
Solihull Draft Local Plan Supplementary Consultation

Representations on behalf of Schools of King Edward VI in Birmingham

Land at Widney Manor Road, Solihull (Site 111)

March 2019

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1. Introduction

- 1.1 Avison Young is instructed by The Schools of King Edward VI in Birmingham ('SKE') to submit representations to Solihull Metropolitan Borough Council ('SMBC') in respect of the Solihull Local Plan Review 'Draft Local Plan Supplementary Consultation' exercise. SMBC is carrying out its consultation as part of its preparation of the Solihull Local Plan Review.
- 1.2 Our representations are made on behalf of SKE in respect of a parcel of land at Widney Manor Road, Solihull. A site location plan is included at **Appendix I**. The site is currently located in the Green Belt and extends to some 3.9 hectares. It forms part of a wider land-holding of circa 75 hectares, which is controlled by SKE. The site has been assessed through SMBC's 'Call for Sites' process and has been ascribed the number 111. We consider the conclusions that the Council has reached in respect of the site in later sections of the report.
- 1.3 In addition to responding to the 'Call for Sites' exercise, we also submitted representations on behalf of SKE to the Draft Local Plan consultation in February 2017. That was followed by the submission of a Visioning Document to the Council in September 2017. The purpose of the Visioning Document was to assess the development potential of the site, with reference to its location relative to the urban area, its location in the Green Belt and any on-site constraints. The Visioning Document included an indicative layout showing in the region of 50 dwellings. However, as a consequence of work that our Client has continued to undertake since 2017, it is now able to promote a greater number of dwellings on the site. We expand on this more detail throughout these submissions.
- 1.4 The Council has stated that the purpose of the current Supplementary Consultation is to:-
- provide an update on Local Housing Need following the introduction into the NPPF of the Standard Method, and following the Technical Consultation on updates to planning policy and guidance (October 2018) which led to the publication of the NPPF (2019);
 - assess the 70+ additional Call for Sites submission that Solihull MBC has received following the publication of the Draft Local Plan in 2016;
 - refine the site selection process for assessing which sites should be included in the plan and reassess all sites (circa. 430) to ensure that the preferred sites are the most appropriate when considered against the spatial strategy, and existing/new or updated evidence; and
 - publish the concept masterplans for principal allocations.
- 1.5 As set out in the following representations, SKE concludes that, if the Council proceeds to publish the Submission version of the Local Plan without change to the housing policies and proposals as they are set out in the Supplementary Consultation document, the subsequent Examination will find the Draft Plan to be unsound. SKE concludes, for reasons that shall be explained throughout this submission, that Site 111 should be allocated for development as part of a package of amendments needed to ensure compliance with the tests of soundness.
- 1.6 With these introductory points in mind, these representations seek to answer the following questions which are posed in the DLP Supplementary Consultation document:-

- Question 1 – exceptional circumstances;
- Question 2 – site selection; and
- Question 39 – red sites

2. Question 1 – Standard Method / Exceptional Circumstances

Do you believe that there are exceptional circumstances that would justify the Council using an alternative approach, if so what are the exceptional circumstances and what should the alternative approach be?

- 2.1 The NPPF, the most recent version of which was published in 2019, confirms at Paragraph 60 that “to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflect current and future demographic trends and market signals.”
- 2.2 This is supplemented by the relevant section of the Planning Practice Guidance, “Housing and Economic Needs Assessment”, which confirms that the Standard Method “uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply”.
- 2.3 Government consulted on a number of potential changes to the Standard Method following the publication of the 2016 Household Projections. As a result of the consultation, Government has confirmed that the use of the 2014 Household Projections is the most appropriate approach for the time being. It has also confirmed that the Standard Method does not represent a mandatory target for local authorities to plan for, but is to be treated as the starting point for the planning process.
- 2.4 SMBC has applied the Standard Method, utilising the 2014 Household Projections, and has found its local housing need to be 767 dwelling per annum, equivalent to 13,039 dwellings across the Plan period (assuming that were to be confirmed as 2018-2035). This approach is consistent with the NPPF.
- 2.5 Notwithstanding this, Government has set out its intention to review the Standard Method within the next 18 months (i.e. by August 2020) with a view to establishing “a new approach that balances the need for clarity, simplicity and transparency for local communities with the Government’s aspirations for the housing market”. This will need to be monitored as the preparation of the Plan progresses, since any future changes to national policy may require further work to determine the minimum local housing need for the Borough.

Unmet Need

- 2.6 SKE notes that the Council has maintained a reference to accommodating 2,000 dwellings within the Borough as a proportion of the unmet need that arises across the wider Housing Market Area (HMA). Adding this to the Local Housing Need figure increases the number of dwellings to be provided to 885 per annum, or 15,039 dwellings over the plan period.
- 2.7 The Council has said that, “the potential for this [i.e. a contribution of 2,000 dwellings] to be revised as part of the Submission Draft (to be published in summer 2019) remains”.
- 2.8 This is in the context of an acknowledgement from the Council that, “there is a clear expectation from other HMA authorities (and other interested parties) that (a) there is no clear justification why 2,000 was chosen as

the figure Solihull would make towards the HMA shortfall and (b) there is opportunity to make greater provision".

