

## Examination of the Birmingham Development Plan 2031

### Matter B – Employment Land and Retail Provision

#### Hearing Statement on behalf of St Modwen Developments Ltd

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#### 1.0 Introduction

- 1.1 These further submissions are made on behalf of St Modwen Developments in respect of Matter B of the Birmingham Development Plan (BDP) Examination concerning employment land and retail provision.
- 1.2 Their views point to the Plan being unsound by reasons of not being consistent with national policy, and not being justified, effective or positively prepared.
- 1.3 This is explained further below, structured around the Inspector's Matters and Questions (only those questions are addressed below that are relevant to St Modwen's duly made objections to the Plan).

#### 2.0 Matter B: Employment Land and Retail Provision

##### ***1) Is the Plan based on a clear economic vision and strategy to encourage sustainable economic growth?***

- 2.1 The positive themes of growth expressed through the Plan are appropriate, and consistent with the central tenets of national policy, expressed in the NPPF. The stated aim to meet the needs of the population is consistent with the relevant elements of the "presumption in favour of sustainable development" expressed at paragraph 14 of the NPPF, its "core planning principles" (paragraph 17), and other important aspects of national policy addressing the economy and housing. The international aspirations set the Plan aside by providing a dimension specific to Birmingham as Britain's Second City.

This positive and ambitious stance is supported. Measures consistent with promoting growth, and Birmingham's international status, are to be encouraged. Aspects of the Plan represent a bold statement in terms of what the City is seeking to achieve over the next two decades, and this is welcomed. The pursuit of these objectives is supported.

The challenge for the policies of the Plan is to ensure that this positive vision is realised. This is not always the case; there are aspects of policies which are more cautious, conservative, and narrow in their outlook, creating a conflict between the positive and ambitious vision of the Plan, and the ability of the detailed policies to deliver it. This theme will be picked up in a number of the Hearing Statements submitted by St Modwen.

##### ***2) Are the overall requirements of policy PG1 for employment land and office floorspace soundly based on evidence, and appropriate to meet the needs that are likely to arise over the Plan period?***

2.2 Part of the justification in the Evidence Base for the quantum of employment land required appears to rest on the assumed loss of significant areas of employment land required to accommodate HS2 (from the *Employment Land Review 2012* and *Employment Land and Office Targets Study 2013*). However the HS2 proposals will in themselves bring about employment (for example with an estimated 500 – 700 jobs generated in depot related uses at the Washwood Heath site) and are therefore not necessarily a loss in themselves; it is therefore not clear why a comprehensive deduction should be made. It is also likely that employment land will be released at Washwood Heath following the construction of Phase 1 of HS2, should it be delivered; this is acknowledged in the Evidence Base (*Employment Land and Office Targets Study 2013*). For these reasons it is considered that the Plan overstates the requirement for employment land.

This position is reinforced by the assurances secured by the City Council with HS2 Ltd and the Department for Transport in relation to the HS2 Bill. Agreement was reached on these assurances on 14 July 2014 and they will be added to the HS2 Bill. A summary of the assurances is provided here at Appendix 1. In relation to Washwood Heath they provide that land not needed for HS2 will be released as soon as possible, that the land take for HS2 will be minimised, that construction will be completed as soon as possible, and employment opportunities will be brought forward there in relation to HS2. This again suggests that account needs to be taken of the contribution of “spare” land at Washwood Heath, and also of employment opportunities directly associated with HS2.

More generally, however, St Modwen have some considerable concerns about the short to medium term blight which the HS2 proposals present on significant parts of the City including areas of Washwood Heath which have a high potential for mixed use regeneration and greater job creation than would be associated with HS2 alone. This potential is recognised in the Evidence Base (e.g. the *Employment Land for Economic Zones and Key Sectors for Investment in Birmingham Report (2012)*). This will be discussed further in the Hearing Statement to be submitted by St Modwen in relation to Matter J.

**3) If housing provision is made outside the Plan area to meet Birmingham's needs, is there a need for employment land also to be allocated outside the Plan area to complement that housing provision?**

2.3 Housing provision outside the Plan area should be planned as a sustainable, balanced community. A key consideration for those relocating to such development will be where they are working, but also whether they are in reach of a choice of jobs. This is particularly the case during periods of economic uncertainty, but also generally so as modern careers are typically characterized by a portfolio of jobs rather than a “job for life”. The proximity of employment opportunities to new housing is also important to avoid exacerbating road congestion and pressure on other transport facilities. For these reasons, complementary employment land provision should be planned alongside such housing development.

**4) Does the categorisation of employment land into Regional Investment Sites and three other quality categories appropriately reflect future business needs?**

2.4 No. Regional Investment Sites (RIS) historically had a strategic policy context within the Regional Spatial Strategy. However such a context is now removed, and the RIS concept is somewhat inflexible and out dated. The role of RIS sites to diversify and modernise the economy is supported. However, their definition specifically as RIS has the potential to constrain and limit their development and delivery, threatening the provision of the required diverse and modern employment development which is sought by the Plan. These themes will be expanded on in more detail in the Hearing Statement to be submitted by St Modwen in relation to Matter J (and in particular Question 1 dealing with Policy TP17).

More generally, the categorization into three quality categories appears to be something of an artificial construct. It is difficult to understand how the balance of land between these categories can be predicted in a manner that will reflect business needs over the Plan period, or the distinction between them that will be recognized in the market in practical terms.

