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

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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	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
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Post Code		B90 3LP
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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	222, 225 & 226	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	X	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 Mrs M Joyce, owner of land at Lugtrout Lane, Catherine de-Barnes (10444)

Policy P5 'Provision of Land for Housing:
Paragraph 222 Solihull Housing Land Supply 2020 – 2036,
Paragraph 225 Maintaining Housing Land Supply and
Paragraph 226 Allocated Sites

1. **On behalf of our Client Mrs M Joyce, we are instructing to make representations to the Solihull Local Plan Review 2020. It is submitted that insufficient 'deliverable' sites and 'developable' sites and broad locations have been identified to maintain a 5-year housing land supply over the plan period or to accommodate the scale of growth projected up to 2036, undermining the deliverability of P5 – contrary to the requirements of National Planning Policy Framework (NPPF) paragraph 67, 70, and 72 d).**

2. 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…'* 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'. 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.'*

3. We have clearly demonstrated in our detailed representations included within the submission made on behalf of our Client (on separate representation forms), that there are substantial reasons why there are significant doubts over the deliverability and suitability of several proposed site allocations promoted for delivery in periods I (years 0 to 5) and/or II (years 5 to 10) at paragraph 226 'Summary Table of Residential Allocations'.

Doubt over the Deliverability and Developability of Proposed Site Allocations

4. A detailed assessment of the deliverability of two allocated sites has been set out in separate representation forms submitted alongside this representation in respect of Policies:

- BL1 West of Dickens Heath (capacity 350 dwellings)
- KN2 South of Knowle (Arden Triangle) (capacity 600 dwellings)

5. In summary, some of the key areas of concern for the deliverability of the above sites are as follows:

- No evidence has been supplied to demonstrate the agreement of all landowners to bring many of the proposed site allocations forward for development to expedite delivery.
- No suitable land has been identified and secured to meet national and local policy requirements for the relocation of existing sports provision prior to development.

6. Below is a critical assessment of the lack of clear information to justify the deliverability and developability of significant proposed housing capacity included in the Draft Submission version of the Solihull Local Plan (SLP) at Solihull Town Centre and UK Central and Solihull Arden.

Solihull Town Centre

7. It is considered that the number of new dwellings proposed in the Town Centre is in excess of what is likely to be achievable in practice. In addition, it is considered unlikely that the delivery of those sites within the plan period is certain.

8. The reason for these concerns can be summarised as follows :

a) Use of out-of-date evidence base for quantifying dwelling numbers in Solihull Town Centre;
b) Historic under-deliverability of dwellings in Solihull Town Centre and continuing constraints to development; and
c) Overestimate of the indicative capacity of key redevelopment sites.

9. The key areas of concern for the deliverability or developability of sites for residential development in Solihull Town Centre, are expanded on as follows:

Use of out of date evidence base for quantifying dwelling numbers in Solihull Town Centre

10. The sources of 'deliverable' dwelling capacity for Solihull Town Centre relied upon in Policy P5 are of concern. The 861 dwellings referred to are taken from the 2016 draft Solihull Local Plan. This figure was a reference to the 2016 draft Solihull Town Centre Masterplan (STCMP), which identified various opportunity sites for redevelopment. The 2016 draft STCMP is quoted as the evidence document for the current SLPR. It is not considered realistic to continue to maintain this historical reference to proposed housing numbers in Solihull Town Centre (to the exclusion of releasing other non-town centre sites for development) – the Council are relying on historic figures which do not take account of the material change in circumstances that have occurred since 2016.

11. The realisation of the proposals for Solihull Town Centre in the 2016 draft STCMP were significantly influenced by the proposals to relocate the town's railway station. It was considered this would open-up the existing station area for suburban residential development and encourage 452 dwellings near the new station at Monkspath Hall Road, as well as freeing up the existing station for redevelopment. This fundamental catalyst to the town centre's redevelopment is no longer proposed; however, the difference in housing numbers between the 2016 draft STCMP and the 2020 STCMP, approved by Cabinet on 5th November 2020, is only 38 units. The 2020 STCMP has not been subject to public consultation or been independently tested and SMBC recognise that for it to carry the necessary policy weight, it would need to be prepared as a Supplementary Planning Document (para 3.27 of Cabinet report of 5th November 2020).

12. Notwithstanding the Cabinet approval of the 2020 STCMP, the SLPR retains the 2016 figure for new housing in the plan period of 861 dwellings and relies upon the significantly outdated 2016 STCMP as evidence for the proposed housing numbers anticipated in Solihull Town Centre. This is despite the clear acknowledgment that the situation has moved on as recognised in reference being made in Policy P2 'Maintain Strong, Competitive Town Centres,' Justification paragraph 120, which states that there is a need to update the 2016 masterplan evidence *'…to reflect a number of things: changes to proposed or actual development on a number of sites including the former Magistrates Court, Monkspath Hall Road, Touchwood II and Eastgate;, the location of the train station; progress on the Climate Change Prospectus; transport and movement strategy and plans; and current market advice and economic performance of the town centre.'*

13. The 'Areas of Change' set out in the recently approved by Cabinet 2020 STCMP cover a physically smaller area of Solihull Town Centre than under the 2016 draft STCMP, but the proposed housing numbers are largely maintained. Previous sizeable areas for housing are no longer included, e.g. up to 309 dwellings proposed as part of the 'Mell Square East' redevelopment to include the Morrisons car park (the car park area is now excluded from the Area of Change proposals), in addition to the circa 450 dwellings at Monkspath Hall Road. The Cabinet approved 2020 STCMP does not indicate a preferred use for this latter site, rather it states: "*The size, location and setting of the site mean that it is flexible and suitable to house a variety of uses, including mixed use."* (pg. 44). To maintain housing numbers in a reduced area where alternative uses are also encouraged, will result in an increased density of development which is considered unlikely to be acceptable in the town centre, for the reasons set out below. This introduces further uncertainty and the reduced likelihood that in Solihull Town Centre housing will be delivered in the numbers set out in the SLPR.

14. Although the 2013 SLP identified specific sites on which to deliver specified numbers of dwellings, the SLPR only sets out the total number of dwellings to be delivered within the town centre as a whole. There is reference in the SLPR to the 2016 draft STCMP as supporting evidence, but this is not a statutory document and has been subject to change - as has happened with the Cabinet approval of the 2020 STCMP. This further weakens the chances of delivering the required housing and Policy P5 should identify specific sites in the adopted document.

15. Furthermore, although the SLPR proposes the provision of nearly 6% of the Borough's new dwelling units over the plan period in Solihull Town Centre, no detailed work on concept masterplans for the proposed development sites has been undertaken. This implies that the proposed deliverability of Policy P5, in respect of Solihull Town Centre, does not have the same level of confidence as the 'Allocated Sites' set out in the Concept Masterplans document, e.g. paragraph 799 of the SLPR states:

'*Concept Master Plans – The plans that accompany this consultation for the principal sites include a draft concept masterplan. These seek to identify the key existing features of a site that may need to be retained and show at a high level where development is envisaged within the wider site. This is to ensure that when development proposals move to the planning application stage, there is certainty about the important elements of the development, e.g. appropriate green infrastructure and other requirements. Whilst this may result in a lower gross to net developable area, this will demonstrate that a quality development can be provided which makes efficient use of land and respects local character*" (our emphasis).

16. No such exercise has been undertaken for the Cabinet approved 2020 STCMP; in fact, the 2020 STCMP acknowledges at pg. 37 that it *"…gives an early indication of potential future capacity."* and *"It should be noted that the boundaries of the sites are not definitive at this stage, and it is envisaged that they may evolve as sites are subject to further feasibility and viability work."* It is a concern that the proposals contained in the earlier 2016 draft STCMP (which is now superseded and out of date) are used as a basis for contributing a large amount of new housing in the Borough – on sites which the current Cabinet approved 2020 STCMP acknowledges require further feasibility and viability work.

