



Solihull MBC Local Plan
Publication Stage Representation
Form

Ref:
(For official use only)

Name of the Local Plan to which this representation relates:

Draft Submission Plan (Regulation 19 Local Plan)

Please return to psp@solihull.gov.uk or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14th December 23:59

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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)

Form with two columns of input fields for personal and agent details. Fields include Title, First Name, Last Name, Job Title, Organisation, Address Line 1-4, Post Code, Telephone Number, and E-mail Address.

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="checked" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="N/A for this policy"/>	No	<input type="text" value="N/A for this policy"/>

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.

Whilst William Davis Limited's (WDL) comments in relation to specific policies are set out below, WDL note that the plan in its current format does not allow for a simple and enforceable interpretation of the plan or its policies for development management purposes, and find the plan to be fundamentally unsound in that light.

That is a critical consideration, with Paragraph 16d of the National Planning Policy Framework (NPPF) requiring plans to *"contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals."*

Indeed, some policies are too lengthy (as a result of attempting to address multiple key issues), and in many policies it is apparent that some of the text contained within the policies (particularly that which is descriptive or provides justification for the policy) should actually be contained within the supporting text / justification section, rather than within the policy, as it is of no use for development management purposes. Conversely, there are some cases where information that is important for development management purposes, and should be enforceable as such, is not contained within the Policy in its current iteration.

It is not WDL's intention to outline every such example of this issue. However, by way of example, 'Policy P5 – Provision of Land for Housing' outlines the policy of Solihull Metropolitan Borough Council (SMBC) in relation to its housing requirement and supply, approach to the Borough's settlements, National Space Standards, and housing density. Clearly, given the length of the policy (one page) and the following supporting text (ten pages), combining those key issues within one policy is not suitable. Rather, it would be more appropriate to separate those key issues into numerous policies, and indeed that would be more effective when determining any planning applications against the development framework in the future.

Furthermore, in outlining the overall housing requirement for the Borough in the plan period, Policy P5 does not specify what that is comprised of (i.e. 12,912 dwellings to meet SMBC's own housing need, plus a 2,105 dwelling contribution to the wider Housing Market Area), nor does it specify the land supply within the Borough in that period. Rather, it outlines those points in the supporting text at Paragraphs 229 and 222 respectively (with Paragraph 229 some way below the Policy itself).

Similarly, Policy P5 sets out the appropriate density of new housing. However, the table containing indicative densities is located at paragraph 240, nine pages after the policy. Clearly, those indicative densities are key for development management purposes, and should be contained in the policy to reflect that.

Thus, a review of the policies and supporting text should be carried out by SMBC at this stage, with specific consideration of the policies' interpretation for development management purposes once the plan is adopted. Where further information is included within the Policy, SMBC should consider separating policies to ensure that they are not too lengthy, and to allow ease of interpretation for development management purposes.

Indeed, until this review is undertaken, numerous individual policies and therefore the plan as a whole cannot be considered to "*clearly written and unambiguous*", and do not make it "*evident how a decision maker should react to development proposals*", and therefore are not in conformity with NPPF Paragraph 16d. As such, until a review is undertaken, the plan is fundamentally unsound as a result.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above.

By way of summary, SMBC should carry out an audit of all policies and supporting text with particular reference to NPPF Paragraph 16d in order to ensure that policies are “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.*” Where necessary, SMBC should consider separating longer policies by topic to ensure that they are not too lengthy, and to allow ease of interpretation for development management purposes.

(Continue on a separate sheet /expand box if necessary)

**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.*

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

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

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

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

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

Not applicable.

**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:

M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy P1 – UK Central Solihull Hub Area	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	N/A for this policy	No	N/A for this policy

Please tick as appropriate

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### **POLICY P1 - UK CENTRAL SOLIHULL HUB AREA**

WDL supports the principle of the ambitious approach taken by SMBC in relation to the UK Central Solihull Hub Area (UKCSHA), and their support of development adjacent to the HS2 hub. Indeed, and as identified by SMBC in Policy P1, the delivery of significant residential and employment development within the Hub Area will *“make a significant contribution to the wider West Midlands economy.”*

That being said, WDL notes the complexities of ensuring delivery on larger sites, and the uncertainty that this can result in for an authority’s housing land supply position.

In relation to residential delivery, paragraph 89 in the policy’s supporting text states that *“for purposes relating to housing land supply it has been assumed that across the whole UKC Solihull Hub Area there will be 2,740 dwellings coming forward in the plan period. This will be 2,240 at the NEC and 500 at Arden Cross”* (information that should be contained within the policy as above). That equates to a considerable 18.2% of SMBC’s entire purported

housing land supply over the plan period being delivered within this location (with the NEC site alone representing 15% of SMBC's supply). Clearly, SMBC would be heavily reliant on timely delivery from these sites (as well as other large sites within the Borough) to meet its housing requirement.

However, this reliance on large developments in a single location fails to reflect that larger sites frequently stall during the course of their development, particularly when focused upon a single area.

### **Planning Process**

Those delays often begin within the early planning stage, with the process of obtaining planning permission and undertaking pre-commencement site often being time consuming for larger and more complex sites such as those at the NEC and Arden Cross. Indeed, a 2020 study by Lichfields entitled '*Start to Finish: What Factors Affect the Build-Out Rates of Large Housing Sites?*' provides a number of reasonable assumptions in relation to the '*total development process*' (from the submission of the first planning application to delivery on-site) and average build-out rates of large sites. That study identifies that the length of the total development process increases with site size.

Those reasonable assumptions can give an indication of when delivery may begin at these two sites. Indeed, both sites are delivering over 2,000 dwellings each within the entire development (2,500 at the NEC and 3,000 at Arden Cross), as well as other uses including employment and retail (that will further complicate the initial planning process), and the *Start to Finish* document outlines an average total development process period of 8.5 years for sites over 2,000 dwellings.

At the NEC, assuming that an application is submitted upon the adoption of the LPR (likely to be mid-2021 to early-2022 following the disruption related to the Covid-19 outbreak), the site would not begin delivering until approximately 2030. To deliver 2,105 dwellings in the 6 years remaining in the plan period would require an annual delivery of 350dpa. Whilst the residential offer at the NEC is largely that of high-density apartments, this rate of delivery is wholly unrealistic.

At Arden Cross, that situation is rather more complex still. Indeed, the site is Green Belt land, and as such bullet point 4iii of Policy P1 identifies that "*exceptional circumstances*" will be needed before the site can be released from the Green Belt. Those are identified in paragraph 91 of the DSP, which states that "*the HS2 Base Scheme would urbanise a substantial proportion of the site, significantly impacting on its contribution to the purposes of including land in the Green Belt.*" Whilst it is not disputed that those exceptional circumstances are valid, the granting of planning permission is clearly dependent upon the delivery of HS2 for proposals to satisfy the NPPF's policy in relation to Green Belt release.

Indeed, the delivery of HS2 Phase 1 is itself uncertain. Whilst Phase 1 was due to open by the end of 2026, Transport Secretary Grant Shapps suggested that this may now be between 2028-2031. Following that, the developer of the Arden Cross site would be required to submit a planning application, receive permission, negotiate a Section 106 Agreement, discharge all conditions, undertake pre-commencement works including infrastructure provision, and deliver 500 dwellings on the site by the end of

the plan period (2036).

### **Housing Delivery and Market Absorption**

However, the potential for delays in housing delivery will not end once those sites have received planning permission. Indeed, *The Letwin Review of Build Out* (Final Report, October 2018), an independent Government review of build-out rates, succinctly captures the reasons for the reduction of build-out rates on larger sites such as those proposed within the UKCSHA.

Letwin outlines that inefficient delivery of transport and utilities infrastructure is often responsible for delays before the build-out period could begin. This could represent a significant constraint within the delivery of the two sites focused within the UKCSHA. Indeed, the Arden Cross Masterplan identifies that *“utilities for the site will be introduced”* in Phase 1, which will be required to facilitate any residential development. Clearly, the extent of the infrastructure provision that will be required for both sites prior to any residential development will be vast, given their complexities.

Furthermore, once the initial pre-commencement / infrastructural issues have been overcome, Letwin also discusses the impact of market absorption rates on build out rate. The report concludes that *“the homogeneity of the types and tenures of the homes on offer on these sites, and the limits on the rate at which the market will absorb such homogenous products, are the fundamental drivers of the slow rate of build out”* (paragraph 1.7).

This issue could be particularly prevalent given the sheer concentration of new housing in the UKCSHA area, that will be further exacerbated by the provision of the majority of the 2,740 dwellings being high-density, high-rise apartments. Clearly, the absorption rate of such a homogenous housing stock will be lower, and thus the market may well dictate a reduction in build-out rate to accommodate that. Furthermore, the desire for homes with gardens (rather than apartments and flats) that has arisen due to the impact of Covid-19 related “lockdowns” may reduce the absorption of the stock of high-rise apartments further still.

### **Implications**

The status of the two development sites within the UKCSHA is clearly complex, and as such delivery from those sites cannot be considered to be in any way certain. Indeed, that is recognised by the DSP itself, with paragraph 88 stating that *“it is recognised that given the time span for development to be undertaken, and the uncertainties about what may take place in the later years, there needs to be an increased emphasis on monitoring what does come forward, and what the implications are for the plan.”*

Thus, the reliance of SMBC on two large sites that are not demonstrably deliverable to deliver 18.2% of its total housing requirement in the plan period is unsuitable. Indeed, SMBC’s approach to the UKCSHA and housing land supply more broadly, whilst ‘aspirational’, cannot be considered to ‘deliverable’ as required by NPPF Paragraph 16b. As such, the plan is not considered to be sound, given that the plan may not be *“deliverable over the plan period”* and therefore not ‘effective’ (see NPPF Paragraph 35c).

Furthermore, should delivery stall at those sites, SMBC may quickly find itself in a situation where it cannot demonstrate a five year supply of

deliverable housing against its considerable housing requirement, as required by NPPF Paragraph 73. In that situation, the plan would very quickly be considered 'out of date' in NPPF terms, which would compromise SMBC's ability to direct development within the Borough.

