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28908/A3/KV/bc

14<sup>th</sup> December 2020

Dear Sir/Madam,

**SOLIHULL METROPOLITAN BOROUGH COUNCIL – LOCAL PLAN REVIEW REGULATION 19  
DRAFT SUBMISSION PLAN CONSULTATION  
ARDEN GREEN – BARRATT DAVID WILSON**

We write on behalf of Barratt David Wilson Homes (BDW) who are working with landowners in respect of the promotion for the former Tidbury Green Golf Club (now known as Arden Green) in connection with the above Solihull Metropolitan Borough Council (SMBC) Regulation 19 draft Submission Plan consultation of the Local Plan Review (LPR).

The Site has previously been submitted to, and assessed by, SMBC (Site Ref 209 and more latterly 545). We accompany our submission with a Vision Document (**Appendix 1**) which contains information about the Site confirming its suitability, availability and deliverability to provide sustainable development which will meet the housing needs of the Borough. The Vision Document also sets out the particular characteristics of the Site, its constraints, and how these can be mitigated.

It also shows how the landscape and area can be enhanced through good urban design and a strong landscape-led approach. Finally, we attach the following site specific technical information:

- LVIA and Green Belt review (**Appendix 2**)
- Sustainability Note produced by David Tucker Associates (**Appendix 3**)

We provide detailed responses in respect of the sections/policies of the consultation document below.

## **Introduction**

Paragraph 18 sets out that the site allocations from the Solihull Local Plan (December 2013) will be brought forward. We consider that the automatic allocation of these sites which have been allocated for a number of years, without any justification as to their deliverability, is an incorrect approach. We address this in more detail under our comments in respect of Policy 4.

Finally, Paragraph 21 refers to neighbourhood plans and the importance SMBC places on these. Paragraph 30 of the National Planning Policy Framework (NPPF) sets the most recently adopted policies will take precedence. SMBC may wish to set this out within this section, to make it clear that the LPR will take precedence upon adoption over any currently adopted Neighbourhood Plans.

### Soundness – The Plan is not:

- Justified

### Change Sought:

- Existing allocations should be tested for deliverability prior to re-allocation
- The hierarchy of neighbourhood plans should be made clear

## **Vision**

Given that paragraph 59 of the NPPF states that the Government's objective is to significantly boost the supply of housing, the wording relating to meeting the needs of the housing market area should be more positively worded.

Paragraph 50 sets out that SMBC are seeking to protect the integrity of the Green Belt. Wording should be included setting out that lower performing parcels could be released to protect higher performing parcels while meeting identified and evidenced needs.

### Soundness – The Plan is not:

- Positively prepared

### Change Sought:

- The vision should be more positively worded in order to significantly boost the supply of housing
- The need to release lower performing green belt to meet identified needs, and preserve higher performing parcels, should be set out

## **Providing Homes for All**

### **Policy P4C Meeting Housing Needs – Market Housing**

We object to the inflexible market housing mix which is prescribed within this policy. The NPPF encourages provision of balanced and mixed communities catering for a wider range of the population. Individual sites should cater for a wide range of housing types and sizes. Provision of such a significant proportion of only smaller (3 bed or fewer) dwellings on sites will not develop long term sustainable communities. Instead it will result in a transient community where people will not be able to form long term neighbourhoods as they will need to move on as their circumstances change if there are insufficient homes of the right size on a site to accommodate them. We do not consider that this represents good planning and consider that the focus should be on building strong healthy communities which can cater for all rather than simply planning for short term ownership.

The inclusion of a prescribed housing mix runs counter to the criterion elsewhere within the policy which allow a number of factors to be taken into consideration. This plan has a significant lifespan and to prescribe a housing market mix which is to remain in place for the whole of plan period does not provide sufficient flexibility for adaptation to current housing need and demand. We have seen with the current pandemic the way external factors can influence people's choice of lifestyle.

#### Soundness – The Plan is not:

- Justified
- Effective

#### Change Sought:

- Amendment of policy to allow for housing mix based on up to date market evidence

### **Policy P4D Meeting Housing Needs – Self and Custom Housebuilding**

The latest Annual Monitoring Report (March 2020), covering the period 2018/19, sets out that the for the period November 2018 – October 2019 there were 374 entries on the Self-build register.

As such, requiring all sites of over 100 houses to provide 5% of open market dwellings in the form of self-build plots is unreasonable and unjustified. Given provision is being made for 7,605 houses through allocations above 100 houses and the UK Central Hub area, this would equate to the 761 self and custom build plots to be provided from the draft allocations.

The Planning Practice Guidance (PPG) advises that the Council should engage with landowners who own sites that are suitable for housing and 'encourage; them to consider self-build and custom housing and therefore is reference to the landowner being interested in its provision. Imposition of mandatory requirement goes beyond encouragement.

Following the example of Stratford District for example, the Council have specifically identified custom build sites which are discreet standalone small sites.

