

Representation Form (Part B)

Development Management in Birmingham Development Plan Document (DMB)

Main Modifications 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* <i>* please print your name on each separate representation (the name should match that entered on the Part A form)</i>			
Full Name: Michael Burrow			
Organisation (if relevant): Savills (UK) Ltd for, and on behalf of, the Langley Sutton Coldfield Consortium			
2. Your Representation <i>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.</i>			
Q1. Do you consider the Table of Modifications to the DMB to be legally compliant?	YES	NO	
Q2. Do you consider the Table of Modifications to the DMB to be sound?	YES	NO <input checked="" type="checkbox"/>	
Q3. Does the Table of Modifications to the DMB comply with the Duty to Cooperate?	YES	NO	
<i>If you have answered yes to both Q1 Q2 and Q3, please proceed to Q8. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.</i>			
Q4. Why do you believe that the Table of Modifications to 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			

¹ N.B. This is in reference to proposed Main Modification MM1 only rather than the whole table of Main Modifications. Please refer to the commentary on MM1 set out within the responses below.

Q5. Which part of the Table of Modifications to the DMB are you commenting on?	
Main Modification Number	MM1
Q6. Why do you feel that this Main Modification to 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. 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>	
<p>The proposed Main Modification, to seek to define at paragraph 2.7 what constitutes “unacceptable deterioration” and “unacceptable levels” in the context of air quality pollution, does provide additional clarification on the interpretation of these terms. However the definition does not explicitly allow for mitigation to be taken into account. The use of mitigation is mentioned in Point 2 of the Policy DM1 wording and elsewhere within the supporting text. Therefore in order for the wording to be clear, consistent and effective the Main Modification should be amended to reflect this. The proposed amendment to reflect this is set out in response to Question 7 below.</p> <p>The West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014), which appears to focus on achieving compliance with the EU Air Quality Directive Limit Values, is mentioned elsewhere within paragraph 2.7, but the justification for moving from this approach to the identification of the 5% ‘below objective’ threshold value threshold has not been included within the Main Modification. It is considered that this justification should be provided in order for the Main Modification to be found to be ‘sound’.</p>	
Q7. What changes do you consider are necessary in order to make the Main Modification to 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>	
Proposed changes to MM1 <u>underlined in bold</u> .	
2.7 ...‘Unacceptable’ deterioration and ‘unacceptable levels’ is are defined as where the development, in isolation or cumulatively, <u>and taking mitigation into account</u> , would result in exposure to pollutant concentrations close to the limit values within 5% of below the nationally or locally set objectives at the development site and/ or other relevant receptors; and where development would result in further exceedances where pollutant concentrations are already over the limit values.	
Q8. Are there any additional comments you would like to make with regard to the Main Modifications of the DMB?	
<i>Enter your reply here</i>	

3. Declaration
<p>Data Protection</p> <p>The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing the DMB document.</p> <p>Declaration:</p> <p>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.</p>
<p>Name: <i>Michael Burrow</i> Date: 05/05/2021</p>

Please ensure that you submit this form no later than 18:00hrs on Wednesday 5th May 2021, 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