

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*

** please print your name on each separate representation (the name should match that entered on the Part A form)*

Full Name: Michael Burrow

Organisation (if relevant): Savills (UK) Ltd for, and on behalf of, the Langley Sutton Coldfield Consortium

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 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

Q3. Does the Table of Modifications to the DMB comply with the Duty to Cooperate?

YES

NO

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.

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

c/ It is not effective

d/ It is not consistent with national policy

¹ This is in reference to proposed Main Modification MM4 only rather than the whole table of Main Modifications. Please refer to the commentary on MM4 set out within the responses below.

Q5. Which part of the Table of Modifications to the DMB are you commenting on?	
Main Modification Number	MM4
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 Part 2 of Policy DM4, to clarify that the intention of this part of the Policy is to maximise the provision of new trees “<i>in appropriate locations within a multi-functional green infrastructure network</i>”, is considered to be necessary to enable this Policy to recognise that the aspiration of the Council to increase tree cover and other green infrastructure needs to be balanced against the requirement of the National Planning Policy Framework to promote an effective use of land for new homes and other uses. This specific amendment will improve the effectiveness of the Policy wording and its consistency with national policy and reflects the discussion at the Examination session pertaining to this part of the Policy. However in order for the Policy wording to be clear, effective and fully reflect the proposed MM2 amendment it is not considered that the words “other green infrastructure” are needed. The proposed amendment to the wording of this part of the Policy is highlighted in response to Q7.</p> <p>The proposed Main Modification to Part 3 of Policy DM4 to clarify the focus of this aspect of the Policy wording to trees “<i>of quality</i>”, rather than all trees, with the associated additional proposed explanation in paragraph 2.37 that quality is to be assessed against BS5837 and refer to category A or B trees, is considered to be necessary to enable this wording to be effective, measurable and deliverable and also reflects the discussion at the Examination session pertaining to this part of the Policy.</p> <p>However the proposed Main Modification to paragraph 2.39 is not considered to be effective or consistent with the proposed amendment to paragraph 2.37. The trees “<i>of quality</i>”, which are considered to be worthy of retention have been defined as category A and B trees. There is accordingly no requirement for development proposals to seek to avoid the loss of category C trees. This approach is not considered to be unreasonable. It should therefore follow that there should be no requirement for development to specifically mitigate the loss of any category C trees. To ensure there is consistency, the proposed Main Modification to paragraph 2.39 should be amended to remove the need to assess the mitigation requirements for the loss of category C trees and retain the focus on mitigating the loss of category A and B trees. The proposed amendment to the wording of this part of the Policy is highlighted in response to Q7.</p> <p>In addition, the proposed Main Modifications to paragraph 2.39 are also not considered to be effective in identifying how the Capital Asset Value for Amenity Trees (CAVAT) system will be applied in practice (e.g. to large phased sites with outline planning permission) in the absence of the guidance that is proposed to be brought in through the Tree Strategy document. If the Tree Strategy guidance is required for the effective implementation of CAVAT then it is considered that CAVAT should not apply to outline or full planning application proposals until the pending Tree Strategy guidance is adopted.</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 amendments are included in bold and either <u>underlined</u> or struck through below:	
<p><u>Policy DM4 Part 2</u></p> <p><i>“The composition of the proposed landscape should be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees in appropriate locations within a multifunctional green infrastructure network, and other green infrastructure, create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.”</i></p>	

Paragraph 2.39

"Where development would result in the loss of a (BS5837) category A or B or C tree(s) ~~and / or other landscaping~~, adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent), pre-development canopy cover and biodiversity considerations. Reasonable deductions will..."

Q8. Are there any additional comments you would like to make with regard to the Main Modifications of the DMB?

It is noted that the proposed Main Modification to Part 3 of Policy DM4, to include additional text requiring that development which results in the loss or deterioration of Ancient Woodland or Ancient/ Veteran Trees will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists, is considered to be consistent with paragraph 175 of the National Planning Policy Framework.

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 the 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: *Michael Burrow*

Date: 05/05/2021

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