We also include extracts from the Bedford Local Plan Inspector's Report where the Inspector recommended deletion the policy akin to that being proposed here as the policy was not justified

with reference to the self-build register. The same principle applies here in that the amount being sought is over double that on the register.

Soundness – The Plan is not:

- Justified
- Consistent with national policy

Change Sought:

- Deletion of specific policy requirement and replacement with specific allocations or general support for self-build sites

**Policy P5 Provision of Land for Housing**

Policy P5 sets out the Council will allocate sufficient land for at least 5,270 net additional homes to ensure sufficient housing supply to deliver 15,017 additional homes in the plan period. This would result in an average annual housing land provision target of 938 net additional homes per year. This annualised target is made up of a stepped requirement with 851 homes per year delivered between 2020-2026 and 991 dwellings delivered between 2026-2036.

Demand

A Housing Need Technical Report has been provided (December 2020) (**Appendix 4**) and should be read in conjunction with our commentary on Policy P5. In summary, this Note makes the following key points:

- Planning Practice Guidance (PPG) states the Standard Method (SM) figure represents the **minimum** housing need, and there may be circumstances whereby need is higher;
- The Draft Plan identifies the clear economic growth aspirations for the Borough, including the nationally significant growth planned for at the UK Central Hub. This is a circumstance where housing need may exceed the minimum need. If it does, housing delivery must be of a quantum to support these aspirations;
- The Council's 2020 HEDNA confirms that the calculation of housing need is underpinned by the growth at the UK Central Hub. The Hub is projected to generate an additional 13,000 jobs to the baseline Experian job growth forecast (10,000 jobs) included in the HEDNA;
- The HEDNA tests several economic-led housing need scenarios. However, the UK Hub Scenario assumes **only 25%** of the additional 13,000 jobs created by the Hub are to be taken up by Solihull residents. This results in the housing need (**816 dpa**) underpinning the Plan;
- However, this ignores the 'Growth A' scenario which concludes that **908 dpa** would be required based on the 'Adjusted Local Growth' scenario. This scenario assumes that strong industries in Solihull will outperform the baseline Experian forecast, resulting in an additional 5,680 jobs to the baseline (10,000 jobs) over the Plan period, with Solihull residents taking up these jobs;

- However, no scenario is presented to show what the housing need would be based on the UK Central Hub scenario being fulfilled in full by Solihull residents. It is important to understand this so that the duty to cooperate discussions referred to in the HEDNA are well informed;
- Barton Willmore provide these sensitivity scenarios based on two approaches to commuting, and two approaches to underlying demographic rates (mortality, fertility, and migration);
- The results of our testing are summarised in Table 7.1:

**Table 7.1: Solihull Borough – Barton Willmore Demographic Forecasting 2020-2036**

Scenario	Demographic rates	Jobs per annum 2020-2036	Dwellings per annum 2020-2036
Dwelling-constrained: Standard Method	2016 ONS rates	772 <sup>1</sup> – 813 <sup>2</sup>	807
	2018 ONS rates	1,014 <sup>1</sup> – 1,068 <sup>2</sup>	
Employment-constrained: UK Central Hub	2016 ONS rates	1,437	1,199 <sup>1</sup> – 1,248 <sup>2</sup>
	2018 ONS rates		1,036 <sup>1</sup> – 1,085 <sup>2</sup>

Source: Barton Willmore Development Economics

<sup>1</sup> Commuting Ratio 0.98

<sup>2</sup> Commuting Ratio 0.93

- Growth of **between 1,036 and 1,248 dpa** would be required to support the UK Central Hub scenario (between 16,576 and 19,968 dwellings in total);
- This represents an increase of between 220 dpa and 432 dpa on the housing need calculated by the HEDNA (816 dpa), or **an additional 3,520 to 6,912 dwellings** over the Plan period;
- Our analysis of historic levels of job growth in Solihull 1991-2019 shows a range of 1,225 and 1,650 jobs per annum (jpa). This highlights that the UK Central Hub scenario (1,437 jpa) is a realistic assumption;
- The HEDNA identifies an 'acute' situation in respect of affordable housing need. Our analysis suggests that the HEDNA's conclusion on overall need (816 dpa) should be increased to meet as much affordable need as possible.
- Furthermore, our analysis of unmet need in the wider GBBCHMA suggests that the 2020 Position Statement's conclusions under-estimate the remaining unmet housing need from Birmingham up to 2031, and for Birmingham alone the deficit in unmet need is **between 11,294 and 13,101 dwellings up to 2031**;
- In addition, there is significant unmet need up to 2031 based on the existing Standard Method coming from Birmingham City and the Black Country. This amounts to unmet need of between **25,543 and 27,350 dwellings up to 2031**. If we were to assume the increased capacity for Birmingham City (65,400 dwellings 2011-2031) set out in the 2020 Position Statement the unmet need would still be **between 11,243 and 13,050 dwellings up to 2031**. This increases significantly based on the uncapped Standard Method figure for Birmingham City which would

come into effect once Birmingham's Local Plan becomes older than 5 years in 14 months' time;

