

Solihull Metropolitan Borough Council

by email to: psp@solihull.gov.uk

Jeanette McGarry

The Berkswell Windmill
Windmill Lane
Balsall Common CV7 7GY
14th March 2019

Dear Madam/Sir,

Objection to the allocation of site 3, Windmill Lane, Balsall Common

I wish to register my objection to the on-going proposal, in the Draft Local Plan, to build 220 housing units on the greenbelt, greenfield land between Windmill Lane and the Kenilworth Road in Balsall Common known as Site 3.

I understand that the Council has recently decided, in line with government policy, to develop **three brownfield** sites in Balsall Common at Wootton Green Lane, Lavender Hall Farm and Pheasant Oak farm. **These sites were suggested by residents to the council as alternatives to site 3 (and also site 2, Frog Lane) in the last consultation in 2017.** However, rather than developing these sites instead of the greenfield sites, they are to be developed in addition. Our village of circa 3900 homes is now expected to grow by a further 1755, 460 coming from the brownfield sites. In contrast, **other settlements within the borough are seeing a big reduction** in the proposed housing numbers (South Shirley and Dickins Heath) and **Dorridge has not been allocated any housing sites at all. This does not seem to be a fair distribution, particularly with our village also having to deal with the disruption of HS2.** The council would appear to be paying lip service to residents' concerns and efforts to assist in finding alternative sites to build on.

To manage any significant expansion of the village needs careful planning, in terms of schooling, traffic, housing sites and amenities, alongside HS2. There is no timing plan within the Draft Local Plan to give residents the confidence that any growth will be managed. The primary school is already full at 4 form-entry. There is no capacity to take any more children until a new school is built. **Public transport is inadequate with infrequent bus services and there are only 2 trains every hour during peak times, so people depend on their cars.** As yet, there has been **no assessment done of the Highways to ensure the road network can cope**, at least until such time that the

bypass is built. The Kenilworth Road, in particular, has long queues of traffic at peak times. All this affects the air quality in our village and the health of the residents. Given that many of the proposed sites are in open countryside, it is also worrying **that no Ecological Assessments have been made available to the public.** I understand that there is a proposal to **build a new settlement to the north of Balsall Common and I would urge the council to seriously look at that as an alternative** to imposing any significant level of new housing on Balsall Common, a village which is already clearly “bursting at the seams”.

Turning to site 3 itself, this is a greenfield, greenbelt site in the Meriden Gap. Mayor Andy Street and Leader of the Council, Bob Sleight, have both pledged to protect this precious area. The development of site 3 would create the narrowest gap yet so, as residents, we do not understand why the site is being included. **The council has also assessed the sustainability of the Site 3 and it scores very poorly (9 negatives and only 2 positives),** not least because it stretches so far out from the village boundary that you would need to drive to the village shops, the medical centre, the train station and the primary school. Just because there are two housing estates now built in the vicinity should not provide a “shoo-in” to build on the rest.

The area is rich in wildlife –shrews, barn owls, tawny owls, swallows, dunnocks, song thrushes, long-tailed tits, great tits, blue tits, chaff chaffs, pheasants, grouse, rabbits, bull finches, woodpeckers, muntjac deer, hawks, badgers, hedgehogs, numerous insects, bats, frogs, toads, smooth newts, and the protected Great Crested Newts, to name but a few. As there are **no plans to include nature reserves-** unlike the other two greenfield sites at Frog Lane and Barrett’s Farm, the habitat and feeding grounds for these creatures will be destroyed. There is also the danger of **light pollution** from street lights having a detrimental effect on nocturnal creatures. Although there are areas protected for the newts, these are to be crossed over by roads, clearly putting the lives of the newts at risk and the mitigating proposals **do not meet agreed essential practice.** Two ponds- one at either end of the newt tunnels are required. The DLP does not include this!

