

# Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For official use only)

Name of the Local Plan to which this representation relates:

Solihull Local Plan (Draft Submission) 2020

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
Title	Ms	Mr
First Name	Dawn	Neil
Last Name	Adams	Trollope
Job Title	Planning Manager	Technical Director
Organisation	Catesby Estates plc	Terence O'Rourke
Address Line 1		
Address Line 2		
Address Line 3		
Post Code		
Telephone Number		
E-Mail Address		

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

Name or Organisation:	Gatesby Estates plc
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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" value="X"/>	No	<input type="text"/>
4. (3) Complies with the Duty to co-operate	Yes	<input type="text" value="X"/>	No	<input type="text"/>

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 Spatial Strategy, which seeks to focus significant development in locations that are, or can be made, accessible and sustainable is achievable. Given the characteristics of the Borough, development on the edge of the urban area or within / or on the edge of rural settlements where such locations area accessible is supported.

The arrival of the high-speed rail link including the interchange station will ensure that the Borough and surrounding area are even more well-connected, making urban area of Solihull and its surrounding villages even more sustainable. The challenge of maximising the economic and social benefits and opportunities of High Speed 2 are therefore key to the Borough's success, as is the need to protect the areas natural assets, including its attractive rural setting whilst safeguarding the key areas of Green Belt, but only where it performs high against its key purposes.

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.

None

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:

N/A

9. Signature:



Date: 14/12/2020

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

Name or Organisation:	Catesby Estates plc
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The Draft Submission Version of the Local Plan (Local Plan) identifies that an assessment to site selection has been undertaken, with the highest priority given to brownfield opportunities in urban areas / settlements. The priority of other sites and how they perform has also been assessed, particularly against Green Belt policy, with the least priority given to isolated greenfield sites in highly performing areas of the Green Belt.

As a fundamental element of the Council's assessment of the various sites, the Green Belt within the Borough and its purposes, as detailed within the National Planning Policy Framework [Paragraph 134], has been reviewed with a scoring matrix provided for each parcel of land as to how they score against the main purposes of the Green Belt -

- 1) To check the unrestricted sprawl of large built-up areas;
- 2) To prevent neighbouring towns merging into one another;
- 3) To assist in safeguarding the countryside from encroachment; and
- 4) To preserve the setting and special character of historic towns.

Based on the scores provided for each of the above criteria the parcels are rated as not performing against any purpose; lower performing; more moderately performing and higher performing.

This forms a basis to assist the Council with its consideration of Green Belt release to meet the overriding need for housing. However, some of the Green Belt Assessment is considered to be flawed, particularly when different areas of land have been assessed inconsistently within the Council's Site Assessments evidence.

For the purposes of considered land against the four Green Belt purposes the Council, within the Green Belt Assessment, considered two distinct categories – Refined Parcels and Broad Areas, with the areas being defined by strong permanent physical features. However, this has resulted in some areas of different character and form being included together within the same Refined Parcel (RP).

As an example, Refined Parcel 25 (RP25) consists of land to both the north and east of the village of Meriden. Two areas of land which are different in character and purpose in relation to the Green Belt. RP25 performed well against three of the criteria only scoring poorly (high) against Criteria 1 (to check unrestricted sprawl). Accordingly, it was concluded to be 'higher performing'.

Continued...

The land to the north and east of Meriden should not have been co-joined, as they perform very differently. The land to the east should score poorly with regards to Green Belt Criteria 1, however, the land to the north should score well. As, unlike the land to east, it is confined by the village to the south, the A45 to the north and roads to the east and west. Had the RP been split into two parcels, the land to the north of Meriden would have been classed as 'lower performing' as it would have scored well (low) against the Criteria 1 (to check unrestricted sprawl).

Other sites which performed very similarly with others within the Borough have subsequently been dismissed as part of the Council's Site Assessments (Re-Issue Nov 2020), whilst others have been allocated.

For example, both RP29 and RP31 (performed very similarly as part of the Green Belt Assessment with both being classed as 'moderately performing'. However, within the Council's Site Assessments (Re-Issue Nov 2020) the areas within the RP's were assessed differently with RP29 being assessed as almost a whole single site and only small portions of RP31 being assessed, thus resulting in a very different conclusion with regards to the breaching and/or retaining of a defensible Green Belt boundary.