- Adoption of the proposed changes to Standard Method consulted on by Government in summer 2020 would lead to there being unmet need against emerging/existing housing requirements in **all but one** of the GBBCHMA authorities;
- Furthermore, the unmet need **post 2031** should be considered, as referenced to in the 2020 Position Statement. Based on data available at the present time and the most recent Local Plan figures, Barton Willmore calculate this to be a minimum **17,700** dwellings 2031-2040.
- In summary, the analysis in this report results in the following broad conclusions:
  - 1. The SM's minimum need for Solihull (807 dpa) will need to be increased to account for expected job growth from the UK Central Hub and the 'acute' need for affordable housing in the Borough;**
  - 2. Barton Willmore's demographic modelling shows that between 1,036 and 1,248 dpa are required to support the UK Central Hub scenario;**
  - 3. Barton Willmore's calculations suggest that the deficit in unmet housing need from Birmingham City being delivered by HMA Local Plans amounts to a minimum of between 11,294 and 13,101 dwellings up to 2031, a significant increase from the 2,597 dwellings concluded on by the 2020 Position Statement. This increases when the unmet need from the Black Country is considered. Additional unmet need will be created post 2031.**

As such, in order to ensure the LPR is positively prepared, SMBC should seek to plan for more housing, and should allocate further sites.

## **SUPPLY**

Further to the above, and as set out above, we also consider that some elements of the supply should be reviewed:

Dealing with the supply side of the equation, we make the following objections to the various components of supply:

### 'Sites identified in land availability assessments'

It is unclear what is meant by 'sites identified in land availability assessments'. Given these are sites which do not benefit from a draft allocation, then they are by definition, windfall sites which means that there is double counting from unknown sources of supply.

### Solihull Local Plan sites

We question the automatic inclusion of Solihull Local Plan sites which have yet to be granted planning permission. The current Plan was adopted in 2013 and the Council cannot currently demonstrate a 5-year supply of housing. In this situation, the Council should be encouraging every suitable site to come forward. The fact that these sites have not come forward despite the housing shortfall,

suggests that these should not be considered 'deliverable' housing sites without significant justification as to why they will now come forward when they have not to date.

#### Brownfield Land Register (BLR)

We query the separate identification of sites identified in the BLR – this BLR is subject to periodic review and thus will not be fixed as a permanent source of supply. We consider that any sites to be delivered in this way should be considered as windfall developments.

#### Lapse Rates

Whilst we support the use of a 10% lapse rates, it needs to be applied across the board i.e. it is equally application in relation to what is to come as to what has already gone before. If the Council accept that a 10% lapse rate is application to sites which already benefit from planning permission, then surely it should also accept that it is applicable to future planning consents which have yet to be granted.

#### Windfall allowance

The windfall allowance is justified by reference to past windfall rates however it fails to recognise that 'town centre sites' (a traditional source of windfall supply) are allocated in the plan through the town centre masterplan and the Council have identified other sources of supply through the brownfield register. In the absence of any assessment / analysis of this component demonstrating the projected level of future windfall provision taking these factors in account, we consider that the level of windfall should be reviewed and adjusted accordingly.

#### UK Central Hub

We consider that given the scale of the UK Central Hub proposals, the rate of delivery assumed by the Council is overly optimistic. The Council have not provided any trajectory for the Site, and we note that the August 2020 consultation did not contain any firm commitments to delivery timescales or set out any delivery partners.

This assertion is supposed by the findings of the Lichfields' Report<sup>1</sup> that sets out the average time from outline planning application to the first delivery of homes is 8.4 years. The average build out rate is 160dpa.

As such, taking this into account, and based on a LPR adoption date of 2022<sup>2</sup>, we consider the first completions will likely be C.2030. With an average build out rate of 160dpa, this means that approximately 960 dwellings will be delivered during the Plan Period, assuming that the housing is within the first delivery phases (the August 2020 consultation referenced a mix of uses coming forward). While more outlets may increase the speed of delivery, the amount of infrastructure required also needs to be taken into account. The type of supply also needs to be considered, with UK Central Hub likely to be geared towards apartments.

As such, we consider that 1,780 houses should be removed to take into account the likely delivery timescales.

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<sup>1</sup> Start to Finish 2<sup>nd</sup> Edition (February 2020)

<sup>2</sup> Whilst the Local Development Scheme (January 2020) states adoption in spring/summer 2021, the programme is currently running C.6 months behind

## Trajectory

We also note that SMBC are seeking to provide a stepped trajectory as some of the larger sites will not make a significant contribution to completions until the mid-delivery phase. The Inspector assessing the Guildford Local Plan set out:

**39. In the submitted plan, the combined effect of the stepped trajectory in Policy S2 together with the “Liverpool” methodology (in which the delivery shortfall accumulated over the first 4 years of the plan (2015/16 to 2018/19) is spread over the whole plan period), would have deferred a significant proportion of the housing requirement to the later years of the plan. Set against the (then higher) housing requirement, this would not have met the Government’s objective to boost the supply of housing in the shorter term.**

(our emphasis)

We consider that SMBC should take the same approach as Guildford and allocate further sites to meet need early in the Plan Period. The existence of the UK Central Hub is not of a sufficient size to warrant a different approach (i.e. it is not akin to a new settlement).

