



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 Local 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)
*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.
Title: Mr
First Name: Richard
Last Name: Lloyd
Job Title: Local Correspondent
Organisation: Open Spaces Society
Address Line 1: 25a Bell Street
Line 2: Henley-on-Thames
Line 3: Oxfordshire
Line 4:
Post Code: RG9 2BA
CV7 7FX
Telephone Number:
E-mail Address:

Part B – Please use a separate sheet for each representation

Name or Organisation: **Open Spaces Society**

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

The Plan is unsound because of a lack of clarity and ambition in Policy P7 (Accessibility and Ease of Access).

The focus of the Policy seems to be on day-to-day "utility travel", for purposes such as employment, shopping, education and social visits. The network of paths now used by non-motorised traffic had originally this utility function, but today, there is also heavy recreational use - for exercise, dog-walking, and pleasure. However, for both utility travel and recreation, the same things need to be done to make the path network more practicable and popular.

The Cycling and Walking strategy recognises the importance of factors such as directness and attractiveness, but major road and rail schemes have had a negative impact on the non-motorised route network.

The rate of improvement achieved by the Borough's Rights of Way Improvement Plan has also been slow.

It should be recognised that many of the proposed sites for residential development (including BC1, BC3, BC4, BC5, BC6, BL1, and BL3) will have significant affects on existing non-motorised routes, while the population growth will place additional stress on the capacity and quality of the network.

Policy P7, as it stands, appears to have too much latitude to ensure future developments are more accessible for non-motorised users, particularly those with mobility restrictions. This could put at risk the Council's compliance with the Public Sector Equality Duty. Given the key role of "active" travel, the Policy needs to be more prescriptive.

For example, requirements could be added from the DEFRA *Good practice guidance for local authorities on compliance with the Equality Act 2010*, published Oct 2010, available from: <http://www.pittecroft.org.uk/structureguidance.pdf>.

The National Planning Policy Framework contains numerous references to the improvement of accessibility, including:

- 8. to support strong, vibrant and healthy communities;
- 84. to make rural locations more sustainable;
- 91. to achieve healthy, inclusive and safe places;
- 98. to be included in planning policies and decisions; and
- 110. to give priority to pedestrians, cycling and public transport.

Consequently, the wording of the Policy needs to state more clearly the intention that development will bring real improvements to public transport and active travel.

(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.

Strengthen the overall objective by amending section 1 to read:

"1. All new development should be focussed in locations that are well served by public transport and well provided with active travel routes, and should seek to improve the availability and use of public transport and active travel."

Make the Council's expectations of development proposals clearer by amending several parts of section 2:

Amend subsection 2(iv) to read:

"iv. Provide within the development suitable facilities for public transport (where appropriate) and paths for people on foot or cycle that are safe, convenient, pleasant, and well connected to the nearby active travel network;"

Amend subsection 2(v) to read:

"v. Provide or contribute to the enhancement of transport infrastructure and services to achieve the requirements of subsections 2(ii) and 2(iii) above, including, but not limited to, improving the extent, physical condition, amenity, and safety of public footpaths, footways, and cycleways;"

Amend subsection 2(vi) to read:

"vi. Be consistent with, and contribute to, the implementation of the 'Solihull Connected' strategy, the 'Solihull Cycling and Walking Strategy', and the 'Solihull Rights of Way Improvement Plan' (or successor documents);"

Clarify in section 3 what access to all developments will have to demonstrate:

Amend subsection 3(i) to read:

"i. It is safe, attractive and suitable for all people by all modes in all seasons, and compliant with recognised published standards for construction, safety, and accessibility for those with mobility restrictions;"

Amend subsection 3(iii) to read:

"iii. Opportunities have been taken up to improve the quality of the adjacent active travel infrastructure and to bring it into compliance with recognised

published standards for construction, safety, and accessibility for those with mobility restrictions, including the review of structures across rights of way to ensure they are the least-restrictive option and the publication of these restrictions to aid route planning;"

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

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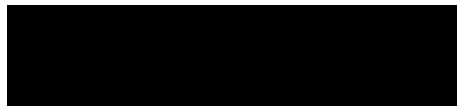
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Accessibility is a multi-faceted concept that may require in-depth discussion.

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:

13 Dec 2020

Part B – Please use a separate sheet for each representation

Name or Organisation: **Open Spaces Society**

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Planning policies are required by the National Planning Policy Framework to enable and support healthy lifestyles (sections 8, 91, 92 etc.).

The Plan is unsound because Policy P18 (Health and Wellbeing) is inadequate. There is a lack of integration of the Policy with other policies in the Plan.

Development of any type has a direct affect on health and wellbeing, so the responsibilities of the developer need to be as clear as possible.

There is some overlap of requirements in section 2 with other policies in the Plan, and these can be removed to ease interpretation of the Plan as a whole.

