



## Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this representation relates:

Solihull

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

Title	<input type="text" value="Mrs"/>	<input type="text"/>
First Name	<input type="text" value="Sheila"/>	<input type="text"/>
Last Name	<input type="text" value="Cooper"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text" value=""/>	<input type="text"/>
Line 2	<input type="text" value=""/>	<input type="text"/>
Line 3	<input type="text" value=""/>	<input type="text"/>
Line 4	<input type="text" value=""/>	<input type="text"/>
Post Code	<input type="text" value=""/>	<input type="text"/>
Telephone Number	<input type="text" value=""/>	<input type="text"/>
E-mail Address	<input type="text" value=""/>	<input type="text"/>

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

Name or Organisation:

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

Paragraph	<input type="text"/>	Policy	<input type="text"/>	Policies Map	<input type="text"/>
		<b>General Opening remarks</b>			

4. Do you consider the Local Plan is :

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

Although lobbied extensively the Council failed to extend the legal minimum 6-week consultation period for the Plan Consultation even though the Borough was placed in an additional 2-week full lockdown followed by a Tier 3 lockdown during the approved consultation period.

The consultation was not appropriately publicised or advertised especially taking into account the full spectrum of demographics of Borough residents.

I believe the decision not to extend was unsound as residents were unable to attend face to face information and clarification seeking meetings. Sound, informed and democratically arrived at responses have not been possible.

The Council provided on-line and virtual information but this is notoriously ineffective for certain demographic groups and, therefore, heavily biased in favour of the Council's apparent need to push through the unsound Plan come what may. Many residents, when asked, have no idea the consultation is under way and especially one that affects their lives in the future so dramatically.

The recorded and archived Council Meetings show the attitudes and behaviours, of certain councillors, which confirm the above and are inappropriate both in tone and persuasive techniques.

Having taken 5 years to get to this point I believe the Council behaved inappropriately by not approving the requested and legitimate extension to the consultation. A few more weeks delay would have made no significant difference to the overall and already inexplicably long timescale SMBC have taken to produce the Plan.

Major issues, omissions, out of date and/or flawed evidence have been identified within the Plan. There have been attempts to 'address' some since the Plan was put out for the minimum legally required period of consultation, others, have not been resolved.

Borough residents have not been able to respond appropriately without access to sound evidence produced in a timely, appropriate and professional way. Late additions, hurriedly added assessments, reports and after thoughts and mealy-mouthed excuses are useless making accurate and fully informed consultation responses, on the entire Plan, impossible. The whole Plan consists of thousands of pages of documents.

**As it stands the Plan is unsound. I do not believe the Plan is, therefore, legally compliant neither do I believe the Plan is compliant with a duty to co-operate.**

**All of the above puts the entire Plan in danger of legal challenge as happened previously. No lessons appear to have been learnt from the past.**

(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.

**The Council should revisit the entire Plan and resubmit it for further consultation providing a full, sound and comprehensive evidence base to address the major omissions, unsound evidence and concerns, voiced by individuals, councillors and organisations.**

**The Council need to take into serious consideration the following:**

**Failure to acknowledge the probable use of flawed methodology and inaccurate data produced by the ONS to calculate future housing need, the well documented concerns of individuals, councillors and organisations places the Plan open to legal challenge.**

**The ONS Regulator is in the process of undertaking a review of the data/algorithm used to calculate projected housing need.**

*I quote Professor Wenban-Smith in his 2016 report on West Midlands Housing need. 'Over provision can never be corrected; under provision can be corrected*

*later when needs are better defined'.*

**The Plan proposes destruction of huge areas of green belt land and the associated massive loss of irreplaceable biodiversity. The effect of the Solihull Plan on the all too obvious Climate Crisis is immeasurable and unacceptable.**

Irreplaceable Green Belt land, the Meriden Gap and Arden landscape should be protected and valued as buffer land between rural communities and fast expanding local towns. The Meriden Gap and ancient Arden landscape is designated as of strategic ecological importance. Once it has gone it has gone for ever.

The fight against the catastrophe that is the Climate Crisis cannot be ignored or further delayed – 2050 is only 29 years away – sustainability for net zero or better still zero carbon is counting down.

**The Plan fails to address Brownfields first.** The more financially lucrative, easily developed sites have taken precedence. Solihull has adopted the easy and more developer friendly way out.

Why have the Council failed to maximise housing on the previously Green Belt Arden Cross development where office space and industrial units appear to take precedence?

Why was the Solihull Centre Master Plan not given a starring role as part of the Plan?