- 2.9 Our Client agrees that there is no justification for the figure of 2,000 dwellings. Although the Council has not sought views on this number as part of the supplementary consultation, our Client believes that the matter is of sufficient significance that it warrants commentary as part of this submission.
- 2.10 With that in mind, our Client is of the view that the Council must set out clearly the evidence that supports the adoption of 2,000 as the figure for contributing towards 'unmet need'. Moreover, the Council should provide the opportunity for that evidence to be scrutinised by all those with an interest in the Plan. It is assumed that the Greater Birmingham HMA Strategic Growth Study will be part of the Council's evidence base in this regard, in which case the Council will need to clearly set out the assumptions that it relies upon for determining the scale of unmet need across the HMA, and the basis on which it establishes its proposed contribution to the overall shortfall.
- 2.11 When thoroughly assessed, the overall shortfall may increase, which may have a bearing on the Local Housing Need figure of 885 dwellings per annum that the Council has proposed for the purpose of this consultation. That would have implications for the amount of land to be allocated for housing (see our detailed commentary on this in the next Section). We note this given that the strategy in the Consultation Document includes no flexibility to accommodate such an adjustment.
- 2.12 Overall, if the Pre-Submission version of the Plan continues to promote a contribution of 2,000 dwellings towards the HMA shortfall, without any evidence to underpin it, then there will be a very significant risk of the Plan being unsound.

Need for Safeguarded Land

- 2.13 It is generally acknowledged that, because of the constrained nature of the Borough, SMBC is required to release land from the Green Belt in order to meet its Housing Need. Paragraph 139 of the NPPF says that when setting Green Belt boundaries, local planning authorities should pay regard to six points.
- 2.14 Amongst other things, part (e) of Paragraph 139 says that LPAs must *"be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period"*.
- 2.15 Linked to that, part (c) of Paragraph 139 says that local plans should,
- "where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period"*.
- 2.16 Read together, it is evident that the NPPF promotes the identification and inclusion of safeguarded land so as to ensure that Green Belt boundaries can endure beyond the end of the plan period.
- 2.17 Despite this, SMBC has not sought to identify or include any areas of safeguarded land to accommodate longer term growth. Whilst the term *"well beyond"* the plan period is not be defined in the NPPF, and may be for debate having regard to local circumstances, a reasonable conclusion, in our view, is that it should be a minimum of five years. Indeed, in an authority which is significantly constrained by Green Belt, (and which applies to Solihull), a robust approach, we think, would be to identify safeguarded land for ten years beyond the end of the plan period.

- 2.18 If this is calculated on the basis of the currently identified Local Housing Need, then it would oblige SMBC to identify sufficient safeguarded land to accommodate 3,835 dwellings, for a five year period, or 7,670 dwellings for a ten year period. Of course, that excludes any allowance for meeting unmet need in the HMA. Even so, any figure derived from the Standard Method would suggest a need for a substantial allocation of safeguarded land, and that would only be increased once an allowance is made for land required to meet any shortfall from the HMA. Setting the boundaries with confidence depends, of course, on clarity in relation to the proportion, and amount, of unmet HMA need to be accommodated in the Borough.
- 2.19 In the light of the above, our Client concludes that, if the Submission version of the Plan continues to be silent in relation to safeguarding, then it will not be consistent with the NPPF, and would, as a consequence, be unsound. That can be remedied by identifying a supply of safeguarded land so as to secure Green Belt boundaries well beyond the plan period. Decisions on the location of the safeguarded land must be evidence-based and related to an assessment of the performance of land against Green Belt purposes.

Summary

- 2.20 Whilst our Client is of the view that SMBC has applied the Standard Method in accordance with the NPPF, the housing target for the Borough that is ultimately proposed at Pre-Submission stage must include: i) an evidenced, justified contribution to the unmet needs arising within the HMA; and ii) an allowance for the safeguarded land so that Green Belt boundaries can endure beyond the plan period in accordance with the NPPF.

3. Question 2 – Site Selection Methodology

Do you agree with the methodology of the site selection process, if not why not and what alternative/amendment would you suggest?

- 3.1 The short answer to this question is 'no'. The deficiencies stem firstly from a flawed approach to calculating housing supply over the plan period, and then from an approach to reviewing potential housing sites that is beset by weaknesses. We consider each of these matters in turn.

Housing Land Supply Position

- 3.2 We have reviewed the Housing Supply Table included at Page 13 of the Supplementary Consultation document. We have been advised by Officers that further evidence supporting the Housing Supply Table is not yet available for scrutiny. It is understood that the Council will publish this evidence once the period for the Supplementary Consultation has been closed. This is wholly unacceptable as, without that evidence, it is not possible to understand the assumptions that have been adopted, or to apply any proper level of scrutiny. The Council must make the background evidence available as soon as possible, and certainly well in advance of the Pre-Submission version of the Plan being published for consultation.
- 3.3 Similarly, our Client also notes that a housing delivery trajectory has not been published, nor have sites been allocated into phases. One assumes that this may be a consequence of on-going work on individual site masterplanning, but it is essential that this information be made available prior to the Pre-Submission of the plan, so that SMBC can demonstrate that the Plan is deliverable and therefore effective.

In the context of these points, we reproduce the Housing Supply Table below. We then offer our comments on its contents. We reserve the right to revise our conclusions and comment further once the Council publishes the background information referred to above.