To mitigate against the risk of stalled delivery at larger sites, the Letwin Report concludes; *"we will continue to need more new housing both on the smaller sites and on large sites"* (paragraph 1.8 (b)). Indeed, the importance of small and medium sized sites in maintaining a regular supply of deliverable housing is outlined within the NPPF, with paragraph 68 stating 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"*, and that local planning authorities should therefore strive for *"the development of a good mix of sites."*

As such, it is WDL's contention that the DSP should allocate additional housing land at small to medium sites such as Land off Old Station Road, Hampton in Arden (2018 SHELAA Site Ref. 6) to ensure that SMBC can meet its housing requirement, and to provide a 'buffer' above the current housing requirement. Indeed, that approach, as well as the merits of Land off Old Station Road, Hampton in Arden for residential development, are discussed in WDL's comments in response to Policy P5. Those comments highlight that such an approach would add additional flexibility and certainty to SMBC's housing land supply.

(Continue on a separate sheet /expand box if necessary)

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Please see above.

By way of summary; the plan's approach to housing delivery is not deliverable and is fundamentally unsound given the uncertainty in relation to the delivery from the sites within the UKCSHA, and SMBC's reliance on the timely delivery from those sites to meet its housing requirement.

To remedy that matter, SMBC should seek to allocate additional small – medium sized sites to allow for flexibility in their housing supply portfolio, in accordance with the NPPF and the recommendations of the Letwin Report. Land off Old Station Road, Hampton in Arden (2018 SHELAA Site Ref. 6) should be allocated for residential development in that light.

(Continue on a separate sheet /expand box if necessary)



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

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

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

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

The plan's approach to the UK Central Solihull Hub Area, whilst aspirational, is fundamentally unsound given the uncertainty surrounding the ability of the sites at the NEC and Arden Cross to deliver as SMBC have suggested (for the reasons set out above). Given that the Borough's wider spatial strategy, and indeed its ability to meet its own housing requirement, is highly dependent on delivery from those sites, and in light of the complex nature of this policy, those issues can only be dealt with by way of a hearing (rather than solely based on written representations). WDL would appreciate the opportunity to comment on how SMBC should approach these matters to ensure the soundness of Policy P1 and the plan as a whole.

**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:

M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy 4A – Affordable Housing	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	N/A for this policy	No	N/A for this policy

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.

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**POLICY P4A – MEETING HOUSING NEEDS – AFFORDABLE HOUSING:**

WDL fully support the provision of affordable housing as an integral part of housing development to meet the area's affordable housing needs.

That being said, however, SMBC outlines a considerable affordable housing requirement of 40% on sites over 10 dwellings or 0.5 hectares. Indeed, whilst WDL welcomes that Policy P4A states that provision is dependent on a number of factors, including viability, it is critical that the viability and deliverability of development sites is not compromised by over ambitious requirements to deliver affordable housing (in terms of quantum and/or mix) at the out-set. As stated above, the NPPF is clear (para. 34) that this matter must be considered and evidenced at the plan making stage and the Planning Practice Guidance (PPG) states that plan makers need to demonstrate that *“the total cumulative cost of all relevant policies will not undermine deliverability of the plan”* (Ref. 10-002-20190509).

Indeed, whilst a Viability Assessment does form part of the DSP's Evidence Base, and included a test of 40% affordable housing provision, for 3 of the

10 standard residential typologies the benchmark land value exceeded the residual value of the scheme once all policies have been considered, thus classifying the 3 site typologies as unviable. Indeed, the studies found that this impact may “*have the effect of reducing the affordable housing or CIL requirement.*” As such, it is WDL’s contention that SMBC should revisit those assumptions by either (i) reducing the overall affordable housing requirement across the Borough, or (ii) adopting a varied approach to affordable housing provision that allows for reduced provision in those less viable development typologies.

Furthermore, bullet point 2 of Policy P4A states that “*the Borough definition of ‘affordable’ will be informed by work with the WMCA and build upon the definitions in national guidance. It will be set out in a Meeting Housing Needs Supplementary Planning Document (SPD) which will be updated periodically to ensure it remains up to date and can respond to the introduction of new tenures quickly and effectively if required.*” However, SMBC are referred to *William Davis Ltd & Ors v Charnwood Borough Council [2017] EWHC 3006 (Admin) (23 November 2017)* that concluded that policies that have a cost implication on development proposals cannot be deferred to a Supplementary Planning Document. Thus, the definition of affordable should be set out as part of the LPR.

In addition, Policy P4A as currently drafted highlights a required tenure split of 65% social rent and 35% shared ownership. That split does not allow for First Homes / Discounted Market Sales as part of that mix, and as such is contrary to the Government’s stated intention in relation to First Homes, and therefore not future-proofed. Therefore, the policy as currently drafted is not consistent with national policy as required by NPPF Paragraph 35d, and as such is unsound. WDL propose, therefore, that the policy be re-drafted to allow more flexibility to respond to site-specific considerations in relation to affordable housing provision.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above.

By way of summary; SMBC should reconsider their approach to affordable housing requirement with a specific emphasis on development viability. That approach should consider either reducing the overall affordable housing requirement across the Borough, or adopting a varied approach that allows for reduced provision of affordable housing for less viable development typologies (i.e. based on location, site type etc.).

SMBC must also clearly specify the Borough’s definition of “affordable” as part of Policy P4A.

SMBC must also reconsider its proposed affordable housing tenure split,

which should reflect the Government's imperative in relation to First Homes / Discounted Market Sales.

(Continue on a separate sheet /expand box if necessary)

**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.

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

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

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

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

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

Not applicable.

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9. Signature:

M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant Yes  No

4.(2) Sound Yes  No

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Please tick as appropriate

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### **POLICY P4C – MEETING HOUSING NEEDS – MARKET HOUSING:**

Whilst WDL supports SMBC's intention to have regard to site size, needs assessments, existing mix, housing demand, accessibility to services, viability, and the desire to achieve socially balanced communities when negotiating a housing mix with applicants, it does not support the inclusion of a market housing mix within the policy. Indeed, that housing mix may quickly become out-of-date and become contrary to market signals of housing need and demand as a result.

Rather, in considering a suitable market housing mix, SMBC should allow a degree of flexibility to take into account the site and context characteristics, and the market demand in the locality to ensure that the required housing mix is justified. To support this in practice and to ensure that market housing mix is considered on a site specific basis, SMBC should promote discussions in this regard at the pre-application stage.

Whilst the housing mix present in the Policy as currently drafted could still be included in the plan, it should be denoted clearly as an **indicative** mix, and should be included in the supporting text rather than the policy itself. Rather, the policy should principally focus on the negotiation of market housing mix

as informed by evidence of local needs, as well as those factors currently listed at bullet point 1.

(Continue on a separate sheet /expand box if necessary)

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Please see above.

By way of summary; the market housing mix should be based on market signals and evidence of housing need and demand, rather than a specific housing mix, which could quickly become out-of-date. The Policy should be rewritten to emphasise that point, and the housing mix should be removed from the Policy itself.

(Continue on a separate sheet /expand box if necessary)

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Not applicable.

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M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy P4D – Self and Custom Housebuilding	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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**POLICY P4D – MEETING HOUSING NEEDS – SELF AND CUSTOM HOUSEBUILDING:**

Policy P4D requires that, on sites of 100 dwellings or more, 5% of open market dwellings will be delivered in the form of Self and Custom Build Plots. Whilst WDL welcomes the inclusion of text suggesting that provision will take into account various factors including viability, and whilst it is acknowledged that self-build and custom house building is an element of the Government’s housing strategy (as per the Self-build and Custom Housebuilding Act 2015), the NPPF indicates (para. 61) that relevant policies should be informed by a clearly evidenced need.

The DSP’s supporting text indicates in paragraph 195 that “as at 30 October 2019, there were 370 individual entries on the Register along with 4 groups containing a total of 18 individuals.” That totals 388 entries on the register. Whilst, when compared to the 13,235 dwellings that will be delivered in the plan period (that have not yet started delivering and do not have planning permission), that does equate to c. 3% on site delivery (5% of market provision), Housing and Custom Build Registers are not ‘means’ tested, and an individual showing interest seldom equates to a genuine desire / ability to build on a Self / Custom Build plot. Indeed, those registers are often

registered in a number of areas and usually have a specific aspiration (commonly a rural location as opposed to a housing development). Therefore, in reality the actual demand is likely to be significantly lower than the number of people on the register.

Furthermore, such a prescriptive blanket policy approach does not take account of localised needs or the site or location specific constraints to delivery of specialist housing of this kind. The ability to provide independent construction access and infrastructure delivery will vary for each individual site, and there are difficult health and safety issues to be addressed. The potential to undermine the realisation of consistent design principles across a scheme which can negatively impact on delivery timescales also needs to be considered.

In this light, SMBC should give consideration to the position that was taken during the examination of the Mansfield Local Plan in March 2020. Indeed, whilst Mansfield's submission plan included a policy that required 5% of units on sites of 100 dwellings or more to be made available for self- or custom-build housing, the Inspector duly removed that policy in their main modifications.

Indeed, the Inspector's Report states that, as is the case in Policy P4D above, *"the policy is not supported by evidence to justify either the 100 dwelling threshold nor the 5% figure"*. The Inspector's Report also succinctly captures the issues surrounding self/custom-build provision, stating that *"it is not clear how the policy would operate effectively including the procedures that would apply where plots remain unsold"*, which is an issue that is present in this case. In removing this policy, the Inspector's Report highlights that *"this is an appropriate approach and would not preclude proposals for self build on the allocated or windfall sites."*

As such, the blanket policy requirement as set out in the Policy P4D of the DSP is not considered to be justified or appropriate on all sites over 100 dwellings, and is therefore fundamentally unsound. As such the policy should be revoked.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above. The policy should be revoked as it is fundamentally unsound.

(Continue on a separate sheet /expand box if necessary)



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

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

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

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

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

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

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

Not applicable.

**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:

M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy P4E – Housing for Older and Disabled People	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	N/A for this policy	No	N/A for this policy

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.