Further, as with the withdrawn Uttlesford Local Plan this stepped trajectory may create a fragile 5 year housing land supply position, taking into account the ambitious delivery targets of the UK Central Hub and the delivery concerns relating to the draft allocations set out below. The Inspectors’ letter relating to the withdrawn plan states:

**29. This calculation relies on the use of a reduced annual requirement of 568 dpa for most of the years, as it is based on the stepped trajectory set out in Policy SP3. It is also based on what we consider to be unrealistic commencement/housing delivery dates for two of the Garden Communities (North Uttlesford and Easton Park, as set out above). So, whilst the Council can, in theory, demonstrate a 5.65 year HLS, we are concerned that if the housing delivery at North Uttlesford and Easton Park slips by just one year, as seems very likely, this would result in 100 less dwellings in this 5 year period. This would result in a very fragile 5 year HLS position.**

There are comparisons that can be drawn here based on the stepped trajectory and the anticipated 5.37 year supply upon adoption.

The Inspectors for the withdrawn Uttlesford Local Plan also referenced the need to meet the full objectively assessed need for market and affordable housing in the housing market area (NPPF Paragraph 47). The HEDNA states there is a ‘clearly acute’ shortage of affordable housing. The proposed stepped trajectory therefore may worsen the affordability problem as it would delay the provision of housing until late years of the plan period.

Taking the above into account, we consider that the SMBC’s supply is actually 11,496 (rounded) before any reduction in windfall or the deletion of draft allocations which are unlikely to be delivered is taken into account.



This is a reduction of 3,521 and, as such, to meet the increased demand set out above, and take into account the concerns relating to a stepped trajectory, a review of the supply is required and additional sites allocated.

The Council should also ensure that a large number of these sites can be delivered early on in the Plan Period in order to take account of the likely later delivery of some other sites.

Soundness – The Plan is not:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

Change Sought:

- Review of demand and amendment to the strategy
- Review of supply and amendment to the strategy
- Allocation of additional sites to ensure housing need is met (including suitable provision for wider HMA needs) and an annualised trajectory is possible

**Improving Accessibility and Encouraging Sustainable Travel**

**Policy P7 Accessibility and Ease of Access**

We consider that the requirement for major residential development should be clarified to set out that there may be other ways in which sustainable access options can be implemented. The distance to a bus stop/train station should not be seen as the only measure of sustainable access.

Soundness – The Plan is not:

- Positively prepared

Change Sought:

- Policy should be clarified that there are other ways of ensuring sustainable transport options are available

**Policy P8 Managing Travel Demand and Reducing Congestion**

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within point 2(ii), SMBC are seeking to bring in a further test which would not be in accordance with the NPPF. This should therefore be deleted.

Soundness – The Plan is not:

- Consistent with national policy

Change Sought:

- Point 2(ii) should be deleted

**Protecting and Enhancing our Environment****Policy P11 Water and Flood Risk Management**

With regards to point 6, the confirmation of discharge into a public sewer falls under Section 106 of the Water Industry Act 1991. As such, it should be made clear that planning permission can be granted prior to this being confirmed, as it falls within a different regulatory regime.

With regards to point 14, it should be clarified that contribution through a Section 106 Agreement is only required where it meets the tests set out in NPPF Paragraph 56.

Soundness – The Plan is not:

- Justified
- Consistent with National Policy

Change Sought:

- Deletion of point relating to confirmation from relevant infrastructure owner
- Clarification as to obligation requirements and the necessary tests

**Promoting Quality of Place****Policy P17 Countryside and Green Belt**

Within Point 1 of the policy, SMBC is seeking to safeguard best and most versatile agricultural land (BMVAL) unless there is an overriding need for development that outweighs the loss. BMVAL is referenced within the NPPF at Paragraph 170 which states that planning policies should contribute to and enhance the natural and local environment by taking into account a number of criteria. One of these is:

**b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.**

Firstly, we consider that including reference to BMVAL within a policy relating to Green Belt seeks to conflate two separate issues. Further, as can be seen above, the test set out by the NPPF does not require the safeguarding of BMVAL. Planning policies are required to contribute to and enhance natural and local environment by recognising economic and other benefits from BMVAL. As such, we consider this point should be deleted.

SMBC have set out, within Point 4, a number of different factors that may be taken into account when considering very special circumstances.

