areas can be taken to ensure that there is a sound basis for an Article Direction to be pursued. This work is underway and will be reported to the Corporate Director for Economy in February 2019.</p> <p>The concern regarding the over-concentration of HMOs is acknowledged. The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. See draft policies in the Preferred Options Document.</p>	<p>Ladywood Ward is noted. A city-wide analysis will be undertaken to consider the need for further Article 4 Direction Areas. This work is underway and will be reported to the Corporate Director for Economy in February 2019.</p>	
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Article 4 Areas should address the need for appropriate crime prevention measures in terms of location, design, layout and other infrastructure to reduce crime and the fear of crime. 	<p>Comments are noted. However, this consultation relates to the Development Management DPD. The process for considering further Article 4 Direction area is separate to the DPD process. The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.</p>	None.	016/4
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/14
Ladywood District Committee	<ul style="list-style-type: none"> - There is very strong support for this approach. - Not every, but many, landlords do not maintain their properties or surroundings; or manage the behaviour of their tenants, leading to deterioration of neighbourhoods and tensions within local communities. - These properties are often occupied by vulnerable individuals; our concern is about landlords who 	<p>Noted. The concern regarding the over-concentration of HMOs is acknowledged. The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. See draft policies in the Preferred Options Document. It is also important that adequate living conditions are provided for occupants of HMOs. The licensing of HMOs is a separate regulatory regime to planning and seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and</p>	None.	024/1

	seem to feel no responsibility to support these individuals.	access to basic facilities such as a kitchen, bathroom and toilet.		

Question 16: Please give us your views on proposed Policy DM13 – Houses in Multiple Occupation – Article 4 Areas

Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Concern about exclusion of Bournbrook from the Article 4 area. - Supplementary planning guidance should ensure the standards of residential amenity and character of an area are maintained and cumulative impact is taken into account. 	Bournbrook was excluded from the Article 4 Direction area as it would be ineffective due to the already high concentration of HMOs. The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. See draft policies in the Preferred Options Document.	None.	006/5
Summerfield Residents Association	<ul style="list-style-type: none"> - SRA collectively register support for the introduction of an Article 4 Direction in parts of Ladywood Ward. - It would provide control over increasing concentration of Houses in Multiple Occupation (HMOs) in this historic residential area, which is blighted with an over proliferation of such properties (including hostels). - A desire to attract more families to the area as achieved by SRB6 and Housing Market Renewal Initiatives. - Concerned with related ancillary issues associated with HMO's such as parking/anti-social behaviour - Proliferation of 'To Let' signs 	See above response to 011/1	See above action to 011/1	011/2
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Policies DM12 Houses in Multiple Occupation and DM13 Houses in Multiple Occupation – Article 4 Areas, address the need for appropriate crime prevention measures - Appropriate measures suggested included location, design, layout and other infrastructure to reduce crime and the fear of crime. 	The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	016/5
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/15

Question 17: Please give us your views on proposed Policy DM14 – Flat Conversions

Response from:	Comments	LPA Response	Action	Ref
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Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Proposals to convert houses into flats should take into account the standards of residential amenity - Not have an adverse impact on the character of an area. - The cumulative effect should also be considered. - The requirement to accommodate parking on site should be given priority. 	The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. Impact of development on highway safety and access, parking and servicing are covered by proposed policies DM13 Highway Safety and Access and DM14 Parking and Servicing. See draft policies in the Preferred Options Document.	None. Comments have been taken into account and incorporated into proposed policy.	006/6
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/16

Question 18: Please give us your views on proposed Policy DM15 – Hostels and Residential Homes

Response from:	Comments	LPA Response	Action	Ref
Summerfield Residents Association	<ul style="list-style-type: none"> - SRA collectively register support for the introduction of an Article 4 Direction in parts of Ladywood Ward. - It would provide control over increasing concentration of Houses in Multiple Occupation (HMOs) in this historic residential area, which is blighted with an over proliferation of such properties (including hostels). - A desire to attract more families to the area as achieved by SRB6 and Housing Market Renewal Initiatives. - Concerned with related ancillary issues associated with HMO's such as parking/anti-social behaviour - Proliferation of 'To Let' signs 	See response to 011/1	See response 011/1	011/3
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/17

Question 19: Please give us your views on proposed Policy DM16 – 45 Degree Code

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	Agree	Noted.	None.	022/18

Question 20: Please give us your views on proposed Policy DM17 – Planning Obligations

Response from:	Comments	LPA Response	Action	Ref
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Highways England	<ul style="list-style-type: none"> - Highways England supports the updated policy including continued use of Planning Obligations for developments not otherwise considered through the Community Infrastructure Levy (CIL). - In accordance to the response for the BDP, there is requirement for an improvement scheme at M42 Junction 9 following the Langley and Peddimore developments - The above needs, as identified and recorded in the city's Infrastructure Development Plan (IDP), were excluded from the Draft Regulation 123 list which enables these to be delivered via the CIL. Improvements, therefore, associated with these developments would need to be provided through Planning Obligations. - The updated policy should therefore be supportive of the provision of this infrastructure. Needs to be flexible, however, as to address any future infrastructure needs that may threaten the functionality of the SRN. 	With regard to the Sustainable Urban Extension (SUE) at Langley and Peddimore, all on site infrastructure requirements will not be funded by CIL and S106 contributions will instead be sought. This is stated within the current Regulation 123 list. This will include improvements to Junction 9 of the M42.	None.	010/5
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Welcomes the inclusion of Policy DM17 Planning Obligations - Request that reference be made, either within the policy or within the supporting justification, to the potential requirement for contributions to be made towards Police infrastructure. 	A policy on Planning Obligations is no longer proposed in the Preferred Options Document as it is covered by the BDP Policy on Developer Contributions.	None.	016/6
Alvechurch Parish Council	<ul style="list-style-type: none"> - Agree 	Noted.	None.	022/19

Question 21: Please give us your views on proposed Policy DM18 – Telecommunications

Response from:	Comments	LPA Response	Action	Ref
Mono Consultants on behalf of Mobile Operators Association	<ul style="list-style-type: none"> - We consider it important that there is a specific telecommunications policy within the emerging DM DPD is line with national guidance provided in Section 5 of the NPPF. - When considering applications for telecommunications development, the planning authority should consider operational requirements of telecommunications networks and the technical limitations of the technology.- - "Proposals for telecommunications development will be permitted provided that the following criteria are met 	Noted. Comments have been taken into account and incorporated into proposed policy.	Comments have been taken into account and incorporated into proposed policy.	014/1

	<p>(i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;</p> <p>(ii) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;</p> <p>(iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.</p> <p>(iv) If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.</p>			
Alvechurch Parish Council	- Masts or other equipment seen from Alvechurch parish or other bordering authority's properties should not be considered.	The provision of advanced high quality communications infrastructure to serve local business and communities plays a crucial role in the national and local economy. The proposed policy for Telecommunications seeks to ensure the right balance is struck between providing essential telecommunications infrastructure and protecting the environment and local amenity.	None.	022/20

Question 22: Please give us your views on proposed Policy DM19 – Aerodrome Safety

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	Not applicable to Alvechurch	Noted.	None.	022/21

Question 23: Please give us your views on proposed Policy DM20 – Tree Protection

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	Agree.	Noted.	None.	022/22

Question 24: Please give us your views on proposed Policy DM21 – Advertisements				
Response from:	Comments	LPA Response	Action	Ref
Highways England	<ul style="list-style-type: none"> - Highways England would be supportive of a policy which provides greater detail and guidance in determining decisions on relevant planning applications for advertisements, in relation to road safety. - Ongoing consultation on the drafting of this policy, to mitigate the potential for any adverse impacts on the safety and functionality of the SRN would be desirable. 	Noted. The proposed policy for Advertisement (DM7) seeks to ensure that they are designed to a high standard and are suitably located, sited and designed to have no detrimental impact on public and highway safety or to the amenity of the area.	None. Comments have been taken into account and incorporated into proposed policy.	010/6
Turley on behalf of Aberdeen Asset Management	<ul style="list-style-type: none"> - Policies of particular interest to AAM are proposed policies DM21 'Advertisements' and DM23 'Design'. - The Council should seek to ensure that there is sufficient flexibility within the policies to ensure that developers are not overly restricted in what they are able to do. 	Noted. The proposed policy on Advertisements strikes the right balance between flexibility and protection of the character of buildings and the surrounding area.	None.	013/2
Steve George, Managing Director, Signature Outdoor	<ul style="list-style-type: none"> - BCC's objective, in our view, has been to develop futuristic iconic displays in city centre locations. - The balance of providing social and commercial opportunities through the network has seen the reduction of overall displays and the eradication of traditional displays must be considered as progress. 	Noted.	None.	017/1
Turley on behalf of Calthorpe Estates	<ul style="list-style-type: none"> - 'Advertisements' should be efficient, effective and simple in concept and operation. - Advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to detailed assessment. - Advertisements should be subject to control only in the interests of amenity and public safety. 	Noted. As well as public safety and amenity the proposed policy seeks to ensure that advertisements are well designed and relate well in scale and character to a building or surrounding area.	None.	019/4
Primesight	<ul style="list-style-type: none"> - Care must be taken to ensure that such policies do not conflict with the strict requirements of the 1990 (controlled in the interests of amenity and public safety). - The promotion of innovation in advertising and signage in the interests of amenity and public safety - Recognition of the positive role that advertising can play when appropriately designed and sited. - Recognition of the existing amenity of a site and street scene when assessing the relative impact of a 	Noted. As well as public safety and amenity the proposed policy seeks to ensure that advertisements are well designed and relate well in scale and character to the building/ structure it is located on and the surrounding area.	None.	021/2

	proposed advertisement scheme.			
Susan Fleming on behalf of Clear Channel UK Ltd	<ul style="list-style-type: none"> The Development Plan and subsequent policy adopted must not constrain or prevent sensible large format media/digital advertising 	The proposed policy will not constrain advertisements but ensure that advertisements are well designed, relate well in scale and character to a building or surrounding area and are suitably located, sited and designed having no detrimental impact on public and highway safety or to the amenity of the area.	None.	025/5
Alvechurch Parish Council	<ul style="list-style-type: none"> Masts visible from the Alvechurch Parish or adjoining authority could have a possible negative impact 	Noted.	None.	022/23
Question 25: Please give us your views on proposed Policy DM22 – Places of Worship				
Response from:	Comments	LPA Response	Action	Ref
None	None			
Question 26: Please give us your views on proposed Policy DM23 – Design				
Response from:	Comments	LPA Response	Action	Ref
Environment Agency	<ul style="list-style-type: none"> Policy DM23 recommend consideration of how developments will interact with rivers and streams that flow through their boundaries in order to adequately integrate them. Should build upon and provide further clarity to the requirements of BDP Policy TP6. This policy should be drafted in consultation with your Lead Local Flood Authority who have responsibility for maintaining Ordinary Watercourses within the city. 	Detailed design guidance on how development should be designed to contribute to the green and blue infrastructure in the city will be contained within the emerging Birmingham Design Guide.	Comments to be taken into account in the Birmingham Design Guide.	012/3
Turley on behalf of Aberdeen Asset Management	<ul style="list-style-type: none"> Proposed policy DM23 is of particular interest to AAM given the central location of City Centre House in the retail core. 	Noted.	None.	013/3
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> The PCCWM supports Policy DM23 Design in its consideration of crime and disorder. Requirements for proposals to meet 'Secured by Design' principles when considering elements such as shop fronts, housing, tall buildings, hard and soft landscaping etc. would be welcomed. 	See response to 016/2	See response to 016/2	016/7

Turley on behalf of Calthorpe Estates	<ul style="list-style-type: none"> - Policy DM23, is of particular interest given the proposals identified in the Edgbaston Planning Framework. - The policies need to be sufficiently flexible as to respond to areas historic character and of retailing. 	Noted. A policy for Design is no longer proposed in the Preferred Options Document as it is considered to be covered by BDP Policy PG3 Place-making. Detailed design guidance will be provided through the emerging Birmingham Design Guide.	None. Detailed design guidance will be provided through the emerging Birmingham Design Guide.	019/5
Primesight	<ul style="list-style-type: none"> - An overarching design policy that is clearly integrated with advertisement policy is welcomed. 	Noted. A policy for Design is no longer proposed in the Preferred Options Document as it is considered to be covered by BDP Policy PG3 Place-making. Detailed design guidance will be provided through the emerging Birmingham Design Guide.	None. Detailed design guidance will be provided through the emerging Birmingham Design Guide.	021/3
Alvechurch Parish Council	<ul style="list-style-type: none"> - Properties close to the Birmingham boundary in Alvechurch Parish or adjoining authority could be thought as having a potential to be negatively affected by design. 	Noted.	None.	022/24

Question 27: Please give us your views on proposed Policy DM24 – Residential Amenity and Space Standards

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	<ul style="list-style-type: none"> - Agree. 	Noted.	None.	022/25

Question 28: Please give us your views on Enforcement

Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Council should continue to take action to prevent the continuation of development where breaches in planning regulations have occurred. - Where an applicant seeks retrospective consent, development should be prevented until this is approved. - Council to make full use of powers to prevent unauthorised development and curb flagrant abuses as required, considering the merits of each case individually - Local interest groups to be recognised as a good source of information 'on the ground' to 'police' unauthorised developments in an area. 	Noted. A policy for Enforcement is no longer proposed in the Preferred Options Document. The Council instead will be preparing a Local Enforcement Plan which will set out its policy and procedure for enforcing planning control and handling planning enforcement issues.	None.	006/7
Alvechurch Parish Council	<ul style="list-style-type: none"> - Supported, if enforcement is carried out properly on any development that may negatively impact on 	Noted.	None.	022/26

	bordering authority properties.			
Question 29: Do you have any comments about the assessment of existing policies in Appendix 1?				
Response from:	Comments	LPA Response	Action	Ref
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	<ul style="list-style-type: none"> - The retention of the Archaeology Strategy SPG and the Regeneration through Conservation SPG is welcomed - The Archaeology Strategy SPG, like the Regeneration through Conservation SPG, should be absorbed within, and superseded by, the Historic Environment SPD when that is produced. 	The Archaeology Strategy SPG and the Regeneration through Conservation SPG will be superseded by the Birmingham Design Guide SPD once adopted.	Comments to be taken into account in the Birmingham Design Guide.	015/3
Tony Thapar on behalf of Moseley Regeneration Group	<ul style="list-style-type: none"> - Concerned with conservation of the Moseley character - Ensure that there is a diverse range of housing tenures in the neighbourhood. - Concerned with revoking area of restraint for Moseley/ Sparkbrook. 	<p>Policies in the BDP seek to value, protect, enhance and manage the historic environment. The Moseley SPD, adopted in 2014, sets out a vision for Moseley. One of the objectives is to protect its historical legacy. The Moseley Regeneration Group has led on the preparation of the SPD and the development of detailed guidance in relation to the protecting and enhancing the character of Moseley.</p> <p>BDP policies TP27 and TP30 require development to contribute to creating sustainable neighbourhoods characterised by a wide choice of housing sizes, types and tenures to ensure balanced communities.</p> <p>The Areas of Restraint are very out dated and can only be afforded limited weight. It is considered that the issues which the Areas of Restraint seek to address can be adequately covered by existing BDP policies and the proposed policies in the Preferred Options Document namely BDP Policy TP27, TP30, PG3, DM2, DM10, DM13 and DM14.</p>	None.	027/1
Primesight	<ul style="list-style-type: none"> - It is proposed to revoke this SPG rather than update it. It is unclear why a different approach has been taken to that of the Large Format Banners SPD, which on the face of it performs a comparable role. We look forward to receiving the consultation on the draft of the section to be retained in the new policy DM21. 	The Location of Advertisement Hoardings SPG is regarded as being out-of-date, as it does not address more recent developments such as digital media. Some of the content should be included in the DPD policy.	None.	021/4
Question 30: Do you have any other comments? For example, do you think we have omitted anything, or are there any alternative options?				
Response from:	Comments	LPA Response	Action	Ref
North Warwickshire Borough Council	<ul style="list-style-type: none"> - Possible strategic issues relating to policies DM04/06/09/10/11/07 and implementation arising 	Noted	An ongoing dialogue with NWBC will be	001/1

	from the cumulative impact of development to the east of Birmingham.		required.	
Stafford Borough Council	<ul style="list-style-type: none"> - Stafford Borough Council do not have any key issues or concerns with the DPD. 	Noted.	None.	004/1
The Coal Authority	<ul style="list-style-type: none"> - We have no specific comments to make at this stage. 	Noted.	None.	005/1
Historic England	<ul style="list-style-type: none"> - Historic England welcomes the continued reference and commitment to the preparation of a Historic Environment SPD to enable the effective delivery of Policy TP12 of the BDP. 	Detailed design guidance on how development should be designed to value, protect, enhance and manage the historic environment will be contained within the emerging Birmingham Design Guide.	Comments to be taken into account in the Birmingham Design Guide.	003/1
Environment Agency	<ul style="list-style-type: none"> - Suggestion of an additional policy entitled 'Environmental Protection – Water' as to build on BDP Policy TP6. - Policies should ensure that development does not comprise the ability to meet the required WFD objective of Good Status. To accomplish this we recommend: - A Water Cycle Study to pull together all the available information on water resource availability and water quality to inform detailed development management policies. This should be undertaken in liaison with Severn Trent Water and the Environment Agency with reference to the Humber River Basin Management Plan (RBMP). - A policy is required regarding foul drainage infrastructure. The increased volume of waste water and sewage effluent produced by the proposed additional 50,000 dwellings will need to be treated to a high enough standard, it is likely that a blanket policy is required to cover all developments and ensure the sewerage system has adequate capacity to manage any additional flows. We suggest the following condition wording to be included within this DPD, as supported by Severn Trent water's Hearing Statement. 	BDP Policy TP6 (as modified) provides city-wide strategic policy on flood risk and the water environment. Consequently, an additional policy as suggested is not considered necessary.	None.	012/4
Frankley Parish Council	<ul style="list-style-type: none"> - Brownfield across Greater Birmingham and Solihull LEP and the Black Country Authorities should be utilised prior to Green Belt. - Sites within these areas and those within the Authorities identified in the Duty to Co-operate as having capacity for housing should be examined. Deliverable / developable land in the Black Country provides capacity for around 65,000 dwellings, 	Comments are noted. However, this repeats comments made in connection with the Birmingham Development Plan Modifications, and does not relate to the content or purpose of the DM DPD.	None.	002/1

	<ul style="list-style-type: none"> - offering land for employment and housing. The projected housing numbers should be reviewed to ensure they are accurate. Many of the reports regarding migration are 5 years old. Until the population statistics and housing requirements are justified, the Green Belt should remain untouched. 			
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Concerns surrounding the concentration of student development in Selly Oak destroying neighbourhood character. A more balanced approach to land-use would be welcomed - Car parking concerns arising from purpose built student housing developments that have no associated parking facilities. 	Noted. The BDP contains a policy in relation to proposals for purpose built student accommodation (Policy TP33 Student accommodation). Development must have an unacceptable impact on the local neighbourhood and residential amenity. As set out in the Preferred Options Document, all should ensure that the operational and parking needs of development are met and avoid highway safety problems and protect the local amenity and character of the area.	None.	006/8
Lichfield District Council	<ul style="list-style-type: none"> - We have no issues to raise. 	Noted.	None.	008/1
Health & Safety Executive	<ul style="list-style-type: none"> - When consulted on land-use planning matters, HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard installations and major accident hazard pipelines (MAHPs) is achieved. - Detailed technical advice provided. 	Noted. Supporting text to the proposed policy DM3 land affected by contamination and hazardous substances states that decisions will take into account the advice of the HSE, together with guidance in HSE's Land Use Planning Methodology.	Comments taken into account in proposed policy DM3 land affected by contamination and hazardous substances	007/1
Sandwell MBC	<ul style="list-style-type: none"> - We do not feel this DPD raises any strategic issues. 	Noted.	None.	009/1
BCC Transportation	<ul style="list-style-type: none"> - Addition of a transport policy to address detailed considerations in respect of planning applications, planning conditions, car parks, the Parking Guidelines SPD and potential Travel Plans SPD. 	Noted. Comments taken into account in proposed policy DM13 Highway Safety and Access and DM14 Parking and Servicing.	Comments taken into account in proposed policy DM13 Highway Safety and Access and DM14 Parking and Servicing.	Internal
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	<ul style="list-style-type: none"> - Suggest that the DPD contains cross-references to BDP policies and a table, similar to Table 3 in the Appendix of the consultation document, which lists topics that are not included in the Development Management DPD because they are covered by BDP policies. 	Cross reference to relevant BDP and other local plan policies and guidance has been included. An appendix in the Preferred Options Document lists the topics that are not included in the Preferred Options Document.	No further action. Comments have been taken into account.	015/4
Natural England	<ul style="list-style-type: none"> - Natural England does not consider that this Development Management DPD poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation. This does not mean there are no impacts on the natural environment. 	Noted.	None. Natural England is a Specific Consultation Body and will continue to be consulted in accordance with the Development Plan	020/1

Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Additional policies requested (see below) - Development management policies specific to Listed Buildings and Conservation Areas. Consideration could be given to the use of alternative materials and/or artefacts which are less likely to be vulnerable to repeat theft. The policy should suggest the use of 'alternative' materials to replace building materials and artefacts stolen to reduce crime and the fear of crime - Policies requiring a comprehensive maintenance programme to offer sustainability for buildings once they have been constructed, this might include: The regular pruning and trimming of trees and bushes to encourage surveillance and prevent concealment, the removal of graffiti and signs of vandalism, regular litter and waste patrols. - Another recommendation includes the formulation of a policy, SPD, or model conditions that seeks to control the design and location of ATMs. Examples of 'model' conditions include, adequate lighting, defensible space, CCTV, anti-ram barriers, dedicated parking areas. 	The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	Regulations. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	016/8
Severn Trent Water	<ul style="list-style-type: none"> - No specific comments to make, but please keep us informed. 	Noted.	Consult at next stage of consultation.	018/1
Turley on behalf of Calthorpe Estates	<ul style="list-style-type: none"> - DM03 and DM11 should be sufficiently flexible to ensure that high quality niche offerings are not unduly restricted by blanket policies intended to deal with more standard / typical developments as to create a vibrant urban village. - The DPD should ensure that there is sufficient flexibility creating a more interesting built environment befitting of a world class city. 	The proposed draft policies are unlikely to restrict niche offerings in any way.	None.	019/6
Alvechurch Parish Council	<ul style="list-style-type: none"> - No Transport policy to consider cross boundary transport integration. 	Cross boundary transport integration is a strategic planning consideration which is addressed in the BDP.	None.	022/27
The Moseley Society	<ul style="list-style-type: none"> - We will be very interested to see the detailed policies when they are published for consultation. - We welcome a new statement on Enforcement and hope that enforcement receives sufficient resources. 	Noted. A policy for Enforcement is no longer proposed in the Preferred Options Document. The Council instead will be preparing a Local Enforcement Plan which will set out its policy and procedure for enforcing planning control and handling planning enforcement issues.	None.	023/1
Castle Bromwich Parish Council	<ul style="list-style-type: none"> - Councillors to reply individually to consultations rather than submit a 'parish council' view. 	Noted.	None.	026/1

Appendix G

Regulation 18 (Preferred Options) Consultation Responses

Development Management in Birmingham Preferred Options Consultation: Summary of comments and BCC Response					
General Comments regarding Development Management DPD and SA					
Response from:	Support Policy Approach?	Comments and Main Issues Raised	LPA Response	Action	Ref
Jane Harding from Birmingham Trees for Life	N/A	<ul style="list-style-type: none"> - Green infrastructure is a crucial element of high quality urban design and its importance cannot be over-stated. - Ensure that green infrastructure is central to all development in the city, especially the city centre and immediate surrounding areas. 	Noted. Policies in the adopted BDP seek to protect and enhance the green infrastructure network and biodiversity and geodiversity in the city (policies TP7 and TP8).	No further action.	008/16
Jonathan Lee	N/A	<ul style="list-style-type: none"> - It would be better to separate out the HMO section into a separate consultation as residents are passionate about this subject. - I think this very important subject seems to be a little buried in the wider consultation but I wholeheartedly appreciate the opportunity to input into the process and agree with the Council's proposed policies. 	Noted. The DMB will provide a single source point for all development management policies which can be read in conjunction with each other. Separating out the HMO policy from the other development management policies would not be considered useful.	No further action.	
Scott Hewer	N/A	<ul style="list-style-type: none"> - Please make the city more cycle friendly and with MUCH better public transport- that's the only way to lower pollution and create a greener, more inviting and pleasant city for all. 	Noted. The city's transport vision is set out in the Birmingham Development Plan (BDP), Birmingham Connected and other documents such as the Walking and Cycling Strategy and Infrastructure Plan. The adopted BDP sets out the key policies in relation to the establishment of a sustainable transport network and promotes public transport (TP41), walking (TP39), cycling (TP40), the use of low emission vehicles (TP43) and the use of technology to help users navigate and explore the city by all modes of transport.	No further action.	014/16
Iris Bertz	N/A	<ul style="list-style-type: none"> - The limiting of HMO is really important to sustain and improve the quality of live in Birmingham. 	Noted.	No further action.	015/16

Susan Lane	N/A	<ul style="list-style-type: none"> - Focus on new developments leaves an open question about what already exists that may not meet this standard or be creating a public nuisance that could be ameliorated - Enforcement of standards in existing developments may be more critical for quality of life for most people than this plan - No sense of the Council taking initiatives to create change and development in this document - More weight/focus should be given to site around the city that have been neglected or abandoned - There should be discussion of how the Commonwealth Games developments may influence the delivery of this plan - No sense of the complexity and challenge of the city's diversity of needs in the plan - Good aspirations but will be difficult in practice without more neighbourhood engagements. Needs indication of how this might be achieved. - Document is not user friendly. Needs brief summary/conclusions. - More explanation of how the proposals will make the city a better place to live and work in long term/future generations 	Noted. Planning enforcement is undertaken in the event of a breach of planning control. As explained in the Introduction to the document the purpose of the DMB is to provide detailed development management policies which are non-strategic and provide detailed often criteria based policies for specific types of development. The policies will give effect to, and support, the strategic policies set out in the Birmingham Development Plan (BDP), adopted in January 2017. Para 1.9 explains the structure of the document. Each policy begins with an introduction setting out the purpose of the policy.	No further action.	019/16
Helena France	N/A	<ul style="list-style-type: none"> - As your policy says a concentration of more than 10% of properties in a radius of 100 metres is detrimental to the community. Current concentration of HMOs in Selbourne Rd, Handsworth wood Rd, Endwood Court Rd triangle is currently 30% + with a high % of these being Supported Living. This is leading to families moving out of the area - Extra pressure on Police, Health Providers, Refuse Collection - Tensions between residents - Pressure on Parking - Unsuitable levels of support for the Supported Living Residents 	Noted. Consideration will be given to how planning applications will be assessed in such scenarios.	No further action.	022/16
Devinder Kumar from Reservoir Residents Association	N/A	<ul style="list-style-type: none"> - Emerging issues of office-to-residential conversions - Request department engages with their peers in other cities to establish emerging issues and trends and address these in the DMB and BDP - Proposes Birmingham to apply for an Article 4 direction for removing permitted development rights to convert use Class B1[a] to C3, C4 or HMO (sui generis) in areas where there is already a cumulative overconcentration of HMO, class N exempt properties or PBSA development. - Most marked increase to housing stock was in "change of use" with many offices converted to flats. Suggest 	Birmingham is part of the Core Cities Group and regularly engages with other Core Cities on a wide range of matters. The City Council's Cabinet took a decision at a Cabinet meeting on 14 May to apply a City-wide Article 4 Direction in relation to small HMOs with the effect of removing permitted development rights from C3 use to C4 use. A non-immediate Article 4 Direction was recommended and accepted by Cabinet in order to negate the risks of compensation claims made to the Council as a result of any	No further action.	025/16

		<p>that this is partly driven by article 4 directions on HMO.</p> <ul style="list-style-type: none"> - Many conversions of offices into intensive accommodation with boom partly down to new "permitted development rights, resulting in many unfit conversions and overconcentration similar to HMOs. These converted homes under PD do not have to meet minimum floor area standards and do not have to include any affordable housing - Completely support the Council's proposals for a city-wide article 4 direction on HMO, albeit with a few additional conditions/stronger wording and criteria against which applications are considered. - Cumulative effect of class N exemptions, HMO, PBSA and office-to-residential should be used as criteria against which planning application are judged. - Precedence of making a non-immediate Article 4 to remove the permitted development rights for change of use from office to residential. Councils in Hackney and Manchester are currently consulting on this. 	loss of expenditure or abortive costs incurred as a result on the Article 4 Direction.		
Michael William Reed	N/A	<ul style="list-style-type: none"> - Plan seems to focus on the city centre not the whole city with a lack of emphasis on communities and their needs - Plan seems impractical given the current financial and resources position of the council. 	The DMB policies are to be applied city wide unless specified otherwise.	No further action.	035/16
Hazel McDowall from Natural England	N/A	<ul style="list-style-type: none"> - Natural England welcome that many of the comments in their response to the Scoping Report (August 2018) have been taken into account. - However, we note that the Habitats Regulation Assessment (HRA) summary that is referred to in the Sustainability Appraisal paragraph 1.6 does not seem to be at paragraph 5.8 as indicated. The document we are viewing from the web site ends at paragraph 5.4. 	<p>Noted. The drafting error will be corrected in the Publication Version of the SA by way of specific reference to the 2013 HRA prepared for the BDP (link below).</p> <p>https://www.birmingham.gov.uk/download/downloads/id/1523/sub6_pre-submission_habitat_regulations_assessment_2013.pdf</p>	<p>The drafting error will be corrected in the Publication Version of the SA by way of specific reference to the 2013 HRA prepared for the BDP (link below).</p> <p>https://www.birmingham.gov.uk/download/downloads/id/1523/sub6_pre-submission_habitat_regulations_assessment_2013.pdf</p>	040/16
Samantha Pritchard from Birmingham and Black Country Local Nature Partnership	N/A	<ul style="list-style-type: none"> - B&BC LNP are disappointed the documents does not include policies on biodiversity and heritage and sustainable urban drainage arrangements. a) Inclusion of which would protect biodiversity from direct and indirect impacts of new developments and support the incorporation and creation of a robust ecological network within the Birmingham city centre b) LNP wishes to bring attention to the spring statement 2019 published by the Government on 13th March which confirmed that the Government will use the forthcoming Environment Bill to mandate Biodiversity net gain for development in England. As such although full details of the mandate has not yet 	<p>Noted. Policy DM4 has been amended to strengthen references to ecological networks and biodiversity net gain. Biodiversity, heritage and sustainable urban drainage are addressed in the BDP in policies TP8, T12 and TP6 respectively Further guidance on these issues will also be included in the emerging Birmingham Design Guide SPD, and is already available in the Council publication <i>Sustainable Drainage: Guide to Design, Adoption and Maintenance</i> (June 2015). The need for specific policy/guidance on the Council's approach to biodiversity net gain will</p>	<p>Amend now point 1 and 2 of the policy:</p> <ol style="list-style-type: none"> 1. All developments must take opportunities to provide high quality landscapes <u>and townscapes</u> that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places <u>and a coherent and resilient ecological network</u>. 2. The composition of the <u>proposed</u> landscape <u>should shall</u> be appropriate to 	041/16

		<p>been provided. The LNP would encourage the inclusion of a policy covering net biodiversity gain for new developments.</p>	<p>be reviewed when details of mandatory requirements are published as part of the forthcoming Environment Bill.</p>	<p>the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees and other green infrastructure, create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement, as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.</p> <p>Amend now paragraph 2.33 to:</p> <p>Maintaining and expanding the green infrastructure network throughout Birmingham is a key part of the City's growth agenda, and provides net gains for biodiversity. Green landscaping (including trees, hedgerows and woodland) forms a critical part of this network and provide a multitude of benefits, having a positive impact on human health and improving the quality of visual amenity and ecological networks. This policy seeks to ensure that landscaping is an integral part of the overall design of development. It also sets out criteria for how existing landscaping should be considered in development proposals.</p> <p>Amend now paragraph 2.35 to:</p> <p>New development has a clear role in supporting the City's approach to green infrastructure, and can contribute to and enhance the landscape, provide biodiversity net gain and help to reduce the impact of climate change. Each development site will be able to contribute to the green infrastructure network in appropriate ways reflecting the site context and location. The ecological network is currently described in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022, which identifies opportunities for habitat creation,</p>	
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				<p><u>restoration and enhancement within Core Ecological Areas, Ecological Linking Areas and Ecological Opportunity Areas. This strategy, and subsequent revisions, should be referenced to ensure new development is in keeping with the surrounding landscape and supports the maintenance of a resilient and coherent ecological network.</u></p> <p>TP8 Biodiversity and Geodiversity will be added to the Policy Links.</p>	
Samantha Pritchard from The Wildlife Trust for Birmingham and Black Country	N/A	<ul style="list-style-type: none"> - Wildlife Trust notes that the document does not include policies on biodiversity, which would be designed to support the protection of biodiversity from both direct and indirect impacts of new developments. - Document should support the incorporation and creation of a robust ecological network within the Birmingham city centre which would retain the existing green infrastructure while supporting the creation of further infrastructure - Wildlife Trust would encourage the inclusion of a policy covering net biodiversity gain for new developments, with reference to spring statement 2019 published by the Government on 13th March which confirmed that the Government will use the forthcoming Environment Bill to mandate Biodiversity net gain for development in England 	Noted. Policy DM4 has been amended to strengthen references to ecological networks and biodiversity net gain. Biodiversity is specifically addressed in BDP policy TP8, and further guidance on protecting and enhancing biodiversity will also be included in the emerging Birmingham Design Guide SPD. The need for more specific policy/guidance on the Council's approach to biodiversity net gain will be reviewed when details of mandatory requirements are published as part of the forthcoming Environment Bill.	<p>Amend now point 1 and 2 of the policy:</p> <ol style="list-style-type: none"> 1. All developments must take opportunities to provide high quality landscapes <u>and townscapes</u> that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places <u>and a coherent and resilient ecological network.</u> 2. The composition of the <u>proposed</u> landscape <u>should shall</u> be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees and other green infrastructure, <u>create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement, as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.</u> <p>Amend now paragraph 2.33 to:</p> <p>Maintaining and expanding the green infrastructure network throughout Birmingham is a key part of the City's growth agenda, <u>and provides net gains for biodiversity.</u> Green landscaping (including trees, hedgerows and woodland) forms a critical part of this network and provide a</p>	042/16

				<p>multitude of benefits, having a positive impact on human health and improving the quality of visual amenity and ecological networks. This policy seeks to ensure that landscaping is an integral part of the overall design of development. It also sets out criteria for how existing landscaping should be considered in development proposals.</p> <p>Amend now paragraph 2.35 to:</p> <p>New development has a clear role in supporting the City's approach to green infrastructure, and can contribute to and enhance the landscape, provide biodiversity net gain and help to reduce the impact of climate change. Each development site will be able to contribute to the green infrastructure network in appropriate ways reflecting the site context and location. <u>The ecological network is currently described in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022, which identifies opportunities for habitat creation, restoration and enhancement within Core Ecological Areas, Ecological Linking Areas and Ecological Opportunity Areas. This strategy, and subsequent revisions, should be referenced to ensure new development is in keeping with the surrounding landscape and supports the maintenance of a resilient and coherent ecological network.</u></p> <p>TP8 Biodiversity and Geodiversity will be added to the Policy Links.</p>	
Historic England		- We note the attention to safeguarding cultural heritage in the Sustainability Appraisal and welcome the DMBs consideration of the historic environment in relation to Policy DM5 Light pollution, Policy DM7 Advertisements, and Policy DM15 Telecommunications.	Support noted.	No further action.	050/16
Tyler Parker		- CCWMP welcomes opportunity to become actively	Support noted.	No further action.	051/16