Given the overreliance on large allocations and the number of dwellings to be accommodated, as noted in other representations, there is a need to ensure housing supply can be met by either allocating more land for housing or selecting reserve sites, which could be identified should allocations not deliver sufficient numbers or sufficient properties when anticipated.

Given the inconsistency applied within the Council's Green Belt Assessment and Site Assessments, a further review of the assessment should be undertaken that would facilitate the identification of reserve housing sites, which the Council could release for development if monitoring indicates that they are required.

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.

The methodology / site identification contained within the Green Belt Assessment should be reviewed.

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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:

Local Plan Examination hearings are a crucial part of the process. Given the nature of the representations made and the implications in relation to both the form and contents of the Local Plan and site allocations the hearing sessions offer an important opportunity for the Inspector to thoroughly explore any issues which arise from the written representations made.

9. Signature:



Date: 14/12/2020

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

Name or Organisation:	Catesby Estates plc
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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 checked="" type="checkbox"/>	No	<input type="checkbox"/>
4. (2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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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 Draft Submission Version of the Local Plan (Local Plan) identifies that the Council will identify deliverable housing land supply for fifteen years from the Local Plan's adoption, ensuring that at least a five-year supply is available.

The identification of a greater housing need than the minimum standard methodology LHN figure, as detailed in the Local Plan and supporting Housing and Economic Development Needs Assessment (HEDNA), is supported in principle. However, taking into account growth associated with UK Central Hub, the Local Plan makes provision for an additional 816dpa, which is only 9dpa above the LHN figure. Given the positive economic impact as a result of the high-speed rail link including the interchange station located within the Borough, the development at Arden Cross, and the expansions ambitions of Birmingham Airport and Jaguar Land Rover in the region it is extremely likely that there will be significant growth in the Borough during the plan period. This economic growth will increase demand for housing, which may be considerably higher than currently envisaged. Combined with the need to accommodate approximately 2,000 dwellings from the Greater Birmingham Housing Market Area (GBHMA), the need to provide for significant growth well in exceedance of past trends is compelling.

Projections moving forward, to ensure a deliverable housing land supply for fifteen years and a five-year housing supply should be continually monitored, particularly given the potential economic impacts noted previously and the implications with regards to the changes in the way people live, work and travel post Covid-19 particularly in relation to home type and location.

Prioritising locations for development that will best contribute to building well connected sustainable and balanced communities is supported. However, ultimately the delivery of the Local Plan's ambitions is very dependent on a small number of large allocations being developed as and when anticipated. These sites will need considerable infrastructure and therefore in some cases, the Council's anticipated delivery of units may not occur in practice.

Given the overreliance on large allocations and the number of dwellings to be accommodated there is a need to ensure housing supply can be met. In order to ensure a supply for fifteen years and a rolling five-year supply of housing land, reserve sites must be identified should any allocations not deliver sufficient housing numbers when anticipated.

Continued...

The Local Plan should therefore seek to identify reserve housing sites that the Council could release for development if monitoring indicates that they are required. Such reserve sites should be identified in locations that are, or can be made, accessible and sustainable, which are located on the edge of the urban area or within the rural settlements with the greatest range of services.

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In order to ensure a supply for fifteen years and a rolling five-year supply of housing land reserve sites should be identified should any allocations not deliver sufficient housing numbers or sufficient properties when anticipated.

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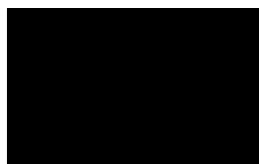
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As identified in Point 3 of Policy P4A, the Draft Submission Version of the Local Plan (Local Plan) proposes a requirement for developers to make a 40% contribute to affordable housing, on allocated and windfall residential sites where 10 or dwellings will be provided, or where the site has an area of 0.5 hectares or more is accepted.

