

Response to Solihull Local Plan Review 2020

PART A: Objection to the proposed allocation of Site BC3 Windmill Lane/ Kenilworth Road Balsall Common



Wendy Wilson BSc, MSc
Jeanette McGarry MSc, AAT, BSc
John Wilson, MSc, BEng
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“The Borough will continue to be ‘Urbs in Rure’, protecting the integrity of the Green Belt and retaining the strategic Meriden Gap between the Birmingham Conurbation and Coventry.” SMBC 2020

Executive summary

This report challenges the justification and soundness of the proposed allocation of site BC3 within the Solihull Draft Local Plan Review. The response is in three parts, relating to:

- 1) The proposal to allocate site BC3
- 2) The concept plan
- 3) The Solihull Draft Local Plan Review in general

In each case, reference is made to documents in the public domain to provide evidence to support the analysis and to draw attention to inconsistencies between both National and SMBC planning policies and the proposed allocation.

Please note that the submission is in two parts. Part A details the grounds for objecting to BC3 as an allocated site for housing. Part B details an alternative proposition, namely to create a Country Park with the Grade II* Berkswell Windmill as the focal point. This would bring benefits in terms of the potential for biodiversity offsetting, tourism, environmental protection, post Covid-19 recovery, greenspace provision and health and well-being.

This report (Part A) concludes that the Draft Local Plan is not sound, in proposing the allocation of Site BC3 for housing, as it fails to comply with 3 of the 4 tests of Soundness:

- 1) Positively Prepared:

The plan has not been positively prepared in that it is not practical to deliver the unmet need of the HMA (2105 units). NPPF para. 11 has not been given due consideration. To build 4410 units on Green Belt Land (greenfield) and 1195 in the Meriden Gap is not required in order to comply with planning policy. Moreover, it is demonstrated that Site BC3 specifically is not sustainable using the council's own criteria.

- 2) Justified:

The allocation of site BC3 has not been justified. There are omission sites both within Balsall Common and in the wider borough which either should have been allocated, based on merit, or for which the omission has not been justified. The sequential test has not been correctly applied. Moreover, the findings from the final version of the masterplan for Solihull Town Centre (published a week into the consultation period) are not incorporated and cannot be reconciled with the Draft Local Plan.

- 3) Consistent with National Policy:

Inconsistencies with the NPPF are demonstrated throughout this report. Specifically paragraphs 11; 94; 108; 109; 122; 138; 185; 193 and 194 are not complied with. As such, the enabling of sustainable development will not be delivered should Site BC3 remain in the Draft Local Plan.

The key findings which underpin this conclusion are as follows:

- 1) Site BC3 is unsustainable, based on SMBC's Sustainability Appraisal, with 1 red and 9 amber ratings. This concurs with the inspector's report for the 2013 SLP and would not substantially change due to any other proposed development for Balsall Common. As such, the "presumption in favour of sustainable development", a central tenet of the NPPF, is not met. Of the 86 sites analysed, Site BC3 ranks 73rd.
- 2) It has no "sense of place", protruding well into open countryside to the south of the village. This contravenes NPPF para. 138 and will fragment the strategically important Meriden Gap.
- 3) It falls outside of the accessibility limits, defined by SMBC, for the railway station, the medical centre, local shops, the primary school and greenspace. This contravenes policies 7 and 9.
- 4) Northbound commuter traffic would add to the already proven congestion on the A452 as well as poor air quality. This contravenes policy 8. The funding for the proposed bypass is not secured, its effectiveness is not proven and biodiversity will be harmed.
- 5) SMBC has no requirement to release Green Belt land to meet either the needs of the borough or those of neighbouring authorities if significant harm can be demonstrated. NPPF para. 11 is very clear on this.
- 6) Of the 5270 units from sites proposed for allocation, 84% (4410) are on Green Belt Land (greenfield); 13% (705) are on Green Belt Land (PDL), <3% (140) are true brownfield and 23% (1195) are in the Meriden Gap. This is neither supporting the West Midlands Combined Authority nor Solihull Metropolitan Council's "Brownfield First" mantra nor is it protecting the Meriden Gap.
- 7) SMBC published the final version of the masterplan for Solihull Town Centre one week into the consultation period. The phasing of housing units over the period of this plan is not specified although the total figure is known to be 1178 dwellings. As such the yield from this brownfield space could offset the need for Site BC3. Only 861 are included in the Draft Local Plan.
- 8) There are omission sites within and beyond Balsall Common totalling up to 890 units. The justification for not including these sites has not been demonstrated

With reference to the Concept Plan for Site BC3 specifically:

Firstly, it is acknowledged that SMBC have reduced the numbers on BC3 from 220 to 120 to partially mitigate for the constraints highlighted by residents. Notwithstanding that this site should not be allocated, there remain concerns with the concept plan itself.

8) Significant harm would be brought to the character, setting and tranquillity of the internationally significant Grade II* Listed Berkswell Windmill, both due to increased traffic and from a visual perspective. This contravenes NPPF paras. 193 and 194. The impact of the proposed bypass on traffic flow down Windmill Lane is not explored.

9) Restrictions to building heights have been made to address the findings of the Windflow Study (ref 18). Any proposed development would need to be professionally modelled to ensure turbulence was avoided and wind flow corridors assured to ensure the ongoing functionality of the mill.

10) High value ecological areas, as defined by Warwickshire Wildlife Trust (WWT), are fragmented on the plan and, in some cases, ignored together with associated buffers. Nature reserves should have been identified. The proposal to “offset” contravenes NPPF para. 175, as alternative sites are available. Policy 10 is not respected as there is a requirement to preserve the natural environment

11) Mitigation measures to enable migration for the Great Crested Newts have not been considered in terms of where connecting roads are expected to cross protected corridors

12) There are no measures to mitigate for the proven safety concerns on the A452, in terms of excessive speeds. This contravenes NPPF para. 108

13) There is no separation between new and existing dwellings nor respect for the amenity of existing residents. Proposed Public Open Space is not overlooked. This contravenes both the Balsall and Berkswell NPs as well as NPPF para. 122

14) The development of Site BC3 would be a highly inefficient use of Green Belt land. 11ha of Green Belt land in the nationally strategically important Meriden Gap would be released to build 120 units. As such, Site BC3 should not be allocated. The cumulative impact of constraints identified would further reduce the yield.

With reference to the Solihull Local Plan Review:

15) There are serious flaws in the reliability of the data and the analysis within the evidence base, in particular the SHELAA, the Accessibility Study and the Sustainability Appraisal. As these are used to inform the decision as to which sites are proposed for allocation, the soundness of allocating Site BC3 is open to challenge

16) There is no evidence of any plan to “manage the growth” in Balsall Common. Circa 350 housing units are planned for the next 5 years. None of the required infrastructure, in terms of a new primary school, the proposed bypass and improvement to amenities will be available until at least phase II. The ongoing construction of HS2 will add to the congestion and upheaval. Balsall Common is already at full capacity, as evidenced by the lack of primary school places and difficulties in securing a doctor’s appointment. No more houses can be built until the infrastructure is in place.

Recommendations:

1) Site BC3 should be removed from the LPR as it is non-compliant with National and Local Planning Policies and is unsustainable. It would also be a highly inefficient use of Green Belt land in the most constricted part of the Meriden Gap.

2) The phasing of any development in Balsall Common must be cognisant of the necessary supporting infrastructure, in particular primary school provision and the construction of the proposed bypass

Acknowledgements

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Our gratitude also to the councillors of Balsall and Berkswell Parish Councils as well as the Balsall Common Residents Association for their support, patience, time and sound advice.

In particular, the commissioning of the Wind flow study, jointly funded by Berkswell Parish Council and The Friends of the Windmill, has enabled the evidence to be provided to understand the potential harm to the Berkswell Windmill from Site BC3.

Thanks also to our ward councillors, Cllr Diccio, Cllr Allsopp and Cllr Howell, for their continued support and advice

Our thanks finally to Louise Humphreys, solicitor (Peyto Law) for assistance provided

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1) Introduction

1.1 Background

The Solihull Local Plan was initially adopted in December 2013. Three Green Belt sites were allocated for development in Balsall Common, including sites 22 and 23 on the Kenilworth Road, despite strong opposition and formal letters of objection from over 500 residents, including the BARRAGE action group. The sites were allocated for phase 3 (2023 – 2028) but as the Council was unable to demonstrate a 5 year land supply, both were brought forward and are now fully developed, having delivered 115 units.

In November 2016, Solihull published the first draft of the subsequent Local Plan Review for consultation, following the legal challenge to the 2013 SLP. This included 3 sites proposed for Balsall Common, all greenfield sites in the Green Belt:

1) Site 1 (800 units) Barratt's Farm

2) Site 2 (150 units) Frog Lane

3) Site 3 (200 units) Windmill Lane/Kenilworth Road - a significant expansion of sites 22 and 23

The BARRAGE residents group again objected to Site 3, arguing why the site should not be allocated, and also proposing several PDL sites in response to the council's plea of "If not here, then where?" Many hundreds of hours were spent researching these alternative sites, culminating in an escorted visit for Ann Brereton (then Director for Managed Growth) and Gary Palmer (Planning Manager (Development)) by the main author of this report and Cllr Andrew Burrow (Berkswell Parish Council). However, to the dismay and incredulity of residents, SMBC then chose to propose the allocation of the three largest of these sites (Site 21 Pheasant Oak farm – 100 units; Site 22 Trevallion Stud – 300 units; Site 23 Lavender Hall Farm – 80 units), as well as the original 3. Uplifts to the capacities on sites 1 and 3, together with the "Riddings Hill" site still to be developed from the 2013 plan (65 units), would result in another 1775 new housing units for Balsall Common – a 46% increase in households and 27% of the strategic allocations for the whole of the Solihull borough. "Brutal" is how one resident described it, especially when considered alongside HS2.

A second consultation was held in January 2019, with Site 3 receiving the 2nd highest number of objections in the borough, including from the Parish Councils (Berkswell and Balsall), the Society for the Protection of Ancient Buildings (SPAB), the International Molinological Society, the West Midlands Water Mills and Windmills Group and the CPRE, who had independently reached the same conclusion that Site 3 should not be allocated. Historic England also raised concerns as well as Warwickshire Wildlife Trust (WWT).

This final consultation, on the Pre Submission version of the Local Plan Review, retains all 6 proposed housing allocations with changes only to the site yields. The total number of new housing units for Balsall Common, including Riddings Hill, now stands at 1680. Site 3 (now BC3) is reduced to 120 units. 510 units are attributed to the 3 PDL sites identified by BARRAGE to SMBC. The 6 new proposed allocations now constitute 31% of those for the entire borough in terms of housing numbers.

For 8 years now, BARRAGE have engaged in all SMBCs consultations in a constructive and positive manner, offering detailed, evidenced-based and policy driven arguments as to why development should not take place between the Kenilworth Road and Windmill Lane. For the council to continue with the allocation of Site BC3, despite alternatives having been identified, must inevitably raise questions as to the extent to which this plan has been pre-determined.

1.2 Purpose

The prime purpose of this report is to challenge the justification and hence soundness of the proposed allocation of Site BC3. The response is in four parts, relating to:

- 1) The proposal to allocate Site BC3
- 2) The concept plan
- 3) The justification for the allocation
- 4) The Solihull Local Plan Review in general

1.3 Approach

For each of these areas, key issues and concerns have been identified. In all cases, the published evidence base has been used to build arguments and draw conclusions. References to the relevant documents are made throughout the report, including both national and local planning policies. In the latter case, the policies referred to, e.g. policy 8, are taken from the Draft Local Plan October 2020 (ref 29).

2) The allocation of Site BC3

This section argues why Site BC3 should not be allocated for housing based on planning policy (both national and local) and the evidence collected by SMBC (where appropriate, challenged by BARRAGE). In this section, the site is considered ‘as a whole’ within its wider context. The location of Site BC3, in relation to the settlement of Balsall Common and its facilities, is shown in Figure 1. The concept plan as published by SMBC, including the parcels proposed for development and also sites 23 (Drovers Close, to the north) and 22 (Meer Stones Road, to the south), is shown in Figure 2.

2.1 Significant expansion into open countryside

From Figure 1, Site BC3 can be clearly seen to extend well beyond the current settlement limits into open countryside, particularly given the settlement boundary marker on the eastern side is at Hob Lane. As such there is no “sense of place” to this site. According to the NPPF (ref 6 para. 138):

“When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account.”

Indeed, according to SMBC (ref 1 para. 76), one of the key reasons for rejecting a site for allocation is that, “they are located in the Green Belt and releasing them for development would not result in a sustainable pattern of development” – and yet that is exactly what is happening here.

The proposed allocation of Site BC3 also conflicts with the recommendation in the Landscape Assessment report (ref 13 p45) that:

“Any new development should not facilitate the further expansion of Balsall Common into the countryside.”

Indeed little credence appears to have been given to this report, as the conclusion for LCA5, in respect of the capacity of the Landscape to accommodate new development, was that this “area would be able to accommodate only small areas of new development”. SMBCs proposals to develop sites BC1, BC2, BC3 and BC4, all in LCA5, have totally ignored this. The detrimental impact on the ancient Arden Landscape would be significant.

Furthermore, Site BC3 is home to over 20 Protected Species including bats, Great Crested Newts, Barn Owls, Bullfinches, Corn Buntings, Fieldfare, Grey Heron, Grey Partridge, House Sparrow, Kestrel, Little Owl, Song Thrush, Sparrow Hawk, Tawny Owl, Swift and Yellow Hammer. According to the UN declaration (May 2019):

“Human activity is causing an unprecedented decline in biodiversity, with more than a million species across the world threatened with extinction.”

Natural England (ENS10, January 1995) attribute this to the fact that:

“Many habitats were more fragmented (the patches are smaller and more isolated from each other) than they had been 50 years ago...an important cause of species decline to justify opposition to further habitat fragmentation.”

To develop site BC3 will not only block wildlife migration, but it will do so in the narrowest part of the critical North-South ecological corridor – the Meriden Gap. The effect on wildlife will be devastating. The importance of Nature Recovery Networks, as a key component of the government’s 25 year Environment Plan, was explained to SMBC by Warwickshire Wildlife Trust in March 2020 (see Appendix VI), together with the identification of the Meriden Gap as a Strategic Environmental Corridor by Natural England. This appears to have been ignored.

Have we learned nothing from seeing the emergence of the natural world during the Covid-19 lockdown and mankind’s impact and dependency on that?

2.2 Accessibility to facilities

One of the main issues with the site's location is poor accessibility, which in turn impacts on sustainability (see section 2.4). The initial basic assessment undertaken by Atkins (ref 4) and critically analysed by BARRAGE (see Appendix 1 section 3.3), indicated that the only facility within the 800m acceptable limit for walking, appeared to be the primary school. However, having now had the access points for the site defined on the Concept Plan (ref 28) (one on Windmill Lane and one entering at the north boundary of site 22 – see Figure 2) an analysis using Google maps demonstrates that the closest distance to the Primary School would actually be 950m. In addition, the distance to the closest public greenspace (Holly Lane playing fields, not "The Lant", which is a private club) would now be 900m, so also beyond the defined limits for accessibility. The station would be 2.2km and medical centre 2.1km (both 1.4km "as the crow flies" from the Windmill Lane access point, so a footpath through BC1 will not help). There are bus stops within 400m, but the 87 service operates on an hourly basis, the 88 every 2 hours, so infrequent (see definition for "high frequency" later in this section).

It is important to note also that, due to the location, shape and size of this site, for most residents, the distance to any amenities would be significantly greater than from the access points to the site – defined as the "nearest" point. Moreover, the distance to Balsall Common Primary School is largely irrelevant, as the school is already virtually full. The proposed new primary school, close to the railway station, would also be sited beyond the 800m limit. Berkswell and Lady Katherine schools are outside the village, and Berkswell is also close to capacity.