Planning and Architecture – on behalf of Chief Constable of West Midlands Police		<p>involved in the policy formation process.</p> <ul style="list-style-type: none"> - Supports the objectives/policies that refer in their wording to safety and security, including crime fear of crime and anti-social behaviour - CCWMP objects to the omission of certain policy areas from the saved policies of the 2005 UDP, namely those within Chapter 8 and paragraphs 3.14-3.14D, and without changes the CCWMP considers the document to be unsound. - Lack of reference to a policy referring to restaurants, bars, public houses and hot food takeaways and potential crime is regrettable – a specifically worded policy is required which should also refer to the Council attaching conditions to ensure no demonstrable harm to nearby residents. - Objects to the omission of: Listed Buildings and Conservation Areas; Maintenance following completion of development; Automatic Teller Machines (ATM) 	<p>The reasons for the omission of certain policies from the saved policies of the 2005 UDP, namely those within Chapter 8 and paragraphs 3.14-3.14D was set out in the Issues and Options Document and subsequently the reasons for taking forward certain policies proposed in the Issues and Options Document is set out in Appendix 3 of the Preferred Options Document.</p> <p>Policy in relation to the historic environment (including Listed Buildings and Conservation Areas) is contained in the adopted Birmingham Development Plan. The saved 2005 UDP policies did not contain a policy in relation to 'Maintenance' or 'ATMs'.</p>		
Conservative Group		<ul style="list-style-type: none"> - Concerns are raised about policies being dropped and they should not be removed unless legal advice can be provided that doing so will not weaken planning - Strong requirements should be included in main policies - New planning policy should reflect the protection to existing housing stock - Policy on Shisha Loungers should remain as a standalone policy 	<p>The reasons for the omission of certain policies from the saved policies of the 2005 UDP, namely those within Chapter 8 and paragraphs 3.14-3.14D was set out in the Issues and Options Document and subsequently the reasons for taking forward certain policies proposed in the Issues and Options Document is set out in Appendix 3 of the Preferred Options Document.</p> <p>Policy in relation to the protection of the existing housing stock is contained in the adopted BDP. (Policy TP35)</p>	No further action.	052/16
Savills on behalf of Langley Sutton Coldfield Consortium		<ul style="list-style-type: none"> - Consortium considers that the Langley development and other sites with a site-specific SPD should be excluded from the application of policies set out in Development Management DPD - Consortium considers that the rigid application of all proposed new city-wide development management policies to Langley is not appropriate 	<p>Disagree, the Langley SPD clearly states that its purpose is to add detail and provide guidance to the Birmingham Development Plan. It states "Alongside other policies and guidance, it is a material consideration when determining planning applications on this site."</p>	No further action.	058/16
Dr Mike Hodder on behalf of Council for British Archaeology		<ul style="list-style-type: none"> - A list of development management policies within the BDP (including those relating to the historic environment) should be included in an Appendix to Development Management in Birmingham - Sustainability Appraisal interim sustainability report: Table 2.1 Local Plans, Programmes and Strategies should include historic environment documents- Archaeology Strategy SPG and Regeneration through Conservation SPG 	<p>All of the thematic policies in the BDP are development management policies. Cross reference to the BDP has been made in the DMB.</p> <p>Noted. The historic environment documents will be included in Table 2.1 of the SA.</p>	The historic environment documents will be included in Table 2.1 of the SA.	059/16

Reservoir Residents Association		<ul style="list-style-type: none"> - Document should address the emerging issues of office to residential conversions - Reservoir Residents Association proposes that Birmingham automatically applies for an Article 4 direction for removing permitted development rights to convert use Class B1[a] to C3, C4 or HMO (sui generis) in areas where there is already a cumulative overconcentration of HMO, class N exempt properties or PBSA development. - We support completely the Council's proposals for a city-wide article 4 direction on HMO, albeit with a few additional conditions/stronger wording and criteria against which applications are considered 	See response to 025/16	See 026/16	060/16
Pegasus Group		<ul style="list-style-type: none"> - Concern given that almost four years have elapsed since the original consultation during which time both the national and local policy context has changed significantly. 	Noted. The DMB is being progressed as quickly as possible.	No further action.	064/16
Curdworth Parish Council		<ul style="list-style-type: none"> - Essential that as much local Green Belt as possible is retained as a bulwark against urban sprawl. - Curdworth Parish Council shares one of its boundaries with Birmingham and therefore has major concerns about infrastructure relating to the proposed development site within Walmley - There is an increasing number of HGV's using access to the M42 and M6 toll with roads becoming unfit for purpose - More consideration should be given by planning officers in relation to the pressures on local road networks - Full consideration has been given to the appropriate infrastructure required with regard to doctors' surgeries, dental practices, schools and retail facilities, as neighbouring villages find it difficult meeting the needs of their own residents - Council would like to point out that policies should note that it is vital to retain a "green corridor" between the Birmingham conurbation and North Warwickshire. 	Comments are noted but do not relate to the Development Management in Birmingham Document which is the subject of this consultation.	No further action.	065/16
Canal and River Trust		<ul style="list-style-type: none"> - The Trust welcomes the reference at para 1.7 to encouraging better health and wellbeing. However, rather than just in space/leisure time, additional and amended text should be added at the eighth bullet point to extend into commuting opportunities: "To encourage better health and wellbeing through the 	<p>The objectives are taken from the adopted BDP. Promoting sustainable transport is covered by point 5. Para 1.7 will be re-worded to make clear that these are BDP objectives which the DMB seek to support.</p> <p>Updates on emerging and proposed new</p>	<p>Amend para 1.7 to: The DMB will support the delivery of the BDP objectives for the City.</p> <p>Amend policy to:</p>	066/16

	<p>provision of new and improved recreation, sport, leisure facilities and sustainable travel modes"</p> <ul style="list-style-type: none"> - The objectives at para 1.7 be reviewed as several of them seem to cover matters that are not covered by the proposed DM policies and if referenced in SPDs or existing then this should be made clear. - Trust asks for an update on any emerging or proposed new SPDs, with clarity around the emergence of other local policy documents being referenced if possible. - The Trust would like to note that it is important that good waterside places and design do not just relate to residential development but also to other uses and types of development along waterway corridors. <p>- Comments on Chapter 2 overall – Land stability:</p> <ol style="list-style-type: none"> a) Should ensure that developments do not in situations that could cause leaks, breaches, collapses etc b) Should ensure that new developments are appropriate for its location in the context of avoiding unacceptable risks from land instability c) Note inferences towards this in DM3 and DM6 however it would be better dealt with separately to cover concerns. <p>- Water and Drainage:</p> <ol style="list-style-type: none"> a) Disappointed to note that the document does not address these matters. It is important that the environment is protected. b) Ensure that sites are prevented from allowing pollution of the water environment through air borne pollution or water seepage/spillage/run-off and should be considered in relevant detailed policy c) Drainage options should be outlined and chosen to ensure that appropriate management and control mechanisms are put in place. <p>- Further advice and guidance is needed in regards to heritage. It is possible that canal-related advice is included within a design document and the Trust would like further discussion on this.</p> <p>- Chapter 3 Overall:</p> <ol style="list-style-type: none"> a) Good design policies should apply to the development of employment uses and it is important that the benefits of locations near the canal and river network are maximised 	<p>SPDs can be provided by contacting the Planning Policy Team.</p> <p>Comment on good waterside places and design is noted.</p> <p>Comments on land instability are addressed in response proposed changes to the policy.</p> <p>Policy in relation to the management of flood risk and water resources is contained in the adopted BDP. (Policy TP6)</p> <p>Policy in relation to the historic environment is contained in the adopted BDP (Policy TP 12)</p> <p>Comments noted. The emerging Birmingham Design Guide will provide detailed design guidance to assist with the application of policies.</p> <p>It is considered that existing policies in the BDP adequately promote sustainable transport and cover water borne freight.</p>	<p>Policy DM3 –Land affected by contamination, instability and hazardous substances</p> <ol style="list-style-type: none"> 1. Proposals for new development will need to ensure that risks associated with land contamination and instability are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and the environment within the development and the surrounding area and/ or groundwater. 2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation to remove risks to both the development and the surrounding area and/ or groundwater. <p>Proposals for development of new hazardous installations, or development located within the vicinity of existing hazardous installations, will only be permitted where it is demonstrated that necessary safeguards, in consultation with the HSE, are incorporated to ensure the development is safe; and that it supports the spatial delivery of growth as set out in the Birmingham Development Plan.</p>	
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		<p>b) Policy TP25 refers to strategic matters around tourism and cultural facilities and their detailed design should fall within wider design considerations.</p> <ul style="list-style-type: none"> - More emphasis and direction should be given relating to alternative transport methods. - The strategies in policies TP38-42 are welcomed but largely are not linked to site specific considerations. - Greater provision should be encouraged to assist in travel across a range of modes and routes - Trust considers a policy should exist that sets out a sequential approach to the assessment of transport and connectivity whilst still acknowledging car/parking need. These should include requirements for suitable storage, maintenance of cycles and other alternative transportation devices. - Information should be provided to residents of sustainable routes - Trust notes the use of digital technology to assist should be incorporated or required. - Further advice on waterborne freight might be encouraged. - Policies should refer to objectives of para 1.7 			
Councillor Lisa Trickett		<p>- Main comment and concern in relation to these documents is in terms of the need to address the risks of catastrophic climate change and bring forward action to make this city a zero carbon city. How has this being addressed in these documents – what conditions and requirements are to be set – where do we need wider regulation etc.</p>	<p>The purpose of this document is to provide detailed development management policies to support the strategic policies set out in the adopted BDP. The BDP contains policies which seek to mitigate and reduce the impacts of climate change (TP1 Reducing the city's carbon footprint), namely policies in relation to the promotion of sustainable transport (TP38-46), adapting to climate change (TP2), Sustainable construction (TP3), Low and zero carbon energy generation (TP4), Low carbon economy (TP5), Management of flood risk and water resources (TP6), Green Infrastructure (TP7) and sustainable management of the city's waste (TP13)</p>	No further action.	069/16





Technical note:

Birmingham City Council – Development Management Development Plan Document – Addendum to the Sustainability Appraisal

1. Background and Purpose of this Note

- 1.1.1 The Birmingham Development Plan (BDP) was adopted by Birmingham City Council (the Council) in 2017. The BDP provides the strategic planning policies for over 51,100 new homes and substantial amounts of employment land, retail and office development to be delivered by 2031. The Council has also been preparing the Development Management Development Plan Document (DM DPD). It will provide detailed planning policies for specific types of development and support the implementation of the BDP.
- 1.1.2 The Council issued an initial draft DM DPD in March 2015. Following an analysis of the consultation responses to the initial draft DPD and the adoption of the BDP, the Council prepared a Draft DM DPD, consulted on as '*Development Management in Birmingham (Development Plan Document) Preferred Options Document*' from the 4th February to the 29th March 2019. Following an analysis of consultation responses and further work, the Council then issued the '*Development Management in Birmingham (Publication Version - Regulation 19) January 2020*' for consultation between 9th January and 21st February 2020.
- 1.1.3 Following receipt and consideration of the consultation responses on the Publication Version of the DM DPD, the Council has identified a number of proposed minor changes to be included as part of the Submission Version of the DM DPD. The Council considers that these changes are minor and do not materially affect the policies or strategic direction of the DM DPD.
- 1.1.4 Wood Environment and Infrastructure Solutions Ltd. (Wood) was commissioned by the Council to undertake a Sustainability Appraisal (SA) of the DM DPD. The SA appraises the environmental, social and economic performance of the DM DPD and any reasonable alternatives. SA Reports of the initial draft, Preferred Options and Publication Version of the DM DPD were completed and published for consultation concurrent with each stage of the draft DPD. For the Publication Version of the DM DPD, one comment was received on the SA.
- 1.1.5 This document is an addendum to the 2019 SA Report (completed for the Publication Version of the DM DPD). It has been prepared in order to update the appraisal where necessary, taking into account the proposed minor modifications. This ensures that all the likely significant effects of the draft DM DPD (as proposed to be modified) have been identified, described and evaluated.
- 1.1.6 In consequence, this addendum to the SA Report:
- summarises the comment received on the SA Report and sets out the Council's response;
 - screens proposed changes to the DM DPD, confirms whether or not they are significant for the SA;
 - updates the SA as necessary, including any amendments to specific policy appraisals to reflect either the consultation response or any screened in modifications; and

- sets out the next steps for the Local Plan and SA.

2. Comments on the SA

Comment on SA of Policy DM10

2.1.1 Comments were received from Pegasus Group (on behalf of Countryside Properties) in relation to the SA and appraisal of Policy DM10 'Standards for residential development.' The representation states (paragraph 7.16):

- *"The evidence base which supports the policy including both the Financial Viability Assessment and Residential Standards Topic Paper fail to provide any justification for the introduction of the 15 dwelling threshold and 30% M4(2) compliant dwelling provision. Paragraph 6.26 of the Topic Paper simply sets out that 'a requirement of 30% new homes to meet the optional building regulation M4(2) for accessible and adaptable homes is considered appropriate', with no justification of where the 30% figure has derived from. The threshold of 15 dwellings has also not been justified within the supporting evidence. Overall the Topic Paper provides very generic statements with very little if anything in the way of robust evidence which adequately justifies the provisions of the policy in the context of local need/demand."*

The representation continues (paragraph 7.17):

- *"It is noted that the accompanying Sustainability Appraisal states 'This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high-quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented'. (page 98). However, the only 'reasonable alternatives' cited relate to firstly retaining the existing UDP policy, which is dismissed as it would need updating, or alternatively having no minimum space standards or policy which is rejected on the grounds of amenity and the impact on quality of life. Furthermore, the introduction of the revised thresholds for M4 (2) dwellings within new developments does not appear to be addressed."*

2.1.2 In conclusion the representation states (paragraph 9.5):

- *Countryside Properties objects to Policy DM11 on the grounds that there is no evidence to adequately justify a requirement for all residential development (including extensions) to meet the minimum Nationally Described Space Standards, nor for introducing a requirement for optional Building Regulation Part M4 (2) to be met on 30% of all properties on residential developments of over 15 dwellings. The Sustainability Appraisal does not adequately assess all 'reasonable alternatives' and the option of not adopting such standards should not have been dismissed as it remains a reasonable alternative.*

2.1.3 It is therefore considered that there are three strands to the representation that are relevant to the SA Report:

- The option of not adopting Nationally Described Space Standards (NDSS) should not have been dismissed as it remains a reasonable alternative;
- The SA did not appraise DM10 on the basis of it applying to 15 or more dwellings and the requirement for such development to provide at least 30% of dwellings as accessible and adaptable unless demonstrated to be financially unviable; and

- The SA should have considered alternatives to the provisions of DM10, i.e. applicability to developments of 15 or more dwellings and the provision of at least 30% of dwellings as accessible and adaptable homes.

Council's Response

Reasons for rejecting not adopting the NDSS

- 2.1.4 The SA Report appraised the option of having no policy (including no reference to the NDSS) as a reasonable alternative at Appendix A of the SA Report. Table 4.2 of the SA Report summarises the results of the SA and provides an outline of the reasons for selecting the preferred option and rejecting the option of having no policy. The SA Report is therefore considered to be compliant with the SEA Directive and associated regulations and guidance.

Appraisal of DM10

- 2.1.5 The Part M4(2) (accessible and adaptable homes) requirement is part of policy DM10 which states:
- "Part 2: "Housing developments of 15 or more dwellings, should seek to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulations Part M4(2) unless demonstrated to be financially unviable."*
- 2.1.6 Page A38 of the SA does assess Policy DM10 but bullet two refers to:
- "Proposals for major residential development, should seek to include a proportion of OR 7% on new affordable housing should be accessible and adaptable in accordance with Building Regulations Part M4(2) unless demonstrated to be financially unviable."*
- 2.1.7 The SA refers to an earlier internal draft of the DM DPD provided by officers and the SA should be updated to reflect the wording of DM10 as consulted on in the publication version of the Local Plan. **Appendix A** of this addendum presents an update to page A38 of the SA Report. Instances where text is deleted are presented as ~~strikethrough~~ text and additions are presented as underlined text.
- 2.1.8 From a review of the previous SA of the earlier draft of DM10, whilst it is not considered necessary to amend the appraisal findings (in terms of likely significant effects identified), additional text has been added in the commentary to take account of the DM DPD viability assessment, which confirms that any impact on scheme viability would be de-minimis (see **Appendix A**). The viability assessment provides assurance that the significant positive effects identified for SA Objective SOC3 'To encourage development which promotes health and well-being' would occur (rather than development and the anticipated positive effects being prevented by an unreasonable requirement in the DM DPD which would render development unviable). It is also noted that the requirement for housing developments of 15 or more dwellings, to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulations Part M4(2) is subject to viability assessment on relevant projects.

Additional alternatives

- 2.1.9 The SA considers three options in relation Policy DM10 – the proposed policy, retaining the existing Unitary Development Plan (UDP) Policy and no policy. Pegasus Group suggest that the SA should have considered alternatives to the requirement for the policy to apply to developments of over 15 or more dwellings, e.g. a higher or lower threshold and alternatives to the requirement for 30% of dwellings to be accessible and adaptable.

- 2.1.10 It is the Council's view that the justification for 30% of homes on developments of 15 or more dwellings to be accessible and adaptable homes is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further justification for the proportion required in proposed policy DM10. Given the evidence available and the additional flexibility provided by the modification, and taking into account the need to take a proportionate approach to the SA (so noting that in reflecting SEA regulations 12 (2) that reasonable alternatives apply at the plan level, taking into account the objectives of the plan and its geographic scope), and the outcome of relevant case law, for this policy no further alternatives have been identified or considered.
- 2.1.11 It is also noted that the Council has proposed a change to part 6 of DM10 to allow for exceptions to the policy, including physical constraints or viability issues in response to this and other representations on the DM DPD.

3. Screening Proposed Changes

Determining the Significance for the SA of the Proposed Changes

- 3.1.1 This section sets out the approach to determining the significance of the proposed changes to the DM DPD. National Planning Practice Guidance states (Strategic Environmental Assessment and Sustainability Appraisal, Paragraph: 021 Reference ID: 11-021-20140306, Revision date: 06 03 2014) states:
- "The sustainability appraisal report will not necessarily have to be amended if the plan is modified following responses to consultations. Modifications to the sustainability appraisal should be considered only where appropriate and proportionate to the level of change being made to the plan. A change is likely to be significant if it substantially alters the plan and/ or is likely to give rise to significant effects.*
- Further assessment may be required if the changes have not previously been assessed and are likely to give rise to significant effects. A further round of consultation on the sustainability appraisal may also be required in such circumstances but this should only be undertaken where necessary. Changes to the plan that are not significant will not require further sustainability appraisal work."*
- 3.1.2 The Council provided a draft version of the changes to the Local Plan to Wood on 6thth May 2020. These were reviewed to determine whether or not they were significant and whether or not there was a need for any consequential changes to the previous appraisal work. The proposed changes to the DM DPD are reviewed in **Appendix B** of this report. The final column of the table indicates, for each modification, whether or not it was considered significant for the purposes of the SA and why.
- 1.1.1.1 There is no detailed guidance on how to determine the significance of changes. The following text sets out how screening of changes was undertaken in the context of the proposed changes to the DM DPD. It draws on an approach and examples of previous work undertaken by Wood. The examples are not necessarily specifically relevant to the DM DPD, rather they are used to illustrate what a significant change might look like.
- 1.1.1.2 The National Planning Policy Framework (NPPF) requires that Local Plans are positively prepared. This means that policies must be positively worded, for example:¹

¹ The NPPF was first published in 2012 and revised in 2019. Paragraph 16 sets out the requirements for a plan. Item (b) states that plans should "be prepared positively, in a way that is aspirational but deliverable".

'Planning permission will be granted provided that...' and *'development will be encouraged where it...'* rather than

'We will not allow development unless...'

- 1.1.1.3 Changes of this nature would not necessarily be considered significant for the purposes of the appraisal because they involve re-wording a policy to ensure that it complies with national planning policy. The intent of policies that are modified in this way remains the same, but they are cast in a positive manner as outlined above. Such changes are therefore not considered to affect the previous results of the appraisal of the policy against the SA objectives and are not considered to be significant for the purposes of the SA. One change to the DM DPD falls into this category.
- 1.1.1.4 Changes may also be required to make a policy compliant with the NPPF and/or associated Planning Guidance. One change to the DM DPD falls into this category.
- 1.1.1.5 Another category of proposed changes are those that make the wording and/or intent of policies clearer. Such changes are often made in response to representations received during the consultation period. Such changes are reviewed to confirm whether or not they affect the appraisal results but relevant text in the SA might also need amending so that the SA uses terminology that is consistent with the DM DPD. This is the most common form of change identified in the review of the DM DPD.
- 1.1.1.6 Changes to supporting text clarifying how policies will be implemented and/or to provide justification for them are not necessarily considered to be significant in terms of the conclusions of the SA but again may mean that the SA needs updating to reflect the wording in the revised DM DPD.
- 1.1.1.7 Where changes involve the deletion of text from a policy, the revised wording is considered to see if it has any implications for the SA, both in terms of the conclusions of the SA or the commentary accompanying relevant parts of the appraisal.
- 1.1.1.8 Where a change to a policy introduces an additional criterion, a judgement is made as to whether or not the change would affect the previous appraisal and/or should be acknowledged in the appraisal. In such instances, significance is determined on a case by case basis and a comment made in the relevant appendix on whether or not the previous appraisal has been amended and which SA objectives are affected. The proposed changes to the DM DPD do not include any changes that fall into this category.

Results of the Screening Exercise

- 3.1.3 The results of the screening exercise are set out at **Appendix B** and changes that are considered significant for the SA from the screening exercise are summarised in **Table 3.1** below. All of the changes identified in the table are significant to the SA because of the need to update the commentary in the SA Report to reflect the revised wording of the DM DPD. However, whilst there is a need to ensure consistency between the SA and the revised policy wording, the screening has not identified any implications for the appraisal (in terms of the identification of effects) of the policies or the conclusions of the SA in relation to them.

Table 3.1 Summary of changes to the DM DPD that are considered significant to the SA

Change Reference	Policy/ Paragraph/Page	Proposed Change	Why this change is considered significant for the SA
8	Para 2.45	"Proposals involving or adjacent to designated and un-designated historic	The SA uses the term 'undesigned' and this should be amended. This is in

Change Reference	Policy/ Paragraph/Page	Proposed Change	Why this change is considered significant for the SA
		assets non-designated heritage assets...	the background text accompanying the SA of the policy at page A21 of the report and does not affect the appraisal of the policy.
11	Para 3.10	"The preferred most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan . These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance".	The SA uses the term 'most appropriate locations' in this context – although this is in the background text accompanying the SA of the policy at page A32 of the report and does not affect the appraisal of the policy.
13	Policy DM9	" 1. Except for any specific allocation in the Local Plan , the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will only be considered favourably where..."	Amend summary of the policy to recognise that specific allocations in the local plan and the network of centres are the preferred locations. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
16	DM11	1.d. " ...would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies It does not conflict with any other policies in the Local Plan ".	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
17	DM12	e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies It does not conflict with any other policies in the Local Plan ".	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
19	DM14	"1. Development must ensure that the safety of highway users is properly taken in consideration and that any new development would not have an unacceptable adverse impact on highway safety."	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.

Change Reference	Policy/ Paragraph/Page	Proposed Change	Why this change is considered significant for the SA
20	Policy DM14, Part 5	"5. On Birmingham's strategic highway network, and other principle and main distributor routes , development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where specified in a local plan or where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety)."	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
21	DM14 Part 6 point e)	"e) the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no practical viable alternatives. "	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.

4. Updates to the SA

- 4.1.1 This section confirms how the SA Report should be updated, based on the information set out in **Table 3.1**. Deleted text is shown as ~~strike through~~ and new text is underlined.

DM5 Light Pollution

- 4.1.2 Consistent with change reference no. 8, replace the term 'undesigned historic assets' with 'non-designated historic assets' in the third paragraph of the commentary at page A21, with the commentary amended to read:

"In applying the policy the Council will seek to limit the impact of artificial lighting on the local amenity and nature conservation (including ecological networks and blue and green infrastructure). Proposals involving or adjacent to designated and ~~undesigned non-designated~~ historic assets, must apply a lighting design appropriate to the asset, considering the architecture of the building to be illuminated and the impact this may have on the character of its surroundings. "

DM8 Places of worship and faith related community uses

- 4.1.3 Consistent with change reference no. 11, the second paragraph of the commentary for the appraisal of Policy DM8 at page A32 of the SA Report should be amended to read:

"The preferred ~~most appropriate~~ locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan. These are the most sustainable locations in terms of transport accessibility and parking. Other locations ~~outside of the network of town centres~~ will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance."

Policy DM9 Day Nurseries and Childcare Provision

- 4.1.4 Consistent with change reference no. 13 amend the summary of the policy content of the SA Report (page A34) to read:

Except for any specific allocation in the Local Plan, ~~the~~ the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of these locations ~~the network of centres~~ will ~~only~~ be considered favourably where:

1. *It is well served by means of walking, cycling and public transport;*
2. *It will not have an unacceptable adverse impact on local amenity, parking public and highway safety;*
3. *The site is appropriate for its purpose in its setting, suitable for the scale of the development and the number of children proposed; and*
4. *Sufficient useable outdoor play space to meet the needs of the children is provided.*

Policy DM11 Houses in multiple occupation (HMO)

- 4.1.5 Consistent with change reference no. 16, amend summary of the policy at page A43 of the SA Report to recognise the change to the policy wording:

Proposals for the conversion of existing dwellinghouses or the construction of new buildings to be used as Houses in Multiple Occupation (HMO) should protect the residential amenity and character of the area and will be permitted where they:

- a. *would not result in this type of accommodation forming over 10% of the number of residential properties* within a 100 metre radius of the application site**; and*
- b. *would not result in a family dwellinghouse being sandwiched between two non-family residential uses***; and*
- c. *would not lead to a continuous frontage of three or more non-family residential uses***; and*
- d. *It does not conflict with any other policies in the Local Plan ~~it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies;.~~*

DM12 Residential conversions and Specialist accommodation

- 4.1.6 Consistent with change reference no. 17, amend summary of the policy at page A49 of the SA Report to reflect the change to the policy wording:

"This policy applies to the subdivision or conversion of properties into self-contained dwelling units and the development of specialist accommodation. Proposals will be supported where:

- a. *It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;*

- b. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;*
- c. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;*
- d. The scale and intensity of the proposed use is appropriate to the size of the building;*
- e. ~~It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies~~ It does not conflict with any other policies in the Local Plan ."*

Policy DM14 Highway safety and access

4.1.7 Consistent with changes reference nos. 19, 20 and 21, amend summary of the policy at page A55 of the SA Report to reflect the change to the policy wording:

- "1. Development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an unacceptable adverse impact on highway safety.*
- 2. Development must ensure that safe, convenient and appropriate access arrangements are in place for all users, including the needs of people with disabilities and reduced mobility within the development and onto the highway network, both during the construction and operation stages of the development. Priority shall be given to the needs of sustainable transport modes.*
- 3. Developments should provide for the efficient delivery of goods and access by service and emergency service vehicles. Where it is demonstrated that this is not feasible, an appropriate alternative solution must be agreed with the City Council and secured.*
- 4. Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment and should be located where the need to travel will be minimised, and is in a location that is readily accessible by a variety of transport modes. Development proposals that generate significant amounts of traffic will be required to provide a Travel Plan that sets out the means by which the developer will encourage users to adopt more sustainable modes of travel.*
- ~~5. Vehicle access points (including private driveways) will be supported where it would not result in:~~*
 - ~~• a reduction in pedestrian or highway safety;~~*
 - ~~• detrimental impact on public transport, cycling and walking routes;~~*
 - ~~• adverse impact on the quality of the street scene and local character of the area;~~*
 - ~~• the loss of important landscape features, including street trees and significant areas of green verge; and~~*
 - ~~• the prevention or restriction of the implementation of necessary or future transport improvements.~~* [Note this amendment to the SA is not as a result of a proposed change but to ensure that the SA reflects the content of the policy – the text has moved to criterion 6 below, which includes a proposed change]
- 5. On Birmingham's strategic highway network, ~~and other principle and main distributor routes,~~ development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety). ~~Any new access point must~~*

~~allow for access and egress in a forward gear.~~[note this is not a proposed change to the local plan but an update to the SA to reflect the latest wording in the plan.]

6. All new vehicle access points (including private driveways) will be supported where it would not result in:

- a. reduction in pedestrian or highway safety;
- b. detrimental impact on public transport, cycling and walking routes;
- c. adverse impact on the quality of the street scene and local character of the area;
- d. the loss of important landscape features, including street trees and significant areas of green verge which cannot be appropriately replaced, or their loss mitigated; and
- e. the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no practical viable alternatives."

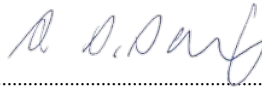
5. Conclusions and next steps

5.1.1 This SA Addendum has considered the representation made on the SA Report accompanying the Publication Version of the DM DPD and provides a response that updates the relevant text of the SA accordingly. This Addendum has also considered proposed changes made by the Council to the DM DPD following consultation on the Publication version. The SA Report has been updated to reflect the changes but there are no impacts on the findings of the SA.

5.1.2 The Publication Version of the DM DPD and the proposed changes will be submitted, alongside the consultation responses received, directly to the Minister of Housing Communities and Local Government who will appoint a Planning Inspector to carry out a public examination to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. The SA Report and this addendum will also be submitted as part of the evidence base for the DM DPD.

5.1.3 As part of the examination the Inspector(s) may identify any main modifications that they consider necessary to make the plan sound. These will be screened as part of the SA process (in the same way that the proposed changes have been) and the SA updated as appropriate. If necessary, the main modifications and revised SA will be consulted on.

Following adoption of the DM DPD, the Council will issue a Post Adoption Statement (PAS) as soon as reasonably practicable. The PAS will set out the results of the consultation and SA processes and the extent to which the findings of the SA have been accommodated in the adopted DM DPD.

Issued by**Sean Nicholson****Approved by****Pete Davis****Copyright and non-disclosure notice**

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Appendix A: Update to SA of Policy DM10

Policy DM10 Standards for Residential Development

Policy Content	Options Considered
<ul style="list-style-type: none"> All residential development will be required to meet the minimum Nationally Described Space Standards (Appendix 1). Proposals for major residential development, should seek to include a proportion of OR 7% on new affordable housing should be accessible and adaptable dwellings in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable. <u>Housing developments of 15 or more dwellings, should seek to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulations Part M4(2) unless demonstrated to be financially unviable</u> Separation distances* between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance. All new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development and adequate provision for recycling/ refuse storage and collection*. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree Code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected. Exceptions to the above will only be considered in order to deliver innovative high quality design, deal with exceptional site issues, respond to local character and where it can be demonstrated that residential amenity will not be significantly diminished. 	<ul style="list-style-type: none"> Retain the existing UDP Policy No policy
<p>* Standards are set out in the Birmingham Design Guide SPD.</p>	

SA Objective	Retain UDP Policy	No policy	New Policy	Commentary
1. ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~	No clear relationship
2. ENV2 To promote the application of high standards of design, construction and maintenance of buildings	++	-?	+++	Clear policies for residential design will help to ensure a consistent and progressive approach across the City.
3. ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	~	No clear relationship
4. ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	~	~	No clear relationship
5. ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship
6. ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
7. ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	++	-?	+++	A clear policy for residential amenity and design will help to ensure a consistent and progressive approach across the City, contributing to its economic success through the provision of high quality development.
8. ECON2 To help promote the vitality of local centres	++	-?	+++	Where residential development is encouraged in local centres, clear policy will help to ensure that it is part of good quality mixed uses.

SA Objective	Retain UDP Policy	No policy	New Policy	Commentary
9. ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	No clear relationship
10. ECON4 To encourage investment in learning and skills development	~	~	~	No clear relationship
11. SOC1 To help ensure equitable access to community services and facilities	~	~	~	No clear relationship
12. SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship
13. SOC3 To encourage development which promotes health and well-being	++	-?	+++	The policy will help to ensure that residential development of whatever kind is well-designed and constructed.
14. SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship
15. SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~	~	No clear relationship

Commentary

This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

Policy DM10 seeks to apply MHCLG 's Nationally Described Space Standards, which are reflective of typical sizes of units built in the City. In most cases, these standards are already being applied by developers to meet market demand. The accessibility requirements in policy DM10 are applied 'subject to viability' and the viability assessment of the DM DPD indicates that the impact on viability is typically deminimis.

BCC Background - DM10 Standards for Residential Development:

The Government's Technical Housing Standards - Nationally Described Space Standards (March 2015 as updated) applies to new residential development in Birmingham. This will ensure that all homes are highly functional, meeting occupiers' typical day to day needs at a given level of occupation. It is based on being able to accommodate a basic set of furniture, fittings, storage, activity and circulation space appropriate to the design and occupancy level of the dwelling. When Government amends these standards, the City Council will prepare technical notes to demonstrate how the update is applied within Birmingham.

All new development, including extensions of properties within residential areas, has the potential to affect adjoining dwellings. Daylight and outlook are important to create pleasant spaces and support everyday activities. The size and layout of windows in new residential development should be maximised and the layout and design of development must consider levels of sunlight reaching residential properties and take opportunities to benefit from passive solar gain whilst preventing overheating of indoor spaces.

The '45 Degree Code' is a well-established approach in Birmingham to protect daylight levels and outlook for occupiers, particularly for existing houses. In applying the code the main considerations include:

- If the extension/building is single storey, the line is drawn from the midpoint of the nearest habitable room ground floor window of the adjoining premises.
- If the extension/building is two storey or taller, the measurement is taken from the quarter point of the nearest habitable room ground floor window.
- If the neighbouring property has already been extended, the measurement is normally taken from the nearest habitable room window of that extension. • If the neighbouring property has an extension which is made mainly of glass, the policy is applied to the original window opening in the wall where the extension has been added.

Outdoor private space is highly valued and it is important for both children and adults to have access to some private outdoor space for play and relaxation. The amount and type of outdoor space should relate to the potential occupancy of the dwelling and should be useable, with consideration from a number of factors, including shape, orientation, landform and shading. Outdoor amenity spaces should receive sunlight for at least part of the day, with garden sizes increased where necessary to take account of overshadowing. Existing guidance on outdoor amenity space and separation distances is set out in Places for Living SPD, which will be updated through the forthcoming Birmingham Design Guide SPD.

Across the UK as a whole, more people are living longer. Birmingham is following that national trend, and it is predicted that the percentage of those aged over 65 within the Birmingham will increase from 12.9% (145,865 people) to 16% (210,906 people) of the population. This represents a 58% increase to 2031 and a 45% increase to 2041 of people within this group. Despite increasing life expectancy, there remains a gap in healthy life expectancy. This in turn

presents series of health and care challenges for older people and people with mobility impairments as it means they will be living longer with impairments and life-limiting conditions.

There will be a larger elderly population who will living longer and are likely to be living with disabilities in their later years. A requirement of 30% of new homes to meet the optional building regulation for accessible and adaptable homes is considered appropriate.

- Birmingham's older population makes up 12.9% of the total Birmingham population. Population forecasts show that this will increase to 16% in 2041. (ONS 2016 sub national population projections).
- The number of households headed by those aged 65+ has been increasing in Birmingham and is projected to increase to 28% of total households in the city.
- The Census 2011 shows that 18.4% of people currently report themselves as having a long term health problem or disability (being limited a little and a lot).
- Healthy life expectancy of men and women in Birmingham is much lower than the national average. The gap between healthy life expectancy and life expectancy indicates that the older population will therefore spend more years in poor health.
- In terms of those 65+, there is predicted to be 30.6% increase in people with a limiting long term illness whose day-to-day activities will be limited a little and 31.8% increase in people whose day-to-day activities will be limited a lot by 2035.

Birmingham City Council; 45 Degree Code for Residential Extensions (March 2006):

https://www.birmingham.gov.uk/directory_record/669/45_degree_code_for_residential_extensions

Department for Communities and Local Government; Technical Housing Standards – Nationally Described Space Standard (March 2015):

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

Ministry of Housing, Communities and Local Government; Access to and use of buildings: Approved Document M (2016):

<https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

Strategic Housing Land Availability Assessment (SHLAA) (2018)

Birmingham City Council, Standards for Residential Development Topic Paper (September 2019):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

BNP Parabis Real Estate for Birmingham City Council Development Management in Birmingham: Development Plan Document - Financial Viability Assessment (November 2019):

https://www.birminghambeheard.org.uk/economy/dmb/supporting_documents/Birmingham%20DMB%20Viability%20Assessment.pdf

Appendix B Screening of Proposed Changes

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
Policy DM1 Air quality				
1	Para. 2.8	'Unacceptable deterioration' and 'unacceptable levels' is are defined as where the development in isolation or cumulatively , would result in exposure to pollutant concentrations close to the limit values within 5% of the nationally or locally set objectives at the development site and/ or other relevant receptors, and where development would result in further exceedances where pollutant concentrations are already over the limit values.'	Clarification in response to representors	No - this is a change to supporting text explaining how Policy DM1 will be implemented.
2	Policy DM1, Part 1	1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone, particularly for nitrogen dioxide and particulate matter . Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter , or increase exposure at the development site or other relevant receptors to unacceptable levels of air pollution will not be considered favourably.	Clarification in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
Policy DM3 Land affected by contamination, instability and hazardous substances				
3	Policy DM3, Part 2	"2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation to minimise and mitigate remove unacceptable risks to both the development and the surrounding area and/ or groundwater."	Consistency in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
Policy DM4 Landscaping and Trees				

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
4	Policy DM4, Part 3	“Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees of quality , woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland or Ancient/Veteran Trees. Where trees and/or woodlands are proposed to be lost as a part of development, this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.”	Clarification in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
5	Para 2.37	“Trees classified in line with BS5837 as being of categories A or B in value quality and woodland and/ or hedgerows of visual or nature conservation value should be considered as worthy of protection and development proposals should seek to avoid their loss and minimise risk of harm.”	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM4 will be implemented.
6	Policy DM4, last sentence Part 5	“Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement. The method of calculating these contributions will be contained within the city’s Tree Strategy. ”	Clarification in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
7	Para. 2.39	“Where development would result in the loss of a tree(s) and/ or other landscaping , adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). pre-development canopy cover and biodiversity considerations. ”	Correction	No - this is a change to supporting text explaining how Policy DM4 will be implemented.
Policy DM5 Light pollution				
8	Para 2.45	“Proposals involving or adjacent to designated and un-designated historic assets non-designated heritage assets... ”	Correction in response to representor	Yes – the SA uses the term ‘undesigned’ and this should be amended. This is in the background text accompanying the SA of the policy at page A21 of the report and

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
				does not affect the appraisal of the policy.
Policy DM6 Noise and vibration				
9	Para. 2.52	"In all cases, the assessment will be based on an understanding of the existing and predicted planned levels of environmental noise at both the development site and nearby receptors and the measures needed to bring noise down to acceptable levels for the existing or proposed noise- sensitive development."	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM6 will be implemented.
Policy DM8 Places of worship and faith related community uses				
10	Policy DM8	"1. Except for any specific allocation in the Local Plan , the Council's preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will be considered favourably where..."	Consistency in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
11	Para. 3.10	"The preferred most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan . These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance".	Consistency in response to representor	Yes – the SA uses the term 'most appropriate locations' in this context – although this is in the background text accompanying the SA of the policy at page A32 of the report and does not affect the appraisal of the policy.
Policy DM9 Day nurseries and early years provision				
12	Para 3.20	"...sufficient safe parking is provided, following the guidance set out in the council's Parking Guidelines and Car Park Design Guide Supplementary Planning Documents and any subsequent revision in a location that will not endanger other road users or pedestrians. "	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM9 will be implemented.

