

Birmingham Development Plan2031

Examination Hearings

Further Written Statement by

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Questioning the ability of Birmingham City Council to adequately take account of comments received during Public Consultation.

This submission is presented to demonstrate how Birmingham City Council have failed to take proper account of the public's views during the preparation of the Birmingham Development Plan. Although this issue has not been identified by the Inspector as a matter to be considered during the Public Examination, the evidence presented within this document should be sufficient to cast doubt on the credibility of the preparation of the BDP and should therefore be considered vital to any examination of the Plan.

In the course of developing the Plan there has been significant input from the public during two major consultation stages, one prior to the publication of the Plan and one following publication. In ensuring that the plan is sound, it would be critical for the council to keep track of all such comments so that, for example, any errors in the Plan can be identified and corrected, or other improvements made where relevant. As a matter of course it would therefore have been expected for a register of comments to be made so that it is possible to keep track of potential issues, and for each such comment a note made about whether any change is deemed necessary. Without such a registry it would not be possible for the council to know if all issues raised had been closed off, or to be prepared at public examination to explain why any question raised did not undermine the Plan, or indeed where changes had been made to be able to demonstrate that such changes had been implemented.

Unfortunately the council appears to have taken a very poor approach in this matter, in a number of ways.

The first example of poor record keeping by the council is where modifications have been made to the Plan following comments received during the consultation. Having made a number of comments myself during this stage I have subsequently gone through the available documentation to see how the council has chosen to respond, and in three cases I found that the plan had apparently been modified as a result of my comments. However, when I tried to confirm that this had taken place it was actually very hard to prove.

This should not have been a difficult exercise. When identifying the modifications made to the Plan, the council had given them a reference. I therefore needed only to track down modifications "MOD18", "MOD23" and "MOD30" in the list of modifications available on the council's website. It was therefore surprising to find that there are two separate documents listing modifications "EXAM2A - BDP Proposed Main Modifications Schedule" and "EXAM2B - BDP Proposed Additional Modifications Schedule". Looking through these two documents under the relevant numbers it was not possible to find the relevant changes under the corresponding numbers. Only after a lot of hard work and perseverance was I finally able to identify what appear to be the correct changes: "MOD18" actually refers to "MM10", "MOD23" actually refers to "MM14" and "MOD30" actually refers to "AM14".

More detailed information on this matter is included as Appendix A, showing the original comment and the council's response (including identifying the modification reference) and then the possible modifications with the same number and then finally the actual modification and its reference. From this it can be seen that referencing of modifications is of no help. It is therefore difficult to understand how the council is able to keep track of what they have done. It also indicates that work is being carried out with little or no checking process, as this problem would have been easily spotted and corrected.

A more significant case of the council not keeping track of matters is evident when considering how the council has kept track of comments received during the consultation after the publication of the Draft Plan. The council has published the document "SUB9 - Pre-submission - Summary of Comments and Council Response (2014)" on its website. This presents in table form the comments made and the council's response to them. Ostensibly this should therefore allow anyone to crosscheck that the council has taken due account of any comments made. However there are some key flaws in this.

For a large section of the table there are roughly fifty comments for which the council has not identified whether there should be a modification to the Plan or not (the final column of the table). This part of the tabulated information is included as Appendix B. It is important to note that where no modification to the Plan is intended this is recorded as "None" (as can be seen in the first item shown in Appendix B) so a blank should not occur. In theory it might be able to deduce whether a modification to the Plan would be required from the response made by the council (the last but one column) but in many cases this is just a generic response "See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10)" which is of no help (as discussed further below). The only explanation of the blanks is that the council has failed to complete the table and it is therefore impossible to say whether the Plan is to be modified or not. This is clear evidence of poor administration of the process.

As can be seen from how the council has tabulated the comments included in Appendix B, the council has responded to many comments with very specific responses. However many of the comments have received only a generic response "See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10)." This refers to a second document "SUB10 - Council Response to Comments on Langley (GA5), Peddimore (GA6) and Green Belt (TP10) (2014). In this document though there is no evidence of cross referencing responses to specific comments. Instead this only contains broad comments that may or may not reflect actual questions. As a result I do not believe that the council has been able to adequately answer some of the questions that I posed.