The Solihull Centre Plan should be revisited to provide cost effective, deliverable, sustainable, affordable and social housing.

**Increased housing capacity at both Arden Cross and in the Solihull Centre Plan should be seriously explored.**

The longterm effects of the Covid pandemic require extension and honest research before additional unsound decisions are made.

**I don't believe the Council have complied with a duty co-operate. They have ignored or brushed aside all attempts to draw their attention to the shortcomings of the Plan as it stands.**

**Inappropriate attitudes and behaviours of certain councillors should be censured to provide the best possible Plan for the residents of the Borough and NOT the best possible outcome for developers.**

**Developers make money, they do not make planning decisions. Democratically elected councillors do that; as the Plan stands the electorate deserve far better from their councillors.**

**On many occasions, in an attempt to change minds, certain councillors have voiced concerns (*voiced during the meetings below*) about what developers will do and the challenges they will make if there is not a Solihull Plan. The subsequent votes were coerced. Sound planning decisions prevent legal challenges.**

***The following recorded and archived virtual SMBC Meetings are essential viewing in confirmation of much of the above:***

**Cabinet Meeting 01 October 2020**

**Full Council Meeting dated 06 October 2020**

**Full Council Meeting dated 08 December 2020** – including the Motion to extend the Consultation Period

The Minutes of the meeting held on 08 December do not accurately reflect or represent the issues.

(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

**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:

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I formally petitioned the Council, on behalf of affected residents, to extend the consultation period which they refused.

**I am responding to this consultation as an individual resident of the Borough.**

I deputised at the Full Council Meeting 08 October 2020

I emailed formal letters to Gary Palmer, copied to other members of the Council and Councillors dated 19 November, 2020 and 29 November 2020 in my, in tandem, role of planning representative for CPRE Warwickshire in the south-east of the Borough.

The sentiments expressed, on behalf of CPRE Warwickshire are also my personal views of the Plan.

**I repeat I am responding, to this consultation, as an individual Borough resident.**

It is vital to **view** the virtual meeting recordings for an accurate representation of the following meetings:

**Cabinet:** 01 October 2020 – Written Minutes not a full and accurate representation of the meeting - viewing of the virtual meeting recording is essential where a challenge to the legally accepted minimum consultation period is made due to the Covid Pandemic.

**Full Council Meeting:** 06 October 2020 – viewing of entire virtual meeting essential.

**Full Council Meeting:** 08 December 2020 – The Motion by the Green Party to extend the consultation period and the formal discussions.

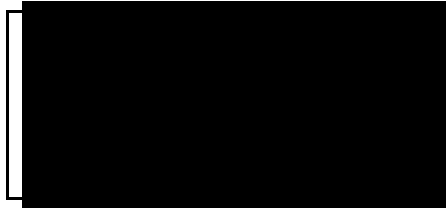
I believe much of the above confirms a lack of duty to co-operate with the residents and communities of the Borough. I believe party politics and, in some cases, inappropriate comment bordering on coercion has been voiced during Council meetings. There has been an overwhelming arrogance in not accepting legitimate concerns or admitting to the many shortcomings of the Plan.

Sadly, premature self-congratulation on the Plan has been voiced erroneously by certain council members.

The unequivocal unsoundness of the Plan and the entire process confirms there is little to be congratulated and puts the Plan at risk of legal challenge.

**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:



Date:

12/12/20

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

Name or Organisation:

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

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

Please tick as appropriate

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**The intent to put forward Barratt's Farm Balsall Common for housing development is seriously flawed.**

**The Plan does not comply with existing Solihull Plan 2013 Policy nor the NPPF.**

**The Plan does not comply with the requirements for sustainability.**

**The Plan does not meet the World Health Organisations (WHO) acceptable levels of noise:**

*'Railway noise depends primarily on the speed of the train.... The introduction of High Speed trains has created special noise problems with a sudden but not impulsive rises in noise especially when trains pass over bridges and other structures that cause amplification of noise. At speeds greater than 250Km/h the proportions of high frequency sound energy increase can be perceived as similar to that of overflying jet aircraft'.*

*'When there are distinct events to the noise such as with aircraft or railway noise measures of the individual events should be obtained using, for example, Maximum Sound Levels and Sound Exposure Levels, in addition to average measurement'.*

The negative and health damaging effects of noise is cumulative. High Speed2 trains will pass many times an hour. Sadly, the true number of trains per hour remains a mystery and yet to be defined; it was originally one every 4 minutes throughout the day and late into the night.