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
13	Policy DM9	“1. Except for any specific allocation in the Local Plan , the Council’s preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will only be considered favourably where...”	Consistency in response to representor	Yes – amend summary of the policy to recognise that specific allocations in the local plan and the network of centres are the preferred locations. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy. The removal of ‘only’ from the last part of the policy is an example of a change to make the plan positively prepared.
14	Para. 3.19	“...The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of any specific allocations in the Local Plan are is considered the most appropriate preferred locations for such uses , but other locations outside of centres will be considered appropriate where the policy criteria are met...”	Consistency in response to representor	See comment above. No additional implications associated with this change to the supporting text.
Policy DM10 Standards for residential development				
15	Policy DM10, Part 6	“6. Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with exceptional-site specific issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must and where it can be demonstrated that residential amenity will not be significantly diminished. ”	Clarification in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A38 of the SA report provides a high level summary of the policy that references part 6 of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.
Policy DM11 Houses in multiple occupation				

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
16	Policy DM11, point 1.d.	1.d. “... would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies ” It does not conflict with any other policies in the Local Plan ”.	Clarification in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
Policy DM12 Residential conversions and specialist accommodation				
17	Policy DM12, point 1.e.	e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies It does not conflict with any other policies in the Local Plan ”.	Clarification in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
Policy DM13 Self and custom build housing				
18	Policy DM13, Part 3	“3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement mix provided on larger sites (200 dwellings) where it is demonstrated to meet an identified need and is not substituted for needed social rented and affordable rented housing. ”	Clarification in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A52 of the SA report provides a high level summary of the policy that references part 3 of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.
Policy DM14 Highway safety and access				
19	Policy DM14, Part 1	“1. Development must ensure that the safety of highway users is properly taken in consideration and that any new development would not have an unacceptable adverse impact on highway safety.”	Consistency in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy. The introduction of the term ‘unacceptable’ reflects Planning

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
				Guidance which identifies the need for Transport Assessments or Transport Statements to propose mitigation measures where these are necessary to avoid unacceptable or severe impacts. ²
20	Policy DM14, Part 5	"5. On Birmingham's strategic highway network, and other principle and main distributor routes , development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where specified in a local plan or where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety).	Consistency in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
21	DM14, Part 6, point e)	"e) the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no practical viable alternatives. "	Consistency in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
Policy DM15 Parking and servicing				
22	Policy DM15, Part 2	"2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is in accordance with the Council's Parking Supplementary Planning Document. "	Clarification and consistency in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A60 of the SA report provides a high level summary of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.

² <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
23	Para 5.14	"The Council will support and promote the provision of on-street and off-street charging point for ultra-low emission vehicles and car clubs."	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM15 will be implemented.
23	Para. 5.13	"The Council's parking standards currently set out in the is currently consulting on a new Parking Supplementary Planning Document (SPD) which will replace the existing Car Parking Guidelines Supplementary Planning Document (2012) will be replaced by updated standards in the Parking Supplementary Planning Document and elements of the Birmingham Parking Policy (2010). It provides revised parking standards for all new developments in the city to reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking provision. The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city."	Clarification and consistency in response to representors	No - this is a change to supporting text explaining how Policy DM15 will be implemented.
24	Para 5.15	"Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space as defined within the Parking SPD. "	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM15 will be implemented.
25	Policy DM15, Part 3	"3. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking and servicing should be designed to be secure and fully accessible to its all users and adhere to the principles of relevant Supplementary Planning Documents."	Consistency in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A60 of the SA report provides a high level summary of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.

APPENDIX 8

Development Management in Birmingham
Development Plan Document

Sustainability Appraisal Post Adoption Statement

December 2021



1. Introduction

Background

- 1.1 The Development Management in Birmingham DPD (DMB) was adopted by the Council on 7 December 2021. This followed its submission to the Government in July 2020 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012¹ and the subsequent examination in public (EiP). Following consultation on Main Modifications (MMs)² in April 2021, the DMB Plan was found sound by the designated Planning Inspector in her report dated 30 September 2021.³
- 1.2 Wood Environment and Infrastructure Solutions UK Ltd. (Wood), formerly Amec Foster Wheeler, was commissioned by the Council to undertake a Sustainability Appraisal (SA) of the DMB. Wood appraised the environmental, social and economic performance of the emerging DMB policies and proposals and any reasonable alternatives and assembled the SA Reports.
- 1.3 This Post Adoption Statement (PAS) is the final output of the SA process. It describes the way in which the Council has taken environmental and sustainability considerations and any views of consultees into account in the adopted DMB and fulfils the plan and programme adoption requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the SEA Directive)⁴ and the Environmental Assessment of Plans and Programmes Regulations 2004.⁵

The Development Management in Birmingham DPD (DMB)

- 1.4 The DMB is part of Birmingham's Local Plan and provides detailed development management policies to support the delivery of the adopted Birmingham Development Plan. The DMB will apply to the whole City and will be a material consideration in the determination of planning applications. It will help deliver the BDP vision of Birmingham as "an enterprising, innovative and green City that has delivered sustainable growth meeting the needs of its population", with an emphasis on supporting growth and creating high quality places. The objectives of the DMB mirror those of the Birmingham Development Plan (BDP). The policies within the DMB reflect, and are in accordance with, the policies and guidance set out within the National Planning Policy Framework (NPPF)⁶ and the strategic spatial objectives and policies in the BDP.
- 1.5 Work on the DMB commenced in 2015 and has been subject to an extensive process of consultation that has played an important role in helping to shape the policies in the plan. The Council has undertaken three key consultation exercises prior to its

¹ SI 2012 No. 767 The Town and Country Planning (Local Planning) (England) Regulations 2012.

² https://www.birmingham.gov.uk/downloads/file/19564/schedule_of_main_modifications

³ Inspector's Report can be found at www.birmingham.gov.uk/DMB

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32001L0042&from=EN>

⁵ SI 2004 No. 1633 The Environmental Assessment of Plans and Programmes Regulations 2004.

⁶ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

submission to the Minister for Housing Communities and Local Government in July 2020. The SA has been applied to all stages in the preparation of the DPD as set out in Table 1.1 below.

Table 1.1: DMB Stages and SA reports

Plan stage	Title	SA stage	Consultation period
Regulation 18	Development Management DPD (June 2015)	SA Scoping Report (December 2014) SA Scoping Report Update (May 2018)	7 September - October 2015 22 May 2018 – 29 June 2018
Regulation 18	Development Management in Birmingham Preferred Options Document (January 2019)	SA of the Development Management DPD Preferred Options Document (January 2019)	4 February - 29 March 2019
Regulation 19	Development Management in Birmingham Publication Document (October 2019)	Sustainability Appraisal of the Development Management DPD (October 2019)	9 January – 21 February 2020
Regulation 22	Development Management in Birmingham Publication Document (October 2019)	Addendum to the SA (May 2020)	-
Regulation 24 Consultation on main modifications	Main modifications (May 2021)	-	24 March - 5 May 2021

- 1.6 Following the conclusion of the Main Modifications (MM) and consideration of the final responses, the Council received the Inspector's Report which concluded that, with the recommended MMs, the DMB satisfied the requirements of Section 20(5) of the Planning and Compulsory Purchase 2004 Act and met the criteria for soundness in the NPPF. The DMB was subsequently adopted by the Council on 7 December 2021. Further information on the adopted Local Plan, including the Inspector's Report, is available via the Council's website: www.birmingham.gov.uk/DMB

The Requirement for Sustainability Appraisal and Strategic Environmental Assessment

- 1.7 Under Section 19(5) of the Planning and Compulsory Purchase Act 2004, the Council is required to carry out a SA of the DMB to help guide the selection and development of policies and proposals in terms of their potential social, environmental and economic effects.

- 1.8 In undertaking the requirement for SA, local planning authorities must also incorporate the requirements of European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, referred to as the SEA Directive, and its transposing regulations the Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No. 1633).
- 1.9 Paragraph 16 of the NPPF sets out that local plans should be prepared with the objective of contributing to the achievement of sustainable development.⁷ In this context, paragraph 32 of the NPPF reiterates the requirement for SA/SEA as it relates to local plan preparation:
- 1.10 *“Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.⁸ This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).”*
- 1.11 The SEA and SA processes can be undertaken together as a combined process, one which is advocated in National Planning Practice Guidance, which recommends SA and SEA be undertaken as a combined process. For the purpose of this statement, the integrated appraisal approach will be hereafter referred to as the Sustainability Appraisal (SA).

Habitats Regulations Assessment

- 1.12 Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’) requires that competent authorities assess the potential impacts of land use plans on the Natura 2000 network of European protected sites⁹ to determine whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of the plan’s implementation (either alone or ‘in combination’ with other plans or projects); and, if so, whether these effects will result in any adverse effects on that site’s integrity with reference to the site’s conservation

⁷ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act, 2004)

⁸ The reference to relevant legal requirements in the NPPF relates to Strategic Environmental Assessment

⁹ Strictly, ‘European sites’ are any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a ‘Site of Community Importance’ (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the ‘new wild birds directive’) are applied; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Conservation of Habitats and Species Regulations 2017 are applied a matter of Government policy when considering development proposals that may affect them (NPPF para 176). ‘European site’ is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites

objectives. The process by which the effects of a plan or programme on European sites are assessed is known as 'Habitats Regulations Assessment' (HRA).¹⁰

- 1.13 In accordance with the Habitats Regulations, what is commonly referred to as a HRA screening exercise was undertaken to identify the likely impacts of the Local Plan upon European sites, either alone or 'in combination' with other projects or plans, and to consider whether these impacts are likely to be significant. Where the possibility of significant effects could not be excluded, a more detailed Appropriate Assessment (AA) has been carried out to determine whether these effects would adversely affect the integrity of European sites.
- 1.14 The HRA screening exercise was reported separately from the SA of the DMB but importantly helped inform the appraisal process, particularly in respect of the potential effects of proposals on biodiversity.

Purpose of this Post Adoption Statement

- 1.15 This PAS represents the conclusion of the SA process and fulfils the plan and programme adoption requirements of the SEA Directive and SEA Regulations. In accordance with Regulation 16 (4) of the SEA Regulations, this statement sets out the following:
- how environmental and sustainability considerations have been integrated into the DMB (**Section 2** of this document);
 - how the SA Reports have been taken into account (**Section 3**);
 - how opinions expressed in response to the consultation on the SA Reports have been taken into account (**Section 4**);
 - the reasons for choosing the Local Plan, as adopted, in the light of the other reasonable alternatives dealt with (**Section 5**); and
 - the measures that are to be taken to monitor the significant environmental and sustainability effects of the implementation of the Local Plan (**Section 6**).

¹⁰ 'Appropriate Assessment' has been historically used as an umbrella term to describe the process of assessment as a whole. The whole process is now more usually termed 'Habitats Regulations Assessment' (HRA), and 'Appropriate Assessment' is used to indicate a specific stage within the HRA.

2. How Environmental and Sustainability Considerations Have Been Integrated into the DMB

Environmental and Sustainability Considerations in the Local Plan

- 2.1 Environmental and wider sustainability considerations have been integral to the key decisions made in respect of the policies and proposals of the DMB. The integration of these considerations into the plan making process has principally been achieved through:
- the development of a comprehensive evidence base on topics including, *inter alia*, housing, employment, transport, green infrastructure, communities, and viability;
 - continuous engagement with key stakeholders and the public on the emerging DMB and related environmental and sustainability matters;
 - the consideration of national planning policy and the objectives of other plans and programmes;
 - fulfilment of the Council's Duty to Cooperate; and
 - ongoing assessment through SA (incorporating SEA) and HRA.

The Development Management in Birmingham DPD (DMB)

- 2.2 The DMB supports the delivery of the vision, strategic policies and spatial strategy set out in the BDP by providing detailed development management policies which will help guide development and planning decisions up to the year 2031.
- 2.3 This document contains 16 policies covering a range of topics and arranged in themes to reflect the structure of the BDP. The objectives of the DMB mirror those of the BDP which aim to provide for significant new growth in the most sustainable way, ensuring that the development of new homes is matched by the provision of opportunities for new employment, accessible local services and a high quality environment.

Table 2.1 DMB Policy Topics and Titles

Topic	Reference	Policy Title
Environment and Sustainability	DM1	Air Quality
	DM2	Amenity
	DM3	Land affected by contamination, instability and hazardous substances
	DM4	Landscaping and trees
	DM5	Light pollution
	DM6	Noise and vibration
Economy and network of centres	DM7	Advertisements
	DM8	Places of worship
	DM9	Day nurseries and early years provision
Homes and neighbourhoods	DM10	Standards for residential development
	DM11	Houses in multiple occupation

Connectivity	DM12	Residential conversions and specialist accommodation
	DM13	Self and custom build housing
	DM14	Transport access and safety
	DM15	Parking and servicing
	DM16	Telecommunications

Environmental and Sustainability Considerations in the Plan and SA process

- 2.4 To provide the context for the SA and in compliance with the SEA Directive, a review of other relevant plans and programmes was undertaken and the relevant aspects of the current state of the environment and its evolution without the DMB were considered; together, they informed the identification of a series of key sustainability issues. This information was initially set out in the 2014 Scoping Report which was subsequently updated in 2018 (and then in subsequent SA Reports) to reflect changes since the Scoping Report was published.
- 2.5 The key sustainability issues identified through the review of plans and programmes and analysis of baseline information informed were reflected in the SA objectives and guide questions that comprised the SA Framework used to appraise the DMB. The SA objectives are shown in **Table 2.2**. Broadly, the SA objectives replicate the BDP SA objectives which present the preferred sustainability outcome. The resulting SA Framework comprised 15 sustainability objectives that were used to determine whether the DMB would be likely to achieve each objective. The SA Framework was used to appraise the DMB Objectives and Development Management policies.
- 2.7 The SA process considered the contribution of the DMB towards each of the appraisal objectives, drawing on the baseline information (and its evolution) to predict the likely significant effects of the plan in line with government guidance. The process was iterative and involved the development and refinement of the DMB by testing the sustainability strengths and weaknesses of the emerging policy options.
- 2.8 The appraisal identified the likely changes to the baseline conditions as a result of the DMB's implementation. These effects were described (where possible) in terms of their extent, the timescale over which they could occur, whether the effects would be temporary or permanent, positive or negative, short, medium and/or long-term. Secondary, synergistic and cumulative effects were also considered.
- 2.9 The SA Reports put forward recommendations to avoid or minimise negative effects identified or to enhance potential positive effects. In this way, environmental and sustainability considerations were integrated into the DMB as it was developed.
- 2.10 In addition to the use of the SA framework to assess the potential effects of DMB objectives, options and policies as they were drafted, environmental and sustainability considerations were integrated into the DMB through close working between Wood and the Council officers drafting the plan. Early draft sections of the DMB, including draft policies, were sent to Wood for appraisal and the SA team engaged with Council officers during the process of carrying out the SA of the emerging DMB.

Table 2.2 Sustainability Objectives, Guide Questions and Indicators

SEA Directive Topic Area(s)	SEA Directive Topic Area(s)	Guide Questions	Indicators
Material assets	ENV1 To encourage development that optimises the use of previously developed land and buildings	Will the use of previously developed land be encouraged? Will development densities be maximised?	Proportion of new development on previously developed land Development densities achieved
Material assets	ENV2 To promote the application of high standards of design, construction and maintenance of buildings	Will development be encouraged to meet and where possible exceed standards for energy efficiency?	Proportion of developments meeting energy efficiency standards for design, construction and maintenance
Material assets	ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	Will development be encouraged to incorporate measures which promote sustainable transport? Will development help to reduce the need to travel?	Work place travel plans Measures to promote sustainable transport such as provision for cyclists
Landscape, cultural heritage, biodiversity, flora and fauna	ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	Will development protect and where possible enhance the City's cultural and natural heritage?	Development affecting historic assets Development affecting natural assets including open space
Climatic factors	ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing flood risk	Will development help to reduce flood risk? Will development take into account and actively mitigate climate change impacts?	Renewable energy installed Other measures installed such as SUDS Flooding events Approvals made contrary to EA advice
Water, air, material assets	ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	Will development incorporate water efficiency measures? Will development actively avoid creating additional pollution burdens?	Water use and technologies Changes in water quality Change to/within Air Quality Management Areas Noise complaints Sustainable waste Management
Population and human health	ECON1 To help improve the performance of the	Will development promote growth in key economic sectors? Will development	Employment creation by area and type Business start-ups

SEA Directive Topic Area(s)	SEA Directive Topic Area(s)	Guide Questions	Indicators
	local and City-wide economy to provide opportunity for all	contribute to encouraging a culture of enterprise and innovation?	
Population and human health	ECON2 To help promote the vitality of local centres	Will development contribute to the maintenance and enhancement of the vitality of local centres?	Local centre health checks
Population and human health	ECON3 To promote the regeneration of areas across the City through appropriate development	Will development contribute to regeneration of areas of the City most in need?	Location and type of development
Population and human health	ECON4 To encourage investment in learning and skills development	Will development contribute to investment in learning and skills?	Local initiatives to promote skills development
Population and human health	SOC1 To help ensure equitable access to community services and facilities	Will development help to promote equitable access to services?	Accessibility indices of key facilities
Population and human health	SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	Will development help to promote access to a range of housing types which meet the needs of residents?	Development types and spatial distribution
Population and human health	SOC3 To encourage development which promotes health and well-being	Will development help to promote a healthier, more active population?	Activity levels by area and sector of the population
Population and human health	SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	Will development help to discourage crime?	Crime levels by area and type
Population and human health	SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	Will public participation be encouraged as part of the planning of new development?	Participation in consultations

3. How the SA Report Has Been Taken into Account by the Council

Overview

- 3.1 The development of the DMB has been iterative. SA has played an integral role in this iterative process with each of the plan stages having been accompanied by a SA Report in order to help inform the DMB and fully integrate environmental and sustainability considerations into decision making. **Table 1.1** presents a summary of the key stages in the development of the DMB, the associated SA work undertaken and the key conclusions of the appraisal.

How the Findings of the SA Have Been Taken into Account by the Council

- 3.2 Through the SA, mitigation measures were made concerning the emerging plan policies and these were set out in the SA Reports prepared in support of the Regulation 18 and 19 versions of the DMB. Council officers preparing the DMB took the SA findings and recommendations into account while making changes to the DMB.
- 3.3 No suggestions for the amendment of policy wording were made. This reflected the positive scores, the absence of negative effects and the intention to use the policies in combination with the policies of the BDP. The results of the SA of the DM policies indicate that there are likely to be largely positive or significantly positive effects resulting from implementation of the policies.
- 3.4 More generally, the Development Management policies represent the lowest tier in a hierarchy of planning policies, adding local detail to implement the broader principles of policies within the NPPF and the BDP. As such they specifically address local issues and are designed to mitigate potential adverse effects associated with development.
- 3.5 No significant negative effects, either associated with specific sustainability objectives or cumulatively, were identified. This contrasts with the scores attributed to the absence of a policy which are typically significantly negative, reflecting the clear need to systematically control development and the likely consequences of the absence of such a policy framework which is to the benefit of applicants, residents and the City as a whole.
- 3.6 No additional recommendations were identified following a review of the proposed modifications. The recommendations are summarised in Table 3.2 together with the how the SA report was taken into account in the DMB.

Table 3.2 Summary of the Recommendations from the SA and how the DMB has responded

Recommendation/ comment	How the DMB responded
Ensure that, wherever possible, the specific criteria against which the policy will be implemented and monitored are included.	This was considered through the development of the monitoring framework for the DMB.
For each policy, provide further detail against the cited BDP policies on how these will work together.	Reference to specific BDP policies was added.
Set out more clearly which matters are covered by the BDP and which by the Development Management DPD. Fully reference BCC strategies on various topics relating to specific policies.	The relationship with the BDP was clarified in the DMB. Full reference to BCC strategies was added where relevant.
Set out a summary table of how the policies will be monitored, indicating where this can be covered by the existing Authority Monitoring Report. Some	This was addressed through the monitoring framework for the DMB.

4. How Opinions Expressed During Consultation Have Been Taken into Account

- 4.1 The development of the DMB has been informed by extensive, ongoing engagement and public consultation, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.2 On submission of the Local Plan to the Secretary of State, the Council published a Statement of Consultation¹¹ which set out the consultation undertaken during the preparation and publication of the DMB, a summary of the main issues raised and details of how the comments received have been taken into account. This is summarised in the following subsections.

Consultation on the DMB

Development Management Development Plan Document Consultation (Regulation 18) (June 2015)

- 4.3 Following scoping of the Sustainability Appraisal Report (12 December 2014 – 22 January 2015) comprising a review of existing policies and guidance, analysis of the evidence base, and internal consultation - work on preparing an initial consultation document commenced. An initial consultation document – ‘Development Management DPD Consultation Document’ – was approved for consultation by the Council’s Cabinet Member for Transport, Development and the Economy on 27 July 2015. The document set out the broad topics to be covered in the DMB and informed readers that future consultations would follow that will set out the detailed policies and seek comments on these.
- 4.4 During the 6-week consultation period, a total of 26 individuals and organisations responded, generating 91 comments/representations. A precis of the main issues raised in the Consultation Statement (Regulation 22). This includes a summary of the Council responses indicating how the comments were taken into account in the next stage of the plan. The full schedule of the representations, including the Council’s detailed response to each comment is included as Appendix 1 in the Consultation Statement Appendices. All the comments received, and the Council’s responses were reported to, and approved, at the Council’s Cabinet meeting of 22 January 2019.

Development Management in Birmingham Preferred Options Consultation (Regulation 18) (January 2019)

- 4.5 Given the time that had elapsed between the SA Scoping Report (December 2014) and the subsequent stage in the preparation of the DMB, the Council re-consulted the statutory bodies on the scope of the SA report between 22 May 2018 – 29 June 2018 (5 weeks). The main changes to the SA report were updates to the evidence base, updated DMB objectives (which were proposed to be consistent with the now adopted BDP objectives) and an updated review of relevant policies and

¹¹ https://www.birmingham.gov.uk/downloads/file/16783/csd7_consultation_statement_regulation_22

programmes. The responses of the statutory bodies to the updated SA report were included in the SA of the Preferred Options Document.

- 4.6 As a consequence of the modified policies in the adopted BDP and the time that had elapsed between the two stages, the Council reviewed the initial Consultation Document taking into account not only the comments received in 2015 but also updated national planning policy and guidance and the now modified adopted BDP policies.
- 4.7 The Preferred Options Document was prepared having regard also to the Sustainability Appraisal (including consideration of alternative options) of the proposed policies in the DMB.
- 4.8 The key differences between the 2015 Development Management Consultation Document and the 2019 Preferred Options Document were:
- The objectives - the Preferred Options Document proposed objectives that were consistent with the adopted BDP objectives;
 - The policy list - the list of policies in the Preferred Options Document was streamlined and restructured. Some policies in the 2015 Consultation Document were not taken forward into the Preferred Options Document as originally 'drafted' for reasons set out in the Preferred Options Document. The most common reason was that they would be covered by a combination of a 'new' or 'amended' policy proposed in the Preferred Options Document and adopted BDP policy (see Appendix 3: Policies in Stage 1 Regulation 18 Consultation not included in Preferred Options Document and justification, Preferred Options Document, January 2019).
- 4.9 The Preferred Options consultation document was prepared in accordance with Regulation 18 of the Regulations and made available for public consultation between 4 February and 29 March 2019 (a period of 8 weeks).
- 4.10 During the 8-week consultation period, a total 69 respondents commented on the Preferred Options Consultation Document, generating 650 individual comments/representations. A precis of the main issues raised is contained in the Consultation Statement (Regulation 22). This includes a summary of the Council's response to each comment/ representation. A full schedule of the representations, including the Council's detailed response to each comment raised is included as Appendix 2 in the Consultation Statement Appendices. The representations and the suggested Council response were reported to the Council's Cabinet meeting of 29 October 2019, and subsequently approved.

Development Management in Birmingham Publication Document (Regulation 19) (October 2019)

- 4.11 The Publication version of the DMB took full account of all representations received at the Preferred Options stage. Appendix 3 of the Consultation Statement Appendices sets out the Council's detailed response to each representation and the action taken, where necessary, through the preparation of the Publication version. The Publication version also took into account relevant findings from new evidence

base reports such as the Financial Viability Assessment of the DMB, changes to Government policy and guidance, and Sustainability Appraisal of the DMB. The Publication version DMB was approved for consultation by Cabinet on 29 October 2019 and reported to and discussed at Planning Committee on 13 February 2020.

- 4.12 The Publication DMB was prepared in accordance with Regulation 19 of the Regulations and made available for public consultation between 9 January – 21 February 2020 (6 weeks). During the 6-week consultation period, a total 32 respondents commented on the Publication DMB, generating 122 individual comments/representations. An overview of the results is provided in the Consultation Statement (Regulation 22). This includes a summary of the Council's response to each comment/ representation. A full schedule of the representations, including the Council's detailed response to each comment raised is included as Appendix 3 in the Consultation Statement Appendices.

Submission of the Development Management in Birmingham Publication Document (Regulation 22)

- 4.13 On 17 July 2020 Birmingham City Council submitted the Development Management in Birmingham Publication Document to the Secretary of State. An addendum to the SA Report (May 2020) was produced to accompany the submitted plan.

Consultation on Main Modifications

- 4.14 The MMs were published for consultation between 24 March 2021 and 5 May April 2021 (6 weeks). The MMs were screened for their significance to the SA. All the MMs were considered not to affect the assessment of policy within the SA. (Appendix 1)

Consultation on the SA

- 4.15 At each stage of the DMB's development, an SA Report was published alongside the DMB for consultation. The SEA Regulations require the SEA Adoption Statement to summarise how any opinions expressed by the public and the consultation bodies in relation the SEA have been taken into account.
- 4.16 The Local Plan consultation stages and responses received relating to the SA documents are summarised below.

SA Scoping (2014 and 2018)

- 4.17 The first Scoping Report was subject to consultation between 12 December 2014 – 22 January 2015 (5 weeks). A total of 4 responses were received to the first consultation from the statutory SEA consultation bodies and the Equality and Human Rights Commission.
- 4.18 Due to the time that had elapsed between the SA Scoping Report (December 2014) and the subsequent stage in the preparation of the DMB, the Council re-consulted the statutory bodies on the scope of the SA report between 22 May 2018 – 29 June 2018 (5 weeks).

- 4.19 The statutory bodies' responses to the 2014 scoping exercise were summarised and addressed within the updated SA Scoping Report 2018. The main changes to the SA report were updates to the evidence base, updated DMB objectives (which were proposed to be consistent with the BDP objectives) and an updated review of relevant policies and programmes.
- 4.20 Responses related to various aspects of the Scoping Report and resulted in amendments to the SA Framework. Appendix D of the SA of the DMB Publication Document¹² contains a schedule of the consultation responses received on the Scoping Report, the Council's response and the subsequent action taken.

Preferred Options (2019)

- 4.21 An SA of the Preferred Options Document accompanied the Preferred Options Document and was open to public consultation 4 February - 29 March 2019 (8 weeks). The Council received 4 comments in relation to the SA of the Regulation 18 draft DMB. St. Modwen commented that the policy on residential standards had not been considered in the Sustainability Appraisal. Natural England noted a drafting error in reference to the HRA. Historic England welcomes the attention to safeguarding cultural heritage in the SA. The Council for British Archaeology noted that Table 2.1 in the SA report should include the documents - Archaeology Strategy SPG and Regeneration through Conservation SPG. Appendix F of SA of the DMB Publication Document¹³ contains a schedule of the consultation responses received and how they were addressed in the SA.

Publication version (2019)

- 4.22 A SA of the Publication DMB was undertaken and accompanied the Publication DMB which open for public consultation between 9 January – 21 February 2020 (6 weeks). One comment was raised on the SA by Pegasus Group that the introduction of the revised thresholds for M4(2) dwellings within new developments did not appear to be addressed in the Sustainability Appraisal. Appendix G of SA of the DMB Publication Document¹⁴ contains a schedule of the consultation responses received and how they have been addressed in the SA. The revised threshold for the Part M4(2) was subsequently assessed through an addendum to the Sustainability Appraisal submitted with the DMB.
- 4.23 Following receipt and consideration of the consultation responses on the Publication DMB Document, the Council identified a number of proposed minor changes. An Addendum to the SA (May 2020) was prepared in order to update the appraisal where necessary, taking into account the proposed minor modifications. This

¹²

https://www.birmingham.gov.uk/downloads/file/16789/csd9_sustainability_appraisal_of_the_publication_dmb_oct_2019

¹³

https://www.birmingham.gov.uk/downloads/file/16789/csd9_sustainability_appraisal_of_the_publication_dmb_oct_2019

¹⁴

https://www.birmingham.gov.uk/downloads/file/16789/csd9_sustainability_appraisal_of_the_publication_dmb_oct_2019

ensured that all the likely significant effects of the DMB (as proposed to be modified) had been identified, described and evaluated. This Addendum has also considered proposed changes made by the Council to the DMB following consultation on the Publication version. The SA Report was updated to reflect the changes but there were no impacts on the findings of the SA.

Main Modifications (2021)

4.24 The MMs were published for consultation between 24 March 2021 and 5 May April 2021 (6 weeks). The MMs were screened for their significance to the SA. All the MMs were considered not to affect the assessment of policy within the SA.

4.25 The Inspector concluded that:

“The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal and published the report along with the Plan and other submission documents under regulation 19. The appraisal was reviewed to assess the main modifications. The SA is considered adequate.”

5. The Reasons for Choosing the Local Plan as Adopted in the Light of the Other Reasonable Alternatives Considered

Overview

- 5.1 Text Article 5 (1) of the SEA Directive and SEA Regulation 12(2) require that “*an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated*”. Information to be provided includes “*an outline of the reasons for selecting the alternatives dealt with*” (SEA Directive Annex I (h) and SEA Regulations Schedule 2 (8)).
- 5.2 The European Commission guidance on the SEA Directive discusses possible interpretations of handling ‘reasonable alternatives’ as required by Article 5(1). It states that “*The alternatives chosen should be realistic. Part of the reason for studying alternatives is to find ways of reducing or avoiding the significant adverse effects of the proposed plan or programme*”.
- 5.3 The findings of the appraisal of the Preferred Options and reasonable alternatives were reported in the SA Report and subject to public consultation.

The Reasons for Choosing the Policies and for Rejecting Reasonable Alternatives

- 5.4 The SA of the Publication DMB Document describes the evolution of the development management policies, including the outcomes of the appraisal of associated preferred options and reasonable alternatives. **Table 5.1** of this Post Adoption Statement provides a summary of the options considered in the process. The SA of the Publication DMB Document sets out the reasons for selecting and rejecting the options considered.

Summary

- 5.5 Overall, the adopted DMB reflects the preferred options selected following the consideration of reasonable alternatives during each stage of its preparation, taking into account the evidence base, engagement and assessment including SA. The adopted DMB also reflects the Main Modifications put forward by the Inspector and appended in their final Report. The Main Modifications include changes to policy wording and supporting text. These are all deemed to be necessary to ensure that the DMB provides a sound and legally compliant plan for the City.
- 5.6 In the Council’s view, the DMB, as adopted, provides the framework for contributing to sustainable development across the City and offers significant opportunities to realise the Council’s vision for Birmingham. It reflects a rigorous process of evidence gathering, assessment, consultation and independent examination.

Table 5.1 Summary of results and the reasons for selecting/rejecting the Alternatives

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
Environment and Sustainability		
DM1 Air Quality	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. The policy could benefit from the inclusion of examples of measures against which the policy will be implemented and measured.	No alternative has been identified to this policy - National policy requires planning to contribute towards compliance with relevant limit values or national objectives for pollutants and take into account local AQMA and Clean Air Zones (CAZ). Therefore, in order to comply with national policy it is considered necessary to set policy aimed at improving air quality and mitigating the impacts of development on air quality. Having no air quality policy will risk undermining the AQMA and CAZ and failure to deliver relevant actions within the City's Air Quality Action Plan, transport strategy and the objectives of the BDP in promoting sustainable development and helping to address climate change.
DM2 Amenity	Good design is important to securing sustainable development through balancing a wide variety of considerations. The detailed criteria within DM01 against which developments will be considered serve as a reference point against which specific proposals can be considered, thereby helping to ensure that development takes account of the specific matters which help to make the City and its neighbourhoods attractive and successful places to live. The specific requirements of DM02 complement the overarching principles set out in DM01. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address design issues yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy on amenity and rely instead on the NPPF and ad hoc considerations of proposals on a case by case basis. Reason for rejection: The Council believes the preferred approach will provide a more transparent, consistent and fairer basis for considering planning proposals than having no policy. To ensure the successful delivery of the BDP, amenity considerations are considered important. The NPPF is clear that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM3 Land affected by Contamination, Instability and Hazardous Substances	A policy which clearly addresses environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal.	No alternative to this policy has been identified - Environmental health legislation requires local authorities to identify contaminated land and ensure it is managed in an appropriate manner. The NPPF also stresses the need for policies to ensure that new development is compatible with its location. The NPPF makes clear that developers and landowners are responsible for securing safe development where a site is affected by contamination.
DM4 Landscaping and Trees	Trees and landscaping are fundamental to a high quality and ultimately sustainable environment, contributing aesthetically and functionally to the quality of life across the City. Specification of expectations for design and use of trees and landscaping as part of new development will ensure that, in combination with other policies, high quality design is realised, and wider sustainability enhancements are secured. There are no suggested changes to the content of the policy arising from the appraisal, other than cross-referencing Council Strategies relating to Green Infrastructure, for example.	No alternative to this policy has been identified - The NPPF and BDP provide strong support for protecting and enhancing valued landscapes. Local planning authorities are advised to set criteria-based policies against which proposals for any development on or affecting protected wildlife or landscape areas will be judged.
DM5 Light Pollution	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal.	No alternative to this policy has been identified - The NPPF is clear that planning policy should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The draft policy provides a detailed approach for achieving this.

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM6 Noise and Vibration	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal.	No alternative has been identified to this policy - National planning policy requires development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition, the BDP seeks to create well designed, healthy and safe environments. It is therefore considered necessary to include this policy.
Economy and Network of Centres		
DM7 Advertisements	A specific policy which clearly controls the siting and design of advertisements will provide an important reference point for ensuring that a range of sustainability benefits are secured, focused on enhancing economic development in the City whilst ensuring that residential amenity and City-wide amenity is protected. In all cases, the greater certainty and precision associated with an updated policy is likely to yield positive sustainability effects. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy on advertisements Reasons for rejection: Not having a policy and relying upon applications being considered against the National Planning Policy Framework would not be favoured since there would be no safeguard against inappropriate advertisements and signs.