For example, under bp1279 I reported that a representative of the city council had explained to a public meeting that the original plan to have 10,000 homes on the Green Belt had been reduced to 5,000 because it was not expected to be able to build so many in the time period. I went on to say that this was therefore clear evidence that the council was taking building on the Green Belt as a foregone conclusion – if the council had land available for this 5,000 less homes, why had they not been located there in the first place. The council's response is apparently included in "SUB10" yet there is no actual reference to it. So whereas the document "SUB9" would suggest that this question had been dealt with, in fact it has not. (As a consequence it must be concluded that the council is unable to contradict my statement and the council has indeed sought to use Green Belt land as a "first resort" and not because they have exhausted all other possibilities.)

As a result this casts severe doubt on the council having adequately responded on the numerous issues that have been tagged “See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10).” There would seem to be over 3,000 such comments. With such a vast number of comments it can be seen why a separate document would be used to bring these issues together but this high number emphasises the need to keep track of each individual comment.

Without this tracking of comments it is hard to accept that the council have been able to provide an adequate response to each and every point raised. It certainly would not allow the council to undertake an audit of the process. As a consequence the credibility of how the council has dealt with comments from the public and how seriously it has approached the problem is very much open to question. The fact that the council has not undertaken major revisions following comments received cannot be assumed to be due to robustness of the original Plan, instead it may only be because they have not been able to deal with those comments properly in the first place.

In case the council had additional documentation to help keep track of comments, I submitted a Freedom of Information request asking for their checklist on comments received. The answer I had was that document “SUB9 - Pre-submission - Summary of Comments and Council Response (2014)” was that checklist. (The FOI response is included as Appendix C for reference.)

I did challenge this response. Given that the document is a “summary” it might be the case that there is more information available in more detail. However the answer I had to this was merely to identify that the document “SUB7 - Pre-submission Comments (2014)” also contained comments received, though this does not include any details of the response or action by the council so does not add materially to the problem. As a consequence it is not possible for the council to be relying on any other document except the aforementioned one, to keep track of comments.

Conclusion

Given the various weaknesses and omissions in how Birmingham City Council have tracked comments received during the public consultation it can only be concluded that the council has failed in its responsibility to take account of those comments and make any appropriate revisions to the Plan. Therefore it cannot be assumed that the Plan has been developed in a satisfactory manner. Because the comments have not been objectively assessed against all the comments received and it cannot be shown that the strategy has been considered against all the alternatives put forward in consultation this means that the Plan has failed to demonstrate that it meets key requirements of The National Planning Policy Framework in that the Plan is not:

- (a) positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements; nor
- (b) justified – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence.

As a consequence the Plan as presented should not be approved.

Appendix A

Evidence that Birmingham City Council have failed to keep proper track of the proposed changes to the BDP and where they have originated.

Example A1:

Response to comment bp1886 indicates “MOD18” incorporates proposed modifications.

| Representor ID | Representation ID | Representor Name (Private individual name not included) | Representor Organisation (if Applicable) | Agent Name | Agent Company | Which Test of Soundness is Challenged | Summary of main issues raised | Wish to appear in person at EIP? | BCC Response | Proposed Modification to Policy |
|----------------|-------------------|---|--|------------|---------------|---------------------------------------|---|----------------------------------|---|--------------------------------------|
| 817730 | bp1886 | | | | | Effective | Need to maximise the efficiency of brownfield land to ensure land is not wasted due to poor design. | Yes | Agree, additional wording to be added to policy PG3 to make this a clear requirement. | See MOD18 of Proposed Modifications. |

Source: SUB9 - Pre-submission - Summary of Comments and Council Response

But neither MM18 nor AM18 refer to the issue raised.

| Reference | Page | Policy/ Paragraph | Proposed Main Modification | Reason for Modification |
|-----------|------|---|---|--|
| MM18 | 38 | Policy GA1.4 City Centre – Connectivity | Add the following to bullet 1: <u>‘...taking advantage of the canal network.’</u> | To reflect the importance of the canal network |

Source: EXAM2A - BDP Proposed Main Modifications Schedule

| Reference | Page | Policy/ Paragraph | Proposed Additional Modification | Reason for Modification |
|-----------|------|--|---|--|
| AM18 | 49 | Policy GA5 Langley Sustainable Urban Extension | Replace subheading <u>‘Historic assets’</u> with <u>‘Heritage assets’</u> . | To reflect the terminology of the NPPF |

Source: EXAM2B - BDP Proposed Additional Modifications Schedule

Actual modification is MM10

| Reference | Page | Policy/ Paragraph | Proposed Main Modification | Reason for Modification |
|-----------|------|-------------------------|--|---|
| MM10 | 31 | Policy PG3 Place making | Add additional bullet point: <u>‘Make best use of existing buildings and efficient use of land in support of the overall development strategy’</u> | To maximise the efficient use of land through development |

Source: EXAM2A - BDP Proposed Main Modifications Schedule

Example A2:

Response to comment bp1259 indicates “MOD23” incorporates proposed modifications.

| Representor ID | Representation ID | Representor Name (Private individual name not included) | Representor Organisation (if Applicable) | Agent Name | Agent Company | Which Test of Soundness is Challenged | Summary of main issues raised | Wish to appear in person at EJP? | BCC Response | Proposed Modification to Policy |
|----------------|-------------------|---|--|------------|---------------|---------------------------------------|---|----------------------------------|--------------|--------------------------------------|
| 817730 | bp1259 | | | | | Effective | Policy should require residential development to be high quality not just good quality. | Yes | Agree. | See MOD23 of Proposed Modifications. |

Source: SUB9 - Pre-submission - Summary of Comments and Council Response

But neither MM23 nor AM23 refer to the issue raised.

| Reference | Page | Policy/ Paragraph | Proposed Main Modification | Reason for Modification |
|-----------|------|-------------------|---|--|
| MM23 | 40 | Paragraph 5.29 | Add at the end of the paragraph: <u>'The growth of the education sector in the city centre is also supported, reflecting the important role of higher and further education.'</u> | To acknowledge the importance of higher education in promoting Birmingham's international role |

Source: EXAM2A - BDP Proposed Main Modifications Schedule

| Reference | Page | Policy/ Paragraph | Proposed Additional Modification | Reason for Modification |
|-----------|------|-------------------|--|-------------------------|
| AM23 | 72 | Paragraph 6.23 | Amend the paragraph as follow: <u>'Further guidance on low carbon and renewable energy generation the application of this policy will be contained in an SPD the 'Your Green and Healthy City Supplementary Planning Document'</u> | For clarification. |

Source: EXAM2B - BDP Proposed Additional Modifications Schedule

Actual modification is MM14

| Reference | Page | Policy/ Paragraph | Proposed Main Modification | Reason for Modification |
|-----------|------|--|---|--|
| MM14 | 36 | Policy GA1.1 City Centre – Role and Function | Amend first sentence of fifth paragraph: '...where it provides well-designed good-high quality living environments....' | To emphasise the importance of high quality design in the city centre. |

Source: EXAM2A - BDP Proposed Main Modifications Schedule

Example A3:

Response to comment bp1260 indicates “MOD30” incorporates proposed modifications.

| Representor ID | Representation ID | Representor Name (Private individual name not included) | Representor Organisation (if Applicable) | Agent Name | Agent Company | Which Test of Soundness is Challenged | Summary of main issues raised | Wish to appear in person at EIP? | BCC Response | Proposed Modification to Policy |
|----------------|-------------------|---|--|------------|---------------|---------------------------------------|--|----------------------------------|--|--------------------------------------|
| 817730 | bp1260 | | | | | | Needs a wider focus that just homes, offices and retail - what about supporting the visitor economy? Policy should address wider access into City Centre not just pedestrian / cycling. The policy should have a Plan B incise HS2 does not happen. Policy should consider long term impact of the recession. Plan 5 needs to be updated to reference areas in policy. | Yes | The policy provides appropriate guidance on each of these aspects, including GA1.1 which includes reference to leisure and supporting the City Centre's role as a top visitor destination. The supporting evidence base has considered the impact of the recession (e.g. Birmingham City Centre Retail Assessment). The strategy for the City Centre is not predicated on the delivery of HS2. Agree some labels on Plan 5 would assist. | See MOD30 of Proposed Modifications. |

Source: SUB9 - Pre-submission - Summary of Comments and Council Response

But neither MM30 nor AM30 refer to the issue raised.

| Reference | Page | Policy/ Paragraph | Proposed Main Modification | Reason for Modification |
|-----------|------|--|--|---|
| MM30 | 49 | Policy GA5 Langley Sustainable Urban Extension | In the Green Space and Ecology section add an additional bullet as follows: <ul style="list-style-type: none"> <u>Development will need to consider impacts on soil resources during construction and operation, adhering to Defra's Code of Practice to protect soil.</u> | To ensure soil resources are protected. |

Source: EXAM2A - BDP Proposed Main Modifications Schedule

| Reference | Page | Policy/ Paragraph | Proposed Additional Modification | Reason for Modification |
|-----------|------|-------------------|---|-------------------------|
| AM30 | 133 | Paragraph 9.53 | Revise the first sentence as follows: The 'Smart Routes' concept, which aims Measures to maximise the effectiveness of..... | For accuracy. |

Source: EXAM2B - BDP Proposed Additional Modifications Schedule

Actual modification is AM14

| Reference | Page | Policy/ Paragraph | Proposed Additional Modification | Reason for Modification |
|-----------|------|-------------------|--|-------------------------|
| AM14 | 41 | Plan 5 | Add the Retail Core, Martineau Galleries, extended HS2 station, labels showing key locations and sites (e.g. Enterprise Zone) / areas (e.g. Quarters) referenced in policy. Key to be amended to reflect these changes and to correct the labelling of Greater Icknield and the Wider areas of Change. | For clarity |

Source: EXAM2A - BDP Proposed Main Modifications Schedule

Appendix B

Excerpt from Document “SUB9 - Pre-submission - Summary of Comments and Council Response (2014)” showing where comments received have not been identified as requiring any modification to the Plan or not.

| Summary of comments on Q45 - TP27 The location of new housing | | | | | | | | | | |
|---|-------------------|---|--|------------|---------------|---------------------------------------|--|----------------------------------|---|---------------------------------|
| Representor ID | Representation ID | Representor Name (Private individual name not included) | Representor Organisation (If Applicable) | Agent Name | Agent Company | Which Test of Soundness is Challenged | Summary of main issues raised | Wish to appear in person at EIP? | BCC Response | Proposed Modification to Policy |
| 711180 | bp6 | | | | | Justified | Building in the Green Belt at Walmley would add to traffic congestion, require significant expansion of infrastructure, not be supported by jobs and would not be in keeping with the character of the area. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | None. |
| 710690 | bp37 | | | | | Justified | Sutton does not have the infrastructure to cope with more housing. Traffic congestion in the area is already bad. Only build on brownfield land. Wildlife habitats would be destroyed if the Green Belt was built on. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 722054 | bp39 | | | | | Justified | Brownfield land should be developed before considering Green Belt land. The plan should address all the 80k requirement. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 812590 | bp86 | | | | | Justified | Building more houses in Sutton will compound existing problems regarding infrastructure and transportation. Should not build on the Green Belt in Sutton. Brownfield sites should be developed first. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 812764 | bp98 | | | | | Justified | Have not taken all Brownfield sites into account. Should not build on the Green Belt. | | An extensive study (the SHLAA) to assess the capacity of brownfield sites within the urban area has been undertaken. | |
| 719023 | bp152 | | | | | | Demonstrate how the housing will be accessible to jobs, shops and services by modes of transport other than the car. Explain what assessments have been undertaken in relation to infrastructure including the assumptions that were made and the alternatives that were considered. Provide a cost benefit analysis to support these plans. | Yes | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). More detailed information on infrastructure is contained in the Infrastructure Delivery Plan. | |