17. Where consideration has been previously given to site capacity in Solihull Town Centre, this has not necessarily been used to inform proposed dwelling numbers

in the approved 2020 STCMP. From inspection of the Council's 2019 Brownfield Land Register (BLR), there is only one site included within Solihull Town Centre - no. BLR/039 relating to Mell Square. In the BLR, this site has a quoted capacity of between 50 – 200 units. Whilst no accurate capacity testing has been undertaken with regards to Mell Square, a smaller redevelopment area than shown in the BLR is indicated in the Cabinet approved 2020 STCMP; however, the potential maximum residential capacity of the site in the 2020 STCMP has more than doubled to circa 500 dwellings. This is considered unrealistic and highly unlikely to be achieved, particularly given that no additional justification or supporting information has been presented to explain this proposed steep increase in housing numbers.

18. In addition, there is now a demonstrable need for family housing in the Borough. This is confirmed in the Housing and Economic Development Needs Assessment, October 2020 which states at paragraph 8.7 *"Delivery of family sized housing remains a requirement in both urban and rural locations of the Borough. This includes providing family housing in the widest possible choice and mix of housing locations including town centres, and through the sustainable expansion of rural and smaller settlements (particularly helping to support economic and social vitality)"* (our emphasis). The Council's 'Topic Paper – Meeting Housing Needs' October 2020 also confirms that there is highest demand for 2-3 bed housing. The currently proposed provision of largely apartments in Solihull Town Centre would seem unrealistic, in light of this evidence and also in conflict with the policy objective of creating balanced communities. The apparent disregard for the evidence on the housing mix and for the aspirations of national and local planning policies to create balanced communities, has led to unrealistically high-density figures for the housing numbers in Solihull Town Centre.

19. It is also of concern that not all the evidence documents used to inform the Cabinet approved 2020 STCMP have been made available for public inspection. It is therefore difficult to be sure that the strategy is justified with proportionate evidence. For example, the SLPR at Policy P2 justification para 129 states "The emerging masterplan revision is expected to include a schedule of updated opportunity siteswhich will be informed by a market review carried out in 2016 by Cushman and Wakefield, and by subsequent economic appraisal and market analysis undertaken in 2020 by Amion." However, when we emailed planning officers to ask to be directed to this evidence, the response received from Ellie Dukes, Development Officer was, '…*I have spoken with colleagues who prepared the document… They have advised me that the full Town Centre Masterplan 2020 includes a summary of the economic appraisal work carried out earlier in the year (Section 6.6 of the Main Document/Page 32 of Appendix A).'* (Email dated 1st December 2020 from the Council).

20. The minutes to the meeting of the Council's Cabinet on 5th November 2020, that approved the 2020 STCMP, stated that *"Some Members expressed frustration at the timing of the report, as they felt it should have been available as part of the Local Plan discussions, which had only just taken place"* and "*With regard to housing figures these were based on reasonable assumptions and there could be movement in the future."* It is considered that the delivery of nearly 6% of the Borough's housing, over the plan period, should have been properly and fully considered in advance of the SLPR, with full analysis of the assumptions made regarding housing figures.

21. It is also noted that the Cabinet report of 5th November 2020 clearly stated in its recommendations at para. 328 under 'Next Steps' - *"A delivery plan will be developed that gives further consideration to the potential phasing and prioritisation of*

the projects in the Masterplan, and identifies the potential development approaches that may be appropriate for each site" This is considered to be necessary preparatory work before inclusion of figures and periods for delivery in the SLPR; which should be updated with relevant and up to date evidence.

Historic under-deliverability of dwellings in Solihull Town Centre and continuing constraints to development

22. Despite the Town Centre housing allocations in the adopted 2013 SLP and subsequent progress on the 2016 draft SLP, it is understood that only 10 dwellings have been approved in Solihull Town Centre in the last 7 years. There were 950 houses to be delivered in Solihull Town Centre under the 2013 SLP (Figure 16 of the adopted 2013 Solihull Local Plan) but there is only evidence on the Council's website that 10 dwellings have been approved in the town centre (under PL/2015/52969/PPFL) – see https://publicaccess.solihull.gov.uk/online-applications/applicationDetails.do?keyVal=NZRLV5OEKI400&activeTab=summary This implies there have been, and continue to be, issues that are preventing deliverability, e.g. infrastructure requirements. Deliverability is dependent on a number of factors; indeed, the approved 2020 STCMP confirms that new residential development within the Town Centre has been relatively limited over the last 5 years (para. 6.6.4 of the 2020 STCMP) and that there are current infrastructure requirements on which the new development is dependent.

23. The recently approved 2020 STCMP anticipates that part of the housing proposed for Solihull Town Centre 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 2036, which must be 'developable'.

24. However, at the same time, paragraph 133 of the SLPR acknowledges that "The scale of the changes envisaged for Solihull Town Centre will inevitably take some time to realise and will be realised gradually throughout the life of the plan, and beyond. The timescales within which the opportunity sites are delivered will be influenced by a range of factors, including land ownership, predicted longevity of existing uses and market conditions." (our emphasis). No evidence has been provided to explain what discussions have taken place or to set out any agreements reached with landowners. Given the fact that there are multiple landowners and multiple existing land uses on the proposed housing redevelopment sites, it is contended that 'deliverability' and 'developability' cannot be demonstrated without this supporting proportionate evidence.

25. The 2020 STCMP Cabinet report recognises that "*3.16 As a significant proportion of the development is proposed on sites already in active use, much of the proposed development involves the repurposing of existing buildings."* – which inevitably will lead to delay in deliverability, not least the need to identify alternative premises for existing uses to relocate to.

26. Furthermore, the Solihull Connected Transport Strategy Delivery Plan 2016 – 2036 outlines a number of transport schemes which it is considered will *"…unlock further growth at Solihull Town Centre…*" (p.7 and p.15). These include B4102 Warwick Road/New Road and Hampton Lane Junction Improvements, A41 bypass/Yew Tree Lane and Hampton Lane junction improvements, and A45/Damson Parkway Junction Improvements; however, there is no evidence in the Cabinet approved 2020 STCMP that these have been delivered and this 2016 document does not appear to have been updated to confirm the current status of these schemes.

27. The draft 2016 STCMP acknowledged the issues of landownership and the difficulties of repurposing existing land, e.g. from the 2016 draft STCMP – in respect of the Lode Lane car park redevelopment, para 6.12.1 acknowledged that *"… the neighbouring Premier Inn hotel leases car parking spaces, the terms of which may have a bearing on the pace of implementation at this site. Furthermore, an arrangement would require to be reached that does not affect the operational viability of the hotel business."* Land assembly may also be required to ensure sites can be developed comprehensively – but none of the relevant documents: the 2016 draft STCMP, the Cabinet approved 2020 STCMP or the SLPR contain any reference to the potential for using compulsory purchase powers if required.

28. Therefore, no evidence has been supplied to:

- Demonstrate the agreement of all landowners to bring many of the proposed redevelopment sites forward for development to expedite delivery.
- Demonstrate that land ownership and land assembly issues can be satisfactorily resolved in the plan period.
- Set out agreed timescales for properties in active current use to become available for development.
- Provide details of a delivery mechanism e.g. the potential for compulsory purchase to assist land assembly.

29. There is also an undue reliance on the larger site redevelopments in Solihull Town Centre, the smallest being for a proposed 11 units, but most being for 65+ units (ref. Cabinet approved 2020 STCMP). This further complicates deliverability and is contrary to the recommendations in NPPF paragraph 68, which states that, '*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly…*'

Overestimate of the indicative capacity of key redevelopment sites

30. It is considered that the capacity of Solihull Town Centre's redevelopment sites has been overestimated, due to, inter alia, heritage considerations, the evidenced need for family housing and the need for compliance with the Government's spacing standards. The COVID-19 pandemic has also changed people's perceptions of desirable housing, with those with private outdoor amenity space favoured. These changes in circumstances since the 2016 SLPR and 2016 draft STCMP mean it is unrealistic to perpetuate essentially the same number of new dwellings as previously proposed.