The result of this would be that most journeys would be undertaken by car, adding to the already congested Kenilworth Road (see section 2.3), poor air quality and pressure on the very limited parking in the village, at the primary school and the railway station.

Policy 7 (ref 29) stipulates that:

"All development should be focussed in the most accessible locations"

Moreover:

"For major residential development provide access to a high frequency bus service within 400m of the site; and/or 800m of a rail station providing high frequency services"

The policy document does not actually specify what constitutes "high frequency" so reference must be made to the Accessibility Study conducted by Atkins (ref 4, 2016). A detailed analysis is provided in Appendix 1, section 2.1. In summary, high frequency is defined as:

a) Rail service: ".at least three services per hour in at least one direction during peak periods (07.00 – 9.00 and 16.00 – 18.00)"

b) Bus service: "...daytime frequency of 15 minutes or better"

Referring to the timetable issued by Trainline (as of 29/10/2020), the highest frequency rail services which stop at Berkswell are from Coventry to Birmingham in the morning and from Birmingham to Coventry in the evening:

Services between 07.00 – 09.00 dep Berkswell to Birmingham	Services between 16.00 – 18.00 dep Berkswell to Coventry
07:13	16:12
07:40	16:36
07:56	
08:21	17:12
08:58	17:35

As can be seen the only hour which fulfils the “three services per hour” criteria is to Birmingham between 07:00 – 08:00.

With regards to buses, the Mott Macdonald report (ref 32, section 5.4.2.) states:

“Many services in Balsall Common are infrequent and / or do not operate at weekends. The 87, 88 and 89 services are the most frequent, operating hourly.”

Clearly the bus service, with an hourly service, fails to meet the 15 minute frequency requirement.

As such, irrespective of the distance to these facilities, the policy requirement for “accessibility” to high frequency public transport is not met. By association, neither is Policy 9 (ref 29):

“Locate development where it minimises the need to travel, particularly by private vehicle, and maximises the use of sustainable forms of transport such as cycling, walking, public transport.”

This lack of accessibility to all the amenities within Balsall Common has major implications for the sustainability of the site, as discussed in section 2.4.



Figure 1: Location of Site BC3 in relation to Balsall Common

2.3 Impact on A452 from commuter traffic

To compound the potential issue of additional traffic to access local amenities, the limited employment opportunities within the village, coupled with a lack of high frequency transport, mean that most people have to drive to work.

Indeed, according to SMBC (ref 29, para. 523):

“....the (Sustainability) Appraisal recognised that expansion of Balsall Common may operate against the objective of reducing the need to travel due to the lack of employment in the settlement.”

Referring to the evidence in the recent Mott MacDonald report (ref 33, section 1.2), of the 90% of the population who work outside of Balsall Common, 84% drive to work. The report goes on to state that:

“There is an average of 1.8 vehicles per household, significantly higher than regional and national averages.”

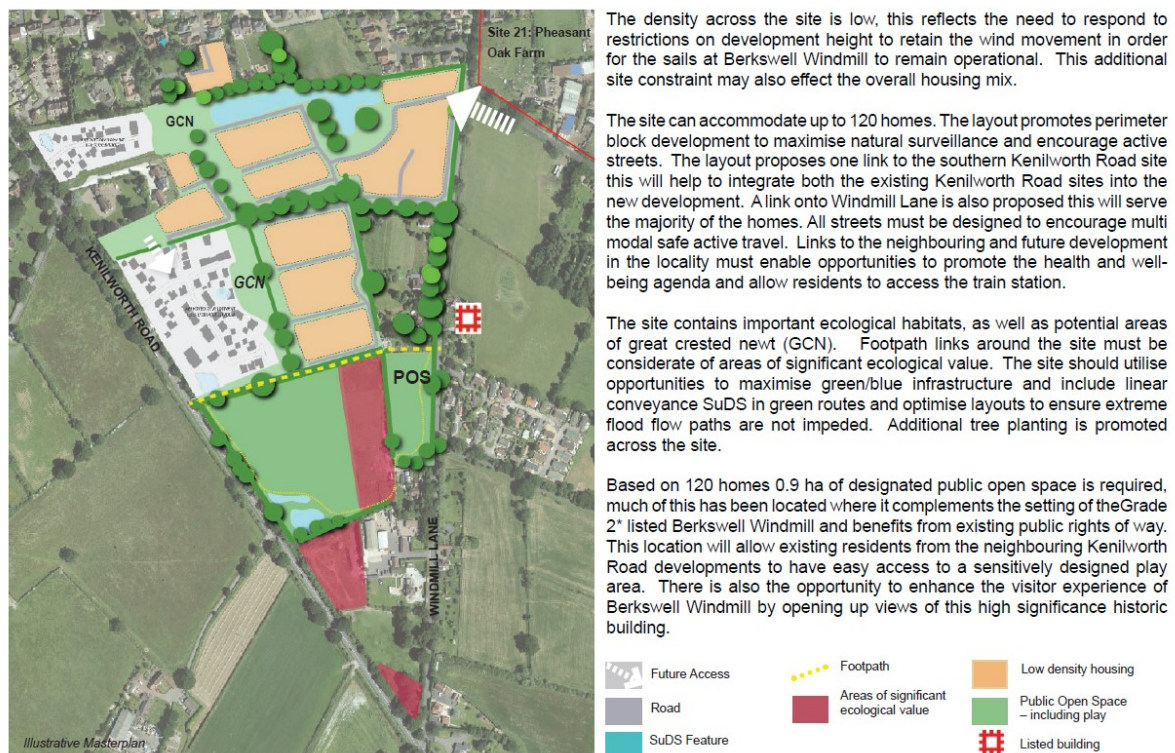
This last statement demonstrates the reliance on cars which, in part, is a reflection of the lack of high frequency public transport as well as the rural nature of Balsall Common (ref 32, section 3.9.1.).

Solihull’s last Transport strategy (ref 5 p19) identified two congestion “hotspots” in the village at the Kenilworth Road / Kelsey Lane traffic lights and the roundabout in the village centre. Traffic is frequently gridlocked between these two points. Kenilworth Road and Kelsey Lane are adjacent to Site BC3. Furthermore, the council’s own traffic data (ref 7), measured from a) north of Windmill Lane (to the south of the village) and b) south of Wootton Green Lane (in the north of the village) (ref 5), showed that the volume of northbound traffic increased by 70% (weekday peak 8am – 9am), as traffic joined the A452 at the traffic lights, Gypsy Lane and the village centre roundabout. (Southbound traffic decreased by 26%). This is not surprising as most traffic joins the A452 to head north towards the main centres of employment.

September 2020

Solihull Local Plan Site Allocations – Masterplans

SMBC Illustrative Concept Masterplan: BC3 Windmill Lane



Solihull Council Conservation of the Historic Environment, Landscape Architecture, Urban Design and Ecology

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Figure 2: Concept Plan for Site BC3 (Ref 28) – note two arrows denoting access points

This is reinforced by the more recent Mott MacDonald report (ref 32, section 3.8), which states:

“The largest number of commuters who reside in Balsall Common travel north (31%) towards Birmingham and areas of Solihull (via the A452).”

This situation will be exacerbated with the development of UK Central Hub, also in the north.

The latest traffic survey findings (ref 32, section 4.6.3.) support and add further detail to those from 2016:

- *Significant congestion on Kenilworth Road through Balsall Common*
- *Significant congestion on Kenilworth Road on the northbound approach to Balsall Common*
- *Congestion on all arms of the Kenilworth Road / Alder Lane signalised junction in the AM*

Fig 5.1 (ref 32) demonstrates that The Alder Lane/Kelsey Lane/A452 Junction is already operating over capacity. Fig 4.6 (ref 32) illustrates how the volume of traffic between 8am – 9am increases going north from 582, measured from Meer Stones Road, to 963 to the north of Balsall Common, an uplift of 65%.

Therefore, any traffic exiting site BC3 to head north will have to contend with and will add to this existing level of congestion.

It therefore makes no sense to build Site BC3, on the SOUTH SIDE of the village, when the consequence would be to add to these congestion hotspots, which is partly why alternative sites were proposed by the BARRAGE action group on the north side of the village. As such, the proposed allocation directly contravenes the Solihull Connected purpose to reduce congestion, this also being the overarching purpose of policy 8 (ref 28).

Mott MacDonald (ref 34), consider various proposals to alleviate the congestion issue, the preferred option being a 50mph single carriageway bypass. The estimate for this, including land cost, is £20m - £30m. However, the funding has not been sourced and the timing has not been specified (ref 29, paras. 524 and 527). Indeed, with regards to funding, the vague statement within the policy document (para. 527) does not inspire confidence:

“Delivery of the road will comprise of direct on site delivery, coupled with potential CIL funding and grant funding opportunities that may be available through, for instance, the WMCA.”

As such, there is no guarantee that this road will ever be built, or indeed that it would actually reduce congestion. According to Mott MacDonald (ref 34, table 9.3) the statement that the “Scheme is likely to provide some congestion alleviation benefits,” again does not inspire confidence, particularly when a similar argument was made to address the speeding issues on the Kenilworth Road when Sites 22 and 23 were constructed (see section 3.6). The situation has actually got worse.

Notwithstanding issues over the financing and effectiveness of this proposal, it is also perplexing that site BC1 (the biggest source of potential funding) is not scheduled for construction until phases II and III, and yet BC3 is scheduled for phase I. According to Mott MacDonald (ref 33, section 5.3):

“The operation of the highway network is, crucially, predicted to worsen with every new group of development, with Balsall Common the focus of a large amount of development growth over the next 10 to 20 years.”

This infers that the council is more concerned with appeasing the developers than for the well-being of its residents. Why is BC3 even being considered until the benefits of any proposed bypass have been proven in reducing congestion?

However, there is a more profound issue highlighted in Table 9.3 (ref 34) which applies to any of the bypass options, namely:

“Biodiversity - Negative impact on biodiversity due to the loss of habitat and potential risk to protected species.... The long, linear nature of the scheme may restrict mitigation options, as there is likely to be reduced scope for biodiversity net gain and replacement habitat.”

As discussed in section 2.1, the proposed allocation of BC3 would have a devastating impact on wildlife in terms of fragmenting the N-S ecological corridor which incorporates the Meriden Gap. To build a bypass in this location, as well as HS2, will potentially “choke off” further this already narrow area. If the bypass is to go ahead, then SMBC need to actively seek opportunities for biodiversity net gain in this locality. As will be discussed in section 3.2, the area on which BC3 is being proposed is one of the highest, in terms of ecological value, in Balsall Common, therefore providing significant opportunity for biodiversity offsetting (see also Part B of this submission). As such, instead of allocating BC3 for development – and potentially bringing harm in terms of biodiversity, as well as adding to an already known congestion problem with no proven solution – the council should embrace the opportunity this area offers in terms of offsetting biodiversity loss in this critical location and remove site BC3 accordingly.

Finally, the various Transport Studies undertaken by Mott MacDonald for Balsall Common were eventually published on 29/10/2020, 4 years after Site BC3 was first proposed. Given the emphasis on the need for an integrated and effective transport system, this should have been a core piece of evidence in deciding which sites to allocate, recognising also the cumulative impact from multiple developments as well as HS2. Indeed, according to the NPPF para. 109:

“Transport issues should be considered from the earliest stages of plan-making.”

It is not acceptable to release this vital piece of work as the final period of consultation on the draft submission version of the Local Plan Review commences. Again, to what extent has this plan been pre-determined?

2.4 Sustainability Appraisal

The council (ref 29 para. 556) refer to the last government inspector's report (ref 11) to justify the inclusion of site BC3 on the basis that:

"Although the site is located a greater distance from the centre of the settlement than others, this did not prevent the SLP Inspector concluding that the area was not so remote that it would justify the omission of the two sites in this parcel bought forward under the last plan. The proposed allocation now extends no further south than the existing housing."

This argument is flawed and wholly misleading for the following reasons:

- a) Sites 22 and 23 were deemed by the inspector to meet "the minimum sustainability criteria" – no more
- b) The proposed site BC3 *extends well beyond sites 22 and 23*, both in terms of distance and remoteness from the Balsall Common settlement, particularly to the east. The positioning of the southern boundary makes no difference to this. As such, Site BC3 is not sustainable, as this section will demonstrate

According to SMBC (ref 1 para. 75), the Sustainability Appraisal is one of the main considerations in determining whether a "yellow" site should then become "green" or "amber". Referring to Figure 3, of the 17 criteria used initially by AECOM to assess the sustainability for Site BC3, 4 were positive, 7 neutral, 6 negative (including 1 significant). However, this analysis has changed three times now, which has been extremely problematic for residents trying to respond. Figure 4 attempts to reconcile the pieces of evidence relevant to site BC3. The latest analysis by AECOM is included (ref 30), together with an analysis by BARRAGE using the same criteria. There are 8 aspects where there are differences – some better, some worse. We hope this will be seen as taking an objective, evidence based approach.

Figure 4 is structured as follows:

Column 1 – Analysis according to ref 8. Site BC3 is referred to as PO3 AECOM 99

Column 2 – Analysis according to ref 9. Site BC3 is again referred to as PO3 AECOM 99 but the analysis is different to ref 8 in respect of SA3b, 4a and 4b, despite this document being the appendix to the main report

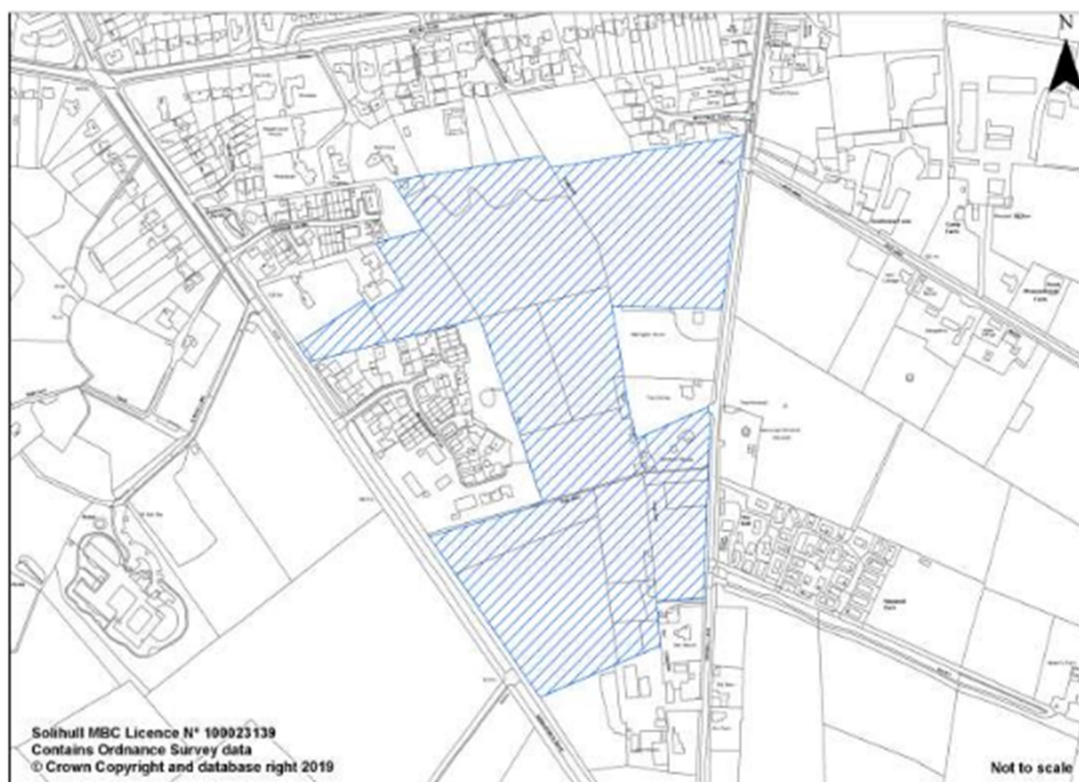
Column 3 – Analysis by AECOM using the criteria in the latest Sustainability Appraisal (ref 30)

Column 4 – Analysis by BARRAGE, again using SMBC's latest criteria

Column 5 – Comments to support the analysis relating to columns 3 and 4 with differences highlighted

In spite of the amendments to the Sustainability Appraisal, the Site Assessment (Figure 3) has, so far, remained unchanged. Even within that same document, the number of positives within the Sustainability Appraisal and the Commentary changes from 4 to 5. This is symptomatic of the quality of data and analysis throughout the evidence base.