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|----------------|-------------------|---|--|-------------------------|----------------------------|---------------------------------------|---|----------------------------------|---|---------------------------------|
| 816811 | bp482 | | | | | Justified | New housing should be located where people want to live and where there are public facilities. Need to research where people want to live, both within and beyond, Birmingham. | | New development will be distributed throughout the City enabling a wide choice of location for people to live. New families and infrastructure will be provided to serve the Walmley urban extension. Additional housing will be located outside the City boundary. | |
| 722240 | bp529 | | | | | Justified | Building more houses in Sutton will compound existing problems regarding infrastructure and transportation. Should not build on the Green Belt in Sutton. Brownfield sites should be developed first. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 817731 | bp686 | | | | | | Infrastructure should be provided before the housing. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 732615 | bp698 | | | | | Justified | Maximise the potential of brownfield land before considering Green Belt. Provide infrastructure (facilities and transportation) before housing. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 721919 | bp731 | | | | | Justified | Do not develop on Green Belt. Use Brownfield land. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 169659 | bp774 | Ms Rachael Bust | The Coal Authority | | | | Support the need to consider land instability issues. | | Noted. | |
| 820097 | bp854 | Mr Brian Rance | Birmingham City University | Mrs Katherine Tomlinson | Birmingham City University | | Supports use of brownfield sites. | | Noted. | |
| 185725 | bp1124 | Mr Simon West | Forestry Commission | | | | Support the policy and welcome the contribution that trees can make to enhancing the setting for new housing. | | Noted. | |
| 706489 | bp1165 | | | | | Justified | Protect greenfield land by exploring the potential of brownfield land and returning vacant properties to use. | No | The Plan maximises the potential of brownfield land and vacant dwellings. | |
| 706489 | bp1173 | | | | | | Building on greenfield land is flawed because there is plenty of brownfield land and vacant dwellings which could be brought back into use. | No | The plan maximises the potential of brown field land and vacant dwellings. | |

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|----------------|-------------------|---|--|------------|---------------|---------------------------------------|--|----------------------------------|--|---------------------------------|
| 820976 | bp1176 | | | | | | Plan should aim for sustainable growth across the City. Should not build in Green Belt in Sutton Coldfield at the scale proposed. Cross City line already at capacity. | | New development will be distributed throughout the City enabling a wide choice of location for people to live. See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 820982 | bp1178 | | | | | | Housing should be concentrated in the City centre. Figures are forecasts and planning needs to take account of supply and demand. Roads and services won't be able to cope. Should not develop in Sutton Coldfield. | No | New development will be distributed throughout the City, including the city centre, enabling a wide choice of location for people to live. Detailed assessments of both demand (SHMA) and supply (SHLAA) have been undertaken. More detailed information on infrastructure is contained in the Infrastructure Delivery Plan. | |
| 706473 | bp1218 | | | | | | Infrastructure should be in place before the housing. Develop brownfield land. Delete all proposals for development in the Green Belt. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 817730 | bp1277 | | | | | | If infrastructure is to be provided first the plan should explain who will pay for it. No account has been taken of accessibility by car or other vehicles. The plan should ensure that adequate road access is provided when housing is built. People should not be forced onto public transport - it should be by choice due to its quality. | Yes | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 817730 | bp1292 | | | | | | The sixth bullet point should be revised to refer to the Green Belt, not the revised Green Belt as no revision has been justified | Yes | It is appropriate to refer to the revised Green Belt in the context in which the Plan is submitted. | |
| 821056 | bp1312 | | | | | | A thorough evaluation of brownfield sites is required to identify alternatives before encroaching into the Green Belt. | Yes | The potential to develop on Brownfield land was addressed before Greenfield land was considered. | |
| 722536 | bp1364 | | | | | | Enough brownfield land exists without needing to build on Green Belt land. This will also improve derelict and run down areas. Retain the existing Green Belt Boundaries. | | The potential to deliver housing on brownfield land has been assessed. Significant regeneration will take place on brownfield land. | |

