



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

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* | 2. Agent's Details (if applicable) |
|----------------------------------|--|------------------------------------|
| | <i>*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.</i> | |
| Title | Mr | Mr |
| First Name | Michael | Richard |
| Last Name | Hunter | Cooke |
| Job Title (where relevant) | | Associate Director |
| Organisation (where relevant) | | Marrons Planning |
| Address Line 1 | | Bridgeway House |
| Line 2 | | Bridgeway |
| Line 3 | | Stratford upon Avon |
| Line 4 | | |
| Post Code | | CV37 6YX |
| Telephone Number | | [REDACTED] |
| E-mail Address | | [REDACTED] |

(where relevant)

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

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.

Please see attached paper.

(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 attached paper.

(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:

To explain the representations made, and respond to any further information.

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:

Richard Cooke

Date:

13/12/2020

1. The following representations are made in response to the Solihull Local Plan – Draft Submission Plan (October 2020) on behalf of our client, Mr. Michael Hunter. The comments relate to the draft allocation of land to the west of Dickens Heath for residential development. They should be read alongside the submitted representations form.

Policy BL1 (West of Dickens Heath)

Question 5

2. Objection is made to draft Policy BL1 on the grounds that it is not justified, effective or consistent with national policy. The draft allocation would remove an area of higher performing Green Belt, and impact on an area of landscape that is particularly sensitive to change. Alternative locations are better able to accommodate this development. The proposed allocation does not contribute to an effective local plan strategy, because it is unable to mitigate the significant loss of sports pitches and is therefore not deliverable.

Impact on the Green Belt

3. The 2016 Green Belt Assessment identifies land to the south of Tythe Barn Lane as Green Belt Parcel RP71.
4. The Green Belt parcel performs highly in terms of checking the unrestricted sprawl of large built up areas; and preventing neighbouring towns from merging into one another. It also makes an important contribution in safeguarding the countryside from encroachment.
5. As such, the draft allocation would affect one of the higher performing Green Belt parcels in the Borough. Removing this parcel of land from the Green Belt for development would take out the remaining separation between Dickens Heath and the hamlet of Whitlocks End, so that Whitlocks End would no longer be recognised as a distinct place. It would also reduce the sense of separation between Dickens Heath and Major's Green and Trueman's Heath.
6. The site makes an important contribution to the Green Belt and is higher performing in key areas. Having regard to the evidence base, the draft local plan should release lower performing areas of Green Belt for development first.

Accessibility

7. The draft allocation relates poorly to the existing settlement of Dickens Heath. In particular, site-specific constraints present along the eastern boundary of the southern section make it difficult to integrate with the new community. The absence of appropriate pedestrian and cycle links with the existing built up area limits the opportunity to create a sustainable development, and will have consequences for traffic generation within Dickens Heath village where parking is limited.
8. The draft local plan includes a requirement for “convenient links” from the draft allocation, including pedestrian and cycle connectivity towards Dickens Heath. However, the presence of Local Wildlife Sites (LWS) along the eastern boundary of the site mean that pedestrian and cycle links are not appropriate.
9. As both a LWS and ancient woodland, Tyburn Coppice is a particular constraint. The NPPF makes clear that ancient woodland is “irreplaceable habitat” and that development resulting in its loss or deterioration should be resisted. It is important that the ancient woodland is both retained and protected from development.
10. The 2017 Ecology Assessment recommends a wooded buffer of 30m and fencing between any future built development and the ancient woodland. This is to protect against ‘intrusion activities’ including public use, which would preclude any pedestrian or cycle links from utilising this space.
11. Any pedestrian or cycle links to Dickens Heath and the village centre would therefore need to utilise Tythe Barn Lane and Birchy Leasowes Lane. This includes access to the school located to the east of the site. Both roads are narrow and require significant changes to safely accommodate pedestrians, cyclists and public transport. Any such works are likely to be constrained by adjoining development and ecology designations. They would impact on the character of the individual roads and their contribution to the character of the wider area.
12. Public transport and safe pedestrian and cycle links are important in integrating new housing development with established areas. The on-site constraints and reliance on Tythe Barn Lane and Birchy Leasowes Lane for all forms of transport mean that this is not possible to achieve a fully integrated and sustainable development at this location.