Site Reference	138	Site Name	Land at Kenilworth Road and Windmill Lane
Gross Area (Ha)	11.01	Ward	Meriden
Capacity (SHELAA)	225	Parish	Balsall
Green Belt	100	Greenfield/ Brownfield	Greenfield



Constraints

Policy Constraints	Green Belt Mineral safeguarding area for coal
Hard Constraints	Adjacent to Listed building X
Soft constraints	Existing properties on site the centre of the site Habitats of wildlife interest PROW M161 through

Figure 3: Site Assessment conducted by SMBC (Ref 3) – continued overleaf

Evidence

SHELAA	Category 1
Accessibility Study	Primary School: Medium Food Store: Low GP Surgery: Very Low Public Transport: Low (Rail) Overall: Low Access: No existing footway provision
Green Belt Assessment	Lower performing parcel (RP57) overall with a combined score of 4. Moderately performing in terms of purpose 2.
Landscape Character Assessment	Within LCAS Landscape character sensitivity - Medium Visual sensitivity - Medium Landscape value - Medium Landscape capacity to accommodate change - Low
Sustainability Appraisal	AECOM 99 17 effects: 4 positive; 7 neutral; 6 negative (1 significant)

Site Selection

Spatial Strategy	Growth Option G: Significant expansion of rural villages/settlements
Site Selection Topic Paper	Balsall Common is identified as suitable for significant growth. Development should preferably be on land that is more highly accessible, and/or performs least well in Green Belt terms and/or provides strong defensible boundaries.
Site Selection Step 1	5
Commentary	Site is within lower performing parcel in the Green Belt Assessment, where some development was allocated in the SLP2013. Site has a low level of accessibility, is in an area of medium visual sensitivity with low capacity for change and is deliverable. The SA identifies 5 positive and 6 negative effects, of which only the distance to key economic assets is significant. The settlement is identified for significant growth and this site adjoins land that has previously been allocated for development
Site Selection Step 2	G

SA ref	SMBC ref 8 (2017)	SMBC ref 9 (2017)	SMBC ref 30 (2020)	BARRAGE assessment using criteria in ref 30	Comment
1					Located within 60% least deprived
2a					Distance to Primary School is 950m from site entrance onto Meer Stones Road (closest point)
2b					Secondary school is within 1200m
3a					There are bus stops within 400m with an infrequent service.
3b					Assume this to be the A452
4a					Difficult to assess as the criteria do not cover this site which is grade 3b but more than 10 acres. Could be amber or grey. SMBC have used amber
4b					Site is within mineral safeguard area for coal
7					Site is within flood zone 1
9					Site is home to Great Crested Newts
10					Land with medium sensitivity to change.
11 (a)			????		It is not at all clear, from the descriptors on p26, how SA11 is supposed to break down into 11a and 11b. Based on the table (p115), it would appear that this relates to greenspace>2ha and >20ha. As there is no greenspace within 400m (11a?) and other sites within BC have been rated as amber for 11b, Site BC3 is rated as amber for both. This is supported by the combined scoring of amber for SA11 (ref 30)
11b			????		
12					Site3 would cause significant harm to the Grade II* Berkswell Windmill (see later section on this)
14					Adjacent to A452
16			????		Deliverability. Unclear why AECOM have not rated, given that Catesby are keen to develop
17a					The distance to the medical centre is beyond 1200m
17b					
19a					Distance to the nearest major employer exceeds 7.5km
19b					The closest convenience store (Co-op) is 1.4km distance

Figure 4: Sustainability Assessments for Site BC3

The analysis undertaken by BARRAGE for Site BC3, using the AECOM criteria and reliable evidence, shows that the site has 1 red, 9 amber, 4 grey, 4 light green and 1 dark green.

It is not a sustainable site.

The latest Sustainability Appraisal, acknowledged as “a critical piece of evidence” (ref 30, Sept 2020) details the assessment for all “reasonable site options” with the purpose of allowing a “fair and consistent comparison”. Regrettably, there is no overall scoring mechanism which allows for this comparison, and none has been attempted by AECOM. Moreover, the approach taken to assessing sustainability has changed since the original analysis in 2017 and yet there has been no update using the latest criteria to re-assess all the original sites. It is impossible to compare “apples with apples” across all site options.

In order to try and undertake some comparison of site options, BARRAGE have analysed those sites shaded light blue and purple in the table commencing P115 (ref 30), as these sites have been assessed using the same criteria, the difference being that the light blue sites were assessed in January 2019, the purple sites in this latest tranche. SA16 (deliverability) has been excluded from the analysis, as the data is missing in so many cases.

A simple scoring system is used, with all criteria being equally weighted:

Red = -2

Amber = -1

Grey = 0

Light green = +1

Dark green = +2

The analysis reveals some remarkable insights.

The table in Appendix II lists all 85 sites included in the aforementioned report (ref 30). Although the numbering system is extremely confusing, with the same CFS Site ID number being used multiple times, and no definition of the AECOM ID, only sites which have NOT been marked for proposed allocation are included. Allocated site BC3 (AECOM ID 99) has been added to this list to make a “fair and reasonable” comparison.

It ranks 73 out of 86.

Site BC3 is clearly not sustainable, and to propose its allocation shows complete disregard for what are probably the most important issues of our current age - protecting the environment and climate change. Moreover, the plan cannot be considered as sound, given the many alternative sites which have not been proposed for allocation and yet score significantly better in sustainability terms. Again, this gives the impression of site BC3 having been pre-determined.

In seeking to be objective, BARRAGE recognise that the Local Plan does cover a period of 15 years and therefore some of these criteria may change with the potential development of major infrastructure projects (HS2 and the proposed bypass) as well as Sites BC1 (Barratt’s Farm) and BC4 (Pheasant Oak Farm) with the proposal for a new Primary School (albeit close to the railway station), shops and POS. Those criteria which could change are:

3a – Although distance to bus stops would not change, the frequency of service may if demand increases

11a – Depending on the design for site BC1 and also BC4, it is possible that if public open space of more than 2 hectares is included, it may be within 400m for some residents of site BC3

19b – If shops are to be included on site BC1, these may be within 800m or even 400m for some residents

From this analysis, it can be seen that only 3 out of 19 assessment criteria could change and that these are by no means certain. Moreover, with BC3 being proposed for development in phase I, it will be many years before these changes could take effect.

SMBC acknowledge (ref 29 para. 558) that:

“Whilst the site does not perform well in the Sustainability Appraisal, with twice as many negative effects as positive, including one significant negative effect due to the distance to the key economic assets, much of the adverse effects relating to ecology, landscape, green infrastructure, historic assets and amenity can be mitigated with the more modest capacity now proposed.”

Notwithstanding that this argument could be applied to most sites, the only criteria which could possibly be affected through mitigation are SA9 (ecology) and SA12 (historic assets). These will be discussed in later sections of this report, although BARRAGE would argue that ANY development in this area will negatively impact on both the ecology and the Grade II* Berkswell Windmill.

In conclusion, not only is Site BC3 unsustainable now, but it will remain so in the future.

This site should not be allocated on the grounds of sustainability alone.

2.5 Green Belt assessment

Site BC3 was assessed in the Atkins report (ref 12) for its Green Belt purposes as part of RP57. The overall scoring given was 4. BARRAGE would dispute this in terms of the score for criteria 3, which should be 2, not 1, hence giving an overall score of 5. Please refer to the descriptor in the Atkins report:

“Refined parcel is generally characterised by countryside, is adjoined by countryside and/or has limited development present”.

Figure 5 (ref 12) defines the boundary for RP57, which rightly excludes the developed sites 22 and 23 and also the existing development along the northern edge of the triangle (Kelsey Lane) extending to the northern boundary of site 23 in the west and the development in the top RH corner

As can be seen from Figures 1 and 2, there is some limited development in the southern-most tip and along Windmill Lane, but for the remaining area, this is unspoilt countryside, characteristic of the Arden Landscape and part of the nationally significant Meriden Gap.

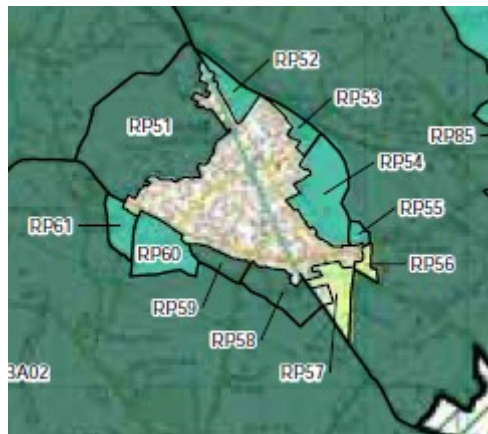


Figure 5: RP57 Green Belt boundary (ref 12)

The council appear to be justifying the loss of Green Belt as being acceptable, as the development of sites 22 and 23 have already undermined the purposes of the Green Belt and therefore this somehow justifies building on the rest of the ‘triangle’ (ref 29 para. 557). Notwithstanding the irrationality of this argument – if anything the need to protect the remainder of the triangle should be even more important - the boundary for the Green Belt analysis does not include sites 22 and 23 and therefore the argument does not hold.

Whereas BARRAGE accept that RP57 is one of the lower performing areas in Green Belt terms, it must not be forgotten that this area forms part of the strategic Meriden Gap. The closest distance between the southern tip of Site BC3 and the Primary School at Burton Green, Coventry, would be just 1.9km. Moreover, SMBC recognise (ref 29, footnote to para. 515) that, “there have been and will be further developments in Coventry on its western outskirts close to the Borough boundary”, hence placing more pressure on this already narrow gap and important wildlife corridor.

Given the stance made by SMBC to protect the Meriden Gap, this proposed allocation is completely at odds with that. And given that the housing yield for removing 11ha of Green Belt Land is just 120

units, it is a highly inefficient use of Green Belt Land, which will be discussed in detail in Section 3 of this report.

2.6 Conclusions

Site BC3 should not be allocated as it is not a sustainable site. This is primarily due to its remote location from all the main facilities within the village, namely the Primary School, shops, railway station, medical centre and green space. This would necessitate driving in most instances, adding to congestion, pressure on parking and deterioration in air quality, which, in turn, would discourage people from walking. Most commuter traffic would also head north through Balsall Common, exacerbating this situation. The construction of the bypass will not necessarily mitigate for this congestion issue nor is its realisation assured.

This was recognised by the government inspector at the last examination in public, in describing sites 22 and 23 as meeting “the minimum sustainability criteria.” As Site BC3 extends well beyond these previous allocations, it cannot, by definition, be sustainable. This situation will not change significantly with the development of other strategic land sites.

The removal of this site is supported by the NPPF in that, with not being sustainable, there cannot be a presumption in favour of its development. Moreover, being a Green Belt site in the Meriden Gap, there is no requirement to release this land to meet the need for housing in neighbouring areas nor even that of the borough of Solihull, especially given that brownfield options, notably Solihull Town Centre, have not been properly investigated. This will be discussed in detail in Section 4.

3) The Concept Plan

This section addresses specific issues regarding the Concept Plan in Figure 2 (ref 28).

Firstly, BARRAGE would be the first to commend SMBC for the amendments which have been made to the Concept Plan as a result of evidence either brought to the attention of the council (ref 16) or enabled by the owner of the Grade II* Listed Berkswell Windmill, Jeanette McGarry (ref 14 and 18). This has resulted in a reduction in the developable area as well as reduction in housing numbers. Whilst some of the concerns with the concept plan have still not been addressed, and will be discussed in this section, the situation now is that there are just 120 housing units proposed on an 11ha site (7ha developable area), with a corresponding density of 17dph. The Local Plan document (ref 29 para. 240) in specifying indicative densities, has 30dph as the lowest density for just houses, 40dph for mixed. (The concept plan for BC3 is silent on the nature of housing units).

This can only be seen now as a highly inefficient use of Green Belt Land in the Meriden Gap and consequently contravenes the NPPF (ref 6, para. 122):

“Planning policies and decisions should support development that makes efficient use of land.”

As such, this reinforces the position held by BARRAGE that site BC3 should not be allocated at all. Nonetheless, for the sake of completeness, this section will discuss issues with the concept plan which, in many cases, would result in an even lower yield for the site, particularly in the light of the council now proposing the allocation of site BC4, Pheasant Oak Farm.

3.1 Berkswell Windmill – setting

The Berkswell Windmill is a Grade II* Listed building registered with both English Heritage and as a National Monument with The Society for the Protection of Ancient Buildings (SPAB). Indeed it is considered to be the most complete working mill in the UK, in terms of its original machinery and workings (including cogs, wheels and beams), both by SPAB and the International Molinological Society. As such it is of international significance with visitors coming to see this remarkable mill from all over the world, with its distinctive Warwickshire 'boat cap'. It is also the only working tower mill in the West Midlands.

According to the NPPF para. 194:

“Substantial harm to...assets of the highest significance, notably...grade II Listed buildings....should be wholly exceptional.”*

Moreover, para. 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Visual Setting

The initial draft Heritage Impact Assessment, commissioned by SMBC, was unsatisfactory and was challenged both by the custodian of the windmill, Mrs Jeanette McGarry, and Historic England (see Appendix VII). A subsequent re-assessment was carried out, the conclusions of which demonstrated that significant harm to the setting of the mill would be caused by development in the southern part of the site (ref 14). Figure 6 (ref 14) shows the areas to be protected.

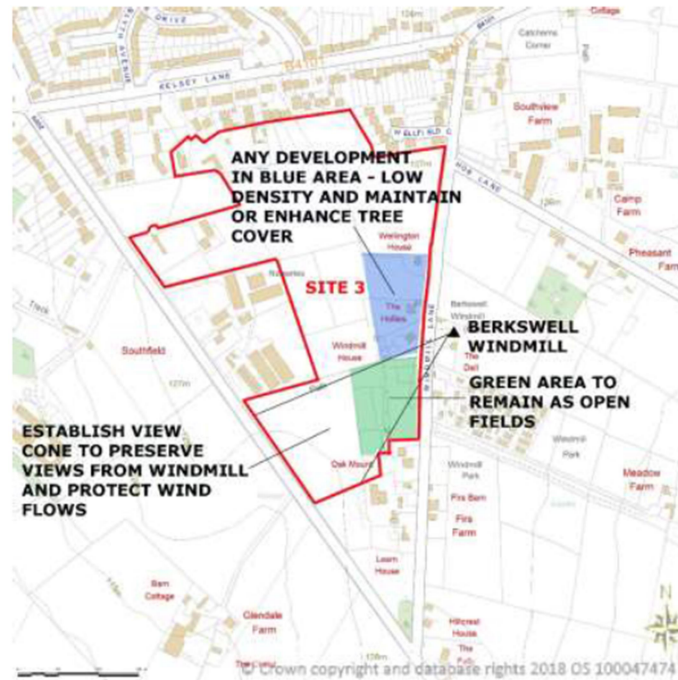


Figure 6: Extract from HIA report (ref 14) detailing restrictions on Site 3

The revised Concept Plan no longer shows any development south of the public footpath, hence keeping the viewing cone open. However, there remain concerns in terms of harm to the setting, character and tranquillity of the area surrounding the mill, especially given the significance of the Berkswell Windmill as a designated heritage asset. This has been compounded by the council's proposal to allocate site BC4 – Pheasant Oak Farm – along Hob Lane which joins Windmill Lane. There is consequently a cumulative impact of both these proposals on the setting of the mill as seen from the public highway. Figure 7 illustrates the location of the mill in relation to these two proposed allocations and the photo in Figure 8 shows the openness of the setting down Windmill Lane, photographed by Lucy Burrell from Hob Lane (see yellow arrow).



Figure 7 – Sites BC3 and BC4 in relation to Berkswell Windmill



Figure 8 – Photograph depicting openness of Windmill Lane (Lucy Burrell 7/11/20)

This photograph clearly illustrates that the allocation of BC3, and in particular development in the field in the North-East along Windmill Lane, will cause substantive harm to this Grade II* Listed heritage asset. Moreover, the great weight (which) should be given to the asset's conservation is lacking. As such, both paras. 193 and 194 of the NPPF are not respected.

Indeed this is acknowledged by the Sustainability Report (ref 30 para. 6.3.3.p91) in considering the impact of sites to the south of Balsall Common on heritage assets, the Berkswell Windmill being of the highest significance in this locality:

"The Listed assets are characterised by surrounding landscape features fields, mature trees, hedgerows and narrow country lanes. Large scale development is likely to result in negative effects on the setting of these assets. Whilst there could be inclusion of appropriate buffers and landscape screening between new development and the heritage assets, it is likely that the rural nature (which contributes to the setting of listed buildings) will be eroded".

Moreover NPPF para. 185 (ref 6) requires that:

"Plans should set out a positive strategy for the conservation and enjoyment of the historic environment.... This strategy should take into account:

- a) The desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- d) Opportunities to draw on the contribution made by the historic environment to the character of a place"*

Other than the proposed Public Open Space opposite the mill, which has no natural surveillance and so is not a suitable location, there is no evidence to show how this policy has been considered. Please see Part B of this submission as to how it could be satisfied.

Impact of traffic

Turning to the study undertaken by Mott MacDonald (ref 33). This seeks to predict the cumulative impact of traffic resulting from e.g. HS2, UK Central and the sites proposed for allocation. Appendix G details the impact of these on the specified link roads. Hob Lane (which joins Windmill Lane) is one of the worse affected roads in Balsall Common at over 85% capacity (so amber). Only specific points on the A452 score worse. And yet despite this, WINDMILL LANE ITSELF HAS NOT BEEN ASSESSED.

Figure 5.1: 2017 Base Year - Capacity Results



Figure 9: Road capacity situation in Balsall Common as of 2017 – Hob Lane showing amber (ref 33)

Windmill Lane is already used as a rat run. According to Tables 3.4 and 3.5 (ref 33), the outflows and inflows for Site BC3 are expected to peak at 50 and 16 respectively during peak morning rush hour, and 19 and 45 in the evening rush hour. As the main access point for BC3, if not indeed the only one, is onto Windmill Lane, opposite Hob Lane, all these vehicles will be crossing, or going down Windmill Lane. The noise and impact of a substantive volume of traffic going down Windmill Lane, and also Hob Lane, has the potential to cause substantive harm to the setting and character of the area surrounding the mill. But there is no evidence to draw on. As such, the allocation of site BC3 has not been justified and cannot be deemed sound.

The follow on report by Mott MacDonald (ref 34) considers various options for mitigating the current and worsening congestion issue in the village, concluding that a single-carriageway 50mph relief road is required. Figure 10 is the only modelling undertaken to demonstrate the comparative benefits of a 30mph as opposed to 50mph relief road. The key itself is entirely unclear, although the figure does appear show a reduction in traffic along Hob Lane. However BARRAGE has been unable to determine the absolute baseline number of vehicles down Windmill Lane, from the report, to be able to interpret the findings of this figure. And although there are numbers associated with the

junctions, there is nothing relating to traffic flow along Windmill Lane itself. This reinforces the apparent lack of evidence needed to form an objective view as to the extent to which the setting and character of the Grade II* Listed Berkswell Windmill will be affected by the proposed allocation of BC3 and BC4 and any mitigation as a result of the construction of the relief road.

We need to know:

- 1) How many vehicles currently are recorded down Windmill Lane during peak times
- 2) What increase would be expected due to the cumulative impact of HS2, UK Central Hub and the DLP sites
- 3) What reduction would be expected should the proposed relief road be constructed



Figure 10 – Comparative effect on traffic flows depending on relief road speed limit

3.2 Ecological Assessment

The first point to note is that the Ecological Assessment referred to in the original Concept Plan (ref 2) was never published by the council as part of the evidence base. This is a major shortcoming as it should have been available to the public as part of that consultation process. As such, we had to request this information from the council. The evidence in this section draws on that study (ref 16) as well as the updated version (ref 40).

Figure 11 (ref 15) indicates the areas defined by Warwickshire Wildlife Trust as being of “high ecological value”. This is consistent with the Ecological Assessment (ref 16) published by that same body and from which Figure 12 is extracted.

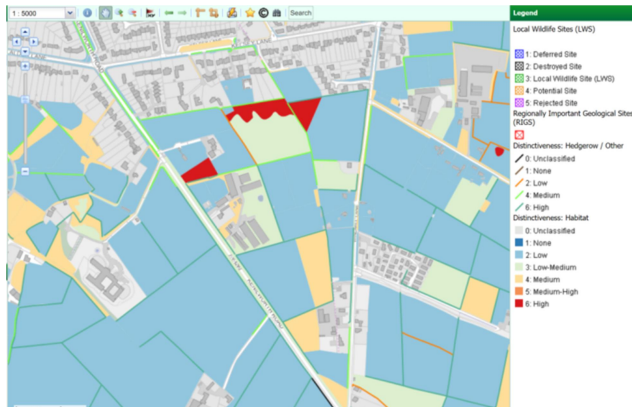


Fig 11: Areas of high ecological value

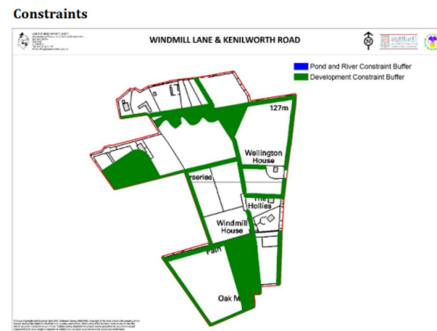


Figure 2 Constraints Map

The areas marked in green and blue on the above constraints map indicate where development should be avoided and ecological enhancement encouraged.

Fig 12: Same areas but limited to original Site 3

These figures show wetland to the north, semi-natural woodland to the west and semi-improved grassland to the south as areas of ecological value. The red areas are of the highest possible value. The WWT report (ref 16) clearly states that the areas denoted in Figure 11 “indicate where development should be avoided and ecological enhancement encouraged”.

It is good to see that the latest Concept Plan has avoided development in all these areas, and that all these ecological constraints have been recognised by SMBC (Figure 13 ref 31) even if not fully mapped onto the Concept Plan itself (see Figure 14).

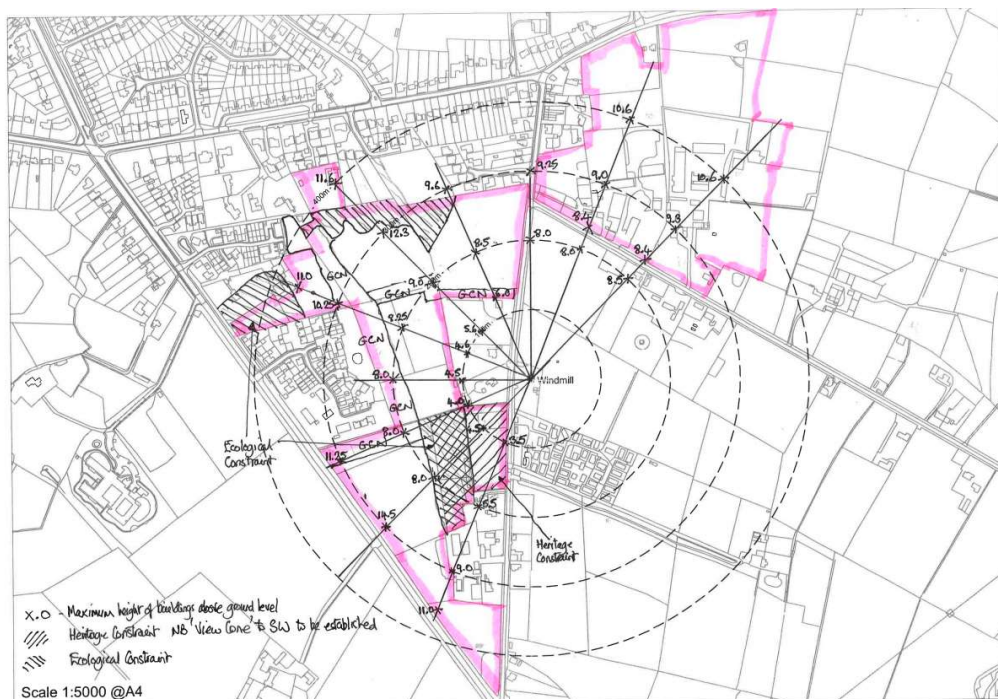


Figure 13: Constraints map published by SMBC (ref 31)

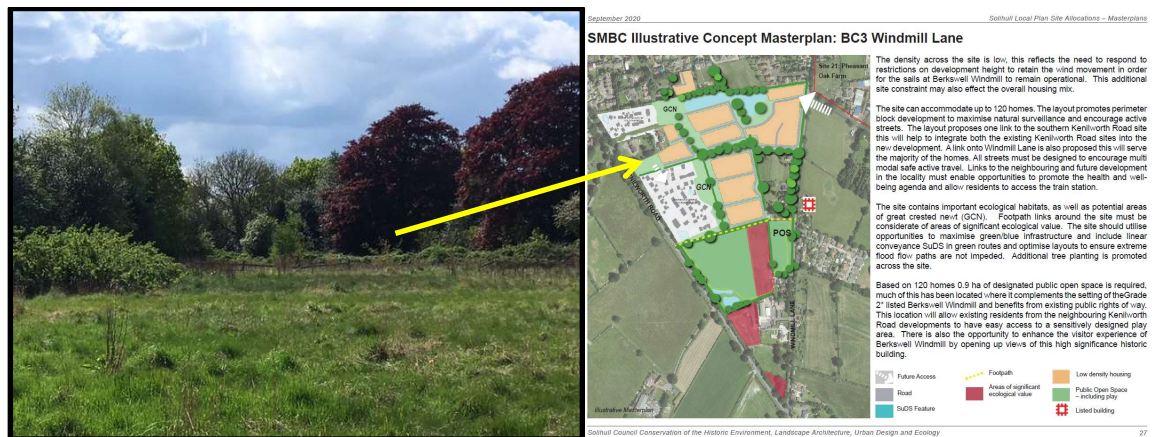


Figure 14: Concept Plan ignores semi woodland area (see photo)

The latest Ecological Report by WWT (ref 40) offers a comprehensive study of the rich habitat and biodiversity in this locality, which is characteristic of the Arden Landscape. Various constraints exist including mature trees, distinctive habitats, habitats and species of conservation importance, areas important for habitat connectivity as well as protected species. In fact, looking at the various figures within that report, the only areas which do not appear to have any constraints are most of the field in the north-east and the parcels in the centre of the site. (The two parcels to the west are marked as being home to species of conservation importance – see Figure 15).

It should be noted that, by contrast, the ecological value of BC4, where SMBC are proposing extensive Public Open Space, is relatively poor. This will be discussed further in Part B of this response.

SMBC's response to the loss of biodiversity (ref 28) is that offsetting will be required and that the loss of the most important habitats would "greatly affect the on-site biodiversity impact and the value of offsetting required".

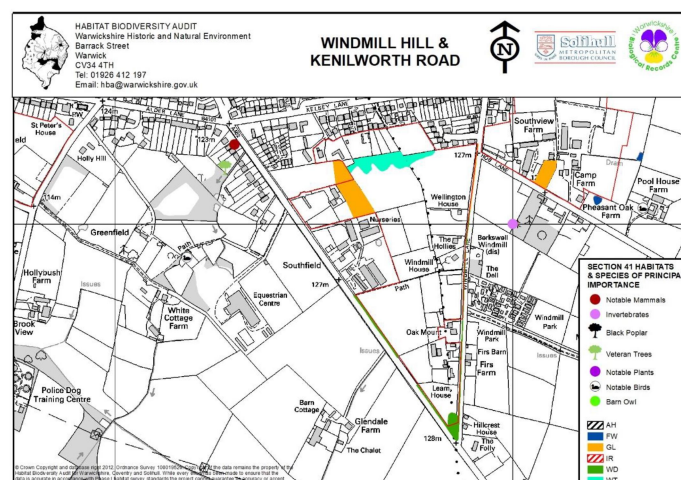


Figure 15: Habitats and Species of Conservation Importance (ref 31)

This approach by the council is totally unacceptable. Firstly, according to CIRIA (ref 23), a mitigation hierarchy for “Biodiversity Net Gain” starts with avoidance. To quote from Table 1.2 (ref 23 p7):

“Avoidance – This first stage is to avoid harm to biodiversity, for example by locating to an alternative site. It is the most important stage and can ease the consent process, whereas missing this stage can lead to criticism, objections and refusal of permission for the development.”

This supports the NPPF (ref 6 para. 175) which looks to avoid harm to biodiversity by locating development on alternative sites. Offsetting can only be justified if there are no suitable alternatives where development could take place.

Notwithstanding the three PDL sites in Balsall Common which BARRAGE previously identified and have now been proposed for allocation, there are further sites within Balsall Common which are more appropriate for development, as well as sites further afield which have either not been fully investigated or not proposed for allocation. These will be discussed fully in Section 4.

Leaving to one side all the arguments as to why Site BC3 should be removed as an allocated site, it is of note that, despite the high ecological value, there are no proposals to create any nature reserves. This strategy has been adopted on sites BC1 and BC2 and it is unclear why none have been identified for Site BC3, even though the ecological value is at the highest level of all the sites proposed for Balsall Common within the Draft Local Plan. This approach would be in accordance with the purpose of policy 10 (ref 29), with the emphasis on conserving and protecting the natural environment.

BARRAGE would recommend that, at the very least, a nature reserve be created as depicted in Figure 16, integrating the area of semi-woodland, the habitats and species of conservation importance including the Great Crested Newts and most of the areas denoted as being important for connectivity.

This would be supportive of policy 9 (ref 29):

“In order that development proposals are adaptive to climate change, measures will include:

- *Integrated green infrastructure, such as SUDS, green spaces and corridors, retaining and planting trees.....”*

Also policy 10 (ref 29):

“The Council will seek to protect, enhance, restore, increase and connect the natural environment”

To connect these areas in such a way would also demonstrate compliance with the inspector’s report (ref 11, para. 88):

“Although there may be a case for linking sites 22 and 23, they should remain separate in view of their differing characteristics.”

This proposal would also provide the opportunity to create Public Open Space within the nature reserve, whilst recognising any constraints necessary to protect the Great Crested Newts, given the concerns regarding natural surveillance with the current proposal.



Figure 16: Proposal for Nature Reserve (to incorporate Public Open Space)

3.3 Mitigation for Great Crested Newts

The site is known to be inhabited by Great Crested Newts, a protected species. Designated areas were included within sites 22 and 23 as a result. The proposal for Site BC3 includes additional corridors to protect the newts' habitat (shown on Figure 16 as light green). What is not clear is how the various development parcels are supposed to connect in terms of roads, and therefore how the species would be able to safely migrate through the site. As such, as a concept plan, it is deficient in this regard. Moreover, discussions with Catesby (ref 41) suggested that the access into Meer Stones Road (site 22) is actually a pedestrian access, in which case traffic would need to cross the marked-up GCN corridor to eventually exit the site onto Windmill Lane. This would add further weight to the locality of the proposed nature reserve.

Recently published research by the European Journal of Wildlife Research (ref 17) recognises the need for road mitigation measures and advocates the use of fences and tunnels to pass under any roads. However, these are only effective, in terms of promoting the expansion of the newt population, if ponds exist either side of such roads (i.e. aquatic to aquatic). Otherwise the newts will

not migrate. There is nothing on the concept plan to indicate that the need for such measures has been understood.

3.4. Berkswell Windmill – impact on airflow

In summer 2019, Berkswell Parish Council and the Friends of Berkswell Mill jointly commissioned Erfgoed Advies Groen, an internationally highly respected Dutch company specialising in windmills and the critical importance of wind flow, to investigate the impact of any development in the vicinity of the Berkswell Windmill (ref 18).

The need for this key piece of evidence was recognised by SMBC, in order to ascertain whether significant harm would be caused to this Grade II* Listed building with respect to its functionality by Site BC3. However, as no action was being taken by the council to undertake the study, the decision was taken to commission independently.

The methodology adopted by EAG was twofold.

Firstly, the ability of the mill to function in an open landscape was determined. This was then compared with the actual number of days the mill could function in its current landscape, taking account of all the major obstacles (trees, buildings etc.). An on-site visit was made to assess these in terms of height and location to enable the actual situation for the Berkswell Mill to be modelled.

The results of this analysis were that in an open landscape, the mill would be able to function 282 days of the year. However, because of the existing trees and buildings, this is already reduced to 126 days. This demonstrates the severe impact of obstacles in the path of the wind. It is important to note that the construction of the mill is such that its boat cap can be rotated through 360 degrees, hence enabling the sails to be set to the wind whichever direction that is coming from.

The second stage was to ascertain the maximum height for any building located within a 400m radius of the mill, using a 16 point compass rose, such that there would be no further reduction in the ability of the mill to function. This is calculated by considering the biotope (nature of the surrounding area) for the mill, the characteristics of the mill itself and the elevation of the ground. (Please see report for details). As the HIA has already precluded building south of the footpath, the main area of interest is represented by the W, WNW, NW, NNW and N directions. Appendix III details calculations for the permitted building heights at 100m, 200m, 300m and 400m distances from the mill in these 5 directions. The source data can be found in the report.

These restrictions on building height are shown on Figure 17 for those areas within the North-West sector where development is proposed as well as the South-West sector for completeness. Comparing the numbers to those in Figure 13, there are slight differences but none that are significant. As SMBC have not detailed their calculations, the source of error cannot be established.

In order to draw any meaningful conclusions from this analysis, it is necessary to understand the implications in relation to the Concept Plan. For example, based on a typical 2 or 3 storey building, where might such buildings be precluded? Based on the drawings supplied by Crest Nicholson for sites 22 and 23, most 2 storey buildings are around 8.2m although some are as high as 9m. The 3 storey apartment blocks are 10.8m and 11.3m.

Although there is only one parcel where 2 storey building would not be permitted at all (based on a maximum allowable height of 8m), for all other parcels there are restrictions on the actual height of the buildings, be they 2 or 3 storeys high. For the two other central parcels, no 3 storey high buildings would be permitted. See Figure 18 for details.

The need to restrict building heights does appear to have been acknowledged in the Concept Plan (ref 28):

“The density across the site is low, this reflects the need to respond to restrictions on development height to retain the wind movement in order for the sails at Berkswell Windmill to remain operational.”

However, there is no detail provided as to how the yield of 120 units has been established from this key constraint to provide any confidence in that number.

Moreover, the council need to understand that it is not just the building heights that constrain the site in this regard. Any proposed layouts will need to be modelled by professionals in this specialist field to ensure that turbulence is not created and wind corridors are established. This could introduce further restrictions on the yield from this site, not to mention cost.

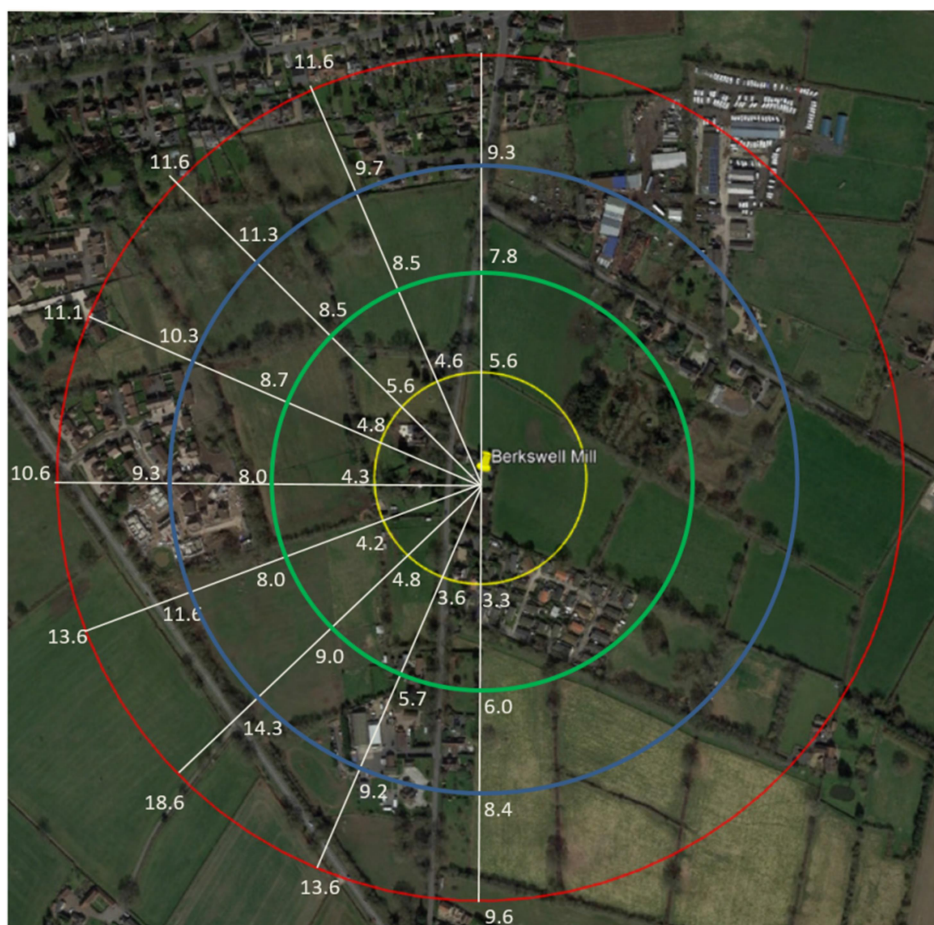


Fig 17: Height restrictions at 100, 200, 300, 400m from mill to allow wind flow (NW and SW sectors)



Figure 18: Implications of height restrictions for parcels proposed within Concept Plan

3.5 Density and amenity

Site BC3 is unique in Balsall Common, in that the parish boundary runs through it (see Figure 19). Berkswell parish is to the east, Balsall is to the west. Both parishes have NPs. At the time of this report, Berkswell NP has been formally adopted and Balsall NP has gone through the examination process but has been delayed in going to referendum because of Covid-19. However, it does have weight and must therefore be considered. As such, the concept plan for Site BC3 must respect the policies in the NPs.



Figure 19: Parish boundary through Site BC3

A common theme in both NPs is policies addressing new development. Although these mostly concern the specific design of any development, both consider the situation where new development is sited next to existing dwellings.

Balsall NP (ref 19) includes the following policies relating to density and height for development proposals:

POLICY BE.3:

“The density of development must enhance the character and quality of the local area whilst preserving the amenity of neighbouring residential homes”

POLICY BE.4:

“Be of a density that is in keeping with the character of the surrounding development and landscape”

“The height of new buildings should not be higher than buildings in the immediate locality with the exception of the village centre (Character Assessment zone K) and within the Solihull Local Plan strategic housing sites, at locations that are NOT adjacent to existing dwellings and away from site boundaries adjacent to open countryside”

These policies are both commensurate with that of the NPPF (ref 6, para. 122), which refers to the “desirability of maintaining an area’s prevailing character and setting.”

The proposal for low density housing across BC3 is welcomed. However, according to the Concept Plan report (ref 28), low density could be anything up to 30dph. The proposal to build 120 homes on 7ha would result in an AVERAGE density of 17dph. But there is no further detail as to whether this density would be uniform across the site and Catesby have been unable to provide any further clarification (ref 41). Neither is there any clarity over the actual heights of the proposed buildings – only an assumption that these would be restricted due to the wind flow.



Figure 20: Concept plan for Site BC3 – areas of significance for NPs

With respect to the parcels in the North West (Balsall Parish), the proposal to build housing immediately adjacent to existing residents is neither in keeping with the surrounding development nor does it preserve the amenity of existing residents. As such, to build right up to the boundaries of these properties does not comply with policies BE.3 or BE.4 in the NP. The density of the development comprising no.s 755, 757 and 759 Kenilworth Road is 11.5dph. There is no indication as to the proposed density of the adjacent dwellings, other than it will not exceed 30dph. Heights would need to respect those of existing dwellings (i.e. low 2 storey buildings). Again, looking at Figure 17, there is a height restriction of 11m, but the actual height proposed is not specified. (Please note that, for the ecological reasons discussed in section 3.2, this area should not be developed in any case.)

Referring to the Berkswell NP (ref 20):

POLICY B1:

“Quality public open and children’s play space should be provided in accordance with the Solihull Green Space Strategy Review or the successor document. New open and play spaces should normally be located between new and existing housing to serve the whole community; play spaces should benefit from natural surveillance. Where this location of the open space is not feasible, to help the transition the distance between new and existing dwellings should be toward the upper end of the range in the Solihull Housing Development Guidelines SPG7 or successor document i.e. around 30m.”

With respect to the parcel in the north east, this policy requires either quality public open space, or significant spacing to separate existing dwellings from new. This is not respected in the Concept Plan. Moreover, the proposed location for Public Open Space, close to the mill, does not allow for natural surveillance and, as such, an alternative location for POS is required. Both will reduce the developable area and hence the yield.

To conclude, although the policies of the respective NPs do not preclude development, the non-compliance (both real and potential) with said policies will add additional constraints as shown in Figure 20. Without a detailed concept plan, the reported yield of 120 cannot be assured.

3.6 Highway safety on the A452

Please note that this section assumes vehicular access onto the A452 through Meer Stones Road. According to Catesby (ref 41), SMBC have stated that this access point, from the north-west parcels, should be pedestrian only, with all vehicles exiting the site onto Windmill Lane.

If this is true, then the consequence would be that vehicles will have to cross the GCN corridor, strengthening the argument that the parcels in the north-west should not be allocated for housing on ecological grounds, but instead designated as a nature reserve. This would directly benefit the residents of both Drovers Close and Meer Stones Road, for which the existing POS on those sites is woeful.

If this is not true, then the parcels in the North West should still be removed as traffic would be discharging onto the A452 with the associated safety concerns to be discussed in this section.

There are two issues affecting safety on the A452, speeding and congestion.

3.6.1 Speeding

This has been an ongoing issue for the past 8 years and is covered in detail in section 3.2 of Appendix I and summarised as follows.

As part of the outline planning approval for sites 22 and 23, the developers were required to put mitigation measures in place, under a section 106 agreement, to address the proven speeding issue on the A452. This had been raised as a concern by the police, Balsall Parish Council and residents. BARRAGE responded in detail to the proposed measures (which consisted of cobble stones down sections of the road and boundary markers at the entrance to the village) providing detailed arguments as to why these measures would not work. However, the sites went ahead and the measures went in. Crest Nicholson were required to do a follow up survey to demonstrate the efficacy of these measures and the results were sent to SMBC in summer 2019 (ref 25). Not only had the measures not worked, but the speeding situation had actually got worse. This is a 30mph zone. The average northbound traffic was recorded as 35.8mph, southbound as 35.3mph. S278 monies were secured from Crest Nicholson, presumably to fund additional measures. However, as yet, no proposals have been forthcoming and Crest Nicholson have stated to SMBC that:

“Any additional measure would be unlikely to provide further benefit towards reducing vehicle speeds”.

3.6.2 Congestion

Sections 2.2 and 2.3 highlighted the current issue of congestion on the A452. This discussion will focus on the consequences of that congestion for current residents, which would only get worse should Site BC3 be allocated with no mitigation in place.

From the concept plan (ref 28), the only additional access point onto the road network is onto Windmill Lane. Otherwise traffic is expected to access the highway via Meer Stones Road onto the A452. It is virtually impossible during peak times to turn right onto the A452 already. The traffic is either stationary waiting for the lights to change (frequently backing up well beyond the southern tip of Site 22), or it is fast moving to get through the lights. The average flow rate is 1 vehicle every 3 seconds during peak times. As such, many residents default to turning left and then use Windmill

Lane as a 'back road'. Not only does this add to the already significant volumes of traffic down this country lane, but there is also a very difficult corner to negotiate where Windmill Lane intersects with the A452. This is compounded by traffic seeking to turn right into the lane from the northbound carriageway of the A452.

Both the speeding and congestion issues need to be resolved BEFORE making any decision regarding the allocation of Site BC3. It is not acceptable to plough ahead and assume that these safety issues can be addressed further down the line when all the evidence to date demonstrates that there are no apparent solutions. Whereas the inclusion of a bypass is noted, unless this site were to be developed after the bypass has been built (if indeed it ever is), and the speeding and congestion issues have been resolved, the site cannot be considered as sustainable in this regard.

Referring to NPPF (ref 6, para. 108), the following requirement is not met:

"In assessing sites..., it should be ensured that:
b) safe and suitable access to the site can be achieved for all users; and
c) any significant impacts from the development...on highway safety, can be cost effectively mitigated to an acceptable degree"

Given that these problems already exist, and Site BC3 would only make matters worse, the lack of any proposals to deal with this safety concern in phase I is not acceptable. Even more troubling is the statement by Mott MacDonald (ref 34 section 6.2.5.):

"An example of speed reducing in Balsall Common is Kenilworth Road, with the development access points on Drovers Close. A narrowing of the road lanes, providing a small paved central reservation, reduces the speed of the road, and reduces the number of vehicles overtaking and increasing the speed on the road. This measure enables more vehicles to join the A452, without a large delay."

The Crest Nicholson evidence suggests otherwise (see para. 3.6.1.) as does the experience of residents.

3.7 Ground conditions

The local ground conditions are such that, based on sites 22 and 23, any buildings on Site BC3 are likely to require pile driving. If so such invasive work, in the vicinity of the Grade II* Listed Berkswell Windmill, risks causing long-term damage to this historic monument. Indeed, the pile driving undertaken during the development of sites 22 and 23 caused the Grade II* Listed Berkswell Windmill and cottage to shake. Site BC3 is even closer to this historic asset. It would also disrupt the numerous species of local wildlife, including birds of prey (notably Red Kites), owls, buzzards, woodpeckers, song birds, hedgerow birds, game birds, foxes, small mammals, deer, butterflies, numerous insects (including bumble bees), amphibians, bats and, of course, the GCNs.

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 residents do and not always out of choice. This is even more the case in this Covid-19 era and is likely to continue post Covid-19. If

required this, in itself, should be justification for not developing Site BC3, or indeed any site with similar ground conditions.

3.7 Conclusions

The latest Concept Plan (ref 28) does take some account of previous concerns raised by BARRAGE in respect of the setting of the mill, the ecological constraints and wind flow to the mill. As a consequence, the yield from this site, in total requiring the removal of 11ha of Green Belt Land in the Meriden Gap, has reduced to 120 units. The average density across the 7ha developable area would be 17dph.

This does not constitute efficient use of land, as mandated by the NPPF (ref 6, para. 122)

The yield will further reduce as due consideration has not been given to the policies within both NPs in terms of respecting the amenity of existing residents, particularly with respect to separation, density and height, as well as the need for Public Open Space located where natural surveillance can be achieved.

There is no evidence provided with regards to traffic flows down Windmill Lane to demonstrate that significant harm will not be brought to the setting and character of the Grade II* Listed Berkswell Windmill. Neither has a visual assessment been made from the public highway, also recognising the cumulative impact due to the location of BC4.

There is a lack of clarity over the nature of the access point into Meer Stones Road. If vehicular, traffic will be accessing the A452 with speeding and congestion issue. If pedestrian, traffic will have to cross the GCN corridors. The concept plan shows no mitigation for this and a further reduction in yield may result.

As such, the same conclusion is reached through this detailed analysis as for section 2, hence reinforcing that position.

BC3 should not be allocated as it is not consistent with national policy, it has not been justified in that the evidence is incomplete and therefore the allocation is not sound.

Moreover, full account has not been taken of reasonable alternatives, the subject of the next section and again a test of soundness.

4) Test of Soundness – allocation of Site BC3

This section explores the reasons, with evidence, as to why the allocation of Site BC3 fails the Test of Soundness.

There are three areas of non-compliance:

- 1) The plan has not been positively prepared in that unmet need from neighbouring authorities need only be accommodated where it is practical to do so and is consistent with achieving sustainable development
- 2) The allocation of Site BC3 is not justified in terms of taking into account reasonable alternatives
- 3) The allocation of Site BC3 is not consistent with National Policy in terms of delivering sustainable development

4.1 Methodology for selecting site BC3 for allocation

The Topic Paper (ref 37) describes the approach taken to site allocation. The first point to note from section 2 of that paper is that SMBC seem to have relied on sites coming forward in response to “Call for Sites” i.e. a “push” process, rather than identifying the most appropriate locations for development and then approaching the landowners i.e. a “pull process”. It is hardly surprising, therefore, that 96.5% of the sites being promoted are in the Green Belt. To what extent have SMBC pursued the opportunity to proactively seek out and then promote the development of brownfield sites, as mandated by the NPPF (ref 6, para. 138)?

With regards to site BC3 specifically, and following the steps defined in section 5 (ref 37), the decision to allocate BC3 cannot be justified.

From para. 43:

Step 1 - The priority given is 5, with an associated “yellow” category – “Lower performing Green Belt non PDL in accessible location (defined according to the services within the settlement)”

As such, further tests are required to determine whether to allocate the site or not (green or amber)

Step 2 – With regards to the “Factors in favour (+ve) and against (-ve)”:

- +ve The site accords in accordance with the Spatial Strategy (ref 38) (Option G – Significant expansion of Rural Settlements)
- -ve There are hard constraints which cannot be mitigated across the site – notably biodiversity and heritage assets (see section 3)
- +ve It is NOT a SHELAA category 3 site
- -ve By definition, the site must be breaching strong defensible boundaries, as a requirement for allocating sites 22 and 23 was that such boundaries could be established
- +ve Windmill Lane and Kenilworth Road would create strong defensible boundaries

- -ve The site is not accessible, as demonstrated by section 2.2 and also acknowledged by the Topic Papers (ref 38, para. 398): “sites to the ...south of low accessibility”
- Although not of “very low” landscape capacity rating, this area is classed as “low” (ref 13)
- -ve The Sustainability Appraisal identifies harmful impacts
- -ve There is no wider planning gain (in fact there is a lost opportunity for biodiversity offsetting)

As such, primarily on the basis of poor accessibility, the unsustainable nature of the site, the harm resulting from biodiversity loss and to the setting of the Grade II* Listed Berkswell Windmill, as well as the breaching of established green belt boundaries, there is no justification for the allocation of this site. As such, the site should have been classified as “amber”, not “green”.

This goes right to the heart of the NPPF (ref 6), the fundamental premise of which is the “presumption in favour of sustainable development” (para. 11). Site BC3 has been proven to be unsustainable and therefore there is no presumption in favour of its development.

Furthermore, the NPPF (ref 6, para. 11) clearly states that:

“b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area”

The footnote to this paragraph defines such policies as relating to:

“.....land designated as Green Belt.....(and) designated heritage assets....”

Solihull’s Local Plan (ref 29) provides not only for its own objectively assessed needs - 12912 units (paras. 220 and 221) - but also an additional 2105 as a contribution towards the wider HMA. This is despite the very clear stipulation in the NPPF (ref 6 para. 11) that if this necessitates building on Green Belt Land, then the council does not have to do this. Not only does this have profound implications for the justification for allocating Site BC3, but taking a wider perspective, it also challenges the decision to build so many houses on Green Belt land across the borough.

Referring to the tables in para. 222 and 226 in the Draft Local Plan (ref 29):

- 5270 units are attributed to new allocated sites

Of these:

- 4410 units are on Green Belt, greenfield land
- 705 units are on Green Belt, previously developed land
- 140 units are on brownfield sites.

Moreover, 1275 units (including BC6 Lavender Hall Farm – 80 units Green Belt PDL site) are in the Meriden Gap, which SMBC, in its own Vision Statement, has vowed to protect (ref 6, para.47):

“The Borough will retain its sense of identity, both in its urban and rural area (including protection of the Green Belt which contains the strategically important Meriden Gap); and the quality of the environment that make it a special place.”

As such, SMBC are not only sacrificing land in the Green Belt, when there is no requirement to do so, but a quarter of the new site allocations are in the nationally strategic Meriden Gap, including site BC3.

4.2 Alternative sites

Notwithstanding the argument in section 4.1 that there is no requirement on SMBC to build on Green Belt Land in the Meriden Gap, BARRAGE would suggest that there are multiple alternatives which have not been fully investigated, or have been omitted, which would be more suitable for development than BC3. These will now be discussed.

4.2.1. Sites in Balsall Common

According to the Draft Local Plan (ref 29, para. 538), there are several SHELAA sites which would fall within the settlement boundary as a result of the new proposed allocations. These are identified as:

- 1 – Springhill, 443 Station Road (capacity 21)
- 36 Land adjacent to Oakwood House, Lavender Hall Lane (capacity 7)
- 43 – Land adjacent to Old Lodge Farm, Kenilworth Road (capacity 40)
- 333 – 2 Lavender Hall Lane (capacity 1)

These sites would deliver, collectively, 69 units and it is entirely unclear why these sites have not been included within the plan as SHELAA sites. BARRAGE fear that the council will repeat what was done when BARRAGE suggested the allocation of the PDL site at Duggins Lane as an alternative to site 23 back in 2012. SMBC argued that Duggins Lane was not suitable for development, and even if it were, it would class as a “windfall” site, in direct conflict with the statement (ref 29, para. 539):

“Windfall housing sites are sites that will become available for residential development during the Plan period that cannot be identified now.”

Within months of the last Local Plan being made, Duggins Lane had been granted planning permission. The fear is that these sites will be allocated as well under the pretext of “Windfall Sites,” once this Local Plan is made.

The delivery of these 4 sites would offset the 120 for BC3 to leave a deficit of 51 units. Referring to the SHELAA assessments, it is entirely unclear why SHELAA site 101 (40 units) has been omitted from the plan. This is a small site on the approach to Balsall Common from the east and is fully bounded by public roads as well as being of low ecological value. Whereas it is acknowledged that it is Green Belt Land in the Meriden Gap, the allocation of this site has merits in comparison with Site BC3. Given that the constraints identified by BARRAGE would reduce the yield from BC3 yet further, the allocation of all 5 sites obviate the need for Site BC3.

4.2.2. Sites beyond Balsall Common

Given the level of housing already proposed for Balsall Common, ideally any allocations to offset Site BC3 would be located elsewhere in the borough. This would comply with SMBC's aspiration (ref 29 para. 64) to:

"strike a balance between concentrating development in a relatively small number of locations and dispersing development over a greater number of locations – a 'balanced dispersal' approach."

The concentration of development in Balsall Common - 31% of the new housing allocations - conflicts directly with this statement.

The CPRE, (ref 24), taking a borough-wide perspective, supported the allocation of five sites, all rated as amber in the Draft Local Plan Supplementary Consultation (ref 1), which could be considered for allocation as "alternatives":

Land r/o 575A to 587 Tanworth Lane, Cheswick Green (ref A1) – 36 units

Land at Mount Dairy Farm, Cheswick Green (ref A2) – 10 units

Land r/o of 146 to 152 Tilehouse Lane, Whitlock's End, Tidbury Green (ref A3) – 18 units

Rowood Drive, Solihull (ref A6) – 30 units

Land r/o 114 to 118 Widney Manor Road, Solihull (ref A7) – 22 units

It is not clear whether any of these sites are now included in the Draft Local Plan as there is no complete listing other than for the strategic allocations. These sites total 116 units and would support the principle of seeking to develop sites with smaller capacities alongside the major allocations (ref 29 para. 66). They would, collectively, offset any need for BC3.

BARRAGE would also like to understand why the settlement of Dorridge, which is probably one of the most sustainable settlements in the borough in terms of public transport and local amenities, has no site allocations at all. This imbalance is somewhat curious, especially given the recent investment in that settlement, and is therefore open to serious challenge. It is not clear, for example, why amber site Ref A5 (Blue Lake Road) has not been allocated? This has a potential yield of 340 units.

4.2.3. Solihull Town Centre

The section in the Draft Local Plan (ref 29), which discusses Solihull Town Centre, explains (para. 117) that a Town Centre Master Plan was commissioned 4 years ago in 2016. The plan indicated a potential yield of 1400 new homes with an additional 100 on land near the train station, so 1500 in total (para. 127). As such, SMBC have included a figure of 861 homes expected to be delivered during the plan period (para. 128).

At the time of releasing the Draft Local Plan for consultation, the final version of the Master Plan had still not been released, although the emerging work indicated that the level of residential development was expected to at least match that in the Draft Local Plan, if not exceed it (para. 130). According to para. 120:

“The masterplan is in the process of being updated and is expected to be published by the end of the year.”

The master plan finally came to cabinet on 5/11/2020 – a week into the consultation (ref 44). Although repeatedly referring to setting out, ‘a clear vision for Solihull 2036,’ the plan actually appears to have a timescale of 20 years (Fig 8.1, p76). An overall housing number is referred to now of 1178, but there are no specifics of how many units will be delivered in each of the 6 areas defined, nor when completion is expected. As such, it is impossible to reconcile the findings of this key piece of evidence with the numbers in the Draft Local Plan. This is a critical piece of work with significant implications in terms of housing allocations. The land would also be brownfield. Why was the Solihull Master Plan not expedited, or the Draft Local Plan delayed by a few weeks until its publication? And why does it not dovetail into the Draft Local Plan in terms of number of accommodation units and timing plan?

4.2.4. Site 426 – Land South of Broad Lane

This site was proposed in March 2019 by David Wilson Homes. The land is an urban extension of Coventry to the south of Broad Lane. The site was dismissed by SMBC on the basis that it scored 9 at step I of the methodology explained in section 4.1 and therefore was rated as red. However, the Green Belt scoring is argued to be 5 and therefore this site should have been rated as yellow, the same as BC3. The reports by Barton Willmore explain the merits of this site, including its accessibility and sustainability. The site is 67ha with a large area being a burial ground. The site would yield 655 homes. Why has this not been allocated?

Notwithstanding the argument that SMBC are not required to release Green Belt Land for development, this section has highlighted either where there is the opportunity to identify land on brownfield for development, or where there are alternative Green Belt sites which are more suited to development than Site BC3. As such, BARRAGE would argue that the allocation of Site BC3 has not been justified and therefore the test of Soundness has not been met.

5) The Solihull Local Plan Review in general

This final section considers several major issues concerning the process and evidence base used to determine the allocation of sites within the Draft Local Plan. BARRAGE would consider these to be sufficient to call into question the justification for allocating Site BC3 and indeed the overall number of housing units proposed for Balsall Common.

5.1 An holistic perspective has not been taken to site allocations across the borough. Whilst acknowledging that Balsall Common was identified by SMBC as a settlement suitable for significant expansion, to increase the housing units from circa 3900 to around 5700 is totally disproportionate. (7 large allocations including the Riddings Hill site).

5.2 There is no “plan” in terms of timing, despite the recognition by SMBC of the need to “manage the growth” (ref 27, para. 222) . To manage the scale of growth proposed for Balsall Common, in addition to the construction of HS2, would require skilled Programme and Project management to ensure that the settlement was able to continue to function. The infrastructure needed, such as additional or expanded schools, medical services, shops, parking and the proposed bypass, would need to be phased alongside the housing sites and HS2. Educational provision, in particular, is of paramount importance, as the village attracts many families and already newcomers are unable to secure a place for their primary school children at either Balsall Common or Berkswell schools for year groups other than entry level. As such, it would be expected that a “Placement Sufficiency” strategy is available to assure capacity at both primary and secondary levels, certainly for the next 10 years, if not throughout the plan period. Until another primary school is built, the village has very little capacity to educate any more children. This contravenes NPPF para. 94 (ref 6) that:

“A sufficient choice of school places is available to meet the needs of existing and new communities”

Given the complexity and criticality of such an holistic, integrated plan for the village, it is essential that this is included within the evidence base for the Solihull Local Plan Review to demonstrate the viability, and therefore soundness for any housing proposition. There is no indication that this has been understood and addressed, which is deeply concerning to businesses and residents alike.

Moreover, the phasing of the proposed allocations has been specified with circa 345 units to be built in phase I (BC2, BC3 and part BC5). Given that none of the big infrastructure projects are likely to be completed in the next 5 years, the question must be raised as to what is actually driving this decision? It is certainly not in the interests of the residents.

5.3 Balsall Common does not fully meet with SMBC’s own criteria regarding “high frequency” public transport, in respect of either rail or buses. Although there has been a slight increase in the number of trains recently (5 to Birmingham and 4 to Coventry between 7am – 9am) this does not meet with the definition of “high frequency” (please see Appendix I section 2.1 for details). The train service is not expected to change in the foreseeable future and any increase in bus service provision is not assured. As such, the only reliable data is that which currently exists. Balsall Common is not suited to expansion on the scale being proposed in this regard and all the assessments regarding public transport scoring in the Accessibility Study (ref 4) are incorrect.

5.4 Although a Green Belt assessment has been made as to the purposes of the various broad areas and refined parcels, there has been no assessment made of the harm to the Green Belt, should sites be allocated. This is a major omission to the evidence base.

5.5 Finally, 23% of the original SHELAA assessments appear to be wrong (please see Appendix V for examples).

The assessment methodology laid down in the SHELAA Main Report (ref 43 p3) clearly states in relation to “Suitability” that:

“Criteria marked by underlining are particularly important. If a site scores 0 or 1 against any of these criteria, the site can only achieve a maximum overall ‘suitability’ score of 1. If a site scores 3 against any of these criteria, the site can only achieve a maximum overall ‘suitability’ score of 2.”

The three criteria in question relate to Contaminated Landfill; Impact on Flood Risk Areas and Biodiversity.

As such, Site 9, for example, which scores 0 for Contaminated Land, should have automatically been rated as a Cat 3 site. It has been rated Cat 2.

Again, referring to the Table 5.1 (ref 43 p5), sites which score 3 for each of Suitability (35/50 scoring), Availability and Achievability should rate as Cat 1. For Site 1, the Suitability score is 40, and Availability and Achievability each rate as 3. So why is the site Cat 2?

This is particularly significant as this is, Springhill, a site BARRAGE would recommend for allocation, and yet it has been omitted (see section 4.2.1.)

Given that this is a key piece of evidence underpinning the Local Plan, the implications for the soundness of the plan are profound. Revisions to the SHELAA assessments will almost certainly be needed, which will require a re-evaluation of all sites to ensure that of those being included within the plan are justified.

Furthermore, having highlighted this issue to SMBC in 2019, it is disconcerting that no revision has been made to the SHELAA assessments. How can any site be justified when the evidence is so unreliable? And has this plan been constructed with the answer in mind from the start, i.e. predetermination, and the consultations used to flush out any issues the council may have overlooked?