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|----------------|-------------------|---|--|------------|---------------|---------------------------------------|---|----------------------------------|--|---------------------------------|
| 814027 | bp1408 | | Project Fields | | | | Policy leaves too much uncertainty. Make the bullet points mandatory. Replace the word 'should' with 'will'. | Yes | The requirements set out in the bullets are mandatory. | |
| 814027 | bp1412 | | Project Fields | | | | No justification given for the brownfield / greenfield development split. 80% of 80,000 is not consistent with the shortfall. | Yes | The 80% figure relates to development within Birmingham. | |
| 820755 | bp1465 | | | | | | Services are closing when there are plans to increase the population who may need those services. Traffic and services already poor. Only need housing because of the failure to control immigration. Use brownfield sites and vacant properties in other areas. The Council do not listen to the people of Sutton - they are only interested in less affluent areas. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 821222 | bp1478 | | | | | | Building on Greenfield sites is not sympathetic to historic, cultural and natural assets. With HS2 close by, both these developments are an attack on the welfare of local communities. Should not build on the Green Belt. | No | The fact that a proposed development is on Greenfield land does not mean that it not sympathetic to historic, cultural or natural assets. The requirement is equally applicable to proposals on Brownfield and Greenfield land | |
| 716022 | bp1529 | | | | | | Object to any new housing in Walmley. Object to building on Green Belt. Infrastructure will not be provided. Should use brownfield sites and empty properties. | Yes | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 707700 | bp1544 | | | | | | Only build on previously developed Land. Protect Green field sites. | No | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 820965 | bp1603 | | | | | | Too many uncertainties for infrastructure to be viable and sustainable. Ensure infrastructure is provided before the housing. Unclear how the Green Belt releases will be sustainable and improve people's lives. | | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). | |
| 821301 | bp1650 | | | | | | Regenerate existing area, use brownfield land and vacant properties instead of Green Belt. Provide details of where brownfield sites are. | No | Details of sites are in the SHLAA. Allowance included for bringing vacant properties back into use. Regeneration proposed throughout the City. | |

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|----------------|-------------------|---|--|------------|---------------|---------------------------------------|--|----------------------------------|---|---------------------------------|
| 821300 | bp1664 | Councillor Rob Pocock | | | | | Scale and nature of proposed housing in the Green Belt is unacceptable. If building on greenfield land is necessary this should be outside the Green Belt. Focus on new towns and garden cities outside the Birmingham boundary through the duty to cooperate. | Yes | Do not accept that the scale of housing is unacceptable. The scale of development is constrained by market delivery factors and is modest compared to the overall housing requirement and the shortfall which will need to be provided beyond the city's boundary. A range of options are being considered outside the city's boundary to meet the remainder of Birmingham's housing need. The city is largely urban with no significant areas of greenfield land outside the Green Belt other than parkland. | |
| 733428 | bp1737 | | | | | | Brownfield sites and empty homes should be used. No development on the Green Belt. | No | The capacity of brownfield sites and empty homes is being maximised. (See the SHLAA) | |
| 817759 | bp1776 | | | | | | Exceptional circumstances have not been demonstrated when revising the Green Belt boundary. Should reuse previously developed land. There are 12k empty homes which could be brought back into use. Plenty of other sites so no need to consider the Green Belt for development. Build on all available brownfield land first. | No | Maximum use is being made of brownfield land and vacant homes (SHLAA). | |
| 186201 | bp2074 | Clr Adrian Delaney | Birmingham City Council | | | | Support the omission of previous draft allocation at North Worcestershire Golf Club. | | Noted. | |
| 380770 | bp2359 | Mr MIKE DUNPHY | BROMSGROVE DISTRICT COUNCIL | | | Positively prepared; Effective | Should be a specific reference to the housing shortfall. No assessment of areas outside the City have been undertaken in relation to protecting core employment land, open space and the Green Belt. The claim that 80% of new housing will be built on Previously Developed Land is misleading. | | The housing shortfall is addressed in the Duty to Cooperate Statement. Options for addressing the shortfall outside the city's boundary are under consideration. The 80% relates to development within the city boundary - clarification proposed. | |
| 723183 | bp2581 | Ms Jane Field | Environment Agency | | | | National policy states that residential development should not be located within Flood Zone 3b as the vulnerability to flooding is too great for mitigation. | | Agree. | |