Further to this, point 5 sets out that development that is 'conspicuous' from the Green Belt must not harm the visual amenity of the Green Belt by reason of siting, materials or design. Given Green Belt is a spatial designation, designed to prevent sprawl, we consider that this requirement goes beyond the scope of the Green Belt, as set out in the NPPF. The LPR contains policies relating to protecting landscape, where necessary, and as such, this point should be deleted.

Soundness – The Plan is not:

- Positively prepared
- Consistent with National Policy

Change Sought:

- Deletion of point 1
- Inclusion of further factors which may create very special circumstances
- Deletion of point 5

**Policy P17A Green Belt Compensation**

Paragraph 138 of the NPPF sets out that ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt Land.

Policy P17 is seeking to require this by requiring development on sites removed from the Green Belt to provide appropriate compensatory improvements to environmental quality and accessibility of remaining Green Belt in the form of a Section 106 Agreement utilising the below hierarchy:

1. Compensatory requirements as set out as part of the Local Plan masterplans
2. Where no compensation has been set out within the Local Plan masterplan, improvements are provided as:
  - i. Improvements within the Green Belt adjacent to, or in close proximity to, the development site;
  - ii. Improvements within the Green Belt adjacent to, or in close proximity to, the settlement or area accommodating the development;
  - iii. Improvements within the Green Belt in an area identified for environmental improvements as part of the Council's Green Infrastructure Opportunity Mapping.
3. In the event it is robustly demonstrated that none of the above options can be satisfied then the Council will accept a commuted sum.

Given none of the emerging masterplans show any compensatory improvements within the Green Belt, it would appear that the Policy is relying on there being additional land being available within the control of applicants (which may not be the case), or the payment of contributions.

SMBC's viability evidence does not take this requirement into account, and no detail is provided as to how these contributions will be spent or what level of contribution is required. This therefore brings uncertainty, and the Policy should be reconsidered to ensure what is required is clear, and that it will not impact upon the viability of schemes.

Soundness – The Plan is not:

- Consistent with National Policy

Change Sought:

- Reconsideration of the policy to ensure that it is evidenced based, does not impact upon viability of schemes, and is in accordance with national policy

**Delivery and Monitoring****Policy P21 Developer Contributions and Infrastructure Provision**

Policy P21 expected major development to provide or contribute towards the provision of measures to directly mitigate its impact and physical, social, green and digital infrastructure.

SMBC's viability testing does not take into account digital infrastructure within the testing and, as such, it should be evidenced that this will not render development unviable.

Soundness – The Plan is not:

- Justified
- Consistent with National Policy

Change Sought:

- Confirmation that digital infrastructure provision allows for viable development

**Settlement Chapters****Policy BC1 Barratt's Farm, Balsall Common**

We note that 1,756 new homes are proposed for Balsall Common across the plan period with the sole justification seemingly being that it contains both a primary and secondary school and has a full range of retail and associated facilities. However, it is still described as a rural settlement with no significant areas of employment and the distribution strategy remains one of "proportional distribution". 1,756 dwellings to a single rural village would be completely disproportionate. There is discussion in the document regarding delivery of a by-pass; provision a station car park; improved public transport and a new primary school. However, there is no discussion as to how these are to be funded / delivered relative to the level of growth identified. In addition, there is discussion regarding the scope to enhance the existing local centre and the provision of a village centre masterplan. However, this land is in multiple ownerships and there are no proposals for what these enhancements could entail or how they could function – particularly with a by-pass in place which could actually draw trade away from the existing centre.

There is no assessment of the ability of Balsall Common to deliver this level of growth in such a small area. Whilst clearly some sites (i.e. Barratts Farm) will be able to have multiple outlets, the ability of the market to absorb and deliver multiple sites at any one time in a rural location should be

reviewed; particular when Balsall Common will be acutely affected by HS2 – both in terms of the physical construction of the line and the disruption and uncertainty that this will bring; but also in terms of market desirability until such time as the line is constructed.

We also note that Barratts Farm is in multiple ownerships and these are described as “complex” in paragraph 541. This is the single largest site and the one which is proposed to deliver the by-pass. Within the previous draft of the Plan, it was stated that this site would only be taken forward if the landowners / promoters could demonstrate they are working on a collaborate and comprehensive basis. Reading paragraph 541, this collaborate working has clearly not been secured in the way it was envisaged and nothing additional is suggested to demonstrate that joint / collaborative working is possible.

The relief road is identified as being necessary for Barratts Farm in particular with the policy advising that is required early in the plan period. The road is provisionally to be funded via CIL payments; and grant funding which “may” be possible through the WMCA. Firstly, CIL payments can only be secured through those sites which will come forward in the future however these sites are Green Belt sites and cannot therefore be delivered until the Local Plan Review is completed and the subsequent CIL schedule is adopted. Secondly, there is no grant funding proposal in place to fund the road. As it currently stands this road is not deliverable. The road is required to be delivered early in the plan period i.e. before there are significant CIL funds in place and, potentially, at a point where, in order to receive grant funding, applications should be being made now / near future.