Biodiversity

13. The draft allocation has been carefully drawn to avoid designated environmental sites in the local area. However, it remains the case that Local Wildlife Sites (LWSs) are present at the northern, eastern and western boundaries of the draft allocation south of Tythe Barn Lane. The LWS at the eastern boundary (Little Tyburn Coppice) is designated Ancient Woodland and so is of significant value.
14. Development associated with the draft allocation risks interrupting the connectivity between these important wildlife sites, by introducing built development on land that is currently undeveloped. This land currently acts as a stepping-stone between the designated sites for protected and other species. Therefore, the draft allocation is potentially detrimental to local wildlife.
15. Whilst the local plan suggests the allocation will enhance the ecological sites, it is not clear how this will be achieved, other than through improved management. Any benefits that accrue through the 'positive management' of these areas needs to be considered against the increased visitor pressure resulting from the homes constructed adjacent to them, which given the number of homes proposed, could be significant.

Landscape Character and Setting of the Village

16. The draft allocation is for a significant number of homes that will inevitably affect the rural character of the site and local area. The evidence base regards the local area as particularly vulnerable to change and assesses other locations as less susceptible.
17. The Landscape Character Assessment (LCA) identifies the area around Dickens Heath as forming part of Landscape Character Area 2 (Southern Countryside). The LCA describes the character area as an attractive rural landscape containing valued characteristics. These include Local Wildlife Sites and ancient woodlands, which the LCA identifies as a key part of the rural landscape.
18. The LCA judges the landscape value of the area to be 'medium', and its visual sensitivity is 'high'. Its overall conclusion is that the capacity of the landscape to accommodate new development is considered 'Very Low'. The LCA advises that the area is likely to be able to accommodate only "*...very restricted areas of new development, which would need to be of an appropriate type, scale and form, in*

keeping with the existing character and local distinctiveness of the area” (LCA, page 25).

19. At some 350 new homes, the scale of the draft allocation provides for a significant scale of development that would not be in keeping with the existing character of the area. Proposed highway improvements to Tilehouse Lane, Tythe Barn Lane and potentially Birchy Leasowes Lane would also affect the surrounding roads, which the LCA says contribute to the area’s largely rural and enclosed character.
20. The NPPF states that developments should be sympathetic to local character and to the landscape setting. Given the sensitive nature of the local landscape, the draft allocation would have a significant effect on the local setting. The local plan should focus new development on those areas of the Borough where the landscape can better accommodate change.

Loss of Sports Pitches

21. It is clear from the draft local plan and supporting evidence that the local plan is not able to mitigate the significant loss of sports pitches caused by development of the draft allocation. This is contrary to national planning policy and means the draft allocation is not deliverable.
22. The NPPF (paragraph 92) makes clear that local plans should aim to achieve healthy, inclusive and safe places, which (amongst other things) enable and support healthy lifestyles through the provision of safe and accessible green infrastructure and sports facilities. Further, the Framework (paragraph 97) states that existing sports and recreational buildings and land should not be built upon, unless they are evidenced as surplus to requirements; or the loss would be replaced by equivalent or better provision terms of quantity and quality in a suitable location.
23. The part of the draft allocation to the south of Tythe Barn Lane contains a number of existing sports pitches that are well used by the local community. The local teams utilising them include Highgate Football Club, Leafield Football Club and Old Yardleians Rugby Club. The concept masterplan shows that all of the existing sports pitches would be affected by development of the draft allocation.

24. The draft local plan recognises that the on-site constraints mean it is not possible to re-provide the lost sports pitches as part of a future housing development. The draft allocation would therefore have a significant negative impact on the sports pitches and they could only be re-provided in a different location.
25. Whilst the requirement to relocate existing sports provision features throughout the draft policy, the policy as drafted does not provide any certainty about their re-provision. The cabinet papers included in the evidence base indicate the Council is seeking to provide sports hubs, to mitigate lost capacity from the draft local plan allocations as a whole. However, work to deliver the sports hubs as mitigation is at a very early stage.
26. The Council has determined that it does not have the necessary land and site search work has only recently been commissioned. Unlike the other draft allocations, the site-specific constraints for the draft allocation, including hedgerows, mean it is not possible to accommodate any sports pitch provision on the developed site. This means that a quantitative loss cannot even be offset through qualitative improvements
27. The evidence base indicates that the Council's search for the sports hubs include areas away from established settlements. Not only would locating the sports hubs in these locations further impact on the designated Green Belt, it would increase the need for users to travel in order to use them. Less convenient locations away from the settlement will restrict access by the community and not comply with the national policy requirement for them to be in a suitable location.
28. The site constraints prevent re-provision of sports pitches on site, and there is no certainty around the planned sports hubs as mitigation. With no clear mitigation identified, the draft allocation is not deliverable. It would therefore, not contribute to an effective local plan strategy. The draft local plan should prioritise housing sites with no impact on existing sports pitch provision, or where the impact of development can be mitigated.

Question 6

29. The draft Local Plan should be amended to remove policy BL1 Dickens Heath and the draft allocation.