



RESPONSE TO SOLIHULL LOCAL PLAN – PUBLICATION STAGE

chartered town planners



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**RTPI**

Chartered Town Planner

<b>OUR REF</b>	PPL.CHEB904JA
<b>POLICY REF</b>	Policy BL2 – Land south of Dog Kennel Lane
<b>DATE</b>	09/12/2020

## Introduction

Cheswick Green Parish Council (PC) has previously lodged a detailed and justified objection to the release of land south of Dog kennel Lane from the Green Belt for the purposes of housing, a school and associated infrastructure.

The PC have seen nothing in the Regulation 19 version of the plan that responds to or appeases the concerns that have been previously raised.

The PC remains of the view that the release of the site from the Green Belt does not accord with the requirements of national Green Belt policy set out in the NPPF.

The current version of the plan includes updated documents such as Concept Masterplans for each allocated site and information on matters such as flood risk.

The information that the Council has presented does not satisfactorily address matters that are of upmost importance to the PC such as traffic congestion, flood alleviation and the need for development such as the proposed school. The Council advocate that these matters will be resolved through planning applications that will be submitted for each allocated site.

The PC is of the view that it is not justified to proceed with the release of the land while there is no certainty in how matters of essential infrastructure will be resolved. The PC therefore considers that the release of the site cannot be justified on the level of information that has been provided.

Policy BL2 is therefore unsound and should be omitted from the publication stage version of the Local Plan.

The PC acknowledges that the Council has carried out the consultation duties that it is required to. However, we are of the view that the plan has been moved forward to the publication stage without sufficient information to fully assess the impact of policy BL2 on the surrounding area. Moreover, the publication version of the plan has been put out for consultation just as the consultation period on the Government's White Paper "Planning for the Future" concluded.

The publication stage of the plan has therefore commenced at a time of great uncertainty in the future of the Planning System.

The PC considers that the Council should have taken the approach of neighbouring authorities such

as Bromsgrove and held back the plan until more certainty was in the system.

Moreover, the PC has concerns regarding the accessibility of the Council's participation process. The way that comments can be lodged is not sympathetic to residents who are not used to using online services or who have no internet access. This could dissuade people who have quite legitimate concerns from contributing to the Local Plan process.

The PC requests that this response concerning the soundness of the plan is considered alongside the original objection that sets out legitimate objections to the methodology and soundness of policy that affects Cheswick Green and the surrounding area.

**Comments on the soundness of policy BL2 – Land South of Dog Kennel Lane**

The Council do not comply with NPPF policy concerning Green Belt boundaries. The PC would reiterate the objections that it has previously made on this matter.

The Council state that the land south of Dog Kennel Lane is a moderately performing area of Green Belt (Site Assessments 2020).

We would draw the Inspectors attention to the findings of the Green Belt Assessment 2016. This a background paper submitted with the plan. It confirms at Appendix G that the land included within policy BL2 is in fact an area of higher performing Green Belt land. The highest assessment score concerns the role that the land plays in preventing settlements merging into one another.

The land does have a moderate performance on some matters but, the overall conclusion is that it is a higher performing area of land that carries out an important Green Belt function.

The Council do not justify that the land is a moderately performing area of Green Belt.

Dog Kennel Lane is an established and permanent boundary feature. It provides a distinct separation between the built-up area and the Green Belt.

We have argued in the previous objection that the existing Green Belt boundary is consistent with NPPF policy but, the creation of a false boundary within site BL2 is not.

There is nothing in the updated evidence that changes our opinion on this matter. The information that is presented is vague.

Site BL2 does not have the permanent features that are required to define a Green Belt boundary. The reference in paragraph 609 of the plan to the introduction of an estate road to define the boundary with development only on the northern side does not give us confidence that development will stop at that point.

The introduction of one man made boundary could in all possibility result in pressure for the boundary to be moved again with more dwellings provided within the site.

The Inspector will note that large areas of land that are shown outside of site BL2 could become a target for further development.



There is a clear gap between existing development on Creynolds Lane that we are extremely concerned could be taken up by development. The land is shown on the image above.

The Green Belt Assessment 2016 identifies the importance that land south of Dog Kennel Lane plays in preventing settlements from merging into one another.

Land parcels RP63 – West of Creynolds Lane and RP65 – North of Cheswick Green are part of the area within site BL2.

