

Inspector Mr. Roger Clews BA, MSc, Dip Ed, Dip TP, MRTPI

By Email

18th December 2015

Dear Cllr Mackey,

Thank you for your email of 25 October, to which I am now able to respond on behalf of the inspector, Mr Clews. I am sorry for the delay in responding, but as I hope you will appreciate, it was necessary for Mr Clews to familiarise himself with the contents of all the responses to the recent consultation first.

Mr Clews has carefully considered your request that another examination hearing session should be held to discuss the Revised Sustainability Appraisal of the BDP [Document EXAM 154]. In doing so, he has had regard to relevant guidance at paragraph 4.32 of the Planning Inspectorate's publication *Examining Local Plans: Procedural Practice*, December 2013 (3rd Edition v.1). This paragraph of the guidance applies to the "reporting period" of the examination, after the hearings have finished:

The examination remains open while the Inspector is writing the report and if necessary the Inspector may hold further sessions during the reporting period. This would only occur if absolutely necessary, for example, where a fundamental soundness issue has not been resolved or a hearing is necessary exceptionally on a representation made on a proposed Main Modification.

Your request is based on two main points: the sensitivity of policies GA5 and GA6; and what you describe as "the fact that the focus of the consultation has been directed towards the Main Modifications, with little emphasis on the Sustainability Appraisal". You also draw attention to the legal requirement for the public to be consulted on the Revised Sustainability Appraisal.

In respect of the first point, Mr Clews is fully aware of all the views that have been expressed on policies GA5 and GA6, in the approximately 6,000 representations made on them at pre-submission stage, at the hearing sessions held towards the end of 2014, and in the approximately 2,200 representations recently made on Proposed Main Modifications 16, 17 and 18.

Having considered the contents of all the recent consultation responses, Mr Clews's view is that none raises any fundamental new soundness issue that would justify the exceptional step of holding a further hearing session. Without such justification, the fact that the proposed Green Belt allocations made by policies GA5 and GA6 are sensitive and controversial is not in itself a reason to hold a further hearing.

Turning to the Revised Sustainability Appraisal, public consultation on this took place over an eight-week period in conjunction with the consultation on the Proposed Main Modifications. Notification of the consultation was widely distributed by post and email,

including to everyone who had made a representation on the BDP at pre-submission stage. The consultation letter contained the following paragraph, making it quite clear that comments were invited on both the Proposed Main Modifications and the Revised Sustainability Appraisal:

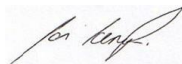
The inspector has now agreed with the Council a schedule of Proposed Main Modifications which, on the basis of the evidence and representations submitted to the examination to date he considers are needed in order for the Plan to be found sound. These Proposed Main Modifications, together with the revised Sustainability Appraisal, have now been published for a period of public consultation. It is important to note that at this stage in the process it is only possible for comments to be made on the Proposed Main Modifications (including those to the Policies Map and the supporting plans within the document) or on the revised Sustainability Appraisal. Comments on any other aspect of the Plan will not be accepted.

Over 1,000 consultation comments were made on the Revised Sustainability Appraisal, an exceptionally high response rate on an SA consultation. This is further evidence that the consultation material made it sufficiently clear that comments on the Revised Sustainability Appraisal, as well as the Proposed Main Modifications, were invited.

It therefore appears to Mr Clews that the legal requirement for the public to be consulted on the Revised Sustainability Appraisal has been properly discharged. As with the Proposed Main Modifications, he considers that that no fundamental new issue has been raised in the consultation responses that would justify the exceptional step of holding a further hearing session.

For these reasons, Mr Clews asks me to inform you that he does not intend to hold another examination hearing session to discuss the Revised Sustainability Appraisal of the BDP. But he will, of course, consider all the consultation responses, on both the Proposed Main Modifications and the Revised Sustainability Appraisal, when drawing up his report and recommendations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Kemp', written over a light grey rectangular background.

Ian Kemp
Programme Officer
Birmingham Development Plan