

Written Statement for BDP 2031 Public Examination
Reference: Project Fields/Suzanne Webb.
Document: SJW1.
Date: September 10th 2014

Matter A: Housing need and the housing trajectory (BDP policies PG1, TP28 & TP30)

Matter E: Green Belt policy, the Langley Sustainable Urban Extension [SUE] allocation and the Peddimore employment allocation (BDP policies TP10 & GA5-6)

This statement is documented in two parts:

A - Comment on consultation process used for the BDP2031

B - Additional comment on policies TP28, GA5-6, TP10

A - Comments on the BDP 2031 consultation process

1. Evidence Database

Many of the documents in the evidence data base were not available during consultation. The following are just a few examples of documents which have been provided "after" consultation and therefore later than the preparation of the local plan:

- **Section - 9 Homes and Neighbourhoods - Documents H8, H10, H11**
- **Section - 10 Connectivity - Document's TA5-TA8, TA21-29**
- **Section - 11 Documents IMP01 – Infrastructure Delivery Plan 2014**

Information to confirm the basis of the BDP policies was not available during the preparation of the local plan or during the consultation. Supporting information and evidence is supposed to be made available in advance of the consultation and for its duration and not added following consultation close.

In addition whilst we should not have been asked to comment on the soundness of the plan (see point 2) the very fact the BCC asked the public to do so means:

- We should have had full visibility of all documents which provide the evidence as to how the policies within the BDP were determined in order for us to assess if the plan was sound.
- Section B3 of the consultation comments form states "What changes do you think should be made to address your concerns?" If residents did not have visibility of the full scope of documentation how were they able to propose appropriate alternative solutions?
- Even if the consultation had been conducted as per Town and Country Planning Regulations with residents to make representations (and not determine its soundness) if documents were not available then residents would still not have been able to make an informed representation.

I would like to understand what documents have been shared with the Inspector. It may well be the documents are additional studies undertaken by the BCC. But it is unclear why this information forms part of the evidence database.

I also have concerns that wording in the plan and documents has been changed or modified. For example reference BDP/Policy GA5: this originally stated market capacity was 3,500. This was removed from the policy during consultation. I now note following consultation it is stated as 5,000 within this policy.

Documents such as the SHLAA 2012 have been modified following consultation. The last date was July 2014. These are just two examples. I have had to agree to disagree with the BCC as other information I reviewed I can no longer find reference to but in error I did not take a copy to prove.

2. Consultation Comments Form

The Town and Country Planning Regulations 2012 state that representations can be made by residents during preparation of a local plan. The format of the BDP 2031 consultation invited consultee's to comment on the "soundness" of the plan and if consultee's wished to comment on the duty to co-operate and the legal compliance of the plan.

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- It is not the responsibility of the public to comment on whether a plan is sound or legally compliant. This is the responsibility of an Inspector as per NPPF paragraph 182. Residents should have been asked to make representations on what they feel should be included in the plan.

3. Despite 5,863 public comments no changes to the BDP have been made by the Birmingham City Council.

Planning policy is very clear that it should not be about scrutiny but a genuine creative exercise. However as the City Council have not taken into consideration any of the public's comments it has been left to scrutiny by public examination.

4. Statement of Community Involvement (SCI)

The SCI is dated 2008 and therefore pre dates all important changes to planning policy such as the 2011 Localism Act and NPPF 2012. The document also contains reference to planning documents that are no longer valid.

The SCI is noted as one of the core documents of the consultation process. The document should be current and reflect 2012 planning policy terminology.

5. Consultation Techniques

The BCC have used the minimum techniques to consult with local residents for example:

- Many of those documented on pages 30 and 31 of the SCI were not used.
- The statutory six week period of consultation was initially sought by the BCC. It was only after intervention by Project Fields that it was extended by two weeks.
- Where techniques were used such as "EXHIBITION" they were limited to a large map of Birmingham and affected areas and only verbal details on the policies in local libraries. Those who wished to discuss infrastructure issues were limited to verbal assumptions provided by planning officers. Officers who attended public meetings presented only an overview of the affected area and did not explain this in context to the overall policies within the plan.

Due to the scope and size of the BDP and importantly the impact policies GA5 and GA6 will have in Sutton Coldfield a more detailed and comprehensive consultation should have been sought; one which reflected the full range of techniques within the SCI. This would have given residents a more detailed understanding of the policies within the BDP.

It is understood for large infrastructure change projects a 12 week consultation is recommended by the government as a guideline.

6. Consultation Database

An important contact was missing from consultation database.

The Heart of England Trust should have been included in the database. However, only Good Hope hospital is noted as a consultee.