Source	Estimated Capacity
1. Sites with planning permission (started)	1,106
2. Sites with planning permission (not started)	2,199
3. Sites identified in land availability assessments	364
4. Sites identified in the brownfield land register (BLR)	200
5. Solihull Local Plan allocations without planning permission at 1 st April 2018	1,236
6. Less a 10% to sites with planning permission (not started), sites identified in land availability assessments and SLP sites	-400
7. Windfall housing land supply (2018-2033)	2,250
8. UK Central Hub Area	2,500
9. Allocated Sites	6,310
Total Estimated Capacity	15,765

Sites with Planning Permission (Started) (Row 1)

- 3.4 The figure of 1,106 is considered a factual position, pending a review of the background information once published by the Council.

Sites with Planning Permission (Not Started) (Row 2)

3.5 The Council must publish detailed evidence of the sites to support this figure at the very latest at Submission stage, otherwise this figure will be subject to challenge, given the potential for unimplemented planning permissions. The Council need to demonstrate that all of the sites with planning permission can be included in this schedule, with reference to the definition of "deliverable" in the NPPF.

Sites Identified in Land Availability Assessments (Row 3)

3.6 As a general point, either these are sites that should be allocated, in which case they should be identified and tested in the normal way, or they are windfalls, because they are sites that are neither allocated, nor have planning permission. Further information is thus required to justify inclusion of these sites without which they should not be included in the Council's supply position.

3.7 In any event, we note that, on Page 87 of the Consultation Document, SMBC has set out a schedule of sites drawn from land availability assessments. These total 204, and not the 364 that is listed in the table in Table 13. This only further raises doubts about the robustness of this line in the table, and emphasises the need for SMBC to publish detailed evidence showing which sites make up the supply, and the justification for their inclusion in the table.

3.8 Either way, our Client is of the view that, currently, the Council has not justified inclusion of this line in the table and so the figure should read 0 rather than 364.

Sites Identified in the Brownfield Land Register (BLR) (Row 4)

3.9 As above, either these are sites that should be allocated, in which case they should be identified and tested in the normal way, or they are windfalls. Our Client also questions whether certain sites should be included on the brownfield land register, particularly those that appear to be agricultural buildings, which as part of a farm, should not be classified as previously developed land. Further information is therefore required to justify inclusion of these sites before our Client can be satisfied that they are a component of a deliverable supply.

Solihull Local Plan Allocations without Permission (2013) (Row 5)

3.10 We note that certain sites which make up this element were anticipated to be delivered in the first five years of the SLP plan period (in other words, in 2013, SMBC said the following sites would be delivered by 2018).

- The Simon Digby (Chelmsley Wood) site was expected to be delivered by 2018 with an allocated capacity of 200 homes. On Page 80 of the SLP is a list of infrastructure requirements that must be provided in order for the site to be delivered. We suspect that these requirements contributed to the failure of the site to be delivered as anticipated by SMBC. If that is right, then SMBC must provide evidence to demonstrate that the infrastructure needed to deliver this site is capable of being implemented.
- Homer Road and Monkspath Hall Road Car Park are two of the 'Town Centre' sites, and together have a capacity of 300 homes. These too were expected to be delivered by 2018, but have not. Again, SMBC must explain why they have not been delivered and demonstrate that those issues which have prevented delivery will not preclude them coming forward over the forthcoming plan period.

- 3.11 If the Council cannot provide the evidence to demonstrate that these sites, allocated 6 years ago with an expectation of delivery in five years, will be delivered in the new plan period, then they should not be included within the sources of supply. To do otherwise would render the Plan unsound at Submission stage. In the absence of that evidence being available now, we conclude that neither can form part of the Council's supply.
- 3.12 As for other SLP sites that are being rolled over, SMBC must demonstrate that they remain capable of delivery within the expected timescales.

Non-Implementation Discount (Row 6)

- 3.13 SMBC should provide evidence to support the use of 10% as a discount allowance, as opposed to any higher figure. More significantly though, the discount is applied to sites identified in Land Availability Assessments, which we consider should be excluded from the supply calculations (on the basis that, if not allocated, they would comprise windfalls).

Windfall Housing Land Supply (Row 7)

- 3.14 The Council is promoting Green Belt releases. It must therefore be satisfied that there are exceptional circumstances justifying such action. To demonstrate exceptional circumstances, the Council must have done all it can to extract capacity from the urban area. In doing so, it must have consequently significantly reduced opportunities for windfalls. That being so, then an allowance for 2,250 windfall dwellings is wholly unrealistic. A robust approach would be to assume zero windfalls.
- 3.15 Even if some windfall allowance is made, this might only comprise those sites identified in Land Availability Assessments or on the Brownfield Land Register, given that they are neither allocations nor sites with permission.