6) Conclusions

This report concludes that the Draft Local Plan is not sound, in proposing the allocation of Site BC3 for housing, as it fails to comply with 3 of the 4 tests of Soundness:

- Positively Prepared:

The plan has not been positively prepared in that it is not practical to deliver the unmet need of the HMA (2105 units). NPPF para. 11 has not been given due consideration. To build 4410 units on Green Belt Land (greenfield) and 1195 in the Meriden Gap is not required in order to comply with planning policy. Moreover it has been demonstrated that Site BC3 specifically is not sustainable using the council’s own criteria.

- Justified:

The allocation of site BC3 has not been justified. There are omission sites both within Balsall Common and in the wider borough which either should have been allocated, based on merit, or for which the omission has not been justified. Moreover, the findings from the final version of the masterplan for Solihull Town Centre (published a week into the consultation period) are not incorporated and cannot be reconciled with the Draft Local Plan.

- Consistent with National Policy:

Inconsistencies with the NPPF have been demonstrated throughout this report. Specifically paragraphs 11; 94; 108; 109; 122; 138; 185; 193 and 194 are not complied with. As such, the enabling of sustainable development will not be delivered should Site BC3 remain in the Draft Local Plan.

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- 40 SMBC, "Additional Site Options Ecological Assessment: Windmill Lane and Kenilworth Road," Warwickshire Wildlife Trust February 2020
- 41 MS Teams discussion with Katie Yates and Dawn Adams, Catesby Estates 30/10/20
- 42 Peter Brett, "Solihull Strategic Housing and Employment Land Availability Assessment 2016 Volume A: Main Report," November 2016

43 Peter Brett, "Solihull Strategic Housing and Employment Land Availability Assessment 2016 Volume B: Appendices," November 2016

44 SMBC, "Solihull Town Centre Masterplan," November 2020

45 Historic England response to the Draft Solihull Local Plan Supplementary Consultation 15 March 2019

APPENDIX 1

Extracts from BARRAGE response to Solihull Local Plan Review, **February 2017**

2.1) Accessibility

DLP policy 7 states that:

“All new development should be focussed in the most accessible locations” (ref 1).

In order to provide the evidence to objectively assess this, SMBC commissioned the “Solihull Accessibility Mapping” report, undertaken by Atkins (ref 2). The report focusses on both accessibility to “high frequency” public transport, as well as local facilities, with sites being scored in relation to proximity to a primary school, food store, GP surgery and high frequency bus and/or rail service.

With regards to public transport, there are two specified criteria, relating to rail and bus services, to demonstrate “high frequency”:

a) Rail service :

*“Following instruction from SMBC, only railway stations which had **at least three services per hour in at least one direction** during peak periods (07:00 - 09:00 and 16:00 - 18:00) were included”. (Section 2.6)*

b) Bus service :

“Those sites which were fully compliant with the 2013 SLP criteria, or compliant within one or two relaxations were given a defined score”. (Section 4.3.2.)

This criterion is defined as a ***“daytime frequency of 15 minutes or better”*** (section 1.1)

Berkswell Station, according to the timetable detailed in Appendix A4 (ref 2), **does not meet the** very specific **criteria** above in that there are **only TWO services per hour in each direction** during peak times, **not three “in at least one direction”**. As such, it should NOT have been included in the subsequent analysis. However, this has been overlooked by the consultants and all sites in Balsall Common have been assessed as if this fundamental requirement were met. Up until a few years ago

residents did enjoy a more frequent service, but the revised timetable meant that not every “stopping train” now stops at every station. Indeed there is now a **40 minute wait between trains even at peak times (e.g. 7.42am and 8.21am).**

With regard to the **bus service**, there are two regular services – the 87 and 88. The **87** goes from Solihull to Coventry and is an **hourly service. It does not run in the evenings or on a Sunday.** The **88** goes from Balsall Common to Solihull. It also is an **hourly service and does not run evenings or Sundays.** As such, even where these buses stop at the same bus stops, **the highest cumulative frequency is 30’.**

As such this **15’ criteria is not met anywhere in the settlement** and yet all sites have been assessed and scored as if it were. NB There is no bus service to Kenilworth, nor train service.

It is confusing that the “high frequency” criteria specified for bus services in the DLP (policy 7) is actually different from that specified in the commissioned report:

“The Council will expect development proposals to fulfil the following:

- for residential development over 100 dwellings, provide access to a bus service offering at least a 30 minute daytime, evening and weekend frequency within 400m of the site”*

However, as already highlighted, even this relaxed “frequency” criteria cannot be met anywhere in Balsall Common and therefore **any site over 100 units would have scored zero**, even with relaxed distances.

The conclusions therefore are threefold:

- 1) Balsall Common is NOT an accessible location as there is **NO PUBLIC TRANSPORT SERVICE, BUS OR RAIL, WHICH MEETS THE COUNCIL’S OWN CRITERIA FOR “HIGH FREQUENCY”.** Relaxing distances makes no difference to this.
- 2) As such, **ALL THE SCORINGS FOR BUS AND RAIL FOR ANY SITE IN BALSALL COMMON SHOULD BE ZERO**
- 3) Even if the (different) criteria specified in the DLP are applied, **ANY SITE OVER 100 UNITS WOULD STILL SCORE ZERO IN RESPECT OF BUS SERVICES**

Indeed it does seem odd that the **criteria used by Atkins as part of the evidence base is inconsistent with that specified in DLP policy 7**, calling into question the **validity of this study.** Moreover, other than for bus services, **there are no objective measures in DLP policy 7 for proximity to rail services, food shops, GP surgery and primary school.** Given the very clear criteria in the 2013 SLP, this appears to be something of a retrograde step and allows for considerable subjectivity in what should be a very objective measure.

The lack of any high frequency public transport is particularly significant for Balsall Common, a settlement with little by way of local employment. According to the “Solihull Connected Transport

Strategy” (ref 3 p7), this area is classified as being of the **“Lowest Growth” in terms of employment** change. As such, most people do and will continue to **commute to work by car**. Indeed the **“proportion of households** having 3 or more cars is the second highest in the borough” (ref13), possibly linked to the poor public transport services. To build another 1150 housing units in Balsall Common will result in a significant increase in traffic on the road network, not to mention impacting on the carbon footprint and deterioration in air quality.

This directly contravenes **DLP policy p9**:

“At a strategic level, measures to reduce carbon emissions and transition to a low carbon economy will include:

- ***Locate development where it minimises the need to travel*** and encourages sustainable forms of transport such as cycling, walking, ***public transport.***”

To make matters worse, THERE ARE **NO SPRINT RUNS** PROPOSED TO PASS THROUGH BALSALL COMMON (ref 3 p15 and ref 1 policy 8A) to offer as an effective alternative to get to the main employment centres. As such, all the good intentions to ensure that:

“Land use should be planned alongside transport measures to ensure that developments are more sustainable and can be supported by the transport system” (ref 3 p6)

have been ignored, which is concerning given that **almost 20% of the new housing allocations for the borough are in Balsall Common**.

Indeed one of the two fundamental premises for the significant expansion of Balsall Common, according to Topic Paper 4 (ref 10, para. 403) is stated as being: “the **medium to high accessibility**,” which indicates, “that this settlement is suitable for consideration for growth”. This has not been demonstrated. In fact **the data proves the opposite**.

Therefore the proposal to expand the village by approximately 30% is unsound.

In summary, the evidence base is flawed. Balsall Common is NOT an “accessible” settlement and any significant expansion will impact negatively on the road transport network, air quality and the carbon footprint. This contravenes DLP policies 7 and 9.

3.2) Impact on traffic and congestion

Site 3 is on the south side of Balsall Common. **Solihull's Transport strategy** (ref 3 p19) identifies **two congestion "hotspots" in the village** at the Kenilworth Road / Kelsey Lane traffic lights and the roundabout in the village centre. Traffic is frequently gridlocked between these two points. Furthermore, the council's own traffic data, measured from a) north of Windmill Lane (to the south of the village) and b) south of Wootton Green Lane (in the north of the village) (ref 5), proves that **the volume of northbound traffic increases by 70%** (weekday peak 8am – 9am), as traffic joins the A452 at the traffic lights, Gypsy Lane and the village centre roundabout. (Southbound traffic decreases by 26%). This is not surprising as most traffic joins the A452 to head **north towards the main centres of employment**.

It therefore makes no sense to build Site 3, on the SOUTH SIDE of the village, when the consequence will be to add to an already known congestion hotspot, particularly when there are **available sites on the north side** of the village.

This situation will only get worse with the development of the UK Central Hub (again to the north). As such, building to the south of the village directly contravenes the **Solihull Connected purpose to REDUCE CONGESTION**, this also being the overarching purpose of DLP policy 8. Furthermore, the NPPF (para. 32) clearly states that development should be refused where the **residual cumulative impacts of development are severe**. Given that there are no definitive proposals to mitigate for the impact of this site through improvements to the transport network, Site 3 should be refused on this basis.

In summary, developing site 3 in the south of Balsall Common will add to the existing congestion spots in the village which contravenes both DLP policy 8 and also NPPF para. 32.

The second concern relates to safety for drivers from Site 3 as well as that of current residents. The only access point(s) from this site will be those constructed for sites 22 and 23 exiting straight onto the A452 trunk road, according to the Catesby presentation at the Balsall Parish Council consultation event (11/02/2017). Given that sites 22 and 23 are in the very early stages of occupancy, this means that **cars from an additional 315 housing units will be trying to pull out onto this busy main road from just two access points. This is not sustainable development.**

Already, residents find it almost **impossible to turn right onto the northbound carriageway during peak times** – the traffic either being fast moving or stationary depending on the traffic lights. Moreover, the number and proximity of access points along this stretch of the A452 adds to the difficulty of **safely accessing the highway**. As such, residents often turn left (southbound) and then left again up Windmill Lane – a difficult hairpin turn. In recent times, **Windmill Lane has become a "rat run"** used by articulated lorries as well as cars.

Speed mitigation measures required as part of the outline planning permission, to be implemented by Crest Nicholson before the first occupation (which took place in November 2016), are still not in place. Current residents remain sceptical as to the efficacy of these measures in enabling safer and

more efficient access onto the highway, yet **Site 3 would add another 200 homes, on top of the 115** from sites 22 and 23, before these measures have been proven. Given the concern expressed by the police regarding traffic speeds at the outline planning stage, to be even considering building another 200 homes, before knowing that this key safety problem has been satisfactorily addressed, seems irresponsible at best. However, the **root cause of the problem is actually the volume of traffic on this stretch of road**, which no amount of speed mitigation measures will reduce.

This is a road safety issue which does not respect **DLP policy 8**:

“The Council is unlikely to support developments:

- where they will result in a reduction in safety for any users of the highway or other transport network”*

In summary, the development of site 3, in addition to sites 22 and 23 (315 units in total), will inevitably cause delays to drivers trying to access the highway from just two exits. As a consequence, safety will be impacted, as drivers attempt to exit these sites in a situation even more difficult than it is today. As such, policy 8 is not respected.

<p>Traffic both directions Kenilworth Road (looking north towards traffic lights)</p> 	<p>Extent of Northbound traffic Kenilworth Road. Note car attempting to join traffic.</p> 
<p>The tight corner (approx.135 degrees) into Windmill Lane – traffic southbound</p> 	<p>Turning into Windmill Lane – the alternative to turning right onto A452</p> 

Figure 1 The current traffic conditions on the A452 and junction with Windmill Lane

3.3) Accessibility

As discussed in section 2.1, all sites have been scored by Atkins according to proximity to the nearest primary school, food store, GP surgery and high frequency public transport (ref 2).

The scores given to Site 3 are as follows with the total based on the higher of the bus and rail scores according to the report. The final column shows the corrected score given that, as detailed in section 2.1, **the scores for bus and rail are actually zero.**

	Primary School	Food store	GP surgery	Bus	Rail	Total	Corrected score
Site BC3 (138)	60	25	20	45	35	150	105

The assessment shows that Site 3 is not even within the 2nd relaxation (up to 1200m) for food store or GP surgery.

As such, the development of Site 3 will add further to the traffic situation described in section 3.2, as any journeys to food stores or the GP surgery will inevitably be undertaken by car, there being no high frequency public transport in the vicinity.

Therefore, the **allocation of Site 3 would be in direct conflict with DLP policy 7:**

*“All new development should be focussed in the **most accessible locations**,”*

as well as DLP **policy 8:**

*“The council will support development proposals which are located in accordance with the spatial strategy in seeking to **reduce the need to travel** and that essential travel can be met by forms of sustainable transport in addition to the private car”.*

Given that the Accessibility study would appear to be one of the main sources of evidence relied upon by SMBC to inform the site allocation decision-making process, the clear inaccuracies within that document undermines the soundness of the Draft Local Plan.

In summary, site 3 contravenes both policies P7 and P8, due to the low accessibility rating. Even with the incorrect scoring by Atkins, it must be questioned why this site has been proposed for allocation when it scores so poorly on such a key parameter.

References

- 1 Draft Local Plan November 2016
- 2 Solihull Accessibility Mapping December 2016
- 3 Solihull Connected Transport Strategy 2016
- 4 National Planning Policy Framework 2012
- 5 Mott MacDonald traffic survey 2016 – L5033 Kenilworth Road North of Windmill Lane; L5032 Kenilworth Road South of Wootton Green Lane
- 6 Solihull Strategic Green Belt Assessment July 2016
- 7 Report to Solihull Metropolitan Borough Council by Stephen J Pratt 14 November 2013
- 8 Solihull Strategic Housing and Employment Land Availability Assessment 2016
- 9 Tyler-Parkes map for combined site 240, included as part of “call for sites” submission Jan 2016
- 10 Draft Local Plan : Topic Papers December 2016
- 11 Interim Sustainability Appraisal Report 5th Jan 2017
- 12 Solihull Borough Landscape Character Assessment December 2016
- 13 Settlement Study Appendix 18 (Balsall Common) 2009
- 14 Catesby Estates Ltd “Call for Sites” submission form Jan 2016

APPENDIX II

Comparative Sustainability of Site BC3 with alternative sites in Solihull

Scoring		-2	-1	0	1	2	Score
AECOM ID; CFS Site ID; Site Name		RED	AMBER	GREY	LGT GRN	DK GRN	
1	124 225 CW4 Chelmsley Wood Town Centre	0	2	5	6	5	14
2	123 219 SW1 Buckingham Road, Smithswood	0	2	7	5	4	11
3	231 East of Solihull	1	1	6	6	4	11
4	110 KH2 Copton Crescent, Kinghurst	0	0	10	6	2	10
5	122 122 SL1 Rowood Drive	0	1	9	5	3	10
6	140 341 SW3 North Of Coleshill Road, Smithswood	0	1	9	7	1	8
7	62a 221 CW3 Helmswood Drive	0	5	5	4	4	7
8	109 SO3 Damson Parkway/Hampton Coppice	1	2	6	7	2	7
9	127 140 DH3 Tythebarn Lane	0	4	7	4	3	6
10	132 316 DH2 Cleobury Lane	0	2	10	4	2	6
11	52b 98 KN7 South of Kenilworth Road	0	4	7	4	3	6
12	222 558 Blossomfield Sports Club	0	1	11	5	1	6
13	136 336 BL4 Coventry Road, Elmdon	2	2	7	3	4	5
14	141 400 SOL1 North of Streetsbrook Road	0	2	11	3	2	5
15	52a 59 KN6 North of Kenilworth Road	0	4	8	3	3	5
16	153 420 Birmingham Road, Meriden	0	5	7	2	4	5
17	46b 346 CG5 Blyth Valley Park	0	3	9	5	1	4
18	121 143 SO2 North of Lugtrout Lane	0	3	9	5	1	4
19	134 331 SA2 Widney Manor Golf Club	2	2	6	6	2	4
20	135 335 BL3 Coventry Road, S of Airport	1	3	8	3	3	4
21	232 122 South of Dog Kennel Lane	3	2	3	8	2	4
22	129 302 CG4 Stratford Road / Creynolds Lane	0	3	10	3	2	4
23	46a 346 CG5 Blyth Valley Park	1	5	4	6	2	3
24	117 28 SO2 North of Lugtrout Lane	0	3	10	4	1	3
25	139 339 SO2 North of Lugtrout Lane	0	2	12	3	1	3
26	145 410 SO2 North of Lugtrout Lane	0	3	10	4	1	3
27	118 58 DH2 Cleobury Lane	0	2	12	3	1	3
28	114 62 CG4 Stratford Road / Creynolds Lane	0	3	9	6	0	3
29	128 300 SO1 South of Hampton Lane	0	1	14	3	0	2
30	152 318 DH3 Tythebarn Lane	0	4	10	2	2	2
31	209 527 Land at Four Ashes Road	1	2	10	4	1	2
32	223 559 Land off Four Ashes Road	1	3	8	5	1	2
33	46c 346 CG5 Blyth Valley Park	0	5	8	4	1	1
34	116 20 SO1 South of Hampton Lane	0	3	11	4	0	1
35	148 423 Widney Manor Road, Solihull	1	1	13	2	1	1
36	203 407 Land at Widney Manor Road	1	3	9	4	1	1
37	210 528 Revised site 195 – Damson Parkway	1	2	12	1	2	1
38	216 538 The Yew Tree	0	5	8	4	1	1
39	219 552 Land at Warwick Road	0	4	10	3	1	1
40	224 41 South of Shirley	1	4	7	5	1	1