31. The draft 2016 STCMP, the Cabinet approved 2020 STCMP, and the SLPR contain aspirational yet unrealistic housing figures relating to Solihull Town Centre. Whilst the SLPR acknowledges at para. 801 that *"The Town Centre is the most accessible location in the Borough"* and *"Higher densities can be accommodated…",* given the heritage (and other) constraints, the proposed 'indicative densities' set out in para. 240 for apartments in the 'Town Centre/ UKC Hub Area' of 90-150 dph are unrealistic. It is submitted that this is particularly the case given the absence of detailed Concept Masterplan work for these sites – rightly considered necessary to justify the densities of development proposed on all other significant proposed site allocations within the SLPR.

32. To develop at such high densities, whilst attempting to comply with the national space standards and fulfilling the statutory duty in respect of conservation areas and listed buildings, will not (contrary to proposed Policy P2) develop Solihull Town Centre *"…as a place of quality and distinction…", "…the character and quality of the town…*" will not *"…be protected and enhanced through the promotion and careful control of new development."* The numbers of dwellings proposed in the town centre would not, we contend, meet these policy objectives.

33. In terms of heritage constraints, SLPR Policy P16 'Conservation of Heritage Assets and Local Distinctiveness' confirms that: "*1. The Council recognises the importance of the historic environment to the Borough's local character and distinctiveness, and to civic pride, and the cultural, social, environmental and economic benefits that its conservation brings."* and considers at point 2 that the historic core of Solihull Town Centre and its adjacent parks make a significant contribution to the local character and distinctiveness of the Borough.

34. Solihull Town Centre contains Solihull Conservation Area, which is centred on the High Street, and includes part of the 'Heart of Solihull' proposals in the Cabinet approved 2020 STCMP. There are also a number of listed buildings, mainly towards the south-eastern end of the High Street near Grade I St. Alphege Parish Church.

35. The Council's Solihull Conservation Appraisal https://www.solihull.gov.uk/Portals/0/StrategiesPlansPolicies/TE/touchwood38.pdf confirms under 'Environmental Analysis' that the Square and Environs near St Alphege - and the proposed location of 469 units in the Cabinet approved 2020 STCMP, partly within the Conservation Area - is the area of *'highest environmental quality'* and the High Street, which abuts the proposed Mell Square redevelopment area, has a character arising from *"…the low height of these buildings in relation to the width of the street, the mixture of small domestic type buildings of varied architectural styles and heights…smallness in width as well as height…the impression of domestic scale…"* (pgs. 12 and 13).

36. The redevelopment proposals at Mell Square in the Cabinet approved 2020 STCMP will abut the Conservation Area, to the north of the High Street and to the east of Poplar Road and proposes multi-storey buildings to accommodate circa 500 dwellings on the floors above retail development. Within the south-eastern part of the Conservation Area, at the end of the High Street and opposite St Alphege, a multi-storey development, comprising nearly 500 dwellings and a Civic Office Building of approximately 13,500 m² is proposed. This is considered an incredibly sensitive area in heritage terms, with a domestic scale and the visual primacy of the Church building dominating the area. The setting of the listed buildings and the character and appearance of this part of the Solihull Conservation Area could potentially be destroyed by insensitive overdevelopment, in a bid to bring housing into the town centre. As a minimum, our Client contends there is a need for concept masterplan work to demonstrate what could sensitively be achieved, while fully meeting policy and sensitivity requirements and responding effectively to constraints.

37. A recent clear example of where heritage concerns have arisen in relation to intensification proposals on existing sites in Solihull Town Centre include PL/2019/02766/PPFL for the erection of 48 No. one bedroomed apartments in a two-storey extension above an existing retail parade and maisonettes at 20 - 66

Station Road Solihull. This 2019 application is still not determined, and the Council's own Historic Environment Advice is that the proposal *"…would conflict with this building and with the character of the Conservation Area. The site adjoins the Conservation Area and is easily appreciated in views into and out from it. This means that the addition would adversely affect the experience of the conservation area as well as the significance of the church of St. Augustine, and seen in views towards and from these designated heritage assets it would detract from the experience of them by being unduly prominent in these views."* The realities of over-intensification, shown in the densities of residential development currently proposed in Solihull Town Centre, would not only be contrary to the Council's own existing and proposed heritage policies, but would also fail the statutory duty in respect of heritage assets.

Summary – Solihull Town Centre

38. There is a lack of credible evidence to demonstrate that the 861 dwellings identified for Solihull Town Centre under Policy P5 can be delivered. It is considered that insufficient evidence has been provided to demonstrate that there is a mechanism to facilitate the quantum and timing of development proposed via Policies P2 and P5:, contrary to the deliverability and developability requirements for site allocations set out in NPPF Appendix 2: Glossary. It also fails to satisfy paragraphs 67 and 175 of the NPPF.

39. Our Client therefore contends that Policy P5 is unsound the number of dwelling proposed to be delivered in the Town Centre should be significantly reduced to reflect more realistically its capacity based on the constraints to development.

The UK Central Hub

40. Insufficient evidence has been provided to demonstrate the ability to deliver the 2,740 dwellings from the UK Central Hub within the Plan period (2020-2036), as set out within Policy P5 (Provision of Land for Housing), contrary to the deliverability and developability requirements for 'site allocations' set out in the NPPF Appendix 2: Glossary. Accordingly, the 'allocation' of the UK Central Hub sites fails to satisfy the NPPF paragraphs 67 and 175.

41. SLP Policy P5 (Provision of Land for Housing) and accompanying paragraph 222 'Solihull Housing Land Supply 2020-2036 (as at 1st April 2020) includes a reliance on 2,740 dwellings form the 'UK Central Hub Area to 2036'. It is understood (see detailed commentary below) that this would comprise a contribution of 2,240 from within the National Exhibition Centre (NEC) and a further 500 dwellings from Arden Cross; this information being based on the NEC masterplan (2018) and the emerging Arden Cross masterplan (2020), both documents submitted in evidence only and therefore non-statutory and subject to change.

42. Based on our review of the SLP documents, supporting evidence and additional evidence; this response sets out our concerns with regards the following:

a) The definition of the UK Central Hub
b) The lack of a site-specific Policy, allocation within the Policies Map and/or Concept Masterplan in respect of the UK Central Hub housing contribution, unlike the 'allocated sites'

c) The inconsistencies in respect of the quantum of housing to be delivered and timescales stated within the SLP documents and supporting evidence
d) The complexities with regards multiple landowners and significant infrastructure delivery and how this may further impact on the timescale of housing delivery
e) The significant removal of land from within the Green Belt without account for compensatory measures
f) Site-specific concerns with regards the deliverability and developability of the land identified for housing within the NEC Complex and Arden Cross sites.

a) The definition of the 'UK Central Hub Area' as referenced in Policy P5 (Provision of Land for Housing) is imprecise and inconsistently applied within the SLP and supporting evidence

43. The 'UK Central Hub' is referenced in Policy P5 (Provision of Land for Housing) as providing 2,740 dwellings within the Plan Period.

44. However, there is no definition as to what comprises the 'UK Central Hub' within the policy and there is an inconsistency in definition and use of this and similar terms : i.e. the 'UK Central Hub', the 'UK Central Solihull Hub' and 'The Hub Area'. Throughout the SLP and accompanying Policies Map, e.g. the 'UK Central Solihull Hub Area' is the title of SLP Policy P1 and is defined in Policy P1 (point 1) as "… *incorporating Blythe Valley Park, North Solihull, Solihull Town Centre and the 'Hub Area' including the High Speed 2 Interchange Station at Arden Cross*". The 'Hub Area' is also referred to within SLP Policy P1 (point 2) as *"… indicated on the Policies Map, embraces Birmingham Airport, the National Exhibition Centre (NEC), Birmingham Business Park and Jaguar Land Rover …".* The SLP Policies Map identifies the 'UKC Hub Area' (different term); and SLP (para 767) refers to the NEC and Birmingham Airport as being assets *"… which together with the UK Central proposals, including HS2 interchange station…"* . Under this definition, the NEC or Birmingham Airport would appear to be outside the UK Central hub, which is contradictory to the definitions in Policy P1, where these assets fall within 'The Hub'.

45. Therefore, some definitions include land at Blythe Valley Park, North Solihull, Solihull Town Centre which are areas not included within the UK Central Solihull Hub documents provided as evidence to the SLP.

