

Birmingham Local Plan Review

Background paper: Industrial Land Policies

July 2024



 **RESET**

 **RESHAPE**

 **RESTART**

Contents

1. Introduction	3
2. National and Local Policy context	3
3. Background.....	4
4. Issues and Options Consultation and Responses Received	5
5. Industrial Land Provision (Policy EC1)	6
6. Core Industrial Areas (Policy EC2).....	10
7. Loss of Industrial Land (Policy EC3)	12



1. Introduction

- 1.1 This background paper sets out the context and rationale for the industrial land policies in the Birmingham Local Plan Preferred Options Document (policies EC1-EC3).
- 1.2 Please note that throughout this background paper and in the Preferred Options Document the term 'industrial land' refers to land and premises for B2 (general industrial) and B8 (storage and distribution) uses, as defined by the Use Classes Order 1987 (as amended). The Birmingham Development Plan referred to 'employment land' as at the time that the plan was adopted B1(b) (light industrial) and B1(c) (research and development) were also included in the definition. However since these B1 uses were merged in to the broader class E use in September 2020 the scope of the proposed Birmingham Local Plan industrial land policies has become much narrower. Referring to these as industrial land policies also helps to distinguish between the new policies in the Birmingham Local Plan and the existing policies in the Birmingham Development Plan

2. National and Local Policy context

- 2.1 Paragraph 85 of the National Planning Policy Framework (NPPF, December 2023) states that:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

- 2.2 Paragraph 86 states that planning policies should:

- a) 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;
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) 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."

- 2.3 Finally, paragraph 87 states that:

Planning policies and decisions 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.



- 2.4 Birmingham has a long history of planning for industrial development, going as far back as the pre-industrial era and the massive expansion and transformation of the city during the industrial revolution.
- 2.5 More recently the city's industrial land has been managed through the Unitary Development Plan 2005 and the Birmingham Development Plan 2017. Both of these development plan documents have sought to protect and support the most important economic land and uses in the city whilst also recognising that a changing economy means that some uses are no longer economically viable or provide a suitable location for employment generating uses and so should be redeveloped for other uses.
- 2.6 This paper sets out how the proposed policy position in the Birmingham Local Plan Preferred Options Document seeks to build upon the established approach most recently pursued through the Birmingham Development Plan, but in the context of changes to national planning policy, an evolving economy and changing development needs.

3. Background

- 3.1 The Birmingham Local Plan 2042 (BLP) will replace the existing Birmingham Development Plan 2031 (BDP) which was adopted on 11th January 2017. In June 2021, the Council took the decision to undertake a full update of the BDP following a review. The BDP became 5 years old in January 2022 and work has been progressing on the new Local Plan. An Issues and Options (I&O) consultation was undertaken in Oct-Dec 2022 and the Council is now undertaking a Preferred Options consultation in Summer 2024.
- 3.2 The BLP has been informed by a variety of supporting evidence studies. Of particular relevance to the industrial land policies are;
 - The Housing and Economic Development Needs Assessment (HEDNA) 2022, which identifies the future needs for industrial development in the city.
 - The Housing and Economic Land Availability Assessment (HELAA) 2023, which sets out the situation regarding the supply of land for industrial development.
- 3.3 Both of these documents are available to view on evidence base page for the Birmingham Local Plan on the council's website.
- 3.4 The HEDNA identifies a need for 295.6 hectares of land for industrial development over the plan period between 2020 and 2042. This figure was arrived at after considering different scenarios for future economic development including economic projections provided by Cambridge Local Economic Forecasting and past development trends. Having assessed the strengths and weaknesses of each projection the report recommends that a continuation of past development trends is considered to be the most appropriate and realistic.
- 3.5 At the Issues and Options Consultation stage we identified a shortfall of 73.64 hectares against the 295.6 hectare need figure identified in the HEDNA. This shortfall resulted from the existing available land supply of 203.06 hectares that was identified at the time in the 2022 HELAA, plus 18.9 hectares of industrial land completed between 2020 and 2022.