### **POLICY P4E – MEETING HOUSING NEEDS – HOUSING FOR OLDER AND DISABLED PEOPLE:**

WDL fully support the provision of accessible housing as an integral part of housing development to meet the area's identified housing needs. In that light, WDL supports the intention of Policy P4E, and specifically supports the reference to any provision being "*in accordance with current assessments of housing need and evidence.*"

Notwithstanding that, the proposed requirement for all new build housing to be built to Category M4(2), unless delivered as M4(3) housing (5% of provision), is particularly ambitious. Indeed, whilst the Housing and Economic Development Needs Assessment (HEDNA) outlines a specific need for housing to the M4(3) standard, there is no specific analysis that considers the need for housing to the M4(2) standard, and certainly not sufficient evidence to suggest that 95% of dwellings are provided to that standard. As such, SMBC are referred to the Written Ministerial Statement dated 25<sup>th</sup> March 2015 confirms that "*the optional new national technical standards should only be required through any new Local Plan policies if*

*they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”.*

Indeed, whilst the HEDNA does identify Solihull’s ageing population, it states (paragraph 9.34) that *“the analysis suggests a potential surplus of accommodation both currently and by 2036”* in age-restricted housing (market and affordable housing combined). Rather, it is apparent from the analysis (Tables 73 - 76 specifically) that the Borough’s elderly / disabled housing need arises rather more from the ‘housing with support’, ‘housing with care’, ‘residential care bedspaces’, and ‘nursing care bedspaces’ categories. Thus, it is not clear from this data where the HEDNA’s suggestion to seek 95% provision to M4(2) standard has been derived. Thus, the policy as currently drafted is not justified in accordance with NPPF paragraph 35b in that it is not *“based on proportionate evidence.”*

Rather, a requirement that 25% of housing be delivered to M4(2) standard, unless delivered to M4(3) standard, would be considered more suitable. Indeed, that scenario was modelled in the Council’s Local Plan Viability Study, and would render one additional residential typology (Site 17) as being viable that otherwise would not be (on the basis of 100% or 95% provision to M4(2) standard). Furthermore, whilst three of ten typologies (Sites 5, 11, and 14) would remain unviable at 25% provision, their residential land value per acre would increase as a result of the reduced provision and would, as such, become closer to being viable developments.

As such, in setting the M4(2) requirement for the Borough, SMBC must ensure that the policy’s requirements are substantiated on an evidenced need (NPPF paragraph 31, Written Ministerial Statement) and do *“not undermine the deliverability of the plan”* (NPPF paragraph 34). A requirement of 25% of housing to M4(2) standard, unless delivered to M4(3) standard (a requirement of 5%), would be more suitable and would adhere to those requirements.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above.

By way of summary; SMBC must ensure that the policy’s requirements are based on an evidenced need and do not undermine the deliverability of sites in the Borough. In that light, SMBC should adopt a requirement of 25% of housing to M4(2) standard, unless delivered to M4(3) standard (a requirement of 5%).

(Continue on a separate sheet /expand box if necessary)

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

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

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

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

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

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

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

Not applicable.

**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:

M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy P5 – Provision of Land for Housing	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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.

**POLICY P5 – PROVISION OF LAND FOR HOUSING:**

As highlighted in WDL’s representations in relation to all paragraphs (entitled ‘General Comments’), WDL are of the position that SMBC must undertake an audit and re-organisation of their policies in order to ensure their efficiency and suitability for development management purposes. Policy P5, in particular, is not clearly written and unambiguous as required by NPPF Paragraph 16d, and as such is not considered to be effective.

Primarily, the policy and its supporting text as currently drafted attempt to cover a number of topics (housing requirement and supply, housing trajectory, allocated sites, Concept Masterplans, the approach to designated Neighbourhood Areas, national space standards, and density). That approach results in important information that should be included within the policy itself being excluded to the supporting text. Therefore, WDL propose that SMBC separate this policy thematically to ensure that the policy is effective and unambiguous.

Given that Policy P5 covers a number of key issues within its main body and the extensive justification / supporting text, WDL’s comments will be split as follows; Housing Requirement and Supply, Spatial Strategy, Hampton in

Arden, National Space Standards, and Density.

## **HOUSING REQUIREMENT AND SUPPLY:**

### ***Policy Background***

The overarching principle of the NPPF is the presumption in favour of sustainable development that requires plans to “*positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change*”, and except in very specific circumstances strategic policies should “*as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas*” (paragraph 11). As such, it is essential that plans are positively prepared in a manner that is aspirational but deliverable, in order to provide a framework for addressing housing needs and other priorities (NPPF paragraphs 15 and 16).

That guidance is particularly prevalent to SMBC, given that Solihull functionally forms part of the Birmingham conurbation, and given that the ability of the Black Country authorities to meet the unmet need arising from Birmingham City Council is effectively limited by their own shortfall in housing.

### ***SMBC’s Proposed Approach***

Policy P5 outlines that the “*Council will allocate sufficient land for at least 5,270 net additional homes to ensure sufficient housing land supply to deliver **15,017 additional homes** in the period 2020-2036.*” For policy purposes, SMBC’s housing requirement in the plan period is taken to be 15,017 dwellings, therefore, and is comprised of the purported housing land supply as set out beneath paragraph 222.

However, in the first instance, that housing requirement should be explicitly stated within Policy P5 itself, and should form the basis of the Council’s monitoring of land supply moving forward (i.e. “*The Council has set a housing requirement of X dwellings in the period 2020-2036, equating to Y dwellings per annum. That will form the basis of the Council’s monitoring of the Borough’s land supply position moving forward.*”).

Furthermore, should SMBC continue to take a ‘stepped’ approach to its housing requirement (as set out in DSP Paragraph 224), that should also be explicitly set out within the main body of Policy P5 to assist with the policy’s application for development management purposes.

Notwithstanding that, the supporting text / justification identifies that that figure of 15,017 dwellings is derived initially from Solihull’s local housing need (LHN) of 12,912 dwellings in the plan period (equating to an annualised housing need of 807 dwellings per annum (dpa)), plus a contribution of 2,105 dwellings to the Greater Birmingham Housing Market Area (GBHMA). However, the origin of the additional uplift of 2,105 dwellings above SMBC’s minimum LHN is unclear, with the plan suggesting that the 2,105 dwelling uplift takes into consideration an uplift for economic growth, flexibility, **and** a contribution to the unmet needs arising in the GBHMA.

WDL object to the housing requirement set out in Policy P5 as it fails to positively plan to meet the Borough’s identified housing needs, as well as the needs arising elsewhere in the Housing Market Area (HMA) for the reasons set out below, and is therefore fundamentally unsound. WDL’s comments on

the various factors to be taken into consideration when deriving the Council's housing requirement are as follows:

### **Local Housing Need (LHN)**

SMBC set out an LHN of 807dpa at 1<sup>st</sup> April 2020, and on that basis identify a minimum need of 12,912 over the plan period 2020-2036. WDL supports that position, noting that the Government's position is that *"the standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area"* (Planning Practice Guidance Ref, 2a-010-20190220). Indeed, SMBC note that point in paragraph 221 of the DSP, but fail to act on that matter, as below.

### **Economic Growth**

The aforementioned Planning Practice Guidance notes that *"there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates"*, stating that appropriate circumstances *"may include, but are not limited to, situations where increases in housing need are likely to exceed past trends [from which the household projections are based on] because of" ... "growth strategies for the area that are likely to be delivered" and "strategic infrastructure improvements that are likely to drive an increase in the homes needed locally."*

The arrival of HS2 within the Borough must be considered an exceptional circumstance to boost housing delivery within the Borough above that minimum LHN, and will most certainly drive an increase in housing need. The DSP correctly identifies this, stating that the preparation of the plan *"provides a unique opportunity for the Borough to capitalise on maximising the potential HS2 has."* Indeed, paragraph 24 identifies the inward investment that is expected to follow the development of HS2, with HS2 enhancing Solihull's position as *"the principal national and international gateway to the GBSLEP [Greater Birmingham and Solihull Local Enterprise Partnership] area and the wider West Midlands area."*

The plan correctly builds on the potential of HS2 in its approach to employment land development. Indeed, the DSP directs considerable economic development to the area surrounding the HS2 interchange, referred to as the UK Central Solihull Hub Area (UKCSHA). Indeed, Policies P1, UK1 and P3 allocate c. 140ha of employment land at the HS2 Interchange and c. 94ha at Damson Parkway. Indeed, paragraph 85 states that up to 77,500 jobs will be delivered in the period to 2047 within the UKCSHA alone. In addition to that, Policy P3 retains a number of existing allocations totalling between 16.4 and 20.4ha.

The scale of that employment growth more than covers the Borough's identified need of 147,000 square metres of employment floorspace to 2036. Thus, a considerable additional uplift above the Borough's LHN of 807dpa should be implemented to accommodate the additional economic growth in the area, and the additional housing need associated with that. Indeed, there are clear circumstances where the actual housing need will be higher than that derived from historic household projections.

Indeed, whilst the HEDNA considered the impact of the proposals at the UKCSHA, it suggested an uplift of just 144 dwellings over the plan period (9dpa). That is an uplift of just 1.1%, which clearly does not match SMBC's

ambitious approach to employment development and, in any event, was not considered within the eventual housing requirement.

As such, it is WDL's position that a considerable uplift should be implemented above the Borough's base LHN of 807dpa to take account of the economic growth / infrastructure provision in the Borough and to allow for flexibility in the Borough's housing supply (as below).

### ***Contribution to Unmet Needs***

The NPPF establishes that an authority's housing requirement should reflect their identified housing needs "*and any needs that cannot be met within neighbouring areas*" (Paragraph 65). In that light, WDL supports SMBC's intention to make provision to meet the unmet housing needs arising within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), and from Birmingham City Council (BCC) specifically. That point, however, should be explicitly set out within Policy P5 itself, which should set a housing requirement that comprises the Council's LHN (reflecting an additional uplift for economic growth) plus its contribution to the wider HMA.

Whilst WDL agrees with SMBC's intent to make some contribution to the wider HMA, it does not agree with the scope of that contribution (just 2,105 dwellings) given Solihull's functioning role as part of the Birmingham urban area.