46. The effect of this imprecise and inconsistent use of terms is to make it unclear in respect of Policy P5, as to where the proposed 2,740 dwellings are being provided. The lack of clarity is contrary to the requirements of PPG Paragraph: 002 Reference ID: 61-002-20190315, Revision date: 15 03 2019, which states that, '…*Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development…'*

b) **The housing contribution from within the 'UK Central Hub Area' is not clearly defined within the draft SLP documents (i.e. the SLP, Policies Map or Concept Masterplan Document) There is a reliance on documents provided in evidence (but not to be adopted) which are subject to change. This leads to uncertainty on achieving the housing delivery stated in SLP Policy P5 (Provision of Land for Housing) within the Plan period.**

47. SLP Policy P5 identifies that 2,740 dwellings would be delivered during the Plan Period from within the 'UK Central Hub Area'. This represents 18.3% of the total

estimated housing land supply and thereby represents a significant proportion of the overall housing delivery required during the Plan period.

48. For each of the 'allocated sites' details are provided, which include individual reference to a site with area, capacity and delivery period included (see Policy P5 Summary Table of Residential Allocations), reference on the 'Policies Map' and Concept Masterplans which include reference to site constraints, dialogue with landowners/developers and an illustrative concept masterplan. All these documents are to be adopted as part of the plan-making process.

49. However, there is no such clarity in respect of housing delivery with respect to the 'UK Central Hub Area' housing contribution. Policy P1 (The UK Central Solihull Hub Area) makes only passing reference to the delivery of housing within Arden Cross and to the support proposals brought forward for housing at the NEC i.e. Point 3 (vii) – *"Support inclusive economic growth by … with an emphasis on health and wellbeing, including those working, living in and visiting the Hub Area" and* Point 4 Arden Cross (ii) – *"The Council will support proposals that include … and residential …";* Policy P5 (Provision of Land for Housing) makes mention of housing at 'UK Central Hub'; and Policy UK1 (HS2 Interchange), which relates to the Arden Cross site only and identifies only that development should be consistent with place making principles and development principles of the Arden Cross Masterplan. However, the Arden Cross Masterplan not only sits outside the SLP documents to be adopted, but is also identified as subject to change.

50. In addition, the UK Central Hub documents (including the NEC and Arden Cross Masterplans) are lengthy, inconsistent, and difficult to clearly ascertain the development principles, and thereby do not provide clarity on delivery. It is also noted that these documents were not intended to form part of the SLP and are subject to change.

51. The effect of this is that there is uncertainty as to the location and quantum of housing delivery that contributes to the proposed 2,740 dwellings and inconsistency with the 'allocated sites' that have more certainty in terms of both their policy inclusion, development principles, necessary infrastructure and environmental delivery.

52. Again, this lack of clarity is contrary to the requirements of PPG Paragraph: 002 Reference ID: 61-002-20190315, Revision date: 15 03 2019, which states that, '…*Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development…'* It also means that the housing capacity for the area relied upon in Policy P5 cannot be demonstrated as deliverable or developable.

c) The quantum of dwellings and timeframe for delivery as quoted within the SLP and supporting evidence is inconsistent, leading to uncertainty in achieving the housing delivery stated in SLP Policy P5 (Provision of Land for Housing) within the Plan period.

53. The housing delivery figures stated within the SLP and supporting documents are inconsistent. Housing delivery numbers quoted in both the SLP documents and the supporting evidence, the lack of clear phasing/timing on delivery, and the challenges to delivery identified, raise uncertainty on the delivery of the quantum of housing and timeframe for delivery:

- Notwithstanding Policy P5 and para 89 stating 2,740 dwellings, the SLP later states 2,500 dwellings (para 830) in respect of the UK Central Hub contribution in the Plan period.
- The Hub Framework Plan identifies an extremely wide range of housing delivery, with an estimated delivery in the Plan period (based on extrapolated figures as Plan period figures not given) of between 1,161 to 3,083 dwellings, or elsewhere within the Framework Plan an estimated contribution of 2,325 dwellings, that is below that stated in Policy P5.
- The Hub Growth and Infrastructure Plan also provides a wide range of housing delivery with estimated delivery in the Plan period (based on extrapolated figures as Plan period figures not given) of between 2,270 to 6,782 dwellings.
- Both the Framework Plan and Growth and Infrastructure Plan note considerable challenges in meeting the housing delivery figures stated, including (inter-alia): that the lower threshold is considered deliverable 'with market intervention', that there is a reliance on apartment living for which there is no proved local market, that attracting occupiers will be a significant challenge, that delivery will be dependent on sufficient investment in infrastructure (see more detailed assessment), a dependence on the ability to attract anchor tenants to encourage occupancy, the figures quoted are based on an ambitious build out rate and that delivery requires strong public sector intervention. (our emphasis)
- The Arden Masterplan identifies only delivery in zones (no timing), with a total contribution of 3,181 with no specific details on the delivery within the Plan period and similarly the NEC masterplan identifies only delivery of up to, or potential, to 2,500 with no details on the delivery within the Plan period.
- The Greater Birmingham HMA Strategic Growth Study (page 77), dated 2018, the same year as the Framework Plan, Growth and Infrastructure Plan, reports that the UK Central Hub Growth Area in the emerging Local Plan will deliver 1,000 dwellings in the Plan period, which is significantly lower than the figures quoted in SLP Policy P5.

d) Delivery of The UK Central Hub (including residential elements of Arden Cross and NEC) is extremely complex, requiring the co-ordination of several landowners and implementation of necessary infrastructure; in the absence of a clear Policy and/or Concept Masterplan identifying relevant details, and as noted elsewhere discrepancies in the quantum and timetabling, this raises uncertainty on achieving the housing delivery stated in SLP Policy P5 (Provision of Land for Housing) within the Plan period

54. A review of the Hub Framework Documents and both Arden Cross and NEC Masterplans, provided as evidence to the SLP, identify a significant amount of enabling works and infrastructure, including social, transport and utilities will be required as well as the implementation of flood risk management. These are not specifically detailed in this response; however, the key considerations are identified.

55. The delivery of infrastructure within the UK Central Hub is complicated by the number of landowners, with Arden Cross in the ownership of four main landowners (Coleshill Estate, Birmingham City Council, Packington Estate and Solihull Metropolitan Council) and the NEC Complex being in the ownership of two main landowners (Birmingham City Council and NEC Group).

56. This complexity is further compounded by the range of infrastructure delivery bodies (i.e. Highways England, Network Rail, West Midlands Combined Authority, Solihull MBC and utilities companies) and their respective the lead-times for their delivery, as well as securing the necessary funding. There is no evidence of a

legally binding Memorandum of Understanding, or similar, to demonstrate that there is agreement amongst all the necessary landowners to bring the site forward for development, in a comprehensive and timely way. This is contrary to the requirements of the NPPF as it means the site is not demonstrably deliverable or developable.

57. In addition, no delivery mechanism, clear timeframe, or detailed infrastructure requirements set out in SLP policies or accompanying documents, to demonstrate that essential infrastructure can be successfully provided. Without the necessary infrastructure the housing development proposals would be unsustainable and undeliverable, contrary to national policy. This is highlighted in more detail below:

Social Infrastructure

58. The delivery of social infrastructure (i.e. education, health and welfare facilities, community and leisure, greenspace, policing etc.) in respect of the UK Central Hub is specifically important for a number of reasons. This includes the fact that the proposed housing element is identified on the NEC masterplan to be located within/amongst the existing exhibition, leisure and entertainment complex; notwithstanding the existing transport infrastructure there is no existing or proposed social infrastructure to support resident's needs and food/retail within the wider NEC Complex is targeted to tourist/visitor needs such that the offer is limited and generally at higher price. Arden Cross is a greenfield site, with limited existing transport infrastructure and no social infrastructure to support residents' needs, and both the NEC and Arden Cross are located distant from Solihull Town Centre and other local centres where social infrastructure exists; the nearest existing local facilities are at either Marston Green/Chelmsley Wood (>3km) and Sheldon (>4km) and separated by major infrastructure.