Furthermore, **the only additional access point onto the road network will be onto Windmill Lane opposite Hob Lane.** Otherwise new residents will be expected to access their homes through the Meer Stones Road estate. This means that drivers from 280 dwellings (including Meer Stones Road residents) will be trying to access the road network from two points, one of which is the busy Kenilworth Road and the other Windmill Lane. **This lane is already turning into a fast “rat run” as drivers try to avoid the congestion in the village. This is not sustainable.**

Last, but by no means least, there is the **significant and irreversible harm that development in this area would have on the magnificent Grade II* Listed Berkswell Windmill** opposite. This is an historic monument of local, regional,

national and international significance and is part of our heritage which attracts many visitors into the area. Not only will building houses nearby harm the setting of this unique tower mill, but also the wind flow will be interfered with, which will stop the sails from turning. Given that this is one of the few remaining functional mills in the country, this would be an absolute travesty. This is a magnificent and iconic landmark, the heritage of which must be respected and preserved for generations to come.

All these are reasons to remove site 3 from the plan, but there is also the impact this site would have on current residents to consider. Although low density housing is proposed in some areas next to current properties, in other parts medium density housing is proposed with **no “green buffer”** to preserve any of the visual amenity currently enjoyed by residents. This is not respecting the local character of housing in this locality nor the people who currently live there.

Crest Nicholson have finally released the results of the traffic survey taken Nov/Dec 2018.

This demonstrates that the mitigation measures put in place under the section 106 agreement for sites 22 and 23 (and adjacent to Site 3) have not achieved the required targets of 30 mph at the point of Drovers Close, and 35mph at Meer Stones Road (which is within the 30 mph speed limit).

The latter is particularly relevant to Site 3 as this is one of the two exits proposed for that site. Notwithstanding the basic **computational errors** in the report, the mean speed for northbound traffic at this location has increased to 35.8mph and for southbound it is 35.3mph. As such, **the concerns raised by the police during the last Local Plan review have not been resolved.**

Furthermore, the Crest Nicholson report clearly states that: "Any additional measure would be unlikely to provide any further benefit towards reducing vehicle speeds."

In conclusion:

- 1) **The speed mitigation measures have not worked**
- 2) There is nothing more that can be done to address this
- 3) The MEAN speed around the Meer Stones Road access, which will be used by Site 3 residents, is over 35mph in both directions

As such, the only possible mitigation for this issue would potentially be the construction of the bypass. It is assumed that any developer for site 3 would be expected to make a substantive contribution to this. The phasing of this site would need to be after the construction of any bypass, although there are clearly other issues which render the allocation of this site as being unsound regardless of this particular concern.

It must also be noted that, as yet, there has **been no rigorous assessment undertaken to demonstrate the need for a bypass, nor indeed the route for**

any such bypass. This would indicate that the proposal to build a bypass, and the route it should take, has been **pre-determined**, as no supporting evidence has been provided.

One of the deciding factors for the allocation of greenbelt sites are the defensible boundaries, in the case of site 3, presumably the Kenilworth Road and Windmill Lane. Given that, in the same Draft Local Plan, it is proposed that the greenbelt land to the east of Windmill Lane, up to the proposed bypass line (still unproven), is removed, this negates the argument that Windmill Lane is a defensible boundary. As such, **the site does not comply with NPPF para. 139 f).**

With regards to the concept plan, research just published into roads crossing Great Crested Newt protected habitats concludes that, for in order for this to work, tunnels need to be constructed under the roads and aquatic habitats (ie **ponds**) **need to be created either side of such roads. There is no indication that this has been factored into the concept plans** and a substantive area of land will need to be made available for this, rendering yet more of this greenbelt, greenfield site as being undevelopable.