- 3.6 To address this shortfall, paragraph 7.8 of the Issues & Options consultation document stated that:

“The City Council will continue to investigate and identify further sources of land supply to address this shortfall. For example, a review of the existing Core Employment Areas has been undertaken as part of the HEDNA and this has identified some potential opportunities for future industrial development. The City Council has also identified further development opportunities through the urban capacity work that as yet has had no confirmation from landowners about the potential for development. Discussions will also continue with authorities in the wider Housing Market Area to determine whether any employment land proposed in their forthcoming plans can meet any of the need arising from Birmingham. In particular, evidence prepared for the Black Country Plan has identified 53 hectares of potential development land at the West Midlands Strategic Rail Freight Interchange in South Staffordshire that can cater for a share of Birmingham’s B8 warehousing needs”

- 3.7 Since the Issues & Options consultation the further work described above has been undertaken, which has increased the land supply identified in the 2023 HELAA to 237.14 hectares. When taken together with the industrial land completions of 20.59 hectares between 2020 and 2023 and this has reduced the overall shortfall to 37.87 hectares. A comparison of these figures is provided in the table below.

	Issues & Options (2022 data)	Preferred Options (2023 data)
HELAA identified supply	203.06	237.14
Completions since 2020	18.9	20.59
Sub Total	221.96	257.73
HEDNA need 2020-2042	295.6	295.6
Shortfall	73.64	37.87

- 3.8 Further explanation of the additional land supply identified between 2022 and 2023 is provided below in the section below explaining Policy EC1: Industrial Land Provision.

4. Issues and Options Consultation and Responses Received

- 4.1 Question 37 of the Issues & Options consultation document also asked for your views on how the shortfall could be addressed. Most of the comments received in response to this question supported the suggestions in the consultation document but stated that opportunities to accommodate industrial development within the city should be maximised before opportunities in other council areas are explored. There were also concerns raised that utilising some existing industrial sites for new housing development will exacerbate the shortfall in industrial land.

- 4.2 In response to the latter point about the redevelopment of existing industrial sites for housing it must be noted that the 295.6 hectare need figure identified by the HEDNA is a gross figure, i.e. it has factored in that there will be losses of industrial land that will need to be replaced. This is clarified in paragraph 17.38 of the HEDNA Final Report;

“given the positive approach taken to provision overall, through the use of gross completions, there is no need to make further inclusion for replacement demand. It would be reasonable to assume however that historic stock loss rates will decline particularly in the context of HS2 impacts as well as older effects of employment and industrial areas being regenerated and remaining areas protected”



4.3 The construction of the HS2 line has already resulted in the loss of industrial buildings and displacement of existing businesses along the route and so an uplift to the land requirement is not required in this regard. In regard to the ‘older effects of employment and industrial areas being regenerated’ and ‘remaining areas protected’ these are the focus of the proposed industrial land policies in the Preferred Options Document, which are explained in more detail below.

5. Industrial Land Provision (Policy EC1)

5.1 Whilst 295.6 hectares is the identified need figure over the entire plan period from 2020 through to 2042, it is not the recommendation of the HEDNA that the new Birmingham Local Plan should seek to meet this entire need in full from the outset of the adoption of the plan. This is because it is recognised that there will be a continued churn of industrial land over the plan period to 2042, with new sites for industrial development that weren’t previously known about coming forward over time. The housing land supply figures in the HELAA include a windfall allowance to take account of currently unknown housing sites coming forward for development in the future, but this is not the case for industrial land. Instead, the HEDNA recommends that the existing approach for a portfolio of land under policy TP17 of the BDP should be carried forward into the Birmingham Local Plan.

5.2 Policy TP17 currently sets a requirement for a minimum ongoing 5-year reservoir of 96 hectares of readily available land for employment development.

5.3 ‘Readily available land’ is defined in policy TP17 as *“committed employment sites with no major problems of physical condition, no major infrastructure problems and which are being actively marketed”*. Owing to changes in national planning policy and the difficulties which have been experienced in recent years in gathering data on physical conditions, infrastructure problems and active marketing, readily available land has been redefined in preferred policy EC1 as *“where there is confidence that there are no legal or ownership impediments to development. In most cases this will be evidenced by the granting of planning permission for B2 or B8 development”*.

5.4 The 96 hectare requirement is broken down further into the following categories in policy TP17:

Portfolio of land	Land requirements
Best Quality	
High quality attractive sites, of a minimum 10 ha in size suitable to attract clients with an international/national/regional choice of location.	A minimum reservoir of 60 ha of land.
Good Quality	
Good quality sites suitable for locally based investment, likely to exceed 0.4 ha in size.	A minimum reservoir of 31 ha of land.
Other Quality	
Other sites less than 0.4 ha of average or poor quality likely to be of interest to local companies.	A minimum reservoir of 5 ha of land.



- 5.5 The HEDNA recommends that this portfolio should be amended in the new Local Plan, with the categories of land defined purely by site size and not in terms of quality. It also recommends that the 5-year requirement should be amended from 96 hectares to 67 hectares. This has been derived by breaking down the overall 295.6 hectare requirement to an annual figure (i.e. 13.44 hectares per year, for each year between 2020 and 2042) and then multiplying that figure by five.
- 5.6 There are various reasons why the HEDNA assessment has resulted in a lower 5-year requirement but perhaps the most significant are the changes to the Use Classes Order in September 2020, which resulted in the former B1 uses being merged in to a broader class E category and which left only B2 and B8 uses that can be considered as industrial or employment land, and technological changes to working practices such as increased home working that have resulted in lower needs for industrial floorspace.
- 5.7 The new 5-year reservoir of 67 hectares recommended by the HEDNA is broken down as follows:
- 33% of provision on sites of 10ha+ with near direct connectivity to A Roads
 - 33% of all land on sites over 2.4ha – 10ha with near direct connectivity to A Roads
 - 33% sites under 2.4ha of which divided evenly between those of over 1ha and under 1ha.
- 5.8 Applying this 33% split for each category to the 5-year 67 hectare requirement results in the following:
- 22.5 hectares on sites of 10ha+ with near direct connectivity to A Roads
 - 22.5 hectares on sites between 2.4ha and 10ha with near direct connectivity to A Roads
 - 22.5 hectares on sites under 2.4ha, which is further divided equally as follows:
 - 11.25 on sites over 1 hectare
 - 11.25 on sites under 1 hectare
- 5.9 It is this breakdown which has been presented as the preferred portfolio of industrial land in policy EC1. As all of the city's land supply has near direct connectivity to A roads, this element of the HEDNA recommendations has not been taken forward into the wording of policy EC1.
- 5.10 It should also be noted that there is no further breakdown of this recommended portfolio by B2 and B8 use in the HEDNA. There has been an increasing pattern in recent years of more flexible industrial buildings being constructed in the city, particularly 'shell only' speculative developments whereby the basic structure of an industrial building is constructed first and is then fitted out at a later date to meet the specific needs of a future occupier. There does also continue to be some purpose built development for specific occupiers, for example the new Amazon warehouse at Peddimore.
- 5.11 The portfolio proposed in policy EC1 is therefore intended to provide sufficient land to cater for a wide range of needs, with the actual B class use to be constructed being determined by the market. Any development proposals within the B2, B8 or flexible B2/B8 use classes will be supported under this new portfolio.
- 5.12 The existing portfolio set out in policy TP17 of the BDP also has a strong focus on supporting the provision of larger strategic sites for industrial development, for which



there was a greater need at the time that the plan was prepared. As the table below shows, when considered against the recommended new portfolio, previous efforts to bring forward larger sites has resulted in a very good supply of this land.

	Preferred Policy EC1 Requirement	HELAA 2023 Readily Available Supply	Difference
Sites of 10 or more hectares	22.5	77.31	+54.81
Sites between 2.4 and 10 hectares	22.5	30.22	+7.72
Sites between 1 and 2.4 hectares	11.25	14.02	+2.77
Sites of less than 1 hectare	11.25	7.61	-3.64
Total:	67	129.16	+62.16

- 5.13 The above table shows that overall there is currently good provision of readily available industrial land when compared with the portfolio under preferred policy EC1, particularly in regard to larger sites, however there is an under supply of smaller sites of less than one hectare. This underlines the need to focus on supporting the delivery of smaller sites through the new Birmingham Local Plan.
- 5.14 Smaller sites are more vulnerable to change of use and redevelopment proposals to other types of development, such as housing. This is particularly the case where they are not in the protected Core Industrial Areas and are surrounded by a mixture of other non-industrial uses. Under preferred policy EC3 such uses would be considered as 'non-conforming' as there is greater potential for conflict between the industrial use and its surroundings and so the loss of such industrial uses is more likely to be supported. This is explored further later in the paper, but the following commentary is also relevant to consider in regard to the supply of smaller industrial sites over the longer term to 2042.
- 5.15 As outlined in section 3 above, further work has been undertaken since the Issues & Options consultation to maximise the identification of suitable land for industrial development in the city. In particular:

Source of Additional Land Supply:	Description:	Hectares Identified:
Urban Capacity Study	An exercise to proactively identify suitable land for housing and industrial development in the city. It involved an automated using Land Registry and site constraints data to rule out unsuitable land, leaving a supply of land that was then subject to more detailed officer review. A full methodology for the urban capacity work is provided in the HELAA report.	34.84



Source of Additional Land Supply:	Description:	Hectares Identified:
Review of the BDP Core Employment Areas	<p>Following on from the initial assessment undertaken as part of the HEDNA, this is a more detailed assessment to redefine the boundaries of the designated areas and refocus them on B2 and B8 uses.</p> <p>The review identified additional industrial development opportunities on vacant and underutilised land.</p> <p>Further explanation of this review is provided in the next section of this paper, relating to preferred policy EC2.</p>	68.81
Expired planning approvals and previously allocated sites	<p>Sites that have previously been removed from the industrial land supply have been reviewed. Many of these can still be considered as suitable locations for industrial development and would be able to contribute to the future supply of industrial land if landowners and/or developers are willing to bring them forward.</p>	19.48
	Total Potential Additional Industrial Land Supply:	123.13

- 5.16 This 123.13 hectares supply of suitable industrial land has been identified in the 'assessment of available land for industrial development' table within the Meeting Employment Need chapter of the Preferred Options Document, but as there is no up to date confirmation of landowner or developer interest in bringing sites in this supply forward for development they have not been included in the overall 257.73 hectares total capacity figure, which leads to the identified shortfall of 37.87 hectares when considered against the 295.6 hectare requirement.
- 5.17 The above does however demonstrate that there is sufficient industrial land supply in the city to accommodate and even exceed the 295.6 hectare requirement over the plan period to 2042, and that there is no need to release sites from the Green Belt nor seek development opportunities in other local authority areas to meet the city's industrial development needs.
- 5.18 Furthermore, almost all of the additional 123.13 hectares of potential industrial land supply is within the new Core Industrial Areas. Therefore there remains the potential for some poorer quality and under utilised industrial land elsewhere in the city to be considered for other uses, including housing development. To ensure that future losses will be considered in an appropriate way, preferred policy EC3 contains more specific criteria to guide decisions on any such future development proposals. This is explained further in section 7 below.
- 5.19 Finally, the Preferred Options Document determines that is no longer appropriate to continue to apply the Regional Investment Site designation within the new Local Plan. The two Regional Investments Sites at Aston and Longbridge originate from the former West Midlands Regional Spatial Strategy which was revoked in 2011. Most of these designated areas are now either built out or are committed for industrial development.



They will however continue to be protected in the new Core Industrial Area designation under preferred policy EC2. The Issues & Options consultation sought views on the option to remove the Regional Investment Site designation and most of the comments received were supportive of this.

6. Core Industrial Areas (Policy EC2)

- 6.1 Policy TP19 of the BDP currently designates 66 areas of the city as Core Employment Areas, where development is restricted to B class uses or other uses appropriate for industrial areas.
- 6.2 This approach to protecting key areas of the city for industrial uses is well established and follows on from the previous approach in the UDP 2005 to designate areas for Industrial Development and Industrial Regeneration.
- 6.3 Policy TP19 states that Core Employment Areas are to be “retained in employment use and will be the focus of economic regeneration activities likely to come forward during the plan period”. Development proposals which are not in a B class use or another use appropriate for an industrial area are not supported unless an ‘exceptional justification’ exists.
- 6.4 There is no definition within the BDP of what would constitute an exceptional justification under policy TP19 and this has caused difficulties for applicants and decision makers to determine what is and is not considered to be appropriate non-industrial development in a Core Employment Area.
- 6.5 As a result, applicants and decision makers have frequently referred to paragraph 5.9 of the Loss of Industrial Land to Alternative Uses SPD (2006), which specifies where exceptions to the policy approach might apply. This includes:

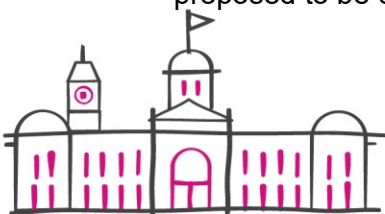
“occasions where it can be demonstrated that there are good planning grounds to depart from the general presumption against the loss of industrial land. This could include proposals, such as educational uses, where the particular site size requirements make it difficult to find sites which do not involve the loss of industrial land. Such proposals will need to demonstrate that alternative sites are not available which do not involve the loss of industrial land and the proposals will need to accord with other policies”, and;

“Other examples could include large-scale mixed-use regeneration proposals which have been identified in other City Council planning documents”

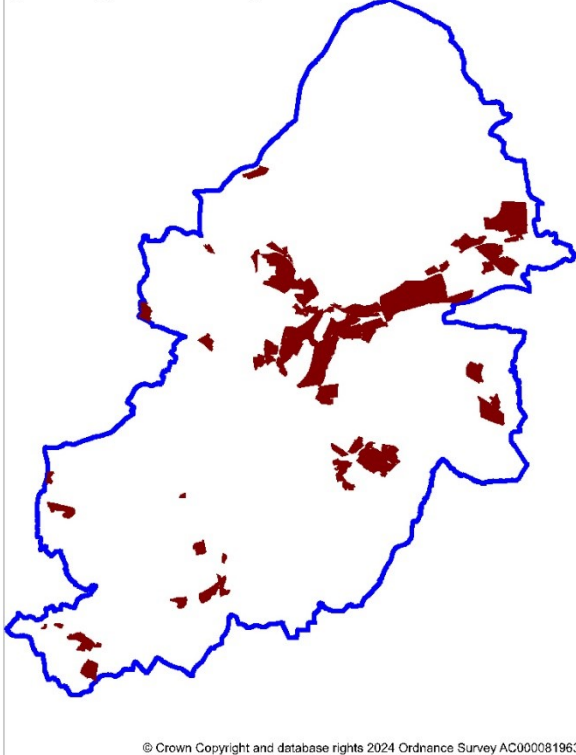
- 6.6 Because these exceptions are already used in decisions to approve or refuse non-industrial development proposals in Core Employment Areas, they are proposed to be included as specific criteria for exceptional circumstances within preferred policy EC2.
- 6.7 The first exceptional example above describes an approach that is comparable with a sequential assessment under national planning policy for a main town centre use that is not located within a defined centre; i.e. that evidence should be provided that more preferable locations for the proposed use have been considered first and that there are good reasons why these locations have been discounted before the site being sought for planning approval has been chosen as the last resort. Because of the similarity with the sequential assessment the second criterion of preferred policy EC2 includes a reference to also meeting the requirements of the local centres policy where the proposal is for a main town centre use.