However, it is important to note that the mix of social rented / shared ownership noted within the Local Plan [Policy P4A Points 7 & 8] differs to the affordable housing mix contained within the Referendum version of the Balsall Common Neighbourhood Plan [Policy H.2: Housing Mix], which contains ranges for dwelling sizes as opposed to a specific figure, as required by Policy P4A.

In addition, the Housing and Economic Development Needs Assessment - Oct 2020 (HEDNA), whilst noting that the provision of affordable home ownership should be focused on delivering small family housing, demonstrates [Paragraph 8.30] that the following range of unit sizes would be appropriate:

- 1 bedroom: 10-20%; 2 bedrooms: 35-45%; 3 bedrooms: 35-45% and 4+ bedrooms 0-10%

Local Plan Policy 4A itself notes that account should be taken with regards to a number of factors including the site circumstances and that the economics of providing affordable housing, including particular costs that may affect the viability of a site, and other planning objectives.

The above noted factors, together with the lack of justification supporting the policy requirement of a specific mix of unit sizes, suggests that the provision of a range, as within the Referendum version of the Balsall Common Neighbourhood Plan and in the HEDNA, is a much more pragmatic and therefore appropriate approach which should be taken. The Council's current approach is overly prescriptive and inflexible.

The provision of a range would allow flexibility for each site based on specific market and location requirements at the time of development, allowing both developers and affordable housing providers to be adaptable when bringing sites forward for development.

Furthermore, the mix range should be provided in a table contained within the supporting text which accompanies the policy, as opposed to the policy wording itself.

Continued...

This would provide a reasonable approach, allowing the considerations within Policy P4A [Point 3] to be taken into account on a site by site basis within the parameters as set out in the table. Thus, ensuring sufficient flexibility to allow a development to make efficient use of the site whilst respecting the character and appearance of the area and providing a range of dwelling sizes and types reflective of housing need to achieve mixed and balanced communities.

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.

In order to make the Local Plan Sound policies need to be positively prepared, justified, effective and consistent with national policy, as required by the National Planning Policy Framework (NPPF) [Paragraph 35].

Accordingly, the specific set percentage figures should be removed and a range of unit sizes, as justified and evidenced within the HEDNA [Paragraph 8.30] provided instead within a table contained in the explanatory text which accompanies Policy P4A.

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.

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The market dwelling mix detailed within Point 3 of Policy P4C of the Draft Submission Version of the Local Plan (Local Plan) provides an exact figure. This differs to the mix contained within the Referendum version of the Balsall Common Neighbourhood Plan [Policy H.2: Housing Mix], which contains ranges for dwelling sizes as opposed to specific figures.

In addition, it also conflicts with the recommendations contained and evidenced within the Housing and Economic Development Needs Assessment - Oct 2020 (HEDNA) which demonstrates that the following range of unit sizes [Paragraph 8.32] would be appropriate:

- 1 bedroom: 0-10%; 2 bedrooms: 20-30%; 3 bedrooms: 45-55% and 4+ bedrooms 15-25%

Local Plan Policy P4C notes that the housing mix on allocated and windfall major development sites will be negotiated, having regard to a number of factors including site size, need and demand, the economics of provision, and other planning objectives.

The need to ensure that sites provide a range of house sizes and types to meet need / demand whilst ensuring they are well designed, respect the character in which they are located and are socially balanced, means that the policy, which specifies a particular mix is counterintuitive. It is also contradictory to the need to comply with other policies within the Local Plan including regarding design quality [Policy P15].

Indeed, the justification within Paragraphs 186 – 190 of Policy P4C identifies that a more flexible approach should be taken in relation to the policy, reflecting the findings of the HEDNA, which states that the “*report does not suggest that prescriptive figures necessarily need to be included within the Local Plan...*” [HEDNA Paragraph 8.34] and that the “*recommendations can also be used as a set of guidelines to consider the appropriate mix on larger development sites...*” [HEDNA Paragraph 8.35].

The HEDNA acknowledges that it does not follow that prescriptive figures should be included in the plan making process as “*...the ‘market’ is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time, and demand can change over time linked to macro-economic factors and local supply.*” [HEDNA Paragraph 8.33]

Continued...