Please refer to the recently published paper in the *European Journal of Wildlife Research* **26/2/2019**

The Ecological Assessments for sites 1 and 2 in Balsall Common are similar to site 3, although there are **no designated Local Wildlife Sites**, there are **areas marked where development should be avoided**. On the concept plans for sites 1 and 2, nature reserves have been indicated for these areas accordingly. **On site 3, there are none. There is no explanation for this inconsistency in approach.** The **NPPF para. 174 a)** requires that plans should: "Identify, map and safeguard components of local wildlife-rich habitats." As such, **this is in breach of the NPPF.**

With regards to the newly proposed Site Selection methodology, my comments regarding Step 2 are as follows:

a) Few of the factors defined are absolutes. Whereas "defensible boundaries" are, factors such as "accessibility", "hard constraints" and "Sustainability" are subjective and need quantifiable measures, in the same way that the SHELAA assessment is quantified and hence categorised. Moreover, certain aspects within the SHELAA are weighted, which would be appropriate for certainly the Sustainability Appraisal aspects and possibly also the Accessibility criteria.

b) There is **no consideration given to any assessment for the Highways**

With regards to the evidence base in general:

There are **inconsistencies between the SHELAA and Sustainability Appraisals**, in terms of how biodiversity; agricultural land; heritage; flood risk and amenity are assessed. There are also inconsistencies between the Atkins Accessibility Study and the Sustainability

Appraisal in terms of how accessibility to healthcare and public transport are assessed. This lack of consistency must call into question the validity of the conclusions drawn. There are still issues with the accuracy of the raw data, especially regarding accessibility.

With regards to **Site 3 specifically, the SHELAA scoring is wrong, the Sustainability Appraisal is wrong, the Accessibility Study scores are wrong and the Greenbelt scoring is wrong. As such, the basis for the site allocation is not justified.**

Moreover, based on the recent housing estates, the ground conditions are such that these new homes would require **pile driving**. The impact of the relentless noise and vibrations from this building process on residents is indescribable. It is impossible to work from home, which many of us do and not always out of choice. Such invasive work in the vicinity of the **Berkswell Windmill also risks causing long-term damage to this historic monument as well as disrupting the numerous species of local wildlife**. This, in itself, should be justification for not developing site 3, or indeed any site with similar ground conditions. Balsall Common residents will be under significant stress from the impact of HS2 construction as well as housing development, not least with the never-ending temporary traffic lights and road closures. We should not be expected to have to deal with this noise as well.

A number of **experts and specialist organisations have written to Solihull Metropolitan Borough Council to object to Site 3 as they are extremely concerned about the impact of any such development will have upon Berkswell Windmill**. Those individuals and organisations include:

- Nick Reading, Secretary of the West Midlands Architects Conservation Group
- TIMS – The International Molinological Society
- SPAB-Mills Section- The Society for the Protection of Ancient Buildings (founded by William Morris)
- The Midlands Mill Group
- Historic England
- John Boucher: Nationally renowned Windmill expert and Millwright and Engineer who restored the Berskwell Windmill in 1972 and project-managed its restoration in 2011.
- Johan Van Der Stelt: Dutch Millwright and Miller at Berkswell Windmill

The setting of the Grade II* listed mill, (referred incorrectly within the DLP as a Grade II historic monument and not Grade II* listed building) with its open aspect, will be adversely affected by intrusions into this open space. Development close to the mill will also adversely affect the power of the wind which is essential to the efficient turning of the sails.

The windmill was built in 1826, and like many similar mills it fell into disrepair in the C20. Unlike many others, it survived and I bought it in 2004. With the help of Heritage Lottery Fund and English Heritage grants, I completed a meticulous repair of its brick walls, internal structure, sails and corn-grinding machinery. **It is now the most complete surviving, working example of a West Midlands Tower Mill.**

It is vitally important to retain historic buildings and their setting, and I therefore wish to object strongly to development in this case, which will affect such a setting.

Berkswell Windmill is listed Grade II*, a category described by Historic England as ‘particularly important buildings of more than special interest’ and reserved for just 5.5% of listed buildings. The windmill is described in the list entry as ‘the most complete example of a west midlands tower mill’. It is an irreplaceable resource, a rare surviving example of the local style of tower mill retaining all of its internal machinery. Following a recent period of extensive repairs – a substantial share of which were publically funded – the mill has successfully been returned to full working order.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that: ‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting [...]’

