



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

The Jewellery Quarter 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 Jewellery Quarter 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 Jewellery Quarter Development Trust Neighbourhood Planning Forum (JQDTNPF) was originally designated in May 2014. Following the expiration of the designation, the JQDTNPF applied to the Council and was formally re-designated in October 2019 under the Neighbourhood Planning (General) Regulations 2012.
- 2.2 The JQ Neighbourhood Forum publicised a draft NP for a pre-submission consultation between July 2020 to September 2020, in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.3 The JQ Neighbourhood Forum formally submitted the NP in May 2022, in line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). 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 25 July 2022 to 15 September 2022
- 2.4 In November 2022, the Council, with the support and agreement of the JQ Neighbourhood Forum, appointed Mr Timothy Jones, barrister at No.5 Chambers, to undertake the Examination on the Jewellery Quarter Neighbourhood Plan. The examination was carried out by written representations based on those received during the Council's statutory (Regulation 16) representation period.

2.5 The examiner's report was received by the Council on the 13th of February 2023. The report concluded that subject to a series of modifications, the JQ 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's report.

3.2 Birmingham City Council has considered each of the recommended modifications in the examiner's report and has decided to accept all the proposed modifications to the draft neighbourhood plan. Appendix 1 of this decision statement sets out the Examiner's modifications.

3.3 The JQ Neighbourhood Plan will therefore be modified in accordance with the modifications in Appendix 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 JQ Neighbourhood Plan 2022-2032, 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 JQ Neighbourhood Plan should proceed to referendum based on the JQ Neighbourhood Area, as designated in October 2019. 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 can be viewed online at: <https://www.birmingham.gov.uk/jqndp>

4.4 Hard copies can be inspected at the following locations:

- St Paul's Church, St Paul's Square, Birmingham B3 1QZ during weekdays 11:00am to 2:00pm, and;
- Birmingham City Council Woodcock Street Offices (reception area), 10 Woodcock Street, Birmingham B7 4BL on the following days: Monday to Thursday: 8:45am to 5:15pm, Friday: 8:45am to 4:15pm.
- The Library of Birmingham, Centenary Square, Broad Street, Birmingham, B1 2ND, Monday to Tuesday: 11am to 7pm and Wednesday to Saturday: 11am to 5pm.

Appendix 1 Examiner's Report - Table of Recommended Modifications

Recommended Modification Number	Page in the Submission Version of Neighbourhood Plan	Recommended Modification	BCC Response
1	<i>Page 21, Map</i>	Replace "Map 1" with "Map 2".	Agreed
2	<i>Page 21, Policy 1(a)</i>	Replace "(e.g. Use Class B, E, F or Sui Generis)" with "(e.g., Use Class B, E, F or a sui generis use that maintains the character of the area)".	Agreed
3	<i>Page 21, Policy 1(a)</i>	Replace "Use Class C shall not constitute the largest use by gross internal floor area" with "new development should be predominantly commercial unless and to the extent it is shown that this is not viable".	Agreed
4	<i>Page 22, column 2, 2nd indent</i>	Replace "historicly" with "historically".	Agreed
5	<i>Pages 32 Map 2</i>	Amend this map so that it is renumbered Map 3 and only (i) 89 to 91 Constitution Hill (ii) 21-25 Barr Street and (iii) 86, 86B and 86a Old Snow Hill are shown as "Building outside the Conservation Area".	Agreed
	<i>Page 33, column 1</i>	Replace "and they are identified in Policy 2(c)" with "some of which identified in Policy 2(c)".	Agreed
	<i>Page 33 column 2</i>	Replace "these buildings and features a degree of protection by identifying them as non-designated heritage assets in Map 8 and listed in Policy 2(c)" with "some of these buildings and features a degree of additional protection".	Agreed
	<i>Page 33 text</i>	Add at the end of the text: "In addition to the non-designated heritage assets for which policy 2(c) provides special protection, there are many other non-designated assets in the area, including (outside the present boundaries of the	Agreed