There has to be serious doubt over the ability of Barratts Farm to be delivered within the anticipated timeframes and therefore places serious doubt over the plan as a whole given the scale of this allocation.

The Sustainability Appraisal notes that there are limited employment opportunities within Balsall Common and that people travel outside of the settlement to work. As such, it is noted that the expansion of this settlement would fly in the face of sustainability objectives of reducing the need to travel to areas of employment. Whilst such a case could be made for the majority of the rural areas of the Borough, it is heightened especially here when such a large proportion of future growth is identified for one rural settlement.

At this stage, the level of growth attributed to Balsall Common is disproportionate and that inadequate research has been undertaken into the deliverability of this level of growth and the associated aspirations; and the ability of the market to deliver this level of growth in a rural area is considered to be unrealistic.

### **Policy BL1 – West of Dickens Heath**

The policy requires that the proposal for BL1 secures the relocation of the existing sports provision to a suitable site in the local vicinity. Until such time as these facilities are relocated or a plan is in place to secure timely relocation (which should include the grant of planning permission in our view, given that any site will be in the Green Belt), then the site cannot come forward for development. Our key concern here relates to Site 4 (West of Dickens Heath). It is noted that the identification of a Local Wildlife Site within the site hampers re-provision within the site itself and therefore alternative options will need to be pursued outside of the site. We consider that these alternatives should be considered now as clearly, as it currently stands, the pitches will be lost with no alternative

in place (and therefore no guarantee of any re-provision). This is all the more important given that the land in the area is all located within the Green Belt and therefore any proposals which may, for example, include floodlighting, will have to be carefully considered against the Green Belt 'tests'. We understand that the loss of these facilities is causing significant local concern particularly with no proposals for replacement.

The Council have had ample time to identify and secure alternative provision and therefore the fact that this is not identified within the plan, suggests that there are currently no alternative sites. This calls into question the delivery of this site and with no evidence and no proposals in place, we consider that proposal BL1 should be deleted from the plan.

Soundness – The Plan is not:

- Justified
- Effective
- Consistent with National Policy

Change Sought:

- Re-provision of the sports pitches should be secured prior to allocation

**Policy KN1 Hampton Road, Knowle**

As with the Site West of Dickens Heath, this draft allocation requires the re-provision of sports pitches. In this instance, the re-provided pitches are currently shown within the Green Belt to the north of the allocation.

The Council, within Paragraphs 713-715 state that it's likely that very special circumstances will exist to support development in this location and, as such, the re-provision will likely be acceptable. However, this pre-judges any application, for which the detail is not known, and as such cannot be relied upon. Therefore the housing that would be provided on the sports pitches should not be included until the re-provision of the sports pitches is secured.

Soundness – The Plan is not:

- Justified
- Effective
- Consistent with National Policy

Change Sought:

- Re-provision of the sports pitches should be secured prior to allocation

On the basis that we do not consider the sites identified to be deliverable and the significant shortfall in supply identified by the more realistic timescales we have identified for UK Central, we propose an alternative site – Land at Arden Green (Site 545) as an alternative to meeting part of this need:

### **Site Assessment Criteria**

We strongly object to the way in which Site 545 has been assessed in the site selection process for the reasons which are set out below. It very much appears that this is a classic case of the evidence base been used to fit the site selection as opposed to the evidence base being used to select the sites.

It should be noted that the Council have amended the site reference from Site 209 (used initially) to Site 545 (in the latest consultation) and as such there is no consistent site reference number. For ease of reference, we use the latest site reference number (545).

Firstly, in assessing Site 545, the Council has deemed that the site has not passed 'Step 1', which is the initial, high-level sieving process. Sites which are not taken forward at this stage are then not subject to the more refined 'Step 2' analysis. We consider that this process is fundamentally flawed and have carried out our own assessment (using the Council's own analysis) to demonstrate that the site should not have been discounted at Step 1.

### **STEP 1**

The first stage in the sieving process is a high-level look at the following:

- (i) Brownfield vs greenfield
- (ii) Urban areas vs Green Belt
- (iii) Accessibility

Sites can be rated from Priority 1 (brownfield in urban area or settlement) to Priority 10 (greenfield in isolated highly performing Green Belt location). A traffic light rating is then applied – sites which falls within Priority 1 to Priority 4 are green sites; Priority 5 sites are yellow; Priority 6, 6b and 7 sites are blue; and Priority 8, 9 and 10 sites are red. Red sites fail Step 1 and are not taken forward to Step 2 for assessment. Site 545 was identified as a Priority 9 red site and was not therefore taken forward to Step 2.

In summary, Site 545 is a greenfield and Green Belt site. However, it is accessible and also within an area with a low GB score of 4. Therefore, it should be allocated a maximum score of Priority 5 status (yellow). We review below the way in which the initial sieving assessment was flawed - taking Site 545 step by step through the same assessment process as the Council. It is therefore fundamentally flawed that this site was sieved at out at the early stage.