The NPPF (paragraph 126) enjoins local authorities to recognise that designated heritage assets are irreplaceable resources and to conserve them in a manner appropriate to their significance. **Paragraph 132 states:**

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional.**’

NPPF issued Feb 2019.para. 194 (p55) also strengthens the protection of Heritage Assets.

In addition to concerns about the likely visual impact of development on the setting of Berkswell Windmill, I am seriously concerned that development on the scale indicated in the Plan could damage the Mill’s ability to function in the future. The current capacity to turn

the sails will be reduced by the construction of new buildings, which would diminish the wind strength to the extent that the sails would be impossible to turn. This is because new buildings positioned in the path of the oncoming wind, even those set some distance from the mill, create turbulence which can deflect the wind away from it. This reduces the amount of power the windmill's sails can develop.

If a designated heritage asset of the highest significance, recently returned to full working order at major public expense, should be made to become no longer operable as a consequence of development, then that development must be regarded as causing substantial harm to the heritage asset. As such, approval for such development would need to be wholly exceptional.

I therefore hope that full consideration be given to the likely harmful impact that development would have on this Grade II* listed windmill as a working mill, and on its setting.

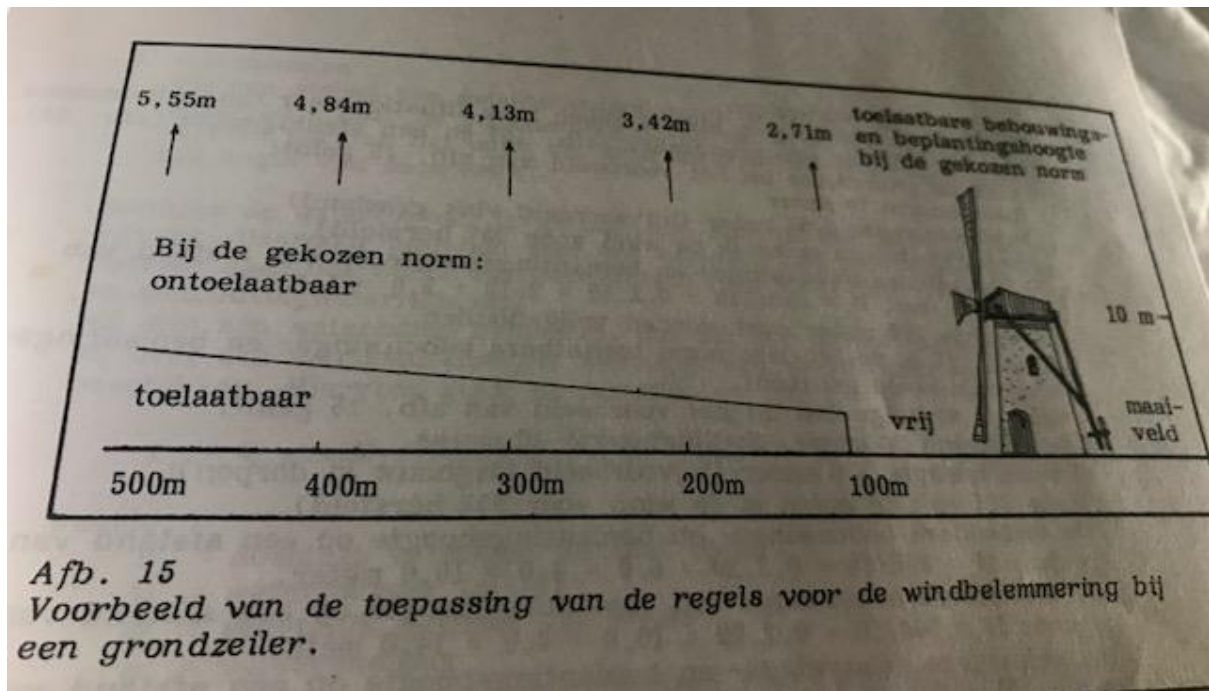
Dutch Millwright Johan Van Der Stelt and Miller at Berkswell Windmill has explained that **a reduction in wind speed from any transformation of the land surface from open to closed** as defined by the highly authoritative Dutch textbook for Millwrights :