59. Provision of appropriate social infrastructure is a key policy objective of the NPPF (Chapter 8) in promoting healthy and safe communities and (Chapter 12) achieving well-designed places. It is also a key objective of SLP Policies P18 (Health and Wellbeing), P19 (Range and Quality of Services) and P20 (Provision of Open Space, Childrens Play, Sport, Recreation and Leisure).

60. Failure to provide timely social infrastructure, in advance of residential occupation, would place residents at a social and financial disadvantage. They would have to seek alternative provision elsewhere, incurring additional cost to the resident (travel expenses) in conflict with sustainable travel principles, whilst also placing greater pressure on those facilities, or, where no alternative is available or residents cannot afford the additional travel expense, exclusion from these facilities, which would disproportionally affect those occupants of affordable housing. This would place the new community at risk and conflict with the principles of sustainable development.

Transport Infrastructure

61. In terms of transport, the delivery of the HS2 interchange, within Arden Cross and transport inter-connectivity is a key component of the wider UK Central Hub agenda. The Hub Framework Plan and the UK Central Hub Growth and Infrastructure Plan identify that a significant amount of rail infrastructure, public highway (including new junctions, bridges etc.), public transport (including rapid transit) and path/cycle network is proposed. Key to the development of housing within the NEC complex is the development of a multi-storey car park to compensate for the loss of surface parking. Given that Arden Cross is currently a greenfield site, aside

the delivery of HS2 and its phased construction to commencement of services in 2033, significant transport infrastructure will be necessary to achieve the objectives of a sustainable community. The SLP (para 275) notes: *"… HS2 and UK Central will introduce transport challenges which … are likely to further compound congestion on the Borough's road network during peak hours"* , SLP (para 287) *"… likely to have an effect on the A452 as it passes through Balsall Common",* such that the effects of occupation of these sites in advance of the necessary transport infrastructure will not only affect the occupying residents, but also the wider area including the operation of the strategic highway network and residents at Balsall Common.

62. Failure to provide timely transport infrastructure would result in a lack of connectivity for future residents and a reliance on private car, in clear conflict with the overall principles of the UK Central Hub. It is also submitted that this would be contrary to the principles of sustainable transport as set out within the NPPF (para 103), the SLP Policies P7 (Accessibility and Ease of Access) and Policy P8 (Managing Travel Demand and Reducing Congestion), which collectively seek to ensure to reduce the need to travel, deliver sustainable transport choices and policies that support safety and accessibility of the highway and transport networ , as well as SLP Policy P8A (Rapid Transit) to support the delivery of the METRO and SPRINT inter-connected rapid transit network.

Utilities

63. The SLP Policy P9 (Mitigating and Adapting to Climate Change) addresses energy in the context of climate change and expects major development, specifically including the UKC Hub Area, to connect to or contribute towards existing or planning district energy and/or heat networks. The NEC masterplan makes reference to a Combined Heat and Power Energy Centre, but it is unclear if this is provide for a decentralized energy supply to the residential element of the NEC Complex; there is no such mention in the Arden Cross Masterplan.

64. Failure to implement the necessary infrastructure, for example were developers to contribute to the Council's 'Charging Infrastructure Fund' as an alternative to direct implementation of Electric Vehicle Charging Points or make a contribution to (as opposed to delivery of) decentralized energy and heating networks, would result in occupation of dwellings prior to the necessary carbon reduction measures being put into place. This would result in the development being in conflict with the NPPF (para 149), which supports the increase in use and supply of renewable and low carbon energy and heat, and notably the objectives of SLP Policy P9 (Mitigating and Adapting to Climate Change).

65. Aside from the above policy compliance, it is clear from The Hub Framework Plan (2018), the UK Central Hub Growth and Infrastructure Plan (2018) and the Utilities Study Executive Summary, that (inter-alia) there is an existing shortfall in capacity and '*considerable reinforcement and protection'* will be required. It is noted that the 132Kv overhead power line, that cuts through the Arden Cross site, would need to be diverted, and that there is significant lead-time for the implementation of utilities infrastructure. It is submitted that the integration of these works, in respect of housing delivery, has not been clearly evidenced and could lead to delays to either diversions and/or utility provision.

Flood Risk Management

66. It is identified from the Government's on-line flood risk mapping that the proposed housing within the NEC complex is in Flood Zone 2 (medium risk of flooding). It does not appear from the supporting evidence that account has been taken of the proposed housing site's location within Flood Zone 2. Neither the Level 2 Strategic Flood Risk Assessment or Flood Risk Sequential Test report appear to address the NEC, focusing only on Site 19 (Arden Cross / HS2 Interchange Triangle). In the apparent absence of the Sequential Test it is unclear whether contribution to housing delivery from the NEC complex would pass the planning policy tests.

67. The areas of land 'currently' shown for housing within the Arden Cross mixed-use site are within Flood Zone 1 (low risk of flooding). However, the Level 2 Strategic Flood Risk Assessment makes several flood risk related recommendations. The Sequential Test identifies that no other similar sites exist and that there are no alternative sites with lower flood risk.

68. Accordingly, and notwithstanding whether or not the housing area within the NEC complex is deemed in accordance with the NPPF and SLP Policy P11 in respect the Sequential Test, it is demonstrated that flood risk management infrastructure will be required to facilitate delivery of housing within the UK Central Hub. It is contended that the integration of these works, in respect of housing delivery, has not been evidenced and could lead to delays and/or placing residents at a disadvantage if occupation precedes the necessary infrastructure delivery.

e) Development of Arden Cross requires the removal of land from the Green Belt for which no compensatory measures have been identified, in conflict with national and local planning policy

69. The development of the Arden Cross, as a whole, requires the removal of circa 140 hectares of the Green Belt to be released, noting that the SLP (para 418) identifies that *"Significant adjustments to Green Belt boundaries are required in the UK Central Hub Area to provide … for the HS2 interchange and adjoining area".*

70. The NPPF (paragraph 138) requires that, where it has been concluded that it is necessary to release Green Belt land for development, plans should *"… set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt"*.

71. SLP Policy P17A (Green Belt Compensation), states that planning permission will not be granted for development of sites removed from the Green Belt, unless and until appropriate compensatory improvements to environmental quality and accessibility is incorporated into a S106 agreement, with compensation proportionate to the extent of land being removed and in accordance with stated hierarchy.

72. In the absence of any SLP Policy requirement and/or SLP Concept Masterplan or within any of the supporting evidence, in respect of the UK Central Hub, setting out any Green Belt compensatory measures. Given that the land is proposed to be allocated, thereby removed from the Green Belt, prior to an application being brought forward (and therefore beyond the scope of SLP Policy P17A), it is unclear as to how, or if, the 'significant adjustments to the Green Belt' will be compensated to meeting this national and local planning policy requirement.

f) Concerns raised with regards to the suitability of the UK Central Hub site for housing

73. **In respect of the NEC**: 2,240 dwellings are proposed at the NEC, however, there is no site-specific policy within the SLP, no Concept Masterplan and no allocation within the Policies Map to identify the location or quantum of housing contribution from the NEC Complex or set development principles or criteria against which proposals will be assessed.

74. SLP Policy P1 makes reference only to the Council's support to proposals that contribute to the wider place making objectives including residential development. It is only in the supporting text, at para 89, that reference is made to the contribution of 2,240 dwellings which is based on the NEC Masterplan (2018), a document submitted in evidence, but not forming part of the SLP documents to be adopted and subject to change. The NEC housing land is not identified, e.g. within the Site Assessment/Site Assessment Addendum evidence, and thereby does not appear to have been appraised. The Draft SHELAA Update, October 2020, identifies the 'Land in the NEC Masterplan' (site ref 9012.01) as within the Brownfield Land Register with a maximum capacity of 2,500 and minimum capacity of 1,500 (Appendix F). Whilst this has been included within the Housing Land Table (para 57 of the report) within the UK Central Hub Area to 2036 (albeit not specifically identified); accordingly, there is no SHELAA Reference or appraisal. In this respect, uncertainty is raised as to the evidence demonstrating that the site is suitable or deliverable.