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|----------------|-------------------|---|--|------------------|----------------------------|---------------------------------------|--|----------------------------------|---|---------------------------------|
| 825952 | bp2791 | | St. Modwen Developments Ltd. | Mr Robert Barnes | Planning Prospects Limited | | It is unreasonable to require infrastructure to be in place before new housing is provided. A more appropriate strategy would allow flexibility. | Yes | Noted. | |
| 830907 | bp3480 | Susan Green | Home Builders Federation | | | | The requirement for infrastructure to be in place before the housing may impede delivery of the housing. | | Noted. | |
| 831280 | bp3703 | | | | | | Infrastructure should be provided before the housing. Concern over access to facilities if housing built before infrastructure. Insufficient detail to justify building 6k houses in the Green Belt. | | TP27 requires infrastructure to be provided before the housing. | |
| 512556 | bp3813 | | Birmingham Properties Group | Mr Simon Hawley | Harris Lamb Ltd | | The policy should state that the first 5 bullets also apply to housing provision within and adjacent to the city's boundary. The final bullet should be amended to acknowledge that further development in the Green Belt outside the city's boundary may be required to meet Birmingham's housing needs. | No | The policy only applies to Birmingham. It will be for the development plans of neighbouring authorities to address issues within their area. | |
| 722114 | bp4840 | | | | | | There appears to be no clear funding commitment or timescale for the provision of new schools to serve the Langley SUE so existing schools and health infrastructure will have to absorb the increased need. The transport infrastructure essential for the Langley and Peddimore developments will require extensive co-operation and funding from several agencies and it is not clear that the commitment and timescale for this has been confirmed | | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). TP27 requires infrastructure to be provided before the housing. | |
| 833962 | bp5320 | | Allegion | Mr Marcus Plaw | COLLIERS | Consistent with national policy | Policy should be more positively worded in order to boost the supply of housing. Should be more flexible and should not require that new residential development is not in 'conflict' with policies such as 'open space' protection. | Yes | Do not agree that open space protection should be weakened. Policies should be read together as a coherent strategy. Policy TP9 is a relevant and appropriate consideration with regard to the location of new housing. | |