The design of the track, the rolling stock and pantographs is yet to be agreed. How, therefore, can HS2 Ltd give true assessments of levels of noise? All assessments to date are guesstimates.

How can SMBC commit to building houses adjacent to the High Speed Rail line where levels of damaging and incessant noise will be part of day to day life?

How can SMBC propose to build a Junior School and Nursery adjacent to the line within the noise parameters/contours where noise levels will exceed acceptable WHO Guidelines.

HS2 Ltd have constantly and wilfully underestimated the risks to health, safety and wellbeing of those residents living with constant noise from HS2.

Additionally, the track noise and noise from the pantographs adds vastly to each individual event.

*I quote from an WHO/Europe report:*

*'Noise has emerged as a leading environmental nuisance'*

*'Children chronically exposed to loud noise show impairment in attention, memory problem solving ability and the acquisition of reading skills.'*

Balsall Common already deals with overflying aircraft and the existing noise from trains on the West Coast Mainline.

Solihull's willingness to expose Junior and Nursery age children to sudden and constant noise spike events throughout the day and well into the night is staggering?

In providing outdoor space/playground where 24/7 noise is a health damaging issue ensures an 'unusable' playground facility.

Building a school on the proposed Barrett's Farm estate is an unacceptable health, safety and wellbeing issue.

HS2 Ltd took part in an exhibition called 'the Science of Speed' in 2014 where



'critical velocity' and 'Rayleigh Wave Phenomena' were explored and serious issues surrounding high speed trains could be resolved.

*'A heavy train running on rails at speeds approaching the speed that vibration waves travel through the track, infrastructure and ground, will set up pressure and vibration waves which are analogous to a sonic boom'.*

The Plan has failed to consider any of the above and has not demonstrated any understanding of the health problems noise from HS2 will cause families and children living or attending school on the proposed Barratt's Farm estate.

The dangerous and cumulative effects of living 24/7 with excess and cumulative noise from HS2 on children, young people and their families, young people and their families cannot be mitigated against.

HS2 Ltd have never been open and transparent on the true levels of noise that will be created by High Speed Two; they have failed to produce honest or believable data. They have constantly and erroneously underestimated the true levels of noise and overestimated the effectiveness of mitigation measures. They have failed to admit to the dangerous and cumulative health damaging effects.

The unsoundness of the Solihull Plan is demonstrated by the proposal to build a housing development and SCHOOL on Barratt's Farm Balsall Common.

The Plan is dangerously and unequivocally flawed.

Worryingly and unbelievably, SMBC acknowledges the presence of significant noise issues and suggests that increasing the density of houses on parts of Barratt's Farm will act as a noise barrier for others. The need for noise insulation and air conditioning breaches NPPF Policy and Solihull's own Policy P9 for net zero carbon construction.

In addition, the Solihull Plan proposal to access the proposed Barratt's Farm estate by building a 'Relief Road/By-Pass' using Hall Meadow Road is equally and unequivocally flawed.

The proposal to build a major by-pass on Hall Meadow Road, a residential, single carriage way road, combined with all the associated dangerous and life limiting vehicle emission pollution (PM10, PM2.5 and smaller and NO2) is dangerously flawed.

The proposed by-pass route runs directly alongside the much-used and popular Lavender Hall Park recreation area, and the Hornets football and cricket club.

The Plan wilfully proposes placing the health, safety and wellbeing of children and young people at risk from dangerous and life limiting vehicle emission pollution while they play in a recreation park or play football using a much loved multi-purpose sports facility.

The proposed 'Relief Road' road will impact negatively on the only useable two-way access between Berkswell Village and its Junior School and Berkswell Village and the Senior School in Balsall Common. In addition, access to the Health Centre, Village Centre and Berkswell Station will also be negatively impacted.

Worryingly SMBC also intend to approve the use of Hall Meadow Road as an HS2 Haul route during the construction of High Speed 2. The proposal to use Hall Meadow Road as a Relief Road is directly related (probably financially

incentivised) to the proposal to approve it as a haul route for High Speed2.

The loss of the Green Belt land on Barratt's Farm in an area to be blighted and polluted by the construction and operation of HS2 is unacceptable as is the irreplaceable loss of the ecosystems and rich biodiversity green belt land supports.

