



## Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this representation relates:

Solihull MBC Local Plan

Please return to [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk) or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14<sup>th</sup> December 00:00

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

### Part A

#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	Messrs	Mrs
First Name		Glenda
Last Name	Benton & Neary	Parkes
Job Title (where relevant)		Director
Organisation (where relevant)		Tyler Parkes
Address Line 1	Please refer to agents	66 Stratford Road
Line 2		Shirley
Line 3		Solihull
Line 4		
Post Code		B90 3LP
Telephone Number		
E-mail Address (where relevant)		

## Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	<b>708 &amp; 709 720-729 &amp; 226</b>	Policy	<b>KN2</b>	Policies Map	
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<b>X</b>	No	
4.(2) Sound	Yes		No	<b>X</b>
4 (3) Complies with the Duty to co-operate	Yes	<b>X</b>	No	

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

### Objection on behalf of our Clients Messrs Benton & Neary

#### Policy KN2 South of Knowle (Arden Triangle), Proposed Approach (paragraphs 708 and 709), Justification (paragraphs 720 to 729) and Paragraph 226 Summary of Residential Allocations

- On behalf of our Clients Messrs Benton & Neary, we are instructed to make representations to the Solihull Local Plan Review 2020. Policy KN2 is unsound on the basis that insufficient evidence has been provided to demonstrate the site is deliverable with 'multiple and potential complex land assembly issues' (paragraph 709) still remaining to be resolved, as well as replacement playing fields. There is also insufficient evidence to demonstrate that reasonable alternatives have been considered in reaching the decision to relocate and rebuild Arden School, to justify that it is an appropriate strategy. This is contrary to the deliverability and developability requirements for site allocations and the requirement to justify a strategy as set out in National Planning Policy Framework (NPPF) Appendix 2: Glossary and paragraphs 35, 67 and 72.
- NPPF paragraph 67 requires that, '*...planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: (a) specific,*

*deliverable sites for years 1 to 5 of the plan period; and (b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan. NPPF paragraph 72 part (d) requires local planning authorities to, 'make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites...'*

3. Proposed site allocation KN2 South of Knowle (Arden Triangle) is identified on the 'Summary Table of Residential Allocations' at paragraph 226, as a 49ha site with capacity to deliver 600 dwellings in delivery phases I and II. Footnote 34 on page 71 explains that the delivery phase indicative delivery periods are as follows: I = years 0-5, II = years 5-10 & III = years 10 -16. It is therefore anticipated that part of site KN2 will be delivered in the first 5 years of the plan meaning it must be 'deliverable', with the remainder coming forward for development between 2026 to 2031 so it must be 'developable'. Site KN2 is therefore an integral and significant source of new dwellings to meet the housing requirement identified in Policy P5 Provision of Land for Housing during the first 5 to 10 years of the plan period.
4. The proposed site allocation is not demonstrably deliverable or developable contrary to the NPPF. To be considered 'deliverable' NPPF Appendix 2: Glossary, requires the sites are 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years...'
6. Planning Practice Guidance (PPG) paragraph 007 reference ID: 68-007-20190722, revision date: 22 July 2019) advises that robust up-to-date evidence is required. To be considered 'deliverable' sites which would require further evidence including those which: *'have outline planning permission for major development; are allocated in a development plan; have a grant of permission in principle; or are identified on a brownfield register'*.
7. Evidence, to demonstrate deliverability, may include:
  - *'current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
  - *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
  - *firm progress with site assessment work; or*
  - *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.'*
8. In terms of longer-term, post 5 years, to be considered 'developable' the NPPF Glossary requires that, *'sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.'* PPG paragraph 019 reference ID: 68-019-20190722, revision date: 22 July 2019, requires that, *'...if longer-term sites are to be included, for example as part of a stepped requirement, then plan-makers will*

*need to demonstrate that there is a reasonable prospect that they are likely to come forward within the timescale envisaged...*