UK Central Hub

- 3.16 The forecast delivery on this site has increased from 1,000 in the DLP consultation document to 2,500 in this Supplementary Consultation document. Our Client is doubtful that 2,500 homes can be relied upon for delivery in the plan period. 2,500 dwellings represents over 15% of Solihull's proposed housing land supply, or c.28% of the total number of dwellings to be delivered on sites proposed for allocation. The potential for this site to deliver major growth is not the issue; our Client's key concern is the ability to deliver 2,500 homes in the plan period given the complexity of this site.
- 3.17 The UK Central Hub Framework Plan has identified potential timeframes for each development phase (The Hub Framework Plan, Issue 2, 21 February 2018, p30). This assumes homes will be delivered in the period 2018 to 2027. Due to the significant lead in times for large scale sites and given the "*complicated land ownership and mix of uses*" (Paragraph 328 of the DLP, January 2019), we suggest that this is optimistic and that it would instead be prudent to allow a longer lead-in time for the construction of the first homes on the site. Avison Young has carried out its own research on the lead-in times associated with the delivery of large, complex sites such as UK Central. Based on this, our judgement is that a lead-in time of 7 years should be assumed.
- 3.18 That being so, then our Client believes that a more robust approach for SMBC to take would be to assume first delivery, at the earliest, in 2028, and that the site could therefore deliver, say, 600 dwellings by 2035.

Bringing all of the above together, our Client concludes that the starting position that the Council should have adopted before considering site allocations is as follows. Importantly, our Client reserves the right to comment further on this once the Council publishes the background information that it ought to have published in support of this consultation.

Source	Estimated Capacity
1. Sites with planning permission (started)	1,106
2. Sites with planning permission (not started)	2,199
3. Sites identified in land availability assessments	0
4. Sites identified in the brownfield land register (BLR)	0
5. Solihull Local Plan allocations without planning permission at 1 st April 2018	736
6. Less a 10% to sites with planning permission (not started) and SLP sites	-294
7. Proposed Housing Target	15,039
8. Proposed Housing Target less rows 1, 2, 3, 4, 5 and 6 (i.e. residual requirement to be met in the Plan review)	11,292

3.19 The proposed allocations identified in the Council's supply table (rows 8 and 9), equate to some 8,810 dwellings. That is significantly below the residual requirement that we say the Council should have identified as its starting point.

3.20 In reality, the deficit is probably even greater, given that:-

- a) for the reasons we have explained, UK Central may reasonably deliver 600 homes by 2035 and not 2,500; and
- b) the housing target ought to be much greater than 15,039, to reflect the contribution that Solihull will almost certainly have to make to meeting unmet needs in the HMA and the need to make an allowance for safeguarded land, which in turn will mean the residual to be dealt with in the Plan review is greater than 11,292.

3.21 Of course, the plan must also "*be sufficiently flexible to adapt to rapid change*" as required by the NPPF and must make provision for development well beyond the plan period. The soundness of the plan is at risk if it is not able to respond to changing circumstances.

3.22 As a consequence of all of the above, the Council must allocate additional sites to enable effective delivery of homes over the proposed plan period.

Approach to Site Selection

Step 1 – Site Hierarchy

3.23 The Consultation Document advises that Step aims to achieve a "balanced approach". This means, in reality, that brownfield sites, accessible sites and lower performing Green Belt sites are 'prioritised' as proposed allocations. This reflects guidance at Paragraph 138 of the NPPF, which states that "*where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport*". Consequently, this general approach is supported by our Client.

- 3.24 Proposed sites have then been afforded a score between 1 and 10 (which refers to a level of priority). The score is based on whether a site is located in the Green Belt (and if it is, how that area of Green Belt was scored in the Solihull Strategic Green Belt Assessment (July 2016)), an assessment of its accessibility and an assessment of 'isolation'. The priority score then informs the application of a 'colour-status' as per the following criteria:-
- Green (Priority score of between 1 and 4) - suitable for allocation in the Plan;
 - Yellow (Priority score of 5) – sites with potential to be allocated in the Plan;
 - Blue (Priority score of 6 or 7) – sites unlikely to be allocated in the Plan; and
 - Red (Priority score of between 8 and 10) – sites which the Council considers unsuitable for allocation in the Plan.
- 3.25 An important observation is that our Client does not disagree with the general approach of providing a colour-status classification to each site.
- 3.26 Sites that comprise 'lower performing Green Belt' are said to generally have a combined score of 5 or less in the Green Belt Assessment (GBA). Our Client's site is located within a refined parcel (RP32) in the GBA that had a combined score of 6 (which SMBC classifies as moderately performing). For reasons that we previously set out in our representations to the DLP consultation, and which we repeat in later sections of this submission, we think this score should be much lower, and which would classify the site as being located in a lower performing section of Green Belt.
- 3.27 The Consultation Document advises that sites that with priority scores of between 1 and 4 (i.e. 'green' sites) should generally be considered suitable for inclusion in the Plan unless there are exceptional reasons why they should not be included. Sites with priority scores of between 8 and 10 (i.e. 'red' sites) should be considered unsuitable for inclusion unless there are exceptional reasons why they should be included.
- 3.28 Sites with priority scores of between 5 and 7 are considered "*to have potential to be included*". A distinction is made between Priority 5 sites and Priority 6 and 7 sites. Priority 5 sites (i.e. 'yellow' sites) are seen as "*potential inclusions*" whereas Priority 6 and 7 (i.e. 'blue' sites) sites are seen as "*unlikely inclusions*".