75. Based on the area shown in the Sustainability Appraisal (October 2020), Appendix E Site Proforma for the UK Central Hub/HS2 Interchange (reference AECOM95, pages 120 to 121), the Sustainability Appraisal covers only Arden Cross. It therefore appears that **the NEC housing area was not subject to a Sustainability Appraisal**. Had the housing land been subject to Sustainability Appraisal, it would likely score low, in respect of several objectives, including :

- SA1 (To contribute to regeneration and economic development that benefits the communities especially those identified as deprived), due to its location within the 60% least deprived;
- SA14 (Minimise the air, soil, water, light and noise pollution) with residential properties located within a 24-hour entertainment area and thereby likely to experience both noise and light pollution; and
- SA17 (To fully integrate planning, transport, housing, cultural, recreational, environmental and health in each locality to reduce health inequalities and promote healthy lifestyles) due to the distance to both health care and leisure and play facilities (allotments, parks, sports centres, play areas and cycle routes).

76. It is noted that there is no information within the evidence base with regards to a number of assessments, although these include other site-specific assessments. The NEC proposals are not referenced in, e.g. in the Archaeological Assessments 2018 or 2020 Additional Sites, Ecological Assessment, Heritage Assessment, Accessibility Assessment, Transportation Studies or the Solihull Local Plan Viability Study (October 2020). Assessment of the site against these matters would be expected given the scale of the proposal; this raises further concerns over the suitability of the site for the proposed development.

77. **It is clear therefore, that the Council have failed to meet the requirements of NPPF paragraphs 31 '…*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…' **and paragraph 35** ***'b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence'*** **making the proposed allocation unsound**.

78. The NEC Masterplan (page 10) identifies '5 Big Moves', comprising the key development initiatives, including residential dwellings proposed within the 'Lakeside' area of the Complex, which in itself is identified as "*A new destination at Lakeside will provide an expanded leisure offer including bars, restaurants, and family attractions… generating greater animation day and night, and increasing dwell time for visitors …"* . Under the heading 'Activity' (page 17) Lakeside is identified as *"… an unrivalled 24-hour entertainment and leisure destination"*. Based on the NEC masterplan (page 17) the residential accommodation comprises as a single apartment building, identified as being a 8-12 storey high building (page 19), set amongst visitor and commercial uses and multi-storey parking. To the south-east of the building is a primary distributor road served by both the NEC Shuttle and Metro/Sprint routes. The NEC Masterplan (page 19) identifies *"The potential to accommodate up to 2,500 homes dependent on market conditions. A mix of 1, 2 and 3 bedroom apartments is envisaged."*

79. It is therefore apparent that the NEC Complex is, and will remain, overwhelmingly a visitor destination, within which it is proposed to 'insert' a relatively small residential community (circa 2,500 units, subject to the source of figures quoted), delivered as apartments. Furthermore, given the ambitions for the NEC Complex and in the context of the surrounding development, there is no opportunity for the future growth of this residential community. The limited housing type and the surrounding 24-hour activity would likely appeal to a narrow demographic. This would conflict with the principles of promoting healthy and safe communities, as set out within the NPPF (para 91) and SLP Policy P4C (Meeting Housing Needs – Market Housing), which seeks for the housing mix to have regard to (inter-alia) *"The need to secure a range of house types and sizes in the locality in helping to achieve socially balanced and mixed communities"*

80. Furthermore, locating residential development amongst *"… an unrivalled 24-hour entertainment and leisure destination"* (page 17) places is contrary to SLP Policy P14 (Amenity) which requires, point 1(vi), "… sensitive development will only be permitted if located away from sources of significant noise … unless incorporating measures proven to reduce impacts to an acceptable level". The suitability of the site for residential development is questionable and insufficient proportional evidence has been presented to justify the approach, contrary to national policy.

81. **In respect of Arden Cross (HS2 Interchange)**: there is no site-specific policy within the SLP, no Concept Masterplan and no allocation within the Policies Map to identify the location or quantum of housing contribution, albeit the Policies Map does identify Arden Cross as a 'Mixed Use' allocation (reference SLP Policy UK1) covering the entire land parcel.

82. The SLP Policy P1 (UK Central Solihull Hub Area) makes reference to the Council's support for the *potential* for residential opportunities and proposals. The supporting text SLP (**para** 89) references a contribution of 500 dwellings, which is based on the emerging Arden Cross Masterplan (2020) and SLP (para 93) makes reference to a vision for up to 3,000 new homes within Arden Cross. The SLP Policy UK1 (HS2 Interchange) also references housing delivery within Arden Cross, but notes only that the site is allocated for mixed used including residential

development. In terms of delivery, reference is made to the principles set out in the Hub Framework and the Arden Cross Masterplan, which the Policy states should be read alongside this policy.

83. It is noted that both the Hub Framework and Arden Cross Masterplan, as referred to SLP Policy P1 and Policy UK1, have been submitted in evidence to, but not forming part of, the SLP documents, to be adopted and identified as being subject to change, removing any certainty of delivery.

84. Other than within the Arden Cross Masterplan, the areas of land specifically identified for housing within Arden Cross site are not specifically identified, within the assessment documents submitted in evidence to the Plan-making process. Assessments generally appraise only the wider Arden Cross site.

85. The separately submitted Site Assessment evidence (October 2020) appraises the Arden Cross site (Land at HS2 Triangle, reference 132) concluding that the: *"Site is within a lower performing parcel in the Green Belt Assessment, where the High Speed 2 rail interchange station will be constructed, along with significant infrastructure development and car parking areas. The site has very low accessibility currently, although this will change with the construction of the HS2 rail station and supporting infrastructure. It is within a area of medium landscape sensitivity with low capacity for change, and has some constraints to development, notably the existence of a listed building at Park Farm. Whilst the SA identifies 3 positive and 10 negative effects, of which 4 are significant, loss of agricultural land, impact on heritage assets, whilst provision of shops and leisure facilities will be part of the mixed use development around the station. The site could form part of an urban extension in area identified in the spatial strategy as suitable for growth."* (our emphasis)

86. The Sustainability Appraisal Report (September 2020) (reference AECOM 95, Site ID 132, page 132), and supporting Appendix E (October 2020) (reference AECOM95, SMBC reference PO19, pages 120 to 121) identified and appraised the Arden Cross site (as a whole). It is notable that the Arden Cross site only scored positively in respect of Objective SA3 a and SA3b, access to train services and the principle road network respectively, SA9 in respect of opportunity to enhance ecological sites, and SA19 in respect to access to Key Economic Assets, these being the UK Central Hub.

87. That the site scored badly within the Sustainability Appraisal is recognised within the SLP (para 855) which states that *"Although the site performs poorly in the Sustainably Appraisal for Site 19, with significant negative effects relating to the size of the site, impact of heritage assets, and access to leisure facilities and convenience stores or supermarkets, this mixed use development will be highly accessible by public transport and provide significant convenience food and leisure opportunities associated with the NEC station and other developments. As such the negative impacts identified are all capable of being mitigated through the context of the proposed development"* (our emphasis). However, the matters as referred to require careful consideration, with social infrastructure dependent on appropriate timing of delivery to ensure the new community is not disadvantaged. Additionally, achieving a satisfactory solution with regards heritage, that protects these irreplaceable assets may require revisions to the Arden Cross masterplan as a whole. Furthermore, from the above comments it appears that other poorly scoring sustainability objectives have not been fully considered.

88. The Green Belt Assessment identifies a refined area (reference RP13) as comprising only Arden Cross Site, with the surrounding Green Belt to the east falling in the adjacent Broad Area (reference BA11) and refined areas to the south (references RP18 and RP19). Whilst acknowledging the definition of the RP13 as the A452/446 (and the Authority's boundary), the effect has been to create an arbitrary disconnect in the landscape, where no such change in character occurs on the ground and notably the stronger definition is to the west formed by the M42 which forms a defensible boundary to the densely urban area to the west. It is submitted that the effect of this is to create a bias in the Green Belt assessment. It is submitted that had the site been considered as part of the wider area, its performance against the purposes of the Green Belt would have been assessed differently.