**5) Does the Plan make appropriate provision to support existing business sectors and new or emerging sectors?**

2.5 No comment.

**6) Does the “5-year reservoir” approach set out in policy TP16 provide adequate certainty that sufficient appropriate employment land will come forward to meet business needs throughout the Plan period?**

2.6 No comment.

**7) If not, what alternative approach should be followed?**

2.7 No comment.

**8) Are the overall requirements of policy PG1 for retail floorspace (as amended by the Council’s proposed main modification MM7) soundly based on evidence and appropriate to meet the needs that are likely to arise over the Plan period?**

2.8 The Birmingham Retail Need Assessment Update (BRNAU) represents a sound evidence base on which to plan for comparison retail need through to 2026. It should be subject to periodic review. Given the difficulties associated with forecasting spending patterns and growth over a longer period, and predicting changes in the retail market, it would be inappropriate for need to be quantified beyond 2026. This is reflected in the observations at paragraph 4.10 of the Plan.

For this reason, proposed main modification MM7 should retain the words “by 2026” at the end of bullet 4 (as in the original Plan wording) to confirm that this figure refers to that period, rather than through to 2031 as is the case with the other figures in policy PG1. For clarity, wording might also be added to confirm that this requirement refers to the period from 2012.

The reference to 350,000 sq m gross of comparison goods floorspace made in MM7 is correct, as set out in Table 3.1 of the BRNAU, and justified in paragraphs 3.11 – 3.13 and 3.22 of that document.

## **APPENDIX 1**

### **HS2 – ASSURANCES TO BCC**

## **Appendix A - HS2 Hybrid Bill and Assurances**

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Birmingham City Council and Centro raised a number of objections to the HS2 Hybrid Bill and in April 2014 petitioned the Bill in order that, if necessary, they could appear before Parliament via the Select committee process to make their case before MP's. The principle objections were:

1. A lack of a design process for the Curzon Street Station which took account of the regeneration proposals in the Curzon Masterplan for a world class station, transformed connectivity to Digbeth and the City Core; and to properly integrate public transport into the station's design;
2. Concerns about enabling a new Metro line to be integrated with the station and to be extended to serve the Digbeth area as a catalyst for its regeneration;
3. Improve the setting of Curzon Street Station (Grade 1 Listed), the Woodman public house (Grade 2 listed) and to remove any impact on the Eastside City Park;
4. Concerns about the impact of the proposed closure of Saltley viaduct during construction of HS2 on the communities of east Birmingham and on traffic and public transport through that area;
5. Concerns about the loss of the Washwood Heath as one of the largest potential employment sites in the City and in an area of high unemployment; and
6. Concerns about the impact on the refuse collection and waste service through potential relocation or disruption of the Bottom Ash Plant and Household Recycling facility at Tameside Drive which provides a key part of the waste disposal system for the City.

A summary of the assurances agreed are as follows:

### **Birmingham Curzon Street Station**

- That construction of the station to be completed as quickly as is reasonably practicable;
- The design for the station and surrounds to be agreed with the City Council and Centro working to a set of design principles and proposal which include the key aspects of the Curzon Masterplan.
- The station design will be considered by a jointly appointed design review panel who will provide their advice in public and require a response from those responsible for the design and construction of the station.
- There will be a joint approach to work with the City Council and others on a package of skills and training measures;
- Agreement to participate in arrangements to manage shared regeneration objectives for the local area.

### **Metro**

- Assurance that the Curzon Street station design works on New Canal Street will accommodate the proposed Metro Birmingham Eastside Extension; and

- The Nominated Undertaker to participate in a working group led by Centro to develop and coordinate HS2 and Metro designs and construction strategy, with regard to the Birmingham HS2 Curzon Masterplan

### **Saltley Viaduct**

- Agreement to work with the City Council and Centro to develop a strategy to minimise the impact of the temporary closure of Saltley Viaduct, including consideration of a temporary bridge for pedestrians and cyclists;
- To mitigate impacts of the above closure such as re-routing of bus services etc; and
- Minimise the length of time that Saltley Viaduct is closed.

### **Washwood Heath**

- Ensure that land not required for the HS2 railway or the Rolling Stock Depot to be made available to the market as soon as reasonably practicable;
- Minimise land required for the railway or the Depot;
- Ensure construction of the depot is completed as soon as reasonably practicable; and
- Implement a training and skills package to bring forward opportunities for employment and training/development arising from the Depot and other land at Washwood Heath.

### **City Council Waste Facility**

- Work jointly with the City Council, and the Operator of the Bottom Ash Plant, to ensure that the Plant is relocated;
- Work jointly with the City Council and the Operator to take all reasonable steps to ensure that there is no interruption to services provided by either facility;
- The City Council and/or the Operator are to procure all necessary consents for the alternative site for the Bottom Ash Plant; and
- To compensate the City Council or the Operator for the Bottom Ash Plant reinstatement.

### **Business Relocations**

- An assurance to work with the City Council to ensure that businesses subject to relocation are provided the opportunity to relocate within the City.

### **Open Spaces**

- An assurance to work with the City Council to identify alternatives for sites affected, including replacement public open space, improvements to remaining sites, or improvements to other open space/community facilities.

### **Training & Skills**

- The Nominated Undertaker is to work with the City Council on a package of skills and training measures to connect local people to local jobs in HS2 construction.

These assurances have provided the City Council and Centro with sufficient comfort that a decision was taken by leading members and officers that it was not necessary to appear

before the select committee. The City Council's and Centro's petitions have not been withdrawn and there remains the potential to appear before the House of Lords if required.

There are a range of other matters concerning the HS2 line in general and relating to the Interchange Station in Solihull that are due to be considered by the Select Committee in the future where the City Council and Centro have yet to agree assurances.