Step 2 – Refinement Criteria

- 3.29 Step 2 considers sites in relation to other considerations such as site constraints and the spatial strategy. This, says the Council, is to achieve, "*a finer grain analysis*" and is based on planning judgement, rather than the relevant considerations being ascribed some kind of score. The Council uses Step 2 to reach a conclusion on whether a site should be allocated or not. The result is that sites are classified as green, amber or red at the end of Step 2 (where green sites are to be proposed for allocation, amber sites are retained as 'possible' housing sites, although not proposed for allocation and red sites are not contemplated any further). With that in mind, the Council describes the principal purpose of Step 2 as confirming,
- "whether 'potential' allocations (yellow) should be included as green or amber sites in the consultation, and whether 'unlikely' allocations (blue) should be included as amber or red sites in the consultation".*
- 3.30 Importantly, we note that the Council says that the purpose of this step is to confirm whether 'potential' allocations (yellow) should be included as green or amber sites, not as red sites. The 'Summary Illustration of the Site Selection Process' diagram in the consultation document does not, however, correspond with the text as it appears to show that yellow sites may be confirmed as red sites following Step 2. Plainly, that is not

an outcome contemplated in the text that we quoted above. The diagram must therefore be updated to reflect the text, and show that Priority 5 sites will only be assessed to determine whether they are green or amber at the end of Step 2.

- 3.31 The Consultation Document then goes on to set out the ‘refinement’ criteria that will inform the planning judgement to be exercised in Step 2. We have replicated those criteria in the following table for ease of reference.

Factors in Favour	Factors Against
In accordance with the spatial strategy.	Not in accordance with the spatial strategy.
Any hard constraints only affect a small proportion of the site and/or can be mitigated.	Overriding hard constraints that cannot be mitigated.
Site would not breach a strong defensible boundary to the Green Belt.	SHELAA category 3 sites unless demonstrated that concerns can be overcome.
Any identified wider planning gain over and above what would normally be expected.	Site would breach a strong defensible boundary to the Green Belt.
Sites that would use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.	Sites that would not use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.
If finer grain accessibility analysis shows the site (or the part to included) as accessible.	If finer grain accessibility analysis shows the site (or the part to be included) is not accessible.
	If the site is in a landscape character area that has a very low landscape capacity rating.
	If the SA appraisal identifies significant harmful impacts.

- 3.32 It is said that higher performing sites in the hierarchy need to result in more significant harmful impacts if they are to be excluded. In other words, it appears that the balance is tilted, on the assumption that the higher the score in Step 1, then the more significant the ‘factors against’ have to be in order to presume against allocation. The opposite is also true; where sites score poorly in Step 1, the factors in favour need to be more significant in order to outweigh the presumption against allocation. No explanation is given, however, as to how the significance of potentially harmful impacts is to be assessed in the exercise of planning judgement.
- 3.33 Moreover, no guidance is provided on whether factors in favour or against are ranked and/or weighted. This is a significant oversight because, without that, it is not possible to determine what judgements the Council has made in relation to the significance of factors in favour or against and, in turn, it is not at all clear how the individual, or relative, merits of sites are assessed. This is a significant weakness given that Step 2 is used to either include or reject sites for allocation.
- 3.34 We also note that ‘Green Belt boundaries’ are included and that two of the factors in favour (the third and fifth bullet points) and two of the factors against (the third and fourth bullet points) make reference to Green Belt “boundaries”, whereas other factors in relation to the impact on the Green Belt are not included within the table at all. In order for a robust analysis of sites to be carried out, the Council must consider Green Belt issues in totality (i.e. the extent to which individual sites contribute to the purposes of the Green Belt).
- 3.35 Our concerns with the lack of transparency in the Step 2 approach are amplified in our response to Question 39 which asks whether there are any red sites omitted that should be included in the Plan.

4. Question 39 – Red Sites

Are there any red sites omitted which you believe should be included; if so which ones and why?

4.1 Our Client's land at Widney Manor Road (Site 111) should be proposed for allocation in the Plan. It has been categorised as a red site by SMBC. However, our Client contends that this is a consequence of: i) a flawed site selection methodology; and ii) flawed judgements that have been applied in the assessment of Site 111.

4.2 We consider first of all the judgements applied in Step 1, before then considering those matters applicable to Step 2.

Step 1

4.3 SMBC has scored the site as 9 in Step 1. The hierarchy criteria on Page 18 of the Consultation document states that sites which score as 9 are those in a lower or moderately performing Green Belt location and which are isolated.

Isolation

4.4 We disagree firstly that the site is isolated. To be 'isolated', a site must have no relationship with the existing urban area. That is not the case here. The site is bound to the west by Widney Manor Road and the dense urban area which lies beyond. On its northern side, it is bound by existing built development on Lovelace Avenue. To emphasise the point, we draw attention to the conclusion reached by PBA in the SHELAA in 2016. In assessing the suitability of the site, PBA ascribed the highest possible score in terms of suitability of location, saying that it "*within or adjacent to a settlement within the Major Urban Area*". The site is therefore not isolated, contrary to the conclusion reached by SMBC.

Accessibility

4.5 Moreover, the site has good accessibility. The site assessment proforma for the site says that the site has "*medium accessibility*" with reference to the proximity of the site to Widney Manor railway station. However, it fails to mention the proximity to bus stops (although these are referenced in the Accessibility Study text). Furthermore, the accessibility study text says that the site has only medium access to a primary school, whereas the Sustainability Appraisal, prepared by AECOM, correctly says there are significant positive effects likely in terms of primary school access. Therefore, it is apparent that there are inconsistencies in the way SMBC has considered accessibility from the site. Had it weighed up the evidence correctly, then SMBC should have concluded that the site benefits from good accessibility.

4.6 That being so, then this would have been sufficient to classify the site as an accessible location in moderately-performing Green Belt, and which would have led to the site scoring a 6 in Step 1 (and therefore being classified as a blue site).

4.7 However, even that would represent an incorrect score for the site. We say this on the basis that, despite the outcomes of the GBA, the site is not within a moderately-performing Green Belt parcel.

Green Belt

- 4.8 The GBA methodology adopted by its authors, Atkins, sought to assess the existing Green Belt across two distinct categories:-
- a) broad areas; and
 - b) refined parcels.
- 4.9 Atkins assessed land within each category against four of the five purposes of the Green Belt that are established in the NPPF. Those purposes are:-
- i) to check the unrestricted sprawl of large built-up areas;
 - ii) to prevent neighbouring towns merging into one another;
 - iii) to assist in safeguarding the countryside from encroachment; and
 - iv) to preserve the setting and special character of historic towns.
- 4.10 Atkins scored land in each area based upon the extent to which it performed against each purpose. A score of 0 meant it did not perform against the purpose and a score of 3 meant it performed highly against the purpose.
- 4.11 SKE's land at Widney Manor Road falls within refined parcel RP32, which is identified as 'Land to the west of M42 at Brueton Park'.
- 4.12 Land parcel RP32 achieves an overall score of 6. It scored 1 against purposes i) and iii) and 2 against purposes ii) and iv). In other words, the parcel performs no more than moderately against any of the purposes. Indeed, Atkins concludes that the parcel is low performing in checking the unrestricted sprawl of the built-up area and in safeguarding the countryside from encroachment.
- 4.13 In our view, this indicates that the parcel does not make significant contributions to the purposes. However, we conclude that it is expedient to refine this analysis further with reference specifically to SKE's land, rather than the wider 'refined parcel' in which it is located.

Purpose i)

- 4.14 The site is bounded by a small parcel of land on Lovelace Avenue to the north, field boundaries formed by hedgerows to the east and south, and Widney Manor Road to the west.
- 4.15 Furthermore, the River Blythe and M42 are located a short distance beyond the southern boundary, while the urban area of Solihull falls beyond the western boundary. We conclude the form of the existing site boundaries, and the features immediately beyond them, would represent strong defensible boundaries that would prevent unrestricted sprawl. We therefore conclude that, at a site-specific level, very little contribution is made to purpose i) and so a score of 0 (based on Atkins' assessment) would be appropriate.

Purpose ii)

- 4.16 As we have described above, there is a strong defensible boundary formed by the existing field hedge and there are physical boundaries to the south of the site provided by the River Blythe and M42. These features would enable a significant buffer to be maintained between the site and the urban area of Bentley Heath on the south-eastern side of the M42. As a consequence, we conclude that the urban edge of Solihull would remain separated from Bentley Heath and Dorridge. Accordingly, the site makes very little contribution to purpose ii) and so a score of 0 can be ascribed to it.

Purpose iii)

- 4.17 As above, the strong defensible boundaries to the site would ensure that development is contained. Built form on the site would not extend any further south than the existing ribbon development on the western side of Widney Manor Road, and would extend in much less of an easterly direction than the ribbon development on Lovelace Avenue.
- 4.18 As such, while development would result in the extension of the urban area into the countryside, having regard to existing patterns of development, the site would represent a neat 'infill' which would round off the urban edge. We do not think that this is sufficient for the site to score 0 against purpose iii), but a score of 1, consistent with wider parcel RP32, is appropriate.

Purpose iv)

- 4.19 The site is located on the urban edge of the Solihull urban area. There are no historic towns in proximity to it. We therefore conclude that it does not contribute to preserving the setting and special character of such towns. Accordingly, in our view the site should score 0 against this purpose.
- 4.20 On this basis, we conclude that, if the site is assessed in isolation, then an overall score of 1 is achievable. That being so, then it indicates that the site, on its own, makes very little contribution to the purposes of the Green Belt.

Implications for Step 1 Analysis

- 4.21 The corollary of all of the above is that, if properly assessed, the outcome is that the site occupies an accessible location in a low-performing area of Green Belt. That means that the site should have scored 5 and therefore been classed as a yellow site. As we have explained in the previous section, on an application of the text in the Consultation document, this should have meant that the site was then assessed at Stage 2 to determine whether it should be a green or amber site (because that is how the text says yellow sites will be assessed).

Step 2

- 4.22 Had SMBC reached the correct conclusions at Step 1, and scored the site as Priority 5 / yellow, then it should have applied the refinement criteria at Step 2 with the intention of determining whether the site should be green or yellow.

4.23 The site assessment prepared by SMBC makes reference to: i) the categorisation of the site in the SHELAA; ii) landscape value and sensitivity; and iii) the outcomes of the sustainability appraisal undertaken by AECOM. We consider each of these in turn.

SHELAA 2016

4.24 PBA placed the site in Category 3. In doing so, it said that Site 111 "*performs well*" against both availability and achievability criteria. However, PBA said that the site "*faces significant suitability constraints*", a conclusion which is repeated on SMBC's site assessment summary.

4.25 PBA reached that conclusion despite scoring the site in the following way (where 5 is the top (best) score and 0 is the lowest (worst) score:-

Criterion	Score
Access	5
Contaminated land	5
Ground conditions	5
Heritage	5
BMV	4
High pressure gas mains	0
Flood risk	2
Bad neighbour	5
Biodiversity	5
Suitability of location	5

4.26 As can be seen, PBA generally scored the site quite positively. It appears that the conclusion on suitability constraints is a product of the low scores for the gas mains and flood risk (that must be so, given that the site scores 5 in all other regards, save for BMV, where it still scores 4).

4.27 In relation to **flood risk**, PBA scored the site 2 on the basis that, in its view, between 10 and 25% of the site is located in Flood Zone 3. However, as confirmed in the Vision Document which has been prepared in support of our Client's site, that is incorrect. None of the site is in Flood Zone 3. A small area of 0.13 ha (equating to 3% of the site area) is located in Flood Zone 2. The remainder is entirely in Flood Zone 1. Therefore, PBA scored the site incorrectly. Given that the Vision Document confirms that flood risk is not a constraint to development, we conclude that PBA should have scored it as a 5.

- 4.28 In relation to the **gas mains**, our Client has, since 2017, continued to work with Cadent (which has statutory responsibility for the gas mains) and with HSE, to explore whether it may be possible to build to within 15m of the centre line of the pipe. In doing so, our Client commissioned a feasibility report from Andrew Francis and Associates (AFAA), on the recommendation of Cadent, to test the feasibility of building to within 15m of the centre of the pipe, without significant safety risks arising. The AFAA report considered, amongst other things, the construction and condition of the pipe, and the nature of risk-sensitive receptors, and concluded that development to within 15m of the centre line would not pose any adverse risks to human safety. Those conclusions were accepted by Cadent.
- 4.29 Our Client subsequently submitted a pre-application enquiry to the HSE. This was accompanied by the AFAA report and a Parameters Plan showing residential development up to 15m from the centre line of the pipe (and so beyond the 36m stand-off that HSE normally imposes for residential development). The HSE, having considered the information provide, subsequently confirmed that it would not advise against the grant of planning permission were residential development proposed up to 15m from the centre of the piper. The HSE response is at **Appendix II**. The revised Parameters Plan, which shows development of 79 dwellings, is at **Appendix III**.
- 4.30 The consequence of this is that, contrary to the conclusions reached by PBA, the gas mains is not a constraint to development, and, as shown on the revised Parameters Plan, the site is capable of accommodating 79 dwellings. Therefore, we conclude that the site should have been scored as 5 by PBA.
- 4.31 That being so, then the correct scoring in the SHELAA should have been as follows.

Criterion	Score
Access	5
Contaminated land	5
Ground conditions	5
Heritage	5
BMV	4
High pressure gas mains	5
Flood risk	5
Bad neighbour	5
Biodiversity	5
Suitability of location	5

4.32 Had PBA scored the site in this way, then a logical conclusion is that it would not have placed the site in Category 3. It would have found the site to be suitable and, as it has done, available and achievable. A logical conclusion flowing from that is that the site would have been placed into Category 1 by PBA (which are sites capable of delivery in five years).

Landscape Value and Sensitivity

4.33 Another factor raised by the Council is that the site has medium visual sensitivity and that is in a landscape area that has low capacity to change.

4.34 The Vision Document prepared in support of our Client's site explains that, firstly, "*the site is only glimpsed in places when travelling in a southerly direction from Solihull*" and that "*the substantial boundary landscaping provides an effective screen of the site from... the western side of Widney Manor Road*". Moreover, the Vision Document says that although the site can be seen in "*middle distance views*" from the southern side of the M42, it is seen "*in the context of substantial landscaping both along the boundaries of the site and on land between the site and the motorway*".

4.35 All of that being so, then we conclude that the site has better than medium visual sensitivity and that, moreover, the landscape has capacity to accept the change that would arise as a consequence of building houses on the site, because the existing mature landscaping at the boundaries, would continue to act as a screen.

4.36 Therefore, we conclude that SMBC has reached incorrect conclusions in this regard.

Sustainability Appraisal

4.37 SMBC has commissioned AECOM to prepare a Sustainability Appraisal. A full appraisal was first published alongside the DLP. An interim version has published alongside this consultation, although it only looks at specific sites, not including Site 111. Therefore, the relevant analysis for our Client's site continues to be found in 2016 appraisal document.

4.38 We have significant concerns with the way that the site has been scored by AECOM. In particular we raise the following points.

- **Sa4a – Soil** – AECOM scores the site as neutral based on it comprising 'Best and Most Versatile' agricultural land. This is incorrect. The DEFRA Magic Map confirms that the site is Grade 4 agricultural land and is therefore not BMV. Accordingly, AECOM should have scored this positively in line with its own criteria.
- **SA7 – Flood Risk** – AECOM score the site negatively because up to 50% of the site is in either FZ 2 or 3. As we have explained, only 3% of the site is in FZ 2, and the rest is in FZ1. Across a 3.9ha site, 3% of the site area is negligible and will not have any impact on development prospects. Consequently, we conclude that the site should have been scored as neutral in this regard (based on AECOM's criteria).
- **SA12 – Historic Assets** – AECOM's site proforma says there may be a negative impact on the setting of heritage assets. The Vision Document prepared in support of Site 111 confirms that the nearest listed building is 369m away. As a consequence, we anticipate no impact on the setting of assets, and so the site should have been marked as neutral in accordance with AECOM's own criteria.