'De Inrichting Van de Omgeving Van Molens'

Herengracht 476, 1017CB Amsterdam, telefoon 020-238703,

would result in at least 75% reduction in wind speed.

The book explains ***that for a mill like Berkswell Mill where the sails reach to the ground, any obstruction within half a mile of the mill reduces the wind speed to the mill significantly*** and an even bigger clear area is recommended. Further, a development such as Site 3 would not only stop the sails from turning but would also cause turbulence.



The above diagram (from the above-mentioned book) shows how devastating buildings nearby can be to a windmill. It illustrates the impact of the height and distance that buildings will have upon the ability of a Windmill such as Berkswell Windmill to operate and therefore the impact upon the ability of the sails to turn. Essentially, the building of flats and houses on **Site 3 will interfere with the wind flow and the sails will not turn.** This will render this working Grade II* Mill useless.

I also note that **the concept plan significantly underestimates the impact of the windmill and its setting.** It seeks to limit the impact of this Grade II* monument of national importance given its status as a working windmill which has been restored at great public expense. The site analysis, within the concept plans, shows that it's "setting" and visual impact restricted to Windmill Lane. **That is clearly not the case. I note that a higher visual impact is awarded to Barratt's Farm House and Pool Orchard.** Despite being significantly lower buildings and not as rare as working windmills, these two buildings are shown as having a far greater "setting".

Shown below are photographic views of the Windmill from the Kenilworth Road, Hob Lane and the footpath to the south-east of the windmill (M184)

The setting of the Mill from Hob Lane - grid reference 250 761



The setting of the Mill from the south east from footpath (insert) grid reference 254 756 (path M184)



The Windmill from the Kenilworth Road grid ref 246 756

I am extremely concerned that SMBC have failed to engage properly with me, the keeper of the windmill, on the issues of setting relating to the free flow of wind necessary to maintain the safe operation of this historic monument. The planning specialist sent to look at the windmill on March 1st 2019 **(after the publication of the draft plan)** to assess the windmill had **no expertise in windmills** and asserted initially that the windmill was driven by a diesel motor. There is no such motor in the windmill. I had organised for experts to be available for the planning consultant's visit but they were unable to engage in a meaningful technical discussion because of the lack of expertise in the contract consultant. **I urge that a suitable and sufficient examination of this important heritage asset is undertaken, including the potential impact upon wind flow, before any further work is undertaken**

on the site suitability for inclusion in the Local Plan let alone work on a concept plan.

I trust that all these concerns will be given serious consideration and Site 3 will be removed from the DLP prior to the final draft submission plan being formulated.

In summary, I would urge that the council take note of this response and **remove Site 3 from the Draft Local Plan.** I understand the need for social and affordable

housing and as such, residents offered up a number of brownfield Sites within the Village of Balsall Common. But Solihull Council have since included 3 of these brown field sites and have not removed Site 3! These sites were in keeping with Mayor Andy Street's and cllr Bob Sleigh, Leader of Solihull Council's commitment to building on Brown Field sites instead of green belt and green green fields. There is no doubt, based on SMBC's criteria, that the site is neither sustainable nor accessible. Further, building on Site 3 will cause the Grade II* Listed Berkswell Windmill's sails to stop turning!

Given the number of housing units available on the brownfield sites, it is unnecessary and incomprehensible as to why the site has not been taken out already. There is no need to build here.

Yours faithfully,
Jeanette McGarry