### **Green Belt**

In the Green Belt Assessment 2016, Site 545 is identified as part of Refined Parcel RP72 which has a combined score of 4, within a range from the highest performing Green Belt sites (12) to the lowest performing sites, scoring as low as 0. With a score of 4, site 545 is clearly a lower performing site.

*The starting point for consideration as a Priority 5 site is a score of 5 or lower in the Green Belt – with a score of 4, Site 545 falls into that category.*

### **Accessibility**

The second part of the criteria relates to accessibility and to achieve a Priority 5 ranking, the site is required to be in an accessible location. This is defined as:

- (a) On the edge of the urban area or

- (b) On the edge of a settlement which has a wide range of services and facilities including a primary school and a range of retail facilities.

Geographically, the site lies between Whitlocks End, Tidbury Green and Dickens Heath. The site immediately adjoins Whitlocks End to the north. The Accessibility Study carried out by Atkins in 2016 identified that the site has good access to a primary school; very good access to public transport; and lower levels of accessibility to a GP surgery and a food store. However overall, the site is identified as having medium / high accessibility. Indeed, when reviewing Figure 6A of the Accessibility Study, the accessibility of Site 545 is the same as for Sites 126 / 176 / 122 and 130 – all of which have passed through the Step 1 sieve and been taken forward to Step 2. This is despite those sites having the same level of accessibility and being located on land adjoining Site 545. Therefore, the conclusion that Site 545 is different from adjacent sites is clearly flawed.

The starting point for the assessment of Site 545 is therefore that it should be a Priority 5 yellow site and move to Step 2 (Refined Criteria) for a more detailed review. On this basis, we review the Site against Step 2 below. We note that Step 2 has no scoring or weighting attributed and is a qualitative process.

## **STEP 2 – REFINEMENT CRITERIA**

### **FACTORS IN FAVOUR**

#### **In accordance with the spatial strategy**

***(including only proportional additions to lower order settlements (i.e. those without a secondary school or not located close to the urban edge).***

The preferred spatial strategy would be to locate development needs close to where they arise however the Plan identifies that there is limited land available to achieve this and therefore the Council has had to look at alternative options, which includes land released from the Green Belt in the form of urban extensions and also follow a more dispersed strategy for development. They have sought to focus development in locations that are, or can be made, accessible and sustainable. Such locations are identified as typically being on the edge of the urban area (or within rural settlements) that have a greater range of services.

Growth Option G – which forms part of the spatial strategy includes the expansion of sustainable rural settlements. Given that the Council are proposing development in the Tidbury Green / Whitlocks End area it follows that they must consider these settlements to be sustainable rural settlements and therefore development in these settlements must be considered to be in accordance with the spatial strategy.

***Any hard constraints only affect a small proportion of the site and/or can be mitigated.***

The SHELAA identifies TPO trees along the southern boundary, however the development area proposed does not extend to the southern boundary and as such the TPO trees will be unaffected.

***The site would not breach a strong defensible boundary to the Green Belt.***

The site has existing defensible boundaries to the north, west and east. There are existing hedgerows to the south which the site does not breach, and which can be further strengthened. Existing strong boundaries would not be breached. The site is already identified as a lower performing Green Belt parcel in the refined assessment and confirms that it does not breach strong defensible boundaries.



***Any identified wider planning gain over and above that which would normally be expected.***

The site will deliver a significant area of amenity open space (over and above that required by policy) to the south which will remain as such in perpetuity to ensure long term maintenance of a gap between Whitlocks End and Tidbury Green.

***Sites that would use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.***

The site has strong existing and defensible boundaries on all sides that will define the extent of the land to be removed from the Green Belt, a railway and flood zone to the west, buildings to the north and south and a road to the east. In addition, an amenity area will be created and maintained along the southern boundary thus ensuring continued separation between settlements.

***If finer grain accessibility analysis (including output from the Accessibility Study) shows the site (or the part to be included) is accessible.***

The Accessibility Study shows Site 545 falls within the Medium / High Accessibility category and as such the site is considered accessible within the study. This conclusion is reached, even without consideration of existing facilities in Wythall, including local shops and services, schools, and a train station.

## **FACTORS AGAINST**

***Not in accordance with the Spatial Strategy***

As set out above, the development of Site 545 is in accordance with the Spatial Strategy

***Overriding hard constraints that cannot be mitigated.***

The SHELAA identifies TPO trees along the southern boundary, however the development area proposed does not extend to the southern boundary and as such the TPO trees will be unaffected.

***SHELAA Category 3 sites unless demonstrated that concerns can be overcome.***

The site is identified as a SHELAA Category 3 site. The reason for this is that the site scores '0' in the 'Contaminated Land / Historic Landfill Site' section. As this is an underlined category; i.e. one which is of particular importance, the site can only achieve a maximum suitability score of '1' – despite the total scoring for the site actually being '3' which would otherwise mean that the site is suitable and could contribute to the 5 year supply.