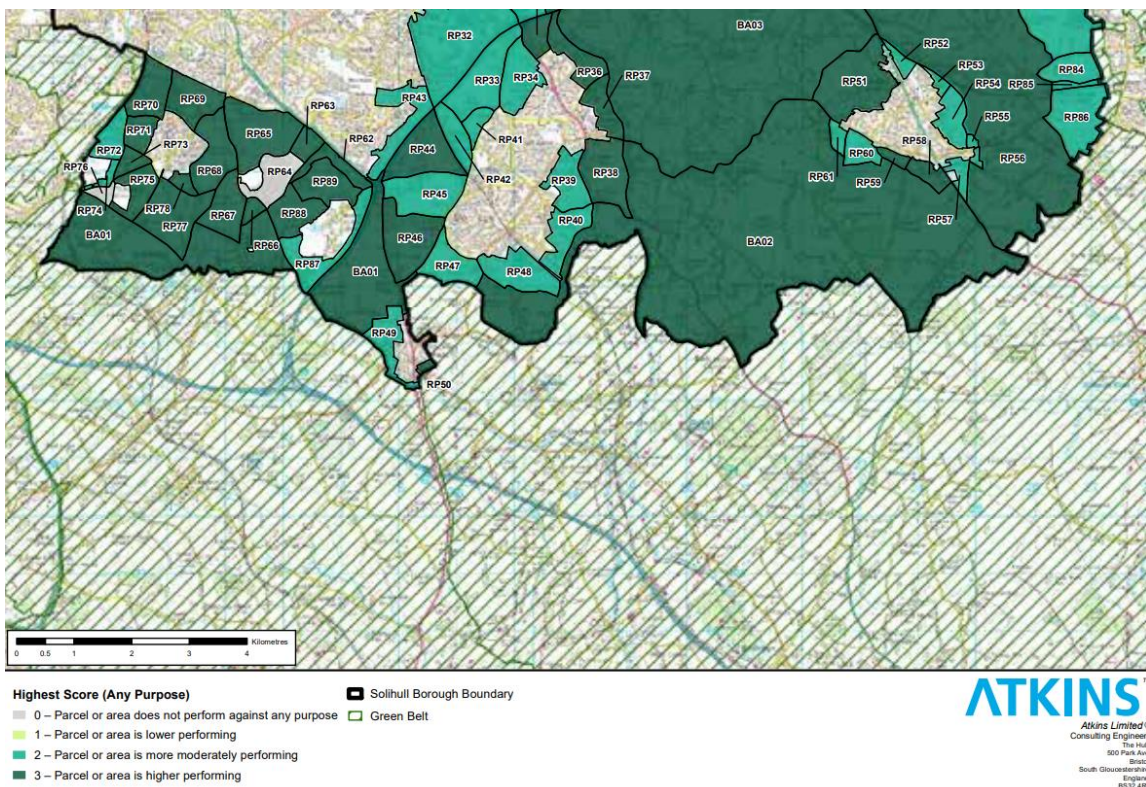


The methodology that is set out in the Green Belt Assessment confirms that land parcels with a score of 3 or more are higher performing while land with a score of 2 have a moderate performance.

Each plot of land was assessed on the following matters

1. Controlling the unrestricted sprawl of development.
2. Preventing neighbouring towns from merging into one another.
3. Protection of the countryside from encroachment and,
4. Protection of the setting of historic towns and landscapes.

The map at appendix G of the Green Belt Assessment confirms that land included in site BL2 is higher performing Green Belt land.



Land parcels RP63 and RP65 are coloured dark green which the key to the map confirms is an area of higher performing land.

Both parcels of land scored highly on point 2, prevention of neighbouring towns from merging into one another.

The land included in policy BL2 is not a moderately performing area of Green Belt. The evidence that the Council rely on in preparing the plan confirms that it is a highly performing area of Green Belt.

There is no justification in policy BL2 or the Concept Master Plan for the site that shows how land that is assessed as highly performing in the Green Belt by the 2016 Green Belt Assessment should now be demoted to a moderately performing area of land where development can be provided.

Furthermore paragraph 600 of the plan includes the following comments on the future of the Blythe area.