Accordingly, in order to set out a reasonable approach in relation to major housing schemes to provide a justified form of development a range should be provided, thus allowing flexibility for each site. The mix range should be provided within a table contained within the supporting text which accompanies the policy, as opposed to the policy wording itself.

This would provide a reasonable approach, allowing the considerations within Policy P4C [Point 1] to be taken into account on a site by site basis within the parameters as set out in the table. Thus, ensuring sufficient flexibility to allow a development to make efficient use of the site whilst respecting the character and appearance of the area and providing a range of dwelling sizes and types reflective of housing need to achieve mixed and balanced communities.

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In order to make the Local Plan Sound, the National Planning Policy Framework (NPPF) identifies that policies need to be positively prepared, justified, effective and consistent with national policy [Paragraph 35].

Accordingly, the provision of a specific set percentage figures should be removed from Policy P4C and a range of unit sizes, as justified and evidenced within the HEDNA [Paragraph 8.32] provided instead within a table contained in the explanatory text which accompanies the policy.

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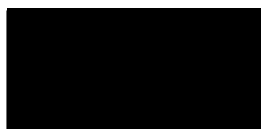
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There is a requirement within Policy P4D [Point 1] of the Draft Submission Version of the Local Plan (Local Plan) for all sites 100 units or more to provide 5% of open market dwellings in the form of Self and Custom Build Plots. This is aimed at complying with the National Planning Policy Framework (NPPF) [Paragraph 61] which states that people wishing to commission or build their own homes should be assessed and reflected in planning policies.

The Local Plan and Housing and Economic Development Needs Assessment - Oct 2020 (HEDNA) both reference the number of entries on the Solihull Self-Build and Custom Housebuilding Register. Whilst this may provide an estimation of the need for such housing, and an indication of future need, it does not directly support the requirements stipulated in Policy P4D.

The National Planning Practice Guidance (NPPG) [ID: 57-025-201760728] sets out ways in which the Council should consider supporting self-build and custom housebuilding, including developing policies within a Local Plan and engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding.

The requirement as currently stipulated in Policy P4D is an onerous requirement, and not justified as set out in Paragraph 35 of the NPPF. All policies should be underpinned by appropriate evidence, which should be adequate to support and justify the policy concerned. The Council's Self-Build and Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG (ID 57-0011-20160401), the Council should provide a robust assessment of demand including an assessment and review of data held on the Council's Register, which should be supported by additional data from secondary sources to understand and consider future need for this type of housing.

The requirement for sites of 100 units or more to provide for 5% self and custom build plots has to be informed by an evidence base. In this case, the evidence isn't provided to justify either the 100 dwelling threshold nor the 5% figure. Furthermore, the policy is unclear on how it would operate after should a plot remain unsold for 12 months.

The Register may indicate a level of expression of interest in such forms of building but it cannot reliably inform actual demand should such plots be made available. Neither does it indicate a desire for self and custom builders to wish to purchase plots on larger housing sites, as often only individual plots are sought.

Continued...



The policy requirement seeks to place the restrictive burden for delivery of self and custom build plots onto developers contrary to national guidance [ID: 57-025-201760728], which outlines that the Council should engage with landowners and encourage them to consider self and custom housebuilding.

The provision of such plots could also lead to delivery and management complications as it is unlikely that the allocation of self and custom build plots on housing sites of 100 units or more dwellings will be able to be co-ordinated with the development of the wider site. Which, at any one time, includes multiple contractors and serious practical and health & safety implications.

It is also important that plots should not be left empty to the detriment of neighbouring properties or the whole development as the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their construction with activity on the wider site. This could even result in the original developer having to return to site following completion of the development to build out the remaining unsold plots.

As well as the on-site implications and practicalities the requirement to include self and custom build plots potentially raises the issue of viability and thus the sites developability and as a consequence the ultimate deliverability of the Local Plan could also be put at risk. The creation of such plots on large development sites would be inconsistent with the desire to develop coherent and well-designed places, contrary to other policies within the Local Plan.