Therefore, if it can be demonstrated that this issue of contamination can be dealt with and does not adversely affect the site, then the site becomes a suitable site for development.

In this case, it is noted that the SHELAA submission plan includes a wider area than would be utilised for development and the area of historic landfill occupies a small proportion of the overall site. Furthermore, subsequent to the publication of the SHELAA, the Council have granted planning permission for a small group of dwellings which are actually within the area of landfill. We confirm that this does not represent a constraint to the development of the site.

We therefore request that this scoring be amended to reflect the actual position and the extent of development being promoted. This element of the score should therefore be moved to a '5' as the development would not lie within this constraint. This would change the total from 39 to 44 points.

In addition, it is noted that the site is scored down as up to 24% of the site is located within Flood Zone 3. The submitted Vision Document shows that no development is proposed within Flood Zone 3 – this area of the site is being left open. This area would form part of the amenity space for a future application, which is an acceptable use within the Green Belt and would not therefore need to be included within the site allocation in order to fulfil an amenity space function for the site. This therefore alters the SHELAA score for this section from 2 to 5; and means that the total score increases from 44 to 46 points.

As a result of this re-assessment, the site now scores 46 out of 50.

When combined with the Green Belt scoring and the Accessibility Scoring, there is simply no credible reason as to why Site 545 should not be allocated for development.

Future more, with regard to the category into which Site 545 is placed, we have demonstrated that the site should not be scored as a Category 3 site, it should actually be a Category 1 site making it suitable, achievable and available for development within 5 years.

***Sites that would not use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.***

As already confirmed, the site benefits from existing defensible boundaries which define the extent of the land to be removed from the Green belt.

***If finer grain analysis shows the site (or the part to be included) is not accessible.***

As previously confirmed, the finer grain analysis carried out by the Council shows the site to be of medium / high accessibility.

***If the site is in a landscape character area that has a very low landscape capacity rating.***

It is wholly unreasonable for this criterion to be used to discount Site 545. According to the Council's Landscape Character Study (December 2016) Site 545 falls within Landscape Character Area (LCA) 2 – which covers Tidbury Green, Whitlock's End, Dickens Heath and Balsall Common – yet significant Green Belt release is proposed in these areas. With one blanket 'very low' landscape capacity conclusion for such a wide area it cannot be used to discount some sites and not others – there must be parity in assessment. Furthermore, the study itself (page 25 – text adjoining Table 8) confirmed that it is not possible to establish a baseline sensitivity to change without having details of a given development proposal and therefore the conclusions should be taken as a guide only. On this basis, we do not consider it appropriate to use this criterion as a basis to discount sites given sites with the same assessment have been given a 'green' score'.

To supplement our views, we have commissioned (and submit) our own site-specific landscape and visual appraisal which is included at **Appendix 2**.

***If the SA appraisal identifies significant harmful impacts.***

The SA does not identify any significant harm impacts.

**In summary:**

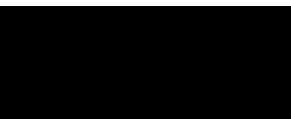
The site has medium / high accessibility – at the same level as nearby ‘green sites’ identified in the Draft Plan. The Site Assessment recognises that there is high accessibility to public transport. The Site is within walking distance to public transport links with Whitlocks End railway station located 0.5km (walking distance) to the north and Wythall railway station located 1.4km (walking distance) to the south west. There is also a bus service running along Tilehouse Lane that provides an hourly service into Solihull. It is also recognised that there is an existing footway providing links to these facilities as well as into Dickens Heath. The Site scores very high for the proximity to the nearest primary school, which is 0.63km walking distance. The Site scores low for proximity to a food store, and low/medium for proximity to a GP surgery, however, a Tesco Express and GP surgery at The Jacey Practice are located within Dickens Heath approximately 1.8km to the north of the site (this is based on the route down Tilehouse Lane and Dickens Heath Road with formal footpath connections). Although, the 1.8km distance to a convenience store does not meet the Sustainability Appraisal criteria it should be noted that 1.8km along a formal route is a reasonable distance to walk or cycle. We enclose with this submission, our own assessment undertaken by DTA which demonstrates the accessibility of the site.

In addition:

- The site is a lower performing Green Belt parcel than neighbouring ‘green sites’ in the plan.
- The site has defensible Green Belt boundaries.
- The site has no constraints within the proposed development area that cannot be mitigated in the normal way.
- The site has the same landscape character as other nearby ‘green sites’.

It is not, therefore, credible for Site 545 to be categorised as a ‘red’ site while neighbouring land is categorised as ‘green’, especially when Site 545 scores more highly than those sites. For this reason, we consider the score for Site 545 should be corrected and re-assessed / re-consulted upon.

Yours faithfully,



**KATHRYN VENTHAM**

Partner

Encs.

cc Martin Marais - Barratt David Wilson (w/encs)