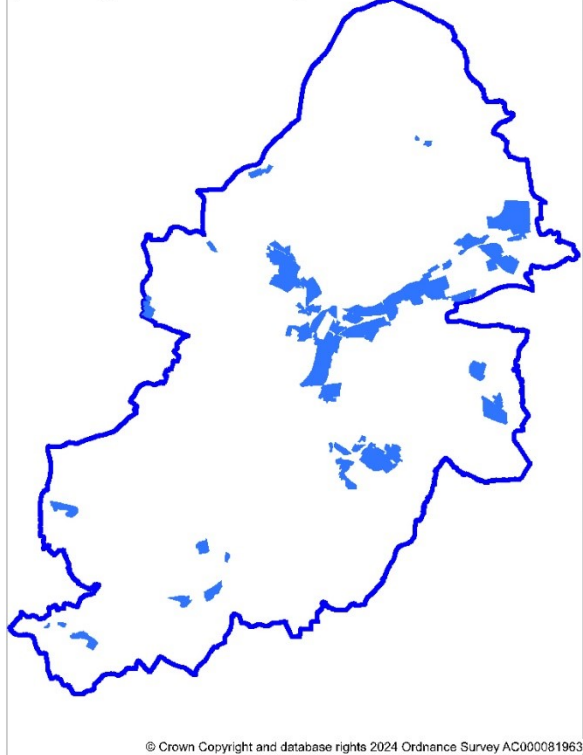
- 6.8 The final criterion of the preferred policy for the Core Industrial Areas embeds the exceptional situation described in the SPD where City Council planning documents identify that a non-industrial use might be appropriate. To avoid ambiguity about what might be considered as a 'planning document' this criterion also specifies that would include neighbourhood plans, SPDs and masterplans.
- 6.9 As described above, the changes to the Use Classes Order in September 2020 have narrowed the focus of the industrial land policies to B2 and B8 uses only. However preferred policy EC2 does continue to make provision for E(g)(ii) (formerly B1(b)) and E(g)(iii) (formerly B1(c)) uses in the Core Industrial Areas but only where they can be restricted by planning conditions from becoming another use within class E in the future. As well as retaining and safeguarding the predominant industrial land uses in the Core Industrial Areas this approach will also prevent the unintended location of main town centre uses within class E forming a presence in the Core Industrial Areas in the future.
- 6.10 The preferred policy also carries forward the existing policy approach within BDP policy TP19 of allowing some other uses which can be considered as appropriate for industrial areas. However it now specifies that these will be Sui Generis uses and the examples provided have been updated to be more typical of recent developments that have been approved as being appropriate under the current policy.
- 6.11 Because new Core Industrial Areas are having to become more focused on B2 and B8 uses, and to reflect changes to national planning policy and patterns of development in the city since the BDP was adopted, there has been a comprehensive review of the extent of the existing Core Employment Area designation. This was initially undertaken at a high level as part of the HEDNA and was then followed up by a detailed in-house review by council officers. The HEDNA review is set out as an appendix to the main HEDNA report, while the summary findings of the detailed internal review are set out in the appendix to this background paper.
- 6.12 The detailed review of the Core Employment Areas was predominantly a desk based exercise which used the HEDNA assessment as a starting point and a guide while also utilising a wide range of mapped data to identify the extent of the areas predominantly in B2 and B8 use that should be protected from other types of development. The mapped data included:
- Sites identified in the HELAA – housing sites indicated where an area should be removed from the designation, while industrial sites indicated where land should be included.
 - Call for site submissions – where a site was promoted for development at the edge of a Core Employment Area this indicated whether the boundary should be redrawn to include it (if promoted for industrial development) or to exclude it (if promoted for a non-industrial use)
 - Urban capacity study sites – which also identified where boundaries should be redrawn depending on the most suitable proposed use
 - Non-domestic (business) rates data – this helped to identify the locations of different types of industry as well as where there might be concentrations of vacant B2/B8 premises
 - Local Land and Property Gazetteer – also mapped out locations of different types of industry.
- 6.13 The maps below compare the extent of the Core Employment Areas currently designated under policy TP19 of the BDP with those of the Core Industrial Areas proposed to be designated in the Birmingham Local Plan.



**Existing Core Employment Areas
(Birmingham Development Plan)**



**Proposed New Core Industrial Areas
(Birmingham Local Plan)**



6.14 Most of the designated areas have remained but with slightly redrawn boundaries, while some areas have been removed entirely from the designation and other new areas have been included. The details of these amendments are set out in the appendix.

6.15 It should also be noted again at this point that most of the industrial land supply described in section 3 and 5 of this background paper is located within the proposed new Core Industrial Areas. In particular this includes the additional 123.13 hectares that could help to meet the identified shortfalls in the supply of smaller sites and to meet the overall requirement to 2042.

6.16 There is therefore some potential for a more flexible approach to be followed for the loss of poorer quality industrial uses outside the Core Industrial Areas.

7. Loss of Industrial Land (Policy EC3)

7.1 Policy TP20 of the BDP recognises that in some locations outside the current Core Employment Areas there are industrial uses that have become obsolete and can no longer contribute to meeting longer term employment land requirements.

7.2 Proposals that involve the loss of such industrial uses currently have to meet one of two criteria listed under policy TP20:

- That the site is a non-conforming use.
or
- That it has been actively, but unsuccessfully marketed for a new employment use for a period of at least two years and at a price that accords with other property of a similar type in the area.



