How to use this Representation Form
Please complete this Part A in full. Please note that anonymous comments cannot be accepted. Then please complete a Part B form for each representation that you wish to make.

The Development Management in Birmingham DPD (DMB), including all supporting and accompanying documentation, is available to view in full online at www.birmingham.gov.uk/DMB

Representations on the Publication version of DMB can be made from Thursday 9th January 2020 to 17:00hrs on Friday 21st February 2020. Please note that the Council is unable to accept representations after this point.

The Council strongly recommends the use of this Representation Form for submitting any comments. This will help to ensure that any formal representations that are made are matters of relevance to the subsequent examination by the Planning Inspectorate – an Inspector will only consider issues relating to the ‘soundness’ or ‘legal compliance’ of the DMB at examination.

PART A

1. Personal Details*
   * if an agent is appointed, please complete only the Title, Name and Organization boxes below but complete the full contact details of the agent in Section 2

   Title: n/a

   First Name: n/a

   Last Name: n/a

   Job title (where relevant):

   Organisation (if relevant):

   St Modwen Homes Ltd

   Address Line 1:

   c/o Planning Prospects Ltd

   Address Line 2:

   Town: County:
2. Agent Details*
* only complete this section if an agent has been appointed

Title: Miss
First Name: Mairead
Last Name: Kiely
Job title (where relevant): Senior Planner
Organisation (if relevant): Planning Prospects Ltd
Address Line 1: 4 Mill Pool
Address Line 2: Nash Lane
Town: Belbroughton
County: Worcestershire
Postcode: DY9 9AF
Telephone: 01562 734090
Email address: Mairead.kiely@planningprospects.co.uk

3. Requests for Notifications

This section is for requests to be notified of progress with the DMB for those who are not submitting a formal representation. If you do submit a representation using a part B form then you will automatically be notified of all stages of the DMB and can disregard this section.

I wish to be notified of the following stages of the DMB (please tick/check all that apply):

- Submission to the Secretary of State for Communities and Local Government Y/N - Y
- Publication of the Planning Inspector's Report on the Publication Version Y/N - Y
- Adoption by the Council Y/N - Y

4. Declaration

If you are submitting Part B form(s), please confirm how many: 6

Data Protection
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Declaration:
I understand that any representations submitted will be made public and that my personal details will not be passed to any third parties without my prior written consent.

Name: M. Kiely
Date: 21/02/2020

Please ensure that you submit this form no later than 17:00hrs on Friday 21st February 2020
Email completed forms to: planningstrategy@birmingham.gov.uk
Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.
Tel: 0121 303 4323
How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

PART B

1. Confirmation of Name*
   * please print your name on each separate representation (the name should match that entered on the Part A form)

| Full Name: | Miss Mairead Kiely |
| Organisation (if relevant): | Planning Prospects Ltd (on behalf of St Modwen Homes Ltd) |

2. Your Representation
   Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.

| Q1. Do you consider the DMB to be legally compliant? | YES | X | NO |
| Q2. Do you consider the DMB to be sound? | YES | X | NO |
| Q3. Does the DMB comply with the Duty to Cooperate? | YES | NO |

If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.

Q4. Why do you believe that the DMB is NOT sound?
- a/ It is not positively prepared | X
- b/ It is not justified | X
- c/ It is not effective
- d/ It is not consistent with national policy
<table>
<thead>
<tr>
<th>Q5. Which part of the DMB are you commenting on?</th>
</tr>
</thead>
<tbody>
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<td>Page Number</td>
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<tr>
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<tr>
<td>Other</td>
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</tbody>
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<tr>
<th>Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?</th>
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<td>Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.</td>
</tr>
</tbody>
</table>

Enter your reply here

As currently drafted, part 1 of policy DM1 is not positively prepared or justified.

<table>
<thead>
<tr>
<th>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</td>
</tr>
</tbody>
</table>

Enter your reply here

Part 1 of policy DM1 should be amended as follows:

“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 and particulate matter, or increase exposure to unacceptable levels of air pollution, will not be considered favourably, unless appropriate mitigation is identified to address air quality impacts.”

<table>
<thead>
<tr>
<th>Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?</th>
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<td>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</td>
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</table>

Enter your reply here

No.

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<tr>
<th>Q9. Are there any additional comments you would like to make with regard to the DMB?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enter your reply here</td>
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3. Declaration

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<th>Name: M. Kiely</th>
<th>Date: 21/02/20</th>
</tr>
</thead>
</table>

Please ensure that you submit this form no later than **17:00hrs** on Friday 21st February 2020, with an accompanying Part A form completed.

**Email completed forms to:** planningstrategy@birmingham.gov.uk  
**Post to:** Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.  
**Tel:** 0121 303 4323
Representation Form (Part B)
Development Management in Birmingham
Development Plan Document (DMB)
Publication (Reg. 19) Consultation

(For office use only)
Date Received | Date acknowledged | Ref.: 

How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

PART B

1. Confirmation of Name*
   
   * please print your name on each separate representation (the name should match that entered on the Part A form)

   Full Name:
   Miss Mairead Kiely

   Organisation (if relevant):
   Planning Prospects Ltd (on behalf of St Modwen Homes Ltd)

2. Your Representation

   Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.