Indeed, the GBBCHMA issued a position statement in 2018 that identified a shortfall of 39,000 dwellings arising from BCC (2011-2031), and an anticipated shortfall of 22,000 dwellings arising within the Black Country authorities (2016-2036). That position has, of course, evolved since that point, and whilst the latest position statement (July 2020) concludes that the shortfall in the wider HMA has fell to 2,597 dwellings in the period to 2031, it highlights that there will be a significant shortfall post-2031. Indeed, "*the Black Country alone [is] estimating a shortfall of 29,620*", whilst the scale of the post-2031 shortfall is unknown for Birmingham.

Furthermore, the position statement identifies that, excluding Solihull's draft local plan, a provision of just 8,130 dwellings has been made to unmet needs elsewhere in the HMA by other HMA authorities; some of which may not be specifically towards meeting BCC's unmet need and, in any event, does not meet Birmingham's identified unmet need of 37,000 dwellings.

Given Solihull's functional and geographical relationship with Birmingham, the authority should consider a significant contribution to meeting BCC's unmet need. Indeed, SMBC have previously tested contributions of 0, 2,000, 3,000, 6,000, 9,000 and 12,000 dwellings to the wider HMA within their Sustainability Appraisal (SA). The Borough, however, have taken the lowest potential contribution (besides making no contribution; which in light of the Government's policy imperative in terms of the Duty to Cooperate would be an entirely unreasonable approach to take) in suggesting that a contribution of 2,000 dwellings is made to the HMA. That is despite the SA concluding (paragraph 5.5.13) that "*at this scale of growth, the effects [of providing 3,000 dwellings] are very similar to the corresponding options under scenario 2 [providing 2,000 dwellings]*", stating that "*the additional 1,000 involved should therefore be possible to accommodate without generating further significant effects that would not arise under scenario 2.*"



As such, it is WDL's contention that a 3,000 dwelling contribution should be made to the wider HMA in the plan period to 2036.

### ***Implications on SMBC's overall Housing Requirement***

Therefore, WDL's contention is that SMBC's housing requirement (2020-2036) should be calculated as such:

- Local Housing Need: 12,912 dwellings (807dpa x 16 years);
- Uplift to Local Housing Need to reflect the Borough's economic growth (requires further evidence);
- Contribution to HMA: 3,000 dwellings;
- **Total Housing Requirement: at least 15,912 dwellings (12,912 + 3,000) not taking into consideration the necessary uplift to Local Housing Need.**

**Therefore, it is WDL's contention that SMBC's total Housing Requirement should be at least 15,912 dwellings in the plan period 2020-2036.** That figure would likely be higher once a reasonable uplift to LHN to take account of economic growth has been set based on up-to-date evidence. That housing requirement should be expressed explicitly within the main body of Policy P5 as a *minimum* housing requirement.

However, for the reasons set out below, SMBC should not merely identify land to meet that figure, but rather should exceed it. Indeed, given the uncertainty in relation to the Borough's current proposed housing supply, SMBC must identify sufficient housing land to equate to a housing supply well in excess of that figure. Specifically, SMBC should do so by identifying suitable small – medium sized sites in order to ensure that there is sufficient flexibility in its housing supply.

### ***SMBC's Current Housing Supply***

The table shown following DSP Paragraph 222 outlines SMBC's purported supply of 15,017 dwellings in the period 2020-2036. WDL highlights its concerns in regard to the certainty that these sites will deliver in a timely manner to meet the Borough's considerable housing requirement, and for SMBC to demonstrate a five year supply of deliverable housing. That is particularly the case given that SMBC have failed to provide a yearly site-by-site housing trajectory.

In the first instance, SMBC fails to provide sufficient evidence of its 10% non-delivery rate that is applied to sites within planning permission that have not yet started construction, and sites identified in land availability assessments, the Brownfield Land Register and the extant Solihull Local Plan (2013). Indeed, whilst a 10% rate may well be accurate, it should be clear within the policy / supporting text where this figure is derived from, and SMBC are reminded that the value should be based on up-to-date and relevant information (i.e. past non-delivery rates).

Furthermore, the housing supply as set out at Paragraph 222 utilises a windfall allowance of 200dpa. That is a considerable figure, and SMBC attempt to justify that by stating that "*the average windfall supply since 1992 has increased to 209dpa and in the last decade is 231dpa.*" Whilst that may well be correct, SMBC must take a reasonable view on *future* windfall delivery. Specifically, SMBC must consider that, following what SMBC

identifies as considerable development on windfall sites in recent decades, the land available for windfall development may well become increasingly limited / depleted within settlements in the Borough in the near future. Therefore, to assume a 200dpa windfall allowance is not considered suitable, and the supply calculations should be updated to reflect that.

Beyond those matters, it is notable that SMBC's purported supply is dominated by large sites. Indeed, of the 8,010 dwelling supply identified in the DSP (2,740 dwellings at the UKCSHA, plus 5,270 dwellings at other allocated sites), 6,995 dwellings (87%) are to be delivered at sites of 200+ dwellings.

The complexities experienced at large residential sites were outlined in WDL's response to Policy P1 in relation to SMBC's large sites at Arden Cross and the NEC, which should be read alongside this representation. That response highlighted that such sites frequently experience delay both in the initial planning period (from submission of first planning application to the first delivery on site) and during delivery. In summary, Lichfields' *Start to Finish* publication highlighted that larger sites often take an increased amount of time to gain planning permission, and also following that take longer for development to begin on-site (due to pre-commencement work, infrastructure provision etc.). Meanwhile, the *Letwin Review on Build Out* highlights that transport / infrastructure provision can often delay delivery, and that market absorption can limit build-out rate, particularly where the housing stock being delivered is homogenous in size, type, tenure etc.

Indeed, SMBC's current proposed housing supply cannot be considered to be a "sufficient supply and mix of sites" as required by NPPF paragraph 67, in that it does not identify a sufficient number of small and medium sites to supplement delivery from larger sites, despite the NPPF identifying that such sites "make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly."

Consequently, the purported supply does not identify a supply of "specific, deliverable sites for years one to five of the plan period". Indeed, the NPPF identifies that, for major development sites to be considered 'deliverable', there should be "clear evidence that housing completions will begin on site within five years" in addition to an allocation, or grant of permission in principle. Despite that requirement, the DSP identifies that delivery is anticipated for a number of sites of 200+ dwellings in the first five years (to 2026), despite a lack of clear evidence of their deliverability. Indeed, the following sites are included as delivering in the first five years, despite their size, and the absence of any planning application:

- BC5 – Trevallion Stud, Balsall Common – 230 dwellings capacity;
- BL1 – West of Dickens Heath, Blythe – 350 dwellings capacity;
- BL2 – South of Dog Kennel Lane, Blythe – 1,000 dwellings capacity;
- BL3 – Whitlocks End Farm, Blythe – 300 dwellings capacity;
- KN2 – South of Knowle, Knowle – 600 dwellings capacity;
- SO1 – East of Solihull, Solihull – 700 dwellings capacity.

Clearly, the deliverability of such sites is uncertain, and subsequently the ability of SMBC to maintain a five year supply of housing upon the Plan's adoption (as required by NPPF paragraph 73) is equally tentative.

### ***Remedying SMBC's Housing Supply to Ensure Flexibility***

As such, it is demonstrated that SMBC's dependence on such large sites in order to meet its housing requirement and demonstrate a five year supply of housing offers no certainty that sufficient development will come forward. Indeed, SMBC's approach to placing significant reliance on delivery from large sites adds vulnerability and risk to both its housing supply and the wider Spatial Strategy. Thus, to demonstrate that SMBC's strategy is deliverable, the Council must provide clear evidence of the trajectories and build-out rates of all sites, which itself should be substantiated on reasonable assumptions.

However, in addition to providing that evidence, SMBC's housing supply should seek to mitigate against any potential delays in delivery at those large sites (which are likely given the quantum and size of large sites in SMBC's supply). In doing so, SMBC should allocate additional housing above its housing requirement to represent a buffer in its housing supply to ensure flexibility. Those additional allocations should be at small to medium sites in sustainable settlements in order to re-balance SMBC's housing land supply and produce a 'portfolio of sites.' That approach would both allow flexibility to ensure a stable supply of housing in the plan period, and would also remedy the lack of small – medium sites in SMBC's portfolio of housing land.

### ***Additional Buffer***

Therefore, to maximise the potential from the anticipated economic growth in the Borough associated with HS2 and proposed development at the UKCSHA, and to remedy the uncertainty surrounding the Borough's proposed housing supply and the particular emphasis on larger sites, an additional buffer should be included on top of SMBC's housing requirement.

Indeed, a March 2016 report by the Local Plans Expert Group recommends that an additional 20% uplift is incorporated into a Council's housing supply above its base requirement. That 20% uplift would allow for flexibility in the Borough's land supply, and would also provide additional housing to meet the need arising from the proposed employment development within the Borough.

As such, and on the basis of the *minimum* Housing Requirement of 15,912 dwellings proposed by WDL, SMBC **should demonstrate a supply of 19,094 dwellings in the plan period.** Given that the DSP as currently drafted identifies a supply of 15,017 dwellings in the plan period, **SMBC should identify a further 4,077 dwellings within the Borough.**

Crucially, to ensure flexibility in SMBC's housing land supply position and in order to maintain a five year supply of deliverable housing, additional dwellings should be identified on small-medium sized sites in sustainable settlements.

WDL's site at Old Station Road, Hampton in Arden (2018 SHELAA Site Ref. 6), should be considered in that light, and SMBC are referred to the Vision Document that has been submitted alongside these representations. Indeed, that document demonstrates that the site is suitable, available and achievable within the first five years following the plan's adoption, and thus would fall into the Council's five year supply of deliverable housing land.

Indeed, progress has been made already in relation to the site, with initial technical and environmental site assessments having been undertaken that identify that the site has no insurmountable constraints. An initial masterplan for the site's development has been prepared on that basis, and would be subject only to minor amendments prior to the submission of any planning application.

As such, it is envisaged that the site could deliver reasonably quickly, subject to the following timetable:

- December 2020 – Summer 2021: Preparation of documents for planning application.
- Summer 2021: Solihull Local Plan Review adopted (as per Local Development Scheme). Planning application submitted on the basis of an allocation in the adopted plan.
- Winter 2022: Site given planning approval (on the basis of a 1.4 year planning approval period, as per Lichfields 2020 '*Start to Finish: What Factors Affect the Build-Out Rates of Large Housing Sites?*' assumptions for sites of 50-99 dwellings.
- Winter 2024: Site begins delivering dwellings in the 2024/25 period.

