Solihull Metropolitan Borough Council	**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 or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14th December 00:00

Our Privacy Notice can be found at https://www.solihull.gov.uk/About-the-Council/Data-protection-FOI/Solihull-Council-Statement/Economy-and-Infrastructure/Policy-Engagement

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	Mrs	Mrs
First Name	M	Glenda
Last Name	Joyce	Parkes
Job Title (where relevant)		Director
Organisation (where relevant)		Tyler Parkes
Address Line 1	Please refer to agent	66 Stratford Road
Line 2		Shirley
Line 3		Solihull
Line 4		
Post Code		B90 3LP
Telephone Number		[redacted]
E-mail Address (where relevant)		[redacted]

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	224 227-228	Policy	P5	Policies Map	

4. Do you consider the Local Plan is :

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

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 Client Mrs M Joyce (10444)

Policy P5 'Provision of Land for Housing':
Paragraph 224 Housing Trajectory and
Paragraphs 227 to 228 Housing Market Area

1. **On behalf of our Client Mrs M Joyce we are instructed to make representations to the Solihull Local Plan Review 2020. Policy P5 'Provision of Land for Housing' is unsound on the basis that insufficient evidence has been provided to demonstrate cross-boundary collaboration under the legal Duty to Cooperate in respect of the proposed 2,105 dwelling contribution towards the housing land supply shortfall (paragraphs 227 to 228 of the SLP). There is no published statement of common ground to demonstrate effective and on-going joint working – contrary to National Planning Policy Framework (NPPF) paragraphs 11, 24, 26, 27 and 60**

2. NPPF paragraph 11 requires that strategic policies should, as a minimum, provide for objectively assessed needs for housing, as well as any needs that cannot be met within neighbouring areas as established through statements of common ground. Paragraph 60 explains that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance (unless

exceptional circumstances are justified) plus consideration of any needs that cannot be met within neighbouring areas to establish the amount of housing to be planned for.

3. NPPF paragraph 65 requires that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.

4. NPPF Paragraph 27 states that in order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these – which would include housing land supply for the HMA. The NPPF requires that these are produced and made publicly available throughout the plan-making process to provide transparency.

5. No statement of common ground (SoCG) has been published on the Solihull Local Plan review 'updated evidence' web page, contrary to the requirements of the NPPF paragraph 27. This is despite the fact that the planning officer's report taken for consideration by Cabinet at their meeting on 1st October 2020, states at paragraph 6.4.2, that '*The Council can be confident that the work undertaken in recent years means its statutory responsibilities associated with the Duty to Cooperate have been discharged…*'

6. The 'Overall Approach Topic Paper', October 2020 at paragraph 147, states that there *are '…a number of HMA wide position statements being agreed amongst the relevant authorities, these were published as follows:*

    - *Position Statement no. 1 – February 2018*
    - *Position Statement no. 2 – September 2018*
    - *Position Statement no. 3 – September 2020*

    But it goes on to say at paragraph 148 that the Council is still *'…seeking to enter into SoCG with HMA partners and consider that the position statements noted above provide a basis for establishing common ground.'*

7. The most recent 'Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Housing Need and Housing Land Supply Position Statement', July 2020 (not September as stated in the Topic Paper) states at paragraph 1.2 that. *'…The purpose of this statement is to provide a starting point from which future Statements of Common Ground, as required by the revised 2019 National Planning Policy Framework (NPPF), can develop…*' Paragraph 5.1 accepts that '*Detailed consideration of where need can be met is ongoing across the authorities…*'

8. The 'Overall Approach Topic Paper', October 2020, at paragraph 154 states in respect of the housing land supply figures for the Black Country Authorities, that *'…it is the view of SMBC that there remains a significant amount of work to be undertaken to evidence this shortfall and review the overall need in light of recent government changes to the Standard Methodology which, given the timeframes involved, will affect the continued development of the Black Country Plan. Any final shortfall will also be subject to testing through further consultation and public examination. SMBC therefore commits to continuing to work alongside the Black*

Country Authorities and other members of the wider HMA to review the evidence which supports the unmet need but notes that any outstanding need retains significant uncertainty and is also likely to be relevant towards the latter part of the Plan Period (post 2031 for example). Given the likelihood of a Local Plan review within SMBC prior to 2031 the Council is of the view that this issue can be managed further as part of its next Local Plan review.'

