

Representation Form (Part A)

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 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: Mrs

First Name: Ailith

Last Name: Rutt

Job title (where relevant): Planning Manager

Organisation (if relevant): Canal & River Trust

Address Line 1: Fradley Junction,

Address Line 2: Alrewas

Town: Burton Upon Trent

County: Staffordshire

Postcode: DE13 7DN

Telephone: 07824 356538

Email address: planning@canalrivertrust.org.uk or ailith.rutt@canalrivertrust.org.uk

2. Agent Details* <i>* only complete this section if an agent has been appointed</i>	
Title:	
First Name:	
Last Name:	
Job title (where relevant):	
Organisation (if relevant):	
Address Line 1:	
Address Line 2:	
Town:	County:
Postcode:	Telephone:
Email address:	

3. Requests for Notifications	
<i>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>	
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	✓
Publication of the Planning Inspector's Report on the Publication Version Y/N	✓
Adoption by the Council Y/N	✓

4. Declaration	
If you are submitting Part B form(s), please confirm how many:	3
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 and that my personal details will not be passed to any third parties without my prior written consent.	
Name: Mrs Ailith Rutt	Date: 21 February 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

Representation Form (Part B)

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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: Mrs Ailith Rutt

Organisation (if relevant): Canal & River Trust

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	
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?	
Page Number	22
Policy Number	DM7
Paragraph Number	3.3 & 3.4
Table / Figure / Appendix	
Other	
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?	
<i>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.</i>	
<i>Enter your reply here</i>	
<p>The advertisement consent regime administered through the planning system has 2 considerations – amenity and safety. Therefore, we consider that the inclusion of the assessment of the impacts of proposed advertisements on the navigational safety of the waterway network is central to this and not simply a matter of detail to be omitted. As a statutory consultee for both planning applications and those for advertisement consent, our expertise on these matters is acknowledged within the legislation and thus our advice sought on proposals that could affect our network. It therefore seems logical that a policy in this DPD should demonstrate how this might be assessed and considered.</p> <p>Whilst we welcome point 3 of Policy DM7 relating to advertisements aimed at drivers on elevated roadways, we ask that this be extended to all elevated roadways and not just the M6 and A38, as the base of such advertisements can be visually harmful to the amenity of the canal corridor users when placed next to the waterway and can also have a detrimental impact on navigational safety. In order to assess the safety impacts of proposed advertisements, the requirement for applications to demonstrate their impact on a waterway in close proximity does not appear unreasonable. This was why we suggested in our previous comments that some additional text at para 3.3, and we do not consider this to be a matter of detail that should be omitted. Without these important references relating to safety and amenity, the policy is too narrow in its approach and we do not consider that the policy would have a sufficient level of protection and would thus not be effective or compliant with the NPPF and NPPG.</p>	
Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
<i>Enter your reply here</i>	
<p>Bullet a) of point 1 of the policy should have the following bracketed text inserted to read ‘...public safety (including navigational safety where relevant) or amenity...’</p> <p>The wording of Point 3 of the Policy should omit specific reference to the M6 and A38 and instead refer to elevated roadways.</p> <p>There should be reference in the policy and the supporting text (para 3.4) to the need to protect the navigational safety of the canal network and its users, and the visual amenity of boaters and towpath users alike as they travel through the city.</p> <p>The policy should ensure that size, illumination and the glare of/from digital panels are also considerations of impact on amenity that are included. The comments made above in relation to light pollution impacts would also apply to the glare/reflection caused by illuminated or digital advertisements near the canal network and should equally be avoided in the interests of amenity and biodiversity.</p> <p>Point 2 of the policy should be extended to include reference to light pollution concerns captured in proposed policy</p>	

DM5. (The reference to advertisement here should also be plural – this has not been corrected in the latest version)

This could be included as additional text at the end of para 3.3:

“Advertisements located near the waterway network should include assessment of their impacts on the views from the water and associated towpath or other land-based routes, even if they are not intended for these views.”

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

We consider this to be an important point for the safety of residents of and visitors to the city and its future economic activity, as well as the health and wellbeing of the population. The Trust has a positive approach to assisting in the delivery of this vision. Therefore, it should be given significant weight in the consideration of the final document at a hearing.

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

Enter your reply here

The Trust has no other comments in relation to this chapter

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: Ailith Rutt

Date: 21 February 2020

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

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Representation Form (Part B)

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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: Mrs Ailith Rutt