As such, it is considered that the site could deliver at the following approximate build-out rate; 13 dwellings in 2024/25 (half a year of supply); 27 dwellings in 2025/26, followed by delivery of 27dpa thereafter until completion. That is on the basis of the median delivery rate for a site of this size as derived from the aforementioned Lichfields study.

As such, Land off Old Station Road, Hampton in Arden (2018 SHELAA Site Ref. 6) would make a significant contribution to remedying the issues as set out above.

#### **SPATIAL STRATEGY:**

The absence of a Spatial Strategy / Settlement Hierarchy in the DSP is particularly troubling to WDL given the aforementioned concerns in relation to the Borough's supply of housing and its reliance on large and complex sites. Indeed, should difficulties arise in the delivery of those large sites (as is expected by WDL), then the DSP as currently drafted does not provide a Spatial Strategy to clearly specify how development would be guided.

Indeed, NPPF Paragraph 20 requires plans to "*set out an overall strategy for the pattern, scale and quality of development*", which, as with all policies, should be substantiated on up-to-date evidence. Future iterations of the LPR should, therefore, incorporate a Spatial Strategy and that should be based upon an audit of the suitability of each settlement to accommodate residential development (which itself should take into consideration accessibility, services and facilities, and land availability).

Indeed, the creation of a clear Spatial Strategy that incorporates a Settlement Hierarchy would support the process of allocating additional sites to meet an increased housing supply (as proposed above).

In the interim, however, the absence of a spatial strategy has resulted in the ad-hoc and often illogical approach to housing supply and the selection of sites within the DSP. That is highlighted in relation to Hampton in Arden

below.

### **HAMPTON IN ARDEN:**

Hampton in Arden is a wholly sustainable settlement that would be suitable for accommodating residential development. Indeed, it has a range of existing services and facilities including a primary school, library, GPs surgery, a number of shops (including a Post Office and chemist), together with recreational facilities. Furthermore, it has a high level of accessibility afforded by the Hampton in Arden train station, which offers West Coast Mainline services to London, Birmingham and Coventry, as well as a bus service that also connects to Meriden, Catherine-de-Barnes and Solihull.

WDL's site at Land off Old Station Road is considered by SMBC to have "very high" accessibility to the settlement, and is in close proximity to the Train Station, bus stops and the local centre.

### ***Housing Requirement***

The supporting text beneath Policy P5 identifies SMBC's approach to housing provision in each designated Neighbourhood Area (NA), including the Hampton in Arden Neighbourhood Area (HIANA). Indeed, paragraph 234 identifies that the housing requirement for HIANA is 1,012 dwellings, which "*comprises the amount of housing expected to be delivered through site allocations through site allocations (made in this plan) in each NA along with sites identified in land availability assessments, those identified in the Council's BLR and site allocations in the Solihull Local Plan 2013 without planning permission at 1<sup>st</sup> April 2020.*"

Calculating the housing requirement of NAs wholly on the basis of the capacity of that NA to accommodate residential development is simply not a robust position, and fails to take into consider the distinction between the specific housing **needs** of the NA, and the ability of the NA to meet that need. Indeed, NPPF Paragraph 66 states that, in providing a housing requirement for a neighbourhood area, a local authority should take into account "*the latest evidence of local housing need.*" Thus, the housing requirement for each area should be on the basis of a housing needs assessment on a parish-level or neighbourhood area-level. Such an assessment has not been undertaken and does not form part of the plan's evidence base.

As such, the plan does not provide sufficient justification and proportionate evidence for this approach as required by NPPF Paragraph 35b, and the plan cannot demonstrate whether it has met the housing needs of any NA and therefore is considered to be fundamentally unsound.

### ***Approach to housing provision***

Notwithstanding the above points, WDL opposes the approach to meeting that housing need within the HIANA. Indeed, the proposed approach to the settlement (paragraphs 637 – 652) highlights that 110 dwellings will come forward at the existing allocation at 'Land off Meriden Road', 100 dwellings will be delivered at the adjacent 'Meriden Road, Hampton in Arden', 95 dwellings will be delivered at 'Oak Farm, Catherine-de-Barnes' and 700 dwellings will be delivered at 'East of Solihull' (Site SO1), totalling delivery of 1,005 dwellings.

Clearly, delivery from the 'East of Solihull' site comprises the bulk of provision in the NA (70%) and is subject to the comments made above in relation to the potential complications of relying on delivery from large sites. Indeed, the DSP itself identifies that the site *"has multiple and potentially complex land assembly issues."*

Notwithstanding that, and whilst the site is within the boundary of the NP Designation Area, it is clear that the provision of housing in this location will meet the need arising from Solihull town itself rather than the two settlements within the NA (Hampton-in-Arden and Catherine-de-Barnes). Indeed, given the site's location as being immediately adjacent to the eastern extents of the Solihull urban area, and some 3km from Hampton-in-Arden itself, the site cannot be considered to form a functional part of the settlement. Indeed, the DSP itself identifies that Site SO1 *"functions as part of the urban area rather than as an expansion of one of the Parish's villages"* and as such deals with the proposed site within the Solihull chapter of the plan.

As such, the site cannot be considered to make a significant contribution to meeting the housing needs arising within the NA. Rather, meeting the needs of the NA would be achieved by focusing housing in the locations where the need is arising; that is, development should be focused on suitable sites within the settlements of Hampton-in-Arden.

#### **Land off Old Station Road, Hampton in Arden**

In light of the above, WDL strongly objects to the omission of their site at 'Land off Old Station Road, Hampton in Arden' (Site Assessment Site Ref. 6) and is of the position that the site should be allocated for development given its demonstrable suitability, availability and achievability. Indeed, the Council's own assessment of the site as part of the 2018 SHELAA Errata demonstrated that position, and WDL contends that the site assessment and selection methodology since then has been inconsistently applied in identifying allocation sites. As a result, the DSP has unfairly discounted this site.

Indeed, the Site Assessment document (October 2020) confirms the site to be highly performing against a number of site assessment matrices. Specifically, it identifies that the site has 'very high' overall accessibility to a settlement that is itself identified as suitable for limited growth. Indeed, the site is in very close proximity to a local centre that offers a range of facilities, services and leisure facilities including Hampton in Arden Train Station, a recreation ground, health centre, small employment area, pre-school, primary school, pharmacy, convenience store, places of worship, and pubs, bars and restaurants.

In addition to that, it notes that the SHELAA places the site in Category 1 (no suitability constraints), and it is WDL's contention that those constraints that are identified within the Site Assessment (presence of Tree Preservation Order trees, and Habitats of Wildlife Interest) can both be effectively mitigated through the evolution of a masterplan for the site's development. Indeed, that position was reflected in the site's favourable Sustainability Appraisal results, with the site having no significant negative effects.

Furthermore, whilst the site is located in the designated Green Belt, the DSP correctly identifies that Green Belt development is required to fully meet the

Council's housing requirement, and that preference should be given to lower scoring parcels above highly scoring parcels (Paragraph 68). Indeed, the Site Assessment document identifies the site in Parcel RP19, which is considered a "*lower performing parcel*" with a score of 4. That is a lower score than the parcel that the proposed allocation in Hampton in Arden (HA1) sits within. In addition, the Landscape Character Assessment highlights identical findings to the proposed allocation site HA1, suggesting that there are no insurmountable landscape character-based constraints.

Notwithstanding those favourable assessments in relation to Green Belt and landscape / visual considerations, the Site Assessment document highlights that the development of the site would "*result in an indefensible [Green Belt] boundary to the north and east*" and would result in "*visual intrusion and extension of built form into [the] countryside.*" Given that those two issues are the only issues identified in relation to the site, it can only be seen that significant weight was attributed to those two considerations in deciding not to allocate the site.

The significant weight afforded to those considerations is particularly unfounded given that those issues can be readily and effectively mitigated as part of a site's development.

In relation to the matter of 'defensible Green Belt boundaries', NPPF Paragraph 139 states that new boundaries of the Green Belt should be provided through development plans that "*define boundaries clearly, using physical features that are readily recognisable.*" However, SMBC's interpretation and application of that position has continually been inconsistent between sites when considering potential sites through the LPR process, with SMBC failing to develop a robust definition for 'defensible boundaries.' Indeed, in some instances it places significant emphasis on defensible boundaries being permanent and physical boundaries (with the DSP noting the presence of train lines, main roads, and internal estate roads), and two of the site's four boundaries are marked by built development and an existing road / train line.

However, where there is not a 'hard' constraint present to mark a strong defensible boundary to development, SMBC are consistent in the manner in which they consider softer defensible boundaries such as woodland features, and are particularly inconsistent when taking into consideration (or in some cases failing to take into consideration) the opportunity to provide suitable mitigation (i.e. woodland planting blocks) in order to enhance or create a new defensible boundary.

Indeed, in the case of the proposed allocation site at West of Meriden (WE1), the provision of a thick and robust tree lined boundary at the site's north is clearly considered sufficient to produce a defensible boundary, resulting in the site's allocation. That assessment (which WDL considers fair), is not applied consistently across all potential development sites, however, and the same consideration of the existing and proposed mitigation at Land off Station Road would have effectively cleared the two issues that SMBC raised in relation to defensible boundaries and visual intrusion / encroachment.

Indeed, a Vision document prepared by WDL for the site off Old Station Road is attached alongside these representations, and illustrates the findings of their detailed site analysis. In particular, it highlights the established tree

belts along the eastern and northern boundaries that provide a clear landscape structure that would very much negate any perception of encroachment into the countryside and limit the visibility of development to the site's immediate environs. These substantial (circa 10m in depth) tree belts were established in late 1998/9 and 2015 respectively and effectively screen the site. Such is their thickness, that they would also produce what would be a clear and defensible boundary to development, with the proposed site sitting within a robust landscape structure that effectively separates the site and settlement from the wider open countryside, whilst also rounding off the built form of the settlement (as identified in the 2018 SHELAA Errata).

The failure of SMBC to consider the provision of mitigation that has already been secured is clearly not consistent with the approach set out in NPPF Paragraph 139, and shows considerable inconsistency with the approach taken to other sites (i.e. West of Meriden). As such, SMBC's inconsistency in the application of the assessment and the weight given to various issues has essentially jeopardised an otherwise extremely favourable site assessment.

Rather, if the Site Assessment document had taken a consistent approach in considering existing mitigation, it would have identified that the development could provide a strong, defensible Green Belt boundary and would not constitute a visual encroachment into the countryside. The utilisation of that fairer, more consistent assessment, in combination with the fact that the site is demonstrably suitable for development and has no insurmountable constraints, would have resulted in the allocation of the site.

Overall, WDL believes that there is a compelling case to rethink SMBC's approach to development in Hampton-in-Arden, and for the allocation of 'Land off Old Station Road, Hampton-in-Arden' given its demonstrable availability, suitability and achievability. Indeed, such an approach would be justified based on the Council's evidence base, and would take into consideration suitable alternatives, in accordance with NPPF Paragraph 35b.

The need to allocate that site for development is particularly prevalent given the above points. Indeed, SMBC's current proposed housing requirement, whilst significant, is fundamentally unsound, and fails to satisfy the Duty to Cooperate. Rather, the housing requirement within the Borough should be further boosted to reflect the anticipated economic development in the Borough, SMBC's over-dependence on large sites, and to ensure a sufficient contribution to the wider HMA in order for the plan to be considered sound. To achieve this, additional land must be identified, and small-medium sites such as Land off Old Station Road, Hampton in Arden should be considered in this light.

**DENSITY:**

NPPF Paragraph 122 requires planning policies to *"support development that makes efficient use of land"* by ensuring that future development is delivered at an appropriate density. It continues (para. 123) *"where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that development make optimal use of the potential of each site."*

In that light, WDL welcomes SMBC's identification that *"it is important that efficient use is made of the land available to ensure delivery of sufficient new*



*homes in the plan period*" (paragraph 237) and also welcomes that density will be informed by a number of site / area-specific factors, including local character, landscape and townscape features, heritage assets, and site accessibility.

WDL also welcomes the inclusion of indicative densities, albeit those should be included within the body of Policy P5 itself to support the development management process. That being said, clarity is needed on the distinction between a "**limited** extension of **urban or larger village edge**", which would allow for a residential density of 30-35dph, and a "**significant** extension of **urban or larger village edge**", which would allow for a residential density of 30-40dph. Indeed, a distinction between a limited and significant extension is required (and should be on the basis of total site size). Furthermore, clarity is needed on which settlements are considered to be "urban or larger villages" to assist with development management.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above.

By way of summary; SMBC should undertake the following modifications to the policy to ensure its soundness:

- Primarily, the policy should be split by topic to ensure that it is effective and unambiguous.
- SMBC's Housing Requirement should be increased to **at least** 15,912 dwellings to take into account uncertainty in relation to its current supply, respond to economic growth, and to incorporate a 3,000 dwelling contribution to the wider HMA. That should be set out in Policy P5 and the stepped requirement, if pursued, should also be made clear in the policy text.
- Set against that, SMBC should increase its housing supply to **at least 19,094 dwellings** (a 20% buffer on its requirement).
- SMBC should achieve this by allocating additional land equating to **4,077 dwellings** at small – medium sites to allow flexibility to ensure it will meet that requirement in a manner that will sustain a five year supply of housing land.
- Land off Old Station Road, Hampton in Arden (Site Assessment / 2018 SHELAA Site Ref. 6) should be allocated in that light.
- SMBC must set out a Spatial Strategy to clearly specify how development should be drafted. Given its role as a sustainable settlement, Hampton in Arden should be given a favourable position in that settlement hierarchy, and should be expected to accommodate some growth.
- SMBC must review its approach to Hampton in Arden (and other settlements) to ensure the housing requirement reflects housing need in the Neighbourhood Area, rather than the capacity of the area to accommodate growth.
- Site SO1 should not be considered as playing a part in meeting the housing

requirement in the Hampton in Arden Neighbourhood Area.  
- Rather, Land off Old Station Road, Hampton in Arden should be allocated for development to meet the needs of Hampton in Arden Neighbourhood Area, and the wider Borough (as identified above).

- A separate policy should be drafted in relation to density.
- That policy should give more clarity on what qualifies as “limited” / “significant” extensions, and which settlements are classed as “urban or larger villages” to ensure the policy is unambiguous.

(Continue on a separate sheet /expand box if necessary)

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

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

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

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

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

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

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

The plan is fundamentally unsound in its approach to the Borough’s overall Housing Requirement and supply (including its failure to meet the Duty to Cooperate), its Spatial Strategy, and its approach to the Housing Requirement and supply in specific Neighbourhood Areas such as Hampton in Arden. Given that those matters are fundamental to the soundness of the plan as a whole and are particularly complex in nature, those issues can only be dealt with by way of a hearing (rather than solely based on written representations). WDL would appreciate the opportunity to comment on how SMBC should approach those matters to ensure the soundness of Policy P5 and the plan as a whole.

**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:

M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy P7 – Accessibility and Ease of Access	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	N/A for this policy	No	N/A for this policy

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.

### **POLICY P7 ACCESSIBILITY AND EASE OF ACCESS:**

WDL recognise the aspiration of Policy P7 in respect to focusing development in the most accessible locations, and note the accessibility of its site at Land off Old Station Road, Hampton in Arden in that light, given its proximity to a train station and bus stops.

Notwithstanding that, however, the requirement at part 2(ii) of the proposed quality for major residential development to “provide access to a high frequency bus services within 400m of the site; and/or 800m of a rail station providing high frequency services” is ambiguous and, as currently drafted, is not enforceable for development management purposes. Indeed, the policy nor its supporting text currently provide a definition of what constitutes as a “high frequency” service, and the policy should be re-drafted to remedy this issue.

In addition to that, the requirement for sites to be within 400m and / or 800m of a bus service or rail station is likely to constrain development, and indeed no justification is given for the choice of those values (i.e. 400m and 800m).

Furthermore, the requirement does not allow for development proposals that are marginally outside of that range of accessibility to mitigate against that matter by providing transport-related contributions to “*make the development acceptable in planning terms*” in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Furthermore, the requirement at part 2(iv) for developments to “*provide on-site transport infrastructure that promotes ease of access and enhances accessibility levels*” is similarly ambiguous and is not considered enforceable for development management purposes as currently drafted. Indeed, that requirement fails to clearly set out what amount, scope, level or type of on-site transport infrastructure would be considered acceptable, and how an enhancement in accessibility levels would be measured.

In that light, the policy as currently drafted is not “*clearly written and unambiguous*” and therefore it is not “*evident how a decision maker should react to development proposals.*” As such, this policy is not sound in NPPF terms as is currently drafted.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above. In short; part 2(ii) of the policy should either be revoked or re-drafted to provide clarity on the terminology “high frequency”, and the choice of 400m and 800m should be justified. Similarly, part 2(iv) of the policy should also either be revoked or re-drafted to provide clarity on the amount, scope, level or type of on-site transport infrastructure that would be considered acceptable, and how an ‘enhancement’ in accessibility levels would be measured.

(Continue on a separate sheet /expand box if necessary)

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

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

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

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

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

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

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

Not applicable.

**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:

M.Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy P9 – Mitigating and Adapting to Climate Change	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="N/A for this policy"/>	No	<input type="text" value="N/A for this policy"/>

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.

### **POLICY P9 MITIGATING AND ADAPTING TO CLIMATE CHANGE:**

WDL recognise and welcome the aspiration of Policy P9 and recognise the intention of the policy to promote environmentally sustainable development. That being said, the requirement at limbs 3i and 3ii that, firstly, “*all new dwellings to achieve 30% reduction in energy demand / carbon reduction improvement over and above the requirements of Building Regulations Part L (2013) at the time of commencement up to March 2025*” and that, secondly, “*from April 2025 for all new dwellings to be net zero carbon*” are particularly constraining for development.

It is WDL’s contention that requiring a 30% reduction in carbon reduction above the requirements of the Building Regulations would be in conflict with the Government’s adopted Building Regulations. That would also be the case should the Council continue to expect net carbon zero dwellings from April 2025. Whilst it is understood that SMBC are seeking to ensure that the policy is “future-proofed” and responds to the Government’s net carbon zero aspirations, the policy as currently drafted is not effective in ensuring that.

Rather, the Policy should be re-written to require new developments to adhere to the latest Building Regulations or, when adopted, the Future Homes Standard / national guidance that requires all new dwellings to be net carbon zero. Alternatively, SMBC should consider promoting a 'fabric first approach' to ensuring energy efficiency and sustainability as an alternative. Indeed, WDL has adopted a holistic fabric first approach in their house type design as an alternative to renewable energy infrastructure, which seeks to reduce each dwelling's inherent energy demand. The approach also includes the installation of water saving appliances to aid water efficiency, highly efficient gas condensing boilers to reduce fuel costs, and gas savers and waste water heat recovery systems to reduce carbon emissions. This fabric first approach has a number of clear benefits, notably that it is built into the property for its whole life and achieves the aim of reducing CO<sub>2</sub> emissions. In comparison to renewable technologies there is no maintenance required, and it avoids the concern as to whether the technologies are actually being used.

WDL also notes that elements of the proposed policy are not enforceable during the development management process as currently drafted. For example, limb 3vi requires applicants to "*source low carbon and sustainability sourced building materials wherever possible.*" This element of the policy clearly lacks the clarity that is required by NPPF Paragraph 16d.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above. In short; the policy should be re-written to require new developments to adhere to the latest Building Regulations or, when adopted, the Future Home Standards / national guidance that requires all new dwellings to be net carbon zero, rather than requiring "*all new dwellings to achieve 30% reduction in energy demand / carbon reduction improvement over and above the requirements of Building Regulations Part L (2013) at the time of commencement up to March 2025*" and "*for all new dwellings to be net zero carbon*" from April 2025.

SMBC should also make allowance for a fabric-first approach within the policy.

SMBC should also provide further information in relation to limb 3vi to ensure that this element of the policy is enforceable for development management purposes.

(Continue on a separate sheet /expand box if necessary)

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

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

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

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

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

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

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

Not applicable.

**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:

M.Rose

Date:

08/12/20



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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant Yes  No

4.(2) Sound Yes  No

4 (3) Complies with the Duty to co-operate Yes  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.

### **POLICY P17A GREEN BELT COMPENSATION:**

Policy P17A 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 of remaining Green Belt is incorporated into a Section 106 agreement.*”

That policy is, of course, in accordance with NPPF Paragraph 138, and WDL welcomes the list of “*potential improvements that can be pursued to fulfil this requirement*” as shown in paragraph 434. That said, however, the policy as currently drafted provides little exact information / guidance in relation to what the scope of each form of compensation would have to be in order for a site’s removal from the Green Belt to be considered as appropriate. As drafted, this policy would be entirely subjective for any decision-maker.

Therefore, for the policy to be clearly enforceable for development management purposes, consistent between applications, and clearly written and unambiguous (as required by NPPF Paragraph 16d), further information

on the scope of that compensation is required. That guidance should be specific, and should be dealt with in the local plan itself (as opposed to in a subsequent Supplementary Planning Document), as the *William Davis Ltd & Ors v Charnwood Borough Council [2017] EWHC 3006 (Admin) (23 November 2017)* decision concluded that policies that have a cost implication on development proposals cannot be deferred to a Supplementary Planning Document.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above. In short; further information should be provided in relation to the scope of the green belt compensation that would be required for a site's removal from the Green Belt to be considered as appropriate.

(Continue on a separate sheet /expand box if necessary)

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

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

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

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

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

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

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

Not applicable.

**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:

M. Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="N/A for this policy"/>	No	<input type="text" value="N/A for this policy"/>

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.

### **POLICY P20 – PROVISION FOR OPEN SPACE, CHILDREN’S PLAY, SPORT, RECREATION AND LEISURE:**

WDL recognises the provision of an appropriate quantum and type of open space as being an integral part of providing new development and therefore welcomes the intention of Policy P20. Furthermore, WDL recognises that open space demand is in flux and thus requirements are dependent on up-to-date evidence, and therefore welcomes the inclusion of text stating that provision “*should accord with the local standards and priorities for action outlined*” in the Green Spaces Strategy, Indoor Sports Facilities Strategy and Playing Pitch Strategy (as currently adopted, or dependent on any future revisions).

That being said, however, the policy as currently drafted would benefit from the inclusion of guidance on the indicative breakdown of the 3.57 hectares of Public Open Space (POS) that are required per 1,000 population. As SMBC will understand, the cost of provision and maintenance differs substantially between different open space typologies, and therefore an indicative POS requirement breakdown would assist developers with viability considerations at the early stages of proposals. Those indicative figures should, of course, be substantiated on recent and relevant evidence. As such, the inclusion of Table 18 from the recent Open Space Assessment would be of benefit to the

policy, with the caveat that final POS provision should respond to localised assessments of demand.

Furthermore, whilst WDL appreciate that open space provision should respond to identified shortfalls, the policy currently states that “*new or improved provision to accommodate the needs of the new and existing population should accord with the local standards and priorities for action.*” That text is written somewhat ambiguously, and could be misunderstood as suggesting that the POS requirements of new developments should compensate for any prior under-provision. Whilst that interpretation would not have been SMBC’s intention, the policy should be re-written to remove that ambiguity, and reflect that planning obligations (including POS provision) should be “*directly related to the development, and fairly and reasonably related in scale and kind to the development*” (Planning Practice Guidance Ref. 23b-002-20190901).

(Continue on a separate sheet /expand box if necessary)

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.

Please see above. In short; the policy would benefit from the inclusion of guidance on the **indicative** breakdown of the 3.57ha of POS that are required per 1,000 population, which should be substantiated on up-to-date and relevant evidence, albeit with the caveat that final POS provision should respond to localised assessments of demand.

In addition, the text should be re-drafted to make it clear that the POS requirements of new developments are not expected to compensate for any prior under-provision from other developments; the current text could be misinterpreted as such.

(Continue on a separate sheet /expand box if necessary)

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

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

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

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

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

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

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

Not applicable.

**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:

M. Rose

Date:

08/12/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy HA1 – Meriden Road, Hampton in Arden	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="N/A for this policy"/>	No	<input type="text" value="N/A for this policy"/>

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.

### **POLICY HA1 – MERIDEN ROAD, HAMPTON IN ARDEN:**

Policy HA1 allocates Meriden Road, Hampton in Arden for the residential development of 100 dwellings. That proposed allocation site is located adjacent to SLP Site 24 (Land off Meriden Road), with the DSP retaining that particular site's allocation for 100 dwellings. Indeed, the DSP identifies SMBC's intention for the two sites to be "*developed together in a comprehensive manner*" citing that that will aid connectivity between the new developments and maximise the effectiveness and efficiency of new infrastructure. That being said, however, an application was submitted on SLP Site 24 in October 2019, suggesting that the development of the site will not be considered comprehensively subject to a single planning application.

The reasons for that are unclear, but it may well reflect the numerous outstanding matters in relation to the proposed allocation HA1. Specifically regarding the site's availability, the site is controlled by Arden Wood Shavings, and it was confirmed in November 2020 that the site remains in use as a storage depot by that business. It is also understood that the company has no plans to vacate the site in the coming future, and previous representations by Arden Wood Shavings themselves throughout the LPR process have highlighted the ongoing use of the depot and a desire to implement recent planning permissions 2010/893 and 2011/87 for additional storage

and the rationalisation of buildings with a replacement building.

The ongoing operation of the storage business is a significant constraint, not only in terms of availability, but in terms of deliverability of allocation HA1. Indeed, that point was correctly highlighted in the Draft Concept Masterplans that were prepared for the previous iteration of the LPR (January 2019) which acknowledged that *“the site is yet to come forward for development as the Arden Wood Shavings development operation is considered a ‘poor neighbour’ in planning terms.”* Given the above information, that position cannot be considered to have changed in the interim, and as such the availability and deliverability of the site must be called into question.

In addition to that, the site’s suitability for residential development is questionable, as recognised in the Council’s own assessments of the site’s merits through a number of documents. Indeed, the 2018 SHELAA Errata concluded that the site *“faces significant suitability constraints”*, with the 2020 Site Assessment document highlighting a number of suitability issues associated with the site.

The Site Assessments document produced the following conclusions, which are compared below to the conclusions relating to WDL’s site at ‘Old Station Road, Hampton in Arden’ (which was not allocated for residential development despite scoring more favourably) in order to highlight the inconsistency in SMBC’s consideration of potential development sites, and their decision to allocated site HA2 ahead of the more suitable site at Land off Old Station Road:

Category	Site 6 – ‘Land off Old Station Road, Hampton in Arden’	Site 117 – ‘Meriden Road Depot, Hampton in Arden’
Policy Constraints	Green Belt	Green Belt
Hard Constraints	Tree Preservation Order	None
Soft Constraints	Habitats of Wildlife Interest	PROW M118 along boundary of site; Entire site is contaminated land; Very small part of site overlaps with Flood Zone 3 on eastern boundary.
SHELAA	Category 1 (No suitability constraints)	Category 3 (Significant suitability constraints)
Accessibility Study: <ul style="list-style-type: none"> <li>• Primary School:</li> <li>• Food Store:</li> <li>• GP Surgery:</li> <li>• Public Transport:</li> <li>• <b>Overall:</b></li> <li>• Access:</li> </ul>	<ul style="list-style-type: none"> <li>• Very High</li> <li>• High</li> <li>• High</li> <li>• Very High</li> <li>• <b>Very High</b></li> <li>• No existing footway provision</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> <li>• Low</li> <li>• Low/Medium</li> <li>• Very High</li> <li>• <b>Medium</b></li> <li>• No existing footway Provision</li> </ul>

Green Belt Assessment	Score of 4. Moderately performing in terms of purpose 1.	Score of 5. Moderately performing in terms of purposes 1 and 3
Landscape Character Assessment: <ul style="list-style-type: none"> <li>• Landscape Character sensitivity:</li> <li>• Visual sensitivity:</li> <li>• Landscape value:</li> <li>• Landscape capacity to accommodate change:</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> <li>• Medium</li> <li>• Low</li> <li>• Low</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> <li>• Medium</li> <li>• Low to High</li> <li>• Low</li> </ul>
Sustainability Appraisal	<ul style="list-style-type: none"> <li>• 5 positives;</li> <li>• 8 neutral;</li> <li>• 4 negatives (0 significant)</li> </ul>	<ul style="list-style-type: none"> <li>• 1 positive;</li> <li>• 11 neutral;</li> <li>• 5 negative (1 significant)</li> </ul>
Spatial Strategy / Site Selection Paper	Hampton in Arden identified as suitable for limited growth	Hampton in Arden identified as suitable for limited growth
Commentary (of relevance)	States that development would result in indefensible boundary and visual intrusion and extension of built form into countryside; appropriate mitigation would remove these issues (see below)	Brownfield land.

Thus, in addition to the aforementioned outstanding issues in relation to land ownership and achievability, it can be seen that the proposed allocation site (HA2) is not suitable for development.

Crucially, the suitability issues raised by SMBC could threaten the site's deliverability. Indeed, given that the site is located wholly in an area that is considered to be potentially contaminated land, the deliverability of the site (and the acceptability of any planning applications for its development) will be entirely dependent upon a favourable outcome from a land contamination assessment.

Notwithstanding those clear issues, the site also cannot be seen to be any more favourable than other reasonable alternatives. Indeed, when compared to Land off



Station Road within SMBC's Sustainability Appraisal, the proposed allocation site has far fewer positive effects (1 compared to 5), more neutral effects, and more negative effects.

Included in that was 1 significant negative, which relates to the site's accessibility. Indeed, the site is located at the furthest possible point from the settlement's local centre, and as such has a medium overall accessibility score (compared to Land off Station Road's Very High score), and specifically has low access to convenience stores, and low / medium access to a GP surgery. As such, the site's suitability in terms of its location and the promotion of sustainable modes of transport is called into question. Indeed, the site simply cannot be considered to be located in a suitable location and certainly does not support the imperatives of sustainable movement.