- 7.3 The latter also includes provision for a financial viability assessment to be submitted where it is argued that it would be commercially unviable to redevelop the site for a new employment use.
- 7.4 As with policy TP19, the BDP provides no further definition of what constitutes a non-conforming use and there is no further detail on the information to be provided to demonstrate active marketing. There is however a reference in paragraph 7.19 of the supporting text directing the reader to the Loss of Industrial Land to Alternative Uses SPD, which does provide further explanation of these criteria.
- 7.5 In regard to non-conforming uses, this is defined within paragraph 5.2 of the SPD as mostly consisting of *“small (generally less than one acre) isolated industrial sites within predominantly residential areas, although larger sites may come forward from time to time ... Sites which are adjoined by other industrial uses and are part of a larger industrial area would not be considered non-conforming”*.
- 7.6 This paragraph of the SPD also explains that evidence of non-conformity *“could include details of complaints from neighbours regarding the site’s operations”* and that information on this should be sought from the council’s regulatory services (Environmental Protection) department.
- 7.7 The latter element has become less relevant in recent planning decisions, particularly as there is potential for personal data breaches in connection with the release of information on complaints from neighbours. However the other aspects of the definition of non-conforming industrial land have been rigorously applied in relevant planning decisions since the BDP was adopted and there is generally a good understanding from applicants about what would constitute a non-conforming site.
- 7.8 The second criterion of policy TP20 requiring evidence of two years of active marketing to be provided where the industrial use cannot be considered as non-conforming is however not as well understood. Applicants have often struggled to provide sufficient evidence of two years of active marketing and where this is evidence is lacking it can be difficult to provide retrospectively and requires the reuse or redevelopment of an industrial site to be planned a long time in advance of submitting a planning application.
- 7.9 Given the very high need for housing development in the city, the difficulties experienced by applicants in submitting sufficient evidence of active marketing, and the potential supply of sufficient industrial development land in the new Core Industrial Areas, the City Council have considered it appropriate to include more flexibility in preferred policy EC3 and to broaden the circumstances where the loss of industrial uses outside the Core Industrial Areas would be considered as appropriate.
- 7.10 This also follows on from the feedback that we received during the Issues & Options consultation, where there was broad support for a more flexible approach under this policy. Quite a few responses did also express concern about the effect that further losses of industrial land would have on the identified shortfall against the 295.6 hectare requirement, however as explained earlier in this paper there is sufficient land within the Core Industrial Areas to meet the overall needs for development over the plan period and there is sufficient land to meet the new 5-year portfolio defined under preferred policy EC1 (the current shortfall of smaller sites is also capable of being met within the Core Industrial Areas).
- 7.11 Despite a more flexible approach being pursued within preferred policy EC3 there remains a recognition that industrial uses outside the Core Industrial Areas provide



important local employment opportunities and make a valuable contribution to the city's economic growth and prosperity.

- 7.12 It is still important to retain valuable economic uses in the city and so the preferred policy has a starting point of protecting all such uses, unless the more specific and refined criteria relating non-conformity and active marketing can be met.
- 7.13 The definition of non-conforming industrial land has now been broadened out to include any use that is not located in a predominantly industrial area. This means that industrial uses in predominantly commercial areas for example can also be considered as non-conforming. The size limit of one acre (0.4 hectares) sites defined in the SPD has also been excluded from the new definition to enable larger industrial sites to be redeveloped if they don't conform to their surroundings. There is also an emphasis retained within this part of the preferred policy on industrial uses within predominantly residential areas that will be particularly supported for redevelopment.
- 7.14 The supporting commentary to preferred policy EC3 also explains that applicants will not be required to submit evidence of non-conformity, as this will be evident upon receipt of a planning application.
- 7.15 The second requirement of the preferred policy will continue to need to be addressed by applicants in situations where the industrial is not considered to be non-conforming (i.e. not in a predominantly industrial area), however it is proposed that evidence of active marketing should only cover a 12-month period instead of the two years currently required under BDP policy TP20. This is in response to the comments received by the development industry during the Issues & Options consultation, which were overwhelmingly supportive of reducing the time period for the active marketing evidence.
- 7.16 A 12-month active marketing period also aligns better with the timescales involved in preparing a planning application for a redevelopment proposal. However during this period applicants will be encouraged to proactively seek a retention of the industrial use through the active marketing exercise, as the loss of the industrial use will be considered as a last resort option under this preferred policy.
- 7.17 The supporting commentary to preferred policy EC3 also provides an updated and refined explanation of the evidence required to demonstrate active marketing, including reaching out directly to potential occupiers, setting out the reasons why potential occupiers did not take on the property, and the measures that were followed up to address concerns raised by the potential occupiers.
- 7.18 The elevation and update of the definitions of non-conforming land and active marketing from the SPD to the Birmingham Local Plan will help to provide a clearer and more understandable policy position for applicants and decision makers to consider development proposals that involve the loss of industrial land outside the Core Industrial Areas. The preferred policy will also provide a less ambiguous and more defensible stance that will help to safeguard the most important industrial uses in the city.