9. It is submitted that the SoCG should: increase certainty and transparency on where effective co-operation is, and is not, happening in regard to the housing land supply; set out the timetable for gaining agreement; and include confirmation that all relevant local planning authorities have agreed outcomes and/or participated in the Duty to Cooperate discussion process. It is also contended that it is unsound for the council on the one hand to recognise that there is likely to be a need to identify additional housing land within the Borough arising from outside the administrative area, yet on the other hand make no policy provision to address this expected need within the current plan period.

10. It is unsound not to have a publicly available SoCG now and on an ongoing basis during the development of the Draft Submission Solihull Local Plan (SLP) as required by national policy.

Insufficient account has been taken of the need to plan effectively for delivery of the anticipated growth over the plan period and beyond to avoid the need for an early Local Plan with accompanying Green Belt review, and ensure timely delivery of development – contrary to NPPF paragraphs 33 and 139 c).

11. On 6th August 2020, the Government launched a consultation on 'Changes to the current planning system: Consultation on changes to planning policy and regulations', until 1st October 2020. The consultation document proposes changes to the standard method for assessing housing need are introduced through planning guidance in the short-term.

12. Under the amended methodology, local authorities would be expected to take into account levels of existing housing stock and changes in affordability over the last ten years, as well as future household projections when calculating housing need. The higher figure of either 0.5 per cent of their existing housing stock or the latest projected average annual household growth over the next ten years would be used as the baseline for housing need. The current cap on housing need of 40% above and the housing need figure adopted by a local planning authority within the last 5 years would be removed.

13. Whilst Councils that are already close to adopting local plans will be exempt from adopting the new standard method immediately under proposed transition arrangements, there is a clear requirement under paragraph 33 of the NPPF, that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should take into account changing circumstances affecting the area, or any relevant changes in national policy. It states, *'Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and*

they are likely to require earlier review if local housing need is expected to change significantly in the near future.' (our emphasis)

14. Planning Consultancy Lichfields have published comparison figures showing what the new housing methodology would mean for different local authorities when compared to the calculation under the current standard method. The proposed revision to the standard method for assessing housing need (i.e. the minimum housing requirement) would require a significant uplift in the housing requirement for Solihull MBC administrative area, which would increase to 1011 dwellings per annum – this figure excludes any cross-boundary requirement. Even without any cross-boundary housing requirement, this still represents an approximate 8% increase above the average annual housing need figure of 938 net additional homes per year 2020 to 2036, as set out in Policy P5.

15. This potential shortfall in housing need is exacerbated in the short-term (2020 to 2026) by the proposal in the table beneath paragraph 224 of SLP, which proposes a staggered delivery of the annual housing requirement. This table proposes delivery of only 851 dwellings per annum in delivery phase I (between 2020 and 2026), with 991 dwellings per annum in delivery phases II and III (2026 to 2036). Using these proposed phased annualised requirements, the first delivery phase of the plan period would need to delivery more than 19% dwellings per annum (plus the cross-boundary requirement) i.e. identify deliverable land for more than 800 additional dwellings just up to 2026.

16. Our clients considers it is unsound for the council to propose phasing delivery of the housing requirement as set out in the **'Housing Trajectory' table beneath paragraph 224**. It is submitted that the proposed phased strategy will be ineffective at meeting the area's objectively assessed housing needs. Sustainable development is not achieved by effectively postponing delivery of housing, which is needed now and could be sustainably provided now. This could be achieved through a combination of:

    - more ambitious site capacity estimates for a number of the proposed site allocations; and
    - allocating and/or removing appropriate sites from the Green Belt (particularly small and medium sized and previously developed sites), which satisfy the council's site selection objectives and could be sustainably brought forward for delivery in the next 5 years.