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM8 Places of Worship and other faith related community facilities	<p>Ensuring the appropriate location and design of these uses will help to ensure that sustainable development is promoted, particularly having regard to equitable access through public transport and sensitive design ensuring that impacts on local amenity are minimised. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.</p>	<p>Retain the wording of existing policy in paragraphs 8.31 - 8.35 of the Saved Unitary Development Plan 2005 and Places for Worship and Faith-related Community and Educational Facilities SPD (2011)</p> <p>Reasons for rejection: This policy needs to be updated to reflect Policy TP21 of the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.</p> <p>No policy on places of worship and faith related community uses.</p> <p>Reasons for rejection: Birmingham has a diverse mix of faiths and cultures. A policy is required to ensure that development for places of worship and faith related community uses takes place in the appropriate locations and their impacts on the local area are managed.</p>
DM9 Day nurseries and early years provision	<p>A policy which ensures the consistent provision of educational facilities of various kinds across the City will help to ensure that there is equitable access (for example through sustainable locations) and in a fashion which maintains and enhances local amenity. The precise effects of the policy will have to be monitored to determine whether the policy objectives are being realised in practice. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address education-related development issues yields more positive sustainability outcomes than the reasonable alternatives presented.</p>	<p>Retain existing UDP policy</p> <p>Reasons for rejection: The policy requires updating as it refers to out of date policies. The existing policy does not reflect the Policy TP21 in the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.</p> <p>No policy on day nurseries and childcare provision</p> <p>Reasons for rejection: Without a policy on the development of day nurseries and childcare provision, development may result in adverse impacts on the vitality of local centres, residential amenity and character of an area.</p>
Homes and Neighbourhoods		

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM10 Standards for Residential Development	<p>This policy will yield a range of sustainability benefits, associated with ensuring that there is high quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented.</p>	<p>Retain existing UDP policy in paragraph 8.39-8.44 of the Saved Unitary Development Plan regarding house extensions. There is no existing policy on housing technical standards for internal space, outdoor amenity space or accessible and adaptable housing.</p> <p>Reasons for rejection: The policy requires updating to achieve good standards of amenity for the occupiers of new residential buildings and protect the amenity of nearby occupiers and residents. The general thrust of the existing policy regarding residential extensions is taken forward into the new policy.</p> <p>No minimum space standards or policy on separation distances, outdoor amenity space and accessible and adaptable housing.</p> <p>Reasons for rejection: Having no such policy would risk developments not achieving a reasonable level of amenity therefore impacting on quality of life. Minimum space standards will help to ensure that there is sufficient space, privacy and storage facilities to ensure the long- term sustainability and usability of homes. DM9 is consistent with the NPPF requires local planning authorities to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM11 Houses in Multiple Occupation (HMO)	<p>The sustainability effects of a clear policy which seeks to control Houses in Multiple Occupation (HMO) is likely be positive, reflecting the potential issues associated with them. The sustainability effects relate to ensuring that local amenity and design quality is appropriately protected, whilst providing for the needs of those in need. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.</p>	<p>Retain existing UDP policy</p> <p>Reasons for rejection: This policy requires updating as it refers to out of date UDP policies, but the main thrust of the policy remains unchanged in DM11.</p> <p>No policy on HMO</p> <p>Reasons for rejection: Without a HMO policy, development could result in concentrations of HMOs which can lead to a number of negative impacts on local communities, for example more frequent noise nuisance, depopulation of neighbourhoods during academic vacations, and increased pressure on parking due to higher population densities.</p> <p>Less prescriptive policy</p> <p>Reasons for rejection: Defining cumulative impact by using a threshold against which applications will be assessed will aid in transparency and consistency in decision-making.</p>
DM12 Residential conversions and specialist accommodation	<p>Promoting sensitive residential conversions and the development of appropriate specialist accommodation is likely to result in significant positive effects through the provision of appropriate accommodation for those in particular need. The option of having no specific policy could result in some minor adverse effects relating to social indicators.</p>	<p>No policy on Residential Conversions</p> <p>Reasons for rejection: Without a policy on residential conversions and specialist accommodation there are likely to be a range of negative effects relating to poor quality living environments and negatives impacts on local amenity arising from over-concentrations of such uses.</p>

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM13 Self and Custom-build Housing	Promoting self- and custom-build housing through a specific policy is likely to yield positive sustainability effects City-wide with no adverse effects identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of having no specific policy could result in some minor adverse effects relating to social indicators.	<p>No policy on self and custom build housing.</p> <p>Reasons for rejection: The Council wishes to take a proactive approach to supporting individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership. It is also a duty upon local authorities to have regard to the Self and Custom Build Register in carrying out their planning, housing, land disposal and regeneration functions.</p>
Connectivity		
DM14 Highway Safety and Access	Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal.	<p>No alternative to this policy has been identified - the NPPF requires development to provide for safe and suitable access to the site for all users. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p>
DM15 Parking and Servicing	Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>No policy</p> <p>Reasons for rejection: National policy makes clear that parking standards should be determined at the local level in response to local circumstances. The proposed policy supports the implementation of the BDP in developing a sustainable, high quality, integrated transport system. It is considered essential that appropriate parking is provided to contribute to traffic reduction and ensure safety, inclusive development and manage any impact on amenity.</p>

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM16 Telecommunications	Ensuring that the City has an up-to-date telecommunications infrastructure will ensure sustainability benefits across a range of objectives, notably the contribution to the City's economic performance, creating opportunities for travel reduction and ensuring that all residents have equitable access to high quality services that enable them to fulfil their economic and social potential. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address telecommunications siting matters yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy Reasons for rejection: policy supports the implementation of the Policy TP46 Digital Communications of the BDP. The Council supports well- designed and located high quality communications infrastructure and this policy is intended to facilitate provision in line with this aspiration.

6. Monitoring

Overview

- 6.1 The SEA Regulations (17 (1)) set out that *“The responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying any unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action”*. The Regulations are clear that it is not necessary to monitor everything. Instead, monitoring should focus on significant effects.
- 6.2 Government guidance¹⁵ states that details for monitoring the significant effects of implementing a local plan must be included in the SA report, the Post Adoption Statement or in the local plan itself. The guidance also states that the monitoring results should be reported in the local planning authority's monitoring report. Monitoring the adopted Local Plan for sustainability effects can help to answer questions such as:
- Were the SA's predictions of sustainability effects accurate?
 - Is the DMB contributing to the achievement of desired SA objectives?
 - Are mitigation measures performing as well as expected?
 - Are there any adverse effects? Are these within acceptable limits, or is remedial action desirable?

The DMB Monitoring Framework

¹⁵ MHCLG (2015) Planning Practice Guidance: Strategic Environmental Assessment and Sustainability Appraisal, Paragraph: 025 Reference ID: 11-025-20140306

6.3 Monitoring of the DMB's implementation will focus on:

- significant sustainability effects that may give rise to irreversible damage, with a view to identifying trends before such damage occurs;
- significant effects where uncertainty was identified in the SA and where monitoring would enable preventative or mitigation measures to be undertaken; and
- where there is the potential for effects on sensitive environmental receptors.

6.4 **Appendix 2** sets out a framework for monitoring the likely significant effects of implementing the adopted DMB. These reflect the indicators proposed within the monitoring framework for the DMB itself as the data collected will also be relevant to understanding sustainability effects in many instances. The monitoring table was previously presented in the Publication SA Report but has now been updated to reflect the final set of monitoring indicators included in the adopted DMB where relevant.

6.5 The MMs included changes to the Monitoring Framework and these were screened to assess the extent to which proposed indicators aligned with the SA objectives. The Monitoring Framework is provided at **Appendix 2** of this PAS and it is concluded that the monitoring framework provides the basis for meeting monitoring requirements for the DMB associated with the SA.

6.6 As noted above, the SA monitoring process will be nested within the DMB monitoring process. It is envisaged that there will be an ongoing programme of monitoring, which will be reported on an annual basis in the Council's Authority Monitoring Reports (AMRs). The AMRs will be available to view on the Council's website and will be used to monitor the implementation of the DMB. Monitoring will also identify unexpected outcomes which will allow the Council to take appropriate action.

Appendix 1 - Implications of the Main Modifications for the Sustainability Appraisal

Ref	Policy and/ or paragraph number	Subject to Sustainability Appraisal	Reason
MM1	Policy DM1 Air Quality Paragraph 2.7	No	All modifications set out as part of MM1 are for clarification purposes. The changes are therefore not expected to affect the assessment of the policy within the SA.
MM2	Policy DM2 Amenity Paragraph 2.20	No	The Policy itself is not subject to any direct modification apart from the addition of a footnote to cross reference with Policy DM10. The addition to paragraph 2.20 of the supporting text to the policy is for clarification. Neither change is expected to affect the assessment of Policy DM2 within the SA.
MM3	Policy DM3 Land affected by contamination, instability and hazardous substances	No	MM3 provides clarity to the application of the policy and is unlikely to change the result of the SA.
MM4	Policy DM4 Landscaping and trees Paragraph 2.37 Paragraph 2.39	No	Modifications to Policy DM4 provide clarification as to how the Policy is to be applied as well as providing additional references to documents for clarification. These changes are not expected to result in changes to the SA.
MM5	Policy DM6 Noise and vibration Paragraph 2.52	No	All modifications set out as part of MM5 relating to Policy DM6 are for clarification purposes. The changes are unlikely to affect the assessment of the policy within the SA.
MM6	Policy DM8 Places of worship and faith related community uses Paragraph 3.10	No	MM6 provides clarification on the application of the policy and is not expected to have any implications on the SA.
MM7	Policy DM9 Day nurseries and early years provision Paragraph 3.18 Paragraph 3.19 Paragraph 3.20	No	All modifications set out as part of MM7 relating to Policy DM9 are for clarification purposes. The changes are therefore not anticipated to affect the assessment of the policy within the SA.
MM8	Policy DM10 Standards for residential development Paragraph 4.5 Paragraph 4.11	No	The changes proposed in MM8 relate to clarifications to Policy DM10 in terms of its application. As such, the changes are unlikely to affect the assessment of the policy within the SA.

Appendix 1 - Implications of the Main Modifications for the Sustainability Appraisal

Ref	Policy and/ or paragraph number	Subject to Sustainability Appraisal	Reason
MM9	Policy DM13 Self and custom build housing	No	The modifications set out as part of MM9 are for clarification purposes. The changes are not expected to affect the assessment of the policy within the SA.
MM10	Policy DM14 Transport Access and Safety New paragraph 5.10	No	The modifications set out as part of MM10 are for clarification purposes. The changes are unlikely to affect the assessment of the policy within the SA.
MM11	Policy DM15 Parking and Servicing Paragraph 5.14 (formerly 5.13) Paragraph 5.15 (formerly 5.14) Paragraph 5.16 (formerly 5.15)	No	The modifications set out as part of MM11 are for clarification purposes. The changes are not expected to affect the assessment of the policy within the SA.
MM12	Appendix 2: Monitoring Framework	No	The modifications set out in MM12 relate to changes to the monitoring indicators. These are not expected to affect the assessment of the policies themselves in the SA.

Appendix 2 – Monitoring Framework					
Policy	DMB Monitoring Indicator	Target	Trigger	Potential indicators suggested in the SA	Related SA Objective (s)
Policy DM1 Air Quality	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on air quality grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold air quality impact as valid reason for refusal 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy • 10% of appeals where inspector rejected air quality as a reason for refusal 	<ul style="list-style-type: none"> • AQ monitoring • Change within AQMA • Effects on human health and biodiversity 	<ul style="list-style-type: none"> • ENV2 • ENV4 • ENV6 • SOC3
Policy DM2 Amenity	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on amenity grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold loss of amenity as valid reason for refusal 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy • 10% of appeals where inspector rejected amenity as reason for refusal • 	<ul style="list-style-type: none"> • DM statistics applications refused as contrary to policy • Development affecting natural assets including open space • Effects on heritage assets and biodiversity 	<ul style="list-style-type: none"> • ENV2 • SOC2 • SOC3 • SOC4
Policy DM3 Land affected by Contamination and Hazardous substances	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on contamination grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold risk of contamination as a valid reason for refusal 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy • 10% of appeals where inspector rejected contamination as reason for refusal 	<ul style="list-style-type: none"> • DM statistics on applications with contamination/stability issues • Proportion of new development on previously developed land 	<ul style="list-style-type: none"> • ENV1 • ENV6 • ECON3 • SCO3
Policy DM4 Landscaping and Trees	<ul style="list-style-type: none"> • Ha/ sq. m. in loss of ancient woodland • Number of applications approved without tree replacement provision (where relevant) 	<ul style="list-style-type: none"> • No loss of ancient trees/ woodland • No applications approved without tree replacement provision (where relevant) 	<ul style="list-style-type: none"> • 10% loss of ancient trees/ woodland • 10% of applications approved without tree replacement provision (where relevant) 	<ul style="list-style-type: none"> • BDP monitoring of city-greening • DM statistics on conditions attached to applications 	<ul style="list-style-type: none"> • ENV2 • ENV4 • ENV5 • ENV6 • SOC3
Policy DM5 Light Pollution	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements 	<ul style="list-style-type: none"> • 10% of applications approved contrary to policy 	<ul style="list-style-type: none"> • DM statistics on applications refused as contrary to policy 	<ul style="list-style-type: none"> • ENV4 • ENV6 • SOC3

Appendix 2 – Monitoring Framework					
Policy	DMB Monitoring Indicator	Target	Trigger	Potential indicators suggested in the SA	Related SA Objective (s)
	<ul style="list-style-type: none"> Number of applications refused on light pollution grounds and successfully defended at appeal 	<ul style="list-style-type: none"> All relevant appeal decisions uphold light pollution as a valid reason for refusal 	<ul style="list-style-type: none"> 10% of appeals where inspector rejected light pollution as reason for refusal 	<ul style="list-style-type: none"> Effects on heritage assets and biodiversity 	
Policy DM6 Noise and Vibration	<ul style="list-style-type: none"> Number of applications approved contrary to the policy Number of applications refused on noise impact grounds and successfully defended at appeal 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements All relevant appeal decisions uphold noise impact as a valid reason for refusal 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy 10% of appeals where inspector rejected noise impact as reason for refusal 	<ul style="list-style-type: none"> DM statistics on applications refused as contrary to policy Noise complaints Effects on heritage assets and biodiversity 	<ul style="list-style-type: none"> ENV6 SOC3
Policy DM7 Advertisements	<ul style="list-style-type: none"> Number of applications approved contrary to the policy Number of applications refused on this policy and successfully defended at appeal 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements All relevant appeal decisions uphold the reason(s) for refusal related to the policy 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy 10% of appeals where inspector rejected the reason(s) for refusal related to the policy 	<ul style="list-style-type: none"> DM statistics on applications refused as contrary to policy Effects on heritage assets 	<ul style="list-style-type: none"> EN4 ECON1
Policy DM8 Places of Worship	<ul style="list-style-type: none"> Number of applications approved contrary to the policy Percentage of applications refused on this policy and successfully defended at appeal 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements All relevant appeal decisions uphold the reason(s) for refusal related to the policy 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy 10% of appeals where inspector rejected the reason(s) for refusal related to the policy 	<ul style="list-style-type: none"> DM statistics on applications Accessibility indices of key facilities 	<ul style="list-style-type: none"> ENV3 ECON2
Policy DM9 Day nurseries and early years provision	<ul style="list-style-type: none"> Number of applications approved contrary to the policy Percentage of applications refused on 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements All relevant appeal decisions uphold the 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy 10% of appeals where inspector rejected the 	<ul style="list-style-type: none"> DM statistics on applications Accessibility indices of key facilities 	<ul style="list-style-type: none"> ENV3 ECON2 ECON4

Appendix 2 – Monitoring Framework					
Policy	DMB Monitoring Indicator	Target	Trigger	Potential indicators suggested in the SA	Related SA Objective (s)
	this policy and successfully defended at appeal	reason(s) for refusal related to the policy	reason(s) for refusal related to the policy		
Policy DM10 Standards for Residential Development	<ul style="list-style-type: none"> • Number of dwellings meeting NDSS. • Number of dwellings provided as accessible and adaptable • Number of applications refused on 45 Degree Code successfully defended at appeal 	<ul style="list-style-type: none"> • 100% of dwellings meet NDSS • 100% of development of 15 or more dwellings provide 30% accessible homes • All relevant appeals on 45 Degree Code policy successfully defended 	<ul style="list-style-type: none"> • Provision of NDSS compliant homes falls below 80% • Provision of accessible and adaptable homes falls below 80%. • 10% of appeals where inspector rejected 45 Degree Code policy as reason for refusal • 	<ul style="list-style-type: none"> • DM statistics on applications refused as contrary to policy 	<ul style="list-style-type: none"> • ENV2 • ENV3 • ENV4 • ECON3 • SOC2 • SOC3
Policy DM11 House in multiple occupation	<ul style="list-style-type: none"> • New areas with over 10% concentration of HMOs 	<ul style="list-style-type: none"> • No new areas with over 10% concentration of HMOs 	<ul style="list-style-type: none"> • Increase in areas with over 10% concentration of HMOs 	<ul style="list-style-type: none"> • DM statistics on applications refused as contrary to policy 	<ul style="list-style-type: none"> • ENV1 • ECON3 • SOC2
Policy DM12 Residential conversions and specialist accommodation	<ul style="list-style-type: none"> • Number of applications approved contrary to policy 	<ul style="list-style-type: none"> • All relevant applications to meet the policy requirements 	<ul style="list-style-type: none"> • 10% of applications approved contrary to the policy 	<ul style="list-style-type: none"> • DM statistics on applications refused as contrary to policy 	<ul style="list-style-type: none"> • ENV2 • ENV3 • ECON3 • SOC2
Policy DM13 Self and custom build housing	<ul style="list-style-type: none"> • Numbers of plots made available for self and custom build each year 	<ul style="list-style-type: none"> • No specific target 	<ul style="list-style-type: none"> • No specific trigger 	<ul style="list-style-type: none"> • DM statistics on applications 	<ul style="list-style-type: none"> • ENV2 • ECON3 • SOC2
Policy DM14 Highway and safety access	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements 	<ul style="list-style-type: none"> • 10% of applications approved contrary to the policy 	<ul style="list-style-type: none"> • DM statistics on applications refused as contrary to policy 	<ul style="list-style-type: none"> • ENV3 • ECON3 • SOC1
Policy DM15 Parking and servicing	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements 	<ul style="list-style-type: none"> • 10% of applications approved contrary to the policy 	<ul style="list-style-type: none"> • DM statistics on applications refused as contrary to policy 	<ul style="list-style-type: none"> • ENV3 • ECON3 • SCO1

Appendix 2 – Monitoring Framework					
Policy	DMB Monitoring Indicator	Target	Trigger	Potential indicators suggested in the SA	Related SA Objective (s)
	<ul style="list-style-type: none"> Number of applications refused on this policy successfully defended at appeal 				
Policy DM16 Telecommunications	<ul style="list-style-type: none"> Number of applications approved contrary to the policy 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements 	<ul style="list-style-type: none"> 10% of applications approved contrary to the policy 	<ul style="list-style-type: none"> DM statistics on applications refused as contrary to policy 	<ul style="list-style-type: none"> ENV45 ECON3

APPENDIX 9



**PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012
(AS AMENDED) REGULATION 26**

DEVELOPMENT MANAGEMENT IN BIRMINGHAM (DMB)

DEVELOPMENT PLAN DOCUMENT ADOPTION STATEMENT: DECEMBER 2021

Notice is hereby given in accordance with Regulations 17, 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), that the Development Management in Birmingham Development Plan Document (DMB) was formally adopted by Birmingham City Council on 7th December 2021.

The DMB was submitted to the Secretary of State on 17 July 2020 and was subject to examination by an independent inspector appointed by the Secretary of State. The Inspector's report concluded that with the recommended main modifications set out, the DMB satisfies the requirements of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness in the National Planning Policy Framework. Pursuant of section 23(3) of the Planning and Compulsory Purchase Act 2004, the adopted DMB incorporates these modifications. The full list of main modifications made to the DMB following receipt of the Inspector's Report is set out in the 'Schedule of Recommended Main Modifications', published as an Appendix to the Inspector's Report. A number of additional modifications have also been included as necessary technical, factual, grammatical and typographical corrections that do not materially affect the policies in the DMB.

In accordance with the regulations the following documents have been made available:

- Development Management in Birmingham (adoption version);
- this Adoption Statement;
- the Sustainability Appraisal Report; and
- the Sustainability Appraisal Post Adoption Statement.

These documents are available to view and download on the Council's website by clicking on this Link to the DMB section of the Council's website www.birmingham.gov.uk/DMB

Hard copies of the Development Management in Birmingham document and this Adoption Statement will also be made available for inspection at the Council Offices and libraries listed below: (Please check opening times and guidelines if intending to visit).

- Birmingham City Council, 10 Woodcock Street, Birmingham, B7 4BL
- Library of Birmingham, Centenary Square, Broad Street, B1 2ND

APPENDIX 9

- Druids Heath Library and Customer Service Centre, Idminston Croft, B14 5NJ
- Erdington Customer Service Centre, 67 Sutton New Road, B23 6QT
- Northfield Customer Service Centre, 1a Vineyard Road, B31 1PG
- Saltley Customer Service Centre, 54 Highfield Road, Washwood Heath, B8 3QU
- Sparkbrook Customer Service Centre, Grantham Road, B11 1LU
- Harborne Library, High Street, B17 9QG
- Kings Heath Library, High Street, B14 7SW
- Shard End Library, The Shard, All Saints Square, Shard End Crescent, B34 7AG
- Aston Library, 99 Whitehead Road, B6 6EJ
- Handsworth Library, Soho Road, B21 9DP
- Sutton Coldfield Library, Lower Parade, B72 1XX
- Walmley Library, Walmley Road, B76 1NP
- South Yardley Library, Yardley Road, B25 8LT

Any person aggrieved by the DMB may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that:

- the document is not within the appropriate powers conferred by Part 2 of the Planning and Compulsory Purchase Act 2004;
- a procedural requirement of the Planning and Compulsory Purchase Act 2004 or its associated Regulations has not been complied with.

Any such application must be made no later than the end of the period of six weeks after the day the DMB is adopted (18 January 2022).

A copy of this adoption statement will be sent to the Secretary of State for Housing, Communities and Local Government.

* Please note that a hard copy of the Sustainability Appraisal Report is only available to view at the Council's principal offices at Woodcock Street. The report can be viewed online at:

www.birmingham.gov.uk/DMB

For further information please contact: Planning Strategy, Birmingham City Council, PO Box 28, Birmingham, B1 1TU or email planningstrategy@birmingham.gov.uk

Title of proposed EIA	Adoption of the 'Development Management in Birmingham' DPD (DMB)
Reference No	EQUA747
EA is in support of	New Policy
Review Frequency	Two Years
Date of first review	01/11/2023
Directorate	Inclusive Growth
Division	Planning and Regeneration
Service Area	Planning Policy
Responsible Officer(s)	<input type="checkbox"/> Martin Dando
Quality Control Officer(s)	<input type="checkbox"/> Richard Woodland
Accountable Officer(s)	<input type="checkbox"/> Uyen-Phan Han
Purpose of proposal	Sets out non-strategic planning policies for the determination of planning applications
Data sources	Consultation Results; relevant reports/strategies; relevant research
Please include any other sources of data	
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Wider Community
Age details:	<p>In general, the DMB provides policies which seek to ensure the creation of a sustainable, inclusive and a connected city. This will have positive impacts on people of all ages. The policies have evolved and been adapted following consultation which has been carried out in line with relevant guidance and best practice including the principles set out in the Council's Statement of Community Involvement (2008 and updated in 2019). The approach to public consultation has been City wide but made as relevant as possible to the community profile of the City as well as targeting citizens of all ages to ensure needs are met and adverse impacts on any particular age group are minimised or eliminated.</p> <p>Some policies in particular will have a positive impact age characteristics as follows:</p>

The Air Quality policy (DM1) will particularly benefit children, young people and the elderly who are more vulnerable to air pollution by ensuring that developments for sensitive uses such as schools and residences should be located away from major sources/areas of air pollution. If not, such developments must be designed and sited to reduce exposure to air pollutants by incorporating mitigation measures. Responses to the consultation in relation to this policy were, in general, supportive particularly in relation to school development. No issues were raised by any specific groups representing particular age groups or characteristics. Minor issues were raised by the Planning Inspectorate during the examination of the DMB in relation to this Policy but did not effect its beneficial effects..

The Standards for Residential Development policy (DM10) will help to support the ageing population and the specific needs of people with mobility problems by requiring housing of 15 or more dwellings to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable. Building accessible housing can make a substantial difference to quality of life and ensure that future need is delivered throughout the lifetime of the Plan.

DM10 also seeks to adopt the minimum Nationally Described Space Standards for all residential development to ensure high quality residential environments and internal space to protect the health and well-being of residents of existing and new dwellings. The quality of new housing in the city (including implementation of the internal space and access standards) has a role to play in addressing health and wellbeing. Wide support was received for this policy approach during the consultation subject to evidence and

viability. However, no specific groups representing particular age groups or characteristics provided any direct comments. Following examination, the Planning Inspectorate recommended some changes to the Policy but these did not change the thrust of the policy and its benefits for people of all ages.

The policy on Day nurseries and childcare provision (DM9) will help to ensure that the development of such facilities is well located and provides suitable and sufficient indoor and outdoor space play space to meet the needs of children. Again, the policy is generally welcomed but no specific issues were raised from particular groups. Minor changes were made following examination by the Planning Inspectorate but did not effect the thrust of the Policy.

Protected characteristic: Disability

Disability details:

Wider Community

The document is part of a suite of local plan documents which seek to plan for the development needs of all including the needs of people with disabilities. Detailed technical design matters and needs are addressed in specific dedicated documents e.g. Access for People with Disabilities SPD and the Birmingham Design Guide SPD.

In general, the DMB provides policies which seek to ensure the creation of a sustainable, inclusive and a connected city. This will have positive impacts on people with disabilities.

The Parking and Servicing policy (DM15) sets parking standards for the city which will be included in the Parking SPD (to be adopted in November 2021). This will benefit people with disabilities by setting out clear standards for disabled parking provision so that all new developments include adequate parking for people with disabilities.

The Standards for Residential Development policy (DM10) will help to support the ageing population and the specific needs of people with mobility problems by requiring housing of 15 or more dwellings to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable. Building accessible housing for all can make a substantial difference to quality of life and ensure that future need is delivered throughout the lifetime of the Plan.

DM10 also seeks to adopt the minimum Nationally Described Space Standards for all residential development to ensure achieve high quality residential environments and internal space to protect the health and well-being of residents of existing and new dwellings. The quality of new housing in the city (including implementation of the internal space and access standards) has a role to play in addressing health and wellbeing and ensuring the adequate supply of suitable homes to meet the requirements of people with disabilities.

The policy on residential conversions and specialist accommodation (DM12) (which can include supported accommodation for older people and people with mental health, learning disabilities, dementia, physical and sensory impairment) promotes the development of high quality residential accommodation and facilities, including provision for safety and security, is suitable for the intended occupiers.

Although groups representing people with disabilities were consulted during the preparation of the DMB, no specific comments were received from such groups. General comments were received in support of the policy approach and no significant alterations have been made to any of the policies following consultation.

Following examination, the Planning Inspectorate recommended modifications to all of the above policies. However, these changes were mainly for issues of clarity and did not affect the thrust of the policies and their beneficial impact on people with disabilities.

Protected characteristic: Sex

Gender details:

Wider Community

The policies have evolved and been adapted following consultation which has been carried out in line with relevant guidance and best practice including the principles set out in the Council's Statement of Community Involvement (2008 and updated in 2019). The approach to public consultation has been City wide but made as relevant as possible to the community profile of the City as well as targeting particular groups or representatives of specific groups.

In general, the DMB provides policies which seek to ensure the creation of a sustainable, inclusive and a connected city. This will have positive impacts on all people and no adverse comments have been received in relation to gender during consultation on the DMB. Following examination, the Planning Inspectorate recommended modifications to some of the policies. However, none of these changes are deemed to have a material impact on the implementation of any policy in relation to gender.

Protected characteristics: Gender Reassignment

Gender reassignment details:

Not Applicable

Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

Not Applicable

Protected characteristics: Pregnancy and Maternity

Wider Community

Pregnancy and maternity details:

The policies have evolved and been adapted following consultation which has been carried out in line with relevant guidance and best practice including the principles set out in the Council's Statement of Community Involvement (2008 and updated in 2019). The approach to public consultation has been City wide but made as relevant as possible to the community profile of the City as well as targeting particular groups or representatives of specific groups.

The policy on Day nurseries and childcare provision (DM9) is relevant to this characteristic as it will help to ensure that the development of such facilities is well located and provides suitable and sufficient indoor and outdoor space play space to meet the needs of children. General support has been received for this policy during the consultation but nothing specific was raised from groups representing this protected characteristic in particular. Modifications to this policy were recommended by the Planning Inspectorate following examination. However, none of these changes are deemed to have a material impact on the implementation of the policy in relation to pregnancy and maternity.

Protected characteristics: Race

Race details:

Wider Community

The policies have evolved and been adapted following consultation which has been carried out in line with relevant guidance and best practice including the principles set out in the Council's Statement of Community Involvement (2008 and updated in 2019). The approach to public consultation has been City wide but made as relevant as possible to the community profile of the City as well as targeting particular groups or representatives of specific groups.

A consultation statement has been developed in parallel to the DMB document to set out how the public consultation has been carried out. A database of consultees for planning documents ensures that a wide range of groups, organisations and individuals are consulted representing all communities and all protected characteristics. No issues have been raised by specific groups during consultation in relation to this particular protected characteristic. Modifications were made to the policies as recommended by the Planning Inspectorate following examination. However, none of the changes are deemed to have a material impact on the implementation of any of the policies as well as in relation to race.

Protected characteristics: Religion or Beliefs

Religion or beliefs details:

Wider Community

The DMB document contains a policy (DM8) on 'Places of worship and other faith-related community facilities' to make provision and provide positive policies for the location of such places and may have some impact on this particular protected characteristic. The preferred location of such uses is within the network of urban centres identified in the Birmingham Development Plan but can also be acceptable where the specific policy criteria are met.

The consultation process included specific religious and belief groups. However, although comments were made by individuals and other organisations, there were no comments received from specific religious or faith groups. The comments received were generally supportive but the Policy has been simplified to provide sufficient flexibility for locations outside of the network of centres to be considered where they are well located to the population the premises is to serve or is

well served by means of walking, cycling and public transport. Following examination, the Planning Inspectorate recommended modifications to Policy DM8. However, these changes were mainly for issues of clarity and did not affect the thrust of the policy and its beneficial impacts in this respect.

Protected characteristics: Sexual Orientation

Sexual orientation details:

Wider Community

In general, the DMB provides policies which seek to ensure the creation of a sustainable, inclusive and a connected city to have a positive impact on all protected characteristics. The policies have evolved and been adapted following consultation which has been carried out in line with relevant guidance and best practice including the principles set out in the Council's Statement of Community Involvement (2008 and updated in 2019). The approach to public consultation has been City wide but made as relevant as possible to the community profile of the City as well as targeting particular groups or representatives of specific groups.

A consultation statement has been developed in parallel to the DMB document to set out how the public consultation has been carried out, meeting the requirements of relevant guidance and best practice including the principles set out in the Statement of Community Involvement (2008 and updated in 2019). A database of consultees for planning documents ensures that a wide range of groups, organisations and individuals are consulted to ensure needs of particular communities are met and adverse impacts on any particular groups such as the LGBTQ community are removed. No issues have been raised by specific groups during consultation in relation to sexual orientation. Modifications were made to the policies as recommended by the

Planning Inspectorate following examination. However, none of the changes are deemed to have a material impact on the implementation of any of the policies as well as in relation to sexual orientation.

Socio-economic impacts

Please indicate any actions arising from completing this screening exercise.

This analysis has been updated following examination into the DMB by the Planning Inspectorate which took account of consultation responses to recommend a series of modifications which were themselves subject to consultation earlier in 2021. Whilst the modifications helped to improve the clarity and detail of some of the policies, none of the changes had a direct impact on the thrust of any of the policies or have a material impact on their implementation or effect on individuals with protected characteristics as set out above.

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

The DMB is backed by an extensive evidence base to justify each proposed policy within the document. It has also been informed by national and local planning policies, guidance and evidence produced by the Government, the Council and its partners. It has also drawn upon the evidence base which informed the development of the Birmingham Development Plan. Evidence reports have also been specifically prepared for this DMB which form the background to the policy formation process. The evidence base supporting the DMB can be found on the DMB page of the Council's website at www.birmingham.gov.uk/DMB

Consultation analysis

This analysis has been updated following examination into the DMB by the Planning Inspectorate which took account of

consultation responses to recommend a series of modifications which were themselves subject to consultation earlier in 2021. Whilst the modifications helped to improve the clarity and detail of some of the policies, none of the changes had a direct impact on the thrust of any of the policies or have a material impact on their implementation or effect on individuals with protected characteristics as set out above.

Adverse impact on any people with protected characteristics.

The proposed policies are not predicted to have an adverse impact on any people with protected characteristics. Indeed, all the policies are expected to have a positive impact on the community by ensuring that development is guided to the right location, is of a high standard, enhances quality of life and protects the environment. This assumption was tested at the examination by the Planning Inspectorate and, although modifications were recommended as a result, none of these changes had a direct impact on the thrust of any of the policies or have a material impact on their implementation or effect on individuals with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact? The DMB has been modified already (through several consultation stages) to take into account some issues which may have had an adverse impact in terms of Equality. Examples of this include making Policy DM8 on Places of worship and other faith related community facilities more flexible to be able to adapt to the diverse needs of different faith communities. A further example relates to Policy DM9 on Day nurseries and early years provision where the policy was changed to include explicit need for sufficient outdoor play space for improved quality of life for children within such nursery facilities. Whilst some modifications were recommended by the Planning Inspectorate following examination and subsequently made, none of the changes had a direct impact on the thrust of any of

the policies to have any direct effect on individuals with protected characteristics.

How will the effect(s) of this policy/proposal on equality be monitored?

The DMB contains a monitoring framework to monitor the effectiveness of the policies once adopted. This will be reported through the Authority Monitoring Report (AMR).

What data is required in the future?

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

Analysis of consultation responses as well as modifications recommended by the Planning Inspectorate following examination, has enabled further scrutiny of the Document and its policies to ensure compliance with the Equality Act and minimise any potential impacts on the protected characteristics.

The policies in the DMB are not predicted to have an adverse impact on any people with protected characteristics. Indeed, all the policies are expected to have a positive impact on the community by ensuring that development is guided to the right location, is of a high standard, enhances quality of life and protects the environment. This assumption will be tested throughout the final stages of the plan-making process.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

No

Approve

01/10/2021

The policies in the DMB are not predicted to have an adverse impact on any people with protected characteristics. The DMB policies are expected to have a positive impact on the community as described in the assessment.

Birmingham City Council

Report to Cabinet

9 November 2021



Subject: **ADOPTION OF THE 'DEVELOPMENT MANAGEMENT IN BIRMINGHAM' DEVELOPMENT PLAN DOCUMENT**

Report of: **ACTING DIRECTOR, INCLUSIVE GROWTH**

Relevant Cabinet Member: **Councillor Ian Ward, Leader of the Council**

Relevant O &S Chair: **Councillor Saima Suleman, Economy and Skills**
Councillor Liz Clements, Sustainability and Transport

Report author: Uyen-Phan Han, Planning Policy Manager
 Telephone No: 0121 303 2765
 Email Address: uyen-phan.han@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009059/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 Cabinet is asked to note the Planning Inspector's report (Appendix 1) on the 'Development Management in Birmingham' Development Plan Document (DMB) and recommend to Council adoption of the DMB as submitted and subsequently amended by the main modifications (Appendix 2) and additional (minor) modifications. (Appendix 3).
- 1.2 Upon adoption of the DMB, the remaining parts of the Birmingham Unitary Development Plan 2005 (Chapter 8) (Appendix 4) are to be superseded.

2 Recommendations

- 2.1 Notes the report of the Planning Inspector on the 'Development Management in Birmingham' Development Plan Document (DMB) (Appendix 1) and the Inspector's schedule of main modifications (Appendix 2).
- 2.2 Recommends to City Council the adoption of the DMB incorporating the Inspector's main modifications and additional (minor) modifications in accordance with the provisions of Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3 Notes the final version of the Strategic Environmental Assessment (SEA)/ Sustainability Appraisal and Habitats Regulation Assessment (HRA) (Appendix 7)
- 2.4 Notes the accompanying DMB Adoption Statement (Appendix 9) and Sustainability Appraisal Adoption Statement (Appendix 8).
- 2.5 Approves the revocation and withdrawal of the remaining parts of the Birmingham Unitary Development Plan 2005 (Chapter 8) (Appendix 4) and the withdrawal of relevant superseded Supplementary Planning Guidance referenced within it (Appendix 5).
- 2.6 Delegates authority to the Acting Director of Inclusive Growth in consultation with the Leader to make any typographical, grammatical, graphical, and presentational changes to the final DMB prior to adoption.

3 Background

- 3.1 The adoption of the DMB means that it will become part of Birmingham's Local Plan and it will support the adopted Birmingham Development Plan (2017) (BDP) by setting out non-strategic planning policies for the determination of planning applications. It will be one of the Council's key planning policy documents alongside the BDP and it replaces the remaining extant policies of the Birmingham Unitary Development Plan (2005) (UDP) which will be revoked.
- 3.2 The DMB document has been subject to four public consultation events which have all been previously approved by Cabinet.
 - Stage 1 – Development Management DPD Consultation (Regulation 18) (June 2015) Consultation period 7 September - 19 October 2015 (6 weeks)
 - Stage 2 - Preferred Options Document Consultation (Regulation 18) (January 2019) Consultation period 4 February and 29 March 2019 (8 weeks)
 - Stage 3 – Publication DMB Document (Regulation 19) (October 2019) Consultation period 9 January – 21 February 2020 (6 weeks)
 - Stage 4 – Proposed Main Modifications to the DMB document following Examination Hearings (Regulation 22) (March 2021) Consultation period 24 March – 5 May 2021 (6 weeks)
- 3.3 Following Stage 3 (Publication), the DMB was published and submitted to the Ministry for Housing, Communities and Local Government (MHCLG) in July 2020 for examination by the Planning Inspectorate (PINS). A Planning Inspector (Kelly

Ford) was appointed to carry out the Examination in Public of the DMB. As part of the Examination, public hearings took place between the 10th and 12th November 2020.