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The preamble to section 2 is too weak to be effective, and should be turned into a clear requirement by amending to read: "All new developments shall promote, support and enhance physical and mental health and wellbeing. New developments will do this by:".

Subsection 2(iii) overlaps with Policy P7 so should be amended to read: "iii. Encouraging walking, cycling and other forms of exercise by improving the provision and quality of facilities for active travel, as required by Policy P7;"

Subsection 2(iv) overlaps with Policy P20 so should be amended to read: "iv. Improving the provision and quality of accessible open spaces, as required by Policy P20;"

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

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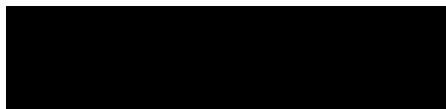
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Because of the interaction of this policy with others, in-depth discussion and clarification may be required.

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The Plan is unsound because of a lack of clarity and ambition in Policy P20 (Provision for Open Space, Childrens Play, Sport, Recreation and Leisure). The National Planning Policy Framework stresses the importance of these issues (section 96 etc.).

The title of the Policy and section 1 are ungrammatical and difficult to understand. These should be changed to reflect the definitions in the NPPF.

The term 'open space' has several meanings, which are not explained adequately.

The relationship of this policy to others is unclear, and there is insufficient differentiation between the different types of what the NPPF calls "open space of value to the public".

Notwithstanding the protection offered during the currency of successive Local Plans, the best method for ensuring protection of public recreational spaces in perpetuity is registration as a Town or Village Green.

Some might find the public open space standard more meaningful if expressed in square metres per resident, as well as hectares per 1000 residents.

Sections 7 and 9 appear to be in conflict, and with insufficient justification for the possible waiving of open space requirements.

The wording of section 8 is unclear and partly duplicates requirements elsewhere in the policy.

The following suggested amendments : are made on the assumption that the Council's forthcoming Open Space Supplementary Planning Document will deal

adequately with matters such as the nearness to dwellings; amenity and maintenance; phasing within the Plan period; the type and quantity of play equipment; lighting, over-looking and physical security; quality and management of areas of ecological importance; the segregation of public access from ecological areas; bylaws and registration as a Town or Village Green; and the process for the adoption of these areas by the Local Authority. It is hoped this SPD will be brought forward promptly.

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To improve clarity, the title of the Policy should be amended to mirror the heading of the NPPF sections 96-101: "Open space and recreation".

To provide a clearer explanation of the subject matter, section 1 could be amended to read:

"Open space is considered by the National Planning Policy Framework to be of value to the public if it is important for sport, recreation, or visual amenity. This policy relates to the provision of areas of open space, both land and water, and recreational buildings. Included are: public open spaces such as parks and playgrounds; green spaces such as allotments and wasteland of habitat value; private land - inasmuch as it contributes to public amenity - for example gardens, games fields, agricultural land, and woodland; and indoor sport facilities."

To link the Policy to others in the Plan and to provide a clear direction, section 2 should be amended to read:

"The Council recognises the contribution of open spaces to the challenge of climate change (Policy P9), to the conservation of heritage and character (Policy P16), to the protection of the natural capital of the Borough (Policy P17) and to the promotion of health and wellbeing (Policy P18). The Council will support development proposals that will contribute towards a network of high quality open spaces and recreational facilities."

In section 4, it might be clearer to replace the phrase ".. is not being protected .." with ".. is being lost to development ..".

Sections 5 and 6 should be merged in the interests of clarity to form a single section covering the designation of land as Local Green Space. The second sentence of the current section 5 should be made a subordinate phrase of the first sentence.

To provide for the protection of open spaces in perpetuity, a new section 6 should be created, saying:

"The Council supports the registration, by the owner, of land as a Town or Village Green under section 15(8) of the Commons Act 2006, as a means of securing permanent protection from damage and encroachment and of the right of residents to use the land for recreation."

For greater clarity, section 7 should be amended to read:

"New residential and mixed-use developments will be required to provide or contribute towards new open space with public access of at least 3.57 ha per 1000 residents (36 square metres per resident), to provide or improve public

open spaces in the area to meet the provision and quality requirements of the Council's Open Space Supplementary Planning Document, and to register public open spaces deemed suitable for recreation as a Town or Village Green under section 15(8) of the Commons Act 2006."

The requirements of section 8, as written, appear to be covered elsewhere in the Policy. If the intention is to relieve small commercial developments of the needs of section 2 (as re-worded), it should be amended to say:

"The Council will not seek support for open space or recreational facilities from small commercial development proposals with less than 1 ha site area and less than 1000 sq metres commercial floor area."

The exclusion granted by the proposed section 9 appears to be misguided, and it should be changed to take account of the availability of suitable land, rather than money. It should be amended to say:

"If there is clear evidence that there is no suitable land available in the locality of a proposed development to meet the open space requirements, the Council may alternatively accept contributions to open space further away and to the transport infrastructure to reach it in accordance with Policy P7."

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