17. Under the existing standard method for assessing housing need there is a significant identified housing need (plus a cross-boundary requirement) which, if it is not delivered effectively and in a timely fashion could overheat the housing market causing house prices to escalate and thereby further reduce affordability. The probable imminent increase in the housing need resulting from the outcome of the August 2020 Government public consultation on the standard method for assessing housing need (together with the potential increase in housing need arising from the cross-boundary HMA) would increase the gap between the demonstrable need and the annual delivery rate.

18. Whilst, under the proposed transitional arrangements for introduction of the proposed revision to the standard method for assessing housing need, local authorities that have already published a Regulation 19 local plan (such as Solihull MBC) for consultation will be given six months to submit this to the Planning Inspectorate for examination, our Client would contend that the resulting increase in the

housing requirement per annum would be sufficiently 'significant' under the terms of NPPF paragraph 33 to trigger an immediate review of the plan.

19. The Council is aware of the potential need to identify more deliverable and developable housing sites. This is proven by the reference made in the report taken for consideration by Cabinet at their meeting on 1st October 2020, paragraph 3.13 which states, *'The changes to the existing planning system would see change to the standard methodology that would increase the Borough's own needs by around 20%...*'

20. Given this potential risk, our clients considers it unsound and inconsistent with national policy that there are no 'safeguarded' sites proposed in the SLP and referred to in Policy P5. NPPF paragraph 139 c) and d) requires that where necessary, local authorities should identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching beyond the plan period. Whilst development of safeguarded land would only be granted following an update to a plan which proposes the development, the inclusion of safeguarded sites would speed up the review process and ensure the maintenance of a deliverable supply of housing land to meet minimum housing needs. It is necessary under the terms of NPPF paragraph 139 e) for the council be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

21. Following a High Court challenge to the adoption in December 2013 of the Solihull Local Plan, Mr Justice Hickinbottom issued his formal order on 15th May 2014. He found that the Council did not approach the question of housing need and thus housing provision correctly, in arriving at the numbers used in the plan sent for examination; and the matter needed to be revisited effectively through a partial review of the local plan to enable an Inspector to assess housing need and provision. This review process has already taken 6.5 years and is still on-going. There is, therefore, genuine concern that without identification of significantly more deliverable and developable reserved sites, as well as a number of safeguarded sites, in the current SPL review, the plan will not be able to meet existing and emerging housing requirement, contrary to the requirements of the NPPF, paragraph 59 *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed…*'

(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.

22. Our client submits that the evidence in support of Policy P5 is deficient and, therefore, the policy is unsound and that the council should:

- Publish a statement of common ground, which addresses the HMA cross-boundary shortfall of sites to meet the minimum housing requirement to satisfy NPPF requirements.
- Modify the housing delivery target number if/as appropriate following scrutiny of the statement of common ground.
- Allocate small and medium sized sites for residential development; and
- Remove of a phased housing delivery target table at paragraph 224.

23. In order to ensure that any future housing requirement changes can be accommodated within the plan as efficiently and effectively as practicable, to support the Government's objective of significantly boosting the supply of homes (NPPF paragraph 59) our clients seek the following proposed modifications to Policy P5 as shown in 'bold italics' below:

'1. The Council will allocate sufficient land for at least 5,270 net additional homes to ensure sufficient housing land supply to deliver ***a minimum*** *15,017 additional homes in the period 2020-2036…*

Insert two new paragraphs beneath paragraph 4 of Policy P5, as follows,

'Reserve Housing Sites providing flexibility to ensure that the Borough can meet in full any increase in housing numbers arising from any change to the standard method for assessing housing need, and respond to the need to meet housing need arising from within the HMA. Reserve sites will have the capacity to deliver at least 20% of the total housing requirement to 2036. Reserve sites will be released in the following circumstances:

- ***To rectify any identified shortfall in housing delivery in order to maintain a 5-year supply of housing land in Solihull MBC area;***
- ***To contribute to meeting any housing needs arising outside the Borough accepted through co-operation between the relevant councils.***

'Land identified on the Policies Map will be removed from the Green Belt and safeguarded for potential future development needs beyond the plan period to ensures that Green Belt boundaries will last beyond the end of the Local Plan period. The status of the safeguarded sites will only change through a review of the local plan.'

(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)	**X**	**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