41	76a 82 BC6 Kenilworth Rd/ Dengate Dr	1	4	8	3	2	1
42	138 340 DH3 Tythebarn Lane	0	5	9	2	2	1
43	147 418 Diddington Lane, Hampton	1	3	9	4	1	1
44	230 Barretts Farm	2	6	2	5	3	1
45	112 17 SO1 South of Hampton Lane	0	3	12	3	0	0
46	113 16 SO1 South of Hampton Lane	1	2	11	4	0	0
47	52c 110 KN7 South of Kenilworth Road	0	4	10	4	0	0
48	200 128 Area G, Meriden	1	6	5	4	2	0
49	228 Oak Farm	0	5	10	1	2	0
50	229 Land South of School Road – Proposed for allocation	1	6	6	3	2	-1
51	201 304 Land at Oakes Farm	2	4	6	5	1	-1
52	146 413 DO3 South of Grove Road	0	2	15	1	0	-1
53	125 225 WE1 West of Tilehouse Lane	1	3	11	2	1	-1
54	137 338 BC5 West of Kenilworth Road	1	5	7	5	0	-2
55	202 305 North of Balsall Common	2	5	5	5	1	-2
56	211 531 Land at Braggs Farm Lane	1	4	10	2	1	-2
57	208 526 Land inc 15 Jacobean Lane	1	3	11	3	0	-2
58	126 18 WE1 West of Tilehouse Lane	1	4	10	2	1	-2
59	130 313 TG2 Fulford Hall Road	1	3	11	3	0	-2
60	204 424 Land NE of J5 of the M42	1	4	10	3	0	-3
61	59a 417 West of Stratford Road, Hockley Heath	0	7	7	4	0	-3
62	115 74 WE1 West of Tilehouse Lane	1	4	10	3	0	-3
63	220 553 Land South of J4 M42	3	5	5	3	2	-4
64	221 555 Land between J 5&6 of M42	2	5	7	3	1	-4
65	108 109 DO3 South of Grove Road	1	4	11	2	0	-4
66	213 535 Cleobury Lane - WM21924	1	6	9	1	1	-5
67	205 502 Land off Jacobean Lane	1	5	10	2	0	-5
68	151 313 TG2 Fulford Hall Road	1	6	8	3	0	-5
69	149 425 Windmill Lane, Balsall Common	2	5	9	1	1	-6
70	214 536 Cleobury Lane - WM12915	1	6	10	0	1	-6
71	133 319 KN5 Warwick Road, Rotten Row	0	7	10	1	0	-6
72	154 313 TG2 Fulford Hall Road	1	5	11	1	0	-6
73	BC3 allocated	1	9	4	4	0	-7
74	55a 1018 BC3	3	4	8	3	0	-7
75	218 547 Land off Jacobean Lane	1	6	10	1	0	-7
76	150 426 Broad Lane, Berkswell	2	7	7	0	2	-7
77	131 314 BC7 Leam Corner	2	6	8	2	0	-8
78	215 537 Cleobury Lane - WM47626	2	6	9	0	1	-8
79	120 118 KN5 Warwick Road, Rotten Row	1	7	9	1	0	-8
80	119 64 BA1 Barston	1	8	8	1	0	-9
81	86a 19 CE2 East of Warwick Road	4	6	6	1	1	-11
82	217 544 Broad Lane, Hawkhurst	4	5	7	2	0	-11
83	207 525 Land Darley Green Road	3	6	11	0	0	-12
84	144 409 ME4 Cornets End Lane Minerals	2	8	8	0	0	-12
85	206 524 Land East Nailcote Farm	5	6	4	3	0	-13
86	212 532 Berkswell Quarry, Meriden	4	11	2	1	0	-18

APPENDIX III
Calculations to determine the maximum permitted building height in vicinity of
Berkswell Windmill (N-W sector)

Distance from mill	Compass direction	100m	200m	300m	400m
Restriction on height due to mill (m)		3.6	5.0	6.3	7.6
Drop in ground elevation (m)					
	N	2.0	2.8	3.0	4.0
	NNW	1.0	3.5	3.4	4.0
	NW	2.0	3.5	5.0	4.0
	WNW	1.2	3.7	4.0	3.5
	W	0.7	3.0	3.0	3.0
Overall permitted building height (m)					
	N	5.6	7.8	9.3	11.6
	NNW	4.6	8.5	11.3	11.6
	NW	5.6	8.5	11.3	11.6
	WNW	4.8	8.7	10.3	11.1
	W	4.3	8.0	9.3	10.6

APPENDIX IV

SHELAA assessment for Site at Waste Lane/Old Waste Lane



28 November 2016

Site Assessment Details

SHLAA Reference	101	Site Name	Land At Old Waste Lane/Waste Lane, Balsall Common	Settlement	Balsall Common
Category:	1	Observations	Well contained greenfield site which fronts onto existing residential development, which could be appropriate for residential development.		
Yield:	40	Site performs well against suitability, availability and achievability criteria			
Density: (per hectare)	36				

Suitability Criteria

Access Infrastructure Constraints	5: Existing road access is adequate
Contaminated Land / Landfill Site	5: Site does not lie within this constraint
Ground Condition Constraints	5: Treatment not expected to be required
Heritage	5: Site does not include, nor is it adjacent to, a Nationally or Locally Listed Building
BMV Agricultural Land	5: Site is Grade 5 agricultural land
High Pressure Gas Pipeline	5: Site does not lie within this constraint
Flood Risk Constraints	5: Within flood zone 1
Bad Neighbour Constraints	5: Site has no bad neighbours
Biodiversity	5: Site is not within, or adjacent to, a Local Wildlife Site
Suitability of Location Constraints	3: Site is within or adjacent to a 'free standing rural village'
Other Suitability Considerations (if applicable)	

Availability Criteria

Availability Details	3: Held by developer / willing owner / public sector, vacant land and buildings or sites with pre-app discussions are taking place
Comments (if applicable)	Site identified through submission process - therefore assume willing owner.

Achievability

Achievability Details	3: Good marketability and/ or viability (likely to come forward within first five years)
Comments (if applicable)	Greenfield site in good market value area.

APPENDIX V

SHELAA assessments open to challenge



28 November 2016

Site Assessment Details

SHLAA Reference	9	Site Name	Land To Rear Lavender Hall Farm	Settlement	Berskwel
Category:	2	Observations	The site predominantly comprises an area of hardstanding/car park in commercial use. The site is relatively isolated via a railway line to the south. There is also evidence of new commercial buildings recently constructed on the site.		
Yield:	63		Site faces some suitability constraints		
Density: (per hectare)	36		Site performs well against availability criteria		
			Site faces some achievability constraints		

Suitability Criteria

Access Infrastructure Constraints	5: Existing road access is adequate
Contaminated Land / Landfill Site	0: More than 50% of the site is within the constraint
Ground Condition Constraints	5: Treatment not expected to be required
Heritage	5: Site does not include, nor is it adjacent to, a Nationally or Locally Listed Building
BMV Agricultural Land	4: Site is Grade 4 agricultural land
High Pressure Gas Pipeline	5: Site does not lie within this constraint
Flood Risk Constraints	5: Within flood zone 1
Bad Neighbour Constraints	3: Site has bad neighbours with potential for mitigation
Biodiversity	5: Site is not within, or adjacent to, a Local Wildlife Site
Suitability of Location Constraints	0: Site does not fall into one of the above categories.
Other Suitability Considerations (if applicable)	

Availability Criteria

Availability Details	3: Held by developer / willing owner / public sector, vacant land and buildings or sites with pre-app discussions are taking place
Comments (if applicable)	Site identified through submission process - therefore assume willing owner.

Achievability

Achievability Details	2: Moderate marketability and/ or viability (unlikely to come forward within first five years)
Comments (if applicable)	Site was historically a landfill site and therefore increased development costs.

Site Assessment Details

SHLAA Reference	1	Site Name	Springhill, Truggist Lane	Settlement	Balsall Common
Category:	2	Observations	Single detached dwelling and associated land which is adjacent to railway line. Access is via a narrow drive, which would need to be enhanced if this site was to come forward for development.		
Yield:	21		Site faces some suitability constraints		
Density: (per hectare)	36		Site performs well against availability criteria		
			Site performs well against achievability criteria		

Suitability Criteria

Access Infrastructure Constraints	0: No existing road access to the site
Contaminated Land / Landfill Site	5: Site does not lie within this constraint
Ground Condition Constraints	5: Treatment not expected to be required
Heritage	5: Site does not include, nor is it adjacent to, a Nationally or Locally Listed Building
BMV Agricultural Land	5: Site is Grade 5 agricultural land
High Pressure Gas Pipeline	0: Site lies within the High Pressure Inner Zone
Flood Risk Constraints	5: Within flood zone 1
Bad Neighbour Constraints	5: Site has no bad neighbours
Biodiversity	5: Site is not within, or adjacent to, a Local Wildlife Site
Suitability of Location Constraints	5: Site is within or adjacent to a settlement within the Major Urban Area
Other Suitability Considerations (if applicable)	

Availability Criteria

Availability Details	3: Held by developer / willing owner / public sector, vacant land and buildings or sites with pre-app discussions are taking place
Comments (if applicable)	Site identified through submission process - therefore assume willing owner

Achievability

Achievability Details	3: Good marketability and/ or viability (likely to come forward within first five years)
Comments (if applicable)	Backland site which is adjacent to railway line, which may subdue values.

APPENDIX VI

Email to SMBC from Warwickshire Wildlife Trust 22/5/2020

Dear SMBC

I am writing in relation to the Site 3 Allocation on Windmill Lane in Balsall Common. Typically colleagues within my department would feed into this process, however due to the impact of COVID-19 we have had to place them on furlough. We therefore have limited capacity to feed into this process during the current time, but felt it was important to still make representation. This area of work falls within my department and we have been contacted by local residents within the community to ask for your thoughts on the site in question.

During previous rounds of consultation we outlined the following in relation to this site -

“The Ecology Assessment (Jan 2017) identified significant ecological features; marshy grassland and pond. In addition there is a known population of Great Crested Newts near to the site; they are a protected species and will need mitigation. Currently neither concept plan retains all the ecological features recommended within the Ecology Assessment (2017); we therefore recommend that the SMBC Concept Plan is amended to show the semi-improved grassland to the centre, south of the site as being retained as natural open-space.”

We were also then commissioned by SMBC to undertake an “Additional Site Options Ecological Assessment: Windmill Lane and Kenilworth Road” which highlights the key ecological features of the area (attached). Natural England also identifies the Meriden Gap as a Strategic Environmental Corridor, which is important to note.

A key component of the Government’s 25 Year Environment Plan is the new priority of creating ‘Nature Recovery Networks’. Essentially this involves working at a special scale to identify key areas that would help to form both physical (directly linked) and indirect (stepping stone sites) areas in the landscape. This process starts at the borough level, but then is scaled up to the county and finally national level to enable wildlife and people to more effectively move through the landscape. It is a key component in enabling the UK to mitigate and adapt to climate change and tackle the ecological crisis. It also provides the mechanism to enable people to increase their access to high quality greenspace, tackling health and wellbeing factors.

The work on Nature Recovery Networks is evolving all the time and we are yet to have a cohesive map at borough, county or national level to inform decision making. The information and evidence on this strategy was not fully available at the time of our previous response and therefore I would like to draw your attention to the concept now. Areas like Site 3 on Windmill Lane could play a role in that long term strategy if set aside as public open space. If Biodiversity Net Gain principles were employed at the site as a mechanism for bringing forward other allocations in the locality the biodiversity value of the area could be significantly enhanced.

Warwickshire Wildlife Trust are therefore in favour of creating additional new accessible greenspace, which has high biodiversity value. We would welcome the opportunity to support SMBC with this evolving area of work so that Nature Recovery Networks could be properly embedded into policy and decision making, which would result in significant benefits to the local communities in terms of access to green space for mental and physical health provision, which also delivering on a number of key performance indicators for the Council in relation to the Climate and Ecological Crisis. We would also be keen to explore how we could work in partnership to deliver biodiversity net gain within the borough.

Kind regards

Ian

Ian Jelley
Director of Living Landscapes
Warwickshire Wildlife Trust
Brandon Marsh Nature Centre
Brandon Lane
Coventry
CV3 3GW

APPENDIX VI

Historic England response to consultation on site 3 March 2019 (ref 45)

The Site Analysis in the Draft Concept Masterplan (page 22) refers to the Berkswell Windmill as a Grade II Listed Building. The structure is actually Grade II*, a more nationally significant historic building than Grade II and which, as a result, demands that considerable weight is applied to its conservation (NPPF para 193). The analysis also appears to suggest the Windmill has a rather narrow setting, perhaps underestimating its significance in the wider landscape. This may therefore effect how the principle and extent of development has been considered, and without prejudice, how potential future development might respond to safeguard its attributes.

It will be helpful for the local authority to clarify what is meant by the "zone of significant influence" and how "high architectural value" may be relevant in relation to safeguarding the significance of the Windmill as a heritage asset.

Due to the status of the Windmill it will be important that the findings of the local authority's Heritage Impact Assessment, including its analysis of setting, inform the Council and interested parties consideration of the principle of the site's suitability and, without prejudice, an appropriate design response to satisfy national policy and legislation in relation to the historic environment and the delivery of sustainable development.

To ensure a Sound Plan it will be important for the local authority to demonstrate that it has

- taken sufficient account of the evidence base to avoid or minimise harm to the significance of the Windmill (NPPF para 190)
- attached great weight to the conservation of the Windmill (NPPF para.193), and
- that it has had due regard to the desirability of preserving the setting of the Windmill, a Grade II* Listed Building, in accordance with S66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

It appears the local authority's commentary in relation the Catesby Estates Ltd Site Proposal implies it has concerns with how it responds to the significance of the Windmill. Historic England therefore attaches limited weight to it as a potential appropriate response.

With regard to the generic Site Assessments (January 2019) we note that this site (site reference 138) scores poorly in relation to the Sustainability Appraisal and that the landscape is considered to have a low capacity to accommodate change.

Without publication of the local authority's Heritage Impact Assessment of this site, Historic England is unable to consider whether the principle and proposed response set out in the SMBC Draft Concept Masterplan is appropriate. We would therefore welcome the opportunity to discuss this matter with the Council once the Heritage Impact Assessment becomes available. It will also be helpful to establish whether the local authority considers this additional evidence requires a reconsideration of the principle and /or the Draft Concept Masterplan.