600. Given that the opportunities to develop on previously developed land in Blythe are extremely limited, Green Belt release will be required and a redefined Green Belt boundary will need to be established. In accordance with national planning policy, such boundaries should be defined clearly, using physical features that are readily recognisable and likely to be permanent. Sites that are close to the existing settlement or are / can be well-served by public transport will be preferable, subject to their performance against the purposes of including land Green Belt as supported in the Green Belt assessment and any other evidence base and constraints.

The reference to creating a Green Belt boundary that is only likely to be permanent gives us no surety that the boundary will be permanent and reinforces our major concern that development will encroach further into the site as time goes by.

The land around BL2 scores highest on the test of preventing towns and settlements from merging into one another.

This fundamental role of the Green Belt will be eroded and weakened if development is permitted to encroach beyond the existing permanent boundary that is designated by Dog Kennel Lane.

The creation of a boundary in an attempt to satisfy Green Belt policy leaves us with no confidence that the boundary will not simply be moved or reconfigured to allow further encroachment into the Green Belt.

The arguments used to support the release of the land cannot be justified on the evidence that is available and it is contrary to NPPF policy.

The PC's objection on Green Belts grounds does not change.

**Potential Flood Risk**

The PC's previous objection discusses the flood risk in the area and how the development of the site could worsen the situation for existing residents.

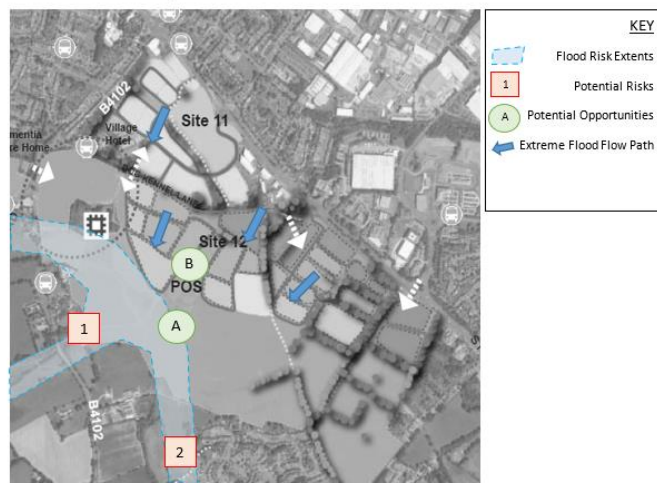
Policy BL2 and the updated evidence put forward by the Council gives no such assurance.

Indent iii of part 3 of the policy simply refers flood alleviation as a "likely" infrastructure requirement.

- 3. Likely infrastructure requirements will include:
  - i. New 2-form primary school and early years;
  - ii. Developer contributions to primary care health services in the vicinity and appropriate UHB secondary care services in the wider CCG catchment.
  - iii. Flood alleviation measures in the form of above ground SUDs features and potential betterment for the Mount Brook tributary of the River Blythe;

The updated 2020 Flood Risk Assessment acknowledges the existing flood risk.

Site 12: Land South of Dog Kennel Lane



**Overview**

This area is particularly sensitive to flood risk with a large number of historic incidents occurring within the site and adjacent areas. Reference to the emerging L2 SFRA confirms fluvial and surface water flood risks are present along the route of the Mount Brook within the site boundary.

Any development at this location will need careful design consideration to the opportunities to reduce flood risk downstream.

Risks	Opportunities
<p>1. The current flood risk associated with the Mount Brook massing through the site are well known however there remains some uncertainty as to the full extents of fluvial flooding at this location.</p> <p>2. Flood risk to the existing area of Cheswick Green is already a significant concern and something that the Lead Local Flood Authority are reviewing to understand what opportunities are available for improvement. Any development at this location could exacerbate this issue if not appropriately managed.</p>	<p>A. This scheme has the opportunity to provide significant flood alleviation to downstream areas of Cheswick Green which should be a requirement of any application at this location, supported by detailed flood modelling.</p> <p>B. Quantum of open space available within the proposed allocation lends itself to a high quality, fully integrated <u>SUDS</u> scheme which can offer maximised multi-functional benefits and ensure extreme flood flow paths are not impeded</p>

The Council has had sufficient time to consider the comments that have been put forward and come up with solutions or recommendations that would give the residents of the area some surety that flooding issues in the area will be addressed.

The PC and residents of the area require certainty that their homes will not be at greater risk of flooding if the site is developed.

