

BIRMINGHAM CITY COUNCIL

Town and Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004 (as amended)
Localism Act 2011
Town and Country Planning, England Neighbourhood Planning (General)
Regulations 2012 (as amended)

DRAFT BALSALL HEATH NEIGHBOURHOOD DEVELOPMENT PLAN

DECISION STATEMENT

1. Introduction

1.1 Following an independent Examination of the draft Balsall Heath Neighbourhood Development Plan (NDP), Birmingham City Council (BCC) is satisfied that, provided the modifications explained below are made, the draft Neighbourhood Development Plan:

- (i) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and
- (ii) is compatible with the Convention rights (within the meaning of the Human Rights act 1998); and
- (iii) complies with the provision concerning Neighbourhood Development Plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and can now proceed to local referendum.

2. Background

- 2.1 In April 2011, Balsall Heath (part of the Sparkbrook Ward in the Hall Green Constituency), was chosen by the Government as one of the 'First Wave' front runner areas in the country to pilot Neighbourhood Planning.
- 2.2 In 2012 Balsall Heath Neighbourhood Planning Forum formally applied to BCC to be recognised as the legitimate body to prepare a NDP for their area. BCC publicised the application for a 6 week period between the 12th September and 24th October 2012.
- 2.3 A number of representations were submitted on the application, which were considered by BCC; the extent of the proposed Neighbourhood Area was amended to take account of the comments received. BCC was satisfied that the Balsall Heath Neighbourhood Planning Forum met the requirements of the Regulations, and as such, the Balsall Heath Neighbourhood Area and Balsall Heath Neighbourhood Planning Forum were formally designated by the City Council on 12th February 2013.

- 2.4 The draft NDP was prepared by the Forum and consulted upon for 8 weeks from the 20th September to 15th November 2013. Comments received were taken into account and the NDP amended accordingly.
- 2.5 The document was submitted to the City Council in September 2014 for Publication, together with a map identifying the area to which the proposed NDP relates, a Consultation Statement, a Conformity Statement (explaining how the proposed NDP met the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990) and a Sustainability Appraisal.
- 2.6 Satisfied that the matters and requirements (referred to in paragraph 6(2) and 6 (3) of Schedule 4A) of the Town and Country Planning Act 1990 had been met, in accordance with s16 of the Neighbourhood Planning General Regulations 2012, the Council publicised the draft Plan together with the above mentioned supporting documents, for a six week period from 14th October until 25th November 2014.
- 2.7 Following the Publication period and with the agreement of the Forum, Mr Peter Biggers BSc Hons MRTPI was appointed to undertake an independent Examination of the draft Plan. His report was submitted to the City Council for consideration on March 31st 2015.
- 2.8 The report concluded that subject to making minor modifications recommended by himself, the draft Plan met the basic conditions as set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.9 On 7th August 2015, the Cabinet Member for Development, Transport and the Economy, in agreement with Balsall Heath Neighbourhood Planning Forum, agreed with the modifications proposed by the Examiner (including his reasons) and that these modifications should be made to ensure that the draft Plan meets the Basic Conditions of the legislation as well as the other requirements set out at 1.1 above. The attached schedule sets out these modifications and the action to be taken in respect of each of them. The examiner's report was placed on the City's website (and that of the Forum's) for public viewing on the 21st August 2015.
- 2.10 The Council agreed with the Examiner's recommendation that there is no reason to extend the Neighbourhood Area for the purposes of holding the referendum. Therefore, in order to meet the requirements of the Localism Act 2011, it intends to hold a referendum in respect of the draft Plan (as modified) in the Plan area on Thursday 8th October 2015, which poses the question;

'Do you want Birmingham City Council to use the Balsall Heath Neighbourhood Plan to help it decide planning applications in the neighbourhood area?'

The draft Plan is here;

[Balsall Heath Neighbourhood Development Plan 2015 - 2030](#)

Documents relating to the draft Plan can be found below;

[Balsall Heath NDP Application \(Size: 2.27 Mb Type: PDF \)](#)

[Amended Balsall Heath Neighbourhood Area Boundary \(Size: 725 Kb Type: PDF \)](#)

[Submission Letter \(Size: 88.5 Kb Type: PDF \)](#)

[Draft Balsall Heath Neighbourhood Development Plan 2014 - 2031 Submission Document \(Size: 6.16 Mb Type: PDF \)](#)

[Housing Demand \(Size: 23.3 Kb Type: PDF \)](#)

[Consultation Statement and Appendices \(Size: 10.9 Mb Type: PDF \)](#)

[Basic Conditions Statement \(Size: 46.6 Kb Type: PDF \)](#)

[Sustainability Report Final August 2014 \(Size: 5.22 Mb Type: PDF \)](#)

[Examiners report into the draft Balsall Heath Neighbourhood Development Plan March 2015.pdf](#)

[Draft Balsall Heath Neighbourhood Development Plan - Modifications Schedule.pdf](#)

[Draft dBalsall Heath Neighbourhood Development Plan showing agreed modifications.pdf](#)

Copies of this Decision Statement, the Balsall Heath Neighbourhood Development Plan (and its supporting documents), are available to view on the Council's web site at www.birmingham.gov.uk/balsallheathndp

The information can also be viewed on the website at Balsall Heath Forum at

<https://sites.google.com/site/balsallheathplan/home>

Hard copies of the same can be inspected at the following locations;

- Dept Planning and Regeneration, 1, Lancaster Circus, Queensway, Birmingham, B4 7DJ
- Balsall Heath Library, Moseley Rd, Balsall Heath Bx