9. NPPF paragraph 31 states that, *'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals'*.
10. Despite the requirement in the NPPF for allocated sites for delivery in the first 5 and first 10 years to demonstrate they are deliverable and developable, the council accepts at Draft Submission Solihull Local Plan (SLP) paragraph 709 that *'...in particular the land south of Knowle, have multiple and potential complex land assembly issues...'* It is our contention, therefore, that the need to demonstrate deliverability and developability has not been evidenced. The Concept Masterplan document appears to reinforce the lack of a comprehensive agreed approach with three concept plans included in addition to the SMBC Illustrative Concept Masterplan. These have been produced by different companies; Capita, Entrust Architectural and Solihull Building Design Studio.
11. In addition to our Client's concern that the council have not provided evidence to demonstrate the deliverability and developability of site KN2, there is also concern that there is no detailed evidence to justify the need for the replacement and upgrade of Arden Academy Secondary School and the development of a new Primary School. The 'Infrastructure Delivery Plan', October 2020, assessment of need for Primary and Secondary Schools at paragraph 4.2.2 suggests that it is anticipated that 420 (2FE) primary school places will be required linked to the proposed development sites in Knowle/Dorridge. Whilst proposed housing growth in Balsall Common may result in the need for an additional form entry at Heart of England secondary school, there is no mention of any need for expansion needed at secondary school level in Knowle/Dorridge.
12. It is our contention that the financial and carbon cost of demolishing the existing structures and constructing new premises may be significantly more than the alternative option of upgrading and extending existing facilities as required - however, details have not been provided in the updated evidence documents presented in support of the SLP.
13. It is our understanding that Arden Academy has undergone a significant number of upgrades and extensions to existing facilities over recent year, which undermines any need and cost justification for a brand-new secondary school facility on a new site. The small original 1950's school buildings have been transformed over the years with the addition, in the last fifteen years, of specialist teaching spaces including:
  - music and Drama with two Drama Studios;
  - a Dance studio;
  - two specialist classrooms for Music as well as practice rooms;
  - science – where there are nine specialist labs as well as support facilities;
  - a purpose built gymnasium together with changing facilities;
  - an all-weather pitch and a Multi-Use Games Area;
  - a purpose built post-16 centre;
  - a Sixth Form and Design Technology building including a hair salon; and
  - a new teaching block was officially opened in October 2015 with more classrooms and a Year 11 specialised area.

14. Minimising the financial contributions required through CIL and S106 developer contributions towards the Policy KN2 relocation and redevelopment of the schools proposal, would potentially enable larger contributions to be made towards other essential infrastructure needs. Our client contends that the decision to relocate the schools south-eastwards requires proportionate evidence to underpin the policy strategy. Currently the strategy for development in Policy KN2 is not justified and does not satisfy NPPF paragraph 35 b) which states that to be sound plans need to set out '*...an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.*'
15. There are also unresolved issues relating to the loss of playing pitches. 'Solihull Metropolitan Borough Council Draft Playing Pitch Mitigation Strategy' (PPMS), October 2020, prepared by consultants Knight Kavanagh explains on page 8 that, '*The allocation affects the playing field land servicing Arden Academy Trust, spanning 4.7526 hectares*'. The report explains that the proposal to develop 600 dwellings, relocate Arden Academy and develop a new primary school, '*...are likely to result in the loss of some playing field land, although to what extent is currently unknown...*' It confirms that while work has been done relating to the mitigation and the proposals, '*...these are at a very early stage and are liable to change...*' At page 14, the report states that the total hectareage of playing field land to be lost '*...cannot currently be determined in the Knowle/Dorridge area due to uncertainty around how much land will be lost at Arden Academy Trust; it could be anything between 1.6190 hectares and 6.4512 hectares.*'
16. Even without the significant doubt over the lack of evidence to:
  - demonstrate there is an agreed mechanism in place to overcome the complex multiple ownership land assembly issues to deliver the aspirational development within Policy KN2, as required by the NPPF and PPG; and
  - justify the need for demolition of the existing substantially improved secondary school of Arden Academy and its relocation and replacement elsewhere within the area proposed for removal from the Green Belt;
17. There are significant concerns about the feasibility of delivering the necessary infrastructure to facilitate the proposed residential development within the next 5 and 10 years as proposed in the table at paragraph 226. This will include: erection of the new schools; and major road improvements to provide safe access to the site and schools from the classified A4141 Warwick Road, as shown illustrative on the SMBC Illustrative Concept Masterplan on page 87 of the Concept Masterplan document, September 2020; and plans to replace playing pitches lost in the proposed development.

(End)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

18. Our clients contend that insufficient evidence has been provided to justify Policy KN2, to robustly demonstrate that:
- the multiple complex land assembly issues have been overcome and there is agreement by all landowners to the site being brought forward on the development basis set out in the Concept Masterplan document;
  - the demolition of Arden Academy and its relocation to a new site within the proposed KN2 site allocation is the most appropriate strategy having regard to reasonable alternatives; and
  - there is a fully developed masterplan strategy with appropriate playing pitch replacement strategy.
19. Policy KN2 is currently unsound, when assessed against the requirements for policies and proposals to be justified as set out at NPPF paragraph 35 b). Evidence has not been provided to demonstrate that: 600 dwellings could be delivered in the periods 0-5 years and 5 to 10 years from 2020 or that the proposed mixed-use development with relocation of Arden Academy is an appropriate strategy, taking into account the reasonable alternatives.
20. Paragraphs 225 and 226 should therefore be amended to remove the estimated contribution of proposed site allocation KN2 from Delivery Phases I and II and Policy KN2 amended as necessary in the light of the findings of additional evidence gathering, negotiations with landowners and masterplan work.

(End)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

**No**, I do not wish to participate in hearing session(s)

☒

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To address the Council's Responses and the Inspector's Matters, Issues and Questions.

***Please note*** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

Glenda Parkes

Date:

11/12/2020