89. In addition, the accompanying assessments also bring into question the suitability of the site for development, e.g. the Archaeological Assessment (August 2018) identified (page 171) that with regards the archaeology of the site (Site 19) the development of the site *"… is likely to have a significant negative archaeological impact upon any archaeological deposits which survive across this area"* and further that *"Any development will change the historic landscape character of this area from its present state which consists predominantly enclosure of discrete areas of planned, irregular and large post-war amalgamated fields together with some areas of woodland some historic farmsteads and dismantled railway"*.

90. There does not appear to have been an ecological assessment of the site; the Ecological Assessments (January 2017 and December 2019) do not include an appraisal of the Arden Cross site. In the absence of a Stage 2 assessment, and a detailed Ecological Assessment it has not been demonstrated that the proposals at Arden Cross would conserve the natural environment. It is submitted that this would not accord with the principles set out in the NPPF (para 170) or thereby SLP Policy 10 (Natural Environment) or SLP Policy P14 (Amenity), particularly given the site is predominantly greenfield with field boundaries generally defined by hedgerow with areas of woodland.

91. It is clear therefore, as was the case with the NEC, the Council have also failed to meet the requirements of NPPF paragraphs 31 '…*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…'* and paragraph 35 '*b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence'* for land at Arden Cross, making the proposed allocation unsound.

92. In terms of delivering the necessary infrastructure for Arden Cross, it is acknowledged throughout the SLP (e.g. paras. 834, 855), the Hub Framework Plan (pg. 85) and Arden Cross Masterplan (page 25), that this is a challenge in terms of coordinating the several landowners, the various infrastructure delivery bodies, the lead-times for their delivery and securing the necessary funding. There are major constraints to development, including managing the construction land-take and impacts of construction works. This is particularly the case in respect of the HS2 delivery and the integration of the HS2 programme, with delivery of residential dwellings and their occupation so as to secure the amenity of residents, including accessibility, avoiding disturbance etc. specifically given that completion is not 'currently' programmed until 2029 to 2033. The diversion of the 132Kv overhead power lin, that passes over the site; the delivery of the transport infrastructure, including (but not exhaustive) the M6/J5, M45/J6 and J5A works, new road junctions/interchange with the existing strategic highway etc; the significant

provision/upgrading of utilities and communications throughout the site over-and-above those required for HS2; provision of flood alleviation mitigation measures; and land remediation and/or sterilisation in respect of contamination and potential for pre-development mineral extraction are all matters of considerable constraint.

93. There are also considered to be issues with provision of social infrastructure such as schools and health care facilities. For example, it is notable that both the Sustainability Appraisal and Site Assessment submitted, in evidence to the SPLR, identified poor access to Primary School, Food Store and Health Care. The Site Assessment also identifies low accessibility to public transport and no footway provision. Until such time as the appropriate social infrastructure is available, the scheme would conflict with the NPPF (para 92) to *"… ensure and integrated approach to considering the location of housing, economic uses and community facilities and services"* as well as SLP Policy P7 (Accessibility and Ease of Access) which requires, point 1, for *"All new development should be focused in the most accessible locations …"* ; SLP Policy P8 (Managing Travel Demand and Reducing Congestion) which, point 1, requires development proposals to demonstrate how they are *"(i) … located in accordance with the spatial strategy in seeking to reduce the need to travel …";* and SLP Policy P9 (Mitigating and Adapting to Climate Change) which requires, point 2(i), for development to be located where it minimizing the need to travel, particularly by private vehicle.

94. Accordingly, it is considered likely, with or without the potential diversion of national or local funding to other priorities, and in the absence of a clear integrated delivery programme and funding package, that delivery of housing within Arden Cross would be delayed and/or place residents at a disadvantage if occupation precedes the necessary infrastructure delivery.

Summary – UK Hub

95. In summary, there are a number of matters that would be expected to be included within a Concept Masterplan in order to *"… to ensure confidence on capacity and deliverability"* SLP (para 242). However, there is no such Concept Masterplan for Arden Cross, such that there is no confidence on capacity and deliverability.

96. Our Client contends that insufficient evidence has been provided to demonstrate the ability to deliver the 2,740 dwellings from the UK Central Hub, within the Plan period (2020-2036), as set out within Policy P5 (Provision of Land for Housing). Consequently, this is considered contrary to the deliverability and developability requirements for 'site allocations', set out in the NPPF (Appendix 2: Glossary). Accordingly, the 'allocation' of the UK Central Hub sites fails to satisfy the NPPF paragraphs 67 and 175.

97. Our Client therefore contends that Policy P5 (Provision of Land for Housing) is unsound and the housing contribution expected from the UK Central Hub should be either deleted or the scale of housing proposed to be delivered reduced.

Other Housing Land Supply Concerns

98. There is also concern that a small reduction in the housing capacity of some of the proposed site allocations will be require, if the development is to fully meet the minimum public open space (POS) requirement set out in SLP Policy P20 'Provision for Open Space, Children's Play, Sport, Recreation and Leisure'. At paragraph 7, the policy states that, *'New housing developments will be required to provide or contribute towards new open spaces or the improvement of existing*

provision in the area, in line with the minimum standard of 3.57ha per 1,000 population.' 'Open Space Topic Paper', October 2020 explains at paragraph 84 that, '*Providing good quality open space has been a key factor of concept masterplans. The approach has been to allocate a minimum of 3.57ha/1000 population (at an average of 2.3 persons per dwelling) for sites of 200 or more dwellings, and 3.37ha/1000 population for sites under 200 dwellings.*'

99. Therefore, for development proposals of over 200 units each person would require 0.00357 ha of POS; and for development proposals of less than 200 units each person would require 0.00337 ha of POS. Using the council's occupancy rate of 2.3 people per unit, the POS requirement under the terms of the Publication policy (and concept masterplan document) is compared to the actual requirement when applying the Topic Paper calculation below:

100. The POS calculation is incorrect , or at least 4 proposed site allocations, as shown in the table below, with an increase in POS required in the allocation policy to bring them up to the standard set out in Policy P20. The consequent reduction in land available for development could have a small impact on the capacity of the site:

Ref	Site name	Capacity	POS in allocation/ Masterplan (ha)	POS based on Topic Paper (ha)	Difference	Percentage POS requirement error
BL1	West of Dickens Heath	350	2.3	2.9	0.6	21%
BL3	Whitlocks End Farm	300	2.3	2.5	0.2	8%
HA1	Meriden Road, Hampton in Arden	100	0.66	0.8	0.14	17.5%
HH1	School Road	90	0.6	0.7	0.1	14%

101. The 5-year housing land requirement from the base date of 1st April 2020, table at paragraph 225 'Maintaining Housing Land Supply', is **unsound** on the basis that there are doubts over the veracity of the evidence. There is a lack of robust evidence to demonstrate that there has been no double counting across the sources and the evidence to demonstrate the deliverability of the capacity numbers shown in the table is questionable. This is contrary to NPPF paragraph 31 which 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*'.

102. The sources of 'deliverable' dwelling capacity relied upon in Policy P5, to enable delivery of an annualised requirement of 938 (or even the proposed annualised requirement proposed of 851 dpa in the period 2020 to 2026, detailed in paragraph 224), are of particular concern on the following basis. The lack of credible evidence to demonstrate:

- the deliverability and suitability of several of the allocated sites expected to deliver 1,420 (called into question in representations submitted in respect of

some of the proposed site allocation policies) and also on the basis that there is no specific evidence to demonstrate the allocations without planning permission in the 2013 Solihull Local Plan will be developed before 1st April 2025.

- 200 dwellings could be provided on sites identified in the land availability assessment (SHELAA),
- 77 dwellings could be provided on sites identified in the brownfield register (BLR), and
- 600 dwellings could be provided on windfall sites (2022 to 2025).

103. There is also an undue reliance on larger site allocations. The smallest of the allocations being for 50 units. This is contrary to the recommendations in NPPF paragraph 68, which states that, '*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly…*')

104. Appendix E 'Land Availability Assessment' of the 'Draft SHELAA Update', October 2020, includes a list which concludes that if land is released from the Green Belt (as is currently proposed in the Publication version of the SLP and Policies Map), there would be a capacity of 220 dwellings on deliverable sites. Sites to accommodate 120 of these are itemised in the Publication version of the SLP within proposed amended settlement boundaries for Balsall Common and Hockley Heath as follows:

- Springhill, 443 Station Road (capacity 21);
- Land adjacent to Oakwood House, Lavender Hall Lane (capacity 7);
- Land adjacent to Old Lodge Farm, Kenilworth Road (capacity 40);
- 2 Lavender Hall Lane (capacity 1);
- Land adjacent to 84 School Road (capacity 21);
- Land at and to the rear of 84, 86 & 90 School Road (capacity 30).