Many of the hospital services provided to Sutton are not just from Good Hope Hospital but are located at the Heartlands hospital which is part of the Heart of England trust. This hospital is 8 miles from where the SUE will be located.

Good Hope hospital is currently in consultation with staff on the possible relocation of other services to Heartlands hospital.

This is just one example of a consultee missing from the database.

I have emailed a copy of the database which was used for the consultation. If the document looks any different to the one you were provided with then it has been tidied up. This document was sent to me on the 18.11.2013 and it is this document which was used to send out requests for input into the local plan.

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Conclusion to Section A

- Any local plan consultation is supposed to provide the public with an early and effective opportunity to express their opinion. Birmingham City Council may be in breach of its obligations if it places hundreds of pages of complicated evidence on its website after public consultation closes.
- Any decision made by the BCC in the creation of the local plan was presumptive and premature as important evidence documents were missing during consultation.
- A local plan is supposed to be based on adequate, up-to-date and relevant evidence. (NPPF paragraph 158)
- During public examination an Inspector will be making his decision on documents where the public have not been consulted.

- The residents of Walmley wished to have fully participated in the consultation process over such an important matter.
- The BCC chose to use the minimum consultation techniques despite the scale of the BDP.
- The consultation asked residents to comment as if they were an Inspector rather than ask them to raise representations (as per planning regulations) about what should be included in the plan.
- The consultation was performed out of obligation with no real intent to engage with the community.

The following are also noted:

- Without any centrally driven guidelines on the techniques for a public consultation then any local plan consultation in England and Wales will be inconsistent between each local authority. There is risk that the consultation process will always therefore driven by a local city councils own agenda of required outcome.
- Within the Inspectors guidelines (point 8) it states "The Examination webpage also has a link to the Evidence Base which contains all the documents that informed the preparation of the Plan". However many of the documents were created after the creation and not during the preparation.
- Within the Project Fields submission a request to discuss the process and my concerns with the BCC has not been acknowledged. This can lead to a number of conclusions but notably that either the submission was not read or there is no real intent to engage with the consultee's to answer my concern.

We are aware a local plan needs to be in place; that there is a housing need which does need to be satisfied: that it is important to ensure the strategic priorities of the city are assessed and addressed.

The BCC however has not taken on board that since 2012 planning is supposed to be about allowing people and communities back into planning. We would have hoped for a more participatory process two way process between the city council and the public. That they would have engaged effectively with the public.

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B. Reference Policies TP28, GA5-6 and TP10.

1. TP28 Housing Trajectory

- In the Green Belt Options consultation in 2012/2013 market capacity was stated as up to 10,000 homes.
- Capacity reduced to 6,000 immediately following this consultation.
- October 2013 pre-submission plan stated market capacity would not exceed 3,500.
- The figure is now quoted as 5,000.

The 3,500 figure has been verified in new documentation but I am now unable to reference this as it is missing from the evidence database. (Refer to my comments in my conclusion to Section A).

The following is noted:

- There has been no narrative to understand the rationale for the 65% change in market capacity on the SUE within only an eight month time frame.
- If the market capacity was not really known it is not clear why we are discussing the need to release the green belt for an urban extension.

2. GA5 Langley SUE, GA6 Peddimore, TP10 Green Belt

- The **87630STRAT3_Overall Approach Paper** says that it is proposed that only 10% of green belt land is to be released. However as Birmingham only has 4070 hectares remaining of Green Belt by releasing 10% (407ha.) we have very little open space remaining within the city.
- In comparison West Midlands has approximately 225,000 hectares of Green Belt remaining. This amounts to Birmingham having only 1.8 % of the available Green Belt in the region and demonstrates the point of urban saturation that Birmingham is at.
- At some point there has to be an agreement that no more Green Belt can be released.

3. The following comments are based on information in the Walmley Local Plan 2002 (revoked 2013) which was not taken into consideration during the preparation of the BDP 2031.

Link for Walmley Local Plan 2002 – <http://www.birmingham.gov.uk/areabased/walmleylap>

- The plan acknowledges that Walmley was already at saturation point in 2002 with respect to housing. The 2002 local plan states "... that Walmley has grown so rapidly that it has reached a saturation point whereby any further significant development will not be sustainable".
- Maps within the Walmley 2002 local plan clearly highlight how much of the protected Green Belt has already been encroached upon to the point where the permanence of what little open space we have has to be just that – permanent.
- Policy TP 12 states that great weight will be given to the conservation of the City's heritage assets. However the BDP 2031 does not refer to the historical buildings and monuments which are documented in the 2002 plan. This important detail should have been included when the land assessments occurred. The information was easily accessible. It is unclear why it was not included.

Conclusion to Section B

As above points 1-3.