



## Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this representation relates:

Local Plan Review

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*	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	Ms
First Name	Sue
Last Name	Green
Job Title (where relevant)	Local Plans Manager
Organisation (where relevant)	Home Builders Federation
Address Line 1	c/o 80 Needlers End Lane
Line 2	Balsall Common
Line 3	Warwickshire
Line 4	
Post Code	CV7 7AB
Telephone Number	
E-mail Address (where relevant)	

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

Name or Organisation: HBF

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

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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### Policy P10 : Natural Environment

**Bullet Points 8 & 9** require development to demonstrate a biodiversity net gain of at least 10% is provided in situ.

It is the HBF's opinion that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go further. The Government will use the DEFRA Biodiversity Metric to measure changes to biodiversity under net gain requirements established in the Environment Bill. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays. The Council should not specify a requirement above 10%. The prefix "at least" should be deleted.

Under **Bullet Point 12**, enhancements should be undertaken either on the site, or in its vicinity, but where it is clearly justified that this is not possible, biodiversity offsetting, in alternative strategic locations within the Borough's ecological or green infrastructure network, may be considered as a last resort.

The Council's approach is not consistent with proposals in the Environment Bill. The Environment Bill will make provision for local decision makers to agree biodiversity net gain plans with developers. Where offsite compensation is required, Councils will be able to review developers plans to deliver compensation through local habitat creation projects. Where suitable local projects are not available, there will be the option for investment in nationally strategic habitats. The Government will make provision for statutory biodiversity units in the Environment Bill, which will be purchasable at a set standard cost. This approach will allow Councils, landowners and organisations to set up habitat compensation schemes locally, where they wish to do so, where this is not the case, the Government will provide a last-resort supply of biodiversity units. The Government's proposals for statutory biodiversity units will provide a recourse for developers and Councils, where local habitat compensation schemes are not available, therefore preventing delays to development.

There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that net gain does not prevent, delay or reduce housing delivery. The Council's viability assessment assumes that the cost of biodiversity net gain is incorporated into S106 contributions of £6,500 - £10,000 per dwelling. This is considered to significantly under-estimate costs. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 14 : Net Gain Delivery Costs (Residential) sets out regional costs (based on 2017 prices) in West Midlands of £18,527 per hectare of development based on a central estimate but there are significant increases in costs to £63,725 per hectare for off-site delivery under Scenario C. There may also be an impact on gross / net site acreage ratio, which is not considered in the Council's viability assessment. Before the Local plan is submitted for examination, the Council should undertake further viability testing.

In the Environment Bill, the Government will make provision to set a transition period of two years. The Government will work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, and will provide clear and timely guidance on understanding what will be required and when.

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**Policy P10** should be modified to align with the Environment Bill. The Council should not specify a requirement above 10%. The prefix “at least” should be deleted. Before the Local plan is submitted for examination, the Council should undertake further viability testing. There should be a transition period.

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### **Policy P11 : Water and Flood Risk Management**

**Bullet Point (3)** requires all new development to meet the optional water efficiency standard of 110 litres per person per day.

Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the NPPG. The NPPG states that where there is a “*clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day*” (ID : 56-014-20150327). The NPPG also states the “*it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement*” (ID : 56-015-20150327).

The Council’s Water Cycle Study 2017 undertaken in consultation with the Environment Agency and Severn Trent Water, demonstrates that the level of proposed development is capable of being delivered without significant water and sewerage infrastructure improvements. The study recommends adoption of the optional higher standard of water efficiency because Solihull is identified as an area of moderate water stress.

Furthermore, the additional cost for the optional water efficiency standard is explicitly excluded from the Council’s viability assessment. The cost of the optional water efficiency standard cost may be minimal but it should be included

so that the Council assesses the cumulative impact of compliance with all policy requirements set out in the Local Plan.

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In the absence of robust evidence of need and the lack of viability testing, the HBF object to **Bullet Point 3** of **Policy P11** for adoption of the optional water efficiency standard, which should be deleted.

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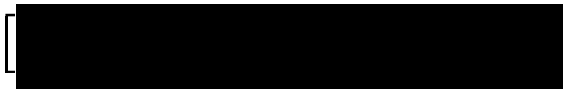
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### Policy P14A : Digital Infrastructure and Telecommunications

Under **Bullet Point 4**, residential development proposals will be expected to include provision for on-site Ultrafast broadband infrastructure to enable connectivity to wider networks. Such infrastructure should be designed and installed as an integral part of the development to ensure that properties and premises are constructed and occupied with connections readily available. Infrastructure (such as ducting for cables) should be future proofed to enable cable upgrades and minimise future disturbance during maintenance.