- 3.4 At the end of the hearings, the Inspector agreed a set of 12 main modifications with council officers which were deemed to be required to make the document sound and compliant. As set out in paragraph 3.2 above (Stage 4), these modifications were then approved by Cabinet and subject to consultation earlier this year. Primarily, the modifications added additional text to the policies and/or the supporting text to clarify and assist in the application of the policies. The thrust of the policies themselves remained the same.
- 3.5 Following consultation on the proposed main modifications, 16 individual representations were received and forwarded to the Planning Inspector for her consideration. The Inspector issued her final report on 30 September 2021 which was published soon after receipt in line with Regulation 25 of the Town and Country (Local Planning) (England) Regulations 2012. The report is attached as Appendix 1 and is available on the Council's website. In addition, those who responded at the Regulation 19 consultation have been notified of the publication of the report in line with Regulation 35. The report concludes that with the recommended main modifications (Appendix 2) being incorporated into the DMB, it satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the tests of 'soundness' as set out in the National Planning Policy Framework 2012.
- 3.6 In summary the key effects of the Inspector's main modifications are as follows:
- MM1- DM1 Air quality – clarification of terms 'unacceptable deterioration' and 'unacceptable levels' to improve effectiveness of the policy.
- MM2 – DM2 Amenity – cross reference to other relevant policy and definition of what 'in the vicinity' means in relation to point h. of the policy which is concerned with the individual and cumulative impacts of development proposals in the immediate area.
- MM3 – DM3 Contaminated land – consistency with the NPPF with regards to the mitigation of risk where proposals for new development are to be located on land which is known to be or potentially contaminated or unstable.
- MM4 – DM4 Landscaping and trees – additional wording to improve the effectiveness of the policy and to clarify that the provision of new trees will be expected in appropriate locations within the multi-functional green infrastructure network. Additional wording in relation to Ancient Woodland or Ancient/ Veteran trees to ensure consistency with the NPPF. Clarity on the definition of quality trees in reference to the British Standard for Trees BS5837. Reference to category A, B and C trees in relation to replacement provision.
- MM5 – DM6 Noise and vibration - clarification that the criteria of the policy apply only where it is relevant. Changes to the supporting text to clarify that noise assessments will be based on an understanding of the existing and predicted levels of environmental noise at both the development site and nearby receptors.

MM6 – DM8 Places of worship – clarification that the preferred location for such uses will be the network of centres, as defined in Policy TP21 of the BDP and outside of this where identified criteria are met.

MM7 – DM9 Day nurseries and early years provision - clarification that the preferred location for such uses will be the network of centres, as defined in Policy TP21 of the BDP and outside of this where identified criteria are met.

MM8 – DM10 Standards for residential development – clarification on when the policy applies and makes clear the status of the Places for Living SPD.

MM9 – DM13 Self and Custom Build Housing – defines larger sites and explains that affordable self and custom build should not be substituted for social rented and affordable rented housing where it is needed.

MM10 - DM14 Transport Access and Safety - additional supporting text to clarify where details of the future transport improvements referred to in part 6e of the policy can be found.

MM11 - DM15 Parking and Servicing – deletion of reference to the Parking SPD within part 1 of the policy and additional wording in the supporting text to clarify the status of the SPD as guidance.

MM12 – Monitoring framework – amendments to identify appropriate targets and trigger to enable effective monitoring.

- 3.7 Where the Inspector's report recommends that main modifications are needed, the Council must incorporate the recommended main modifications if it wishes to adopt the DMB. The report is not binding on the Council, but the Council may not adopt an unsound plan.
- 3.8 Adoption of the DMB provides the city with a comprehensive Local Plan framework. The DMB will be given full weight in determining planning applications and appeals decisions.
- 3.9 During the preparation of the Local Plan Review the Council is required by law (Planning and Compulsory Purchase Act 2004 and Environmental Assessment of Plans and Programmes Regulations ["the SEA Regulations"]) to carry out a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) of the plan as it developed. This legal requirement is an important element of testing the "soundness" of local plans that is required by National Planning Policy Framework 2012 paragraph 182. Both the SA and SEA requirements were met through a single integrated process (referred to as SA), the method and findings of which were described in numerous SA reports published alongside the different versions of the DMB during its development.
- 3.10 The SA (incorporating SEA) of the DMB commenced following the publication of the SA Scoping Report in December 2014 which was updated in May 2018. Iterative stages of the SA were then published by the Council: SA of Preferred Options (January 2019); SA of Publication Document (October 2019); and SA Addendum (May 2020). There are no implications on the SA of the main modifications. A SA

Post Adoption Statement (Appendix 8) has been prepared ready for publication upon adoption of the DMB.

- 3.11 The adoption of the DMB means that the document now supersedes what remains of the Birmingham Unitary Development Plan (UDP) (Chapter 8). The UDP was originally adopted in full in 2005 but the majority of the document was revoked in 2017 when the Birmingham Development Plan was adopted, apart from the development control policies set out as Chapter 8 and attached as Appendix 4. The DMB will also supersede a number of outdated Supplementary Planning Documents and Guidance. Authority is therefore also sought to revoke and withdraw this remainder of the UDP as a result of the adoption of the DMB.

4 Options Considered and Recommended Proposal

- 4.1 **Option 1- Do Nothing:** Not adopting the DMB would delay having up to date Development Management policies in place to help determine planning applications and appeals. The option of not adopting the DMB is not recommended. The DMB has been found sound, subject to the recommended modifications. If the DMB is not adopted there is uncertainty over the planning framework for the city. In turn this will assist in facilitating poor or inappropriate development.
- 4.2 **Option 2 – Adopt the DMB Without Accepting the Recommendations Set Out by the Planning Inspector or the Proposed Main Modifications Set Out in the Report:** This approach would risk the DMB being challenged as ‘unsound’ and not legally compliant and would risk the delay of having an up to date set of policies to help determine planning applications.
- 4.3 **Option 3 – Seek Approval to Adopt the DMB and Revoke and Withdraw the Remaining Birmingham Unitary Development Plan (UDP) Policies and List of out-dated SPD/Gs.** Based on the evidence heard during the examination hearings and the subsequent consultation on the proposed main modifications, this is considered the most appropriate way forward. This is necessary to enable the City Council to adopt the DMB and ensure that sound and legally compliant development management policies are in place to help determine planning applications and appeals. Adoption of the DMB provides the city with a comprehensive Local Plan framework. The DMB will then be given full weight in determining applications and appeal decisions. The recommended proposal is to proceed with the adoption of the DMB.

5 Consultation

- 5.1 The DMB itself has been subject to public consultation on three occasions followed by a further consultation earlier this year on the proposed main modifications which had been agreed with the Planning Inspector. All consultations are detailed in paragraph 3.1 above and have been carried out in accordance with the Council’s adopted Statement of Community Involvement, under the provisions of the Planning and Compulsory Purchase Act 2004, and the revised procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 5.2 Representations in support of the proposed main modifications were received on behalf of National Grid, Canals and Rivers Trust, Historic England and Natural England. Representations were also received on behalf of Bloor Homes and the Langley Consortium which raised objections to some of the proposed modifications relating to issues they had previously raised at the examination hearings in November 2020. As set out in paragraph 3.4 above, all responses were forwarded to the Planning Inspector for her consideration in accordance with the provisions of Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

6 Risk Management

- 6.1 The main risk associated with failure to adopt the DMB document is the absence of up to date policies to guide development management decisions. The programme and timetable for adoption of the DMB has allowed for flexibility to account for any potential issues. The previous consultation on the Main Modifications held earlier this year (March - May 2021) was one such issue where flexibility in the timetable and process enabled it to be carried out without undue risk to the overall programme.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The DMB is consistent with the national and local planning policies, the Council Plan 2018-2022 (as updated in 2019) and in particular the outcome; 'Birmingham is an Entrepreneurial City to learn, work and invest in', by providing up to date policies against which planning applications for development will be assessed.

7.2 Legal Implications

- 7.2.1 The preparation of the DMB is being carried out in accordance with the Planning and Compulsory Purchase Act 2004 and its adoption is prescribed under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

7.3 Financial Implications

- 7.3.1 There are no direct financial implications from adopting the DMB. Preparation of the DMB and associated evidence, including all consultation stages and the Examination in Public, have been carried out using existing Inclusive Growth Directorate (Planning and Development) staff resources and specialist external consultants to prepare specific evidence in its support. The cost of preparing the documents is funded from existing approved Inclusive Growth revenue budgets.

7.4 Procurement Implications (if required)

7.4.1 No implications.

7.5 Human Resources Implications (if required)

7.5.1 No implications

7.6 Public Sector Equality Duty

7.6.1 The DMB has been prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies, in the exercise of their functions, have due regard to and consider the needs of all individuals in shaping policy. Preparation of the DMB document includes the carrying out of an integrated Sustainability Appraisal at each formal stage which ensures positive social, economic and environmental impacts. An Equality Analysis (EA) has also been carried out during each stage and has been updated once more for its adoption and attached as Appendix 10.

8 Appendices

- Appendix 1 – Report of the Planning Inspectorate for the ‘Development Management in Birmingham’ Development Plan Document
- Appendix 2 - Main modifications
- Appendix 3 – Additional (minor) modifications
- Appendix 4 – Saved policies of the Birmingham Unitary Development Plan 2005 (Chapter 8) to be superseded
- Appendix 5 – Supplementary Planning Guidance to be superseded through the adoption of the Development Management in Birmingham Development Plan Document
- Appendix 6 – The Development Management in Birmingham Development Plan Document, including the main modifications and additional (minor) modifications
- Appendix 7 - Sustainability Appraisal of the Development Management in Birmingham Development Plan Document and Addendum
- Appendix 8 - Sustainability Appraisal of the Development Management in Birmingham’ Development Plan Document Post Adoption Statement
- Appendix 9 - Development Management in Birmingham Development Plan Document Adoption Statement
- Appendix 10 – Equalities Analysis of the final version of the ‘Development Management in Birmingham’ Development Plan Document

9 Background Documents

- Cabinet Report 27th July 2015 - Public Consultation on the Development Management Development Plan Document (Issues and Options)
- Cabinet Report 22nd January 2019 - Public Consultation on the 'Development Management in Birmingham' Development Plan Document. (Preferred Options).
- Cabinet Report 29th October 2019 - Public consultation on the Publication version of the 'Development Management in Birmingham' Development Plan Document
- Cabinet Report 23rd June 2020 – Submission of the 'Development Management in Birmingham' Development Plan Document
- City Council Report 14th July 2020 - Submission of the 'Development Management in Birmingham' Development Plan Document
- Cabinet Report 16th March 2021 – Consultation on Main Modifications to the 'Development Management in Birmingham' Development Plan Document

Birmingham City Council

City Council

7 December 2021



Subject: Lead Member Report: West Midlands Police and Crime Panel

Report of: Cllr Mick Brown

Report author: Christian Scade, Interim Head of Scrutiny and Committee Services

Does the report contain confidential or exempt information? ☐ Yes ☒ No

1 Executive Summary

- 1.1 This report provides a summary of the work of the West Midland's Police and Crime Panel ("the Panel").

2 Recommendation

- 2.1 That the report be noted.

3 Role of the Police and Crime Panel

- 3.1 The Panel is a joint scrutiny body of the West Midland authorities with a dual role to 'support and challenge' the work of the Police and Crime Commissioner (PCC).
- 3.2 The Panel acts as a critical friend to the PCC on behalf of West Midlands residents and must perform the following statutory functions:
- Review and comment on the PCC's draft Police and Crime Plan.
 - Review the PCC's Annual Reports.
 - Scrutinise decisions and actions by the PCC.
 - Review (with the power to veto) the PCC's proposed Council Tax precept.
 - Hold confirmation hearings before the PCC makes certain senior appointments (Chief Constable, Deputy PCC, Chief Executive and Chief Finance Officer), with the power to veto the Chief Constable appointment.
 - Handle non-criminal complaints about the conduct of the PCC and Deputy PCC, referring serious complaints to the Independent Office for Police Conduct (task delegated to the Birmingham Monitoring Officer).
 - Appoint an acting PCC if required.
 - Suspend the PCC if charged.

4 Panel Membership

- 4.1 The Panel consists of 12 councillors representing the seven West Midland districts and two independent members. Councillor membership reflects the political balance of the region.
- 4.2 Birmingham is represented on the Panel by Cllr Mick Brown, Cllr Saima Suleman and Cllr Bret O'Reilly. Cllr Safia Akhtar, Cllr Shabrana Hussain, and Cllr Hendrina Quinnen are named substitutes.
- 4.3 The Panel elected Councillor Suky Samra (Walsall) as Chair and Kristina Murphy (Independent Member) as Vice Chair for the 2021/22 Municipal Year.
- 4.4 Appointments to the Panel are made annually. Looking ahead to the 2022/23 appointments, the district authorities have been asked to consider consistency in membership as regular attendance by committed members aids an effective Panel. Members appointed to the Panel should be able to attend regularly.

5 Police and Crime Panel Work Programme

- 5.1 The Panel's work programme consists of statutory tasks (listed in 3.2 above), and wider exploratory work. Examining key policing, crime and community safety topics of public interest enables members to knowledge and insight into the strategic policing landscape in order to hold the PCC to account.
- 5.2 The PCC attends every Panel meeting to respond to questions and provides updates on recent activities. The Panel can also invite the Chief Constable to attend to answer any questions which appear to the Panel to be necessary to carry out its functions. The Panel may also invite other persons (residents, stakeholders, councillors, officers from other parts of the public sector) to discuss issues of local concern and/or answer questions.
- 5.3 Meeting papers, meeting dates, published reports, together with more information about the Panel can be found on the Panel's website: www.westmidlandspcp.co.uk. Following the need to return to in-person meetings, the Panel holds a combination of in person decision-making meetings and virtual informal sessions. All meetings are live streamed.

6 Highlights May 2021 – December 2021

May 2021:

- 6.1 Simon Foster was elected West Midlands Police and Crime Commissioner for a three-year term.
- 6.2 The panel held interviews to fill a vacant independent panel member position. A regional advertising campaign was undertaken, and competitive interviews conducted by a cross-party selection panel. The Panel appointed Lionel Walker.

June 2021:

- 6.3 The annual appointment process of panel members resulted in a 60% turnover of councillor panel members. The panel secretariat delivered an induction workshop for all members that examined the role of the Panel. A further member briefing on police finance was delivered by the Chief Finance Officer at the Office of the PCC in September.

July 2021:

- 6.4 The West Midlands Police and Crime Commissioner attended his first Panel meeting and set out his aspirations for his term of office, and his approach to developing his Police and Crime Plan.

October 2021:

- 6.5 The Panel reviewed the draft West Midlands Police and Crime Plan 2021-2025 and made a number of recommendations for the PCC to consider before publication. The Panel's report and the PCC's response are available on the Panel website www.westmidlandspcp.co.uk

November 2021:

- 6.6 The Panel will examine the PCC's Annual Report. It will also consider the PCC's performance framework associated with the implementation of his Police and Crime Plan and new reporting responsibilities for the National Crime and Policing Measures. The Panel will also receive an update on the West Midlands Police Estate Strategy.

7 Forward Plan

Public Confidence in Policing: Panel Scrutiny Inquiry

- 7.1 In 2020 the Panel decided to undertake an in-depth scrutiny inquiry into public confidence in policing to understand the factors that had led to the reported drop in public confidence in West Midlands Police and what steps the PCC was taking to address these issues.
- 7.2 The inquiry focussed on four areas: communication with the public, the victim experience and crime outcomes, public expectations of a modern police force, and trust and legitimacy.
- 7.3 During 2020 and 2021 the Panel collected evidence from a range of sources, conducted a survey and held a stakeholder evidence gathering session. It is grateful for all those that contributed.
- 7.4 The conclusions from the evidence received have developed 10 recommendations for the PCC to consider. The report is due to be published in December.

Policing budget and precept

7.5 In January 2022 the Panel will examine the PCC budget proposals and formally review the PCC's proposed policing precept for 2022-23.

Further suggestions for the Panel Work Programme

As the Panel shapes its future work programme, City Council members are encouraged to suggest issues that the Birmingham Panel Members (Cllr Brown, Cllr Suleman and Cllr O'Reilly) could seek to add to the Police and Crime Panel work programme.

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Further information regarding this report can be obtained from:

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Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.



Preface

By Cllr Carl Rice, Chair of the Co-ordinating O&S Committee



Being a local councillor allows you to quickly get to know the problems faced by the people and communities you represent and your position as a public representative gives you a degree of power and influence in tackling those problems.

Councillors from across the City from all political parties were being contacted by local residents about the growing problem of Exempt Accommodation. People without any experience were acquiring properties and housing vulnerable people in need of support without needing City Council approval. As a result, particular areas and sometimes whole streets housed people with little or no stake in the communities they lived in. All the problems traditionally associated with a transient population were made worse by the fact that residents were vulnerable and not receiving the support required for them to move on with their lives.

This latest Scrutiny Report from Birmingham City Council is therefore a classic example of how local democracy works. Public concern and pressure about a problem combined with local councillors determined to do all they can to tackle that problem.

So, my heartfelt thanks go to all those residents and community groups – nearly 100 of them - who gave evidence to the Committee. In addition to the detailed accounts of what it was like living in areas blighted by Exempt Accommodation, some of the evidence was the result of painstaking research into how other towns and cities were coping with the problem and analysis of the company accounts of large providers in the City.

Thanks are also due to my Scrutiny colleagues who unanimously agreed to undertake this review and who spent many hours listening to evidence during what will become known as the Covid era. Not once did party politics rear its ugly head and blight what has been a completely united effort to tackle the problems caused by Exempt Accommodation.

I must also pay tribute to the Charities and local agencies who provide accommodation for vulnerable adults in a responsible and professional way in the City. They illustrate just what can be achieved when care and support for people, rather than financial gain, is the overriding motivation.

My final thanks go to officers from across all relevant City Council departments who have supported the Committee in its work.

Cllr Carl Rice

Chair, Co-ordinating Overview & Scrutiny Committee



Summary of Recommendations

Ref	Recommendation	Responsibility	Completion Date
R01	Building on the Success of the Pilot (1) <ul style="list-style-type: none"> a) The multi-disciplined, cross-departmental, team that is dedicated to Exempt Accommodation should be continued beyond the pilot. Mainstream funding should be identified and included in the 2022/23 budget, to resource the team, including officers from housing, adult social care, community safety, housing benefits, waste management, environmental health and planning. b) The multi-agency pilot team should also work closely with the Regulator of Social Housing. c) There should be clear leadership and accountability with a senior officer and Cabinet Member responsible for this area of work. d) Resources to continue work to oversee and inspect over 20,000 units should also be identified. 	Cabinet Member for Homes and Neighbourhoods Cabinet Member for Vulnerable Children & Families Cabinet Member for Finance & Resources Cabinet Member for Social Inclusion, Community Safety & Equalities	February 2022
R02	Building on the Success of the Pilot (2) <ul style="list-style-type: none"> a) There should also be a single, clear route for citizens (residents of both exempt accommodation and the local areas) to raise concerns and have them resolved and work on remedies for change. b) The option of local coordination groups and a charter for local areas where there are high concentrations of exempt accommodation should be explored. c) There should be a clear route for local councillors to deal with casework relating to exempt accommodation. d) The pilot should also continue to work with the local residents' groups who contributed to the Scrutiny Report. 	Cabinet Member for Homes and Neighbourhoods	February 2022



R03	<p>Ensuring Council-wide Practice is consistent with the aims of the Charter and Supported Housing Strategy</p> <p>a) Adopt a council wide approach to commissioning, placing conditions on use of exempt accommodation based on their adherence to the quality standard and Charter.</p> <p>b) A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies.</p>	<p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Homes and Neighbourhoods</p>	June 2022
R04	<p>Supporting the Housing Benefit Process</p> <p>a) As part of the process of reviewing housing benefit applications, Adult Social Care visits with other relevant staff should be undertaken where a provider has not signed up to the Quality Standard accreditation scheme, so that the evaluation of 'support' is informed by Adult Social Care expertise in care, support and safeguarding, whilst responsibility for the HB determination rests with the Housing Benefit Team.</p> <p>b) The Quality Standard should be used to help determine whether the appropriate level of support is being provided.</p> <p>c) Payment should be reviewed after two months or at least within six months (so as to ensure providers are not forewarned of when the review will take place) with Adult Social Care, Housing and Community Safety input where appropriate. Reviews should include a site visit, not just a desk exercise. A system of risk-based reviews should be developed targeting a proportion of each category of provider as well as those known to be at higher risk.</p>	<p>Deputy Leader</p> <p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Health and Social Care</p> <p>Cabinet Member for Homes and Neighbourhoods</p>	March 2022
R05	<p>Strengthening Planning Controls</p> <p>There is a gap between Councillors' and residents' expectations of planning enforcement and the service delivered by the Planning Department.</p> <p>We ask the Leader and the relevant O&S Committee to review existing practices, enforcement policies and procedures.</p>	<p>Leader and relevant O&S Committee</p>	March 2022



R06	Working with Regional Partners and other Local Authorities The Cabinet Member should work with the regulator and other local authorities to prevent/reduce “lifting and shifting” of vulnerable people from elsewhere in the country. This is a national issue, and the Leader should raise this with WM Leaders and Core City groups.	Leader Cabinet Member for Homes and Neighbourhoods Cabinet Member for Vulnerable Children and Families	March 2022
R07	Lobbying for Change The Council should work with government to address the issues set out in 2.5.2. It should also be made clear that the two year programme for legislative change is unacceptable and this should continue to be raised with the Department for Levelling Up, Housing and Communities (DLUHC) (formerly MHCLG).	Cabinet Member for Homes and Neighbourhoods	March 2022
R08	Progress towards achievement of these recommendations should be reported to the Co-ordinating Overview and Scrutiny Committee no later than March 2022. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Homes and Neighbourhoods	March 2022



1 Introduction

1.1 What is Exempt Accommodation?

- 1.1.1 'Exempt' accommodation is accommodation which is provided by a non-metropolitan county council, a housing association, a registered charity or a voluntary organisation where that body or person acting on its behalf also provides the claimant with care, support or supervision.
- 1.1.2 It was introduced into Housing Benefit regulations in January 1996, after the rules were tightened to limit the amount paid to claimants outside of the regulated social rented sector. This means that those rules normally limiting the amount of rent covered by benefits do not apply for this type of supported accommodation.
- 1.1.3 The tenant qualifies for the enhanced housing benefit payment, which is paid by the Department for Work and Pensions via the housing benefit system and is administered by the local council. It is important to understand that Housing Benefit (HB) funds housing costs only. In the case of supported accommodation these include 'intensive housing management costs' (such as additional wear and tear, higher replacement costs) etc. **Funding for the provision of support must be found from elsewhere.** Qualifying providers can therefore receive HB payments often far in excess of Local Housing Allowance Rates or social sector 'general needs' rents (additional wear and tear, higher replacement costs etc).
- 1.1.4 Any provider wishing to set up as "Exempt" must obtain supported exempt status. The two criteria that the provider must meet are:
 - 1. 'not-for-profit' status¹;
 - 2. Evidence of the provision of care, support or supervision – the nature or level of 'care, support or supervision' required is not detailed in the regulations but case law has qualified it as 'more than minimal' or 'more than trifling'.
- 1.1.5 Housing Associations registered with the Regulator of Social Housing are called Registered Providers, but other housing associations are not registered with the Regulator of Social Housing. Registered Providers providing supported exempt accommodation are also exempt from mandatory, selective or additional licensing and Houses of Multiple Occupation (HMO) management regulations (including Article 4 planning restrictions).
- 1.1.6 This means that the Council has few regulatory powers or resources in respect of exempt accommodation, beyond benefit regulations, or where statutory nuisances exist. Regulatory standards for registered providers are overseen by the Regulator of Social Housing (RSH). The

¹ A broad term for all independent organisations whose purpose is something other than to make private profit for directors, members or shareholders



Council is however responsible for some standards such as Cat 1 and Cat 2 health and safety and enforcement.

- 1.1.7 Exempt supported accommodation is generally transitional in nature and occupied by a wide cross-section of vulnerable citizens; many with multiple or complex care and support needs and often with no other option to meet their housing need. The sector covers supported housing for older people and accommodation for people with learning disabilities, as well as hostels for those referred from a criminal justice route (from prison or probation) or after being a victim of crime (modern slavery, domestic abuse) or as a result of homelessness, drug and alcohol addiction or as refugees or migrants.
- 1.1.8 However, this type of support, unless commissioned, has no minimum standards set or monitoring systems required. This is in contrast to services commissioned under grants such as the former Supporting People Grant, or schemes that provide a high level of care (e.g. care homes) and are regulated by the Care Quality Commission.

1.2 Exempt Accommodation in Birmingham

The Numbers

- 1.2.1 In Birmingham, the growth in exempt accommodation has been increasing significantly since 2017. As reported to Cabinet in April 2021, “the last 12 months have seen the sharpest increase in the amount of supported exempt accommodation claimants, with over 20,000 in payment in February 2021 compared with 14,000 in November 2019”.² Nationally, FOI information published by Crisis in October 2021 shows that 153,701 households in Great Britain were housed in exempt accommodation as of May 2021. This represents a 62% increase from 2016 to 2021.³
- 1.2.2 A report published by Prospect Supported Housing on their decision to close exempt accommodation provision estimated “that at least £816m has been spent on exempt accommodation in the last financial year alone. This is based on the responses received and a conservative estimate for those who were unable to provide exact figures”. They went on to note: “Spend on exempt accommodation (and presumably demand) has continued to rise. Based on responses from 52 authorities, the spend on exempt accommodation has risen by over £110m between 2018-19 and 2020-21”.⁴
- 1.2.3 The Cabinet report further states that “the range and quality of this accommodation varies and at its worst, provides poor support to some of the most vulnerable people living in our city.” Many are living in accommodation that has “materialised over the last few years, with private landlords building

² Bid to Ministry of Housing Communities and Local Government (MHCLG) Supported Housing Oversight Pilots 2020/2021, Report to Cabinet, 20 April 2021

³ [Over 150,000 households in controversial exempt accommodation | Crisis | Together we will end homelessness](#); October 2021

⁴ Prospect housing report: Safe, Successful, Sustainable: A shared vision for better homes, support and opportunities, October 2021



up portfolios of leased and owned accommodation and then applying for registered provider status, exempting them from licensing regulations.”

- 1.2.4 At the inquiry session on 24th September 2021 officers presented the initial findings of the Needs Assessment work being undertaken by Adult Social Care officers (see Section 2 for more detail). It has found that there were 21,317 units of exempt accommodation and that 19,760 of these units (equating to 93%) are within the oversight of Regulator of Social Housing (RSH) regulation.
- 1.2.5 Figures provided by housing officers show the growth of exempt accommodation as reflected in the number of Exempt Accommodation Housing Benefit applications over the past five years:

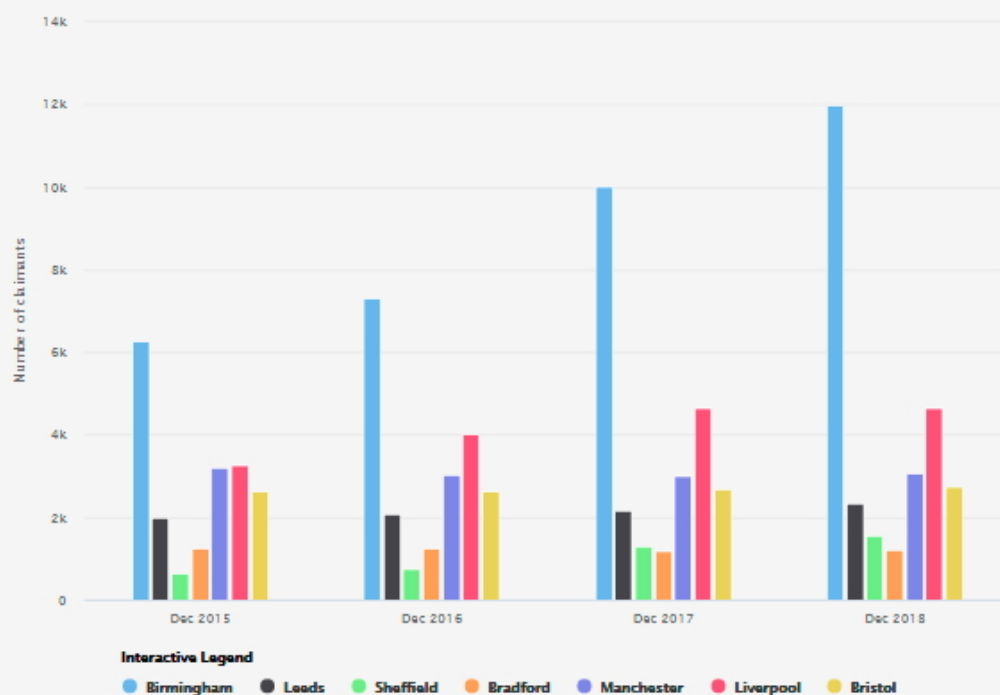
Year	Total
2016 - 2017	11,455
2017 - 2018	11,328
2018 - 2019	11,740
2019 - 2020	16,098
2020 - 2021	22,017

Birmingham Compared to Other English Cities

- 1.2.6 The Committee also looked at comparisons with other English cities. The results of a Freedom of Information (FoI) request by the Perry Barr Constituency Housing Action Group shows the numbers of housing benefit claimants for exempt accommodation for some comparative English cities. Whilst this data is now three years out of date, it does demonstrate that Birmingham's claims doubled between 2015 and 2018; only Sheffield showed a similar level of increase, albeit from a lower base.



HB claimants in specified accommodation (2015 to 2018 – 7 English cities)



Source: DWP FOI 2019/03087 1 February 2019

1.2.7 Further evidence supplied by the Perry Barr Constituency Housing Action Group showed how the properties were concentrated in some 20 wards; and that within those wards there are concentrations in certain areas and roads. The wards with the highest concentrations were:

- Stockland Green (249 units, 6% of city's provision);
- Aston (216 units, 5.2%);
- Soho & Jewellery Quarter (207 units, 4.9%);
- North Edgbaston (194 units, 4.6%);



- Sparkbrook and Balsall Health East (175 units, 4.2%).

1.2.8 Other Wards have lower overall concentrations, but very high concentrations in some roads where the majority of the Ward's Exempt Accommodation is clustered. Ladywood (71 units, 1.7%, 21st in the city) and Handsworth Wood (105 units, 2.4%, 13th in the city) are examples of this. Other Wards with higher overall concentrations like Handsworth (159 units, 3.85%, 7th in the city) similarly have high concentrations at road level. The detrimental impact of this intensive clustering on individual roads, and its destabilising effect on the wider neighbourhood, can be significant.⁵

Why Birmingham?

1.2.9 At the evidence gathering session in September 2021, officers put forward views that the roots of the growth in Birmingham can be traced back to disinvestment and deregulation. This includes reduction in budgets for key vulnerable groups such as substance misuse, mental health, offenders and removal of the ring fence for the Supporting People programme⁶. Alongside that there has been a reduction in regulatory powers, resources and agencies which has led to other parts of the housing sector being left to explore how best to meet the demand that was still there and has grown. The lack of national guidance on current regulations has made it easy to enter the market and meet the minimum requirements.

1.2.10 In Birmingham there is a large private housing sector and the stock profile – large family-size houses – lends itself to house conversions to HMOs. There is also limited access to social housing, and the Local Housing Allowance Shared Accommodation Rates⁷ are low, rendering much of the private sector inaccessible to many on low incomes. Housing options for low-income single person households are therefore extremely limited, 'pushing' people into supported accommodation as their only option. The threshold for demonstrating a support need within HB regulations is low. The comments below, highlighted to the Committee, are recognised as a concern. However, it is understood that these types of issues will be picked up by the pilot and the developing supported housing strategy:

What we are seeing now is providers we have relied upon to provide housing closing down or suspending referrals into next year. This is very worrying as we will not be able to move residents on or meet the demand for good quality accommodation. If good and adequate providers cease trading, the ones who offered a lower standard, instead of upping their game will just move into the lucrative private rental sector leaving vulnerable people with no housing options at all.

1.2.11 Birmingham has been an outlier in growth to date, but there are now beginning to be increases in other authorities across the country and it is likely that this trend will continue. Apart from the other

⁵ Data from FOI by Perry Barr Constituency Housing Action Group

⁶ Supporting People is a UK government programme helping vulnerable people in England and Wales live independently and help them to remain in their home.

⁷ The local housing allowance (LHA) rate used to calculate universal credit housing element or housing benefit for most single private renters under 35. If you're under 35 and claiming as a single person, you can usually only get the shared accommodation rate even if you don't share your home with others.



national pilot areas, the West Midlands Combined Authority (WMCA) local authorities are reporting increasing concerns about the growing trend and interest in their areas. The Members Advisory Group to the Homelessness Taskforce have identified this as one of their key priorities. They are supportive of the action being taken by Birmingham and are keen to learn from the pilot.

1.3 The Inquiry

- 1.3.1 In December 2020, the Co-ordinating O&S Committee commenced a review into exempt accommodation following concerns raised by residents through their local councillors, and in response to a request from the then Cabinet Member for Homes and Neighbourhoods, Cllr Sharon Thompson.
- 1.3.2 Members had been receiving complaints in their casework about the impact of exempt accommodation on local areas. These included anti-social behaviour and rubbish accumulating in streets and within the curtilage of properties, generated by the concentrations of this accommodation in some areas.
- 1.3.3 Cllr Sharon Thompson asked the Committee to explore citizens' experiences of exempt accommodation with a view to developing recommendations around what the Council needs to be doing, and what it should be talking to Government about. There are concerns about inadequate legislation with regards to planning, benefits and regulation. It was emphasised that not all providers are bad providers, there are some very good ones in the city, but the intention is to drive out bad practice. The breadth of the issues concerned is why this work best sits with the Co-ordinating O&S Committee.
- 1.3.4 The Co-ordinating O&S Committee commenced its inquiry into exempt accommodation in December 2020 with a presentation from the former Cabinet Member for Homes and Neighbourhoods and officers. The terms of reference were finalised and a call for evidence issued on 26th January 2021. That call for evidence elicited over 90 responses, from both individuals and community groups.
- 1.3.5 Following that, Cllr Rice and other members of the Committee, met (online) with representatives of community groups across the city (Edgbaston, Handsworth, Handsworth Wood, Stockland Green and Selly Oak) who have been particularly active in this area. Meetings were also held with two providers in the city.
- 1.3.6 An evidence gathering session was held on 24th September 2021, with Cabinet Members and officers, to address the concerns raised by citizens. This report sets out the findings and recommendations. A list of contributors is set out in Appendix 1.
- 1.3.7 At that session, members of all parties emphasised their commitment to working together to resolve these issues as far as it was in the power of the Council to do, and to work with Government to strengthen regulation to support good quality exempt accommodation.



2 Key Issues

2.1 Summary of Issues

2.1.1 The call for evidence for this inquiry received an unprecedented number of responses, indicative of the strength of feeling generated by this issue. Many of the responses received came from active citizens, engaged in community or residents' associations, organising litter picks or neighbourhood/street watch, responding to planning consultations and engaging with police and local councillors. Others came from residents prompted by concerns about their local areas. All were feeling helpless in the face of the blight caused by the concentration of badly managed properties.

2.1.2 The experiences and views of those who responded are set out in Appendix 2, which attempts to capture the devastating effect on their homes, neighbourhoods and daily lives of high concentrations of low-quality exempt accommodation. This evidence is at the heart of this report and its recommendations. In summary, the issues raised were:

- The growth and disproportionate concentration of exempt accommodation in certain areas of the city as referred to above (Section 1.2). A number of reasons for this were put forward, including the apparent ease of obtaining housing benefit (see section 2.3); lax planning rules (see section 2.4); and evidence that some landlords market vacancies outside the city, bringing people with support needs to Birmingham where they are remote from their natural support networks and without the support infrastructure to cope;
- The impact of this growth and concentration on those local communities, described by one respondent as "blight" – including anti-social behaviour, crime and nuisances such as accumulating rubbish;
- Recognition of the need for good exempt accommodation for vulnerable people; many respondents expressed concern about the welfare of residents of exempt accommodation and the level of support received. As the April 2021 Cabinet report notes, it is also likely that accommodation is "trapping some of the most vulnerable people in some of the poorest accommodation with inadequate support, unable to take up employment or with any pathway to move on";
- Acknowledgement of the lack of regulation and checks, which has led to the poor quality of some of the exempt accommodation in the city and the poor competency of landlords, many of whom live outside of the city but nonetheless may generate significant income;
- Concerns about the cost of responding to these issues on the public purse – for example, one FoI request to West Midlands Ambulance Service revealed that just to exempt accommodation in just one area, the ambulance service has been called out over two hundred times in the last three years. Each call out costs £277 and an A&E admission £850 (see Section 4 of Appendix 2 for more information). The April Cabinet report noted in addition "there is also a concerning



prevalence of housing providers linked to Organised Crime Groups which in turn exacerbates the vulnerability of their tenants.”

- 2.1.3 The findings of this inquiry have been supplemented along the way by media reports by Birmingham Live which has featured a number of stories on poor quality exempt accommodation and the impact on residents and local areas. The national press also picked up on the issue; on 27th June 2021, the Observer published an article [“Hostels from Hell: the ‘supported housing’ that blights Birmingham”](#), particularly focusing on the experience in Stockland Green and Handsworth. As well as noting the dramatic increase in numbers, it reported that “Figures uncovered by the *Observer* reveal for the first time the 10 biggest independent providers in the country are on course to collect £184m in housing benefit this year – generating on average more than £11,600 every year for each of the nearly 16,000 bed spaces they supply.” Seven out of the ten are “either non-compliant or under investigation by the government’s social housing watchdog, the Regulator of Social Housing (RSH), for breaching governance and financial standards designed to prevent public money from being misused and protect tenants from harm. But only two providers are exiting the market following regulatory action, with the rest continuing to receive public money”.
- 2.1.4 It is worth noting that the issues raised also reflect the findings of a report commissioned by the Independent Chair of the Birmingham Adults Safeguarding Board back in 2017. This was in response to issues being raised by a number of agencies regarding the increasing numbers of vulnerable people being placed within the sector with little or no regulation or quality assurance and the risks in relation to the mix of vulnerable people being placed together. The recommendations of that report tally with the conclusions of this report and of the aims of the Council’s pilot scheme.⁸
- 2.1.5 Many of the submissions to the inquiry proposed solutions, many of which focused on improving the Council’s response and strengthening the use of existing powers, whilst also acknowledging the defects of the national framework and proposing areas for change. These issues, and the responses received from Cabinet Members and officers, are set out in the remainder of this report under the following headings:
- Response of the Council to date – the pilot and resulting actions;
 - The role of housing benefit in curtailing the growth of exempt accommodation;
 - The role of planning in curtailing the growth of exempt accommodation;
 - The need for change in regulatory framework and asks of Government.

⁸ Risk, Safety and Wellbeing in Shared ‘Exempt’ Accommodation in Birmingham, England, Thea Raisbeck, an Honorary Research Associate within the Housing and Communities Research Group at the University of Birmingham and an Associate of Spring Housing Association, a housing charity based in Birmingham, September 2018



2.2 Birmingham City Council – Supported Housing Pilot

- 2.2.1 In September 2020 the then Ministry for Housing Communities and Local Government (MHCLG) invited Birmingham along with four other Local Authorities (Blackburn, Blackpool, Bristol and Hull) to bid for a six month pilot aimed at improving standards in the supported Housing Exempt Sector. Overall funding comes to £1.804m.
- 2.2.2 Details of the findings and results of the pilot, as of September 2021, are set out in Appendix 3 (slides 16-22). Key findings relevant to this inquiry are set out below.

Needs Assessment

- 2.2.3 A strategic needs assessment was being undertaken at the time of writing this report, to provide the Council with some insight into the sector, to support the pilot and to inform the development of the supported housing policy. Initial findings include:
- Population projections suggest the need for this type of accommodation will grow. There are also a number of providers who are under regulatory intervention and some that have already been closed down.
 - 93% of the provision is within the oversight of Regulator of Social Housing (RSH) regulation (see Section 1), making RSH the primary regulator of supported provision. However, the focus of this regulation is primarily on financial viability and governance matters. Other regulatory requirements include a 'Home Standard' home and 'Neighbourhood and Community Standard' providing for the proactive management of ASB and a positive impact on the area. That said, there has been no focus on the quality of support provision.
 - Property, tenancy and support services are, in the main, not delivered by the registered providers directly, so there is no direct relationship between the citizen and the provider. This enables significant sums to be transferred to third parties that can be for profit or designated as non-social housing. The National Housing Federation (NHF) recently reported that "We believe that some of these providers of 'exempt accommodation' are operating 'for-profit', despite their official 'not-for-profit' status, which does not align with the NHF's values' and have taken steps to amend membership rules accordingly".
- 2.2.4 **The impact of the current situation for those people using exempt accommodation is that they are often left to pay for their own support** (as housing benefit only covers the rent) **without a means test around affordability** – this contrasts with other areas of social care support which is means tested. They are often placed in shared accommodation with no say or influence over who the other occupants are and, without the proper support, can find it difficult to exit the sector. Indeed, there are risks of pushing people into destitution or crime, as well as the potential for worsening health and wellbeing, which in turn leads to more costly state interventions.
- 2.2.5 For local authorities, the current framework means they can have little or no direct influence on standards of care, support provided or referral routes. They have limited capacity and resources to



monitor how this accommodation operates. There is no national funding to support work in this area outside of the pilot (see slide 12 of Appendix 3).

Responses to the Issues – the Pilot

2.2.6 The objectives for the pilot are set out below, along with a summary of progress made as of September 2021:

- Improving properties and standards through:
 - The rollout of a voluntary quality standard, including a comprehensive list of indicators and good practice. There is a rigorous assessment process informed by intelligence from background checks, inspection teams, Housing Benefit Team, the Housing Transition Team, onsite visits, interviews with staff and residents, website, and media reports. So far, 179 registered providers and managing agents overall with over 60 providers and managing agents have been engaged. Assessment for the standard involves visits and interviews.
 - A multi-disciplinary team undertake targeted inspections.
- Ensuring citizens are safeguarded and supported to effectively build their capability and autonomy through the Quality Standard and associated checks (see slide 17 of Appendix 3).
- Empowering citizens living in exempt accommodation through effective communication and roll out of the charter of rights developed by Spring Housing. The Charter has been co-designed with 50 residents from Birmingham and includes a self-assessment toolkit to support providers to meet the good practice standards and ascertain levels of need. The work has been picked up as national good practice. The rights set out in the Charter are:
 - A right to feel safe and protected
 - A right to decent living conditions
 - A right to clear information on your support entitlement
 - A right to security of property
 - A right to seek advice and assistance, and to challenge
- Conducting a strategic needs assessment (see above) and developing a Supported Housing Strategy with key stakeholder and public consultation. A Cabinet decision is expected in spring 2022. Importantly this will be accompanied by a toolkit for managed transition / provider exit, to support providers and residents when any provider withdraws from the market or closes accommodation.
- Investigating and prosecuting Organised Crime Groups that are involved in exempt accommodation – a key concern of local communities. The Council's Community Safety Team has increased capacity to target this and works with the police and the Fire Service to undertake multi-agency inspections and investigations.



- Undertaking an evaluation of effective interventions and initiatives to have a good evidence base that will inform and improve policy at government level as well as the local level. The Council has been working with the Government to raise awareness and the major providers, particularly in relation to the high density of growth within specific geographical areas. This had led to some of the major providers agreeing to curtail their portfolios of properties within certain areas or within the Birmingham region all together.

Recommendation

- 2.2.7 Local authority influence and control is crucial in managing exempt accommodation for the benefit of all in the city, but that is severely constrained by legislation. Section 2.5 sets out what the Committee wants to see changed at a national level, but change is likely to be a long time coming. Therefore, it is essential that the City Council uses the powers and influence that it does have to manage this issue.
- 2.2.8 The pilot has been a huge step forward in this and has clearly achieved much in the relatively short time it has been running, and those advantages need to be secured for the long term. The Committee therefore recommends that this resource is mainstreamed and maintained. The cross-departmental nature of the team is critical and was one of the most repeated asks from those who responded to the call for evidence. To have all relevant departments working together, sharing information and providing a single council response is critical in tackling this issue. Whilst this does have significant resource implications, the Committee believes that the reduction in the cost of reacting to all the issues set out in this report, as well as the benefits of improving the quality of life in some neighbourhoods and the reputation of the city, will be equal or greater in value to the city. (Recommendation 01)
- 2.2.9 The Committee, in its recommendation, suggests that waste management and environmental health also form part of this cross-departmental team, in recognition of the severe blight caused by rubbish, fly-tipping and other environmental nuisances; one of the worst effects of the concentration of exempt accommodation.⁹ (Recommendation 01)
- 2.2.10 Another of the worst effects is anti-social behaviour and crime, so continuing to work alongside other agencies, in particular the police, is vital. (Recommendation 01)
- 2.2.11 Communication and engagement with both those living in exempt accommodation and those living in areas of high concentrations of exempt accommodation is another important tool in tackling this issue. Members understand that the Council is mapping all exempt accommodation in the city, and this should be shared with residents. There should also be a single clear route for citizens to raise concerns and have them resolved, as well as share proposed solutions. And in areas where there are high concentrations of exempt accommodation there should be local coordination groups including relevant agencies, and providers, to maintain oversight and communication on the issues.

⁹ ["It makes us look bad" - 14 residents at exempt housing given just one bin - Birmingham Live \(birminghammail.co.uk\)](http://birminghammail.co.uk)



This could be assisted by the City Council setting out what support they can expect to receive from the council, perhaps in the form of a local charter. (Recommendation 02)

- 2.2.12 There should be a council-wide approach to referrals into non-commissioned provision and embed the Quality Charter and standards in its practice, by only placing people in exempt accommodation where providers have signed up to the quality standard and Charter. A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies. It is acknowledged that this would be a significant piece of work given the range of agencies that refer into exempt accommodation and would be assisted by regulation in this area. (Recommendation 03)

Ref	Recommendation	Responsibility	Completion Date
R01	Building on the Success of the Pilot (1) <p>a) The multi-disciplined, cross-departmental, team that is dedicated to Exempt Accommodation should be continued beyond the pilot. Mainstream funding should be identified, and included in the 2022/23 budget, to resource the team, including officers from housing, adult social care, community safety, housing benefits, waste management, environmental health and planning.</p> <p>b) The multi-agency pilot team should also work closely with the Regulator of Social Housing.</p> <p>c) There should be clear leadership and accountability with a senior officer and Cabinet Member responsible for this area of work.</p> <p>d) Resources to continue work to oversee and inspect over 20,000 units should also be identified.</p>	<p>Cabinet Member for Homes and Neighbourhoods</p> <p>Cabinet Member for Vulnerable Children & Families</p> <p>Cabinet Member for Finance & Resources</p> <p>Cabinet Member for Social Inclusion, Community Safety & Equalities</p>	February 2022



Ref	Recommendation	Responsibility	Completion Date
R02	Building on the Success of the Pilot (2) <ul style="list-style-type: none"> a) There should also be a single clear route for citizens (residents of both exempt accommodation and the local areas) to raise concerns and have them resolved and work on remedies for change. b) The option of local coordination groups and a charter for local areas where there are high concentrations of exempt accommodation should be explored. c) There should be a clear route for local councillors to deal with casework relating to exempt accommodation. d) The pilot should also continue to work with the local residents' groups who contributed to the Scrutiny Report. 	Cabinet Member for Homes and Neighbourhoods	February 2022
R03	Ensuring Council-wide Practice is consistent with the aims of the Charter and Supported Housing Strategy <ul style="list-style-type: none"> a) Adopt a council-wide approach to commissioning, placing conditions on use of exempt accommodation based on their adherence to the quality standard and Charter b) A list of approved providers based upon the Standard and Charter should be drawn up and shared with other agencies 	Cabinet Member for Vulnerable Children & Families Cabinet Member for Homes and Neighbourhoods	June 2022

2.3 Housing Benefit

- 2.3.1 As noted above (see Section 1), exempt accommodation rent is paid for through Housing Benefit (HB) which is administered by the Council (though it is paid by the Department for Work and Pensions). This is the only area where there are regulations governing exempt accommodation. As the Deputy Leader noted at the September session, the HB service is the "front door" to providers coming to the city.
- 2.3.2 Many citizens who contacted the Committee believed that it was the approach to HB in Birmingham which is one of the reasons that has led to the disproportionately high growth of exempt accommodation in the city. The concerns expressed to the Committee were that the speed of the



payments and the lack of checks around the support provided were key drivers. One community group researched practice at another authority and identified that they undertook more intensive work at the start of a claim in that they did joint visits. Therefore, it was considered that it has been easier for landlords to exploit the potential to receive higher income than they would from other rents. This was echoed in the report on Housing Need in Stockland Green:

*"Anecdotal evidence suggests that Birmingham's Housing benefit service takes a less confrontational and more trusting approach to the resolution of HB claims for exempt accommodation. Further, claims processing is amongst the most efficient in England. Exempt providers favour Birmingham as a place where claims are rapidly processed and HB income is relatively easily accessed, meaning their income stream is reasonably certain in a business where resident turnover can be very high."*¹⁰

2.3.3 The perceptions of residents were examined at the September 2021 inquiry session. In response, officers stated that the following rules must be applied:

- For a claim to be treated as an 'exempt accommodation' claim, the accommodation provider must provide care, support or supervision to the tenant, and the tenant must need the support.
- There is no legal definition of care, support or supervision, and there is no specification about how much care, support or supervision needs to be provided. It has been decided by the Upper Tribunal that it must be "more than minimal".
- Housing Benefit is a benefit paid to the citizen not to the Landlord.
- Housing Benefit payments do not cover any of the cost of the care, support or supervision.

2.3.4 The Committee was informed that the Council must adhere to the regulations and refuse HB if applicants do not meet the criteria. There is a statutory requirement to make decisions within 14 days once all necessary documentation and evidence has been provided. They can also restrict payment if it is deemed to be overly expensive in comparison to other suitable alternative accommodation; and can stop HB payments if a review of the claim identifies that *minimum* care, support or supervision is not taking place. It was stated that whether the care, support or supervision *meets the needs* of the claimant cannot be taken into account as long as the support provided is in place, is needed and is evidenced as more than minimal; nor can the standard of the property, or reports of anti-social behaviour or substance use. However, these other issues will be reported to the appropriate departments or organisations, and the Committee recognised that ongoing substance abuse and ASB themselves indicate that support levels or management practices may be inadequate.

2.3.5 The significant increase in exempt accommodation applications was identified in 2019, and a Supported Exempt Accommodation Team (SEAT) was set up in April 2019. The team introduced

¹⁰ Housing Need in Stockland Green, researched and written by Dr Margaret O'Brien for Neil Morland & Co Housing Consultants. Commissioned by The Pioneer Group on behalf of Stockland Green Opportunity Housing & Training, Birmingham City Council, New Roots Ltd, & Spring Housing Association. Published September 2020. P.71



reviews of existing landlords/residents and of new applications for exempt accommodation after two months. The process adopted is set out in slide 28 of Appendix 3. When the pilot started in 2020, that meant there were additional resources to increase the capacity to strengthen and widen the reviews.

- 2.3.6 Officers shared the following numbers: between September 2020 and September 2021, there were 390 applications for **new providers**. Of those, 62 new units were granted exempt accommodation status and 211 were refused. 117 had their rents restricted.
- 2.3.7 Between November 2020 and September 2021, the team processed 26,012 **new claims** and rejected 132 new claims. 1,861 were reassessed, and 786 claims were reduced. 1,075 claims were cancelled due to insufficient care and support. 1,526 claims were cancelled because the resident had vacated the property.
- 2.3.8 Since the SEAT team was set up in 2019, overpayments to the value of £3.6m have been recovered. The overpayments were a result of inappropriate or fraudulent applications. Fraud claims are all referred to the DWP.
- 2.3.9 The team informed the Committee that they have benchmarked those processes with other local authorities, (Core Cities, West Midlands local authorities and the DWP Practitioners Operational Group). The DWP's Performance Development Team have undertaken a review and health check of the current process in Birmingham (at the time of writing the findings had not been shared with the Council), and Birmingham City Council's Internal Audit section were asked to review the process and have not made any recommendations for change.
- 2.3.10 Members considered evidence of differences in approaches between local authorities. Whilst the regulations are the same across the country, one of the differences is that some authorities undertake multi-disciplinary visits to potential providers when assessing the claim, including Adult Social Care staff so that the evaluation of 'support' is informed by their expertise in ensuring care and support needs are being met and to safeguard citizens. Responsibility for the HB determination rests with the Housing Benefit Team. As part of the pilot, these visits are now carried out later in the process in Birmingham.

Recommendation

- 2.3.11 The Committee believes that taking a proactive approach to HB claims at the start is essential, not just to ensure the payments are being made to the right people but to signal to providers that Birmingham takes this seriously and will pay close attention to those not meeting the standards. There is scope to do more here, and visits at the start of the process with adult social care and perhaps planning officers would make the sector less attractive to those who do not want to provide the proper support. HB claims must be settled within 14 days of receiving all the necessary information, and the Committee believes that the outcomes of these visits are part of the information that must be provided before a claim is considered.



- 2.3.12 The Committee recognises that this would demand significant extra resources, but also acknowledges that this cost must be balanced with the benefits of bringing the disproportionate growth in exempt accommodation under control. In the short term, a more targeted approach, focusing on the exempt accommodation that is known to be causing issues could be adopted and may be sufficient to send a strong signal to providers who see this as an easy way to generate income. A risk based approach, combined with visits to all new providers, would be targeted to manage resources; reviews at the two month stage should continue, though it could be considered (where a provider has been visited at the start of the claim) to move to within six months so that providers do not know when to expect the visit.
- 2.3.13 The Quality Standard should be used to help determine whether the appropriate level of support is being provided. It is accepted that the Quality Standard is voluntary, not statutory, however it provides an important marker of what support should look like that can help in assessing “more than minimal” and would be used to give guidance to providers.
- 2.3.14 Whilst this report was being written, it was reported that two more of the city’s biggest providers of exempt accommodation, Reliance and 3CH, were issued with regulatory notices by the Regulator of Social Housing (RSH) for breaches of standards in finance and governance. As part of the findings, the regulator said that the providers had failed to ensure that the arrangements it entered into did not inappropriately advance the interests of third parties and there were insufficient controls in place with its managing agents.¹¹ Now approximately 75% of exempt accommodation in the city is provided by providers with a regulatory judgement.
- 2.3.15 There are clearly gaps in the regulations that enable poor providers to flourish and these need to be addressed at a national level. Section 2.5 sets out the Committee’s proposals for change.

¹¹ [Probe uncovers failings at city's biggest exempt supported housing provider - Birmingham Live \(birminghammail.co.uk\)](https://www.birminghammail.co.uk/news/midlands/probe-uncovers-failings-at-city-s-biggest-exempt-supported-housing-provider-14444444)



Ref	Recommendation	Responsibility	Completion Date
R04	Supporting the Housing Benefit Process a) As part of the process of reviewing housing benefit applications, Adult Social Care visits with other relevant staff should be undertaken where a provider has not signed up to the Quality Standard accreditation scheme, so that the evaluation of 'support' is informed by Adult Social Care expertise in care, support and safeguarding, whilst responsibility for the HB determination rests with the Housing Benefit Team. b) The Quality Standard should be used to help determine whether the appropriate level of support is being provided. c) Payment should be reviewed after two months or at least within six months (so as to ensure providers are not forewarned of when the review will take place) with Adult Social Care, Housing and Community Safety input where appropriate. Reviews should include a site visit, not just a desk exercise. A system of risk-based reviews should be developed, targeting a proportion of each category of provider as well as those known to be at higher risk.	Deputy Leader Cabinet Member for Vulnerable Children & Families Cabinet Member for Health and Social Care Cabinet Member for Homes and Neighbourhoods	March 2022

2.4 Planning

- 2.4.1 Planning issues were a common theme in the responses received as a result of the call for evidence, both in terms of the lack of planning controls to limit the growth of exempt accommodation and in enforcing planning restrictions where owners had breached rules or conditions.
- 2.4.2 Whilst it was accepted the current planning regulatory regime was not adequate in respect of exempt accommodation, and reform is a key ask of Government (see below), it was also felt that the Council could be using its existing powers more robustly.
- 2.4.3 The main limiting factor is that exempt accommodation managed or controlled by a Registered Provider cannot be classed as a house of multiple occupation (HMO) as it is excluded by Schedule 14 of the Housing Act 2004 law from counting as an HMO. This means that exempt accommodation is unaffected by the City Wide Article 4 Direction which seeks to manage the growth of HMOs.¹² This is picked up in section 2.5.

¹² <https://www.legislation.gov.uk/ukpga/2004/34/schedule/14>



- 2.4.4 Conversion of a house to exempt accommodation only requires planning permission in certain circumstances. A property owned by a private landlord intending to later lease it to a Registered Provider is still subject to planning controls until the Registered Provider takes over. If there is an intention to effect a change of use from single household occupancy to occupancy by more than one household then planning permission is required.
- 2.4.5 Officers from the Planning team explained to Members the test they use, and this is summarised in slide 36 in Appendix 3. There is no legal definition of what constitutes a single household, and it will always be a matter to be determined on a case by case basis as a matter of fact and degree. In essence however, Members were informed that the view taken in Birmingham is that where there are six or fewer people living together, the more likely they are to be deemed to constitute a single household. This is one area where some believe Birmingham could take a more robust stance; for example, considering other factors including whether the residents arrived in a single group or were independently recruited by the landlord; the extent to which facilities are shared; whether the occupants were responsible for the whole house, whether they lock their doors, the landlord or tenants are responsible for filling vacancies, and allocating rooms, the size of the establishment; stability of the group; and how communally or independently the tenants live. These derive from existing caselaw¹³ and are not single tests that must all be passed but are a way of building a truer picture.
- 2.4.6 Where planning permission is required, then elements of Birmingham's local planning policy (the Development Management in Birmingham Plan) will apply. Policy 12: Residential conversions and Specialist accommodation¹⁴ will apply where planning permission is required for exempt accommodation, and states that such developments "will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area" (see slide 37 in Appendix 3). A specific threshold for the concentration of such properties has not been set, and so will be considered on a case by case basis. Additionally, Policy 11 on HMOs sets a maximum 10% threshold for the numbers of HMOs within a 100m radius. Whilst decisions on HMOs and exempt accommodation must be considered separately, the Planning Department have committed that the concentration of exempt accommodation in the vicinity will be taken into account when assessing planning applications for HMO. Further details regarding what does and does not require planning permission can be found at <https://www.birmingham.gov.uk/hmoarticle4>.
- 2.4.7 Members particularly noted that the rise in HMOs and exempt accommodation results in a loss of existing use and affordable family housing and this should be protected through local policy.
- 2.4.8 There was also a feeling amongst some that communities were not sufficiently engaged by the Council in the long-term strategic planning of an area. Some reported frustrations with their Ward

<https://www.legislation.gov.uk/uksi/1987/764/schedule/made>

¹³ Hassock v Kettering Borough Council 2002 <https://www.casemine.com/judgement/uk/5a8ff72360d03e7f57ea857d>

¹⁴ www.birmingham.gov.uk/DMB



Forum, where matters were reported but seemingly not acted on. More widely there was a perceived disconnect between residents and strategic planning. It was suggested that real progress could be made with a partnership with local communities, contributing at a local level, to build trust and a space to grow a sense of community, including improving formats for residential involvement and influence in areas other than those served by a Neighbourhood Plan.

- 2.4.9 In terms of planning enforcement, the pilot has allowed this to be stepped up and over 200 properties were investigated this year. Some enforcement activity has taken place to improve property layout, e.g. bedrooms and communal space. There has been support to one closure order (appealed by the landlord but denied in court).
- 2.4.10 However, the majority of exempt accommodation conversions were found not to require planning permission, so no enforcement action can be taken. The Committee was also informed that breaching planning control and operating without planning consent is not a criminal offence, and developers can apply for permission retrospectively by law.

Recommendation

- 2.4.11 Whilst there are significant constraints in legislation on the extent to which planning controls can be used to limit the growth of exempt accommodation, Members believe a more challenging planning environment for exempt accommodation could be created in Birmingham.
- 2.4.12 Members noted that Planning have adopted a pro-active approach to the investigation of exempt accommodation following the introduction of the Pilot. This collaborative approach facilitated by the Pilot includes regular tasking group meetings that ensure the properties generating the greatest impact are always prioritised.
- 2.4.13 However, Members believe that whilst the council must operate within the law, opportunities to take more robust enforcement action can be explored. This could include issuing enforcement notices (rather than waiting for work to complete and tenants move in). It is accepted that this is a different approach, and the council is reviewing best practice as part of the national pilot and may have to take some test cases to see what is possible within existing regulations.
- 2.4.14 Another area that has been questioned is the approach to determining whether a household is a single household or not. The Committee therefore proposes that independent external advice is taken on the application of the single household test and should be picked up when undertaking recommendation 5.
- 2.4.15 As this report was being written, the Planning Inspector upheld an enforcement notice and agreed the permanent closure of Saif Lodge, which had been operating as exempt accommodation. It was determined that planning controls had been breached by it changing from a hotel to exempt accommodation and noted that the Development Management in the Birmingham Plan meant that the cumulative impact of exempt accommodation in the area had to be considered. In the judgement, the "fears of the local community that the supported accommodation leads to a greater number of incidents of crime and disorder in the local area" were seen to be a material consideration



and concluded “that the development has a harmful effect on the living conditions of the occupants of nearby residential properties with particular reference to the fear of crime and disorder and noise and disturbance”. As this conflicted with a number of policies in the Development Plan, the hostel was forced to close. This will be seen as an important case in strengthening local authorities’ hands in this area. This case came about as a result of pressure from local residents.

2.4.16 In terms of planning enforcement generally, Members shared their concerns about the robustness of current practice and noted how apparent failure to act frustrated councillors and citizens alike. It is therefore proposed that scrutiny take on an in-depth inquiry into planning practice and enforcement. This could have implications for other areas beyond exempt accommodation, for example, the effectiveness of the Council’s practice in containing the growth of HMOs. More generally, sharing information on the requirements and law would assist residents and providers alike, making it clear what the Council’s approach would be. Also, this could include:

- A re-evaluation of the council’s risk appetite in relation to preventing further growth of this model, including taking test cases where necessary;
- An independent review of the single household test;
- A pro-active approach to Exempt Accommodation conversions so developers are aware that BCC is taking a close look. A small number of investigations and enforcement action would send a clear message to providers.

2.4.17 Further proposals to ask Government to amend existing law are set out in section 2.5.

Ref	Recommendation	Responsibility	Completion Date
R05	Strengthening Planning Controls There is a gap between Councillors’ and residents’ expectations of planning enforcement and the service delivered by the Planning Department. We ask the Leader and the relevant O&S Committee to review existing practices, enforcement policies and procedures.	Leader and relevant O&S Committee	June 2022

2.5 Regulation

2.5.1 Supported housing reforms were proposed in 2018 (the regulations were written in 1996) but have been shelved by the Government, and the situation has been seriously exacerbated since then. It is therefore very difficult for councils to respond as they have limited powers and influence.

2.5.2 Having considered all the evidence, the Committee therefore recommends that the Council asks Government to consider the following changes to legislation and the regulatory framework:



- To review the current funding model for locally delivered supported housing (currently based around old and not fit for purpose HB regulations) – incorporating proper means-tested support for vulnerable tenants.
- To consider a government national accreditation requirement for providers supported with additional regulation to enforce this.
- For local authorities to have greater tools, power, and ability to control provision and growth based on needs assessments. Currently, councils cannot stop or restrict growth based on market saturation or oversupply. There are two key aspects to this:
 - **Alignment of existing planning and HMO licencing powers to capture supported housing provision – currently exempt from licencing, Article 4 etc. to assist in managing supply.** Exempt accommodation should come under the planning regime for HMOs; this would mean amendments to the definition of an HMO in Schedule 14 of the Housing Act 2004 so that Exempt Accommodation controlled or managed by a non-profit registered provider of social housing can count as HMO. This may require a change to primary legislation, but the Government should consider whether this can be changed by statutory instrument, such as via the Town & Country Planning (Use Classes) Order 1987, which would be quicker.
 - **Strengthened definitions within current regulations relating to the level of provision of care, support and supervision.** The definition of support – “more than minimal” - is deeply unhelpful. The standard of care, support and supervision should be tightened with powers to remove HB where the standards are not met. The Council is making some inroads here with the Quality Standards, but strengthening the law and hand of the regulator, along with mandatory monitoring, would make the expectations to providers clear, and provide a means of ending unsuitable and disruptive provision
- Closing gaps in the regulations that allow not-for-profit providers to contract with for profit agents/organisations. There is a clear gap in the regulations that allows profits to be made from exempt accommodation HB payments. The HB team can only review the landlord applying for exempt accommodation; however, that landlord may have a relationship with a provider who is for profit. The regulator is aware of this gap in the regulations and closing these gaps will prevent unscrupulous companies and individuals profiting from vulnerable people and will ensure there can be no link between exempt accommodation and organised crime. Attention should also be paid to other avenues for evading regulation – the Prospect report notes that some agents are now seeking to register as Community Interest Companies (CIC). This effectively makes them charitable providers and means agents do not need to use Registered Providers to operate exempt accommodation. This loophole should also be closed.
- Regulator of Social Housing role and ability to effectively monitor compliance against consumer standards for RPs in this sector should be strengthened.



- Protocols should be put in place for statutory agencies referring into exempt accommodation to create greater consistency and accountability to include protocols for out of city placements.
- Greater enforcement powers to tackle providers who do not effectively manage ASB, including additional Community Safety powers needed, as Community Protection Orders are effective but take too long to process and by then tenants have often moved on.

- 2.5.3 Whilst the Housing Minister, Eddie Hughes, MP for Walsall North, has said in Parliament that he would work with the council's Cabinet Member responsible for housing, to deal with problems in the city's exempt accommodation,¹⁵ it appears unlikely that legislative change will come in the next two years. Therefore, it is important that the Council addresses what it can do in the meantime, both with active dialogue with government and close working with the regulator (as is happening through the pilot).
- 2.5.4 One element of this is for the Council to work with other local authorities – through the Combined Authority and with other core cities¹⁶ - to strengthen standards and to reduce collectively the number of people coming from outside the city to take up places in exempt accommodation without adequate support. This will need agreement with other referral agencies (e.g. probation) as well.
- 2.5.5 There is already work going on. The Cabinet Member for Vulnerable Children and Families, Cllr Sharon Thompson, and the Mayor of the West Midlands, Andy Street, have written to Clive Betts MP, Chair of the Housing, Communities and Local Government Select Committee asking the Committee to consider launching an inquiry into this issue. The Committee endorses that call.
- 2.5.6 Work with providers has also been an important feature of the Pilot. The supported housing needs assessment is likely to provide evidence that there is a significant over supply of exempt supported accommodation in the city to meet local need for people at risk of homelessness. To address this, the Council has developed the decommissioning toolkit to assist with this but there will need to be some significant voluntary actions by lease based registered providers to make any dent in overall unit reduction in the city. This will mean direct dialogue with providers.
- 2.5.7 There are two further related but important issues. Firstly, the demand for exempt accommodation is partly fuelled by the lack of supply of truly affordable rented housing, particularly for single people. A national housing strategy which crosses parliamentary timescales is required to address this over a longer period.
- 2.5.8 Secondly, during the course of this inquiry, all seven of the Registered Providers in the city, and who provide 75% of the city's exempt accommodation, have been deemed to be non-compliant with regulations. Whilst it is necessary to drive out poor practice, there is now concern about the numbers of providers leaving the sector. As it becomes less attractive, and more providers close, it is not clear what will happen to those vulnerable people who need supported accommodation. The Housing

¹⁵ [Government will work with Birmingham to 'come up with a solution' to exempt accommodation scandal - Birmingham Live \(birminghammail.co.uk\)](https://www.birminghammail.co.uk/news/midlands-government-will-work-with-birmingham-to-come-up-with-a-solution-to-exempt-accommodation-scandal-14111111)

¹⁶ Belfast, Bristol, Cardiff, Glasgow, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield



Strategy Section needs to work closely with existing providers and other agencies on an Exit Strategy.

- 2.5.9 Finally, it was noted in the evidence gathering sessions that most of this focuses on the problem from the perspective of the property and the local area/local residents. It is equally important to take the perspective of the vulnerable client and ask why there is no oversight of people in this position – as there is for example with people who are discharged from hospital. There should be a body with responsibility and authority to support vulnerable people who require supported housing. Ultimately, a well-planned and managed exempt accommodation sector is in the mutual interest of Exempt Accommodation occupants, their neighbours and the local areas they live in.

Ref	Recommendation	Responsibility	Completion Date
R06	<p>Working with Regional Partners and other Local Authorities</p> <p>The Cabinet Member should work with the regulator and other local authorities to prevent/reduce “lifting and shifting” of vulnerable people from elsewhere in the country.</p> <p>This is a national issue, and the Leader should raise this with WM Leaders and Core City groups.</p>	<p>Leader</p> <p>Cabinet Member for Homes and Neighbourhoods</p> <p>Cabinet Member for Vulnerable Children and Families</p>	March 2022
R07	<p>Lobbying for Change</p> <p>The Council should work with government to address the issues set out in 2.5.2.</p> <p>It should also be made clear that the two year programme for legislative change is unacceptable and this should continue to be raised with the Department for Levelling Up, Housing and Communities (DLUHC) (formerly MHCLG).</p>	Cabinet Member for Homes and Neighbourhoods	March 2022



3 Next Steps

3.1 On-Going Scrutiny

- 3.1.1 In line with Scrutiny procedure, the Co-ordinating O&S Committee will continue to keep this matter under review using the “tracking” process whereby Cabinet Members report back to scrutiny on progress in implementing the recommendations.
- 3.1.2 It is crucial that matters do not “fall between the cracks” and so it is important that overall responsibility sits with one Cabinet Member. The Committee proposes that this is the Cabinet Member for Homes and Neighbourhoods, who would be responsible for providing the tracking report and coordinating responses.
- 3.1.3 The Committee also proposes to keep in touch with those residents in areas of high concentrations of exempt accommodation in the city and involve them in the tracking. Their input into the report has been invaluable and the Committee would not have the evidence it has seen without their input. Members were very pleased to hear that these residents “feel heard” after years of feeling side-lined and want to ensure that is continued.

Ref	Recommendation	Responsibility	Completion Date
R08	Progress towards achievement of these recommendations should be reported to the Co-ordinating Overview and Scrutiny Committee no later than March 2022. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Homes and Neighbourhoods	March 2022

- 3.1.4 Full Council is asked to agree the following motion:

That recommendations R01 to R08 be approved, and that the Executive be requested to pursue their implementation.



Appendix 1: List of Contributors

Cllr Shabrana Hussain, Cabinet Member for Homes and Neighbourhoods

Cllr Brigid Jones, Deputy Leader

Cllr Sharon Thompson, then Cabinet Member for Homes and Neighbourhoods

Dominic Bradley, Group Chief Executive, Spring Housing Association

Guy Chaundy, Housing Partnership Manager and Pilot Lead

Joy Doal MBE, Chief Executive Officer, Anawim

James Fox, Principal Planning Enforcement Officer, Inclusive Growth Directorate

Chief Superintendent Steve Graham, West Midlands Police

Julie Griffin, Managing Director, City Housing

Uyen-Phan Han, Planning Policy Manager

Shazia Hanif, Head of Service, Operations and Partnerships, Adult Social Care

David Kinnair, Head of Benefits, Revenues and Benefits

Kalvinder Kohli, Programme Director, Prevention and Early Intervention, Adult Social Care

Amelia Murray, Safer Neighbourhood Officer

Deputy PCC Waheed Saleem, West Midlands Police

Tim Savill, AD, Revenues, Benefits and Rents

Jean Templeton, Chief Executive, St Basils

And many thanks to the nearly 100 people who responded to our call for evidence – the biggest response we have seen to a scrutiny inquiry. In particular, the Committee would like to thank the following for meeting with us to discuss these issues, and for their invaluable feedback on the report:

<ul style="list-style-type: none">• Alison Adkins• Denise Forsyth• Frances Heywood• Danielle John• Devinder Kumar• John O'Meara• Mike Meese	<ul style="list-style-type: none">• Ronnie Palmer• Naomi Paul• Ann Richardson• Jon Stevens• Barry Toon• Ann Wackett
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Appendix 2: Call for Evidence Response

1 Introduction

- 1.1 The Co-ordinating O&S Committee commenced its inquiry into exempt accommodation in December 2020 with a presentation from the former Cabinet Member for Homes and Neighbourhoods and officers. Following that, the terms of reference were finalised and a call for evidence issued on 26th January 2021. That call for evidence elicited over 80 responses, from both individuals and community groups.
- 1.2 Following that, Cllr Rice and other members of the committee, met (online) with representatives from community groups across the city (Edgbaston, Perry Barr, Handsworth, Stockland Green and Selly Oak) who have been particularly active in this area. Meetings were also held with two providers in the city.
- 1.3 This report summarises both the written and verbal evidence received. As was predicted at the start of this inquiry, it has not always been possible to distinguish between comments on exempt accommodation and House in Multiple Occupation (HMOs) more widely. Submissions clearly relating only to HMOs have not been included but a number referred to both; indeed one told us “for the purpose of this statement, exempt accommodation and HMOs are in effect synonymous, creating similar issues for residents and other agencies such as the police, social and ambulance services.”

2 Summary of Responses

- 2.1 Many of the responses received came from active citizens, who were engaging in community or residents’ associations, organising litter picks or neighbourhood/street watches, responding to planning consultations and engaging with police and local councillors. Others came from residents prompted by concerns about their local areas. All were feeling helpless in the face of the blight caused by the concentration of badly managed properties.
- 2.2 The starting point for many was the growth and concentration of exempt accommodation properties in Birmingham. Evidence was provided from multiple sources that Birmingham has a disproportionately high number of these properties, and that these tend to be concentrated in certain areas of the city. This is explored in more depth below (section 3).
- 2.3 The impact of this growth and concentration was felt in those local communities and was described by one respondent as a “blight” – referring to anti-social behaviour, crime and nuisances such as accumulating rubbish (section 4).