The proposal is overly onerous and similar requirements in both the Broxtowe Local Plan Part 2, where there was a requirement for sites of 20 dwellings or more to provide 5% self and custom build plots and, more recently, in regards to the Mansfield Local Plan<sup>1</sup>, where there was a requirement for sites of more than 100 dwellings to provide at least 5% self and custom build plots. Both requirements were found to be unjustified have been removed by the Inspectors at Examination.

<sup>1</sup> Mansfield District Council Mansfield Local Plan Inspector's Report – 31 March 2020 [Paragraph 72]

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Policy P4D should either be deleted from the Local Plan in full or amended to remove the requirement for developers of allocated sites to contribute to self and custom build housing.

Should the self and custom housebuilding policy remain, it should be amended so as to be supportive and encourage such forms of building. The provision of such plots on allocated development sites should only be at the discretion of the developer and based on the market requirements at the time.

If the Council believe the policy is justified it is requested that the policy be amended to allow for either self-build or custom build plots, thus partly reducing the onerous nature of the policy whilst allowing developers to adequately plan and manage sites.

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)

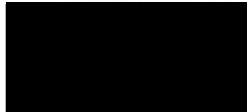
Y Yes, I wish to participate in hearing session(s)

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:

Local Plan Examination hearings are a crucial part of the process. Given the nature of the representations made and the implications in relation to both the form and contents of the Local Plan and site allocations the hearing sessions offer an important opportunity for the Inspector to thoroughly explore any issues which arise from the written representations made.

9. Signature:



Date: 14/12/2020

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

Name or Organisation:	Catesby Estates plc
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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"/>

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.

Policy P5 of the Draft Submission Version of the Local Plan (Local Plan) identifies that the Council will allocate sufficient land for a least 5,270 net additional homes to ensure sufficient housing supply, with the housing allocations being part of the overall housing land supply.

The identification of a housing need, which is greater than the minimum standard methodology LHN figure, is supported in principle. However, the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) doesn't dictate that there should be a maximum figure, whilst the Government's objective, as detailed in the NPPF [Paragraph 59] is also to significantly boost the supply of homes.

Given the positive economic impact possible of the arrival of the high-speed rail link including the interchange station located within the Borough, the development at Arden Cross, and the expansions ambitions of Birmingham Airport and Jaguar Land Rover in the region it is extremely likely that there will be significant growth in the Borough during the plan period. This economic growth will have a knock-on effect, including the increased demand for housing, which may be considerably higher than currently envisaged. This increase in demand may be further exacerbated by the anticipated changes in the way people live, work and travel post Covid-19. This is particularly pertinent as much of the growth projections related to Arden Cross are based on the 2011 Census commuting patterns, which are not only acknowledge to be out of date but given the anticipated change in working patterns post Covid-19 are likely to be further outdated. Combined with the need to accommodate approximately 2,000 dwellings from the Greater Birmingham Housing Market Area (GBHMA), the need to provide for significant growth well in exceedance of past trends is compelling.

A total of 18 sites are identified as allocations, with a strong reliance on larger more complex sites. Of those identified as being allocated only one is for 50 dwellings; six are for 51 – 100 dwellings; and four for 101 – 200 dwellings, with the remainder being for more than 201 dwellings. Based on likely housing delivery rates the larger sites are likely to take several years to complete as they will contain multiple land ownerships, have additional legal requirements and will need major infrastructure works and upfront investment. Given the close locality of a number of the allocated sites there is also a possibility of a lack of desire for competing sites to be developed at the same time.

Continued...



The windfall rate of 2,800 from 2022 – 2036 or 200 units per annum is also high due to the location of the Borough, its form and the identification of the majority of undeveloped land as Green Belt. There is therefore limited availability for potential alternative additional brownfield and windfall sites of any substantial size coming forward.

This coupled with the reliance on very large allocations, and in particular the number of dwellings identified in the Town Centre and at the UK Central Hub Area, results in a dependence on a small number of key large sites being developed as and when anticipated.

Moreover, housing delivery operates best when there is a mix of sites, with large strategic sites being complemented by smaller sites. A range of sites enables a range of products (both in form and size) to be made available to the market from large national housebuilders but also medium and small-scale housebuilding companies.