The loss of Green Belt land, trees and hedgerows is in direct opposition to combatting the Climate Crisis and the fight to ensure zero carbon is achieved by 2050

The sustainability of the proposed Barratt's Farm estate in relation to public transport is unacceptable with sporadic services and poor routing. Using public transport for commutes to work and school from outlying areas of Balsall Common and the other rural Borough areas is unviable. The convenient use of public transport to Coventry, Cannon Park, JLR, Fen End and Solihull are inconvenient, infrequent and unviable. Public transport in the area is unsustainable. SMBC showed the area as non-compliant as far as public transport is concerned.

Private car journeys for all daily journeys are an essential component of life in Balsall Common and Berkswell and the outlying rural areas of the Borough.

The Plan is unsound in relation to Balsall Common and the wider communities due to a failure on the part of Solihull to ensure that sustainability of vital facilities and infrastructure is maintained and the health, safety and wellbeing of affected residents is maintained as a priority within the substance of the Solihull Plan.

The Plan is not at present legally compliant.

The Plan fails in its duty to co-operate for the reasons as stated above.

The Council has failed, over too many years, to listen understand and react to the very real and legitimate concerns of their HS2 affected residents. Copious evidence is a matter of private and public record confirming all of the above.

(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.

**The Council should revisit their intent to build houses and a school on Barratt's Farm Balsall Common for the reasons as stated above.**

**The Council should revisit their intent to approve Hall Meadow Road as a Relief Road/By-Pass for the reasons as stated above.**

**The Council should revisit their intent to approve the use of Hall Meadow Road as a Haul Route during the construction of HS2 for the reasons as stated above.**

The communities of Berkswell and Balsall Common have petitioned for many years for mitigation against the construction of HS2 in the form of a Continuous Trace Line Haul Route.

HS2 Ltd, through local representatives gave residents the impression that they were treating the request with respect. However, latterly SMBC announced the proposal in partnership with HS2 Ltd that Hall Meadow Road was going to become the subject of a planning application (*outside the scope of the HS2 Act*) to be approved as a Haul Route with the associated daily disruption and dangerous and life limiting vehicle emission pollution. HS2 Ltd attempted to mitigate the effects by agreeing to Euro VI lorries but failed to recognise that small particle pollution remains a significant danger from degradation of brake pads and road surfaces which combined with air borne pollution from the construction sites and other HGV traffic ensures the levels of life limiting and debilitating small particle pollution will continue to negatively affect local communities during the 10+ years of construction.

**The Council should revisit the development of the Grange Farm proposal and the construction of a major Relief Road and useable By-Pass from the A452 to the South West of Balsall Common and onwards to JLR and the wider road and motorway networks road which would have a much lower negative impact on the health safety and wellbeing of existing residents and the existing infrastructure.**

**The Council should revisit and remove the proposed Barratt's Farm estate from the Plan in view of the lack of compliance and unsustainability.**

**The Council have demonstrated a lack of duty to co-operate in knowingly failing to provide sustainable development proposals within the Plan.**

**The Council have demonstrated a lack of duty to co-operate by signing agreements with HS2 Ltd, including a non-disclosure agreement, which eliminate their ability to act openly and transparently to secure the best possible local outcome for their affected residents and tax-payers. The Council's close relationship with HS2 Ltd should be revisited.**

**The Council have placed themselves into a Conflict of Interest and Conflict of Pecuniary Interest situation between Borough residents and HS2 Ltd who have wide ranging 'expectations of unreasonable co-operation' for the Service Level Benefits they pay to SMBC.**

(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

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

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I have considerable long-term knowledge, experience and history of participation in many of the issues mentioned above. Planning applications and issues associated with HS2 and SMBC have been particularly disappointing due to the Qualifying Authority Status and the Service Level Benefit Agreement signed by HS2 Ltd and SMBC. SMBC also signed a Non-Disclosure Agreement with HS2 Ltd in 2013. The far reaching and constrictive *expectations* those agreements bring to the planning processes makes open and transparent co-operation between SMBC and its affected residents impossible.

My involvement in attempting to mitigate the negative effects of HS2 for Borough residents and local communities are historic and well documented. I have been directly involved for approximately 8 years and to date.

It has been a thankless task with little or no success in gaining mitigation from HS2 Ltd or co-operation from SMBC.

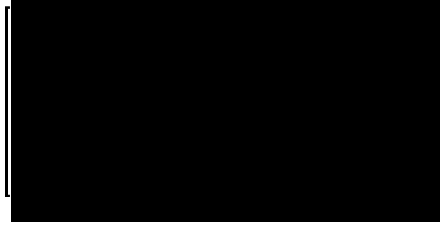
The non-compliance of duty to co-operate is coming to a head with the Plan proposals to approve Hall Meadow Road as an HS2 Haul Route which will become, as proposed in the Solihull Plan, an unsustainable access road into the proposed Barratt's Farm development and Relief Road/By-Pass of Balsall Common. This involves the inappropriate destruction and loss of precious and irreplaceable Green Belt land which adds to the Climate Crisis and breaches the Solihull Clean Air Strategy.