The evidence that is used by the Council to support the development of the site acknowledges the flood risk that exists in the area and identifies that there is a need to address the flooding problems.

However, there is no guidance on how the flood risk will be alleviated in the Council’s evidence other than reference to the creation of a Suds Scheme in policy BL2 and the 2020 Flood Risk Assessment.

The 2020 Concept Masterplan for the site also only refers to new development having regard to flood risk in the area.

The Council are relying totally on the details being brought forward through the planning application process as part of a scheme of developer contributions.

We consider that further evidence should be brought forward now to enable a proper consideration of the flood risk and how it can be mitigated.



The reliance on the planning application process to establish details of how flood mitigation will be achieved is not satisfactory. The principle of developing the land would have been established by that point. The presumption will be that the site is developable without the surety that flooding issues can be properly addressed.

The flood risk issues have there not been properly justified and the PC maintains its objection in this respect.

### **Traffic Issues**

The PC raised concerns over the existing and future levels of traffic congestion in the area as part of the previous objection.

The PC carried out its own survey and provided photographs of traffic congestion levels in the area.

The Council's updated Transportation Study has not taken into account the previous comments that were put forward and there is no evidence provided to address our concerns that the existing traffic congestion issues in the area will be resolved.

The plan does not respond to the objections that have been previously submitted.

Site BL2 is substantial with up to 1000 dwellings and a 2-form primary school with early years facility proposed.

The potential traffic generation and movements associated with the site are significant. Yet, the Council's updated 2020 Transportation Study Evidence does not include a Transport Study for the site whereas the 2020 evidence does include Transport Studies for Knowle and Balsall Common.

We consider that the Council does not have sufficient evidence on transport issues to come to an informed decision on the implications that the development of the site will have on traffic and movement within the area.

Policy BL2 is not therefore justified on highways and movement grounds.

**Heritage and Landscape**

The updated evidence does not provide the necessary clarity to assess how the development of the site could affect heritage assets and the landscape within the area.

The PC has raised this issue in its previous objection.

The updated evidence that is presented by the Council remains vague.

Policy BL2 includes the following criteria

Policy BL2 - South of Dog Kennel Lane	
1.	The site is allocated for 1,000 dwellings
2.	Development of the site should be broadly consistent with the principles as shown in the concept masterplan below, which include: <ul style="list-style-type: none"> <li>i. Respecting the setting of the Grade II Listed Light Hall Farm. Development should be set back from the immediate locality to avoid harm. Only if harm cannot be avoided should mitigation be considered, and then it should be fully justified and demonstrated to be successful in reducing harm;</li> </ul>

The 2020 Concept Master Plan for the site includes the following comments

Development should avoid encroaching upon the setting of listed buildings, and if it does so, exception design quality together with full regard for context would be necessary and expected.

Opportunities to maximise tree and woodland planting should be considered across the sites.

The policy and the Concept Master Plan both build in a fall-back position that could allow development that is harmful to the heritage asset.

We understand that the Concept Master Plan for the area is an indicative plan that is subject to change. However, there should be enough certainty within that plan that development of all kinds can be carried out without harming the setting and character of the heritage asset. It is for this reason that certainty on matters such as the location and design of flood mitigation development

should be included within the Concept Master Plan.

The PC maintains the previous objection it has made on this point and considers that insufficient evidence has been put forward to justify development that could have a detrimental impact on a heritage asset and the surrounding environment.

It should also be noted that an underground Nuclear Monitoring Station lies within the site.

The structure is not listed as a heritage asset. However, its importance to the history of the area should not be underestimated.

The structure is part of a monitoring system that would have been used in the event of a nuclear attack. It is therefore an important relic from the Cold War period.

The structure is underground and would have accommodated up to three military staff who would have been stationed at the site to assess and report on the after effects of a nuclear attack.

The structure is in a poor condition and is at risk of being lost.

The structure should be preserved as a reference to the uncertain times that followed the end of WWII up to the mid-1980s.

A photograph of what remains of the structure is set out below



## Distribution of Development

The PC has previously raised concerns over the distribution of development within the borough.

The amount of development that has been previously approved and is now promoted within the Blythe area is disproportionate to other parts of the borough.

We have great concerns that the provision of a further 1000 homes within the area is not sustainable and will place increased demand on existing local services.