| Representor ID | Representation ID | Representor Name (Private individual name not included) | Representor Organisation (if Applicable) | Agent Name | Agent Company | Which Test of Soundness is Challenged | Summary of main issues raised | Wish to appear in person at EIP? | BCC Response | Proposed Modification to Policy |
|----------------|-------------------|---|--|------------------|----------------------------|---------------------------------------|--|----------------------------------|---|---------------------------------|
| 825952 | bp2791 | | St. Modwen Developments Ltd. | Mr Robert Barnes | Planning Prospects Limited | | It is unreasonable to require infrastructure to be in place before new housing is provided. A more appropriate strategy would allow flexibility. | Yes | Noted. | |
| 830907 | bp3480 | Susan Green | Home Builders Federation | | | | The requirement for infrastructure to be in place before the housing may impede delivery of the housing. | | Noted. | |
| 831280 | bp3703 | | | | | | Infrastructure should be provided before the housing. Concern over access to facilities if housing built before infrastructure. Insufficient detail to justify building 6k houses in the Green Belt. | | TP27 requires infrastructure to be provided before the housing. | |
| 512556 | bp3813 | | Birmingham Properties Group | Mr Simon Hawley | Harris Lamb Ltd | | The policy should state that the first 5 bullets also apply to housing provision within and adjacent to the city's boundary. The final bullet should be amended to acknowledge that further development in the Green Belt outside the city's boundary may be required to meet Birmingham's housing needs. | No | The policy only applies to Birmingham. It will be for the development plans of neighbouring authorities to address issues within their area. | |
| 722114 | bp4840 | | | | | | There appears to be no clear funding commitment or timescale for the provision of new schools to serve the Langley SUE so existing schools and health infrastructure will have to absorb the increased need. The transport infrastructure essential for the Langley and Peddimore developments will require extensive co-operation and funding from several agencies and it is not clear that the commitment and timescale for this has been confirmed | | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). TP27 requires infrastructure to be provided before the housing. | |
| 833962 | bp5320 | | Alliegion | Mr Marcus Pwaw | COLLIERS | Consistent with national policy | Policy should be more positively worded in order to boost the supply of housing. Should be more flexible and should not require that new residential development is not in "conflict" with policies such as "open space" protection. | Yes | Do not agree that open space protection should be weakened. Policies should be read together as a coherent strategy. Policy TP9 is a relevant and appropriate consideration with regard to the location of new housing. | |

| Representor ID | Representation ID | Representor Name (Private individual name not included) | Representor Organisation (if Applicable) | Agent Name | Agent Company | Which Test of Soundness is Challenged | Summary of main issues raised | Wish to appear in person at EIP? | BCC Response | Proposed Modification to Policy |
|----------------|-------------------|---|--|-----------------|-----------------|---------------------------------------|---|----------------------------------|---|---------------------------------|
| 834084 | bp5529 | | North Worcestershire Golf Club & Bloor Homes | Mr Simon Hawley | Harris Lamb Ltd | | Supports the policy and notes that North Worcestershire golf club performs well against the criteria. | Yes | Noted. | |
| 733448 | bp5772 | Rohan Torkildsen | English Heritage | | | | Support the policy. | | Noted. | |
| 722160 | bp5991 | | | | | | Questions the funding. It is unlikely the Section 106 money will be available until the developers have begun to get a return on their outlay. Although there are references in the implementation section with regard to sources of funding these are not assured. | | See BCC response in relation to Langley (GA5), Peddimore (GA6) and Green Belt (TP10). TP27 requires infrastructure to be provided before the housing. | |

Appendix C
Response to Freedom of Information Request on Record of comments and responses.



Our ref: 11389

18 September 2014



Dear Mr Hoad,

Request for Information

I write in response to your request for information held by the Council under the provisions of the Freedom of Information Act 2000 or Environmental Information Regulations. Please accept my sincere apology for the delay in responding to you, this has been exacerbated by my recent period of annual leave.

Your request is:

The current Birmingham Development Plan (for the period up to 2031) has been the subject of numerous comments following the recent public consultation process.

As part of this process the council would have had to keep a log or record of the issues raised in the consultation together with the council's view, for example, of whether this was a valid point that was made that should be accepted, or if it was invalid then the reason for this and/or a counter argument. Such a log/record would allow the council to understand how to take the necessary actions as a result of the consultation.

I am therefore requesting a copy of whatever log, record or other documentation that has been used to deal with the above.

Response

This information is available on the Council's website via the following link:

www.birmingham.gov.uk/plan2031/evidencebase

The particular document is SUB9 Pre – submission Summary of Comments and Council response (2014)

Review of Decision

If you are not satisfied with the decision and/or the handling of your request, you are entitled to ask for an internal review. To do this, please contact Birmingham City Council's central FOI Team at this address:-

Corporate DP/FOI Team
Performance and Information (WS)
PO Box 16366
Birmingham
B2 2YY

Tel. 0121 303 1909

email: foi.mailbox@birmingham.gov.uk