The proposed single lane Relief Road/By-Pass would massively increase and contribute to traffic congestion and grid-lock on the A452 and at pinch points along the proposed Relief Road/By-Pass ensuring HGV through traffic would **not** use the road as a viable alternative to the A452 trunk road.

**Solihull should revisit the previously proposed alternative housing development known as Grange Farm to the south-west of Balsall Common where a viable By-Pass for HGVs and other through traffic from the A452 to JLR and onwards to A46 and the Motorway network could be commissioned. A new By-Pass as described would cause little disruption to existing residents of Balsall Common with a development on Grange Farm providing a tranquil alternative to Barratt's Farm which is unsustainable and a health safety and welfare nightmare due to unacceptable and dangerous health damaging noise 24/7 from HS2.**

***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:



Date:

12/12/20

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

Name or Organisation:

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

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4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="No"/>
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Please tick as appropriate

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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.

This site should be removed from the Plan as it is totally unsustainable using the Council's own criteria; its inclusion is unsound and cannot justified. The site is within the Green Belt, the protected Meriden Gap and Arden landscape. It is an important wildlife site of National Ecological Significance.

The residents of Balsall Common proposed the site be developed as a Managed Open Space and a protected refuge for a diverse range of rare and protected species. Its use as an educational outdoor classroom for local children to explain the importance of conservation and preservation of an endangered and rich biodiverse habitat would be invaluable. The site, as a nature reserve, would also become an important local tourist attraction. It would be a protected and valued local asset for present and future generations to enjoy. The importance as a habitat for rare and endangered species and safe passage for wildlife moving freely within the north-south ecological corridor cannot be overstated.

The Site would also contribute to the serious shortfall in green space in Balsall

Common especially while the 10+ years of construction of HS2 will often preclude the safe enjoyment of Lavender Hall Park, the only other large recreational green space in Berkswell and Balsall Common.

The proposed site does not enjoy public transport and is outside the scope of most residents to walk or cycle to local schools, shops, facilities, the doctor's surgery or Berkswell Station.

The Council have resisted all attempts, by the local community and organisations, to come to a fair and appropriate decision on the removal of the Windmill Lane Site from the Solihull Plan. The use of the site as a Managed Open Space and protected nature reserve has received the support of residents, local politicians and countryside and wildlife organisations.

The Windmill Lane Site is adjacent and part of the protected rural setting of the Grade II\* Listed Berkswell Windmill. This heritage asset is a fully operational and Internationally acclaimed conserved and preserved windmill which forms a major asset alongside the proposed Managed Open Space Nature Reserve to form part of an outstanding educational setting and significant Tourist attraction.

**For all the reasons above:**

**Inclusion of the site in the Plan fails to meet ANY of the standards for sustainability.**

**The allocation of the Windmill Lane Site in the Plan is unsound, unsustainable and, therefore, not legally compliant.**

**The allocation does not comply with the duty of co-operation.**

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

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Site BC3 should be removed from the Solihull Plan in its entirety for the reasons as stated above. Solihull have breached their own rules for sustainability, clean air strategy and protection of the Green Belt, Meriden Gap and Arden landscape and have not listened to, or co-operated with, their residents.

The Site is completely unsustainable in every respect and breaches Solihull's own sustainability criteria.

The Site is a Green Belt site within the protected Meriden Gap and Arden Landscape which is of National strategic ecological importance.

The ecologically rich and irreplaceable habits and ecosystems support a biodiversity of species which should be conserved and protected for future generations.

The land, trees, hedges and vegetation also provide habitats that significantly support the fight against the Climate Crisis, including combating flooding events and assist in the drive towards net zero/ zero carbon by 2050 only 29 years away.

The site also helps supports Solihull's Clean Air Strategy.

**For the reasons above:**

**Remove Site BC3 from the Solihull Plan.**

**The Plan proposal for Site BC3 is unsound.**

**The Plan proposal is unsustainable.**

**The Plan proposal for Site BC3 is not legally compliant.**

**The Plan proposal for Site BC 3 does not comply with a duty to co-operate.**

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

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

☐

Yes

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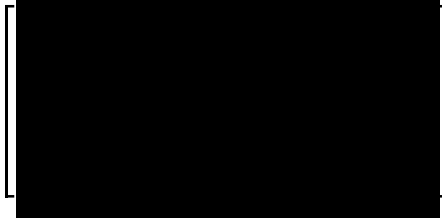
8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:



I can provide historical insight and both private evidence and evidence in the public domain.

