

BIRMINGHAM CITY COUNCIL

Neighbourhood Planning (General) Regulations 2012 (as amended) Regulation 18 Decision Statement

Beeches, Booths and Barr (3Bs) Neighbourhood Plan

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990, local planning authorities have a statutory duty to assist local communities in the preparation of neighbourhood development orders or plans, including the process of a plan or order being independently examined and taken to referendum.
- 1.2 Following an independent Examination of the 3Bs Neighbourhood Plan (NP), Birmingham City Council (BCC) is satisfied that it meets the Basic Conditions required by the Town and Country Planning, England Neighbourhood Planning (General) Regulations 2012, and can now proceed to local referendum.

2. Background

- 2.1 The 3Bs Neighbourhood Area and Forum were formally designated as a 'Neighbourhood Forum' in January 2017 under the Neighbourhood Planning (General) Regulations 2012.
- 2.2 The 3Bs Neighbourhood Forum publicised a draft neighbourhood plan for a pre-submission consultation between 16th December 2019 and 7th February 2020, in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.3 The 3Bs Neighbourhood Forum formally submitted the Neighbourhood Plan in December 2020, in line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.4 Birmingham City Council invited representations on the plan, in line with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), during an eight-week period from 18th December 2020 to 12th February 2021. A total of 18 representations on the plan were received during this period.
- 2.5 Mr Andrew Matheson was appointed by the Council, with the support and agreement of the 3Bs Neighbourhood Forum, to undertake an independent examination of the Draft Neighbourhood Plan. The examination was carried out by written representations based on those received during the Council's statutory (Regulation 16) representation period.

- 2.6 The examiner's report was received by the Council on 2nd August 2021. The report concluded that subject to a series of modifications, the 3Bs Neighbourhood Plan met the basic conditions and should proceed to a referendum.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Birmingham City Council has considered each of the recommended modifications in the examiner's report, and the reasons for these, and has decided to accept all the proposed modifications to the draft neighbourhood plan. A table setting out the examiner's modifications is included at Annex 1 to this decision statement.
- 3.3 The 3Bs Neighbourhood Plan will therefore be modified in accordance with the table at Annex 1, and it is the modified version of the plan that will proceed to referendum.

4. Conclusion

- 4.1 This decision statement confirms that Birmingham City Council consider the 3Bs Neighbourhood Plan 2020-2031, as modified according to the proposed modifications in the examiner's report, to comply with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as well as legal requirements in Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 4.2 It is therefore recommended that the 3Bs Neighbourhood Plan should proceed to referendum based on the 3Bs Neighbourhood Area, as designated in January 2017. The examiner's report considered whether the referendum area should extend beyond the designated area and concluded that it should not.
- 4.3 This decision statement, and a copy of the examiner's report into the 3Bs Neighbourhood Plan, can be viewed online at:
- https://www.birmingham.gov.uk/info/20054/local_plan_documents/1032/beeches_booths_and_barr_3bs_neighbourhood_plan
- 4.4 Hard copies can be inspected at the following locations:

- Woodcock Street, Birmingham, B7 4BL
- Tower Hill Library, Tower Hill, Birmingham, B42 1LG

Annex 1

Examiner's Report – Summary Table of Recommendations

Examiner's report page number	NP Reference	Recommendation
9	Title	<ul style="list-style-type: none"> Remove "Submission Version" from title.
9	Common Abbreviations	<ul style="list-style-type: none"> Amend abbreviations as suggested
10	The 3Bs Neighbourhood Plan	<ul style="list-style-type: none"> Delete paragraph 2 Include additional city-wide studies Retitle Map 1 as suggested
10-11	Towards a Garden Suburb	<ul style="list-style-type: none"> Reword paragraphs 21 and 22 as suggested Remove paragraph 23 as suggested Reword community vision statement wording in relation to plan period
11-12	Pre-Application Community Engagement	<ul style="list-style-type: none"> Reword Policy NPP 1 as suggested
12-13	Neighbourhood Plan Policies	<ul style="list-style-type: none"> Amend Map 2 as suggested
13-15	Sustainable Development	<ul style="list-style-type: none"> Update footnotes as suggested Reword Policy NPP 2 as suggested
15-18	Improving the Parks	<ul style="list-style-type: none"> Amend paragraph 53, 55, 57 and 61 as suggested Amend the title of Map 3 Amend Map 4 as suggested Reword Policy NPP 3 as suggested
18-19	Greening the Streets	<ul style="list-style-type: none"> Reword Policy NPP 4 as suggested Reword Community Action as suggested
20	Waterways	<ul style="list-style-type: none"> Reword paragraph 85
20-21	Improving blue and green connections	<ul style="list-style-type: none"> Reword Policy NPP 5 as suggested Reword Community Action as suggested
21-23	Reducing the risk of flooding	<ul style="list-style-type: none"> Add footnote Amend paragraph 109 as suggested Request the Qualifying Body agree a suitable amendment/addendum with the Canal & River Trust to the AECOM SuDS Report Reword policy as suggested

Examiner's report page number	NP Reference	Recommendation
		<ul style="list-style-type: none"> Relocate the Community Action that follows Policy NPP 8 to be immediately after Policy NPP6.
23-25	Improving Biodiversity	<ul style="list-style-type: none"> Amend wording in paragraph 121 as suggested Reword Policy NPP 7 as suggested
25-26	Local Green Spaces	<ul style="list-style-type: none"> Amend wording in paragraph 131 as suggested Amend wording in the Local Green Spaces tables as suggested Amend footnote as suggested Reword Policy NPP 8 as suggested Relocate Community Action to after Policy NPP 6
26-30	Improving Community Shopping Hubs	<ul style="list-style-type: none"> Amend Map 13 and figure 1-3 as suggested Reword paragraph 132 and 143 as suggested Reword Policy NPP 9 as suggested Reword Policy NPP 10 as suggested Amend figure 2 as suggested Reword Policy NPP 11 as suggested
30-32	Protecting and enhancing heritage assets	<ul style="list-style-type: none"> Review Map 14 as suggested Add a map to show the location of assets identified in Appendix B Reword paragraphs 161 to 165 as suggested Amend footnote 42 as suggested Reword Policy NPP 15 as suggested Amend Community Action as suggested
32-34	Development of employment sites	<ul style="list-style-type: none"> Delete Policy NPP 13 and its justification Add a new paragraph 161 as suggested Add a new element to Policy NPP 3 as suggested Move the Community Action that follows Policy NPP 13 to follow Policy NPP 3
34	Protecting and Enhancing Community Facilities	<ul style="list-style-type: none"> Add a map illustrating and cross-referencing the facilities listed in Table 3 Retitle Table 3 as suggested Reword elements of Table 3 as suggested Reword Policy NPP 14
34-35	Developer Contributions	<ul style="list-style-type: none"> Amend paragraphs 181 and 182 as suggested Replace Policy NPP15 with a community action as suggested
35-36	Appendix	<ul style="list-style-type: none"> Delete Appendix A Add footnote in Appendix C Reword elements of Appendix D

Examiner's report page number	NP Reference	Recommendation
		<ul style="list-style-type: none"> Update Appendix R to reflect changes to Community Actions