105. In order to ensure deliverability, our Client contends that the small and medium size SHELAA sites with an estimated 'major' development capacity of 10 units or more, should be specifically allocated in the SLP (if they are not eligible for inclusion in the BLR). This would be a mechanism to provide greater certainty of deliverability and speed up delivery – effectively allocating the sites, would give permission in principle. NPPF paragraph 68 clearly recommends that local planning authorities identify through their local plan and BLR land to accommodate at least 10% of their housing requirement on sites of no more than 1 ha.

106. The SLP is currently unsound as it is not an appropriate strategy, to, on the one hand, count the SHLAA sites as deliverable, yet have the two sites identified in Hockley Heath (estimated capacity 51 dwellings), are caveated in the SLP at paragraph 671 with the comment, that they 'may' be considered appropriate for development. The emphasis on 'may' by it being underlined in the SLP is inappropriate and undermines deliverability and the soundness of the plan which is relying upon delivery of these sites before 2025.

107. There is no evidence to demonstrate that there is a reasonable prospect of all the sites identified in the BLR will come forward for development. Indeed, Stage 2 of the BLR has not been undertaken by the Council and none of the sites have permission in principle. We are aware from our representation of landowners, that SMBC have not approached BLR site landowners or their agents since 2018, in order to establish whether there is an intention to bring the land forward for development in the before 2025. Our Client is therefore concerned that the evidence in support of the 77 BFL capacity within the 5 YHLS table at paragraph 225 (Draft

SHELAA Update, October 2020 Appendix F) is unsound, as the Council have no evidence of deliverability.

108. 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 in a Local Plan, 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.

109. In terms of longer-term capacity of SHELAA sites (set out in the table at paragraph 222 of the SLP, i.e. an extra 120 above the 5 year housing land supply table at paragraph 225), our Client questions the developability of SHELAA site 245 Former Rugby Club, Sharmans Cross Road (referenced in Appendix E of the Draft SHELAA, October 2020) which the evidence states will provide an extra 100 units.

110. The 'Statement of Consultation Solihull Local plan: Draft Submission Plan', October 2020, explains on the penultimate page of the document, that, *'…Site 18 Sharman's Cross Road, Solihull is omitted, although as it is in the urban area and likely to come forward for housing, it is still included in the housing land supply…*' However, our client disputes the deliverability of this site, even in the longer term, up to 2036, primarily on the grounds that there is no mechanism for replacement of the sports pitches which would be lost as a result of residential development as required by Policy P20 paragraph 3.

111. Evidence shows that there is no excess of playing fields in the Sharmans Cross catchment area (Playing Pitch Strategy and Action Plan update', 2019). The Council recognise that any development would need to retain or relocate the Club and its facilities, but given that this is an urban area, opportunities are extremely limited meaning that there is doubt that planning permission will be forthcoming. We wonder whether the doubt over the prospects of the site being deliverable is the reason the site was not pursued as an allocated site in the SLP.

112. The Council's current approach to SHLAA sites is, therefore, unsound as it does not meet the requirements of national policy and guidance in terms of allocating small and medium sized sites in the plan to ensure there is a mechanism which will facilitate deliverability and developability.

113. Our Client is concerned that the evidence provided in support of the housing figures contained in Policy P5 is unsound – not only in terms of the deliverability and developability of some of the site allocations, SHELAA sites, and sites with planning permission (as highlighted above), but also in terms of the windfall capacity numbers included in the housing land supply tables at paragraphs 222 and 225.

114. Our Client questions the basis on which the windfall allowance has been calculated without evidence to demonstrate that the historic rates (on which the current estimates are based), excluded sites identified in the SHELAA and BLR – something which would be difficult to extrapolate from the windfall figures prior to introduction of SHELAA and BLRs. There is no commentary in the evidence documentation to explain if/how an allowance has been made in the historic windfall rates to remove a proportion, which would have come forward through the more recent SHELAA and

BLR site identification mechanisms (i.e. to clearly demonstrate that there has been no risk of double counting).

115. NPPF paragraph 70 states that, '*Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends…*' There appears to be an expectation that the SHLAA information will be used to inform the likely remaining windfall allowance.

116. The evidence supplied in the Draft SHELAA, October 2020, does not identify, in the lists of sites, which have been developed, have planning permission, which have been started, or which were included within the 193 SHLAA capacity allowance in the Housing Land Supply table, for the period set out in the Solihull Local Plan, adopted 2013 (reproduced below).

117. It is, therefore, contended that the evidence is not proportionate to justify the strategy , because it is not clear to the general public whether the approximately 8.7 SHELAA dwellings have been delivered per annum for the 14-year period from 2006 to now; such that 122 dwellings would need to have been provided on identified SHLAA sites, (not included in the windfall allowance). 102 dwellings on SHLAA sites were expected to be delivered in the 5 years from 2013 to 2018, paragraph 8.4.4 of the adopted plan.

Fig. 14. Solihull Housing Land Supply 2006-2028

Source	Estimated Capacity
1 Housing completions (2006-2012)	2,340
Future Housing Land Supply	
2 Sites with planning permission	1,155
3 Sites identified in the Strategic Housing Land Availability Assessment	193
4 Sites within the North Solihull Regeneration Area	970
5 Local Plan Proposed Sites	3,960
6 Windfall housing land supply	2,400
Sub-total Housing Land Supply to meet the overall target of 8,665 additional dwellings (2012-2028)	**8,678**
Total Estimated Capacity	**11,018**

118. It is also important to note that the proposed delivery on SHELAA sites, proposed in the Publication version of the SLP, paragraph 225 table, anticipates 200 dwellings to be delivered on SHELAA sites in 5-years from April 2020. This would effectively double the 5-year housing land supply delivery rate proposed in the 2013 SLP's first 5 years. If the proposed 320 SHELAA capacity, over the whole 16-year plan period were taken into account (which we have already called into doubt, due to the lack of evidence to show developability of Sharmans Cross Road site), the average

annualised delivery from SHELAA sites would be 20 dwellings per annum, compared to the average annualised delivery rate of 8.7 SHELAA dwellings adopted in the 2013 SLP. There is no compelling evidence to justify this steep increase or to demonstrate the deliverability and developability of the SHELAA sites.

119. It is evident therefore, that insufficient 'developable' sites or broad locations have been identified to accommodate projected growth in the 6-to-10 or 11-to-15 years – contrary to the requirements of NPPF paragraph 67 and 72 d).

(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.

Modifications Sought

120. Evidence is required to:

- demonstrate which of the SHLAA sites identified as contributing towards the 5 and 16 year housing land supply in the 2013 SLP have been delivered.
- extrapolate the windfall, BLR and SHLAA site completions.
- robustly demonstrate the deliverability and developability of all BLR sites, SHELAA sites, and proposed housing allocations.

121. Where the necessary justification cannot be provided, those SLP housing site allocations, SHELAA sites, BFL sites and planning permissions should be deleted from the SLP and housing land supply information (paragraphs 65, 222 and 225).

122. In particular, it is considered the following modifications are required –

1. The terms for the 'UK Central Hub' should be rationalised, clearly defined and used accordingly.
2. A clear policy on the UK Central Hub housing contribution - the housing contribution should be clearly identified within the Policies Map and a Concept Masterplan for each site, in the same manner as other allocated sites.
3. The quantum of dwellings and timeframe for delivery as quoted within the SLP and supporting evidence should be consistent.
4. The policy and/ or concept masterplan should identify relevant details of coordination of landowners and implementation of necessary infrastructure, including quantum of development and timetable.
5. The development of Arden Cross requires Green Belt compensation.

6. That the NEC and Arden Cross sites are fully assessed for their suitability for development.

(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