   Q1. Do you consider the DMB to be legally compliant?  YES  X  NO
   Q2. Do you consider the DMB to be sound?  YES  X  NO
   Q3. Does the DMB comply with the Duty to Cooperate?  YES  X  NO

   If you have answered yes to both Q1 and Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered no to Q2, then please go to Q4.

   Q4. Why do you believe that the DMB is NOT sound?

   a/ It is not positively prepared  X
   b/ It is not justified  X
   c/ It is not effective  X
   d/ It is not consistent with national policy
Q5. Which part of the DMB are you commenting on?

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<tr>
<th>Page Number</th>
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<td>Other</td>
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Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?

Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.

Enter your reply here

As currently drafted, part 3 of draft policy DM4 is not positively prepared or justified. It does not make any reference to the need to balance any tree loss with the wider benefits of a proposed development. It should be amended to reflect this.

Part 4 of the policy sets out “adequate replacement planting will be required to the satisfaction of the Council”. This is not justified or effective. It is unclear what constitutes “adequate planting … to the satisfaction of the Council”. Any replacement planting should be proportionate to the quality and quantum of lost.

In addition, this part of the policy also states, “where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement”. This is not positively prepared, effective or justified. The requirement for off-site tree planting should only be sought where viable and if it meets the planning tests set out in paragraph 59 of the National Planning Policy Framework.

Paragraph 2.39 of the supporting text refers to the assessment of replacement planting using “Capital Asset Value for Amenity Trees (CAVAT) methodology” or future equivalent. This is not justified. Further evidence should be provided to justify the use of this tool and cost implications of completing the assessment to ensure it is not unduly onerous.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.

Enter your reply here

Parts 3 and 4 of the draft policy should be amended in line with the comments set out above.

Paragraph 2.39 should be deleted in the absence of any justification for the CAVAT methodology.

Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?

If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person

Enter your reply here

No.
Q9. Are there any additional comments you would like to make with regard to the DMB?

Enter your reply here

3. Declaration

Data Protection
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Declaration:
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Name: M. Kiely
Date: 21/02/20

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Email completed forms to: planningstrategy@birmingham.gov.uk
Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.
Tel: 0121 303 4323
How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and/or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

**PART B**

1. **Confirmation of Name** *
   * please print your name on each separate representation (the name should match that entered on the Part A form)

   **Full Name:**
   Miss Mairead Kiely

   **Organisation (if relevant):**
   Planning Prospects Ltd (on behalf of St Modwen Homes Ltd)

2. **Your Representation**
   Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.

   **Q1. Do you consider the DMB to be legally compliant?**
   - YES
   - NO

   **Q2. Do you consider the DMB to be sound?**
   - YES
   - NO

   **Q3. Does the DMB comply with the Duty to Cooperate?**
   - YES
   - NO

   If you have answered yes to both Q1, Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.

   **Q4. Why do you believe that the DMB is NOT sound?**

   a/ It is not positively prepared
   b/ It is not justified
   c/ It is not effective
   d/ It is not consistent with national policy

   X
Q5. Which part of the DMB are you commenting on?

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<td>Table / Figure / Appendix</td>
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<tr>
<td>Other</td>
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Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?

Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.

Enter your reply here

Part 1 of draft policy DM6 states “development should be designed, managed and operated to reduce exposure to noise and vibration”. This current wording is not effective as proposals could reasonably increase noise above background levels without creating an amenity issue.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.

Enter your reply here

Part 1 of the draft policy should be amended to “development should be designed, managed and operated to minimise exposure to noise and vibration to an acceptable level”.

Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?

If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person.

Enter your reply here

No.

Q9. Are there any additional comments you would like to make with regard to the DMB?

Enter your reply here

3. Declaration
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| Name: M. Kiely | Date: 21/02/20 |

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Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.
Tel: 0121 303 4323
How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

PART B

1. Confirmation of Name*
   * please print your name on each separate representation (the name should match that entered on the Part A form)

   Full Name:
   Miss Mairead Kiely

   Organisation (if relevant):
   Planning Prospects Ltd (on behalf of St Modwen Homes Ltd)

2. Your Representation

   Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.

   Q1. Do you consider the DMB to be legally compliant?  YES  X  NO
   Q2. Do you consider the DMB to be sound?  YES  NO  X
   Q3. Does the DMB comply with the Duty to Cooperate?  YES  X  NO

   If you have answered yes to both Q1, Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.

   Q4. Why do you believe that the DMB is NOT sound?

   a/ It is not positively prepared  X
   b/ It is not justified  X
   c/ It is not effective  X
   d/ It is not consistent with national policy
Q5. Which part of the DMB are you commenting on?