Notwithstanding that SMBC's own evidence base correctly identifies the clear constraints in relation to the site's availability, deliverability and suitability, the DSP continues to propose to allocate the site ahead of more suitable development sites such as Land off Station Road, Hampton in Arden. As such, SMBC's assessment of potential development sites and approach towards allocating land in the settlement cannot be seen to be "*based on proportionate evidence*" or to have taken into account reasonable alternatives, and therefore is not justified as required by NPPF Paragraph 35b.

Notwithstanding that, given Hampton in Arden's high level of accessibility, the healthy offer of services and facilities in the settlement, and that the NPPF clearly recognises that residential development can enhance the vitality of settlements and the services and facilities therein, it is WDL's contention that Hampton in Arden should accommodate two housing sites within the upcoming plan period (not including the retained allocation from the previous plan).

Indeed, and as highlighted in WDL's response to Policy P5, given the uncertainty in the deliverability of a number of sites within the DSP, the requirement for a buffer to ensure flexibility in SMBC's land supply, and the requirement to make a significant contribution to the unmet need arising elsewhere in the HMA, the plan should direct further development to sustainable settlements such as Hampton in Arden.

In that light, SMBC are referred to William Davis Ltd's representations in response to Policy P5 that highlight the merits of Land off Old Station Road, Hampton in Arden (Site Assessment / 2018 SHELAA Site Ref. 6). WDL are of the position that, as a suitable, available, achievable and deliverable site, Land off Old Station Road should be allocated for residential development.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above. In short; the deliverability of allocation site HA1 is not assured, and the site is not considered to be suitable for residential development. Therefore Land off Old Station Road, Hampton in Arden should be allocated for residential development whether in place of or in addition to allocation site HA1.

(Continue on a separate sheet /expand box if necessary)

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

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

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

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

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

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

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

The plan's approach to allocating residential land within the Hampton in Arden Neighbourhood Area is fundamentally unsound given the demonstrable deliverability and suitability-based constraints in relation to the proposed allocation site at Meriden Road, Hampton in Arden. In that light, WDL would welcome the opportunity to discuss SMBC's approach to Hampton in Arden, and the opportunity present at Land off Station Road, Hampton in Arden.

**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:

M. Rose

Date:

12/08/20

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

Name or Organisation: **Define Planning and Design obo William Davis Ltd in relation to Land off Old Station Road, Hampton in Arden**

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

Paragraph	<input type="text"/>	Policy	Policy HA2 – Oak Farm, Catherine- de-Barnes	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	N/A for this policy	No	N/A for this policy

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.

### **POLICY HA2 – OAK FARM, CATHERINE-DE-BARNES:**

Policy HA2 proposes to allocate a site at Oak Farm, Catherine-de-Barnes for the provision of 95 dwellings.

As with Policy HA1 above, the deliverability of the site is called into question as a result of its existing use. Indeed, as identified in DSP Paragraph 646, the site “currently contains a number of businesses comprising B1, B2 and B8 uses which occupy a variety of small buildings on the site.” Indeed, Paragraph 646 identifies “a total of 22 buildings including two dwellings on site” all of which are to be demolished. It also appears that the site is home to a caravan park.

Putting aside that the proposed development of the site will result in the loss of an area of employment land, the deliverability of the site is presumably also wholly dependent on either the re-housing of those existing tenants, or the applicant being able to agree to purchase what is a known proposed development site at a suitable price. As such, the availability and, therefore, deliverability of the site is uncertain.

In addition to that, the site is demonstrably significantly more constrained, and is not shown to be suitable for development in SMBC’s evidence base. Indeed, the 2018

SHELAA Errata identifies that the site faces some suitability constraints, with the Site Assessment document providing an unfavourable assessment of the site's suitability. The conclusions from that assessment are shown below, and are compared to WDL's site at 'Land off Station Road, Hampton-in-Arden' to further highlight the inconsistency in site assessment:

Category	Site 6 – 'Land off Old Station Road, Hampton in Arden'	Site 136 – 'Oak Farm, Catherine de Barnes'
Policy Constraints	Green Belt	Green Belt
Hard Constraints	Tree Preservation Order	High pressure gas pipeline inner zone
Soft Constraints	Habitats of Wildlife Interest	Existing properties on site; PROWs SL7A and M131A on boundary of site Overhead cables
SHELAA	Category 1 (No suitability constraints)	Category 2 (Some suitability and some achievability constraints)
Accessibility Study: <ul style="list-style-type: none"> <li>• Primary School:</li> <li>• Food Store:</li> <li>• GP Surgery:</li> <li>• Public Transport:</li> <li>• <b>Overall:</b></li> <li>• Access:</li> </ul>	<ul style="list-style-type: none"> <li>• Very High</li> <li>• High</li> <li>• High</li> <li>• Very High</li> <li>• <b>Very High</b></li> <li>• No existing footway provision</li> </ul>	<ul style="list-style-type: none"> <li>• Very Low</li> <li>• Very High</li> <li>• Very Low</li> <li>• Low</li> <li>•</li> <li>• <b>Low/Medium</b></li> <li>• No existing footway provision</li> </ul>
Green Belt Assessment	Score of 4. Moderately performing in terms of purpose 1.	Score of 11. Highly performing in terms of purposes 1, 2 and 3.
Landscape Character Assessment: <ul style="list-style-type: none"> <li>• Landscape Character sensitivity:</li> <li>• Visual sensitivity:</li> <li>• Landscape value:</li> <li>• Landscape capacity to accommodate change:</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> <li>• Medium</li> <li>• Low</li> <li>• Low</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> <li>• Medium</li> <li>• Medium</li> <li>• Low</li> </ul>
Sustainability Appraisal	<ul style="list-style-type: none"> <li>• 5 positives;</li> <li>• 8 neutral;</li> </ul>	<ul style="list-style-type: none"> <li>• 4 positive (2 significant);</li> </ul>

	<ul style="list-style-type: none"> <li>• 4 negatives</li> </ul>	<ul style="list-style-type: none"> <li>• 10 neutral;</li> <li>• 3 negative</li> </ul>
Spatial Strategy / Site Selection Paper	Hampton in Arden identified as suitable for limited growth	Catherine de Barnes is identified as suitable for limited infilling, but <b>not for expansion.</b>
Commentary (of relevance)	States that development would result in indefensible boundary and visual intrusion and extension of built form into countryside; appropriate mitigation would remove these issues (see above)	Brownfield land.

Thus, in addition to the matters in relation to site ownership and existing use, the site clearly has a number of constraints, some of which pose a threat to the site's deliverability. Indeed, a high pressure gas pipeline is present on site, and that particular constraint must be dealt with sensitively moving forward.

Furthermore, a number of factors call into question whether the site's location is suitable at all. Indeed, and as with the above allocation, the site is considered to have low / medium accessibility, with very low access to primary schools and a GP surgery and low access to public transport. The provision of development in this location cannot be seen to support opportunities to promote walking, cycling and public transport use in accordance with NPPF Paragraph 102, nor does it represent the focusing of development to "*locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*"

Indeed, the settlement of Catherine-de-Barnes itself is less suitable for large scale expansion (a position that the Site Assessment document itself highlights) than Hampton in Arden given its comparatively smaller base of services and facilities. Indeed, whilst the Site Assessment document seeks to work around that position by stating that the site is part brownfield and wouldn't necessarily be a physical expansion, there is no questioning that the provision of almost 100 houses would constitute a significant expansion in population within a settlement that has comparatively fewer services and facilities than Hampton in Arden. Indeed, the site is not located in proximity to a school, pharmacy / doctors, library, etc. and has a very limited leisure offer. That position will be exacerbated as a result of its the site's "low" access to public transport.

In addition to that, the approach in relation to Green Belt is contrary to the DSP's own proposed Green Belt approach, with Paragraph 68 stating that preference should be given to lower scoring parcels above highly scoring parcels. Despite that, the proposed allocation of Site HA2 focuses development on one of the Borough's high scoring Green Belt parcels (with a score of 11). In particular, the site that the parcel belongs to scores highly in purposes 1 (checking unrestricted sprawl), 2 (preventing merging of towns), and 3 (safeguarding the countryside from

encroachment).

Furthermore, whilst the Site Assessment document seeks to argue that the presence of Friday Lane to the site's east would create a strong defensible boundary to the Green Belt, it fails to take into consideration that the proposed new use would amount to an intensification of the Green Belt parcel in terms of the spatial building footprint and the visual perception of the site.

Indeed, given the site's significant potential issues in relation to its availability for development, as well as its suitability for development being called into question on grounds of accessibility and Green Belt impact, it is WDL's contention that the site should be removed as an allocation in the DSP.

Rather, the considerable housing requirement of Hampton in Arden Neighbourhood Area should be met within the more sustainable settlement of Hampton in Arden itself, with the settlement of Catherine de Barnes being limited to small infill development (as identified as suitable in the Site Assessment document). Indeed, development should be directed to suitable, available and achievable sites such as 'Land off Old Station Road, Hampton in Arden' (Site Assessment / 2018 SHELAA Site Ref. 6), whose merits are discussed in WDL's response to Policy P5.

The deletion of Policy HA2, and the allocation of Land off Old Station Road, Hampton in Arden in its place would be justified based on the Council's evidence base, would ensure the consistent application of the site assessments within the parish, and would take into consideration suitable alternatives, in accordance with NPPF Paragraph 35b. In that light, SMBC are referred to William Davis Ltd's representations in response to Policy P5 that highlight the merits of Land off Old Station Road.

(Continue on a separate sheet /expand box if necessary)

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.

Please see above. In short; the deliverability of allocation site HA2 is not assured, and the site is not considered to be suitable, and therefore Land off Old Station Road, Hampton in Arden should be allocated for residential development whether in place of or as well as allocation site HA1.

(Continue on a separate sheet /expand box if necessary)

**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.

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

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

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

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

The plan's approach to allocating residential land within the Hampton in Arden Neighbourhood Area is fundamentally unsound given the demonstrable deliverability and suitability-based constraints in relation to the proposed allocation site at Oak Farm, Catherine-de-Barnes. In that light, WDL would welcome the opportunity to discuss SMBC's approach to the Hampton in Arden Neighbourhood Area, and the opportunity present at Land Off Station Road, Hampton in Arden.

**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:

M. Rose

Date:

08/12/20