Organisation (if relevant): Canal & River Trust

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	
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?	
Page Number	38
Policy Number	DM14
Paragraph Number	5.4 5.5
Table / Figure / Appendix	
Other	
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?	
<i>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.</i>	
<i>Enter your reply here</i>	
<p>We question the reasoning for omitting specific references to likely types of requirements of developers via planning obligation, as they are included elsewhere in the BDP, as well as in para 5.4 & 5.7 of this proposed DPD. Such inclusion would provide greater clarity in the process, and we consider that it would assist in making the DPD more effective. It would follow on from Policy TP47 of the BDP, providing greater detail and clarity, as a DPD should.</p>	
Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
<i>Enter your reply here</i>	
<p>Para 5.4 and Para 5.5 should go further towards requiring new developments to provide alternative means of sustainable travel for residents, staff, visitors etc. Text such as:</p> <p><i>Applicants should be required to provide details of existing and proposed sustainable travel routes in the vicinity of the development site and how they would be identified, improved and promoted as a result of their proposals.</i></p> <p>We acknowledge that this would need to be proportionate to the type and scale of development proposed.</p>	
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)?	
<i>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</i>	
<i>Enter your reply here</i>	
<p>We consider this to be an important point for the city and its future vision for sustainable development and activities, and the health and wellbeing of the population. The Trust has a positive approach to assisting in the delivery of this vision. Therefore, it should be given significant weight in the consideration of the final document at a hearing.</p>	
Q9. Are there any additional comments you would like to make with regard to the DMB?	
<i>Enter your reply here</i>	
<p>The Trust is disappointed that none of the points raised in relation to chapter 5 appear to have been considered and no changes have been made. We are concerned that the matters we raised have not been properly understood and taken into account. We note that connectivity matters in this document also relate to the emerging Parking Standards SPD and the Birmingham Transport Plan. However, there appears to be a focus on road vehicles and their parking arrangements, rather than on seeking to require appropriate alternative travel methods and the relevant infrastructure provision and improvements in order to achieve a wider modal shift away from road vehicles, and</p>	

especially private car use.

The Trust is unaware of any separate guidance on travel plans and their content, and none is referenced in the draft DPD. The definition in the NPPF is not expansive but implies that in seeking to deliver sustainable travel objectives, there should be some provided. The associated guidance in the NPPG also seeks to ensure that sustainable travel methods are available, identified, promoted and their use encouraged.

The amendments to para 5.7 of the DPD which we previously requested follow this approach. The response suggests that developers are to be encouraged to do so, but there is no evidence of this in the re-drafted paragraph. The promotion of the canal network for sustainable travel is then referred to in your response as already being located in the BDP, however no references are provided either in the Consultation Statement or in the draft DPD. These references, at the very least, should be provided so that we can be reassured that they cover our points.

Further advice following the strategy set out in Policy TP42 of the BDP relating to how waterborne freight might be encouraged and achieved (or required) should also be provided but has been *omitted* from this document, although we accept that this policy has been added to the list of references at the end of the chapter. Again, we consider that inserting a policy and a vision for its delivery would have assisted in the decision-making process and would have made the draft DPD more effective in delivering more sustainable travel options.

3. Declaration

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Declaration:

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Name: Ailith Rutt

Date: 21 February 2020

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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: Mrs Ailith Rutt

Organisation (if relevant): Canal & River Trust

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	
b/ It is not justified	
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?	
Page Number	12
Policy Number	DM2
Paragraph Number	
Table / Figure / Appendix	
Other	
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?	
<i>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.</i>	
<i>Enter your reply here</i>	
<p>When making decisions, Birmingham should consider the canal network as a 'neighbour' and therefore seek to protect the amenity value of this asset under this policy. The word neighbour is often used in relation to private dwellings, not public spaces, but we consider it to be neighbouring uses and spaces as well. A better approach would be to include public amenity spaces and to include the canal network and any adjoining parkland when considering development using this policy. This would provide a more holistic approach to considerations of amenity.</p> <p>We note that our proposed additions to the bullet point list in this policy have not been adopted, and also that others have been reduced. The overbearing impacts of development on the surrounding environment and the perception of enclosure are both potentially significant effects of development close to the canal network that can have detrimental effects on the usage of the canal corridors. Therefore, we consider that the plan would not be effective in protecting the character and therefore use/attractiveness of the canal network or meet the NPPF requirements.</p>	
Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
<i>Enter your reply here</i>	
<p>Elements of the originally proposed bullet points should be reinstated in order that proposed development is prevented from having an '<i>overbearing impact or perception of enclosure on its surroundings</i>'.</p>	
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)?	
<i>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</i>	
<i>Enter your reply here</i>	
<p>The waterways are acknowledged as significant green infrastructure, but they also function as blue infrastructure, serving as a catalyst for regeneration; a sustainable travel resource for commuting and leisure; a natural health service acting as blue gyms and supporting physical and healthy outdoor activity; an ecological and biodiversity resource; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape; a contributor to water supply and transfer, drainage and flood management. The waterway network forms part of the historic environment, the character, cultural and social focus of the city. These spaces therefore require adequate protection from harmful effects that can be caused by new developments. It is necessary to articulate the wide range of benefits that can be realised that require a supportive and appropriately detailed policy framework to be compiled.</p>	

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

Enter your reply here

The waterways are acknowledged as significant green infrastructure, but they also function as blue infrastructure, serving as a catalyst for regeneration; a sustainable travel resource for commuting and leisure; a natural health service acting as blue gyms and supporting physical and healthy outdoor activity; an ecological and biodiversity resource; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape; a contributor to water supply and transfer, drainage and flood management. The waterway network forms part of the historic environment, the character, cultural and social focus of the city. These spaces therefore require adequate protection from harmful effects that can be caused by new developments.

Policy DM1 suggests that there is a direct link between good air quality and improved wellbeing which the Trust support. The existing action plan and Birmingham Plan encourage walking, cycling, connectivity and clean vehicles, which are aims supported by the Trust for the improvement of air quality and encouragement of the use of our extensive network in the city. Similar to the comments above in relation to Policy DM2, a more holistic approach with links between the various policy topic themes is lacking, and there is no acknowledgement of how various elements interrelate.

3. Declaration

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Name: Ailith Rutt

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