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<th>28</th>
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<tbody>
<tr>
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<tr>
<td>Table / Figure / Appendix</td>
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Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?

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**Enter your reply here**

St Modwen Homes are a well-established multi award winning home builder, who have delivered and will continue to deliver a significant number of high-quality homes in the City. The company already take an innovative and market leading approach to house design, making their new homes stand out significantly from many other house builders.

St Modwen Homes will be delivering new homes in the City in the future in the context of policy within the Birmingham Development Plan and the now emerging Development Management Plan. Therefore, draft policy DM10 is of particular relevance.

The overall aim of draft policy DM10 - to ensure the delivery of high-quality design and protect the health and wellbeing of existing and new residents - is supported. However, St Modwen Homes still have concerns with Part 2 of policy which requires “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”.

Whilst the reconsidered approach in respect of this part of the policy is noted, the specific requirement for 30% of new dwellings to be accessible and adaptable homes in accordance with Building Regulation Part M4 (2) has not been justified. This needs to be provided to enable consultees the opportunity to properly consider and comment on a fully informed basis. In the absence of this information, Part 2 of the policy should be deleted in its entirety.

It is noted the policy has been amended so the exemptions, as set out in Part 6, now apply to all the requirements (i.e. Parts 1 – 5). This is supported by St Modwen Homes. However, it is not clear what would constitute “exceptional site issues”. Further details should be provided in relation to this to ensure the policy is effective.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

**Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.**

**Enter your reply here**

Part 2 of the policy should be deleted in the absence of justification for the specific 30% requirement.

Part 6 should be supported with a definition of “exceptional site issues” in order to be effective.
Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?

If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person.

Enter your reply here

No.

Q9. Are there any additional comments you would like to make with regard to the DMB?

Enter your reply here

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PART B

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   **Full Name:**
   
   Miss Mairead Kiely

   **Organisation (if relevant):**
   
   Planning Prospects Ltd (on behalf of St Modwen Homes Ltd)

2. Your Representation
   
   Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.

   **Q1. Do you consider the DMB to be legally compliant?**
   YES □ NO □
   X

   **Q2. Do you consider the DMB to be sound?**
   YES □ NO □
   X

   **Q3. Does the DMB comply with the Duty to Cooperate?**
   YES □ NO □
   X

   If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.

   **Q4. Why do you believe that the DMB is NOT sound?**

   a/ It is not positively prepared

   b/ It is not justified
   X

   c/ It is not effective
   X

   d/ It is not consistent with national policy
   X
Q5. Which part of the DMB are you commenting on?

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<th>40</th>
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Enter your reply here

Paragraph 5.7 of the supporting text for draft policy DM14 refers to “sanctions” for Travel Plans. Further information should be provided on the type of sanctions to ensure the policy is justified, effective and consistent with national policy.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.

Enter your reply here

Paragraph 5.7 should be deleted in the absence of any clarification or justification of the type of sanctions.

Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?

If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person

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**PART B**

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   *
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<tbody>
<tr>
<td>Miss Mairead Kiely</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>Q3. Does the DMB comply with the Duty to Cooperate?</td>
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<td>X</td>
<td>NO</td>
</tr>
</tbody>
</table>

If you have answered yes to both Q1, Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.

**Q4. Why do you believe that the DMB is NOT sound?**

- a/ It is not positively prepared
- b/ It is not justified  X
- c/ It is not effective  X
- d/ It is not consistent with national policy
**Q5. Which part of the DMB are you commenting on?**

<table>
<thead>
<tr>
<th>Page Number</th>
<th>42</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Number</td>
<td>DM15</td>
</tr>
<tr>
<td>Paragraph Number</td>
<td>5.15</td>
</tr>
<tr>
<td>Table / Figure / Appendix</td>
<td>Other</td>
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</tbody>
</table>

**Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

*Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.*

Enter your reply here

Part 2 of policy DM15 requires new development to provide parking provision in accordance with the Council’s Parking Supplementary Planning Document. The policy should reflect that site, and development, specific considerations may justify alternative levels of parking to those outlined in the Parking SPD. The policy should be amended to reflect this.

The approach set out in paragraph 5.15 is supported as garages should contribute towards parking provision. However, it is unclear what constitutes as “adequate functional space”. This should be defined to ensure the policy is effective.

**Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?**

*Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.*

Enter your reply here

Part 2 of the policy should be amended as follows:

“New development will 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 is in accordance with the Council’s Parking Supplementary Planning Document unless justified otherwise.”

Paragraph 5.15 should be supported with a definition of “adequate functional space”.

**Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?**

If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person.

Enter your reply here

No.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

Enter your reply here
3. Declaration

Data Protection
The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

Declaration:
I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

| Name: M. Kiely | Date: 21/02/20 |

Please ensure that you submit this form no later than 17:00hrs on Friday 21st February 2020, with an accompanying Part A form completed.

Email completed forms to: planningstrategy@birmingham.gov.uk
Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.
Tel: 0121 303 4323