Policies P7 and P8 of the publication version of the Local Plan advocate ease of travel, reducing the need to travel and reducing congestion.

Site BL2 is some distance from development that is taking place within the borough associated with national infrastructure projects such as HS2 and major employers in the area such as Jaguar Land Rover.

The site is relatively close to junction 4 of the M42 but, the proximity of the site to the motorway and its displacement from major employment areas are major concerns. We feel that the site will not be sustainable and will encourage car journeys to places of work whether they are in the borough or further afield.

This will of course exacerbate existing traffic issues in the area.

The location of the site goes against the sustainable transport targets set out in policies P7 and P8. The development of site BL2 with 1000 new homes cannot therefore be justified against the travel and ease of access policies that are included within the publication draft of the Local Plan.

We also question the justification to locate a new school within site BL2.

The traffic and congestion issues that we have referred to elsewhere in this statement will be worsened by the added pressure of the general comings and goings associated with a primary school and nursery.

The 2020 Concept Master Plan for the site shows the school on the edge of the site adjacent to the Green Belt boundary that will be created. Our previous comments concerning the performance of the land in the Green Belt demonstrate that a school and its associated development will have a

harmful impact on the purposes of including land in the Green Belt alongside the issues that are raised concerning the sustainability, connectivity and accessibility of the site.

There appears to have been no consideration given to the possibility of locating the school in an area that is outside of the Green Belt. The school could for instance be located within the Blythe Valley site which includes residential and commercial development or within the development boundary around Hockley Heath. There are, in real terms, suitable alternatives to site a school that would not require the release of Green Belt land.

### Conclusion

The Parish Council has submitted a detailed objection to the release of site BL2 from the Green Belt for residential development and a school/nursery.

It is clear from the publication draft of the Local Plan that the objections have been dismissed by the Council and, there is no new evidence that has been presented to justify the removal of land from the Green Belt that the Council's Green Belt Assessment 2016 rates as highly performing.

The land is rated as performing highly for the purpose of preventing towns and settlements from merging into one another.

The Council rate the land for the purposes of its release from the Green Belt as moderately performing despite the findings of the Green Belt Assessment 2016.

There is an existing and permanent Green Belt formed by Dog Kennel Lane. The Council propose to bypass this existing feature and create a new boundary. It is suggested that an estate road would fulfil this purpose.

Paragraph 139 indent F of the NPPF confirms that Green Belt boundaries should be defined by recognisable features that are likely to be permanent.

The policy does not specifically state that a feature must be existing but, we are extremely concerned that the creation of a boundary as proposed by the Council does not have the permanence of the existing boundary and could be open to amendment and movement as time goes by.

The release of the site from the Green Belt is not in accordance with national planning policy and



cannot therefore be justified.

The Council has not addressed the issues that have been previously raised concerning flood risk and flood mitigation measures.

The evidence used by the Council acknowledges that there is a flood risk in the area but provides no clarification of what type of mitigation will be used.

Policy BL2 uses the phrase that flood alleviation will be a likely requirement of development proposals rather than it being essential.

There is a complete reliance on the planning application process to determine the type and extent of any flood alleviation measures.

The land will have been released from the Green Belt by that point placing a presumption in favour of development with no surety that appropriate flood mitigation will be provided.

The Parish Council has previously raised concerns over the traffic levels and congestion within the area at the present time. The original objection includes details of the existing situation including photographs of traffic congestion in the area.

Policy BL2 proposes up to 1000 homes and a school/nursery that will add to the existing traffic levels in the area.

Yet, the Council has not produced a Transport Study for the site as has been done for development in Knowle and Balsall Common.

The Council has not therefore provided justification that the development of the site will be acceptable in traffic and infrastructure terms.

The site is also some distance from existing and emerging employment areas placing more emphasis on the use of unsustainable transport options in conflict with policies P7 and P8 of the publication draft Local Plan.

This also brings into question the distribution of development in the area which has been unfairly stacked towards the Blythe area.

Policy BL2 and the 2020 Concept Master Plan for the site do not provide the required level of surety that local heritage assets will be properly protected.

We have fully considered policy BL2 of the plan and the evidence used to support it.

The release of the land from the Green Belt for development is not justified and does not comply with NPPF policy.

Policy BL2 is therefore not sound and we request that it is removed from the emerging Local Plan.