- 2.4 However, it should be emphasised that most respondents did not reject the need for exempt accommodation, and indeed expressed concern about the welfare of residents of exempt accommodation as well as concerns about the local area (section 5).
- 2.5 Many of the responses offered explanations for the poor quality of some exempt accommodation in the city, including a lack of regulation and checks and the poor competency of landlords, many of whom live elsewhere (section 6).
- 2.6 Finally, many of the submissions to the inquiry proposed solutions which focused on improving the Council's response and strengthening the use of existing powers, whilst also acknowledging the defects of the national framework (section 7).
- 2.7 The weight of evidence in a very complicated area has led to a fresh set of questions for council officers, which are summarised in section 8.

3 The Growth of Exempt Accommodation in Birmingham

- 3.1 There was common agreement that there has been huge, rapid and uncontrolled growth in exempt accommodation in Birmingham. One respondent reported:

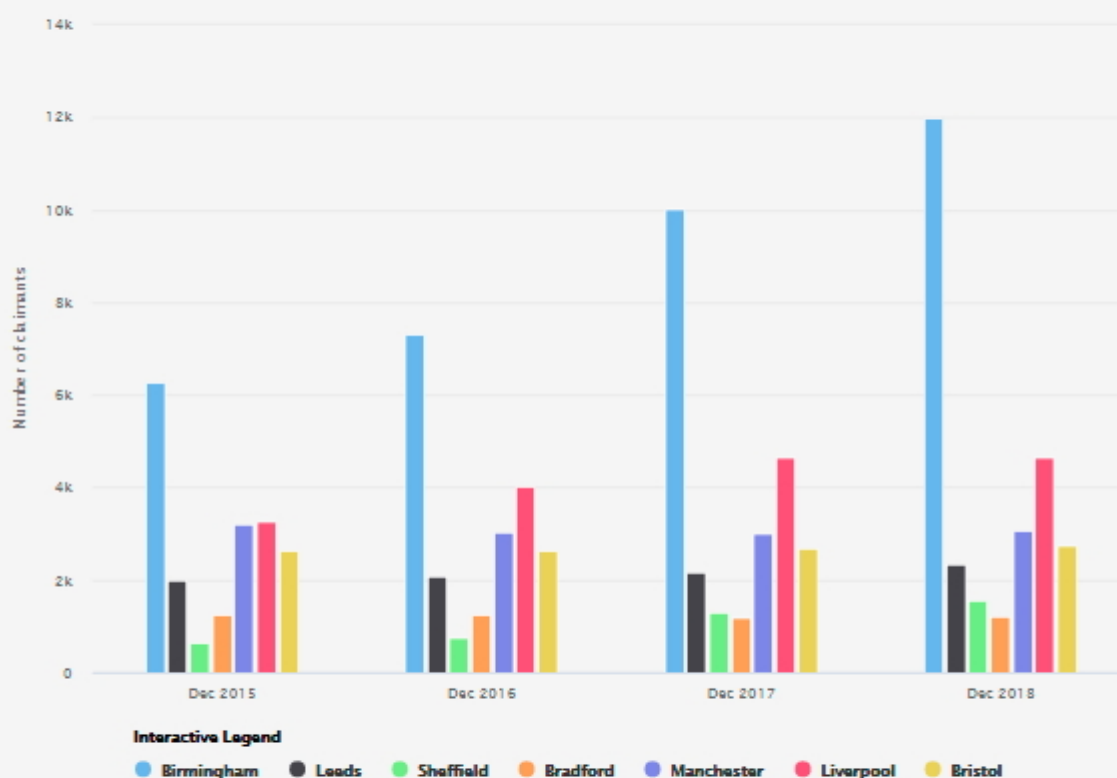
Towards the end of last year (October 2020), Birmingham had approved 20,000 claims for Exempt Accommodation. This is an astonishing figure, and it is much higher than in other comparable towns and cities. For example, Sandwell, immediately adjoining the city, only has around 500 current claims - this is equivalent to about 1,750 claims in Birmingham (on a pro-rata basis). And the sector is growing exponentially. Three years ago, Birmingham had less than 10,000 claims, (which was already excessive) but, while claims in other towns and cities have grown slowly or not at all in this period, in Birmingham the number of claims has doubled, and they are reportedly now running at an extraordinary 1,000 per month. [HMO Action Group]

- 3.2 The results of a freedom of information request by the Perry Barr Constituency Housing Action Group shows the numbers of housing benefit claimants for exempt accommodation for some comparative English cities. Birmingham's claims doubled between 2015 and 2018; only Sheffield showed a similar increase, albeit from a lower base. In [June 2021](#), *The Observer* further reported that: "Birmingham has seen the number of bed spaces in these hostels and shared houses double from 11,000 in early 2018 to 22,000 in March this year."¹⁷

¹⁷ 27th June 2021, "[Hostels from Hell: the 'supported housing' that blights Birmingham](#)"



HB claimants in specified accommodation (2015 to 2018 – 7 English cities)



Date	Birmingham	Leeds	Sheffield	Bradford	Manchester	Liverpool	Bristol
Dec 2015	6,250	1,990	630	1,250	3,210	3,250	2,620
Dec 2016	7,290	2,080	740	1,240	3,020	4,020	2,620
Dec 2017	10,030	2,160	1,310	1,180	3,000	4,640	2,680
Dec 2018	11,980	2,350	1,550	1,210	3,070	4,640	2,740

Source: DWP FOI 2019/03087 1 February 2019

- 3.3 Evidence also shows that the market locally is dominated by six providers who account for 70% of the sector in the city.
- 3.4 Further evidence supplied by the Perry Barr group showed how the properties were concentrated in some 20 Wards; and that within those wards there are concentrations in certain areas and roads.



Below is one example. Density figures depend in part on the length of the road with density up to 10% in some Wards.

Ward	# exempt accommodation addresses?	Percentage of the total
1 Stockland Green	249	6.0%
2 Aston	216	5.2%
3 Soho & Jewellery Quarter	207	4.9%
4 North Edgbaston	194	4.6%
5 Sparkbrook & Balsall Heath East	175	4.2%
6 Sparkhill	168	4.0%
7 Handsworth *	159	3.8%
8 Holyhead *	136	3.3%
9 Gravelly Hill *	133	3.2%
10 Other 60 wards in Birmingham	2547	60.9%

* Relatively smaller wards represented by a sole Councillor: Exempt Accommodation will make up a proportionally greater percentage of the housing stock.

Road name	No Properties	% of Sparkbrook & Balsall Heath East total
Stratford Road	11	6%
Warwick Road	9	5%
Walford Road	8	5%
Anderton Road	6	3%
Golden Hillock Road	6	3%
Runcorn Road	6	3%
Gladstone Road	5	3%
Hickman Road	4	2%
Ladypool Road	4	2%
Long Street	4	2%
Top 10 roads	63	36%
The other 68 roads	112	64%

3.5 This was echoed by the evidence of many contributors:

From my research there are 4 main registered providers and one community interest company that are placing clients in nearby properties ... It is worth noting that two of the registered providers have had official recent judgements made against them by their Regulator for major mismanagement issues. The Largest Landlord in our immediate locality ... [has] 11 properties in the immediate area, including two large hotels and the rest are made up of large Victorian villa type properties. We estimate they can and do accommodate up to two hundred people at any time. All these properties are within 100 metres of each other. [Edgbaston]

It is the unbalanced and chaotic nature of this growth that means young families are priced out, and exempt accommodation residents struggle to sustain their independence without appropriate levels of support. [Housing Need in Stockland Green report]

This is an area of older housing - many Victorian terraces interspersed with roads of mature semi-detached and detached properties - family housing, both rented and privately owned. There also have always been flats, hostels, care homes and boarding houses. Over the years there has been a gradual shift towards property conversions into rental units, many claiming to provide care and support for their tenants. This process is now accelerating rapidly. There do not appear to be any limitations on the social or environmental impact of these changes. Family dwellings designed for one family are being lived in by twice, three times that number of people. The properties are extended, frequently poorly and take up whatever scrap of green space there may be. Any concept of 'planning' appears mythical.... All neighbourhoods need a diversity, and balance, of residential provision to cater for all of us, families, single people, vulnerable, young, old, etc. It should not fall onto certain areas of the city, or the country, to house more than their share. [Handsworth]

We estimate that there are between 20 and 25 HMOs on our road, with a mixture between exempt, licensed and potentially illegal. [Edgbaston]



In Birmingham, nearly 19,000 exempt accommodation units exist in the sector. This is a nearly two-fold increase in the last 18 months. The vast majority of these units are provided by Housing Association accommodation, with private landlords building up portfolios of leased and owned accommodation and then applying for registered provider status, exempting them from licensing regulations. The rapid growth of this type of accommodation has led to a situation where there are now large and concentrated numbers of vulnerable individuals living in shared properties, many of whom have competing levels of support. The individuals living in such units also have no recourse to challenge the level of support they receive from their providers. [Shabrana Mahmood, MP]

- 3.6 The Council has recognised that there is an 'oversupply' of exempt accommodation in the city and that 'it is...our priority to curtail any further expansion.' (Report to Cabinet 13th October 2020, Bid to Ministry of housing Communities and Local Government (MHCLG) regarding Supported Housing Pilots 2020/2021).

4 Impact on Local Communities

- 4.1 Residents told us how the quality and density of exempt accommodation can have real impact in local areas. There were two key areas of concern, firstly: poor maintenance of properties and gardens, leading to nuisances such as rubbish, fly-tipping and pest control:

The garden remains filled with rubbish, brambles, collapsed buildings and abandoned cars and is a haven for rats. [Aston]

Whenever people with complex and diverse needs are housed in unsuitable properties with minimal supervision or support, there is the potential for various forms of local nuisance. This runs from front gardens and streets strewn with rubbish to serious and repeated incidents of anti-social and violent criminal incidents. [HMO Action Group]

I must stress that throughout the Covid period the ordinary bin-men have done a heroic job, risking infection to empty the bins week in week out. The rubbish I am talking about is the dumping of furniture and the use and dumping of black bags. [Handsworth]

The bins are usually left on the pavement for several days after collection. The bins are often overflowing leading to a health hazard. In my view the landlords are taking advantage of the council's residential bin collection service whereas they should be paying for a commercial collection. This is because the accommodation is institutional accommodation. [Handsworth]

Some tenants play loud music constantly throughout the day and night having no consideration for other residents. This has caused friction and animosity between the tenants as they do not like to be told to turn the music down, which causes further friction between neighbours. It is upsetting as management of these types of properties do not help the tenants or residents to help overcome these problems. [Handsworth]



A significant amount of used tissues/baby wipes thrown out of windows littering the pavements. The rats, cats and birds then scatter the rubbish throughout. [Edgbaston]

No x had a serious problem with rubbish in the rear garden which caught light when neighbours held a party. The fire brigade had to be called. The council has taken action and successfully made enforcements to clear rubbish and deal with overgrown trees and hedges covering the adjacent public sideway. [Handsworth]

- 4.2 Secondly, community safety issues also featured repeatedly, encompassing fighting, begging, anti-social behaviour at all times, prostitution, drug use, drug dealing, alcohol abuse, harassment, intimidation, theft, damage to property including fire, swearing, abuse including racist abuse, and threatening behaviour.

... this market attracts a transient population, with support needs that are often not met in a sector with variable management modules, and an equally inconsistent approach to providing care. The result is exceptionally high levels of crime and anti-social behaviour, and a deteriorating street scene. [Housing Need in Stockland Green report]

In summary recently we have witnessed numerous drug dealing incidents, prostitution activity, domestic violence, vehicle thefts, attempted burglaries and general low level anti- social behaviour. [Edgbaston]

We have anti-social behaviour from people living in this type of accommodation, noise levels are raised. We have parking issues, we are verbally abused by residents to the point we fear for our safety when we go out on our own road. Rubbish issues and bins overflow. There are the emergency services in attendance most of the time. The houses are in disrepair.

- 4.3 It is not always clear that the perpetrators are linked to exempt accommodation, but what residents do note is the increase in problems correlates to the concentration of these types of property in an area.

- 4.4 Some of our contributors have done their own research into the impact on emergency services, noting an increase in the emergency services (police and ambulances) being regularly called to the properties concerned:

As a result of a freedom of information request to West Midlands Ambulance Service, I have discovered that just to the [Hotels], the ambulance service has been called out over two hundred times in the last three years. Each call out costs £277.00 and an A&E admission £850.00. [Edgbaston]

West Midlands Police selected a random group of 20 HMO properties in the vicinity of Slade Road, and analysed call-outs and crimes over a one month period. These were HMOs of any type and any landlord, so included RP managed exempt provision and private regulated HMOS and exempt provision. The results demonstrate the extraordinary impact of a concentration of HMO properties on crime. WMP report that a total of 215 calls for service were received from just 20 HMO



properties, equating to around 18 calls a month. They were most frequently: Anti-Social Behaviour (36), missing persons (12) and self-harm or other mental health crisis (18). In these twenty properties, recorded crimes were around 3 per month, mostly assault (20) and burglary (14). In the same timeframe there were 29 arrest attempts, 4 repeat offenders and 2 standard licence recalls. [Housing Need in Stockland Green report].

4.5 Other contributors told us:

There has been a large increase in burglaries in the area and we know this because as part of our Letting Agency we manage hundreds of Student Properties (as we are a point of contact for our student tenants they notify our office so we can attend to make the property secure in conjunction with the Police. This is at any time of day or night) The Students are young and vulnerable, are away from home so naturally they are frightened and distressed when they have been broken into and seek reassurance from us. We have had quite a few burglaries taken place in our properties while tenants have been inside their properties asleep in their beds. [Selly Oak]

The police raided the property 2 years ago as there was cannabis being grown there. I had complained repeatedly to [the agency] regarding the strong smell of cannabis and a loud humming noise of water hammering during the day and night, in retrospect likely to have been caused by the tenants messing around with the supply and boiler. After the tenants were removed, [the agency] were quite amused when they informed me the 'water hammering' will probably stop now. [Edgbaston]

4.6 Residents report that all this has an impact not just on ability to live in an area but ability to move out of it, and is perhaps irreversibly affecting the character of some areas:

Our neighbours were lucky, they were able to move. We are much less fortunate because we live directly next door to both of these supported houses, and the state of the properties and tenants mean that we'd struggle to sell to anyone other than a landlord, which is something we would never do... HMOs mean families and young couples can't move into the area- this will have long term effects on services such as nurseries, schools, churches etc. [Selly Park]

Many lovely neighbours have had enough of the continual anxiety and have moved away, if the trend continues and the number of properties converted to exempt accommodation continues to increase, I feel we will sadly have to consider our position too ... Properties that were designed to accommodate family living are being irreversibly destroyed and are no longer fit for purpose; terraced houses were never designed to be carved into shoeboxes or have heavy fire-proof doors along the shared walls. [Aston]

My street and the neighbouring roads have seen a significant change over these years. Nearly all properties were previously owner occupied and there was a real sense of safety and community. There are now a high number of homes being converted into exempt housing and HMO's. [Handsworth]



- 4.7 In Selly Oak there is a particular issue in relation to student accommodation:

The potential to destroy the University housing market is also now a real possibility. With less student demand landlords are under pressure to find new income sources to service their loans. By housing those with high social needs next to student housing it makes it harder to let to students. This then leads to a cycle of student flight and replacement with more Exempt housing. If this happens its impact on the social and physical economy of the local area and the University of Birmingham will be hugely significant. With more consequent cost and demand on public services. [Community Partnership for Selly Oak]

- 4.8 Many told us that they were afraid to complain:

Fear of complaining is understandable because enforcement and supervision are so poor. There are specific examples in our area of single women living in their own property but fearful of complaining about noise or drugs, condoms, drink bottles strewn in their gardens and entries because past experience has taught them, a complaint brings more trouble. [Handsworth]

- 4.9 However, none of the above conveys the depths of distress and hopelessness felt by some residents at having to live with this day after day. The Committee received numerous and detailed stories of people in distress and fear, unable to prevent what was happening to their neighbours and neighbourhoods, and witnessing vulnerable people not getting the support they need.

I have lived here for over 30 years and have always been happy, but my wellbeing has been adversely affected the past 4 years and I am at a loss as to how we can bring the community back to even a glimmer of what it used to be. [Edgbaston]

5 Concerns about Welfare of Exempt Accommodation Tenants

- 5.1 Whilst there were a minority of contributors who wanted no exempt accommodation or HMOs in their area, many were keen to emphasise that they were not against well-run exempt accommodation. They recognised the vulnerability of tenants, who often have complex needs, such as mental health issues or drug abuse. However, bad providers of exempt accommodation leave them unsupported and vulnerable to antisocial behaviour, criminal activity or exploitation.

We strongly agree that access to high quality accommodation with excellent pastoral support is an essential prerequisite to helping vulnerable people get on their feet. We would have welcomed the property being leased to a reputable organisation which invested profit in improving the quality and safety of the accommodation, whilst working with the community to respect the wellbeing of all stakeholders. Unfortunately, this is not what has happened; instead, only a lucrative opportunity for unscrupulous individuals and organisations exists, sustained by the council.



The local residents are not opposed to supported housing when they are run in the interest of the tenants, as, with the exception of the poor upkeep of the garden (which has attracted rats), one of these properties seems to offer a decent standard of accommodation and is relatively well run, this has resulted in it letting to long-term, well supported renters who mostly work and have integrated well into the community. Unfortunately, this reflects the minority. [Selly Park]

They too are victims of a system designed to hide them away rather than adequately house them and provide them with necessary support [Handsworth]

It is apparent that there is very little to no support being provided. I have personally reported one of the Landlords for taking financial advantage of a particularly vulnerable resident, who was feeling suicidal. Having become more acquainted with some of these residents during lockdown, a number of them are extremely frustrated at the lack of support and the lack of any bonafide safety inspection. [Selly Oak]

There is also little to no regulation of the support provided; which is often inadequate. The combination of occupants can range from 18-year-olds leaving care, those with learning difficulties, mental health difficulties, drug and alcohol addiction, and those on probation: often all mixed in together. The result is a dysfunctional, poorly supported household, which is damaging to its own members as well as to immediate neighbours and the neighbourhood. [Selly Oak]

Exempted properties can offer great rewards to landlords and management agencies, it is meant to provide a very badly needed service of caring and assisting the most vulnerable in society, but unfortunately this is not happening and leaving these tenants to fend for themselves. [Handsworth]

I sincerely believe that everyone should have a second chance and a peaceful, safe place to live within the community but this isn't happening and the help these people need is evidently not there. [Edgbaston]

It is difficult to underestimate the effect that living in these conditions with strangers, also vulnerable and often troubled, can have on people who are really struggling under the weight of difficult, traumatic lives. ...We would prefer people to be in more stable accommodation and better be able to address issues like their mental health, addiction issues and so on. We think it is desperately difficult to do that when exempt housing conditions are so often so poor as detailed above. People are not going to move forward, begin to recover, and start leading better lives. [Selly Park]

- 5.2 Some residents reported that the support they observed tenants receiving – which is the basis for the exemption from the housing benefit cap – was poor or non-existent:

There is a maintenance man/cleaner who comes on a weekly basis to do a basic clean and test the fire alarms (given that we live in a terraced house and are in lockdown working from home, this adds to our frustration with the property.) His unprofessional manner with us, identifies that he is clearly not a trained support worker because although there were obvious signs of drug use at the



property, he did nothing to address this and is persistently rude to the residents on the street. [Selly Park]

The level of 'support' provided to the tenants is vanishingly little. Without appropriate support how can tenants hope to break the cycle of whatever circumstances have brought them to need this type of accommodation. [Selly Oak]

I know from my own experience of the accommodation next door to me is that the support consists of a quick visit by a worker about twice a week. [Handsworth]

No-one's helping them, no-one's teaching them any life skills... people don't understand how these places are being run. There is one case... her drug use has got worse and she's asking for £1 or £2 because she's hungry. [HMO Action Group]

- 5.3 Local people were also concerned that exempt accommodation residents are vulnerable to exploitation by organised criminal gangs, a view backed up by evidence we received from the Police.
- 5.4 These concerns are backed by a report in September 2018, submitted to the Birmingham Adult Safeguarding Board from Spring Housing, which highlighted the plight of thousands of people with a wide variety of support needs, who were effectively being 'warehoused' in appalling housing conditions, with minimal care and support and with no security of tenure.

6 The Providers

- 6.1 When talking about the contributing factors to the problems outlined above, many respondents, whilst acknowledging that there are good providers of exempt accommodation, spoke about absentee landlords, with residents believing that landlords are using exempt accommodation as a "get rich quick option" but taking no responsibility for tenants or the impact on the wider community. Many are sub-contracted or leased to other providers.

The two properties are owned by absentee landlords who have agency leased their properties and live outside the area (and even the country). They have no clue of what is going on in the community; they are ruining our lives and making massive profits from our taxes. [Selly Park]

We have tried contacting the agency that manages the property, but they are conspicuous in their absence and fail to answer the "emergency phone number" that we have been given. We have contacted the owner/landlord, who was brought up in the house. He promises much and delivers nothing and is patently profiteering along with the agency at the expense of the residents who are supposed to be in supported accommodation all funded by those of us that work hard and pay our taxes. [Aston]

Often the accommodation is sub-contracted and the landlords have little regard beyond taking in their profits. [Handsworth]



Exempt accommodation, therefore, is a hugely profitable public endeavour that falls outside of any direct regulatory regime. [Housing Need in Stockland Green report]

I believe that landlords are entering into providing exempt accommodation because of the potential to receive higher income from housing benefit than would be the case under social housing. There appears to be no strict supervision of these properties or their tenants. I believe that landlords are exploiting this situation for their own gain at the expense of their own tenants and the local community. [Handsworth]

We are at the same time increasingly seeing properties for sale advertised as ideal HMO investment properties', and are concerned that many properties are being purchased by absentee landlords who convert these once family homes into multiple-occupancy dwellings and are cramming them full of people to maximise profits, we have heard this described at community meetings as 'a wealth-extraction area'. [Handsworth]

The drivers are mixed for landlords to enter the exempt property sector. There are some who want to provide support, decent housing, and help people move on, while also gaining from it financially, but these are few and far between. When we make contact as a team to landlords, we are often taken to quite plush surroundings, see senior people - it really feels like a business transaction. It is not how we operate so we are not taken in by this, but how our clients are treated is the beginning and end of whether we'll refer to a housing provider again... [Selly Park]

6.2 It appears some are advertising the accommodation as a business proposition; others have been accused of falsely advertising charitable links:

Some providers talk openly of "investors" - it clearly is a business proposition - and one in which if corners are cut (repairs not done and inadequate support) bigger margins can be made. We have spoken to a provider about the costs, incomes and bottom lines, and came away with that conclusion. This is not how this system should be set up. [Selly Park E47]

Take the aptly named Umbrella Housing Ltd for example, Go to its website page for Landlords and you will find it promises, 'Our property maintenance teams can transform your properties into licensed HMO's which can significantly increase income and value.'¹⁸ The incentive here seems obvious enough and it isn't altruism.

[The company] were flying under the banner of "charitable endeavour" and their website quite clearly stated they worked with such charitable organisations as St Basil's and others. [The company] were NOT the license holder for the property, neither was the owner, they circumvented the need by having the charity being the licence holder. A meeting between the property owner, [the company], the Charity involved, myself and another immediate property resulted in us providing photographic, audio and written evidence. The police brought their evidence of the

¹⁸ <http://www.umbrellagroupuk.com/landlords> . Checked 16/09/21



distress the tenants themselves were experiencing. The upshot was the Charity had no idea of how poorly the "supported living" was being conducted and [The company] offered no defence.¹⁹

On at least one occasion through our casework, we have seen potential landlords advertising for such tenants on websites such as Gumtree. The upshot being, if you're vulnerable then get in touch with us, we'll manage your accommodation (in substandard premises that don't meet the expected standard) and reap the reward via enhanced housing benefit. [Shabrana Mahmood MP]

The agent, Smart Move UK continue to state on their website that they formally partner with the Council / West Midlands Police / St Basil's / DWP to name but a few. The logos are all posted on the website which gives an aura of legitimacy to the agent. Our office has flagged this regularly with the Council EAT who have contacted Smart Move but who appear to be refusing to engage with the Council.²⁰

We then discovered that rooms in the property had been advertised on spareroom.com, a national letting platform and could be applied for without references. This advertisement has now been taken down.

- 6.3 There is evidence of action being taken against some exempt accommodation properties in Birmingham, by the Charity Commission and by the Police and the Council.²¹ In one Charity Commission regulatory compliance case, auditors found "alleged unpaid tax contributions and an overpayment of housing benefit to managing agents it used" and "serious financial management issues" over a period of time at the provider.²²

- 6.4 Also, the point was made that not all providers provide a poor service:

Please note that people like St Basils, YMCA, Salvation Army etc are also exempt providers and the difference lies in the commissioning of support services which allows them to manage their residents more effectively. The sector needs an overhaul but there is a real danger that the good will be damaged whilst the bad may not necessarily be weeded out. More engagement with the frontline providers is required as decisions seem to be made without the requisite knowledge.

¹⁹ Website has now been removed 2/7/21

²⁰ Website checked 2/7/21

²¹ https://www.birminghammail.co.uk/news/midlands-news/edgbaston-hostel-shut-down-after-20446662?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

²² <https://www.insidehousing.co.uk/news/news/charity-commission-investigates-exempt-provider-as-auditor-raises-serious-financial-management-issues-70235>



7 Mounting Local and National Concern

- 7.1 Reports of problems associated with exempt accommodation have mounted over the months since this inquiry started with articles on *Birmingham Live* and in the national press. A selection of links is set out below:

<https://www.birminghammail.co.uk/news/midlands-news/weve-enough-birmingham-unites-demand-19430708>

https://www.birminghammail.co.uk/news/midlands-news/chief-constable-calls-urgent-review-19465165#ICID=Android_BMNewsApp_AppShare

<https://www.birminghammail.co.uk/news/midlands-news/kings-heath-family-living-next-19251585>

[Supported housing system 'a living nightmare' - BBC News](#)

- 7.2 On 27th June 2021, *The Observer* published an article "[Hostels from Hell: the 'supported housing' that blights Birmingham](#)", particularly focusing on the experience in Stockland Green and Handsworth. As well as noting the dramatic increase in numbers, it reported that: "Figures uncovered by *The Observer* reveal for the first time the 10 biggest independent providers in the country are on course to collect £184m in housing benefit this year – generating on average more than £11,600 every year for each of the nearly 16,000 bed spaces they supply." Seven out of the 10 are "either non-compliant or under investigation by the government's social housing watchdog, the Regulator of Social Housing (RSH), for breaching governance and financial standards designed to prevent public money from being misused and protect tenants from harm. But only two providers are exiting the market following regulatory action, with the rest continuing to receive public money".
- 7.3 The article also notes the introduction of the charter and the fact that some disruptive hostels have been closed.

8 Proposed Solutions

- 8.1 The evidence gathering yielded a range of solutions and recommendations for the Committee to explore with Cabinet Members and officers. These broadly fall into two categories:
- Actions/recommendations for the City Council;
 - Proposals to improve the regulatory and planning framework.



9 Actions for the City Council

- 9.1 The view of many of the contributors was that the City Council could do more, as summarised below:
- Our top line message is that other Councils are using existing powers to control the quality and supply of Exempt Accommodation in a way which Birmingham is not. They are also managing the environmental and neighbourhood impact more proactively and comprehensively. We think these may well represent opportunities Birmingham City Council is missing and would encourage the Review to visit (virtually) or talk to these authorities to establish what they are doing and why they are able to do it.*
- 9.2 Proposed actions for the City Council fall into the following areas:
- Actions to curtail and manage growth;
 - Responding to residents' issues – the need for a multi-disciplinary team to ensure co-ordinated and sustained responses;
 - Working with communities.
- 9.3 In short, it is believed that acting on these areas would give residents assurance of a sustained and co-ordinated approach to exempt accommodation.

Proposals to curtail and manage growth – Potential Areas for Change

- 9.4 To a large extent, power to restrict growth of exempt accommodation relies on the national framework for planning and regulation, which is discussed in the next section. However, there were ideas for the Council to consider now, including:
- **Use of Local Planning Policy** – to explore whether there is scope to restrict exempt accommodation under the Birmingham Development Plan Policy 12: Residential conversions and Specialist accommodation²³. The policy states
 - The Council will resist proposals where it would result in an over concentration of similar uses in the immediate area.' (4.29) – use of exempt accommodation could be specified?
 - There is a requirement to consider 'the cumulative effects of similar uses in the area, if it is considered that the proposal would cause demonstrable harm to the character and function of an area, and/or local amenity.' (4.29) – again, specific reference to exempt accommodation could be considered here;

²³ https://www.birmingham.gov.uk/download/downloads/id/16775/csd3_dmb_publication_version_regulation_19.pdf



- 'Specialist accommodation is normally most appropriately located in large detached properties set in their own grounds. The development of such uses in smaller detached or large semi-detached or terraced houses *will not be acceptable unless the amenity of adjoining occupiers can be safeguarded*'. (4.30) – greater enforcement in relation to this provision.
- However, it appears that this can only be used when planning permission is required. Clarification of when planning permission is required would therefore be useful for local residents, particularly with regards to change of use.
- **Planning enforcement** was also reported as a concern – one contributor gave a detailed example of a property where changes were made post application, and subsequently agreed by the Planning department. The contributor saw that as evidence of poor planning and construction, seemingly unchallenged by any enforcement action and as a “clear failing of the planning system”. Concerns were also raised that the Council’s database for HMOs is incomplete particularly with regard to small HMOs, which weakens to impact of the Council’s Article 4 Direction. Other authorities – e.g. Nottingham City Council and Hull City Council - use definitions of what is an HMO which bring more properties under planning control.
- **Ensure planning and housing strategy are joined up** to ensure growth and density issues are captured.
- Other local actions to give assurance to residents could include:
 - **Increased transparency** – a register of exempt accommodation and which provider is responsible will help residents monitor the growth in their own areas and allows providers to be held to account if their properties are below standard.
 - Several contributors noted that applicants’ names are currently redacted from planning paperwork available on the planning portal; conversely when submitting an objection to a planning application on the Birmingham City Council portal, the wording makes it clear that the individual must submit personal details, some of which will be publicly available. This imbalance should be corrected.
- **Housing benefits:** one apparent driver of growth in exempt accommodation is the granting of housing benefit, which is seen to be easier than elsewhere. Contributors compared this to other local authorities, where they believed more stringent conditions were used. Therefore, the Council should ensure a robust pro-active verification/compliance system to ensure that all providers comply with the Housing Benefit regulations and case law on ‘care, support, and supervision’ (and all other requirements of the Housing Benefit Regulations).
- **On-going checks:** stringent and regular monitoring to ensure that providers are providing an adequate service with the withdrawal of funding for poor service. This should be supported by other services such as social care and environmental health to ensure basic standards are being met (including that exempt accommodation have waste disposal licenses).



- **An Exit Strategy** – given that increasing numbers of exempt accommodation units are closing down, and the wider impact this may have on provision, the Council need to plan for what will happen, including the development of alternative provision and the planned rehousing/relocation of existing exempt accommodation claimants, aligned to the Council's overall supported housing strategy.

Responding to Residents' Issues – Potential Areas for Change

- 9.5 **Setting up a multi-disciplinary team** to manage exempt accommodation properties and concerns raised by residents was a popular suggestion from contributors. There was some criticism of the lack of response to concerns from the Council, and many reported not knowing who to contact for information and support; and others not being taken seriously when they did report issues. A common theme was that all departments of BCC needed to connect more effectively.
- 9.6 This could take the form of a council run HMO/Supported housing reporting service where tenants and residents can raise issues related to HMO properties so that agencies and landlords are held to account was therefore proposed. This would include a helpline/team for residents to contact.
- 9.7 Other mechanisms proposed included a charter for neighbourhoods as well as residents of exempt accommodation, and the use of Public Space Protection Orders and their enforcement.
- 9.8 There was also a feeling amongst some that communities were not sufficiently engaged by the Council in the long-term strategic planning of an area. Some reported frustrations with their Ward Forum, where matters were reported but seemingly not acted on. More widely there was a perceived disconnect between residents and strategic planning. It was suggested that real progress would be made by a partnership with local communities, contributing at a local level, to build trust and a space to grow a sense of community, including improving formats for residential involvement and influence in areas other than those served by a Neighbourhood Plan. One possibility would be to greatly increase the significance of the 'area profile' referred to in the 'Statement of Community Involvement' and use this to bridge the current gap between the Planning and Neighbourhood functions.

10 National Regulatory and Planning Framework

- 10.1 As the report to the Birmingham Adult Safeguarding Board notes:

[T]his accommodation is not commissioned by the local authority and often operated by Registered Providers of social housing leasing units from the private rented sector, it is taken out of the purview of local authority licensing controls and commissioning accountability; is operated by a



wide range of, often, insufficiently regulated organisations and is without assurance around Safeguarding and performance monitoring procedures.

- 10.2 The fragmented regulatory framework for exempt accommodation was picked up by many contributors, and detailed evidence was collated by a number of residents, seeking to understand the legal, planning and regulatory framework governing the growth of exempt accommodation.
- 10.3 It was noted that the regulatory framework provided by the Regulator of Social Housing which regulates all Registered Providers is comprehensive and covers: Value for Money Standard, Rent Standard, Home Standard, Tenancy Standard, Neighbourhood and Community Standard, and Tenant Involvement and Empowerment Standard.²⁴
- 10.4 However, the system of enforcement appears to be weak. Key areas of concern were set out in the report to the Adult Safeguarding Board and are reflected in the evidence received:
- The lack of a robust oversight and monitoring beyond minimal Housing Benefit Regulations
 - The lack of knowledge around who is providing this accommodation, and their capacity
 - The complexity of leasing and management arrangements and the lack of clarity around provider and landlord accountability to Registered Providers
 - The lack of transparency around support and management arrangements
 - The high concentration of vulnerable individuals living in small, shared units; usually without 24-hour staffing
 - Gaps in understanding around the referral and assessment mechanisms behind access
 - The potential for inappropriate mixes of residents, increasing the risk of exploitation and posing a significant risk to safety
 - A hidden population of vulnerable adults living in unknown circumstances that may be inappropriate for their care and support needs and overall wellbeing, potentially placing them at risk of harm, neglect or abuse
- 10.5 When it came to the role of Council, some blamed the council for not enforcing existing regulations, others recognised the limited powers at its disposal:

I agree that more monitoring and regulation needs to be put in place to hold landlords and letting agencies to account, but councils also need to demonstrate good practice and enforce these regulations- it's all very well them using PSL to help the vulnerable but if the properties are not up to standard and the tenants are impacting community cohesion, it will do more harm than good.

Surely the only way forward is stronger regulation, the Council need to be given more powers to control change of property use. The law surrounding exempt housing needs to be reviewed and

²⁴ <https://www.gov.uk/guidance/regulatory-standards>.



radically changed by Central Government. We feel we are being badly let down and that urgent action is required to halt further saturation of the road with exempt housing. [Selly Oak, E8]

Councillors and officers are quick to point the finger at national government and to say that their hands are tied. Meanwhile MPs say that while existing legislation needs to change there is more that BCC can do. Is it any surprise that long-term residents feel abandoned. [Handsworth]

10.6 A number of recommendations/asks/suggestions were made both for national bodies, and for the council in working with these bodies:

- **Level of Care:**

- The Council should develop an enhanced and proactive partnership working with the Regulator of Social housing to ensure that the Council is aware/takes action to cease Housing Benefit payments/remove 'exempt' status where Regulator of Social Housing requirements are not met. The complaints system for tenants should be made more accessible.
- Guidance should be developed based on existing HB regulations and case law as to the level of care, support and supervision. This should be issued to all exempt accommodation providers and tenants together with an accessible tenants' complaints process. This should be integrated into the Quality Standards for exempt accommodation currently being developed by the Council. It should also be integrated into the Council's due diligence processes to ensure that Housing Benefit paid for exempt accommodation is appropriately spent.
- Individuals should be supported into the local community with clear guidance and a support plan which should be governed by the Council or Quality Care Commission, in a way similar to OFSTED.
- Any service to vulnerable people, where the premises/company receive public funds, should be registered, regulated and inspected. The outputs should be specific, realistic, achievable and regularly monitored.
- It should be clear who is responsible for managing and supervising such accommodation as well as who owns it. Both should be subject to fit and proper person checks.

10.7 It was noted that most of this focuses on the problem from the perspective of the property. The other approach is to take the perspective of the vulnerable client, and as to why there is no oversight of people in this position – as there is for example with people who are discharged from hospital. There should be a body with responsibility and authority to manage vulnerable people who require supported housing.

- **Financial Assurance:**



- Any organisation receiving Public Funds, particularly for vulnerable people, should be audited by a regulated public body to make sure that the funds are being used for the benefit of those they are intended for and they are being used effectively.
- An immediate and intensive audit of the six largest providers and the schemes they are managing through a complex network of 'specialist' agencies. These providers are responsible for 70% of exempt accommodation and yet, based on public information alone, none of them inspire confidence. Four of them effectively moved into this business, less than five years ago, while two others are small established providers (one based in London) that have recently expanded into exempt accommodation.

