



PINS NOTE 08/2016

To: All Inspectors, All Examining Inspectors.

Relevancy: Planning casework.

Date of Issue: 28 November 2016

Birmingham Development Plan – Withdrawal of the Holding Direction

Action

1. On 24 November 2016 the Planning Minister Gavin Barwell sent a [letter](#) to Birmingham City Council confirming that he supports the conclusions of the Inspector and that the holding direction in relation to the Birmingham Development Plan has been withdrawn. The effect of this letter is that the Council may now proceed to adopt the plan. Birmingham City Council's website states that the plan is likely to be adopted in early 2017 (see link above).
2. Under NPPF paragraph 216 decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the Framework. In respect of these tests the withdrawal of the holding direction may alter the weight to be given to the emerging policies, therefore for reasons of natural justice the views of the parties may need to be sought. Inspectors will need to make an informed judgement on a case by case basis.

Background

3. On 29 April 2016 the Rt Hon Andrew Mitchell MP requested that the Birmingham Development Plan be called-in, due to concerns about a proposal for 6,000 new homes on Green Belt land.
4. On 26 May 2016 the SoS exercised his powers under s21A of the Planning and Compulsory Purchase Act 2004 (inserted by s145(5) of the Housing and Planning Act 2016, to direct Birmingham City Council not to take any step in connection with the adoption of the plan.
5. In the recent letter of 24 November 2016 the SoS finds that there are no grounds to differ from the approach taken by the Inspector

appointed to examine the plan. The view was taken that the release of Green Belt land is justified by the "exceptional possibly unique scale of unmet need in the city", and that he is satisfied that the plan is consistent with the NPPF.

Contacts for further information

6. Please contact XXXX if you have any general queries on this Note.
7. Contact the relevant Group Manager for advice on individual cases potentially affected.