		Conservation Area: 6 to 11 Mott Street; the former Hampton public house 15-17 Great Hampton Row; the 1950's concrete framed factory with tiled elevations at 30 Smith Street and 123 Hockley Street; the other non-designated buildings in the block formed by Harford Street, Barr Street and Great Hampton Row; and the other pre-1940 buildings in the block bounded by Lionel Street, Old Snow Hill, Water Street and the viaduct. These are protected by national and local policy."	
	<i>Page 33 policy 2(c)</i>	Replace the whole policy with: "POLICY 2(c): Conserving non-designated heritage assets outside the Conservation Area Certain non-designated heritage assets outside the Conservation Area are indicated on Map 2 and are listed below. These contribute positively to the Neighbourhood Plan area and should be conserved in any future development proposals. i. 89 to 91 Constitution Hill; ii. 21-25 Barr Street; iii. iii 86 Old Snow Hill; iv. vi. 86B Old Snow Hill; and v. vii 86a Old Snow Hill."	Agreed
6	<i>Page 34, policy 2(d)</i>	Replace "the requirement of the draft 'Development Management in Birmingham' (2019) document, that "the Gross Internal floor area and Storage area of all dwellings shall meet the nationally described space standard as a minimum" with "the requirement of the Development Management in Birmingham DPD that "All residential development will be required to meet the minimum Nationally Described Space Standards"."	Agreed
7	<i>Page 38, policy 2(g)</i>	Replace "completion" with "occupied".	Agreed
8	<i>Page 39, 1st paragraph</i>	Replace the whole paragraph with: "Major Development is defined by the Town and Country Planning (Development Management Procedure) (England) Order	Agreed

		2015. It includes the provision of 10 or more dwellinghouses, the provision of a building or buildings where the floor space is 1,000 square metres or more or on a site having an area of 1 hectare or more.”	
9	<i>Page 40, policy 2(h)</i>	<p>Replace “50% of the commercial space proposed should be allocated to creative industry businesses” with “a proportion of the commercial space proposed should be allocated to creative industry businesses; the proximity of which to the Creative District should be a consideration”.</p> <p>Replace “in line with Birmingham City Council’s equivalent proportion and rate for residential Major Development [which at the time of publication of this plan translates to 35% of commercial space available at 80% of the market rate]” with “; the proportion of which is linked to the extent of discount against market rates and which is to be agreed with the Local Planning Authority”.</p>	Agreed
10	<i>Page 43, 2nd column</i>	Replace “The Birmingham Transport Plan splits the city centre into cells” with “The Birmingham Transport Plan splits the city centre into segments”.	Agreed
11	<i>Page 44</i>	Replace “Map 2” with “Map 4”.	Agreed
12	<i>Page 46</i>	Replace “Map 3” with “Map 5”.	Agreed
13	<i>Page 48, policy 3(b)</i>	Replace the policy with: “Where practicable and subject to viability, development proposals including, or having a significant impact on, any part of the following sites as shown in Map 5 should include new high-quality public routes.”	Agreed
14	<i>Page 50</i>	<i>Replace “Map 4” with “Map 6”.</i>	Agreed
15	<i>Page 53, 1st paragraph</i>	Replace “historicly” with “historically”.	Agreed
	<i>Page 53</i>	Replace “Map 5” with “Map 7”.	Agreed

16	<i>Page 54, Policy 3(f)(ii)</i>	Replace the whole of (ii) "ii. Making provision in respect of the sites of lost canal arms shown on Map 7 for: i. To the extent practicable, providing publicly-accessible routes along the route of these arms; and/or ii. Indicating the location of the former canal arm in the landscaping of proposed development."	Agreed
17	<i>Page 55</i>	Replace "Map 6" with "Map 8".	Agreed
19	<i>Page 58</i>	Replace Policy 4(b)(i) with "Historic building lines on street frontages are to be maintained and respected, and where they have been lost they should be reinstated where appropriate."	Agreed
19	<i>Page 63, policy 4(e), third line</i>	Replace "in order secure" with "in order to secure".	Agreed
20	<i>Page 63, policy 4(f)</i>	Replace "historicly" with "historically".	Agreed
21	<i>Page 65 policy 4(g)</i>	Replace "Map 5" with "Map 7".	Agreed
22	<i>Page 68 policy 4(g)</i>	Replace "Map 8" with "Map 10".	Agreed
23	<i>Pages 72, Table 1</i>	Add as a final row to the table in column 1 "The Development Management in Birmingham DPD" and in column 2 "Part of Birmingham's Local Plan".	Agreed
24	<i>Appendix A Design in the Jewellery Quarter, page 51</i>	Replace "Other amenities, including major transport infrastructure was introduced" with "Other amenities, including major transport infrastructure had previously been introduced".	Agreed