- **Planning**

- *Control on Numbers*: The ability to set tariffs regarding the number of supported houses within an area.
- *Tenure Balance* - the ability to set the tenure balance between HMO accommodation and family accommodation both owner-occupied and affordable, and between exempt HMO accommodation and regulated, general needs HMOs. [Housing Need in Stockland Green report]
- *HMO exemption* – exempt accommodation should not be exempt from Article 4 direction and that exempt accommodation be made subject to the same Planning Approval process as HMOs.
- Any property intended for such use should be subject to a background planning check to ensure that it is safe and suitable for such purposes, with a specified number of occupants, and that there is no history of breaches of planning law or unapproved extensions or building work. When the intention is specifically to convert a property for such use, that should be subject to a planning application and not allowed under permitted development rules.

10.8 It was noted – as above – that enforcement action was increasing, which was welcomed but led to further concerns that this may result in a drop in the number of supported accommodation places available, and therefore may leave many people in vulnerable situations in the city without a roof over their heads. There is therefore a need to support better housing options and good providers.



Appendix 3: Exempt Accommodation Session on 24 September 2021

Please see the following pages for the slides for the session.

Scrutiny Inquiry into Exempt Accommodation

Co-ordinating O&S Committee

24th September 2021



Agenda

Time	Subject	PRESENTERS
1000-1005 (5 mins)	Welcome & introduction by Chair	Councillor Carl Rice
1005-1015 (10 mins)	Introduction to the Session	Cllr Shabrana Hussain, Cabinet Member Housing & Homes Julie Griffin, Managing Director, City Housing
1015-1030 (15 mins)	Background and Context – Reasons for growth, current picture and landscape, and future potential future demand (5-6 slides)	Kalvinder Kohli, Service Lead
1030-1045 (15 mins)	Response to the Issues – key outputs/ outcomes of the pilot including Inspections, HB reviews, Social Work, Community Safety, Quality Standards, Citizen's Charter, (4/5 slides)	Guy Chaundy, Housing Partnership Mgr and Pilot Leads
1045-1105	Q&A on presentations 1 & 2	
1105-11:20	BREAK	
1120-11:40 (20 mins)	Deeper dive into Housing Benefit (4/5 slides) Plus Q&A	Cllr Brigid Jones, Deputy Leader David Kinnair, Head of Benefits
1140-1210 (30 mins)	Deeper dive into Planning (4/5 slides) Plus Q&A	James Fox, Senior Enforcement Officer Uyen-Phan Han – Planning Policy Manager
1210-1230 (20 mins)	Bigger Picture - regional and national issues – partner perspective (2/3 slides) Plus Q&A	Jean Templeton/Dominic Bradley
1230-1240 (10 mins)	Recap and next steps	Guy Chaundy/Julie Griffin
1240-1300 (20 mins)	Member discussion and asks/ what next from Scrutiny	Councillor Rice

Welcome and Introduction by Chair

Councillor Carl Rice – Chair of Co-ordinating O&S Committee



Introduction to the session

Councillor Shabana Hussain – Cabinet Member for Housing & Homes
Julie Griffin – Managing Director, City Housing



Background and Context

What are the reasons for growth, current picture and landscape, potential future demand

Kalvinder Kohli

Head of Commissioning, Adult Social Care



Initial Needs Estimate: What is the Exempt Sector?

- Exempt Sector has become the common term used for describing supported housing.
- The vast majority of supported housing is funded through exemptions to housing related costs set out in Housing Benefit (HB) regulations – hence the term ‘exempt’
- It is important to understand that HB funds the housing costs only.
- Funding for the provision of support must be found from elsewhere.
- In some instances the support element is commissioned by the local authority. A small proportion in the city is funded through the voluntary sector. Our recent Provider Survey Returns indicates that a significant proportion of the support provided is self funded from an individual’s personal income.
- Where support has been commissioned the provision is referred to as ‘commissioned supported housing’. Where the support has not been commissioned it is referred to as ‘non-commissioned supported housing’.
- The ‘Exempt Sector’ in the city therefore comprises commissioned supported housing and non-commissioned supported housing.

Growth of non commissioned Exempt accommodation:

Contributing Factors:

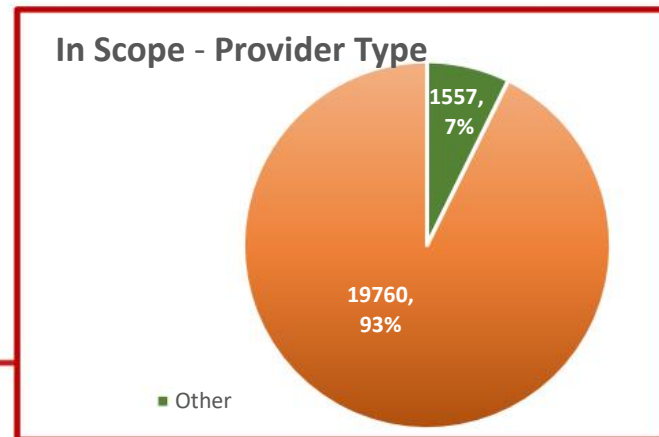
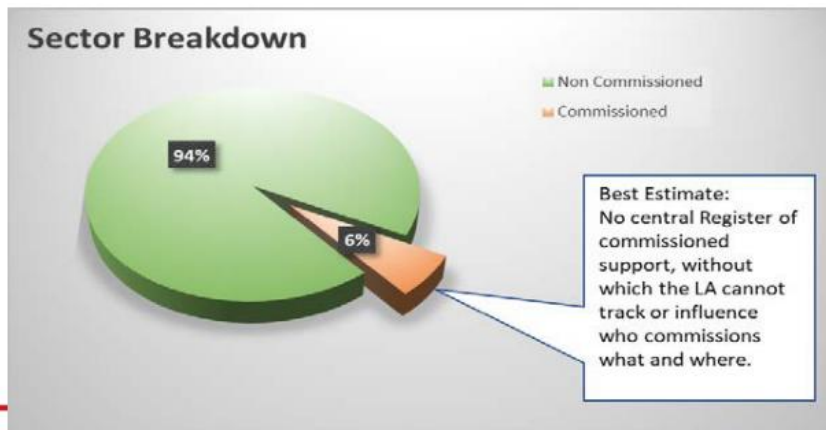
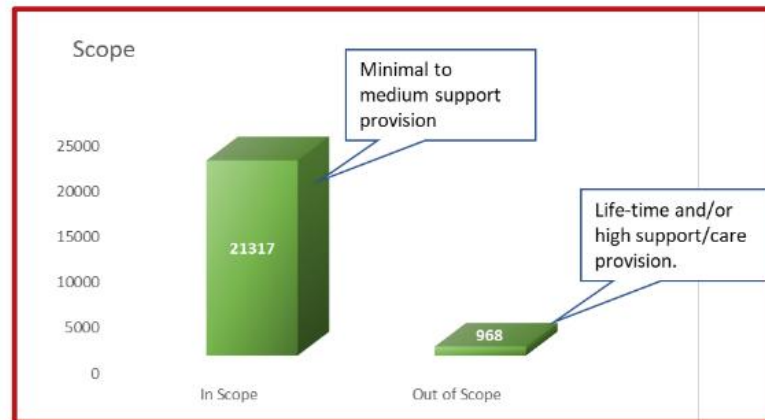
- The roots of the growth can be tracked back to disinvestment and deregulation.
- Reduction in budgets for key vulnerable groups such as substance misuse, mental health, offenders and removal of the ring fence for Supporting People (SP)
- Coupled with a reduction in regulatory powers, resources and agencies has agrubally led to the residual sector being left to explore how best to meet the demand that was still there and has grown
- Previous decommissioned services from SP also re-appearing. The lack of national guidance current regulations has made it easy to enter the market and meet the requirements
- Large private sector in Birmingham and the stock profile lends itself to house conversions to HMO's
- Structural issues within the housing sector in the city, particularly pertaining to single person accommodation. Access to social housing is limited. The Local Housing Allowance Shared Accommodation Rates are low rendering much of the private sector inaccessible to many on low incomes
- Housing options for low income single person households are therefore extremely limited – ‘pushing’ people into supported accommodation as their only option. The threshold for demonstrating a support need within HB regulations is low
- Birmingham has been an outlier in growth to date, but we are now beginning to see increases in other authorities across the country this trend is likely to will continue, It is not just a Birmingham issue.

Methodology and preliminary findings to date

- Primary Research through quantitative multi-source data analysis
- Secondary research through stakeholder sub group
- Methodology Findings
 - The the current model of exempt accommodation provision has significant impacts for both the Local Authority and vulnerable citizens
 - Population projections and data suggest needs will grow – accommodation through the non commissioned exempt sector is currently the prominent available option to meet needs
 - 93% of the provision is within the oversight of Regulator for Social Housing (RSH) regulation, making RSH the primary regulator of supported provision, the focus of regulation is limited to Financial viability and Governance. No focus on the quality of support provision. Our findings show that there are a number of providers who are under regulatory intervention.

Supported Housing Sector - Analysis

- 21,317 units in scope
- Estimate 20,000 non-commissioned support
- 19,760 units equating to 93% of in scope provision is provided by RP's



Findings and observations

- Registered Providers (RP) are the vehicle by which the welfare system is accessed. Property, tenancy and support services are, in the main, not delivered by the RP directly So there is no direct relationship between the citizen and the RP
- This enables significant sums to be transferred to 3rd party entities, some of which are profit 'making organisations
- Our research indicates that significant number of units may have been designated as non social housing
- By implication therefore, Not for profit RP's are able to access enhanced Housing Benefit payments to fund private sector portfolio
- Current oversight and regulation of the private sector portfolio is limited and does not include rent, property, tenancy or VFM
- National Housing Federation (NHF) recently reported changes to membership in response to concerns from members. 'We believe that some of these providers of 'exempt accommodation' are operating 'for-profit', despite their official 'not-for-profit' status, which does not align with the NHF's values'.

Identified impacts for citizens

- Paying for own support without a means test around affordability
- Shared accommodation with no say or influence over who the other occupants
- Likely churn around the sector, difficult to exit the sector without appropriate support and information, risks of pushing people into destitution
- Potential for worsening of health & well – being without the appropriate levels of support, longer term impacts, needing to access more costly statutory care services
- Impacts upon vulnerable communities.

Impacts upon Local Authorities



Potential consequences and risks

Continuing as is

- Requires individuals to pay for their support
- Vulnerable individuals going into destitution
- Poor compliance with regulatory standards
- Inadequate system safeguards through a lack of join up between regulatory frameworks

Placing conditions on use

- Further restricts housing options for single person households
- Potential for providers sourcing demand from outside of Birmingham
- Potential increases in rooflessness

Response to the Issues

Supported Housing Oversight Pilot - key objectives, outputs, outcomes

Guy Chaundy – Housing Partnership Manager
& Pilot Leads



Supported Housing Oversight Pilot – Objectives

MHCLG funded a pilot with partners in October 2020 working with 5 local authorities alongside Birmingham – Hull, Bristol, Blackpool and Blackburn. The pilot will deliver the following objectives:

1. Improve the quality and standard of exempt accommodation in Birmingham through the roll out of the Birmingham Quality Standard and a multi disciplinary team who will undertake a regime of inspections
2. Ensure citizens are safeguarded and supported to effectively build their capability and autonomy.
3. Empower citizens living in exempt accommodation through effective communication and roll out of the charter of rights developed by Spring Housing.
4. Co-design a partnership led strategic plan for the use of exempt accommodation in Birmingham.
5. Investigate and prosecute Organised Crime Groups in the exempt accommodation sector as part of a partnership commodity - based approach
6. Undertake an evaluation of effective interventions and initiatives.

1) Improve the quality and standard of exempt accommodation in Birmingham through the roll out of the Birmingham Quality Standard and a multi disciplinary team who will undertake a regime of inspections

Since November 2020, new multi-disciplinary teams have been recruited to oversee the inspection/review process and implementation of the Birmingham Quality Standards. A new triage process was set up to track complaints and concerns, oversee property visits and any escalations between teams

Operational Tasking Group – (inc Supported Housing, Community Safety, Adult Social Care and Benefit review teams, Planning enforcement)

- 354 properties have been subject to partnership review
- Improved speed and effectiveness of the information sharing between teams, avoiding duplication of work. Building relationships internally and externally
- Highlighting issues around particular Managing Agents – many Registered Providers unaware of the issues taking place in their properties
- Actions taken by inspection teams in the main have been on an informal basis, providers often taking action when requested – avoiding costly formal enforcement
- Key impact for residents has been about raising the standards of exempt properties / homes and improvements to wider neighbourhood – which wouldn't have happened without the pilot

Supported Housing Team - 1x TM, 8 x Housing Review Officers, 1 x Environmental Health Officer and 1 x Admin officer

- Team have undertaken 431 property inspections overall since November 2020 (not including follow up visits from other teams)
- 400 'reactive' inspections – complaints, safeguarding or health & safety concerns. A further 31 of 100 'planned' targeting key wards and providers
- Property standards have been improved – 1120 category 1 hazards and 650 category 2 hazards have been identified.
- 3 larger properties have been subject to regular 'formal' BCC review meetings to improve standards, one property has escalated to closure order working with WMP
- Monthly complaints - increased from Nov 20 (20), to April 21 (83), and decreasing to August 21 (64)

Planning Enforcement

- Over 200 properties investigated this year. Some enforcement activity has taken place to improve property layout, eg bedrooms and communal space. Support to one closure order (appealed by landlord but denied in court). In the main due to regulations, the response to concerns is that planning permission is not required and no enforcement action can be taken.

1) Improve the quality and standard of exempt accommodation in Birmingham through the roll out of the Birmingham Quality Standard and a multi disciplinary team who will undertake a regime of inspections

Quality Standards (BVSC)

- 179 registered providers and managing agents overall are being targeted
- Over 60 providers and managing agents are on initial engagement list (either providers who have shown interest in the quality standards or those who have signed up to the charter of rights)
- 4 outcome reports are awaiting final sign off
- A rigorous assessment process is informed by intelligence from background checks, inspection teams, Housing Benefit Team , The Housing Transition Team, onsite visits, interviews with staff and residents, website, and media reports
- The quality standards have been developed further to include a comprehensive list of indicators and good practice
- Assessment percentage is converted to bronze, silver or gold awards. Providers who don't yet meet the standard will be classed as 'developing standard'
- A Provider event on 21/08/21 had over 100 attendees
- We are developing a plan to include volunteers with lived experience in the assessment processes

Training Programme

Specification for registered providers and managing agents agreed, working with BCC L&D team on materials for modules

1. Provider Awareness and Learning – HB Regulations and requirements, Quality Standards, Citizens Charter and external links to safeguarding and modern day slavery modules.
2. Referral Agency Awareness and Learning - What is Supported Exempt Accommodation – how to refer what to expect for your citizens – QS and Citizens Charter

2) Ensure citizens are safeguarded and supported to effectively build their capability and autonomy.

Inspection Team

- During initial inspections with Supported Housing Team, social distancing and lockdown led to difficulty engaging residents
- Provider maybe providing 'more than minimal' but this is still leading to support plan concerns. Support is not necessarily person centred and inspection team lacks enforcement power, relies on provider undertaking voluntary changes..

Housing Benefit Review team (5 x Benefit Review Officers)

- Since November 2020, the Benefits team have processed 26012 new claims and rejected 132 new claims.
- 1861 have been reassessed, 786 claims have been reduced. 1075 claims have been cancelled due to insufficient care and support. 1526 claims have been cancelled because the resident had vacated the property.
- Additional 2 month reviews are now also being undertaken to check support in place
- Large sums of Housing Benefits overpayments have been identified and recuperated from landlords due to fraudulent claims or landlords not meeting legal responsibility to advise of changes. £2.5m since pilot began Nov 2020

Adults social care team (1 x Senior Practitioner and 2 x Social Workers)

- Since January 2021, the team have conducted 244 support reviews and 45 safeguarding reviews.
- Outcomes include ensuring citizens are safeguarded and supported to build their capability and autonomy, signposting to other services and working with providers to improve standards of support.

Homeless Transition Team (BVSC, SIFA and St Basils)

- Since March 2021, the team have undertaken 108 reviews of units to ensure homeless citizens have support in place and identify/resolve property issues

3) Empower citizens living in exempt accommodation through effective communication and roll out of the Charter of Rights developed by Spring Housing.

The Charter of Rights
A right to feel safe and protected
A right to decent living conditions
A right to clear information on your support entitlement
A right to security of property
A right to seek advice and assistance, and to challenge

Pilot Adoptees
<ul style="list-style-type: none">• 20 providers• 1400 units of accom.

In Progress Adoptees
<ul style="list-style-type: none">• 62• Over 6000 units of accom.

- ❖ **Charter of Rights has been co-designed** with 50 residents from Birmingham
- ❖ **“Introduction to the Charter of Rights”** sessions including quality visits for those on pilot.
- ❖ **Self-assessment toolkit** to support providers to meet the CoR good practice standards/asertain levels of need
- ❖ **Customer surveys**– very positive feedback with main areas of improvement being move on accommodation and being involved in providers decision making.
- ❖ **“Good Practice”** workshops inc Safe Mixes, Quality Standards, Transitional Homeless Workers, Self-Assessment and Customer Survey
- ❖ **“External Awareness”** Presented the CoR to the Homeless Forum and the Housing and Communities Research Group
- ❖ Picked up regionally and nationally as good practice, National DA network adopted the charter. Referenced in the National Expectations for Supported Housing.

4) Co-design a partnership led strategic plan for the use of exempt accommodation in Birmingham.

- Strategic Needs Assessment - Data gathered from a number of sources including a survey of providers to understand baseline of needs and growth of provision
- Data analysis and testing of assumptions is continuing, due to finalise Autumn 21
- Developing recommendations to take forward as part of the future strategy – to include local and national recommendations
- Draft Supported Housing Strategy – key stakeholder and public consultation will follow, and Cabinet decision expected spring 2022
- A toolkit for managed transition / provider exit is also under development to accompany the strategy – to include a number of key components to support providers and BCC to manage any withdrawal effectively - risk management, support and assessment, communications and project management & equality analysis

5) Investigate and prosecute Organised Crime Groups in the exempt accommodation sector as part of a partnership commodity - based approach

Community Safety Partnership Team (1 xTM, 4 x SOC & ASB officers, 1 x Admin support and 1 x seconded WMP officer)

- 238 visits have been undertaken supporting inspection teams.
- Total of 290 investigations conducted of which 54 remain open.
- Actions taken – 133 Evictions/Removal of Tenants, 1 Closure Order, 8 Community Protection Warnings, 20 Involvements with decommissioning of properties & 12 Involvements with arrests made by West Midlands Police and 167 properties visited, were offered advice (E.G. Offer of ASB Policy, CCTV Improvements, Relationship Building with Local Residents, Signposting Tenants to Relevant Support Networks).
- The multi-disciplinary approach has been embedded.
- There has been a real push to get other external partners involved with the pilot and most recently WMFS have come on board and now play an active role in visiting the accommodation and either offering advice or enforcing Fire Regulations and Safety.
- Increased powers are needed as well as existing CPW/CPNs

6) Undertake an evaluation of effective interventions and initiatives.

MHCLG and Regulator engagement

- MHCLG national steering group has focused on key topics including – Strategic Needs, Benefits, Planning, Support & Assessment, New Providers, Referral pathways
- External evaluation of the pilot through Kantar is underway in line with end of pilot in September
- Pilot teams have worked tirelessly to raise awareness with MHCLG and the significant Providers surrounding the growth of exempt properties within Birmingham and more importantly the high density of growth within specific geographical areas. This had led to some of the major providers agreeing to curtail their portfolios of properties within certain areas or within the Birmingham region all together.
- Ongoing engagement with MHCLG & Regulator re a number of providers with exempt status under review.
- A number of providers have announced will be coming out of sector – working closely with them to oversee managed movement and individual risks
- Discussions with MHCLG focused on future overarching policy and regulation for supported housing in the future, to include the role of local authorities
- There needs to be a dedicated multi-disciplined team/department within the BCC that specifically caters for exempt accommodation. Without this, information will not be shared, there will be discrepancies over who is meant to deal with certain issues/concerns and there will be confusion from the public as to who has control and responsibility.

Q&A session



Break



Deeper dive into Housing Benefit

Cllr Brigid Jones – Deputy Leader
David Kinnair – Head of Benefits



Supported Exempt Accommodation

For a claim to be treated as an 'exempt accommodation' claim, the accommodation provider has to provide care, support or supervision to the tenant., and the tenant must need the support.

There is no legal definition of care, support or supervision, and there is no specification about how much care, support or supervision needs to be provided. It has been decided by the Upper Tribunal that it must be more than minimal.

Housing Benefit is a benefit to the citizen as oppose the Landlord

Housing Benefit payments DO NOT cover any of the cost of the care, support or supervision.

The Council ;

- Must adhere to the regulations
- Must refuse if they do not meet the criteria
- Restrict eligible rent/service charges if it is deemed to be overly expensive in comparison to other suitable alternative accommodation
- Can stop HB payments if following a review of the claim identifies that insufficient care, support or supervision (CSS) is taking place.
- Only need to be "more than minimal" CSS taking place for us to have to pay.

Regulation limitations

- Cannot delay without reason – once we have obtained all the information and evidence to make a decision then we have a statutory obligation to make that decision within 14 days.
- Cannot pay Local Housing Allowance (LHA) rates whilst we are going through the decision making process. Until a decision is made then we would not be able to pay HB (unless the resident falls into the pensioner category where HB can still be claimed but only under the appropriate HB scheme).
- Cannot refuse based on the level of support – if the evidence provided shows that more than minimal CSS is taking place then we would have to pay even if the levels being provided do not actually meet the required needs of the individual resident.
- If there is insufficient evidence/information provided then we would not be able to make a decision.
- Cannot take into account the standards of the property, or reports of anti social behaviour or substance use – this is not part of the criteria. Will refer to appropriate department or agency

Supported Exempt Accommodation Team (SEAT)

Team was set up April 2019

The purpose of the team is to review existing landlords/residents and to review new applications for SEA.

New processes:

- Meet with all new landlords before applications are considered
- Full case review of providers of concern
- Reviews all claims after a 2 month period
- Tracking outcomes of 50 cases where SEA has been withdrawn following the 2 month review
- Withdrawing of SEA status following reviews
- Working with Revenues (Council Tax collection) on correct liability for supported accommodation properties.
- Working with the Supporting Housing Pilot with MHCLG

Outcomes

- Overpayments to the value of £3.6 million recovered
- Withdrawal of SEA status
- Improvements in services for tenants
- Fraud Referrals
- Information sharing with the Regulator of Social Housing

Ongoing Reviews and Partnership working

- Created SEAT in 2019
- Reviewed service process and remit since implementation
- Benchmarked with other LAs (Core Cities, West Midlands LA's, DWP Practitioners Operational Group)
- Invited the DWP's Performance Development Team to do a review and health check of the current process in Birmingham.
- Birmingham's internal Audit section have been asked to review the process and make any recommendations for improvement
- DWP – are currently working to gather more information on the SEA caseloads and the Benefit Service is part of these talks: there has already been a number of meetings. The HB system will be enhanced to enable the DWP to start to gather information for analysis from April 2022.
- Head of Benefits and AD for Revs and Bens, both attend separate forums with the LGA and DWP – BCC is one of a small number of councils on these groups
- Core Cities focus group
- Consulted on 53 page DWP guidance
- Shortlisted as one of six finalists from all LA's in two IRRV categories, Team of the year and most improved team (from adoption of team in 2019)

Review & Applications

New Providers – last 12 months

- In the last 12 months there have been 390 applications for new providers
- Granted – 62 new units
- Refused - 211 units have had SEA status refused
- Restricted – 117 units had their rents restricted

Reviews – since April 2019

- 32 Providers of Supported Accommodation have been, or are in the process of being reviewed by the Team:
 - 15 Registered Providers
 - 9 Private Landlords
 - 8 Support Providers
- 161 properties - reviews completed
- 5,207 individual claims have been reviewed
- 48 properties currently under review/investigation
- £3.6 million overpaid benefit identified and recovered (Inaccurately or fraudulently claimed – legal duty / additional process check)
- 9 Fraud referrals made to DWP

Response to further Questions from Scrutiny

- **Average cost of each placement to the state –**
- The average weekly HB entitlement: PT: £184.28 RP: £217.80 (this is mid-table compared to other authorities)
- Please note this is not all LA as subsidy will cover all Registered but subsidy loss to LA on PT. E.g. Birmingham 2.6 million.
- **Average cost of social rent in the city -**
- RP is £218.53, will not match above question as not all rent is always covered by HB entitlement.
- **Process** – How claims assessed, differences/benchmarking, strengthened
- **Regulator Criticism or Involvement** – If and when a provider has registered status removed by the regulator we would then reassess and potentially end the claim and refer to Universal Credit with housing costs. However, if the regulator has downgraded etc the regulator still classifies them as a registered provider status, so this is not a status we award or bestow and have no influence over. The regulations state how claims from registered providers should be classified. We will, however, investigate and review that LL as part of our review process, team set up in April 2019

Q&A session – Housing Benefits



Deeper dive into Planning

James Fox - Acting Principal Planning Enforcement Officer
Uyen-Phan Han – Planning Policy Manager



The Use Class Order - What use class is supported accommodation?

- Supported accommodation is not a C4 HMO - Shared housing managed by RSLs are excluded from the definition of a HMO in Schedule 14 of the Housing Act 2004, therefore unaffected by the City Wide Article 4 Direction.

Use Class Order

- **C3(b)** – for properties with no more than six residents living together as a single household and where care is provided for residents
- **C3(c)** – for properties with no more than six residents living together as a single household where no care is provided to residents
- **Sui Generis** - a category for any uses which do not fit within any other class – more than six residents for HMOs and Supported Accommodation planning permission required
- Can Supported Accommodation be Use Class C2?

Will supported accommodation require planning permission?

- **The basis of our assessment – Single Household?**

There is no legal definition of what constitutes a single household.

Whether occupants form a single household will always be a matter to be determined on a case by case basis as a matter of fact and degree. There is no definitive factor.

- **Do the occupiers have to be related?**

“Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004”

Important - This interpretation does not extend to C3(b) or (c).

How do we assess a single household?

The Council will have regard to the following factors, amongst others, for determining if the occupants of a property form a single household:

- whether the bedrooms contain kitchen and or cooking equipment such as sink, microwave or fridge;
 - whether the kitchen is of a reasonable size to accommodate the needs of all the occupants and evidence that it is in use e.g. food in the cupboards and fridge and utensils being used;
 - whether there is a separate lounge area or large kitchen diner that allows a space for residents to spend time out of their bedrooms;
 - whether there are no more than six occupants residing at the property;
 - what the relationship is between the occupants.
-
- **Birmingham's approach** – A comparison to other Councils

How will planning applications for supported accommodation be assessed?

- **Policy DM12 Residential conversions and specialist accommodation**
 - a. It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;
 - b. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;
 - c. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;
 - d. The scale and intensity of the proposed use is appropriate to the size of the building;
 - e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.

How will planning applications for HMOs be assessed? Will existing concentrations of SEA in the area be considered?

▪ Policy DM11 Houses in multiple occupation

- 10% threshold
- No sandwiching of family house between two HMOs or non-family residential uses
- No three or more in a row of HMOs or non-family residential uses

Criterion “e) would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety and parking;”

Q&A Session - Planning



Bigger Picture - regional and national issues and partner perspective

Jean Templeton – Chief Executive St Basils

Dominic Bradley – Chief Executive Spring Housing



Where are we now?

Birmingham Safeguarding Adults Board have made exempt accommodation one of its priorities.

- ✓ West Midlands Combined Authority, exempt has become part of the homelessness taskforce priorities.
- ✓ Active dialogue with DLUHC
- ✓ Working to strengthen duty of care and due diligence of statutory bodies in the use of supported accommodation.
- ✓ Empower Clients living in the sector to make informed decisions about their personal safety, personal and social interactions within shared living environments. Charter of Rights.
- ✓ National Housing Federation amended membership criteria for membership
- ✓ Leased based providers part of the risk sector profile published by the regulator.

Where Should Our Focus Be?

Continue to:

- Establish a local evidence base of Supported Housing Needs and provision in the city.
- Curb the unmitigated growth. Work in a more strategic way with providers.
- Ensure that we are community focussed. We have reached saturation point in many areas of the City.
- Work with Central Government to encourage greater clarity to the existing regulations Supported HB regs not fit for purpose, need amending at least to cover social housing. Lack of funding for support has contributed to the current situation. Clarity required in relation to definition of supported housing and oversight authority given to Local Housing Authorities.
- Strengthen duty of care and due diligence of statutory bodies in the use of supported accommodation
- Empower clients living in the sector to make informed decisions about their personal safety and personal social interactions within shared living environments - Charter of Rights
- Use existing regulatory and enforcement powers to respond to preventing personal and community related risks
- Ensure that out of area referrals are minimalised or linked to genuine resettlement
- Share learning within the region and support comprehensive approach to standards and charter of rights.

Q&A – Bigger Picture



Recap and next steps

Guy Chaundy – Housing Partnership Manager & Pilot lead
Julie Griffin - Managing Director, City Housing



Recap and Next Steps

- Pilot with MHCLG is due to formally end 30th September 2021 - some funding remains available alongside some additional BCC budget identified to retain Inspection teams until March 2022.
- 'Reactive' inspections will continue in response to complaints, health and safety or safeguarding concerns. 'Planned' inspections will align to gather evidence on providers going through the Quality Standards process
- Strategic Needs Assessment is continuing – some additional data analysis is underway to test and confirm assumptions, due to finalise end of September.
- Local and National recommendations are being developed as part of the pilot evaluation and the Scrutiny report. All to feed into the council's draft Supported Housing Strategy
- Key stakeholder and public consultation on Strategy will be undertaken ahead of Cabinet decision in spring 2022

Potential Recommendations

Local (Within control of BCC)

- Adopt a council wide approach to commissioning, placing conditions on use
- Adopt a council wide approach to referrals into non-commissioned provision
- Expand current QS to include: due diligence test on organisation, demonstrate sources of adequate support funding, property standards meet decent homes requirements
- Identification of funding and resource required to oversee, inspect etc 20,000+ units
- Collective BCC list of approved providers based upon criteria as set out

National (Not in control of BCC)

- Current model, 2 years for legislative change is unacceptable and this has already been flagged with DLUHC (formerly MHCLG)
- Adequate government funding considerations for funding for support in order to avoid personal charge
- Consideration for a Government led national accreditation requirement – Local Authorities can influence numbers and standards through requirements to be accredited, plus Local Authority resources to manage any inspection and oversight
- DWP, DLUHC and the Social Housing Regulator to collectively agree and tighten the definitions and regulations for this sector, with the aim of removing loop holes and ambiguities that currently exist
- Amendments to the definition of a HMO in Schedule 14 of the Housing Act 2004.

Member discussion and asks/ what next from Scrutiny

Councillor Rice



Exempt Accommodation Inquiry – Executive Commentary

I would like to thank the Chair and Members of the Co-ordinating Overview & Scrutiny Committee for carrying out this extremely important inquiry.

I would also like to thank the many Birmingham citizens and partner agencies who contributed to the inquiry, sharing their experiences of exempt accommodation and bringing to light the sometimes devastating impacts that poorly run exempt accommodation can have on the day to day lives of residents, vulnerable individuals and the wider community.

The inquiry acknowledges that while Birmingham has been an outlier in growth to date that this is now beginning to be seen in other authorities across the country. There has been a worrying growth of poorly managed, unsafe exempt accommodation, delivering inadequate support and safeguarding, particularly for people who experience homelessness and have multiple support needs.

The inquiry clearly sets out and acknowledges that the City Council has little or no powers in relation to regulation and management of the exempt sector, especially in regard to planning, benefits and provider regulation. However, officers were able to outline the work being undertaken through the government pilot which has seen the following activity to date:

- Inspection and oversight of accommodation standards and providers
- Assessment of support provision and quality of support assessments
- Increased scrutiny of Housing Benefit claims and the introduction of 2 monthly reviews
- Investigations into serious Anti-Social Behaviour and links to organised crime
- Undertake a Strategic Needs assessment and developing Supported Housing Strategy
- Launch and roll out of Quality Standards and a Charter of Rights.

This Scrutiny review will help inform the ongoing work we are doing with the Department for Levelling Up, Housing & Communities (DLUHC) looking at establishing the key areas requiring national policy and regulation change and also establishing best practice across the sector. It will further provide key evidence to inform the external evaluation of the national pilots.

We will continue to keep Scrutiny updated on progress against the key recommendations coming out of the review

Councillor Shabrana Hussain

Cabinet Member for Homes and Neighbourhoods

Birmingham City Council

City Council

7 December 2021



Subject: Motions for Debate from Individual Members

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

To consider the following Motions of which notice has been given in accordance with Council Procedure Rules (section B4 G of the Constitution).

A. Councillors John Cotton and Katherine Iroh have given notice of the following Notice of Motion:-

“This Council notes that the current national Government is presiding over a low growth, high tax and high price economy.

For many people across Birmingham it is going to be a tough winter, with rising costs, rising taxes and Universal Credit cuts.

- Gas bills are up
- Petrol costs are up
- Food costs are up.

The Government has handed tax cuts to big companies like Amazon, while putting taxes up for working families with a record increase in National Insurance.

The Government has also brought in a tax which will impact more than 12% of self-employed people, which will see 6,974 self-employed workers in Birmingham hit with a £3,000 tax hike.

There are 136,082 households in Birmingham in receipt of Universal Credit (as of House of Commons Library figures from August 2021). Each household will have been impacted by the £20 per week cut to Universal Credit, further exacerbating the impact of rising prices.

This Council further notes that it has received recognition for its work with employers to tackle the scandal of poverty pay and make Birmingham a Living Wage City. This

builds upon the Council's own position as a Real Living Wage employer, by setting out a plan to ensure that more employees, across all sectors of the city economy, are also paid the Real Living Wage.

The Real Living Wage is the only wage rate that is independently calculated upon the basis of the real cost of living and which applies to all workers aged over 18. The increase to the Real Living Wage rate means that it is now £9.90 per hour for all workers aged 18 and over.

The Government's National Living Wage, which is not calculated on this independent basis and discriminates against younger workers, is just £8.91 per hour for those aged 23 and older, is £8.36 per hour for those aged 21 and 22, £6.56 per hour for those aged 18 to 20 and £4.62 per hour for under 18s.

The Council is attracting record levels of investment into the city, with jobs being created in construction, finance, media and the arts, leisure, retail and many more sectors.

Therefore, the Council resolves to call upon the Government to:

Abolish VAT on domestic energy bills for the next six months to help hardworking families to get through the winter months.

The abolition of VAT on domestic energy bills can be paid for through higher-than-expected VAT receipts from the first half of the year, and a temporary increase in taxes on digital services firms like Google and Facebook who have done so well out of the pandemic.

Reverse the stealth tax on self-employed people which will save 6,974 people in Birmingham from a £3,000 tax rise.

Reverse the cut to Universal Credit. Working people have taken another hit through the cuts to Universal Credit, and with inflation rising this is going to start to bite.

This Council also:

Restates its commitment to the Real Living Wage and endorses the work of the Making Birmingham a Living Wage City Group as a welcome step towards tackling the injustices of poverty pay and in-work poverty.

Taken together, these measures would help to alleviate the pressures on working families in Birmingham and across the country."

B. Councillors Simon Morrall and Darius Sandhu have given notice of the following Notice of Motion:-

"This Council believes that there should be no limit to how far hard work and talent can take you and that for Birmingham to unleash its potential, every individual within it needs to be given the opportunity to unleash theirs.

This Council therefore notes:

- Its concern that the skills gap within Birmingham remains a barrier to opportunity with higher than average unemployment and lower than average pay.
- 53% businesses report difficulties in filling vacancies with a third of businesses struggling to hire candidates with the right technical background.
- 9.5% of the working age population have no qualifications, well above the national average of 6.3%.
- If you live in Birmingham, you are twice as likely to be unemployed but if you are in work you can expect to earn £40 a week less than the national average.
- The disparity across different communities in the city, for example if you live in Frankley Great Park you are less than half as likely to pass English and Maths GCSE than if you live in Moseley.
- Notes the council has sent back £5 million in Apprenticeship Levy funds to HM Treasury, since 2017, instead of investing it into Birmingham City Council staff.

We therefore call up on Executive to:

- Create a cross party taskforce to investigate ways to close the skills gap in Birmingham and drive down unemployment.
- Work at a greater level with current key industries and the businesses within them, such as the automotive industry and JLR, to encourage them to expand their operations, skill and reskill local people and grow their local workforce.
- Write a strategy to ensure Birmingham becomes the Green Manufacturing hub of the United Kingdom and adopts a position in which any opportunity for investment is applied for.
- Review the spending of the Apprenticeship Levy to ensure as many Council Staff are upskilled via apprentice training to be able to deliver a higher quality service to Birmingham Residents. We also ask the Council to commit to continuing to gifting 25% of the Levy to small and medium sized businesses who can benefit from the money.”