**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:



Date:

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

Name or Organisation:

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

Paragraph

Policy

BL1

Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant

Yes

No

No

4.(2) Sound

Yes

No

No

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

Yes

No

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.

Site BL1 should be REMOVED from the Plan:

It is unsustainable as the proposed attempt to significantly mitigate against the unachievable confirms.

The site is surrounded by 9 local wildlife sites and ancient woodland. The proposed development will cause massive adverse effects on the rich ecologically important natural environment and associated ecosystems and the rich and rare biodiversity they support the loss of which is inconceivable.

The effects on the Climate Crisis, flooding and future aspirations for net zero/zero carbon by 2050 only 29 years away will be catastrophic.

**The proposals for site BL1 are unsustainable and, therefore, unsound.**

**The proposals breach Solihull's criteria for sustainability, Local Plan 2013 Policies and NPPF Policy. The proposals are not legally compliant.**

**The above has been shared with SMBC who have chosen to ignore and or breach their own criteria for sustainability and protection of ecologically rich and wildlife sites and biodiversity of special interest.**

**The Plan does not comply with the duty to co-operate for the reasons as stated above.**

(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.

**Site BL1 should be removed from the Plan for the reasons as stated above:**

**The proposals are unsound due to unsustainability, serious risk of escalating existing flooding events and the destruction of irreplaceable wildlife sites and ancient woodland. The adverse effects on the natural environment including vital supporting ecosystems and the loss of biodiversity of rare and endangered species it protects is unacceptable.**

**In breaching unsustainability criteria, the effects of the development on the Climate Crisis and increased risk of exacerbating existing flooding events, the Plan is not legally compliant.**

**Due to the above, the Plan fails to comply with the duty to co-operate.**

Alternative sites such as Arden Green are readily available for development in the area and are more sustainable, do not flood, have a lower Green Belt score and enjoy sustainable transport links.

Remove Site BL1 from the Plan.

(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

**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:

**Site BL1 should be removed from the Plan for the reasons as stated above:**

**The proposals are unsound due to unsustainability, serious risk of flooding and the destruction of irreplaceable wildlife sites and ancient woodland. The adverse effects on the natural environment and the biodiversity of rare and endangered species it protects is unacceptable.**

**In breaching unsustainability criteria, the effects of the development on the Climate Crisis and the risk of flooding the Plan is not legally compliant.**

**Due to the above, the Plan fails to comply with the duty of co-operation.**

Alternative sites such as Arden Green are readily available in the area that are more sustainable, do not flood, have a lower Green Belt score and enjoy sustainable transport links.

Evidence of continual and legitimate requests for the unsustainability of site BL1 to be recognised by SMBC have been ignored, as have pleas and lobbying by conservation organisations to prevent flooding and the destruction of important Green Belt land and ancient woodland, the loss of 9 wildlife habitats, ecosystems and rich biodiversity they support: all requests to remove the site from the Plan have been ignored.

***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:

A large black rectangular box used to redact the signature of the respondent.

Date:

12/12/20

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

Name or Organisation: Sheila Cooper

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

Paragraph	Policy	Policies Map
	<b>General Comment and Conclusion for the information of the Inspectorate</b>	

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

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In conclusion I wish to make the following formal comment in support of my Solihull Plan consultation response.

The entire Plan, as it stands, is unsound and unacceptable. The entire Plan requires dismantling and reworking with sensitivity to resident needs, sustainability, infrastructure and the protection of the environment with reference to the Climate Crisis and the fight for net zero/zero carbon by 2050 – in only 29 years' time

The whole ethos of the Plan is unequivocally flawed. It is driven by high-handedness and approved using coercive party-political argument and fear tactics when voicing the threat of probable legal interventions, by developers, if the Plan is not approved IMMEDIATELY and without further delay.

The Plan has, inexplicably, been 5 years in the making; a few more weeks to allow a truly democratic and informed consultation response from Borough residents whose lives will be affected by the Plan for years to come seems to be entirely reasonable from a local authority with a statutory duty of care to its residents and tax-payers.

At a Meeting of Cabinet on 01 October and at the Full Council Meeting on 06 October, 2020 the minimum legally allowable 6-week consultation period was approved. There followed an unexpected further Covid Pandemic lockdown in the Borough followed by an ongoing Tier 3 status; this prevented residents obtaining face to face clarity and advice on all aspects of the Plan. Virtual meetings and advice from SMBC without meaningful interaction or widespread advertising of the consultation ensured the whole process was biased in favour of SMBC. Furthermore, the demographics of many of the Borough residents was not recognised or taken into consideration. The failure to publicise the consultation adequately disadvantaged many groups of society.

The Plan was supposedly produced by adhering to the legal framework principles of positively prepared, justified, effective and consistent with NPPF Policies.

SMBC failed to meet the legal framework principles in most respects.

The Council should want and present the Plan as sound and, therefore, able to stand up to public and professional scrutiny and be democratically accountable.

**This Plan is unsound, undemocratic and unable to stand up to scrutiny.**

The Plan consists of many thousands of pages and is a stand-alone document not to be confused or compared with previously presented drafts. It is not, therefore, fair for the Leader of the Council to say residents have had many opportunities to respond to the Plan; this is a new and stand-alone document the publication of which was not advertised adequately or appropriately within the Borough especially during the constraints of the Covid Pandemic.

SMBC received many requests from individuals, councillors and organisations for an extension to the consultation period. I also petitioned for an extension. SMBC refused all requests to approve an extension to the minimum legally acceptable consultation period. A further virtual Full Council Meeting held on 08 December 2020 included a motion to extend the consultation period; the Motion was LOST following bad tempered and unreasonable interventions by the Leader and others.

I deputised at the Full Council Meeting 06 October 2020, through a third party only after a point of order was raised by Cllr McLoughlin after my computer link was 'cut' for the 5-minute duration of my proposed deputation. I sat through the entire Full Council Meeting held on 06 October 2020 when the Plan was approved to go to consultation.

The Plan is not legally compliant.

The Plan is unsound.

The Plan fails to comply with a duty to co-operate.

**The following important virtual Council Meetings have been recorded and archived and are available to view on the Council website:**

**Cabinet 01 October 2020** – The Minutes do not accurately represent the meeting; passage below is for comparison with the actual archived recording:

*'Cllr McLoughlin made a deputation setting out his concern regarding the length of the consultation period being the statutory minimum of 6 weeks during a pandemic and the need for the Local Plan in its final format be presented to Council for final approval prior to submission to the Secretary of State'.*

## **Full Council 06 October 2020**

## **Full Council 08 December 2020**

It is vital that the conduct and behaviours of certain councillors, during these meetings, is taken into consideration by the Inspectorate. Seeing is believing and understanding.

The deputations from individuals and the very real and legitimate concerns raised by many councillors are extremely telling and confirm omissions, out of date and flawed reports, and, last minute additions and, importantly, an absolute lack of willingness to co-operate in trying to make the plan sound. It was obvious the Plan was going to be approved for consultation come what may and in spite of its lack of soundness. There has been an application of indecent haste. One reason given to justify the haste was a fear of the reactions of developers quoting 'the risk of planning by appeal'; a nonsensical and inappropriate comment.

During the meetings, listed above, party politics and coercion sadly raised its ugly head. Inappropriate and unacceptable behaviours were clear for all to see and hear. Although virtual the meetings are public meeting with members of the public viewing on-line. Sadly, I believe sitting in the comfort of ones own home makes certain people forget their role and feel invincible.

I was constantly embarrassed watching the behaviours of certain councillors during the three+ hour meeting. The Leader was rude and bad tempered at best and coercive at worst. The behaviours exhibited were unprofessional and unacceptable. The Plan will impact the lives of Borough residents for years to come and should, therefore, deliver sustainable, climate friendly housing with as little damage and loss to the irreplaceable natural and rich environment as possible.

With respect, the meetings **should be watched to confirm and understand** the disquiet surrounding the Plan and all of the above. In some instances, the meeting on 06 October 2020 was deeply concerning and frankly unbelievable. A Plan that has taken 5 years to make should be delivered sound; this Plan is clearly NOT.

**The inaccurate ONS data/algorithm used to calculate projected housing need is under investigation by the ONS regulator. It has been clear for years that projected housing numbers are flawed.**

Removing and developing huge amounts of Green Belt land in the Borough for housing is against all criteria for sustainability, against National Policy, against NPPF Policy and against the fight against the Climate Crisis. The loss of carbon filtering green environments and the biodiversity they, and their ecosystems supports is denuding the Borough of its rural heart. The loss of permeable land additionally places land at the risk of significant flooding events; several proposed sites are already prone to flooding.

Green Belt land within the protected Meriden Gap and Arden landscape, an area of national strategic ecological importance, has been lost to the HS2 Interchange Station and proposed Arden Cross development. Every other part of it, however small, should, therefore be protected and conserved for future generations. Its future protection should be sacrosanct and not at the mercy of potential financial gain and the promise of 106 payments.

The area surrounding Balsall Common (Site B1 and BC3) is already at the mercy of HS2 with the destruction of green belt land, ancient woodland, hedgerows, pasture and ecosystems and the rich biodiversity of species they support. This includes damage to the SSSI The River Blythe, its active Flood Plain and the rare and endangered species the important habits support and protect.

Air quality and the carbon footprint of HS2 has not been monetised by HS2 Ltd. It is, therefore, the duty of the Solihull to co-operate to ensure the Plan is delivered legally compliant and sound. It must be open to transparent scrutiny and be democratically accountable.

**In its present form it is not legally compliant, it is unsound and does not comply with a duty to co-operate.**

The Plan fails to put Brownfield First according to sustainability criteria and National Policy. Sadly, the financial cost of developing Brownfield sites does not produce enthusiasm from developers or the will in Solihull to explore the development of less profitable Brownfield sites.

The Plan is unsound and fails scrutiny and unaccountable by failing to bring forward Brownfield Sites for development. The Plan breaches National and local Brownfield First Policy.

The Plan fails to attempt to maximise the potential for housing, including sustainable and net zero/zero carbon construction of affordable and social housing at the proposed Arden Cross development on land already taken out of the Green Belt due to compliance with HS2 Ltd or within the Solihull Centre Masterplan where true sustainability for residents is easy to satisfy.

The Plan takes the easy and more profitable route by proposing development on Green Belt and green field sites; those loved of by developers because of higher profit margins and ease of site development together with financially speculative planning applications for windfall site development on inappropriate sites in inappropriate locations. Loss of Green Belt land to appease developers does not stand up to scrutiny or democratic accountability.

**The Plan is unjustifiable and inconsistent with NPPF Policy. It is also inconsistent with Solihull Plan Policy 2013.**

**The Plan will not stand up to scrutiny or democratic accountability.**

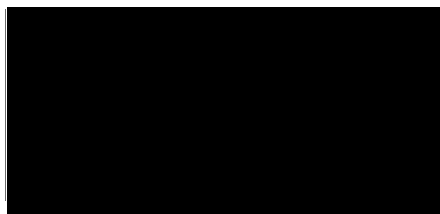
**In conclusion:**

**The Plan is unsound**

**The Plan is not legally compliant**

**The Plan does not comply with the duty to co-operate.**





12 December 2020.

**Sheila Cooper**



(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

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

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I am prepared to be robust but from a position of sound evidence. I bring forward experience and knowledge gained over many years while attempting to mitigate the negative effects of inappropriate development commenting on local planning applications. I also have experienced a long-term relationship with HS2 while attempting to mitigate against the devastating effects of the project on the ecology, biodiversity and natural environment for affected residents. I petitioned the House of Commons and House of Lords HS2 Select Committee and have notched up 8 years of experience.

I regularly deputise in Solihull.

**Although responding as an individual in this instance,** for transparency, I declare I sit on the Planning Committee for CPRE Warwickshire and comment regularly, on their behalf in Solihull, on planning matters in the south-east of the Borough and on issues much further afield.

I feel particularly aggrieved by the lack of duty of care and failure to comply with a duty to co-operate by SMBC while bringing this Plan to the pre-inspectorate consultation during the Covid Pandemic.

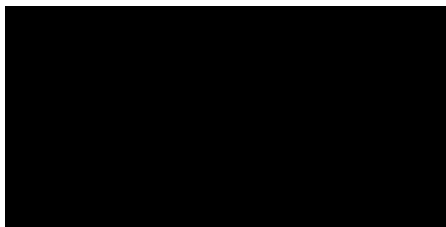
I am bitterly disappointed by inappropriate behaviours and the unwillingness, in Solihull, to make significant adjustments to enable the inexplicably delayed Plan to be published sound and legally compliant.

Lessons from past painful legal experiences do not appear to have been learnt.

I believe, in its present form, this Plan is wide open to legal challenge.

**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:

A large black rectangular box redacting the signature.

Date:

12/12/20

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

Name or Organisation: \_\_\_\_\_

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

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

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

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