Whilst Local Plan Policy P5 meets the housing needs for the Borough it does not allow for much contingency and therefore allow for flexibility. Given the reliance on a small number of large sites, which are harder to develop and 'get out of the ground' there will be a risk that some sites do not get built-out, get built out when anticipated or additional housing needs arise.

Given the overreliance on large allocations and the number of dwellings to be accommodated there is a need to ensure housing targets can be met without the need to revert to an overly ambitious intensification of dwellings on existing allocations. The number of dwellings identified to be delivered need to be accommodated whilst retaining appropriate densities, forms of development and dwelling types which reflect the areas in which the sites are located, thus complying with other policies within the Local Plan.

Given the impact potential of High Speed 2, the expansions ambitions of local companies and the reliance on large sites, it is contended that the Council should seek to identify reserve housing sites that the Council could release for development if monitoring indicates that they are required.

The main purpose of reserve sites would be to enable the Council to maintain a five-year housing land supply, but also contribute to any increased identified need or additional shortfall arising from outside the Borough. The Local Plan should identify additional reserve housing sites and the mechanisms for their release, should they be required, through an appropriately worded policy.

As with the allocated sites, such reserve sites should be identified in locations that are, or can be made, accessible and sustainable, which are located on the edge of the urban area or within the rural settlements with the greatest range of services.

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.

To ensure the Council maintain a five-year housing land supply should allocated sites not develop as anticipated, and to allow for flexibility for increased identified need or additional shortfall the Local Plan should identify additional reserve housing sites and the mechanisms for their release, should they be required, through an appropriately worded additional policy.

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)?

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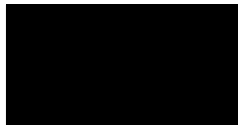
Y Yes, I wish to participate in hearing session(s)

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:

Local Plan Examination hearings are a crucial part of the process. Given the nature of the representations made and the implications in relation to both the form and contents of the Local Plan and site allocations the hearing sessions offer an important opportunity for the Inspector to thoroughly explore any issues which arise from the written representations made.

9. Signature:



Date: 14/12/2020



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

Name or Organisation:	Catesby Estates plc
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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 checked="" 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 checked="" type="checkbox"/>	No	<input type="checkbox"/>

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.

Within the Allocated Sites table associated with Paragraph 226 of the Draft Submission Version of the Local Plan (Local Plan) all the sites are identified as being allocated with a fixed maximum capacity.

In order for the associated policy (Policy P5) to be positively prepared and effective, the sites should be allocated for an approximate number of dwellings as opposed to a rigid set figure.

This would provide some flexibility when developing a site within the boundary parameters should the form of development change, due to the nature and type of dwellings being proposed altering because of market changes, or the physical characteristics of the site differ from anticipated by the Council when allocating the site. The uncertainty and risks associated with developing a site need to be appropriately considered as part of its allocation. The need for flexibility is particularly important as the majority of allocated sites are being removed from the Green Belt and as such will have defensible Green Belt boundaries, thereby stopping any encroachment onto adjacent land.

The allocations shouldn't be overly prescriptive, with the details to be determined as part of the consideration of planning application. This promotes flexibility throughout the Local Plan period ensuring the allocations can respond flexibly to need and market requirements within the context of the Local Plan and its other policies. Currently there is insufficient flexibility within the Local Plan allocations to ensure that the five-year housing land supply can be maintained and the overall housing supply identified within the Local Plan be met.

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.

The references to housing requirements in the site allocations should be expressed as 'approximate' to ensure that the policy isn't overly prescriptive, with the details to be determined as part of the consideration of the planning applications.

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)

Y 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:

Local Plan Examination hearings are a crucial part of the process. Given the nature of the representations made and the implications in relation to both the form and contents of the Local Plan and site allocations the hearing sessions offer an important opportunity for the Inspector to thoroughly explore any issues which arise from the written representations made.

9. Signature:



Date: 14/12/2020

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

Name or Organisation:	Catesby Estates plc
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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 checked="" 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 checked="" type="checkbox"/>	No	<input type="checkbox"/>

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.

