

'DRAFT SUBMISSION PLAN REGULATION 19' RESPONSE

SOLIHULL COUNCIL LOCAL PLAN REVIEW

BLUE LAKE ROAD

ON BEHALF OF AMBER REI LIMITED

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Pegasus Group

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1. INTRODUCTION

1.1 Pegasus Group are instructed by Amber REI Limited to prepare representations to the Solihull Local Plan Review Draft Submission Plan (Regulation 19) consultation. The representations made relate to the land known as 'Land off Blue Lake Road', Dorridge (SHELAA site reference 104).

1.2 The representations are framed in the context of the requirements of Local Plans to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF), paragraph 35. For a development plan to be sound it must be:

- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

1.3 These representations also give consideration to the legal and procedural requirements associated with the plan-making process.

2. BACKGROUND

2.1 At the previous Draft Local Plan Supplementary Consultation stage (January 2019), the site selection process categorised sites as either 'Red', 'Amber' or 'Green' to determine whether they should be put forward for allocation.

2.2 Chapter 15 of that consultation stated:

in carrying out this assessment it should be noted that of the sites that have not been included, some nevertheless performed better than others. As part of the supplementary consultation the Council believe it is useful to identify these 'less harmful' sites (that are shown as Amber) so that residents and stakeholders are able to comment on their omission, and whether this is justified.

2.3 Our client's previous representations raised objection to the principle of 'Amber' sites. The 'Amber' sites were not identified as having any particular purpose, other than the Council concluding that if developed they would be 'less harmful' than others, but without any specific action resulting. The whole concept of 'Amber' sites was therefore considered to be flawed.

2.4 Whilst not explicit, the inference in the document was that the 'Amber' sites would be removed from the Green Belt and identified as reserve sites, to be brought forward if other sites could not deliver the amount of development anticipated or if the Local Plan as a whole was found to under-provide for housing. This was not considered to be an appropriate way to set out the Council's vision for development within the Borough up to 2035 (the plan period as proposed at that time).

2.5 It was submitted that the Council should be making specific provision for its development requirements and not including a spurious concept such as the 'Amber' designation within the Local Plan. It was recommended that the 'Amber' designation should be removed from the Local Plan as a concept.

2.6 With regards to the site at Blue Lake Road, the representations stated that this should be retained within the Green Belt, explaining the reasoning behind this. These reasons are reiterated though these current representations.

2.7 The revised approach, which eliminates the concept of the 'Amber' sites is welcomed and supported. It is now clear which sites are, and which are not proposed for allocation, with allocations being shown as 'green' and omissions being

shown as 'red' on the maps contained within the October 2020 Site Selection Paper. This provides the necessary certainty for the plan-making process.

- 2.8 The categorisation of Land at Blue Lake Road as a 'red' site is also supported. Notwithstanding this, however, there are still some anomalies with the scorings as shown in the site selection paper (2020). This is set out in the next chapter.

3. SITE SELECTION PROCESS

- 3.1 The October 2020 Site Selection Paper brings together several assessments which have been undertaken in relation to each site including the Green Belt Assessment and Landscape Character Assessment.
- 3.2 In terms of the methodology that has been utilised for assessing Landscape and Green Belt, this has been considered in the Landscape and Visual Statement and Green Belt Review Paper included at Appendix A.
- 3.3 It is evident, as detailed within the accompanying Landscape and Visual Statement that the methodology utilised in the site selection process has not been applied consistently and robustly across all of the sites that have been put forward.
- 3.4 In reviewing the Council's approach, concern is raised relative to scoring of sites where ribbon development is present. It would appear that the Council 'mark down' sites where ribbon development is present when considering their role in the landscape and Green Belt. However, it is clear that some areas of ribbon development, such as along Grove Road, are distinctly rural in character and should not be marked down in this way. To distinguish between these differing areas requires a detailed site analysis as has been undertaken in Appendix A.
- 3.5 This analysis demonstrates that the approach of the Council in scoring the Blue Lake Road site with a score of 4 is flawed. Following the detailed on-site assessment contained in Appendix A, the site should more appropriately be scored as a 9. This would recognise its role in the Green Belt, landscape and setting of the settlement. This is explored in more detail in the next chapter.

4. LANDSCAPE AND VISUAL APPRAISAL

- 4.1 Pegasus Group prepared a Landscape and Visual Statement which reviews the Green Belt and the landscape and visual character of the site (Appendix A). This has involved a high level of review of the approach taken by the Council on Green Belt matters. In particular it considers how sites have been taken forward through the strategic site selection process and focuses on land to the south of Knowle and east of Dorridge. This assessment is based on the physical consideration of the site following detailed site visits. This would appear to contrast with the approach taken in the Strategic Green Belt Assessment (2016) which would seem to be based upon a two-dimensional, desk-based approach.
- 4.2 The work was undertaken to inform the previous consultation in relation to the selection of 'Amber' sites, however it is still relevant to this current, Regulation 19 consultation and its conclusions still apply.
- 4.3 The approach taken in the appraisal was as follows:
- Firstly, a review of the evidence base documents in respect of Green Belt matters, including consideration of the approach and methodology applied in the Green Belt Assessment (2016) and its robustness. This includes a review as to how this has been carried forward to more recent site assessment work (undertaken in 2019);
 - Secondly, a more detailed review of the appraisal findings in respect of the 'land parcels' or 'assessment sites' that are defined by the evidence base for the land. This stage considers the subjective nature of the appraisal findings; and
 - Thirdly, an appraisal of the proposals to include this part of the landscape as an 'Amber site' (as originally proposed), considered in the context of the constraints, opportunities and landscape character of this part of the landscape and to what degree these would alter any subjective scoring based on consideration of landscape and visual influences.
- 4.4 The Pegasus Landscape and Visual Statement has drawn upon the evidence provided by the Council but also undertaken its own independent assessment of the Blue Lake Road site. It notes the following:

- The site is located within an area that is identified by the Council of medium sensitivity, with valued characteristics and low capacity for development
- The Council's landscape character guidance notes that a large proportion of a character area remains unspoilt and distinctly rural in character
- Detailed fieldwork identifies how elevated parts of the landscape present wider reaching views across a boarder landscape
- Overall the nature of the local landscape character suggests that the environmental and amenity value of the area forms a constraint to development
- Characteristics of preventing unrestricted sprawl and safeguarding the countryside are clearly evident

4.5 In view of the above it is clear that the Council's own evidence base has identified that the site fulfils key Green Belt purposes to check the unrestricted sprawl and safeguarding the countryside.

4.6 In addition Pegasus Group have reviewed the Council's appraisal of the site in the Strategic Green Belt Assessment. As set out in section 3 there are considerable concerns over the Council's approach to weighing sites in the assessment where there is ribbon development present such as Grove Road.

4.7 The review of the Strategic Green Belt Assessment (SGBA) for the site by Pegasus Group has shown that rather than a score of 4 provided by the Council, a more realistic score would be 9. If the Pegasus revised score was utilised then the Blue Lake Road site would not have originally fallen within the 'Amber' categorisation, as in reality the site would have been placed firmly within the Red category. This more realistically reflects the characteristics of the site and would recognise the potential for severe and widespread impacts that would not be outweighed by the benefits.

4.8 As a consequence, the proposal should have been retained within the Green Belt at the initial assessment stage, as set out in Appendix A. It clearly performs an important Green Belt function in checking urban sprawl and safeguarding the countryside. It therefore follows that it should not have been included within the 'Amber' categorisation.

- 4.9 The updated assessment, which places the site into the 'red' category is therefore welcomed and supported. However, it is noted that the assessment scoring in relation to Green Belt and Landscape has not been altered, and so the comments in relation to the details of the technical assessment still stand, as set out at Appendix A.

5. TRANSPORT CONSIDERATIONS

- 5.1 The transport note provided by BWB Consulting identifies that development of both the allocation site at Blue Lake Road Amber site along with the development of the Arden Triangle (which is subject to separate representations) will generate around 500-600 vehicles during peak hour traffic. This level of traffic increase is likely to have implications on the local highway network and will require full assessment and mitigation. The transport note identifies that if the two sites are allocated, a large proportion of generated peak hour traffic will route via Knowle High Street to the M42 and beyond. Knowle High Street is identified as being 6 metres wide and subject to frequent congestion. The High Street has been identified as not being suitable for such increases in traffic.
- 5.2 In addition, as set out in the transport note the level of traffic increase in the location of the Arden Triangle and Amber site will require mitigation. This mitigation inevitably will result in an impact on other considerations including landscape character as a consequence of widening of roads, providing visibility displays and allowing for public transport penetration. All the mitigation required will have a significant impact on the character of the area which is already been identified as being sensitive and which merits retention in the Green Belt. In view of these circumstances, particularly the role that the Blue Lake Road site has in the Green Belt and character of the landscape surrounding Dorridge, there is even less justification for its release from the Green Belt. It would be remiss of the Council to release it from the Green Belt for development, where access constraints are severe and the associated transport mitigation would cause significant harm to landscape character.
- 5.3** In order to provide adequate provision for transport, significant improvements will be required to the road network which will inevitably have adverse consequences on other factors such as landscape character.

6. CONCLUSION

- 6.1 In view of the above, the Council's revised approach to delete the concept of 'Amber' sites is welcomed, as is the categorisation of the site at Blue Lake Road as a 'Red' (omission) site.
- 6.2 Pegasus Group has undertaken a specific analysis of the site at Blue Lake Road. This has demonstrated that the site performs an important Green Belt function in checking the unrestricted sprawl of a large built up areas and safeguarding the countryside from encroachment.
- 6.3 In addition, the Pegasus Landscape and Visual Statement has reassessed the Council's scoring of the site in the SGBA and concluded that it should be scored more highly as 9, which recognises the potential for severe and widespread impacts that would result from development of the site at Blue Lake Road.
- 6.4 In addition, an assessment of the potential development of the site from a transport perspective has also concluded that significant impacts would result from the need to provide for suitable access and this again would compound the harm to what is clearly a sensitive site. In particular the BWB transport note has demonstrated that both access to the site would be difficult due to the nature of surrounding roads, furthermore the improvements which would be required to the local road network would have a very significant impact on the character of the area, resulting in further harm to this sensitive area which has an important role on an edge of Dorridge.
- 6.5 In view of the above it is clear that the Blue Lake Road site is not suitable for allocation and should be retained within the Green Belt. The recognition of this by the Council is welcomed and supported.

APPENDIX A

LANDSCAPE AND VISUAL STATEMENT WITH GREEN BELT REVIEW

APPENDIX B

TRANSPORT NOTE