- **SA19a – Access to Key Economic Assets** – AECOM says that sites within 2.5km of ‘key economic assets’ (i.e. job opportunities) should be scored positively. The site is located circa 2km from the Town Centre, which is directly accessible via Widney Manor Road. The figure of 3.5km quoted by AECOM is incorrect. The site should be scored positively in this regard.
- **SA19 – Access to Supermarket** – there is an error in the scoring here. AECOM say that the site will have a significant negative impact in relation to access to a supermarket. However, the SA says that significant impacts will arise only where a facility is more than 3km away from a site. AECOM’s analysis clearly states that the nearest supermarket to the site is circa 1.3km away. By AECOM’s own scoring system, it should not have been classified as a significant negative impact.

4.39 As a consequence, we conclude that the SA should have scored the site in the following way.

Adjusted SA Scoring for Site 111 (Avison Young Analysis)

SA1: Regeneration and Economic Development	SA2a: Distance to Primary School	SA2b: Distance to Secondary School	SA3a: Proximity to Bus and Train Services	SA3b: Proximity to Road Network	SA4a: Soil	SA4b: Minerals	SA7: Flooding	SA9: Enhance Ecological Sites	SA10: Landscape Sensitivity	SA11: Enhance Green Infrastructure	SA12: Enhance and Protect Historic Assets	SA14: Amenity	SA17a: Distance to Healthcare	SA17b: Access to Leisure Facilities	SA19a: Distance to Key Economic Assets	SA19b: Distance to Convenience Stores or Supermarket
Positive	Positive	Neutral	Positive	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	Neutral	Neutral	Neutral	Neutral	Positive	Positive

4.40 Had it done so, then it is apparent that the effects of development on the site would be as follows:-

- 2 significantly positive effects;
- 3 positive effects;
- 10 neutral effects; and
- 2 negative effects.

4.41 Evidently, on a correct analysis, it can be seen that the site has the potential to deliver 5 positive benefits, of which 2 are significant. This demonstrably outweighs only 2 potential negative effects (neither of which is significant). In all other regards, the site would lead to neutral outcomes.

Implications for Step 2 Analysis

4.42 Starting from the position that the site is Priority 5 / yellow, it is apparent from the above that the following refined criteria should have been applied:-

- the site is suitable, being free of from physical constraints and is achievable and available, and should be a Category 1 SHELAA site;
- the site benefits from substantial landscaped boundaries that would help to screen development and minimise impact on the landscape;
- an appropriate SA assessment demonstrates that there would be no significant harmful impacts arising, but instead there is potential for 2 significant positive impacts, and a further 3 positive impacts;
- the site benefits from strong defensible boundaries and other physical barriers just beyond its southern boundary that would prevent further encroachment; and
- the site is highly accessible by both bus and car.

4.43 Notwithstanding our judgement that Step 2 is flawed because there is no weighting applied to any of the refinement factors our view is that, on any application of planning judgement, the above factors weigh significantly in favour of the site. Put another way, if a scoring system were applied, then we would expect the site to score very positively as a consequence of the above factors. This points overwhelmingly to a conclusion that the site is capable of being developed without any adverse impacts arising. In other words, the evidence leads to a conclusion that the site should be classified as green at the end of Step 2, and proposed for allocation in the Plan as a consequence.

5. Summary

- 5.1 SKE concludes that, while it is correct for SMBC to apply the Standard Method, informed by the 2014 household projections, it would be wholly inappropriate for the Council to continue to assume that its contribution to the unmet need arising in the HMA is 2,000 dwellings without any evidence to underpin this. Indeed, as the Council has acknowledged in the consultation document, there is potential for this contribution to be greater, and we expect that appropriate evidence-based testing will confirm that the contribution should be far more.
- 5.2 Moreover, given the highly constrained nature of the Borough, the Council must, in order to comply with the NPPF, make allowances for safeguarded land in the Green Belt, for at least a ten year period, so as to ensure that Green Belt boundaries can endure.
- 5.3 All of that being so, then the housing target set out in the Pre-Submission version of the Plan must be significantly greater than 15,039. If SMBC perseveres with that as a target, it is at significant risk of the Plan being unsound.
- 5.4 Set against that is that, on our analysis, SMBC has considerably over-estimated its existing supply of homes (i.e. those with commitments etc.) with the consequence being that it has under-estimated the amount for which it needs to make allocations in this Plan. Our analysis demonstrates that SMBC needs to find considerably more land to allocate just to meet the target of 15,039, let alone any increased target that must be proposed in the Pre-Submission version of the Plan.
- 5.5 On that basis, the Council needs to look again at its pool of sites and re-assess them using a methodology that is free from the flaws that we have identified. It also needs to scrutinise its evidence base to ensure that its contents are accurate. If it does both of these things, then, for the reasons we have explained, the outcome ought to be that our Client's site would be scored as 'yellow' in the Step 1 analysis, and then 'green' following Step 2. This means that the site is suitable for allocation. In other words, Site 111 represents a wholly suitable opportunity to allocate additional land and assist SMBC in addressing the shortfall that we describe above. For the reasons we have explained, the work that our Client has undertaken since 2017 has demonstrated that the high-pressure gas mains is not a constraint to development and that the site therefore has an achievable capacity of 79 dwellings. This could make a reasonable contribution to the Council's housing supply over the plan period.

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