Reference is made to Concept Masterplans within the explanatory text which accompanies Policy P5 of the Draft Submission Version of the Local Plan (Local Plan). The Local Plan notes [Paragraph 240] that the dwelling figures for the Allocated Housing Sites have been informed through the Concept Masterplans, which are based on a range of densities deemed appropriate for each site. The Local Plan goes on to state that the Council prepared a concept masterplan for each site to ensure confidence on capacity and deliverability [Paragraph 242].

No reference is made under Policy P5 or within its supporting text as to the status of these Concept Masterplans, which are contained within a supplementary document with the Local Plan only noting [Paragraph 230] that the eventual capacity of sites will depend on various factors, many of which will need to be addressed at application stage, including detailed design and layout.

However, within the Foreword to the Local Plan it is noted that the Council are “using concept masterplans for the major allocations which set out from the start where we want to see development coming forward...” whilst the various policies associated with the proposed allocations make clear reference to the fact that the development of the sites should be consistent with the principles of the Concept Masterplan for the site.

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.

In order for the associated policy (Policy P5) to be effective the status of the Concept Masterplans should be made more explicit, as they are within the policies associated with each allocation.

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)

Y 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:

Local Plan Examination hearings are a crucial part of the process. Given the nature of the representations made and the implications in relation to both the form and contents of the Local Plan and site allocations the hearing sessions offer an important opportunity for the Inspector to thoroughly explore any issues which arise from the written representations made.

9. Signature:



Date: 14/12/2020



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

Name or Organisation:	Gatesby Estates plc
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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 checked="" 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 checked="" type="checkbox"/>	No	<input type="checkbox"/>

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 allocation within the Draft Submission Version of the Local Plan (Local Plan) for land at Kenilworth Road / Windmill Lane, Balsall Common (Site Ref: BC3) is, in principle, supported.

### REQUIREMENTS

#### Point 1 - Allocation

The Draft Submission Version of the Local Plan (Local Plan), at Policy BC3 [Point 1], identifies that the site as being allocated for 120 dwellings. In order for the allocation policy to be positively prepared the site should be allocated for 'approximately' 120 dwellings as opposed to a set figure. As per the representations made in relation to Paragraph 226, this would provide some flexibility when developing a site within the boundary parameters should the form of development change, due to the nature and type of dwellings being proposed altering because of market changes, or the physical characteristics of the site differ from anticipated by the Council when allocating the site.

#### Point 2 (vi) – Self and Custom Build Plots

Policy BC3 [Point 2 vi] states that 5% of the open market dwellings should be provided in the form of Self and Custom Build Plots in accordance with Policy 4D. As per the representations made in relation to Policy P4D the requirement as currently stipulated in Policy P4D and BC3 is an onerous requirement, and not justified as set out in Paragraph 35 of the NPPF. All policies should be underpinned by appropriate evidence, which should be adequate to support and justify the policy concerned.

The Council's Self-Build and Custom Build Register may indicate a level of expression of interest in such forms of building but it cannot reliably inform actual demand should such plots be made available. Neither does it indicate a desire for self and custom builders to wish to purchase plots on larger housing sites, as often only individual plots are sought.

The provision of such plots could also lead to delivery and management complications as it is unlikely that the allocation of 6 no. self and custom build plots on housing site of approximately 120 units or more dwellings would be co-ordinated straightforwardly with the development of the wider Balsall Common site. This may include multiple contractors at any one time and raise practical and health & safety implications.

Continued...



It is also important that plots should not be left empty to the detriment of neighbouring properties or the whole development, as the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their construction with activity on the wider site.

## **Conclusion**

The allocation shouldn't be overly prescriptive, with the details to be determined as part of the consideration of a planning application(s). This promotes flexibility throughout the Local Plan period ensuring the allocations can respond flexibly to need and market requirements within the context of the Local Plan and its other policies.

## **GENERAL**

The site is bounded by the settlement boundary edge to the north and Windmill Lane and Kenilworth Road (A452) to the east and west, which includes a recent residential development allocated in the Solihull Local Plan (2013).

**Green Belt** – Within the council's Green Belt Assessment the site performs poorly against the purposes for including land in the green belt, with an overall score of 4. The allocated site has defined boundaries thus checking unrestricted sprawl of the built-up area (Score 1), with limited benefit in relation to preventing neighbouring towns merging (Score 2). Due to the already ad-hoc developed nature of both Windmill Lane and Kenilworth Road the site wouldn't encroach into the countryside (Score 1). The site's removal from the Green Belt is therefore justified.

**Sustainability** – The site, whilst located on the edge of the settlement and a greater distance from the village centre than others remains accessible including to the current secondary and primary schools located on Balsall Street East and Gipsy Lane. It is also important to note, as detailed within the Local Plan, that the Inspector (Inspector's Report: November 2013) when assessing the recent developments on the Kenilworth Road concluded, at Paragraphs 86 – 88, that the sites weren't so remote that it would justify omission from the existing Solihull Local Plan (2013).

The allocation, as identified within Policy BC3 and within the accompanying Concept Masterplan is as accessible as the adjacent sites and is in fact better linked for pedestrians and cyclists to the village centre due its better connectivity with Meeting House Lane.

**Heritage** – The Council's Heritage Impact Assessment for site BC3 identifies potential harm to the setting of Berkswell Windmill, a Grade 2\* listed building and recommends leaving the paddocks adjacent Windmill Lane undeveloped together with any areas where development would adversely affect the functionality of the Windmill or the view cone from the south-west [Paragraph 2.6.15]. An independent assessment by Heritage Collective, specialist consultants, identifies that any harm to the setting and significance of the windmill, is dependent on exactly what form of development is proposed. A full assessment of the extent of harm, and whether it can be acceptably mitigated should be undertaken at the time of a planning application in accordance with the NPPF tests.

Notwithstanding the above, the reduced allocation in relation to site BC3, to that which was contained within the Draft Local Plan and Supplementary Consultation, in relation to both site area / size and general number of units is supported in principle.

**Ecology** – There are a number of inaccuracies contained within the Council's Ecological Assessment (Feb 2020) which, whilst removing some of the previous erroneous references to Broad-Leaved Parkland and Semi-Natural Woodland, still retains some (e.g. pages 4 and 8).

Continued...

Whilst supporting the allocation of site BC3, the Council's ecological conclusions, such as the level of 'significance' of habitats within the site is questioned. The attached Ecology Note by Aspect Ecology identifies the fact that the Council's Masterplan document (Oct 2020) notes 'areas with significant habitat value' despite the Ecological Assessment (Feb 2020) not finding anything 'significant' within site BC3. Nevertheless, maintaining north south and east west ecology corridors is accepted.

Any potential constraints could be accommodated within an appropriately designed mitigation strategy, alongside a sensitively designed masterplan. Indeed, the retention of key areas of the site within green infrastructure provides an opportunity to bring forward net gains for biodiversity.

Arboriculture – The Council's Ecological Assessment (Feb 2020), at Figure 2, provides a constraints map of the site. It is acknowledged that the Assessment notes that it is a component of a very early and preliminary assessment and that a tree or arboricultural survey is recommended. However, it is important to note that there are several discrepancies in relation to tree locations, the extent of the Kenilworth Road woodland and the identification of notable / veteran tree status. Notwithstanding the details shown on the Concept Masterplan for the site full consideration should be undertaken as part of the planning application process, with appropriate buffers provided as a result of accurate survey findings.

### **Conclusion**

The settlement of Balsall Common is identified for significant growth, is within lower performing parcel in the Green Belt Assessment, and adjoins land that has previously been allocated for development in the current Solihull Local Plan (2013). There are no significant ecological and heritage constraints that affect parts of the site for development. With a flexible approach regarding dwelling numbers and the site being allocated for 'approximately' 120 dwellings as opposed to a set figure, heritage, ecological and arboricultural matters can be taken into appropriate and full consideration via the planning application process.

The allocation within the Local Plan is, in principle, supported.

Attached: Ecology Note (Aspect Ecology)

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.

Point 1 should be amended so that the allocation is for 'approximately' 120 dwellings as opposed to a set figure which wouldn't allow the required flexibility.

Point 2 (vi) the requirement to provide Self and Custom Build Plots should be removed, with Policy P4D also being appropriately amended.

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.

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