The Council should not impose new electronic communications requirements beyond the provision of infrastructure as set out in statutory Building Regulations. In the Budget (11<sup>th</sup> March 2020), the Government confirmed future legislation to ensure that new build homes are built with gigabit-capable broadband. The Government will amend Part R “Physical Infrastructure for High Speed Electronic Communications Networks” of the Building Regulations 2010 to place obligations on housing developers to work with network operators to

install gigabit broadband, where this can be done within a commercial cost cap. The Department for Culture, Media and Sport (DCMS) has outlined its intentions on the practical workings of this policy, which will apply to all to new builds. Any type of technology may be used, which is able to provide speeds of over 1000 Mbps. All new build developments will be equipped with the physical infrastructure to support gigabit-capable connections from more than one network operator.

The HBF also note that in the supporting text that the Council is expecting “occupiers to secure direct connections from the moment they move in” (para 384) and “residents are able to access high speed broadband when they move into new developments” (para 385). The Council should acknowledge that these expectations are beyond the control of developers. Service delivery is the responsible of service providers.

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**Bullet Point 4** is unnecessary because of the Government’s proposed changes to Part R of the Building Regulations. **Bullet Point 4** should be deleted from **Policy P14A**.

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### Policy P15 : Securing Design Quality

Under **Bullet Point 3**, all residential development proposals shall demonstrate how they meet Building for Life 12, or its equivalent.

The Council should note that Building for Life 12 has been superseded by Building for a Healthy Life. The HBF is supportive of the use of best practice guidance. The Council should signpost such guidance in its supporting text

however the use of guidance should remain voluntary rather than becoming a mandatory policy requirement.

Under **Bullet Point 4**, all developments should comply with the urban design principles set out in established current design guidance, including at present; The National Design Guide (2019), Urban Design Compendium 1 and 2 (2007), Manual for Streets 1(2007) and 2 (2010), Building for Life 12 and Secured by Design principles, or their equivalents.

The 2019 NPPF confirms that Local Plans should avoid unnecessary duplication (para 16f). The Council should also be aware that the design principles set out in the specified documents are not always compatible. **Bullet Point 4** is unnecessary, which should be deleted.

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**Bullet Points 3 & 4** are unnecessary, which should be deleted. The Council should signpost guidance in its supporting text rather than in policy.

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### Supplementary Planning Documents (SPDs)

The HBF note that throughout the Local Plan, a number of policies refer to SPDs and other guidance. These Policies are :-

- **Policy P4A : Meeting Housing Needs – Affordable Housing Bullet Point 2**, the Borough definition of 'affordable' will be informed by work with the WMCA and build upon the definitions in national guidance. It will

be set out in a Meeting Housing Needs SPD, which will be updated periodically to ensure it remains up to date and can respond to the introduction of new tenures quickly and effectively if required ;

- **Policy P4E : Meeting Housing Needs - Housing for Older and Disabled People Bullet Point 4**, all developments of 300 dwellings or more must provide specialist housing or care bedspaces ... in accordance with the Council's most up to date statement of need on older person's accommodation ;
- **Policy P9 : Mitigating and Adapting to Climate Change Bullet Point 1**, full details of the proposed measures should be incorporated into a Climate Change Assessment in accordance with the Climate Change SPD ;
- **Policy P15 : Securing Design Quality Bullet Point 5**, development proposals should also comply with any local design guides and standards, including Conservation Area Appraisals, the Urban Forestry Strategy, adopted Supplementary Planning Guidance and Documents, as well as the relevant design policies of any applicable 'made' Neighbourhood Plans in the Borough ; and
- **Policy P18 : Health and Wellbeing Bullet Point 10**, all HIAs and HIA Screening shall be undertaken in accordance with the Council's Health SPD.

Such references (as underlined above) are inappropriate and non-compliant with the Regulations. The Regulations are clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out in policy in the Local Plan. The Council's approach of requiring compliance with adopted SPDs is giving Development Plan Document (DPD) status to documents, which are not part of the Local Plan and have not been subject to the same process of preparation, consultation and examination.

To ensure a policy is effective, it should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. The Council's requirements should be set out in sufficient detail to determine a planning application without relying on, other criteria or guidelines set out in a separate SPD. National policy clearly defines the scope and nature of an SPD in the planning process as providing more detailed advice and guidance on adopted Local Plan policies. The NPPG confirms that an SPD cannot introduce new planning policies nor add unnecessarily to the financial burdens on development (ID: 61-008-20190315).

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**Policies P4C, P4E, P9, P15 and P18** should be amended to remove inappropriate references to SPDs. References to guidance been provided in the Council's SPDs could be inserted into supporting text.

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**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:

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

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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"/>

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.

(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.

(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:

**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: