



Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For
official use
only)

Name of the Local Plan to which this representation relates:

Please return to psp@solihull.gov.uk or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14th December 23:59

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*	2. Agent's Details (if applicable)	
<i>* If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.</i>		
Title	c/o Agent	Mr
First Name		Nick
Last Name		Hardy
Job Title (where relevant)		Principal
Organisation (where relevant)	St Philips	Avison Young
Address Line 1		3 Brindleyplace
Line 2		Birmingham
Line 3		
Line 4		
Post Code		B1 2JB
Telephone Number		
E-mail Address (where relevant)		

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

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

Please tick as appropriate

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

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the written submissions on behalf of St Philips in relation to Local Housing Need, the Duty to Co-operate and Housing Supply which are appended.

St Philips' representations conclude that the Regulation 19 Draft Plan is not justified, effective or consistent with national policy in relation to Local Housing Need and Housing Supply, and that the Duty to Cooperate has not been complied with in relation to wider HMA needs.

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

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to St Philips' written submissions which are appended. St Philips' considers that the housing target should be expressed as a minimum, that the contribution to meeting HMA needs should be increased and that additional sites should be included in the 'Summary Table of Residential Allocations' (page 65) with a specific modification to include Site 131 (Land at Coleshill Heath Road).

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

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

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

☒

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

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

St Philips' participation is considered necessary to ensure that the Inspector is able to clarify any matters in relation to St Philips' submissions.

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:

14/12/20



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Last Name		Hardy
Job Title (where relevant)		Principal
Organisation (where relevant)	St Philips	Avison Young
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If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the written submissions on behalf of St Philips in relation to:

- (i) the need to remove additional land from the green belt for allocation for residential development to comply with the requirements of paragraph 136 of the NPPF and to meet local housing need; and
- (ii) the need to identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs beyond the plan period to comply with the requirements of paragraph 139(c) of the NPPF.

St Philips' representations conclude that the Regulation 19 Draft Plan is not justified, effective or consistent with national policy in relation to these matters.

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

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to St Philips' representations (appended) which set out specific responses on matters of soundness in accordance with this form and which propose that (i) additional land be taken out of the green belt to support residential development in this plan period (with a specific proposal for the removal of land at Coleshill Heath Road and its allocation for residential development); and (ii) that Areas of Safeguarded Land be identified to meet needs beyond the plan period, or sooner if required as part of a review of the Local Plan.

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

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

[Redacted Signature]

Date:

14/12/20

Solihull Local Plan Review

Consultation on Draft Submission Plan in accordance with Regulation 19 of the The Town and Country Planning (Local Planning) (England) Regulations 2012

Representations on behalf of St Philips

Site 131 – Coleshill Heath Road

December 2020

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Appendix II	Vision Document
Appendix III	Representations to the Supplementary Consultation (March 2019)
Appendix IV	Informal Supplementary Representations (Green Belt Issues) (January 2020)
Appendix V	Proposed Green Belt Boundaries

Prepared By: Nick Hardy

Status: Draft

Date: December 2020

For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 Avison Young is instructed by St Philips to submit representations to the consultation being carried out by Solihull Metropolitan Borough Council ('SMBC') in respect of the 'Draft Submission' version of the Solihull Local Plan Review (LPR). This document should be taken as our Client's comprehensive response to the consultation.
- 1.2 St Philips has an interest in land east of Coleshill Heath Road, and adjacent to Birmingham Business Park, which is referred to as Site 131 in the Solihull Local Plan Review 'Site Assessment' documentation. A site plan is appended to these representations at **Appendix I**.
- 1.3 St Philips is promoting the allocation of the land for the delivery of up to 135 dwellings within the first five years of the new Local Plan period. The opportunities and design principles for the proposed development are considered in the Vision Document which is submitted with these representations (**Appendix II**) and which is informed by a suite of technical evidence to demonstrate that the site is deliverable.
- 1.4 The site has been promoted through the Council's Call for Sites consultation exercise, and its development potential was considered within the Strategic Housing & Economic Land Availability Assessment (2016). It has also been assessed within the subsequent Sustainability Appraisals undertaken by the Council, the latest version of which is dated November 2020 and superseded the Interim Sustainability Assessment (2017) which was extant at the time of the previous, informal 'Supplementary Consultation' to which St Philips also made representations (which are attached at **Appendix III**).
- 1.5 We have reviewed the Regulation 19 Draft Plan, and the published evidence base which supports it, on behalf of our Client. In its current form, our Client is of the view that the Plan is unsound for a number of reasons, which we set out in the remaining sections of this submission.
- 1.6 With this in mind, we structure our representations in the following way.
- **Section 2** briefly describes our Client's site.
 - **Section 3** comments on SMBC's housing need, the proposed housing target and the extent to which we think that SMBC has satisfied the Duty to Co-Operate.
 - **Section 4** comments on SMBC's planned housing supply, with reference to the conclusions on need that we reach in Section 3.
 - **Section 5** discusses, with reference to the LPR evidence base, SMBC's approach to site selection, and, in particular, focusses on the way in which our Client's site has been assessed by SMBC.
 - **Section 6** comments on the merits of our Client's site as a development opportunity in the light of the deficiencies of the Plan that we identify in preceding Sections.

2. Site Description

- 2.1 St Philips is promoting the allocation of the land east of Coleshill Heath Road and adjacent to Birmingham Business Park for the delivery of up to 135 dwellings within the first five years of the new Local Plan period. The opportunities and design principles for the proposed development are considered in the Vision Document which is at **Appendix II** and which concludes, on the basis of a suite of robust technical evidence, that the site is deliverable.
- 2.2 The site comprises 9.19 ha. The A425 Chester Road forms the northern boundary and Wright's Farm and its access forms the southern boundary. The site is exceptionally well contained at its boundaries by physical infrastructure and development. Moreover, the presence of an Esso pipeline beneath the site, and its attendant easements, negates any built development across a substantial proportion of the site.
- 2.3 The majority of the site comprises grassland and is broadly flat, with the exception of two existing subsoil mounds. Moreover, the site supports some significant stands of mature trees:-
- adjacent to the Coleshill Heath Road/Chester Road junction;
 - along the Chester Road;
 - along the full extent of its boundary with the Birmingham Business Park; and
 - along the southern boundary and the access road to Wright's Farm.
- 2.4 The Concept Masterplan within the Vision Document proposes that all of these stands of mature trees would be retained within a green buffer that would extend along the entire length of the boundary with the Business Park, and with Chester Road and the farm access. They will be integrated within a network of new green corridors and open space that equates to 5.6 hectares (or 60% of the gross site area). The site's existing landscape structure will be retained and subsequently maintained by virtue of the landscape proposals that would be delivered as part of the development. These proposals are consistent with the need to avoid any development in the areas affected by the pipeline which runs beneath the site.

Proposed Green Belt Boundaries

- 2.5 St Philips is mindful of the need for its proposals to identify green belt boundaries which are defensible and which may endure in the long term. At the time of St Philips' representations to the last 'formal' consultation on the plan (which was the Supplementary Consultation in March 2019) St Philips proposed that the whole of Site 131 be removed from the green belt and allocated for housing, but with only a proportion to be developed (as per the Concept Masterplan within the Vision Document). The new green belt boundaries would be formed by Chester Road in the north and the farm access to the south.
- 2.6 The effect of this proposal was to remove any separation (by way of green belt policy designation) between Birmingham Business Park and Coleshill Heath Road, and to remove any link between the parcels of green belt that lie to the north and south of the site. Mindful of this, and following discussions with officers, St Philips prepared the 'Supplementary Submission (Green Belt Considerations: Site 131)' which were submitted on an informal basis to the LPA in January 2020 (**Appendix IV**). The Supplementary Submission addressed two principal points.
- First, it concluded that, if there were any doubt about the permanence of the development structure shown on the Concept Masterplan, that is addressed by reference to the Esso pipeline and associated easement which has effectively set the eastern extent of the site's developable area. This feature is permanent and so, unambiguously, creates a permanent

limit to the eastern extent of development of the site. This is reinforced above ground by the proposed retention of existing trees within the site's structural open space and green buffers. We are not aware of any advice in the NPPF, PPG or elsewhere that would suggest that defensible boundaries can only be set by above ground features. The below ground feature that sets the development boundary on the site's eastern edge is no less permanent or defensible than would be the case with an above ground feature such as a road.

- Second, it revised St Philips' proposals for the setting of new green belt boundaries. Rather than the whole of the site being taken out of the green belt, St Philips proposed that the new green belt boundary would be set by the alignment of the pipeline and with that to be given effect in any allocation by either:-
 - limiting the extent of any allocation and green belt release to the alignment of the pipeline; or
 - including the whole site in an allocation, but with a clear explanation that the green belt boundary is set on the alignment of the pipeline.

This amendment is material and significant in that its effect would be to **retain separation** (by way of green belt policy designation) between Birmingham Business Park and Coleshill Heath Road, and to **retain a link** between the parcels of green belt that lie to the north and south of the site, issues which it appears were of concern to officers with regard to St Philips' original proposals to remove the whole of the site from the green belt, and which may have impacted on the conclusions that officers reached at the 'Step 2' site selection stage for Site 131 in respect of those 'Factors Against' which relate to green belt.

- 2.7 The removal of land from the green belt to accommodate local housing needs in Solihull is inevitable. It is St Philips' view that the removal of more land from the green belt than was proposed in the Supplementary Consultation documents is also necessary, both to accommodate local housing needs and future growth. In those 'exceptional circumstances' where green belt release is justified, the potential to enhance retained green belt by way of its management and the provision of access to it should be explored, and is capable of being treated as a material planning consideration. In this case, the land that would be retained in the green belt would be laid out as open space, with its existing landscape structure maintained and managed, and with public access to it allowed. This would provide a very positive outcome, and weighs in favour of the allocation of Site 131 both of itself and relative to any other site that would not provide similar benefits or 'mitigation' for the release of land from the green belt.

Midland Metro Alliance

- 2.8 A Public Right of Way and cycle route bisects the site running in a broadly east-west direction, connecting into the network of footpaths within the Birmingham Business Park.
- 2.9 Throughout the promotion of the proposed development site, St Philips has been approached by the Midlands Metro Alliance regarding their proposals associated with the East Birmingham to Solihull Metro Extension (EBSE). The route of the EBSE extends through Site 131 broadly along the line of the Right of Way and into to Birmingham Business Park. An initial meeting with the Alliance was held in December 2018 with the expectation that further, more detailed, discussions would take place during early 2019. St Philips, through its most recent correspondence with the Alliance in August 2019, understands that the design process for the route has been temporarily paused.
- 2.10 Notwithstanding this, St Philips has demonstrated to both SMBC and the Alliance their willingness to work collaboratively, at the appropriate time, to ensure the Metro is incorporated into the proposed

development scheme, where possible. This is a further matter that should be taken into account when considering the future use of the site, its performance in relation to accessibility criteria, and how the introduction of Metro would add an urbanising feature within the site.

3. Housing Need, Housing Target and the Duty to Co-Operate

- 3.1 The National Planning Policy Framework (NPPF) states at paragraph 60 that:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”

- 3.2 This is the premise from which strategic policies on the supply of housing in Solihull should be based.

The Standard Method (SM)

- 3.3 The Government has challenged LPAs to deliver 300,000 dwellings per year in order to address what it acknowledges is a chronic shortage of housing in the UK. The LHN for each LPA in the UK, calculated using the current SM (2018), is a minimum figure. LPAs can propose higher targets if they wish to. If the minimum LHN figures for each of the LPAs (calculated using the 2018 SM) are added together, the total number of homes delivered per annum would be approximately 270,000 (i.e. 30,000 homes short of the Government target of 300,000 homes per annum).
- 3.4 SMBC has used the current (2018) version of the SM to calculate that Solihull's local housing need (LHN) figure for the plan period (2020 to 2036) is 12,912 dwellings, or 807 dwellings per year. This figure comprises the majority of the housing need figure identified in the emerging Solihull Local Plan.
- 3.5 If the Government's target is to be achieved, LPAs must deliver in excess of the minimum LHN calculated using the 2018 SM. However, very little evidence has emerged of LPAs increasing numbers beyond their minimum LHN.
- 3.6 Furthermore, the methodology deployed in the 2018 SM is, to a significant extent, based on projections of household growth. On its face, this appears appropriate. However, it has created a reverse effect in some LPAs. Historic under supply of housing in areas of high demand has lowered rates of migration and household formation which in turn has driven down projected levels of growth leading to lower LHN calculations.
- 3.7 Perhaps of greater concern is the disconnect between the 2018 SM and the target of 300,000 dwellings per year. Put simply, the current SM is failing to deliver the Government's commitments. It was this trend that induced the Government to direct LPAs to continue using household growth projections from 2014 despite the availability of more up-to-date data. This was because the 2014 figures generated higher LHN figures and were more likely to deliver the Government's overall target.
- 3.8 Finally, the reliance on household growth projections in the 2018 SM methodology led to regional imbalances throughout the UK. In simple terms, London and the South-East received very high LHN figures due to a lack of affordability and high household growth. Conversely, in the Midlands and the North the 2018 SM produced lower LHN figures and failed to boost the supply of new housing equitably across the country.
- 3.9 In response to the above issues (amongst other things) Government published its 'Planning For The Future' White Paper on 6 August 2020. The paper proposes a new version of the SM which would yield 337,000 dwellings per year. The new SM seeks to address the short comings of the 2018 version by introducing various measures designed to distribute new homes more equitably throughout the UK.

- 3.10 If the new SM is applied to the West Midlands region the annual housing target increases from approximately 19,500 homes per year under the 2018 SM to approximately 27,500 homes. This increase in LHN would have to be delivered by all West Midlands authorities, including Solihull.
- 3.11 The new SM has received broad support from the housing industry and could be introduced by the Government as early as Q1 or Q2 2021. The introduction of the new SM will render the LHN figures in the emerging Solihull Local Plan out of date immediately. SMBC will need to recalculate and then identify additional land to deliver its increased LHN.
- 3.12 Finally, the White Paper paves the way for a third approach to calculating LHN which would re-introduce a Government led, nationwide, distribution of the 300,000 home target based on need and constraints. This would be similar to the previous practice of identifying overall targets for each region and then tasking the individual LPAs with delivering those targets. This third SM would remove the opportunity for LPAs to assess how much housing they believe they can deliver based on the constraints of their boroughs and districts, including the Green Belt.
- 3.13 In summary, we conclude that the Council's calculation of LHN, which is based on the 2018 SM, will soon be obsolete. Emerging Government policy suggests that Solihull's LHN will increase, leading to a requirement to release more land from the Green Belt to be allocated to housing.

Unmet Needs and Duty to Cooperate

- 3.14 SMBC acknowledges that the Birmingham Development Plan (BDP) identifies a shortfall of 37,900 homes which must be delivered in the GBHMA between now and 2031.
- 3.15 Section 33a of the Planning and Compulsory Purchase Act 2004 establishes a Duty to Co-operate. This is a legal test, as well as a test of soundness in the context of plan making, and is fundamental to the examination of the emerging Local Plan. The Council considers the Duty to Co-operate in chapter 6 of its 'Reg 19 Draft Local Plan: Overall Approach Topic Paper'. The chapter sets out to explain how the Council has engaged in cross boundary growth issues and confirms that it has attended working groups comprised of representatives from the LPAs in the GBMHA.
- 3.16 The chapter cites 'Position Statement Number 3 - September 2020' as evidence that unmet need within the HMA has reduced from 37,572 in 2015 to 2,595 in 2019. However, the significantly reduced shortfall identified in the position statement relative to the previous version is based, in part, on undertakings and proposals made by the authorities in the HMA. These include SMBC's own undertaking to deliver approximately 2,000 homes towards unmet need in the HMA. The position statement is a summary of the positions adopted by various LPAs and is not a definitive assessment of housing land supply based on commitments in adopted development plans. Accordingly, it does not form an appropriate basis on which SMBC can rely as justification for its very modest proposed contribution to the delivery of unmet need in the HMA.
- 3.17 There is no agreement between the fourteen LPAs in the HMA which demonstrates robustly how Birmingham's shortfall will be delivered. Some of the adjoining LPAs have entered into memoranda of understanding (MOU) to demonstrate a commitment to deliver cross boundary growth. SMBC however, has no formalised arrangement with any of its neighbouring authorities, including Birmingham, despite the adjacency of the two authorities. Indeed, SMBC says at para 148 of its Reg 19 Draft Local Plan: Overall Approach Topic Paper that it is:

"seeking to enter into SoCG with HMA partners and consider that the position statements ... provide a basis for establishing common ground".

- 3.18 This falls well short of the requirement to have entered into SoCG by this stage of the plan-making process. It confirms only that the Council is seeking to enter into SoCG and acknowledges that the position statements do not constitute ‘common ground’ but provide only a basis for establishing what that might be.
- 3.19 BCC has said it will consider the timing of the review of the BDP and will set out a timetable for its review by January 2022, if appropriate. A review seems very likely given the impending change to the SM which is likely to increase housing need in the West Midlands by up to 30%.
- 3.20 In August 2020 the Association of Black Country Authorities wrote to all authorities within the HMA to identify significant challenges facing the Black Country Joint Plan Review relating to the supply of housing and employment land. The BCAs have sought to maximise urban capacity and have committed to release significant amounts of land from the Green Belt. Nevertheless, unmet need for housing is likely to remain at between 4,500 and 6,500 homes up to 2039.
- 3.21 There is a clear current and future requirement for SMBC for deliver a significant number of new dwellings to address unmet needs in Birmingham and the wider HMA. This obligation is only likely to increase when the new SM is introduced and additional unmet needs in Birmingham and the Black Country result.
- 3.22 SMBC’s current approach to unmet HMA needs is no more than “*a commitment to test*” its ability to accommodate approximately 2,000 new dwellings over and above its LHN (para 151 of its Reg 19 Draft Local Plan: Overall Approach Topic Paper). Despite being challenged at earlier stages of plan preparation on the amount which it has said it will accommodate, SMBC has not provided any evidence to justify either this approach or the figure chosen (and reference to Position Statement Number 3 does not comprise evidence for the reasons set out). The decision to test the delivery of 2,000 homes has been taken unilaterally and is not based on any documented approach or agreement with the other LAs in the HMA. If it were to robustly justify its approach towards meeting unmet need, SMBC should have sought and secured agreement from its neighbours.
- 3.23 Moreover, the 2020 Sustainability Appraisal prepared by Aecom tests 13 housing development options (comprising of 6 main options which are divided into sub-options). Those vary from an outcome where only the Borough’s needs are met (Option 1) to an outcome where the Plan makes provision for 25,000 new homes (Option 6) and a significant contribution to the shortfall arising in the HMA. Options 2a, 2b and 2c test differing ways of delivering the needs of the Borough and a contribution of 2,000 dwellings to the HMA shortfall. Options 3 to 6 then test progressively greater contributions towards the HMA shortfall of 3,000, 6,000, 9,000 and 12,000 units respectively. In Options 3 to 6, the Appraisal tests the inclusion of ‘amber sites’ in addition to increasingly greater scales of development at Balsall Common.
- 3.24 At Paragraph 5.5.13, the Sustainability Appraisal concludes that, in respect of Option 3 (a contribution of 3,000 dwellings to the HMA shortfall),
- “the effects are very similar to the corresponding options under scenario 2. The additional 1000 dwellings involved should therefore be possible to accommodate without generating further significant effects that would not arise under scenario 2.”*
- 3.25 The Appraisal goes on to say that, across Options 4, 5 and 6 (and the sub-options within them) there is potential both for greater significant positive effects and significant negative effects.
- 3.26 The Sustainability Appraisal is not, of course, a document that sets the strategy that SMBC incorporates into the Plan. However, it forms part of the evidence base that underpins the Plan and it reaches a conclusion that SMBC could make a contribution of 3,000 dwellings to the shortfall in the

HMA, without the impacts being materially more negative. Despite this, there is an absence of any published assessment undertaken by SMBC that tests whether it could make any greater contribution to the HMA shortfall, having regard to its suite of evidence base, or explains why it has chosen not to. On this basis it appears that the decision to include a contribution of 2,000 dwellings towards HMA needs is not supported by evidence and is arbitrary.

- 3.27 We conclude that the Council should explain the process by which it has arrived at a conclusion that it could not deliver more than 2,000 dwellings towards the HMA shortfall without unacceptable impacts on social economic or environmental interests. At the very least, and without prejudice to our conclusions on the duty to co-operate, given that the Sustainability Appraisal concludes that the Council could make a contribution of 3,000 dwellings towards the HMA shortfall with the impacts being largely the same as those which arise from a contribution of 2,000 dwellings, it appears to us that there is scope for the Council to make a contribution of at least 3,000 dwellings.

Green Belt and Safeguarded Land

- 3.28 SMBC has concluded that there are exceptional circumstances which justify the review of its Green Belt boundaries through the preparation for its emerging Local Plan. The main driver for this is housing need, which cannot be met without the release of Green Belt.

- 3.29 Paragraph 136 of NPPF states;

“...strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”.

- 3.30 Paragraph 139 (c) of the NPPF (2019) advises that plans should:-

“where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period”;

- 3.31 This is a critical matter for the Solihull Local Plan given that the Borough is substantially constrained by green belt and that Paragraph 139 (e) of the NPPF says that plans should:-

“be able to demonstrate that green belt boundaries will not need to be altered at the end of the plan period”.

- 3.32 Despite this clear advice, and despite this matter having been raised at the previous Supplementary Consultation stage, the Reg 19 Local Plan still does not include any areas of safeguarded land to accommodate longer term growth. Whilst the term “well beyond” the plan period in paragraph 139 (c) is not be defined in the NPPF, and may be for debate having regard to local circumstances, it would be reasonable to conclude that this should be a minimum of five years, and more robustly ten years, particularly in an authority which is as constrained by green belt as Solihull.

- 3.33 Adopting the current annual Local Housing Need figure derived from the current SM would suggest a need for a substantial allocation of safeguarded land (4,035 to 8,070 dwellings over a 5 or 10 year period, excluding any additional allowance for cross boundary need) in addition to the land required to meet any shortfall from the HMA. Setting the boundaries with confidence depends, of course, on clarity in relation to the proportion and amount of unmet HMA need to be accommodated in Solihull.

- 3.34 The draft Local Plan considered in this context does not meet the objectives of the NPPF (2019) and, if it is to be found sound, should identify a supply of safeguarded land so as to secure green belt boundaries well beyond the plan period. Decisions on where that safeguarded land should be must

be evidence-based and related to an assessment of the performance of land against green belt purposes.

Summary

3.35 We conclude in relation to Local Housing Need as follows.

- The LHN identified in the emerging Local Plan will shortly become obsolete due to the introduction of the revised SM. If introduced in the form proposed currently the new SM would increase LHN across the West Midlands by up to 30%.
- SMBC does not have the formal arrangements or agreements in place with adjoining authorities in respect of meeting unmet housing needs in the HMA which it should have at Reg 19 stage. SMBC has said only that it is *“seeking to enter into SoCG”*.
- Position Statement Number 3 does not constitute an evidential basis for adopting a figure of around 2,000 units. In any event, SMBC has stated no more than a *“commitment to test”* this number, but has not sought to test the potential to accommodate any other number without unacceptable harm to social, environmental or economic interests. Only Birmingham will gain more economic benefit from the arrival of HS2 than Solihull. Despite this, SMBC is proposing one of the smallest contributions towards meeting unmet needs of all of the HMA LPAs.
- The emerging Local Plan fails to identify any safeguarded land on which to develop new housing in the future. This will inevitably mean that Green Belt boundaries will need to be altered again when the plan is next reviewed. This is contrary to the NPPF and provision should be made.

3.36 We conclude that the plan fails the test of soundness in respect of meeting housing needs and ensuring that Green Belt boundaries in the borough will remain beyond the proposed plan period.

4. Housing Land Supply

4.1 Paragraph 67 of the NPPF confirms that LPAs must identify a supply of:

- a) *“specific, deliverable sites for years one to five of the plan period; and*
- b) *specific, developable sites or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15 of the plan.”*

4.2 The NPPF confirms that:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within 5 years”.

4.3 In respect of deliverability the NPPF establishes that sites which (i) do not involve major development and have planning permission; and (ii) all sites with detailed permission should be considered deliverable until planning permission expires. The only exception to this is where clear evidence demonstrates that development is no longer viable.

4.4 In circumstances where a site has outline planning permission for major development; is allocated in the development plan; has a grant of permission in principle; or is identified on a Brownfield Land Register (BLR) the NPPF confirms that it should only be considered deliverable where there is clear evidence that it will deliver homes within 5 years.

4.5 To be developable (and included in the housing supply from year 6 onwards), the NPPF confirms that sites should *“be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged”.*

4.6 SMBC includes, at Page 69 of the Draft Submission Plan, a ‘Housing Land Supply Table’. The same table is also found on Page 13 of the ‘Meeting Housing Needs’ Topic Paper. This table sets out SMBC’s conclusions on its supply of sites over the proposed plan period.

4.7 A separate version of the supply table is also found on Page 70 of the Draft Submission Plan. This presents SMBC’s conclusions on the extent to which the Council could demonstrate a five-year supply of deliverable sites at 1 April 2020 (the base date for the Plan). SMBC concludes that it could demonstrate a supply of deliverable sites of 5.37 years.

4.8 We have reviewed the Council’s supply tables (for both the whole plan period and the first five years of the Plan). For reference, we have reproduced the ‘whole plan period supply’ table below.

1. Sites with planning permission (started)	1,663
2. Sites with planning permission (not started)	1,119
3. Sites identified in land availability assessment.	320
4. Sites identified in the Brownfield Land Register (BLR)	77
5. Town centre sites.	961

6. Solihull Local Plan (2013) Allocations Without Planning Permission at 1 April 2020	350
7. Less a 10% to sites with planning permission (not started) sites identified in land availability assessments, BLR and SLP sites	-283
8. Windfall Housing Land Supply (2022-2036)	2,800
9. UK central hub area to 2036	2,740
10. Allocated sites to 2036	5,270
Total Estimated Capacity (rows 1-10)	15,017

4.9 The Draft Submission Plan includes a housing trajectory which divides sites into three phases. Two of the phases are combined by SMBC for the purposes of establishing annual housing requirements and charting the proposed housing trajectory. The phases cover the following time periods:-

- Phase I – 2020 to 2026; and
- Phase II/III – 2026 to 2036

4.10 The Council anticipates a slower rate of delivery during Phase I (851 dwellings per annum) rising to 991 homes per annum during the Phases II and III. No evidence is provided to explain why the proposed allocations have been placed into their respective phases and this is examined in more detail in subsequent sections.

4.11 Our comments on the Housing Supply Table are set out as follows.

Sites with Planning Permission (Started)

4.12 We note that this figure is drawn from Appendices G and H of the Draft Strategic Housing and Economic Land Availability Assessment (SHELAA), prepared by SMBC in 2020.

Sites with Planning Permission (Not Started)

4.13 Row 2 of SMBC's supply table shows 1,119 dwellings in this category, of which 889 dwellings are to be delivered within the first five years of the Plan and therefore contribute to SMBC's five-year supply. The Council's evidence base indicates that the difference of 230 dwellings can be accounted for by one single site: The Green on Stratford Road, which is reported to benefit from an outline planning permission for 330 dwellings, but which SMBC says could contribute 100 dwellings in the first five years of the Plan.

4.14 The 2020 Draft SHELAA provides, at Appendices A and B, a schedule of planning permissions which are described as "*live*". We assume this means 'extant but not implemented' and that this is where the figure for row 2 of the supply table is drawn from. We say this on the basis that: a) the total number of dwellings listed in the two appendices is 1,119; and b) because the appendices to the SHELAA can all be matched against the remaining lines of the supply table.

4.15 On reviewing the appendices we have noted, that it includes a site at 27 Lowbrook Lane. SMBC's records show that, although the Council granted planning permission in 2017, this was quashed in the High Court later that year. Once the application was remitted to SMBC, the Council then decided to refuse the application in 2019. This site cannot therefore be included in the supply table.

- 4.16 This row of the supply table also includes a number of planning permissions that were granted during 2017. We have briefly checked SMBC's planning records for each site, and have noted that the planning permissions were required to be implemented within three years of the date of the permission being granted (and so during the course of 2020). Indeed, a number of those permissions were required to be implemented before the SHELAA was published in October of this year. On the basis that the Council has included those sites in the 'not started' category, we can only conclude that the Council holds no evidence of the consents being implemented. In the absence of such evidence, we assume those permissions have now lapsed (or will lapse between the time of writing and the end of 2020), would not be capable of delivering housing during the Plan period, and so should be excluded from the supply table.
- 4.17 Our analysis suggests that 44 dwellings can be discounted from row 2 of the supply table on this basis. The SHELAA indicates that a number of other sites in this category will lapse during the early parts of 2021, so that by the time the Plan may be adopted, the number of dwellings in row 2 of the supply table is likely to have decreased further.
- 4.18 These points are likely to have implications for SMBC's ability to demonstrate a five-year supply of housing when the Plan is adopted. We say this because all but one of the sites in this category of supply are expected by SMBC to be delivered in the first five years of the Plan (and therefore contribute to five-year supply).

Sites Identified in Land Availability Assessments

- 4.19 Appendix E of the SHELAA shows that sites identified as being suitable for residential development in the SHELAA could contribute 320 dwellings to the supply of housing up to 2036. Of that number, the SHELAA concludes that 100 dwellings are deliverable and therefore will contribute to the Council's five-year supply. This contradicts the five-year supply table in the Draft Submission Plan, which states that 200 dwellings will be delivered on sites identified in land availability assessments.
- 4.20 In any event, none of the sites in this category are allocated for development, and they are not: a) allocated in the 2013 Local Plan; or b) proposed for allocation in the Local Plan Review. The Council has not provided any evidence to demonstrate how the 100 dwellings from SHELAA sites that it says are deliverable would satisfy the definition of deliverable in the NPPF. At the very least, those units should not contribute to the supply of housing in the first five years of the Plan.
- 4.21 More significantly, though, in the absence of being allocated, or benefitting from planning permission, we conclude that all of the sites in this category (i.e. not just those which SMBC says are deliverable) would be more appropriately be categorised as windfalls. This casts doubt on the robustness of the Council's estimate of delivery from windfalls and suggests that sites may have been double counted, i.e. they appear in rows 3 and 9 of the supply table.
- 4.22 Accordingly, the Council has not provided sufficient evidence to justify the inclusion of these sites in row 3 of the supply table and that Row 3 should be deleted.

Sites Identified in the Brownfield Land Register

- 4.23 The table indicates that 77 dwellings will come forward from the Brownfield Land Register (BLR), all in the first five years of the Plan. As with sites in row 3 of the supply table, we are concerned that the BLR sites should either be:
- identified as allocations with evidence to support the Council's conclusion that they will contribute to supply; or
 - categorised as windfalls.

- 4.24 There is a very significant difference between the Council's proposed windfall supply (2,800 dwellings) and the contribution from the BLR (77 dwellings). This is despite the fact that the two sources of supply might, arguably, be broadly the same. The PPG confirms that windfall sites should be considered for inclusion in the BLR and that where windfall sites are deliverable they count towards 5 year land supply.
- 4.25 Given the lack of evidence to demonstrate that these sites meet the NPPF definition of deliverable, and support the inclusion of BLR sites in the supply table, we conclude that the row should be removed from the supply calculation.

Town Centre Sites

- 4.26 Neither the Draft Submission Plan nor the 'Meeting Housing Needs Topic Paper' include details of the sites that will deliver the 961 units within the town centres. The only clarification provided is that Solihull Town Centre will deliver 861 units and Chelmsley Wood Town Centre will deliver 100 units.
- 4.27 The 2020 SHELAA advises that the Solihull Town Centre sites are carried over from the 2013 Local Plan. We note that the 2013 Local Plan identified a capacity for 950 dwellings to be delivered on sites in the Town Centre. Paragraphs 113 to 131 of the Draft Submission Plan advise that, in 2016, an Illustrative Town Centre Masterplan was prepared (and which informed the Draft Local Plan that was published for consultation in 2016). The Masterplan identified capacity for 1,500 dwellings to be constructed in the Town Centre, of which the Draft Local Plan concluded that 861 could be delivered over the forthcoming plan period.
- 4.28 SMBC now reports that updated market reviews and analyses have been procured from Amion, in order for the Council to reach a refined view on those sites in the Town Centre which can be developed over the forthcoming plan period, and the capacity of each of those opportunities. SMBC states at paragraph 130 of the Draft Submission Plan that although the outcomes of that assessment are not yet available, the work has indicated that the *"level of residential development that can be accommodated in the town centre is expected to at least match that assumed in the Draft Local Plan, if not exceed it."* SMBC goes on to say that, once the Amion work has been completed, it will update its figures on Town Centre capacity. In the meantime, SMBC states that it is relying on the figure of 861 dwellings that emerged from the 2016 Draft Local Plan.
- 4.29 Given that SMBC is currently consulting on the Draft Submission Plan (which is the version it intends to submit to the Secretary of State), it is unacceptable that the evidence around Town Centre opportunities and capacity is not available for interested parties to comment on at this stage. Those with interests in the Plan must have the opportunity to review and test SMBC's evidence as part of the current consultation, in order to reach a view on the acceptability of the Council's conclusions on the number of dwellings that can be delivered in the Town Centre over the plan period.
- 4.30 Beyond this, the 100 units which are said to be capable of being delivered in Chelmsley Wood Town Centre are reported to have emerged from the SHELAA (rather than being allocated or benefitting from planning permission). However, SMBC's re-issued Site Assessment document, dated November 2020, states that Chelmsley Wood Town Centre sites were excluded from the SHELAA. It is therefore not at all clear from the Council's evidence base what testing has been undertaken of the potential to deliver 100 units in the Town Centre, and to justify inclusion of these dwellings in the supply calculation. In any event, we reach the same conclusions as we have in respect of other sites that are neither allocated nor the beneficiary of a planning permission; they are windfalls and so are already captured by row 8 of the supply table. On this basis, and to avoid double counting, these units must be excluded from row 5 of the supply table.

Solihull Local Plan (2013) Allocations without Planning Permission at 1 April 2020

- 4.31 Appendix C of the 2020 SHELAA lists those sites which are to be carried forward from the 2013 Local Plan. These are:-
- i) the Simon Digby site in Chelmsley Wood, which is identified as capable of delivering 175 dwellings (in the first five years of the Plan);
 - ii) land at Riddings Hill, Balsall Common, which is identified as capable of delivering 65 dwellings (in the first five years of the Plan); and
 - iii) land off Meriden Road in Hampton-in-Arden, which is identified as capable of delivering 110 dwellings (in the first five years of the Plan).
- 4.32 Like the Draft Submission Plan, the 2013 Local Plan categorised the housing sites within it into phases. The Simon Digby site fell within the first phase of the 2013 Local Plan, and so was expected to be delivered between 2013 and 2018. That it has not come forward for development raises questions about its deliverability. However, SMBC has not commented on that in its evidence base. Indeed, the only reference to deliverability that we have found is in the SHELAA, where SMBC note that the site has been subject to pre-application discussions (with those relating to a scheme of 175 dwellings). However, the submission of a pre-application enquiry is no guarantee that a planning application (or permission) will follow, and so we think this falls substantially short of providing clear evidence that the site is capable of being delivered for housing, whether that is in the first five years of the Plan or in year 6 and beyond. We therefore conclude that SMBC has not justified the carrying over of this allocation, and that it should be excluded from the supply table.
- 4.33 The site at Riddings Hill, Balsall Common, was allocated to Phase II of the 2013 Local Plan (where SMBC expected development to be delivered between 2018 and 2023). It does not appear that the site has been subject to any additional assessment as part of the preparation of the Local Plan Review. It is incumbent on SMBC to provide the clear evidence that the site is deliverable, in order for it to contribute to the supply of housing in the first five years of the Plan. The NPPF is clear that it is not permissible for LPAs to simply rely on a site being allocated to demonstrate that it is deliverable. Therefore, in the absence of such evidence, we conclude that SMBC has not justified the retention of this site in the supply table, and that it should be excluded.
- 4.34 The site at Meriden Road, Hampton-in-Arden, appears to comprise agricultural land, and was located adjacent to a former ammunition depot. The 2013 Local Plan stated that delivery of the allocation was contingent upon “reclaiming the ammunition depot” for open space. It is not at all clear whether the rolling forward of the allocation into the Local Plan Review carries the same contingency. If so, SMBC must demonstrate within its evidence base that it is satisfied that the depot can be provided as open space, to facilitate development on the existing allocation.
- 4.35 We raise this because SMBC’s Site Assessment (November 2020) includes an assessment of the depot, which concludes that the site may be suitable for residential development. That would, on its face, appear to challenge the ability of the depot to provide the open space that would then unlock development potential of the adjoining, existing allocation. The absence of any evidence or discussion around these matters in the Draft Submission Plan means that SMBC has failed to demonstrate, robustly, that the Meriden Road allocation is capable of delivering new housing during the forthcoming plan period. We therefore conclude that it too must be excluded from the supply table.

Less 10% to Sites with Planning Permission (Not Started), Sites Identified in Land Availability Assessments, Brownfield Land Register Sites and Solihull Local Plan (2013) Sites

- 4.36 The Council has not provided evidence to demonstrate why a 10% discount is appropriate as opposed to a higher figure. The discount is applied to sites identified in Land Availability Assessments, and on the Brownfield Register, which we consider should be excluded from the supply calculations on the basis that, if not allocations, they are windfalls. We reserve the right to comment on this in more detail once the evidence to support this assumption is made available.

Windfall Housing Land Supply

- 4.37 The Council is obliged to release land from the Green Belt to meet its LHR and unmet need from the HMA. It should also be releasing land from the Green Belt and identifying it as safeguarded to meet housing needs beyond the plan period, as required by the NPPF. In doing so the Council must be able to demonstrate that it has maximised opportunities to deliver dwellings on sites within the urban area and on land outside the Green Belt (albeit there is no such land in Solihull).
- 4.38 SMBC has, since the first introduction of housing land supply figures, maintained that a significant element of its supply comes from windfalls. The Inspector who examined the Solihull Local Plan, Mr Stephen Pratt, was persuaded to accept a windfall allowance of 150 dwellings per annum.
- 4.39 However, on the basis that SMBC is proposing to release land from the Green Belt as part of the Plan, it must have satisfied itself that it has exhausted capacity within the urban areas. That must cast doubt on the number of genuine windfall opportunities that may come forward over the plan period. We have already observed that sites emerging from the SHELAA or which are included on the Brownfield Register are windfalls (and which the Council is aware of). These total 397 dwellings, meaning that for the Council's windfall allowance to be met, a further 2,403 windfall dwellings would need to come forward by 2036.
- 4.40 Moreover, 2,800 dwellings makes up c. 18.6%, or nearly a fifth, of the supply of housing shown in the Draft Submission Plan.
- 4.41 In an area where non-Green-Belt opportunities have been exhausted (leading to the release of land from the Green Belt), it is contradictory for SMBC to assume that nearly a fifth of the supply will be delivered through windfalls. Further evidence-based justification is required from the Council to support an assumption that it may continue to place such a high reliance on windfall sites, as this has a very significant bearing on the quantum of land required to deliver new homes and for the setting of appropriate Green Belt boundaries to ensure that they endure well beyond the plan period.

UK Central Hub Area

- 4.42 The ability of the UK Central Hub Area to contribute to major growth in the Borough is not questioned. The Council increased its assumptions on the delivery of housing from UK Central Hub from 1,000 dwellings in the 2016 Local Plan Review Consultation to 2,500 in the 2019 Supplementary Consultation. Our representations at that time challenged the expectation that such a volume of dwellings could be delivered over the proposed plan period. Notwithstanding that, SMBC states in the Draft Submission Plan that the UK Central Hub can deliver 2,740 homes by 2036.
- 4.43 It remains the case that we do not challenge the contribution that the UK Central Hub can make to growth in the Borough. We cannot, though, locate any evidence to support the Council's view that 2,740 dwellings will be delivered by 2036 (it is not, for example, a figure that features in the UK Central Framework Plan).

- 4.44 In the absence of such evidence, we think that SMBC is being overly optimistic in assuming 2,740 dwellings will be delivered by the end of the plan period. It would, for example, require the Hub area to deliver over 182 dwellings per annum, beginning in 2021, for that amount of housing to be delivered by 2036. However, UK Central does not feature in the five-year supply table on Page 70 of the Draft Submission Plan, which suggests that SMBC does not expect it to begin delivering until 2026 at the earliest. If that were right, then it means the Council expects the site to deliver nearly 275 dwellings per annum over 10 years. If that is the Council's position, then it needs to evidence this.
- 4.45 In reality, before the site can begin to deliver, it must firstly be released from the Green Belt (which will take place upon adoption of the Plan), and then outline planning permission must be granted. Approvals of reserved matters would subsequently need to be obtained, before pre-commencement conditions are discharged and any other technical approvals secured.
- 4.46 As we noted in our representations to the Supplementary Consultation, we have undertaken research into the delivery rates of large complex sites, such as UK Central. That has indicated that such sites may have a lead-in time of some 7 years (before the first dwelling is delivered). That being so, we maintain, as in 2019, that a more prudent assumption may be that the scheme begins to deliver in 2028, and that it may deliver, say, 800 dwellings by 2036 (at a rate of 100 dwellings per annum).

Summary and Implications for the Supply of Housing

- 4.47 Our analysis of the land supply assumptions included in the Draft Submission Plan leads us to conclude that supply has been over-estimated for the following reasons.
- Double counting, arising from several sources of supply (windfalls, BLR, sites identified in availability assessments and town centre sites) which are, on the face of it, the same, without evidence to demonstrate why the sites fall into only one category and not several.
 - Lack of evidence to demonstrate why allocated sites in the adopted Local Plan will deliver units in the new plan period but have not done so for over seven years.
 - Lack of evidence to demonstrate why a 10% discount figure has been applied and not a higher figure
 - Over estimation of delivery from windfall sites, in particular given the NPPF requirement to maximise urban land before altering Green Belt boundaries.
 - Over reliance on early delivery from the UK Central Hub Area, combined with a lack of evidence to demonstrate how the very significant infrastructure requirements needed to facilitate housing development will be delivered.
- 4.48 Having regard to these matters, we produce below a revised version of the plan period supply table, adjusted to take account of the amendments and exclusions that we have said should be made.

1. Sites with planning permission (started)	1,663
2. Sites with planning permission (not started)	1,075
3. Town centre sites.	861
4. Less a 10% to sites with planning permission (not started) sites identified in land availability assessments, BLR and SLP sites	-108

5. Windfall Housing Land Supply (2022-2036)	2,800
6. UK central hub area to 2036	800
7. Allocated sites to 2036	5,270
Total Estimated Capacity (rows 1-7)	12,361

- 4.49 It is apparent that from the above that, if the supply is adjusted to remedy the issues that we have identified, then the Council is only able to demonstrate a supply of 12,361 dwellings over the plan period. That is some 551 dwellings short of the identified housing need for the Borough of 12,912 dwellings and would mean that SMBC could not meet its own needs, nor make any contribution to unmet needs arising from Birmingham.
- 4.50 Crucially, that figure includes a windfall figure of 2,800 dwellings, which we have said cannot be relied upon, and retains a 10% non-implementation discount applied to sites with planning permission that are not started (even, though, as we have noted, SMBC has not explained why that figure should not be greater). If the supply figures were further adjusted, to show fewer windfall dwellings and / or a greater non-implementation discount, then the outcome would be that the deficiency would be exacerbated.
- 4.51 It is for this reason that we conclude that the Plan, as drafted is not positively prepared because, on a proper assessment of housing supply, it does not meet the housing needs of the Borough.
- 4.52 A supplementary point is that our judgements around the Council's supply figures would also have implications for the calculation of five-year supply upon adoption of the Plan. To that end, we have reproduced below the Council's five-year supply table from Page 70 of the Draft Submission Plan, and have adjusted it to take account of our comments in this Section.

1. Sites with planning permission (started)	1,663
2. Sites with planning permission (not started)	745 ¹
3. Less a 10% to sites with planning permission (not started) sites identified in land availability assessments, BLR and SLP sites	-75
4. Windfall Housing Land Supply	600
5. Allocated sites	1170
Total Estimated Capacity (rows 1-5)	4,103
Annualised Requirement	851
Annualised Requirement + 5%	894
Five-year requirement	4,468
Five-year supply	4.59 years

- 4.53 The above table indicates that, adopting appropriate assumptions and judgements around the Council's housing supply, SMBC will not be able to demonstrate a five-year supply of housing on adoption of the Plan. Consequently, the Plan will not be consistent with national policy.
- 4.54 These deficiencies in supply could be remedied through the Council revisiting its supply of sites and identifying additional land for allocation. As we shall explain in the next section, our Client's interests provide a suitable location for housing, that could make a meaningful contribution to the delivery of new dwellings in the Borough.

5. Site Selection Process and Assessment of Site 131

- 5.1 St Philips submitted representations to the Solihull Draft Local Plan Supplementary Consultation in March 2019 (**Appendix III**) promoting the removal of Site 131 from the green belt and its allocation for residential development (135 dwellings). St Philips' representations responded to Question 39 which asked *"Are there any red sites omitted which you believe should be included; if so, which one(s) and why"*. St Philips' response was in four parts:
- a) First, St Philips identified a number of reasons why the Council should allocate additional land to ensure that the Local Plan will meet its LHN and a proportion of the HMA shortfall, and that it should set green belt boundaries that exclude safeguarded land as well as allocated sites so that they will endure well beyond the plan period. Similar reasons and conclusions remain with the Regulation 19 version of the Local Plan Review.
 - b) Second, St Philips did not disagree, as a matter of principle, with a two-step approach to site selection, or with the approach at 'Step 1' of giving each proposed site a 'RAG' status, and a score of 1-9, according to the Site Selection hierarchy that had been adopted. St Philips agreed also with the site being scored '5' at Step 1. However, the process at 'Step 2' relied on the application of planning judgement in respect of various 'Factors in Favour' and 'Factors Against', but no guidance was given on how that judgment was to be applied, so that it was impossible to understand how the individual merits, or relative merits, of sites had been assessed. The lack of any explanation on these matters was a particular weakness of the Supplementary Consultation, given that 'Step 2' was used to categorised sites as 'green, amber' or 'red' and to either accept or reject them for allocation.
 - c) Third, the planning judgment that was applied to Site 131 was to relegate it from a 'yellow' site (scoring 5 at Step 1) to a 'red' site. This decision was at odds with the process which the Supplementary Consultation advised would be applied to the consideration of 'yellow' sites. That process contemplated their movement to either 'green' or 'amber' status at Step 2, and only exceptionally to 'red'.
 - d) Fourth, and linked with the third point, the planning judgment that the Council reached at Step 2 in relation to Site 131 was not supported by the data and evidence base which officers would have relied on; namely (i) the scoring of the site in the SHLAA; (ii) the scoring of the site in the Sustainability Assessment and Site Assessment documents; (iii) the Council's Accessibility Study; and (iv) the various technical and environmental assessments which informed the 'Vision Document', and the Vision Document itself.
- 5.2 St Philips met with officers following the submission of the representations to the Supplementary Consultation. The purpose of the meeting was to ensure that the terms of St Philips' representations were clear, and to ensure that officers had all that they needed to reach clear conclusions on the merits of Site 131. As a consequence of those discussions, St Philips was encouraged to submit further comments in relation to the setting of a clear and defensible green belt boundary following allocation, if that were to be the Council's conclusion in relation to Site 131. Accordingly, St Philips submitted the 'Supplementary Submission (Green Belt Considerations: Site 131)' in January 2020. Those Supplementary Submissions are provided at **Appendix IV**, but it is worth emphasising again at this point the matters which we covered at para 2.6 above which are that:

- at the time of the submission of representations to the Supplementary Consultation in March 2019, St Philips was proposing that the whole of Site 131 be removed from the green belt with the result that there would be no green belt maintained between Business Park and the edge of the urban area; but
- St Philips' Supplementary Submission (Green Belt Issues) in January 2020 promote a different approach whereby the land affected by the Esso pipeline would remain in the green belt, with the green belt boundary being set along the alignment of this below ground infrastructure and reinforced above ground by the form of development delivered on the site.

- 5.3 For the avoidance of doubt, St Philips' position remains in relation to its submissions to the Regulation 19 Plan that the proposal is to remove part of Site 131 from the green belt, and with the rest retained. The proposed green belt boundary is shown on the plans at Appendices 3 and 4 of the January 2020 Supplementary Submission (Green Belt Issues) and at **Appendix V** of these representations.
- 5.4 The remainder of this section reviews the extent to which the content of the Regulation 19 Plan and any new or updated evidence base which has been commissioned and published with the Regulation 19 consultation has addressed the concerns that we expressed at the Supplementary Consultation stage; i.e. the matters at paragraph 5.1 b), c) and d) above.

Matter b): The Application of Planning Judgment at 'Step 2

- 5.5 The Supplementary Consultation explained that the 'Step 2' assessment was based on the evaluation of six Factors in Favour and eight Factors Against (as per the table at p.19 of the Supplementary Consultation). We noted in March 2019 that 'Green Belt Boundaries' were included in the table, and that two of the Factors in Favour (the third and fifth bullet points) and two of the Factors Against (the third and fourth bullet points) made reference to Green Belt "*boundaries*", whereas other factors in relation to the impact on the Green Belt were not included within the table at all. No explanation was given as to how these factors would be assessed and conclusions reached whether as a Factor in favour or as a Factor against.
- 5.6 More generally, and of particular concern, no guidance was provided on how the Factors in Favour and Factors Against were to be ranked and/or weighted in the exercise of planning judgment. Without such an explanation it was not clear how the individual or relative merits of sites had been, or were to be, assessed. This was a fundamental weakness, and a very real area of concern for the plan-making process, given that 'Step 2' was used to either include or reject sites for allocation.
- 5.7 At our meeting with officers after the submission of representations, St Philips sought clarity over the application of, and weight given to, certain criteria at 'Step 2' to enable a better understanding of the categorisation of Site 131 as a 'red site' at Step 2 (despite its categorisation as a 'yellow site' at Step 1). Officers confirmed that, having reviewed a number of representations, including those submitted by St Philips, they intended to review the site selection methodology and how that had been applied to certain sites (and, by implication, the merits of releasing additional/different sites).
- 5.8 Despite that reassurance, the Council has either not carried out this exercise or, if it has, it has not explained how it has done so, or which sites may have been reconsidered, or whether it has reached the same or different conclusions over the categorisation of sites.

- 5.9 We have read the 'Reg 19 Draft Local Plan: Site Selection Process Topic Paper and note two things.
- First, the Topic Paper is essentially cut and pasted from the Supplementary Consultation material. Whilst it explains that a two step process has been adopted, it still fails to explain how that process has been applied, or how the Factors in Favour and Factors Against have been applied at 'Step 2'. It also fails to give the necessary reassurance that the process has been applied consistently and robustly to all sites.
 - Second, it does not confirm whether any second 'checking' assessment has been carried out across all sites, or a sample of sites, either against the evidence base that was available at the time of the Supplementary Consultation, or against any new or updated evidence base prepared since. Our assumption is, therefore, that the Site Assessments that supported the Supplementary Consultation continue to be relied upon for the Reg 19 Plan for at least some of the allocated and rejected sites.
- 5.10 The lack of any explanation of these matters is of considerable concern given that decisions on allocations are based on the Step 2 assessment. This is bought into particular focus for Site 131 given that Site 131 was assessed as a 'priority 5' (yellow) site at Step 1 which the Topic Paper says (para 46) are 'potential inclusions'. The Topic Paper continues to advise (para 49), as the Supplementary Consultation did at para 75, that *"higher performing sites in the hierarchy need to result in more significant harmful impacts if they are to be excluded"*. The Council continues to offer no explanation, however, as to how the significance of potentially harmful impacts was, and is to be, assessed in the exercise of planning judgement.

Matter c): The 'Step 2' Process

- 5.11 The Supplementary Consultation Document said that Step 2 is used:-
- "principally to confirm whether 'potential' allocations (yellow) [which Site 131 is] should be included as green or amber sites in the consultation, and whether 'unlikely' allocations (blue) should be included as amber or red sites in the consultation".*
- 5.12 Whilst St Philips did not and does not disagree with the general approach, it was stated in the Supplementary Consultation that the purpose of Step 2 was, and is, to confirm whether 'potential' allocations ('yellow' sites) should be included as 'green sites' or, at the time of the Supplementary Consultation, as 'amber sites', but not as red sites. The Summary Illustration of the Site Selection Process on p.17 of the Supplementary Consultation did not, however, correspond with the text, as it appeared to show that yellow sites may be confirmed as red sites. According to the text, yellow sites may only be categorised, following Step 2, as 'green' or 'amber' sites.
- 5.13 The Reg 19 Site Selection Process: Topic Paper reproduces the Summary Illustration of the Site Selection Process (at p.17), except that it no longer includes an 'amber' option. The reason for excluding the amber category is explained at para 51 and is because, at Reg 19 stage, the LPA considers that sites should either be included or not. Whilst we understand the point, it does not logically lead to a conclusion that the 'amber' category should be rejected. The only sites that are allocated are 'green' sites, but the retention of an 'amber' category would continue to allow participants in the process to understand which sites were, and/or are, considered to be 'less harmful' as potential allocations.

- 5.14 This point may not appear relevant to Site 131 (because it was categorised as a ‘red’ site at Step 2). However, the relevant point for Site 131 (and other sites that scored ‘5’ at Step 1) is that it remains an option for ‘yellow’ sites to be converted to ‘green’ sites (as well as to ‘red’ sites).

Matter d): The Conclusions of the ‘Step 2’ Assessment for Site 131

- 5.15 Site 131 was relegated from a ‘yellow’ site to a ‘red’ site when officers carried out their Step 2 assessments ahead of the publication of the Supplementary Consultation documents. St Philips’ representations in March 2019 expressed concern about that outcome, given that the decision to identify the site as a ‘red’ site bore no relationship to the merits of the site having regard to the evidence base that was available at the time, and how that evidence base should have informed consideration of the Factors in Favour and Factors Against applied at Step 2. Before revisiting the points that St Philips made in their representations to the Supplementary Consultation, we have noted below whether the evidence base has been reviewed or updated and, if it has, whether the conclusions in relation to Site 131 have changed.
- 5.16 Section 4 of the Site Selection Process Topic Paper confirms the *“range of evidence base sources ... used to inform the site selection process”*. Taking each in turn:

- **Strategic Housing And Employment Land Availability Assessment:** Site 131 was included in the 2016 SHELAA. It was said to perform well against suitability and availability criteria, with some achievability constraints suggested due to its location adjacent to Birmingham Business Park, and scored ‘2’ overall. The current evidence base pages refer to the ‘Draft SHELAA Update (October 2020)’. However, this covers additional and/or amended sites submitted for consideration since the initial 2016 Call for Sites and does not update or amend the conclusions relating to Site 131 so that there has been no change since the Supplementary Consultation.
- **Accessibility Study:** At the time of the Supplementary Consultation the Site Assessment document confirmed the site scored ‘very high’ for accessibility to primary schools, foodstore and public transport and ‘medium’ for access to GP Surgery with its accessibility overall being reported as being ‘Very High’.

The Solihull Accessibility Mapping Methodology Report (September 2020) updates the assessment of site accessibility. It includes at Appendix E an ‘Accessibility Summary Spreadsheet’. This confirms that Site 131 scores 100, 100 and 60 in relation to its accessibility to Primary Schools, a foodstore and GP Surgery respectively, and 100 and 35 in relation to accessibility to Bus and Rail transport respectively. In relation to suitability of walking and cycling routes the comment is that there is no footway provision along the site frontage. The expectation that the Metro extension will at some point run through the site, and the fact that footways would be provided as part of any development, mitigate the conclusions in relation to those matters and, in any event, the site scores 360 in total. Scores are banded with a score of 360 being within the range of 351-400 which is the band with the best accessibility for potential housing sites. Figure 6A: shows the total accessibility score for potential housing sites relative to each other and annotates Site 131 as a ‘10’ which is the highest score and represents a ‘Most Accessible Location’.

We conclude unsurprisingly that the site remains as accessible as it was. Whilst previously it was said to have overall ‘very high’ accessibility, the site may now be characterised according to the 2020 Accessibility Report as being in the category of site with the ‘best accessibility’ score and as being in a ‘Most Accessible Location’.

- **Green Belt Assessment:** The Strategic Green Belt Assessment was prepared in July 2016 and has not been updated since so that the conclusions that were reached then remain relevant now. The Assessment concluded that Refined Parcel RP08 (land immediately east of Birmingham Business Park), which includes Site 131, is given a combined score of 3, with its highest score being 2 in relation to Purpose 1 (to check the unrestricted sprawl of large built up areas). A score of 2 means that the boundary is “*weak but can be identified*” so that the parcel is “*moderately performing*” in relation to that purpose. Parcel RP08 “*does not perform*” against Purpose 2 (to prevent neighbouring towns from merging together), or Purpose 4 (to preserve the setting of historic towns), and is “*lower performing*” in relation to Purpose 3 (to assist in safeguarding the countryside from encroachment). Overall the site is a “*Lower Performing Green Belt*” parcel.

As a consequence, the site was rated as Priority 5 (‘yellow’) at the Step 1 Assessment which, as we emphasised in St Philips’ representations in March 2019 and Supplementary Submissions in January 2020, is the lowest (i.e. most favourable) score that a green belt site may achieve if not already subject to a commitment for development. For this reason, supported by the conclusions in relation to accessibility, the site scored ‘5’ and was identified as a ‘yellow’ site at Step 1.

We emphasise also that St Philips revised its position in relation to green belt matters in its Supplementary Submissions in January 2020 by proposing the removal of only part of Site 131 from the green belt. As a consequence:

- visual and physical separation will remain between the Business Park and urban area; and
 - a ‘green link’ will remain between green belt parcels to the north and south.
- **Landscape Character Assessment:** There has been no update to the 2016 Landscape Character Assessment.
 - **Constraints and Opportunities:** the Site Assessment Topic Paper advises on p.10 that a plan showing the constraints to development across the Borough has been prepared for each site. We are unsure where that is reproduced but, in any event, conclude that the site’s constraints and opportunities are no different now from when officers carried out their Step 2 assessments and are assessed in any event in the combination of the SHELAA, Site Assessments and SA.
 - **Sustainability Appraisal:** At the time of the Supplementary Consultation sites were considered in the 2017 ‘Interim Sustainability Appraisal Report’. The Council has published with the Reg 19 Plan the October 2020 Sustainability Appraisal (SA Report). The site assessment proforma for Site 131 are identical in relation to all the assessment criteria, except that the 2020 version notes that the site is 0m from jobs by road, whereas in 2017 it was said to be 41m distant. The summary matrix at page 114 of the SA includes Sites 131 and 77 on a single line. For the two sites the SA records 7 positive effects (of which 4 are strongly positive), 8 neutral effects and 2 negative effects (with those being amber rather than red in terms of significance). As with the 2017 SA, the 2020 assessment reports negative effects in terms of:
 - Objective SA1, which arises only because the site is within the 60% least deprived areas. This requires context, noting that the site is 1 mile from Chelmsley Wood which has a high proportion of neighbourhoods within the 10% most deprived, and 1.5 miles from Marston Green which popular and affluent suburb;

- Objective SA14, which arises because of the potential amenity impacts of noise from adjacent roads. St Philips' technical assessments have confirmed that these potential impacts are capable of mitigation.

The conclusions of the 2020 SA are, therefore, as per those in 2017.

- 5.17 The Site Selection Process Topic Paper does not refer to any other 'Key Evidence' which has been used to support the site assessment process.
- 5.18 We conclude that there has been little new or updated evidence prepared to support the Reg 19 version of the draft Local Plan, so that the conclusions which we reached in St Philips' representations to the Supplementary Consultation, and afterwards in January 2020 in the Supplementary Submission (Green Belt Considerations), remain robust. Whilst St Philips continues to rely, therefore, on the conclusions that were reached in those representations, those are summarised here for completeness.

Site 131 – St Philips' Assessment of Suitability

- 5.19 The Vision Document submitted previously and again with these representations is based on the collection of evidence related to technical and environmental matters, including accessibility, landscape and highways. The Vision Document confirms that any site constraints may be mitigated and that the site is capable of development within 5 years.

Step 1 Assessment

- 5.20 In relation to the Step 1 Site Assessment, the Strategic Green Belt Assessment (July 2016) gave Refined Parcel RP08 (land immediately east of B'ham Business Park) a combined score of 3, with its highest score being 2 in relation to Purpose 1 (to check the unrestricted sprawl of large built up areas). A score of 2 means that the boundary is weak but can be identified so that the parcel is "*moderately performing*" in relation to that purpose. RP08 "*does not perform*" against Purpose 2 (to prevent neighbouring towns from merging together) or Purpose 4 (to preserve the setting of historic towns), and is "*lower performing*" in relation to Purpose 3 (to assist in safeguarding the countryside from encroachment).
- 5.21 In relation to accessibility factors, we have noted that the updated Accessibility Report (2020) places the site in the 'Most Accessible' category of all sites put forward for allocation. This essentially repeats the conclusions which were reached in the Site Assessment document ahead of the Supplementary Consultation.
- 5.22 For these reasons, Site 131 was rightly scored '5' at Step 1, which is the lowest (i.e. the most favourable) score that any green belt site may achieve, if it is not already subject to a commitment for development.

Step 2 Assessment

- 5.23 We assume the Step 2 Assessment scored the site highly in terms of Factors in Favour given the absolute lack of hard constraints (and limited soft constraints) and that it comprises part of a 'Lower Performing Refined Parcel' in green belt terms. We have, therefore, considered the performance of the site against the Factors Against criteria, as it must be the case that Site 131 scored very poorly indeed against these factors to justify it being moved from a 'yellow' to a 'red' site at Step 2.

‘Not in Accordance with the Spatial Strategy’

- 5.24 We have noted that Site 131 was assessed at Step 1 as a ‘yellow’ site (Priority 5) which is the lowest (i.e. most favourable) score that any green belt site may achieve if not already subject to a commitment for development. It is clear on this basis that Site 131 performs well against the Spatial Strategy and aligns with it at least as well as ‘blue’ (Priority 6 and 7) sites. Moreover, the Supplementary Consultation (para 70) and Site Assessment Process Topic Paper (para 46) confirm that Priority 5 sites are viewed as “*potential inclusions*” in the plan. In this context we conclude that Site 131 is exceptionally well placed to contribute to the need for additional housing land.

‘Overriding Hard Constraints that cannot be Mitigated’

- 5.25 The Vision Document confirms that the main constraints to development include an oil pipeline and habitats of wildlife interest. It include also an Illustrative Masterplan which demonstrates that the site can accommodate up to 135 dwellings whilst mitigating these constraints. In any event, the Council’s latest Site Assessments (November 2020) confirm in relation to Hard Constraints that there are “none”. This factor cannot, therefore, count against the site at Step 2.

‘SHELAA Category 3 Sites unless Demonstrated that Concerns can be Overcome’

- 5.26 The SHELAA confirms that the site performs well against suitability and availability criteria but that it faces some achievability constraints associated its marketability in the context of its proximity to the business park. Overall the SHELAA concludes that the site sits within Category 2 which are:

“Sites with a limited level of constraints, such that they are likely to be available for the delivery after the first five years, inter alia. These ‘developable’ sites may be suitable for development, depending on their individual circumstances and on specific measures being proposed to overcome their constraints within a 6 to 10 year time horizon.”

- 5.27 Site 131 cannot conflict with this factor, because it is not a Category 3 site.

‘Site Would Breach a Strong Defensible Boundary to the Green Belt’

- 5.28 The Green Belt Assessment states in relation to Purpose 1 and Parcel RP0,8 within which Site 131 is located, that:-

“RP08 boundary to the east is weak bordering Birmingham Business Park but is stronger at its boundary with Coleshill Heath Road. There is no development present within the refined parcel”

- 5.29 So, the Strategic Green belt Assessment does not characterise the boundaries as strong (noting that its commentary relates to a larger parcel than Site 131) with the boundary to the east being judged as “weak” and that to the west as “stronger” (but not “strong”). Hence, the refined parcel is only “moderately performing” in relation to Purpose 1. On the basis that the Green Belt Assessment concludes that Site 131’s has only “weak” and “stronger” (but not “strong”) boundaries then, logically, this matter should not count strongly against the Site in relation a Factor Against at Step 2 that does not favour sites that possess strong defensible boundaries.

‘Sites that Would Not Use or Create a Strong Defensible Boundary to Define the Extent of Land to be Removed from the Green Belt’

- 5.30 Site 131 is well contained and supported by strong defensible boundaries.
- To the north the site is bordered by the A452.
 - To the east the site is bordered by Birmingham Business Park.
 - The access to Wright’s Farm is located adjacent to the southern boundary.
 - Coleshill Heath Road borders the site to the east.
- 5.31 The site is exceptionally well contained at its boundaries by physical infrastructure and development. It seems beyond debate that Site 131’s northern and southern boundaries comprise strong defensible boundaries that would clearly define the extent of land to be removed from the green belt.
- 5.32 In relation to the Site’s eastern boundary, St Philips’ Supplementary Submissions (Green Belt) in January 2020 concluded as follows.
- The pipeline and associated easement that runs north/south through the site sets the eastern boundary of its net developable area. This creates a permanent constraint to the eastern extent of development. It also represents a defensible boundary (albeit one that is not visible above ground).
 - This is reinforced above ground by the retention of existing trees within the site’s structural open space. This existing landscape structure will be retained and maintained as a defined element of the site’s development, which is compatible with its retention in the Green belt.
- 5.33 This combination of factors means that the site should not have scored poorly against a ‘Factor Against’ criterion which relates to using strong defensible boundaries to define the extent of land to be removed from the green belt.
- 5.34 A further consequence of land east of the pipeline remaining free of development is that Site 131’s allocation would **maintain** a ‘gap’ between Coleshill Heath and Birmingham Business Park, so that any perception that the allocation of the site would compromise Purpose 1 would be misplaced, and would **maintain** a link between green belt parcels to the north and south.

‘If Finer Grain Accessibility Analysis Shows the Site (or part of the site) is not Accessible’

- 5.35 The development of the Illustrative Masterplan in the Vision Document was supported by a transport assessment. This confirmed that that site is well located in terms of the strategic highway network, with M6 J4 located 2km away via Coleshill Heath Road, and M42 J6 accessed via the A45. Footways adjacent to the site provide connection to key destinations including the Chelmsley Wood shopping centre and interchange and an existing foot and cycle path crosses the site linking Birmingham Business Park to Coleshill Heath Road via the Godwin Way. High frequency bus services serve stops on Coleshill Heath Road providing connections to key destinations including Birmingham City Centre, Chelmsley Wood and the Heartlands Hospital. Marston Green Railway Station and Birmingham International are both located approximately 2.5km from the site and offer frequent services locally and nationally. The ‘finer grain accessibility analysis’ undertaken to support the preparation of the Vision Document reconfirmed the conclusion reached in the Step 1 Assessment that the site is highly accessible and should be considered positively in this respect.

'If the Site is in a Landscape Character Area that has a Very Low Landscape Capacity Rating'

- 5.36 The Landscape Character Assessment (2016) confirms that the sub-area is able to accommodate some areas of new development provided that would be in keeping with the type, scale and form of the existing landscape character and local distinctiveness. Tree cover is a key character driver for this locality. Small pockets of deciduous woodland are scattered across the area, including an Ancient Woodland to the south. Tree cover is extensive and includes street trees, hedgerow trees, woodlands and trees within parks. Coleshill Heath Road and Chester Road are also lined with trees, supplementing the extensive tree cover in the area. The northern boundary of the site comprises dense vegetation. Similarly, the eastern boundary separating the site from Birmingham Business Park is made up of dense vegetation limited view to small gaps and access points.
- 5.37 The indicative landscaping strategy in the Vision Document describes how the identified LCA characteristics will be retained and enhanced. This will be achieved by setting development in an area of public green space ensuring the proposed development is well integrated into the host landscape and the immediate setting. This will create an attractive public asset through the provision of purposeful and functional open space to the benefit of existing and future residents. Through the retention and incorporation of existing trees and vegetation the effects of the development will be limited, and the site will retain characteristics typical of the LCA. Site 131 may, therefore, be considered favourably against this factor.

'If the SA Appraisal Identifies Significant Harmful Impacts'

- 5.38 The Interim Sustainability Appraisal Report (2017) and Sustainability Appraisal (SA Report) 2020 both identify 7 positive effects, 8 neutral effects and 2 negative effects with the two negative effects relating to Objectives SA1: Regeneration and economic development, and SA14: Amenity.
- 5.39 Objective SA1 seeks development that will contribute to the regeneration and economic development initiatives that benefit the Borough's communities; especially those identified as deprived. We noted above the site's proximity to from Chelmsley Wood (which has a *high proportion of local neighbourhoods within the 10% most deprived in the country and some in the bottom 5%*) but also Marston Green, which is a mature and affluent residential suburb. St Philips considers that a positive effect would be expected to arise where development would be located near to communities that are recorded as having a greater level of deprivation.
- 5.40 The negative effects recorded in relation to Objective SA14 relate to potential noise impact and are readily mitigated.

Summary

- 5.41 Our assessment of the site against the Criteria set out at 'Step 2' concludes that the site performs positively. The Council's conclusion that this 'higher performing site' (i.e. a site categorised as a 'yellow' site, and as a "*Potential Inclusion*", after Step 1) should be excluded and designated as a 'red' site was not, and is not, justified having regard to the conclusions of the Council's own SA and Site Assessment proforma.

- 5.42 This is particularly so given that the definition of a ‘red’ site within the Supplementary Consultation document, and in the Site Selection Process Topic Paper means that:-

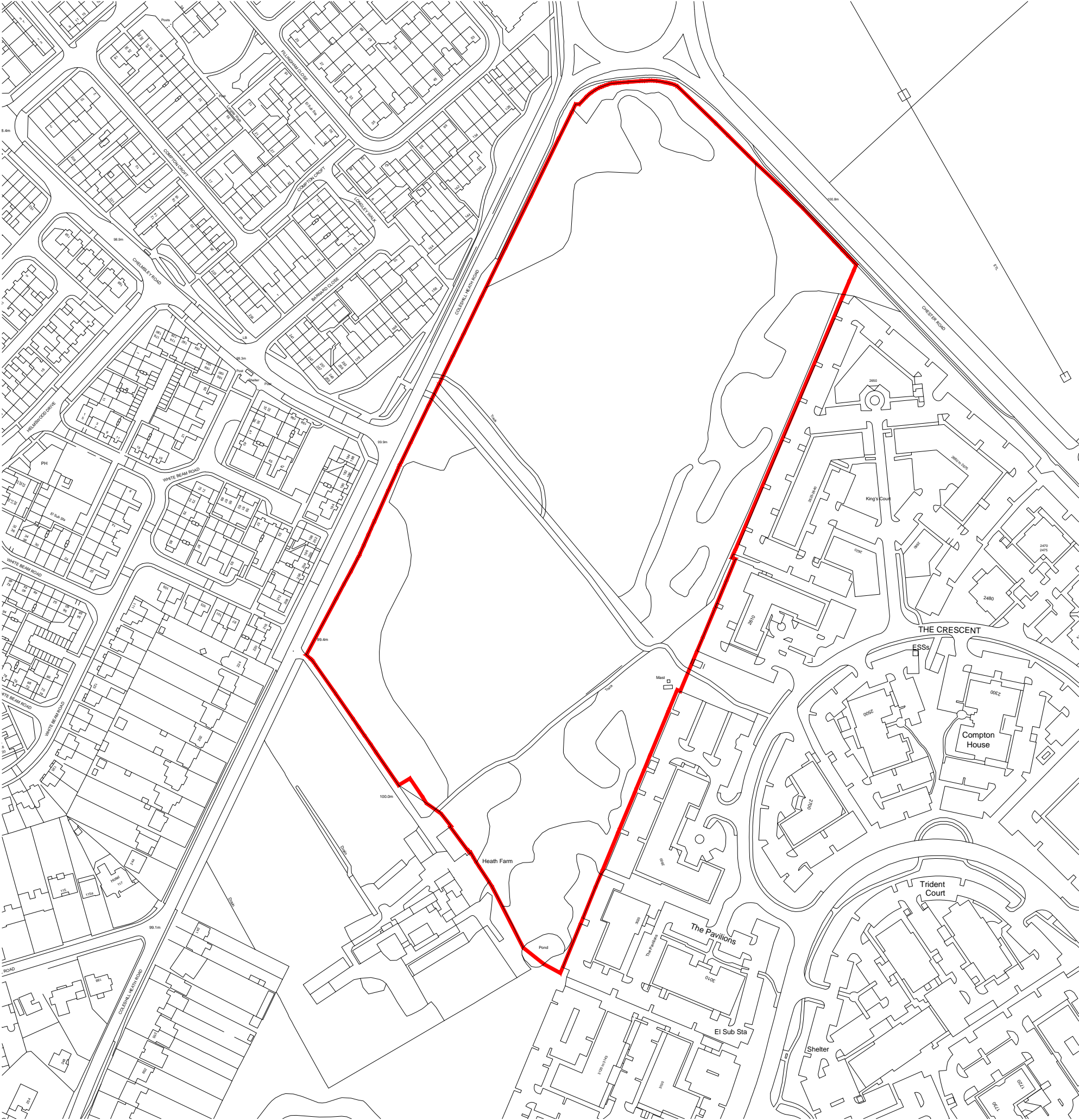
“the development of the site has severe or widespread impacts that are not outweighed by the benefits of the proposal.” (our emphasis)

- 5.43 The evidence simply does not support the planning judgment that the Council has applied, or a conclusion that the effects of development would be “*severe or widespread*”. The site can readily and demonstrably support a proportion of the Council’s LHN in line with the spatial strategy set out in the Draft Local Plan. It is also, by extension, suitable for identification as an area of Safeguarded Land.
- 5.44 Coupled with our conclusions in relation to Local Housing Need, unmet cross-boundary needs, and in relation to housing land supply, St Philips’ continues to conclude that part of Site 131 should be removed from the green belt and the balance included as a residential allocation with a site capacity of 135 dwellings.

Avison Young

Appendix I

Site Plan (Site 31)



Site boundary

9.19 Ha

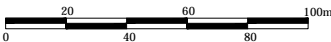
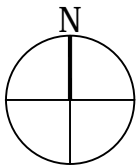
Project

Birmingham Business Park

Drawing Title

Site Boundary Plan

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Appendix II

Vision Document

LAND EAST OF
COLESHILL HEATH ROAD
BIRMINGHAM



VISION DOCUMENT | DECEMBER 2018



ST PHILIPS

Barton Willmore / 101 Victoria Street
Bristol BS1 6PU / [REDACTED]

Desktop Publishing and Graphic Design by Barton Willmore Graphic Communication

This artwork was printed on paper using fibre sourced from sustainable plantation wood from suppliers who practice sustainable management of forests in line with strict international standards. Pulp used in its manufacture is also Elemental Chlorine Free (ECF).

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Date 18.12.2018 Status Final Rev B

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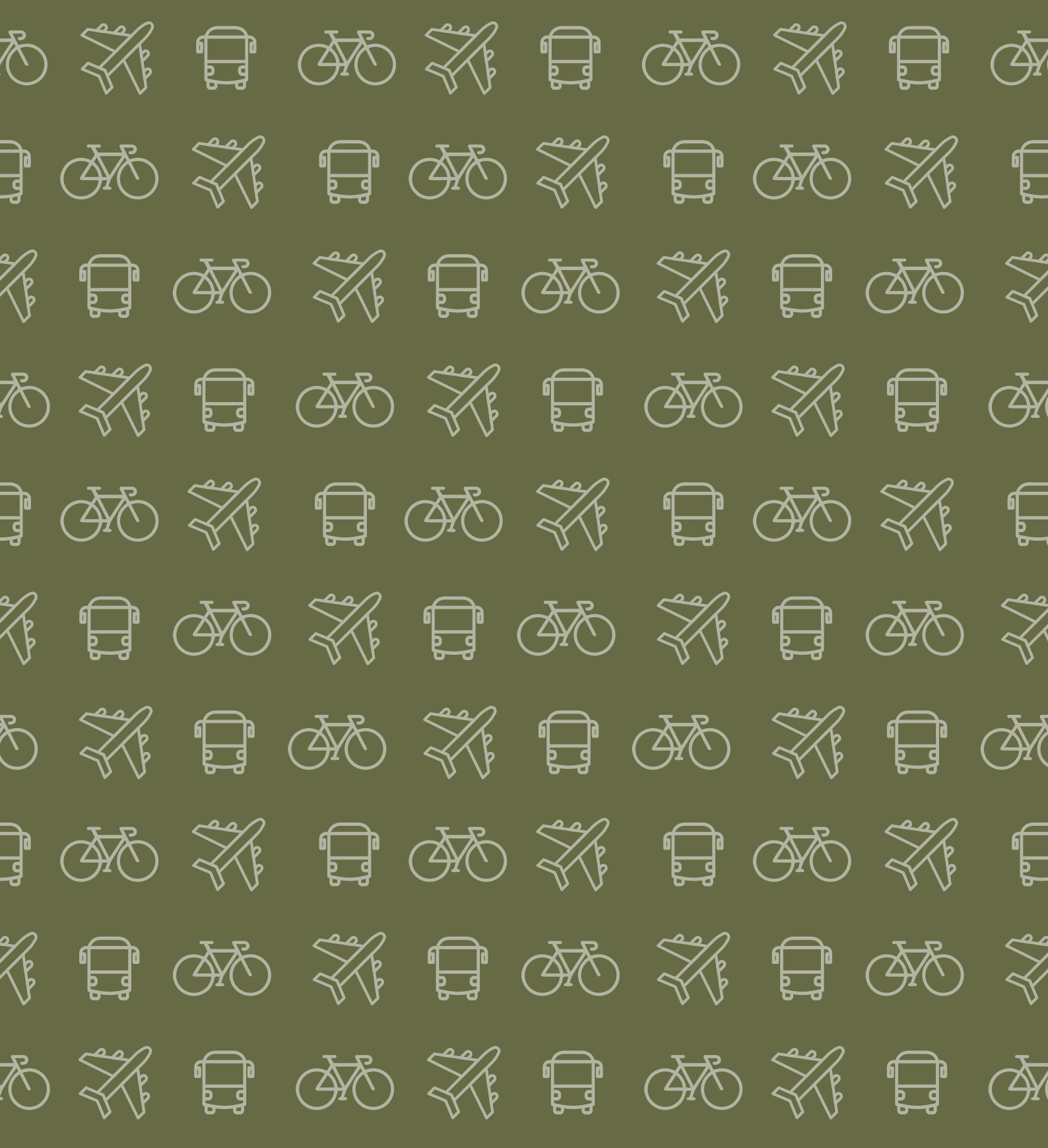
VISION



The site at Coleshill Heath Road is exceptionally placed to benefit from the plentiful sustainable transport and vehicular **linkages to local, national and international destinations**, including central Birmingham and Birmingham Airport.

The proposals will seek to provide and enhance **local connections**, ensuring that they respond to key desire lines and facilities, including Birmingham Business Park.

These linkages will complement the creation of a **high quality and distinctive scheme**, that takes cues from the existing settlement form, whilst also aspiring to form a place that facilitates **happy and healthy lifestyles**.



1. INTRODUCTION

This vision document has been prepared on behalf of St Philips Ltd to support the proposals for residential development at Coleshill Heath Road, Coleshill Heath.

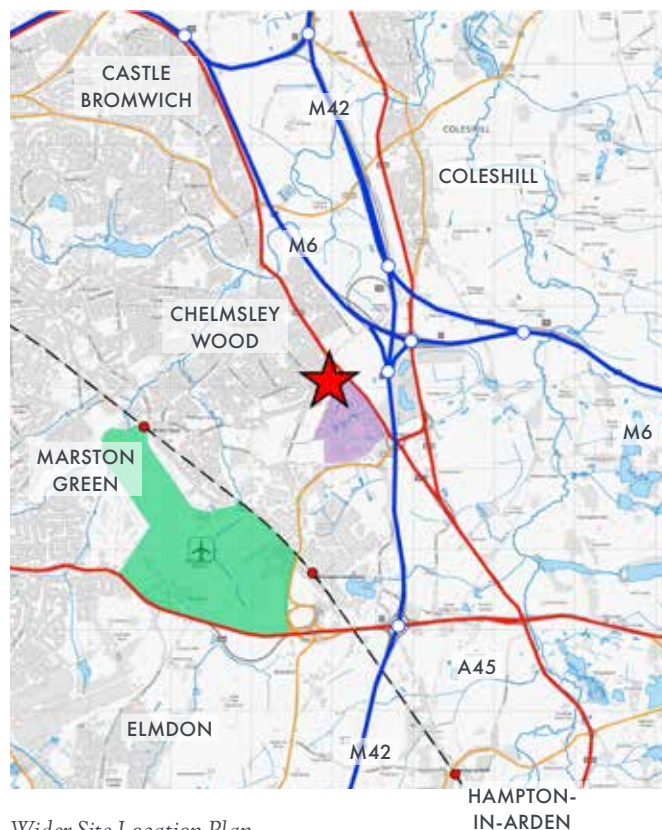
The purpose of this document is to support the promotion of the site to accommodate residential development. Key aims and objectives of the document are:

- To review the site in the context of current planning policy.
- To present an initial understanding of the site within the local context.
- To provide a summary of current site assessments undertaken to date, and;
- To present an emerging concept masterplan, accompanied by an explanation of the key design principles that have informed it.

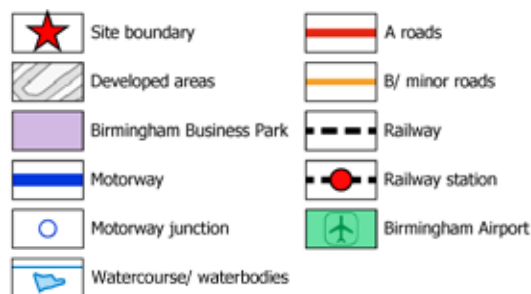
THE SITE

The site is 9.19 hectares (ha) in size and benefits from offering a great location in terms of linkages to local, national and international destinations. The site is located within Coleshill Heath, which lies approximately 2 and 12 kilometres (km) east of Marston Green and central Birmingham respectively. Birmingham Airport, Birmingham NEC and Junction 6 of the M42 are located approximately 3km south of the site.

The majority of the site comprises grassland and is broadly flat, with the exception of two existing subsoil mounds which will be regraded as part of the proposals. The boundaries of the site are defined by the A452 (Chester Road) to the north, Birmingham Business Park to the east, Heath Farm to the south and Coleshill Heath Road to the west. A Public Right of Way and designated traffic free cycle route bisects the site, running in a broadly east – west direction.

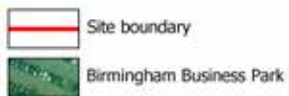


Wider Site Location Plan





Aerial Site Plan

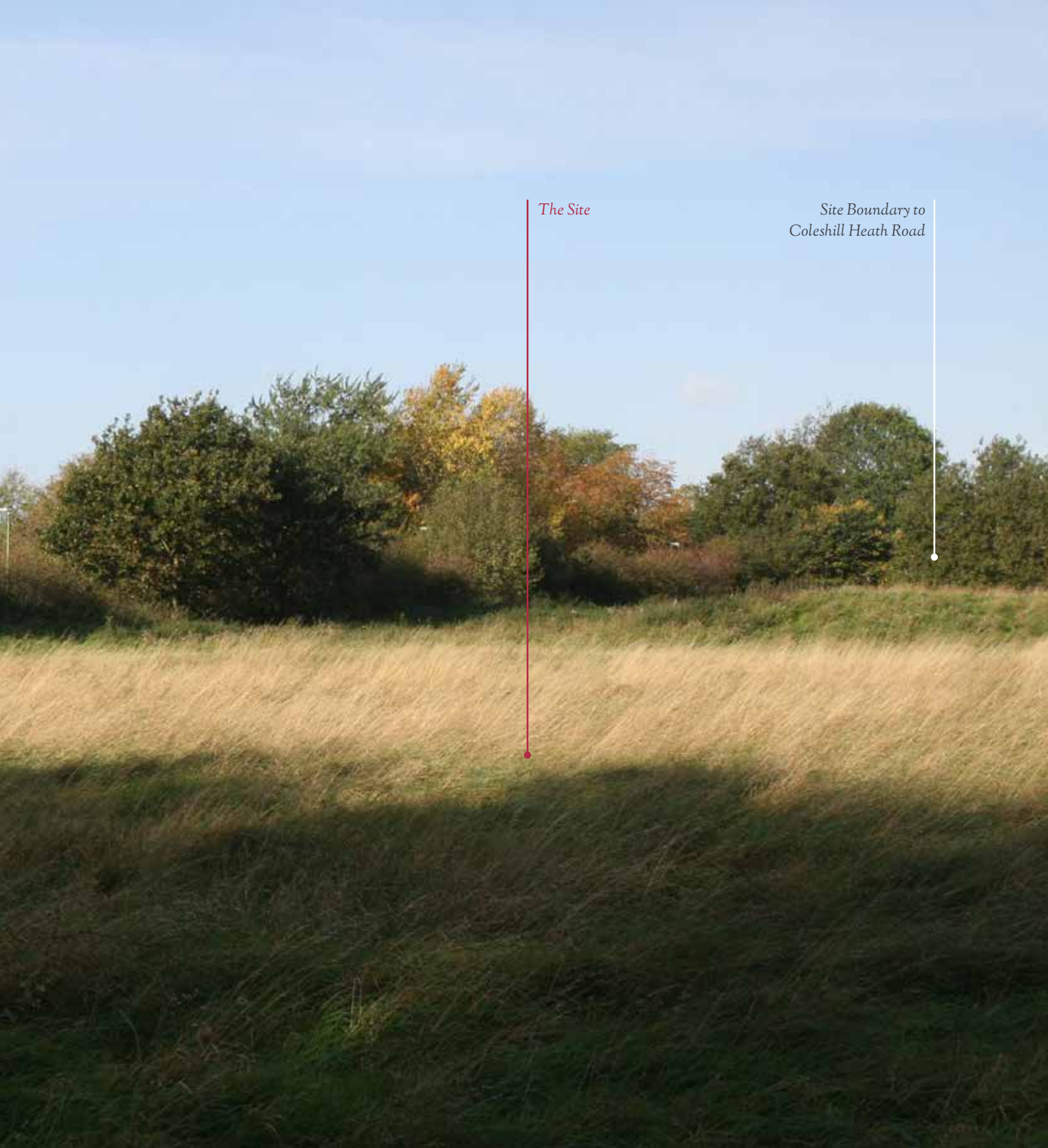




*Foot and cycle path crossing the site
(The Godwin Way)*

*Housing on Chelmsley Road
(obscured by vegetation)*

On-site: looking north-west towards the site boundary with Coleshill Heath Road, and housing on Chelmsley Road.



The Site

*Site Boundary to
Coleshill Heath Road*

2. PLANNING POLICY CONTEXT

Birmingham Business Park is located in the administrative area of Solihull. The extant local development framework for the area includes Solihull Local Plan (adopted December 2013) and Policies Map. Since the Local Plan was adopted, a legal challenge has resulted in the overall housing requirement being deleted and remitted back to the Council for reconsideration.

In addition, the Government's plans for high speed rail have now been granted for Phase One of the route. This is expected to open by 2026 with the first station outside of London to be built in Solihull on land next to the M42, opposite the NEC.

To ensure a suitable planning framework is in place that addresses these issues, the Council is currently undertaking a Local Plan Review.

The Council undertook a Scope, Issues and Options Consultation for the Local Plan Review between November 2015 and January 2016. This was followed by a Draft Local Plan Consultation between December 2016 and February 2017.

At present, the Local Plan Review proposes to allocate sufficient land for at least 6,522 net additional homes to ensure sufficient housing land supply to deliver 15,029 additional dwellings to the year 2033. This equates to an annual housing land provision target of 791 net additional dwellings per year. 18 development sites are allocated within the emerging document providing an indicative capacity of 6,150 dwellings. This does not include the development site.

Notwithstanding this position, there has been a significant level of industry representations that are opposed to the level of housing growth needed to meet the needs of Solihull, which has been led by the HBF.

Under the Duty to Cooperate, the Council have been working with its partners to address the shortfall identified in the Greater Birmingham Housing Market Area (2015), which equated to 37,500 dwellings over the period 2011 – 2031. In addition, the Council are addressing the need for 2,653 dwellings arising from Solihull itself together with the potential to accommodate a further 2,000 dwellings from the overall shortfall. This equates to a total of 4,653 dwellings which Solihull are currently testing.

The 14 Greater Birmingham Authorities also commissioned GL Hearn to prepare a HMA wide “Strategic Growth Study”. The outcome from the study was published in February 2018 and identifies a minimum net shortfall of 28,150 dwellings for the period 2011 – 2031 and minimum shortfall of 60,855 dwellings from 2011-2036.

The GL Hearn study has identified 24 areas of potential search for growth options ranging from potential new settlements to urban extensions.

It is clear however that the study forms an independent review which the Council's will need to take into account in identifying their considered options going forward.

LOCAL PLAN REVIEW TIMETABLE

To consider and test the findings of the Strategic Growth Study the Council agreed at the Cabinet meeting for Managed Growth (29 September 2018) that the recommended options should form part of a consultation at 'issues and options' level which could include (or be preceded by) a call for sites exercise that has a focus on strategic level growth options.

It is understood that the Council will seek to consult on additional or alternative sites, in February 2019, that may be required to either accommodate an increase in housing numbers, or potentially replace sites that will no longer be taken forward to the Submission Plan

The Council have proposed that the supplementary consultation will focus on the following:

- Identifying potential additional and alternative sites; and
- A review of the overall housing numbers in the context of the Standard Methodology.

STANDARDISED METHODOLOGY

The publication of the National Planning Policy Framework in July 2018 formalised the introduction of the standard methodology for calculating objectively assessed housing need in England. A review of the current methodology will be undertaken following the publication of household projections. It is anticipated that the results of this will be published before January 24 2019.

For Solihull this equates to 732 dwellings.

In light of this, and as set out, it will be necessary for the Council to identify and release additional land for residential development.

STRATEGIC HOUSING AND EMPLOYMENT LAND AVAILABILITY ASSESSMENT

The Council prepared a Strategic Housing and Employment Land Availability Assessment in 2016 (SHELAA) which reviewed potential development sites within the Borough. The SHELAA identified that 167 sites were most appropriate for housing development.

The site was promoted within this assessment for the delivery of up to 250 residential dwellings at a density of 36 units per hectare.

The SHELAA concluded that the site performs well against both the suitability and availability criteria, however, faces some achievability constraints. These include a 'moderate marketability and/or viability (unlikely to come forward within the first five years)' due to the site's location adjacent to a business park, is considered to impact the marketability of the site.

The site is therefore considered a 'Category 2 Site', which comprises "sites with a limited level of constraints, such that they are likely to be available for delivery after the first five years, inter alia. These 'developable' sites may be suitable for development, depending on their individual circumstances and on specific measures being proposed to overcome their constraints with a 6 to 10 year time horizon."

This Vision Document demonstrates that the site should be considered as a Category 1 Site and thus deliverable in the first 5 years of the plan period.

GREEN BELT ASSESSMENT

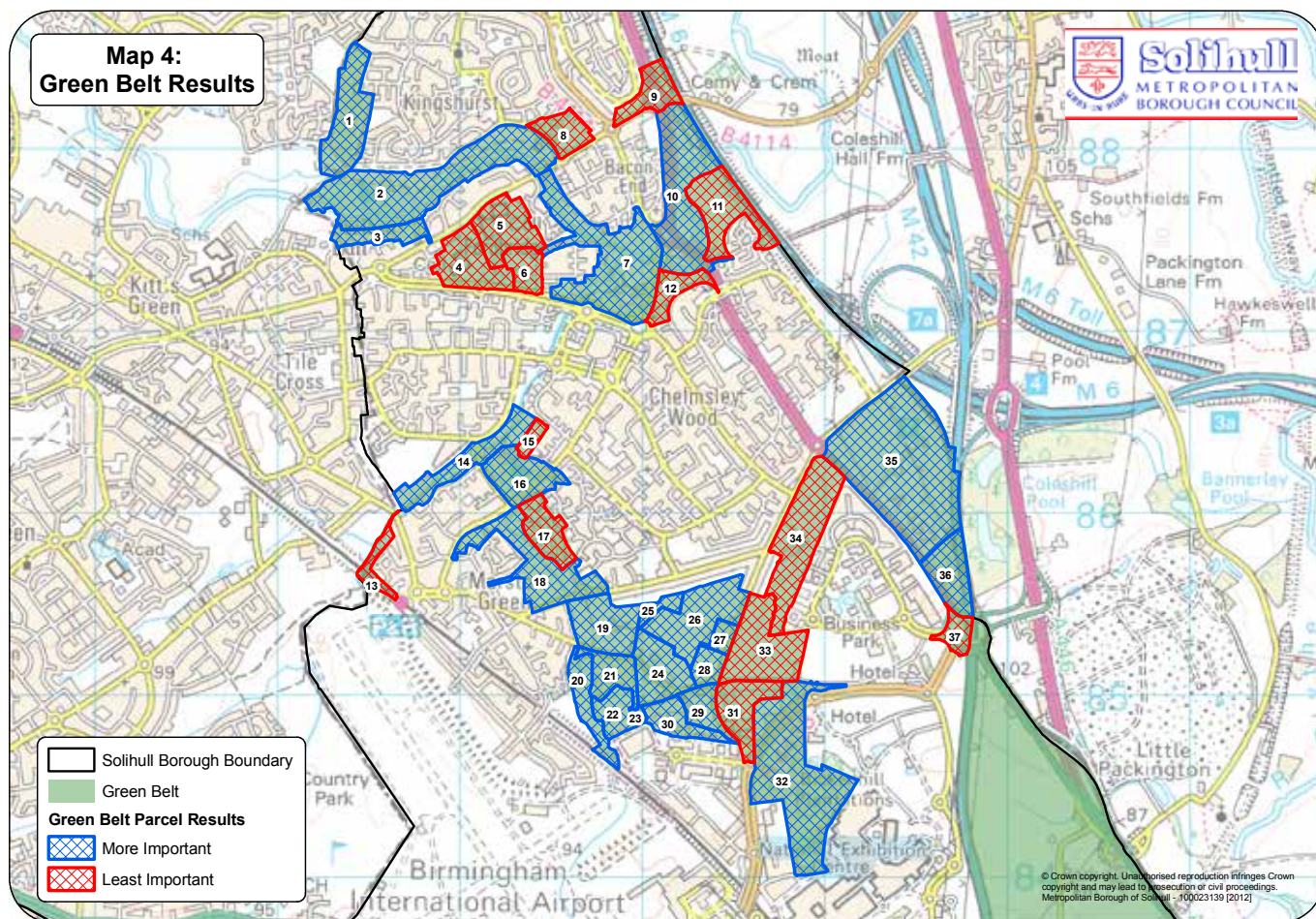
It is clear that the Borough does not have sufficient land to meet the demand of housing outlined in the emerging Local Plan resulting in a need to release land for future growth and development.

In order to demonstrate the land adjacent to Coleshill Heath Road is suitable, achievable and deliverable now, we have tested it against the five purposes of the Green Belt as set out in the NPPF (2018) at Paragraph 134:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site has been assessed within the Solihull Green Belt Assessment 2016 (Site Ref RPo8) and scores a total of 2; 'more moderately performing'.

As demonstrated in Map 4: Green Belt Results, the Council have concluded that the site, together with the adjoining parcels to the south (33 and 31) are 'least important'.



Solihull Metropolitan Borough Council Map 4 : Green Belt Results

Sites assessed within the report were assigned a score of ‘0, 1, 2 or 3’ for each of the purposes of the Green Belt test as set out in the NPPF.

0	Refined Parcel / Broad Area does not perform against the purpose
1	Refined Parcel / Broad Area performs lower against the purpose
2	Refined Parcel / Broad Area performs more moderately against the purpose
3	Refined Parcel / Broad Area performs higher against the purpose

The Assessment did not assess sites against the fifth purpose as ‘by virtue of its designation, all Green Belt land makes an equal contribution to this purpose, inter alia, this purpose would add no value to the Assessment.’

To check unrestricted sprawl of large built-up areas

The key aim of the West Midlands Metropolitan Green Belt (designated in 1975) is to prevent the unrestricted sprawl of Birmingham, Solihull and the Black Country and to prevent the coalescence of Birmingham and Coventry.

Taking this into consideration, the site well contained by the surrounding urban area:

- To the north, the site is bordered by the A452 beyond which is agricultural land also designated in as Green Belt.

- Adjacent to the site’s eastern boundary is Birmingham Business Park.
- The southern boundary is adjoined by Wright’s Farm.
- To the east, the site is bordered by Coleshill Heath Road beyond which are existing residential dwellings.

The site is not bordered by open landscape typical of more rural Green Belt locations. Future extensions to the development in this location would be significantly restricted in this location due to the site’s defensible boundaries, which act as containment barriers for the urban area of Chelmsley Wood. To prevent neighbouring towns merging into one another

The site therefore will not result in unrestricted sprawl on the Green Belt in this location.

To prevent neighbouring towns merging into one another

The site is located between Coleshill Heath Road and existing residential dwellings (to the east) and Birmingham Business Park (to the west). Removal of the Green Belt in this location would not result in the undue coalescence of two towns merging into one another.

To assist in safeguarding the countryside from encroachment

The extension of the built-up area in this location would be supported by the site’s permanent physical features and the surrounding urbanised environment. As a result, encroachment into the wider countryside would be restricted.

Whilst the Green Belt would be reduced in this location, if the site were to come forward, it is considered that a strong gap would be maintained to the north and east of the proposed development site.

To preserve the setting and special character of historic towns

As demonstrated through the Heritage Assessment undertaken for the site, there are no historic assets or Conservation Areas within or adjacent to the site boundary that would preclude development.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The Local Plan Review indicates a strategy that emphasises the use of previously developed land combined with the release of Green Field sites first and foremost. Notwithstanding this, it is acknowledged that the release of Green Belt sites within the Borough will be needed to meet housing demand.

The delivery of the land adjacent to Coleshill Heath Road will be appropriately phased and would not adversely impact regenerations schemes across the Borough and within the surrounding authority areas.

Summary

It is evident from the application of the above tests that the removal of land adjacent to Coleshill Heath Road from the Green Belt would not compromise the five purposes of the Green Belt as set out in Paragraph 134 of the NPPF.


It is therefore concluded that the allocation of the proposed development site presents a suitable development site to meet the housing needs of Solihull Metropolitan Borough Council.



Green Belt Purpose - Barriers to unrestricted sprawl of built-up areas



Green Belt Purpose - Safeguarding the countryside



*Birmingham Business Park
(obscured by tree belt)*

*Grass covered spoil mounds
(on site)*

On-site: looking south-west, along the tree belt. The boundary with Birmingham Business Park is obscured by the tree cover. The grass covered spoil mounds are clearly visible in this view.



The Site

*Foot and cycle path
crossing the site
(The Godwin Way)*

3. LOCAL CONTEXT

ACCESS AND MOVEMENT

Coleshill Heath Road operates in a north-south orientation on the western boundary of the proposed site, connecting to the A46 at its northern extent and the B4438 at its southern extent.

The site benefits from easy access to the strategic road network, with the M6 (Junction 4) located approximately 2km away via Coleshill Heath Road – A446. Junction 6 of the M42 is also located approximately 7km distance from the site via Coleshill Heath Road – B4438 – A45.

Footways adjacent to the main carriageway currently exist on Coleshill Heath Road between the Chelmsley Road junction and the A452 Roundabout. Footways also exist on Chelmsley Road in the vicinity of the site, providing a connection on foot to key destinations including the Chelmsley Wood shopping centre and interchange.

An existing foot and cycle path crosses the site east - west, linking Birmingham Business Park to Coleshill Heath road via the Godwin Way.

Existing bus stops on Coleshill Heath Road are currently served by high-frequency (every 6-minutes) bus services that provide connections to key destinations including Birmingham City Centre, Chelmsley Wood shopping centre and Heartlands Hospital. Chelmsley Interchange is also accessible via the bus services on Coleshill Heath Road, which provides connections to destinations including Solihull.

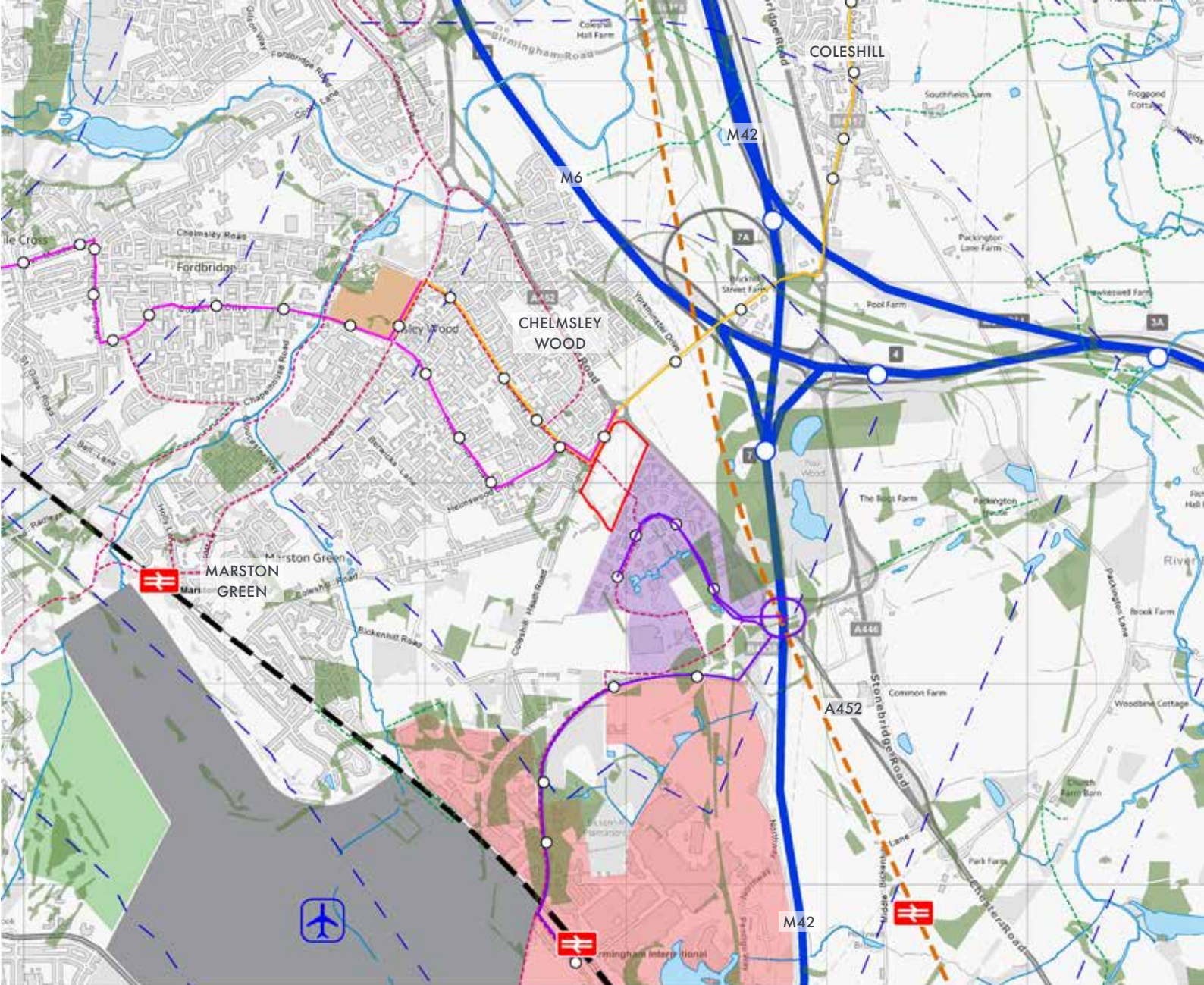
The nearest railway stations to the site are Marston Green and Birmingham International, which are both located approximately 2.5km from the site. Both stations offer frequent connections to regionally significant destinations including Birmingham City Centre. Birmingham International provides frequent connections to nationally significant destinations including London Euston, Manchester Piccadilly and Edinburgh Waverley.

Local bus services at Coleshill Heath Road



The Godwin Way Cycle routes passes through the site





Existing Access and Movement Plan



LOCAL FACILITIES

The site is well located in order for residents to access a range of amenities, services and employment.

Birmingham Business Park borders the eastern boundary of the proposed site and is therefore within a desirable walking distance. Birmingham Business Park is a significant employment site and features a wide range of amenities including retail, food and health & fitness facilities.

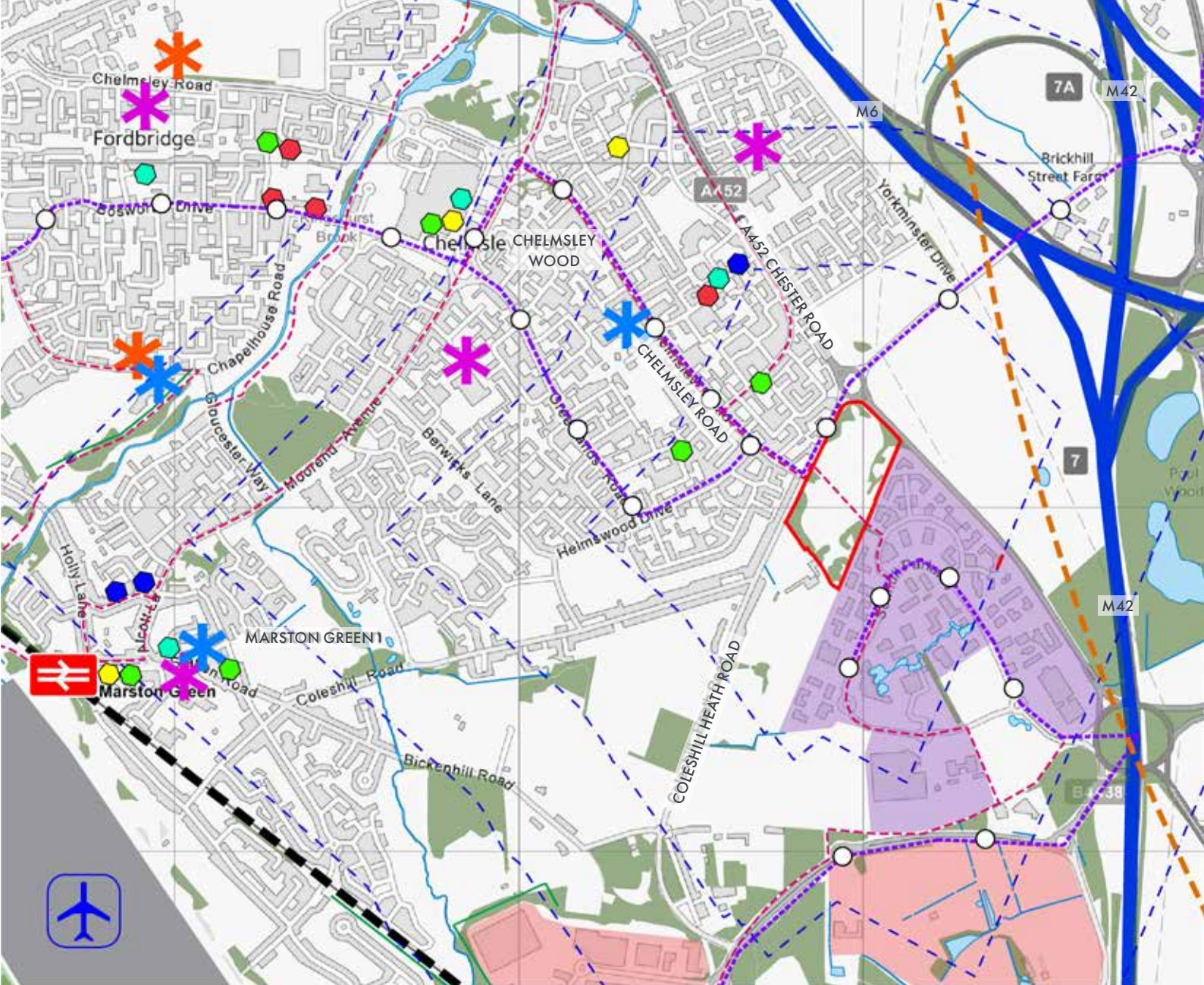
The Chelmsley Wood area to the west of the proposed site also includes Primary Schools, Hospitals and a Shopping Centre – amongst other facilities - all within 2km walking distance of the site.

Equipped play facilities are available at Bluebell Recreation Ground to the north of the site



Local convenience store at Dunster Road





Existing Local Facilities Plan

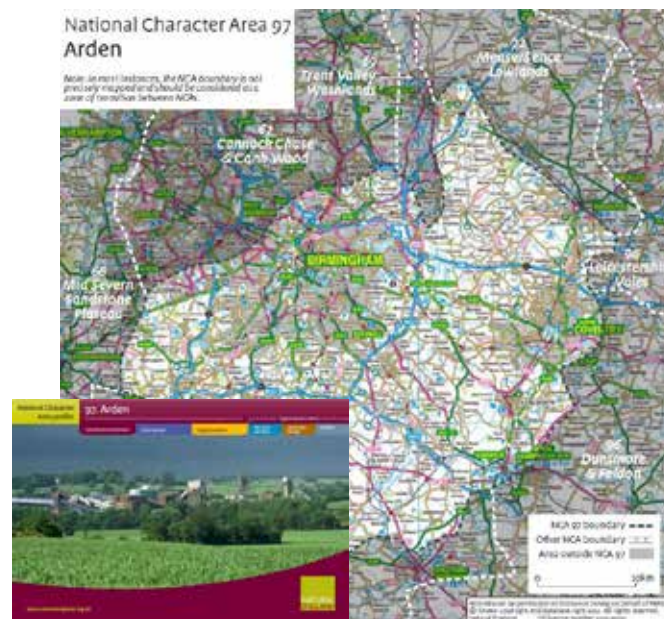


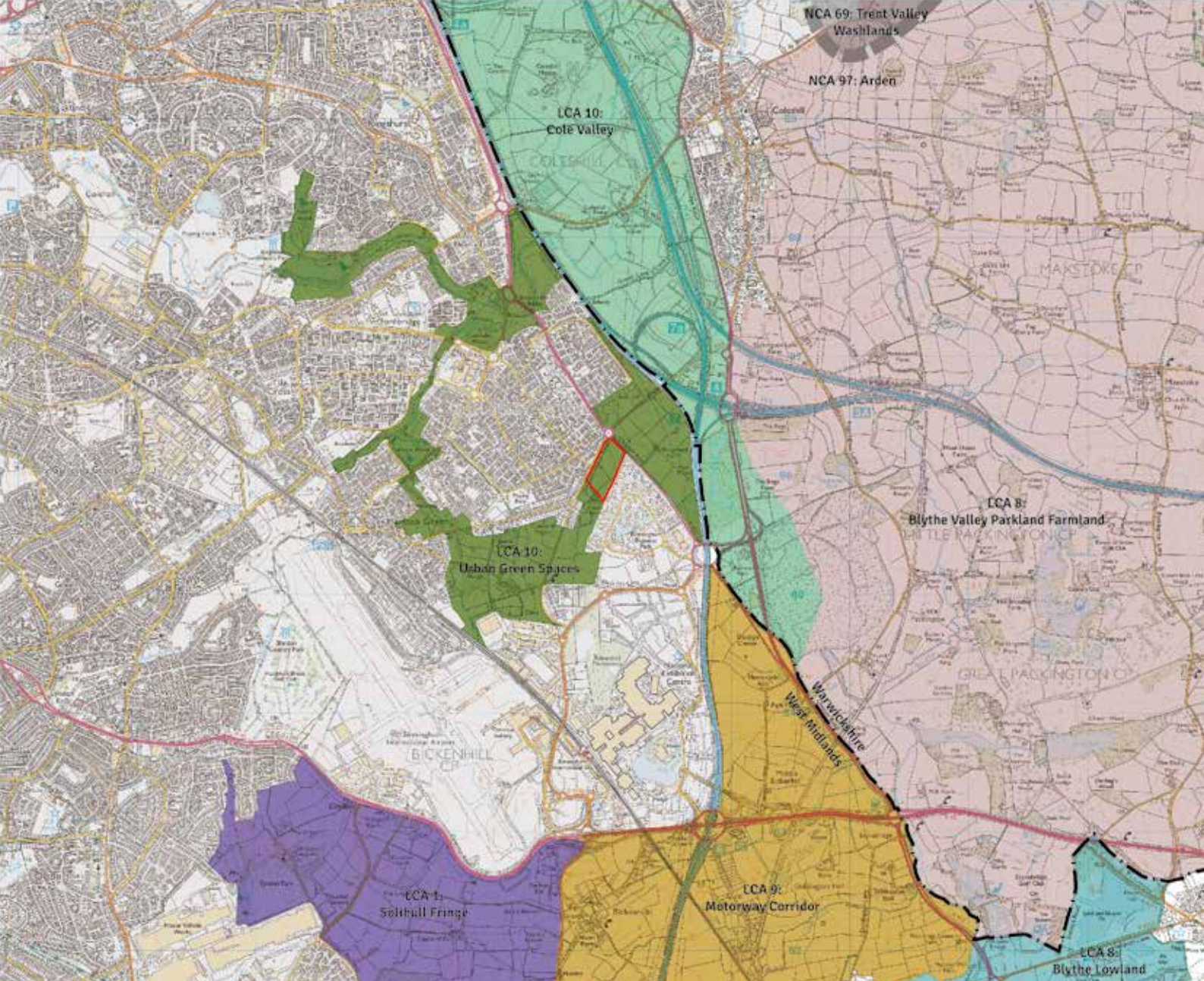
LANDSCAPE CHARACTER

National Character Area profile: NCA: 97 Arden

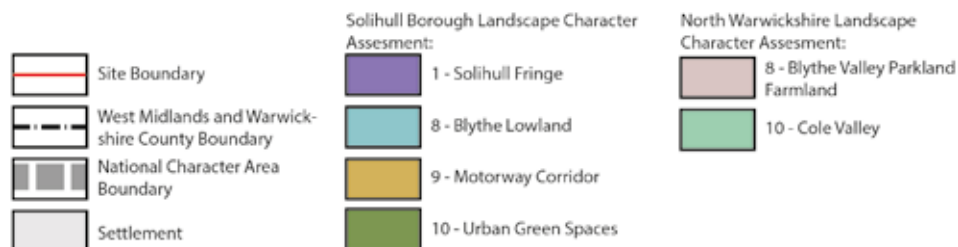
Landscape Character Assessment at a national level of study is recorded by Natural England (NE) within 159 National Character Areas (NCA) which informs the Landscape and Visual Appraisal (LVA) contained within the Vision Document. The site lies within the north-western part of National Character Area profile: NCA 97 Arden. Arden extends to a considerable area (143,425 ha). The site at just 9.19 ha exhibits a few of the key characteristics of the national NCA:

- Complex and contrasting settlement pattern with some densely populated areas where traditional settlements have amalgamated to form the major West Midlands conurbation while some settlements remain distinct and relatively well dispersed.
- The north-western area is dominated by urban development and associated urban edge landscapes.
- Mature oaks, mostly found within hedgerows, together with ancient woodlands, and plantation woodlands.
- Woodlands include historic coppice.
- Diverse field patterns, ranging from well hedged, irregular fields and small woodlands.
- Major transport corridors have a strong presence including: the M42, M40, M6 and M5.





National and Landscape Character Area Plan



Regional Landscape Character: Warwickshire Landscape Guidelines (1993)

At a County wide level of assessment, the Warwickshire Landscape Guidelines (Warwickshire County Council, 1993) divides the county into regional Landscape Character Areas. The site and its surroundings fall within the 'Arden' character area. The character area has been further divided into Landscape Types. The site is at the western edge of 'Arden Parkland' and the extensive urban areas of Solihull lie to the south and west of this Landscape Type.

The overall character and qualities of 'Arden Parklands' is described as an enclosed, gently rolling landscape, defined by woodland edges, parkland and belts of tree. The site exhibits some of these attributes.

Some of the key characteristic features of Arden Parklands include:

- Middle distance views enclosed by woodland edge.
- Belts of mature trees associated with estate lands.
- Many ancient woodlands, often with irregular outlines.
- Thick roadside hedges, often with bracken.

As part of the management strategy the county sets out objectives and guidelines to retain and enhance tree cover and wooded enclosure within the 'Arden Parkland' area.

Local Landscape Character: Solihull Borough Landscape Character Assessment (2016)

The Solihull Borough Landscape Character Assessment (SMBLCA) (Waterman, 2016) categorises the landscape of the borough into ten Landscape Character Areas (LCA). The site is within LCA 10: Urban Green Spaces. Some of the LCAs are further divided into sub-areas and the site is situated within Sub-Area 10B.

The SMBLCA describe LCA 10: Urban Green Spaces as an area comprising managed green spaces that include: parks, recreation grounds, sports fields, cemeteries, allotments and woodland. This is the landscape of the urban fringe where both urban and rural components influence the character of the place.



Extensive tree cover sets this area apart from the remaining urban area to the north east of Solihull. It also highlights that the landscape at the urban edge is sensitive to loss of tree cover and is important to the setting of the settlement and providing essential green connections to the countryside.

The southern part of LCA 10 is categorised as Sub-Area 10B which extends into the urban area of Solihull providing a series of green spaces. Towards the east of the sub-area along Coleshill Heath Road and closer to the M42 corridor, it tends to be busy and dominated by the impacts of the major transport infrastructure across the area. Key characteristics of the sub-area that are present within the site and surroundings include:

- Small pockets of deciduous woodland.
- High hedges along the roads with fast moving traffic towards the east.
- Strong tree cover in general across the sub-area.
- Green managed spaces, as a result of urban influences.
- Constant road and aeroplane noise form background disturbance within the sub-area, which is more prevalent to the eastern extent in contrast to the west.

The 2016 study suggests that sub-area 10B would be able to accommodate some areas of new development which would need to be of an appropriate type, scale and form, in keeping with the existing character and local distinctiveness of the area.

Landform of the Setting

Landform is a key component that shapes the landscape and character of the setting and for the site. The site has a locally even elevation ranging from 99m AOD to 101m AOD and its immediate surrounding is of a similar elevation.

Although the landform of the wider and even the local setting is rolling and occasionally hilly, the site has a near flat landform.

Land Use and Settlement Pattern

The centre of Solihull is approximately 7.5 km to the south west and settlement has grown and spread eastwards to encompass Sheldon, Marston Green and Chelmsley Wood. Birmingham International Airport is under 2km to the south west.

The M42 now forms something of the limit for settlement and a barrier to the east. The site has a clear and strong relationship with the settlement. The Birmingham Business Park lies immediately to the east of the site and its offices and buildings and car parks are perceivable from the site. Although the landscape of the site has clear limits, defined in places by tree cover, there is a strong sense of the settlement across the site. Noise, vehicle movement, glimpsed and filtered views of the urban area are all clear character drivers.

Much of the land outside of the built-up area in the site's vicinity is used for recreation. Agriculture, deciduous woodland and cemetery use also exist.

Tree Cover of the setting

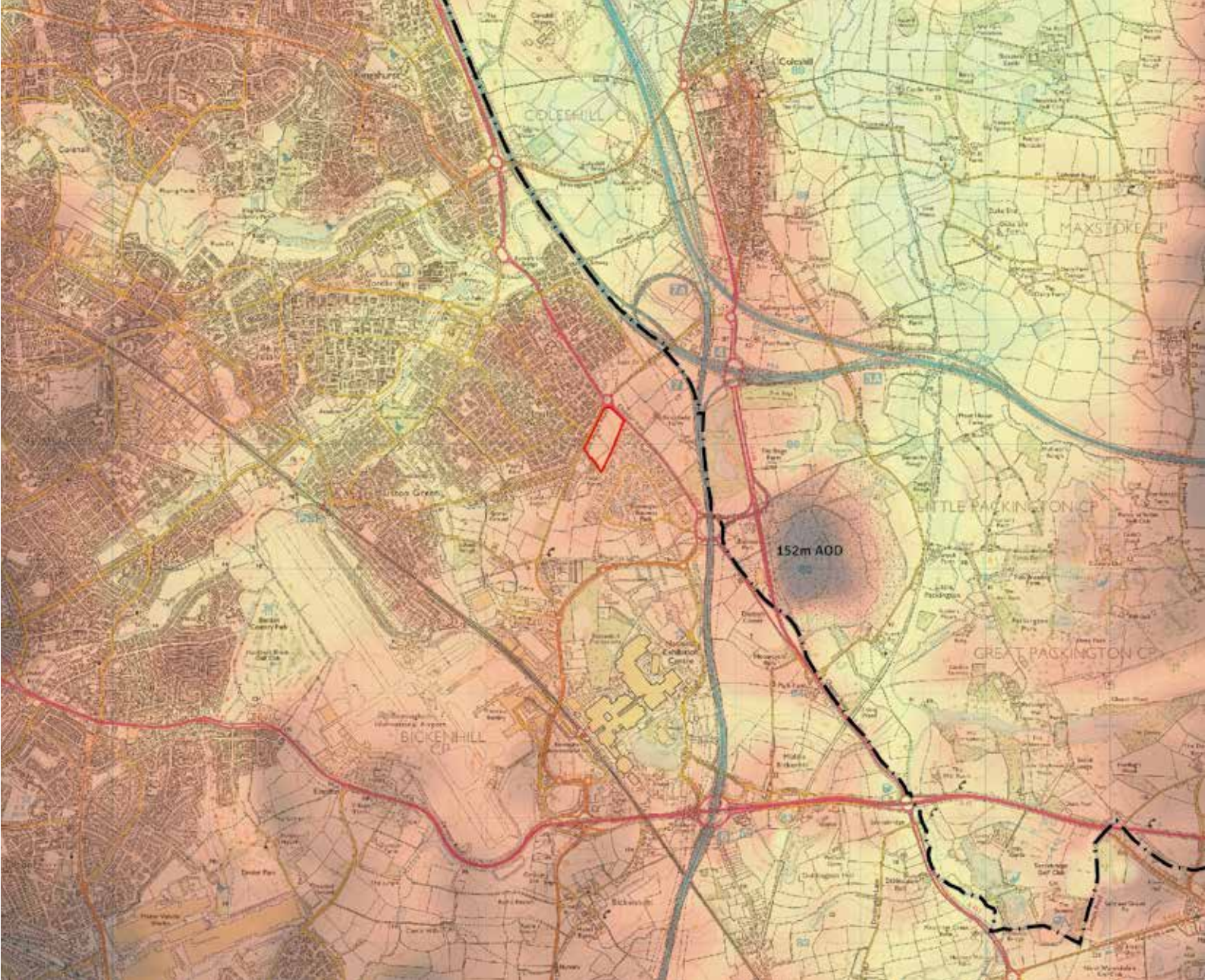
The tree cover in this area is a key character driver for this area. Regular field pattern bound by hedgerows are a common feature in this area. In some places, denudation and part loss of hedgerows are evident, potentially to provide access, however a strong pattern is evident in the area. High hedges along the roads with fast moving traffic towards the east are also noted.

Small pockets of deciduous woodland scattered across this area including an Ancient Woodland further south. Tree cover is extensive and includes street trees, hedgerow trees, woodlands and trees within the parks.

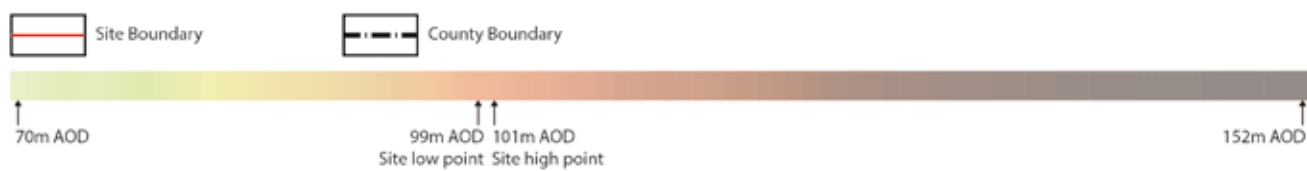
In the immediate vicinity of the site, both Coleshill Heath Road and Chester Road are tree lined roads supplementing the extensive tree cover in the area. To the west of the site within Chelmsley Wood, trees are generally limited to private back gardens or front of the houses. To the east Birmingham Business Park has extensive tree cover, with trees in green spaces and lining the roads.

The Solihull Borough Landscape Character Assessment provides guidelines to protect and enhance this LCA including the following:

- Retain the offset and overlapping nature of woodlands and belts of trees.
- Encourage the enhancement of tree cover through the planting of new woodlands and belts of trees.
- Where new development is promoted the design and layout will require detailed consideration to make links with the adjoining landscape, in particular landform and vegetation pattern.



Landform Map





*Site Boundary to
Coleshill Heath Road*

*Grass covered spoil mounds
(on site)*

On-site: looking west towards the tree lined site boundary. Housing on Coleshill Heath Road is occasionally visible through the trees. The grass covered spoil mounds are clearly visible in this view.



The Site

*Housing on Coleshill Heath Road
(obscured by vegetation)*

4. OPPORTUNITIES AND CONSTRAINTS

The findings from the initial site and context assessment have been evaluated to identify the emerging constraints and opportunities relevant to the development of the site.

A summary of these initial findings is set out below:

ACCESS AND HIGHWAYS






















Vehicular access to the site will be taken from Coleshill Heath Road in the form of two priority junctions.

The site’s walking and cycling infrastructure will tie in to the existing network in the vicinity of the site.

Emerging public transport infrastructure projects in East Birmingham have the potential to further enhance the site’s accessibility by sustainable modes of transport.

The access location and design will take into account the bus lay-by on Coleshill Heath Road and the location of any mature trees, amongst other considerations.

The traffic impact of the scheme will be assessed, and the proposals will ensure that the proposed development of the site does not have an adverse affect on the operation of the local highway network.

	Site boundary
	Setting consideration; noise
	Category B tree/ RPA
	Category C tree/ RPA
	Category U tree
	Existing watercourse/ waterbody
	Existing ditch
	Low Point (Possible Attenuation Area)
	Electrical cable
	HV electrical cable
	Electrical cable overhead
	Potable water main
	Surface water sewer
	Foul water sewer
	Combined drainage
	Esso pipeline and 12m easement
	Gas main and 6m easement
	Telecoms cable
	Permissive foot and cycle path
	Potential vehicular access point
	Existing pedestrian access



CHELMSLEY ROAD

COLESHILL HEATH ROAD

A452 CHESTER ROAD

BIRMINGHAM BUSINESS PARK

FLOOD RISK AND DRAINAGE

The site is greenfield, mainly comprising informal park land and dense vegetation. A system of minor drainage ditches surround the site with a larger ditch crossing the site from south-east to north-west. A dry pond lies to the southern tip of the site and the Low Brook flows from east to west approximately 500m south of the site.

The site is located within Flood Zone 1 (low risk of fluvial and tidal flooding) and is at low risk of flooding from all sources.

Sustainable drainage systems shall be used throughout the development to provide amenity and biodiversity as well as mitigate against any pollution risk. Attenuated surface water flows are likely to discharge to the existing sewer in Chelmsley Road to the west of the site.

The closest appropriate public foul water sewer is located within Coleshill Heath Road to the west of the site. It is proposed to discharge all foul flows to this sewer and Severn Trent Water have confirmed through a Developer Enquiry that there will be no detrimental impact on the downstream network. The majority of the development shall drain foul flows via gravity, with an area in the north likely to require pumping through the provision of a new pumping station.

LAND CONTAMINATION

The site is considered to be developable and based on the anticipated ground conditions, a traditional foundation solution is likely to be suitable for the majority of the scheme. Limited potential sources of contamination have been identified, which would likely require straightforward mitigation measures, if necessary.

ECOLOGY

In summary, it is considered that the site does not present any significant 'in principle' ecological effects that could not be adequately mitigated as part of any future proposed development.

There are three sites of national importance within 5km, the closest of which are Coleshill and Bannerly Pools situated 0.6km east and the River Blythe situated 2.5km east, both of which are designated as Sites of Special Scientific Interest (SSSI). Based on the lack of ecological connectivity, the reasons for designation of the SSSI sites, their identified sensitivities, and the likely nature of any proposed future development at the site, no significant ecological effects are likely for either designated site.

There are no local wildlife sites or other non-statutory designated sites within the site

The site has potential to support protected/notable species, including: breeding birds; foraging and roosting bats; reptiles; notable mammals such as hedgehog and terrestrial invertebrates.

There is considerable potential for the design of development to enhance the condition of hedgerows and manage these sensitively for wildlife benefit.

Woodland will be retained and enhanced where possible, to provide wildlife corridors within and around the site.

AIR QUALITY

A review of Local Air Quality Management documents indicates that there are not currently any known air quality issues within the Borough and that consequently, no Air Quality Management Areas (AQMA) have been declared. A suitable mitigation strategy, proportionate to predicted development impact will be identified.

NOISE

Noise surveys have been undertaken at two locations at the proposed site, to enable assessment of sound levels against World Health Organisation and BS8233:2014 noise criteria, and to determine assist in specifying a suitable general noise mitigation strategy for the development.

The survey results and assessment show that sound levels in areas adjacent to the A452 and Coleshill Heath Road currently exceed the recommended noise criteria, which is not unusual for residential developments located adjacent to transport sources.

To attenuate sound levels to meet the relevant criteria, the general mitigation strategy will comprise of all, or a combination of, the following measures:

- Careful design of the site layout, so that buildings provide screening of noise sources to gardens.
- Acoustic barrier of approximately 2m height along the A452 boundary. Installation of acoustically sound garden fencing, where required.
- Specification and installation of suitably attenuated glazing and ventilation systems.

HERITAGE

No assets have been identified where the development of the site would have a potential effect on an assets setting.

No remains of archaeological interest are evidenced within the site and it is likely that this was open heath land prior to its enclosure for agriculture.

Evident disturbance to ground levels within the site is likely to have caused considerable disturbance to original ground levels.



Off-site: looking south-east towards the site from junction with the A452 (Chester Road) and Coleshill Heath Road.

UTILITIES

A summary of asset maps and perceivable services constraints are outlined in the table below:

Service and/or Provider	Existing Service Location
Foul Drainage (Severn Trent Water)	<p>Presence of a 150mm surface gravity sewer and 300mm foul water gravity sewer within the footway of Coleshill Heath Road.</p> <p>Further foul and surface water sewers within the footways/carriageways to supply the existing residential/commercial developments to the east and west of the proposed site.</p> <p>Diversions are not envisaged at this stage.</p>
Clean Water (Severn Trent Water)	<p>12” cast iron clean water main can be found within the eastern footway of Coleshill Heath Road which continues into Chester Road. Diversion/lowering of the clean water main in Coleshill Heath Road may be required to facilitate the site access.</p>
Gas (Cadent Gas)	<p>A medium pressure gas main crosses the site in a broadly east-west direction before continuing north along the eastern footway of Coleshill Heath Road. A gas governor is located outside the eastern site boundary to serve the business park to the east. This main requires a 3m easement either side of the pipeline (6m in total) before any development can take place. This pipeline has been accommodated as part of the masterplan.</p> <p>Further low-pressure gas mains within the footways/carriageways to supply the existing residential/commercial developments to the east and west of the proposed site. Diversion/lowering of the gas main in Coleshill Heath Road may be required to facilitate the site access.</p>
Electricity (WPD)	<p>A network of overhead and underground HV (11kV) cables within the confines of the development along with 2No. pole mounted transformers to serve existing Coleshill Heath Farm and a mast located on site. It is anticipated these cables will be diverted along the proposed footways/carriageways as part of the development proposals. The pole mounted transformer will be relocated and installed as ground mounted substations.</p> <p>Further HV (11kV and 33kV) cables found within the eastern footway of Coleshill Heath Road. Diversion/lowering of these cables may be required to facilitate the site access.</p>
Telecommunications (BT Openreach/Virgin Media/Zayo group)	<p>Underground BT cable found crossing the site from east to west in direction before continuing north on Coleshill Heath Road. This cable will be diverted as part of the development proposals.</p> <p>Virgin Media fibre optic cable and Zayo ducting within the western footway of Coleshill Heath Road. These cables are unlikely to be affected by the development proposals.</p>
ESSO Petroleum	<p>12” ESSO petroleum pipeline crosses the development in a north-south direction.</p> <p>The pipeline requires an easement of 6m either side (12m total) where no building is permitted, no raising or lowering of the existing ground level without the approval of ESSO and no tree planting can take place.</p> <p>This pipeline has been accommodated as part of the masterplan.</p>



Source: Google Street View

Off-site: looking south along Coleshill Heath Road along the boundary with the site.

Landscape of the Site

The site boundaries are well defined by Chester Road (A452) to the north, Birmingham Business Park to the east, a private lane leading to Heath Farm and the Heath Farm field hedgerow boundary to the south and Coleshill Heath Road to the west with existing residential beyond. To the north of the site beyond Chester Road lies arable fields providing a rural setting in juxtaposition to the urban setting of the other sides.

The site is well defined on its edges by extensive and prominent tree, hedgerow and scrub planting creating a buffer on all sides. Strategic gaps are noted breaking the tree edge to provide access into the site from the east, west and south. Due to the site's proximity to the A452, road noise is evident in the background generally within the northern part of the site which is characteristic of the area as mentioned within the Solihull Borough Landscape Character Assessment.

The site currently consists of two land parcels separated by the shared path running east to west connecting the residential area along Coleshill Heath Road to The Crescent in Birmingham Business Park. A strong line of hedgerow to the north of the shared path runs almost along its entire length. Connectivity between the northern and southern part of the site is limited to a central gap within the hedgerow along the shared path. Both land parcels have a similar character being a largely grassed area and used for recreational purposes.

Much of the tree cover on site are formed in either belts or in dense groups. The deciduous woodland within the south-western part of the site is noted within the National Forest Inventory and within the Priority Habitat Inventory. The tree belt to the east is set back from the Birmingham Business Park and a wide buffer tree planting present within the north-western corner near the roundabout. A few stand-alone trees

are present within the southern part of the site. Relatively new hedgerow planting to gap up a section of the existing hedgerow at the northern boundary along Chester Road has been undertaken. This part of the hedgerow does not have any tree cover within or to the south of it like the rest of the area.

Although, the surrounding area is generally flat, the site itself is undulating and has two substantial mounds one within each land parcel. This is an anomaly to the general character of the area and are potentially man-made features.

Views and Visual Amenity

Views off the site are restricted by the tree cover and visibility is fairly contained. Despite the mounds on site, the site has a strong visual containment.

The northern part of the site has dense boundary vegetation, and this severely limits views beyond. Views into the site around the boundaries are limited to gaps in vegetation and at the access points.

There are some limited views of the edge of Birmingham Business Park through the branches of the trees and gaps in vegetation, generally from the southern field area. Similarly, parts of Heath Farm are visible from the southern field through the gaps in vegetation.

Views to the residences along Coleshill Heath Road are afforded through the gaps in vegetation, although most of these views are heavily filtered by the branches of the trees and generally limited to the upper storeys or rooflines. These views are generally noted from the southern field and to the immediate north of the shared path.

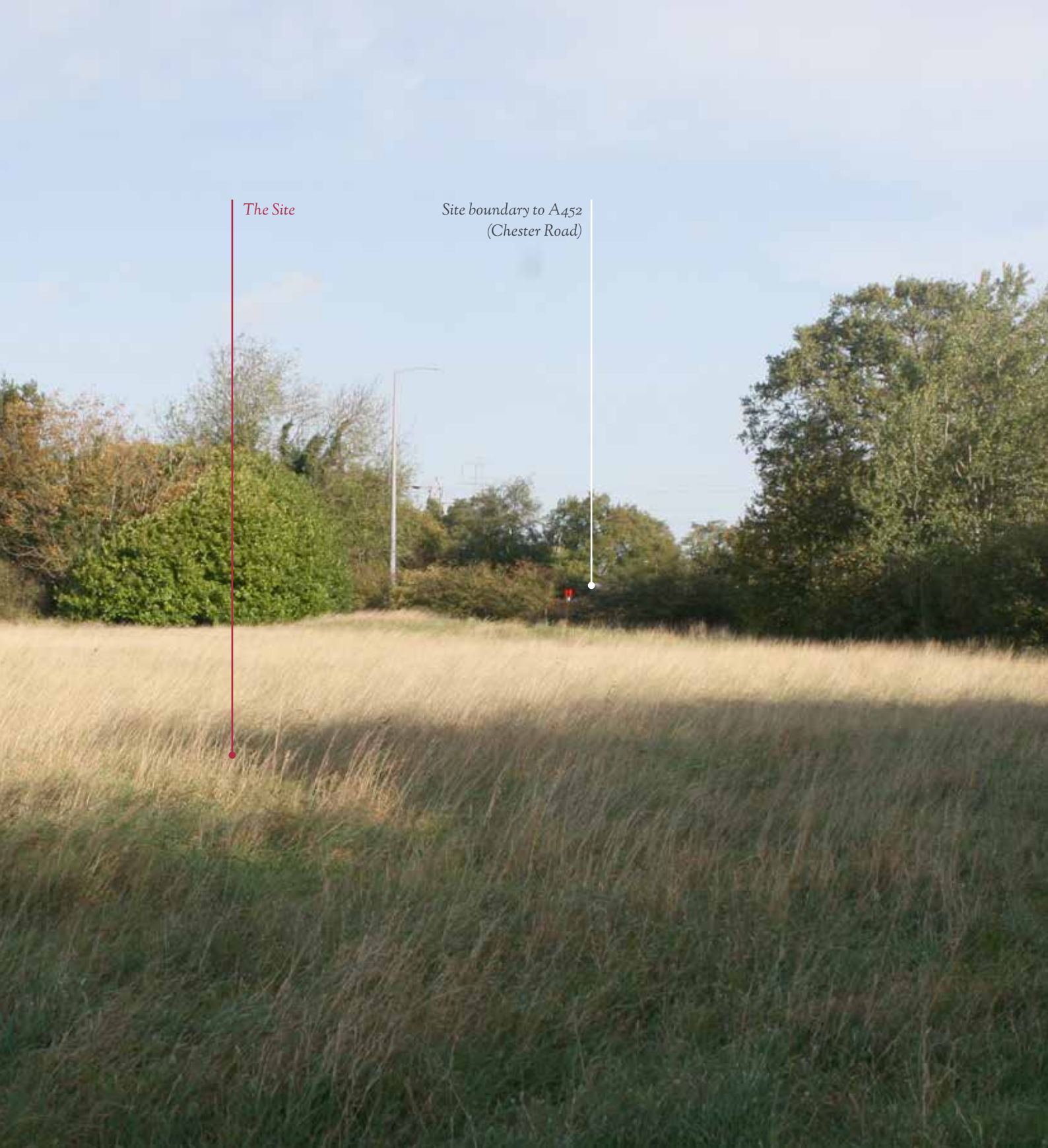


Landscape and Visual Baseline Analysis Plan



*Junction of A452 (Chester Road)
and Coleshill Heath Road
(obscured by trees)*

*On site: looking north west to the junction of the A452 (Chester Road) and
Coleshill Heath Road, obscured by the mature tree group on site.*



The Site

*Site boundary to A452
(Chester Road)*

5. DELIVERABILITY TRAJECTORY

Paragraph 35 of the NPPF sets out that Local Plans and spatial development strategies will be examined to assess whether they have been prepared in accordance with legal and procedural requirements, and are therefore sound. Under this test, Plans are required to be ‘effective’ and therefore “deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.”¹

Furthermore, Paragraph 72 sets out that Local Planning Authorities should work “with the support of their communities, and other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.”

To be considered deliverable, sites should offer a suitable location for development, be readily available and be achievable with a realistic prospect that new housing will be built within the first few years of the local plan period.

The technical analysis presented in the previous sections of this report have demonstrated that the site is highly deliverable insofar that there are no environmental constraints that would prevent the site being brought forward for development.

As demonstrated in the indicative sales trajectory set out below, the site is achievable and can be brought forward for development within the first five years of the emerging Local Plan.

Year	Market	Affordable ²	Total
2022/2023	12	6	18
2023/2024	24	12	36
2024/2025	24	12	36
2025/2026	30	15	45
Total	90	45	135

Importantly, the site is viable and will deliver the key community, social and physical infrastructure required to meet the needs of future residents, including affordable housing, formal and informal open space.

¹ Paragraph 35 (c) of the NPPF (2018)

² Policy P4: Meeting Housing Needs sets out affordable housing will be expected on residential sites of 11 dwellings or more. Contributions will be expected at 50% on each development site.



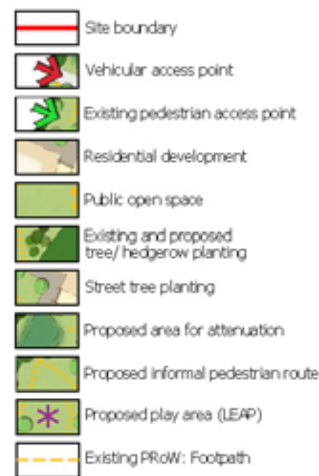
Off-site: looking east along Chelmsley Road into the site

6. CONCEPT MASTERPLAN

The Concept Masterplan, presented opposite, has been informed by the vision and site and local context analysis presented earlier in this Vision document, along with the following key design principles:

LAND USE AND DEVELOPMENT FROM

- Provision of approximately 3 Ha of net residential development, achieving up to 135 units at an average density of 45 dwellings per hectare (dph)
- Development will front onto Coleshill Heath Road, providing a positive frontage to complement the existing street scene.
- The use of a perimeter block development structure (with back to back gardens) will ensure that the development promotes the creation of a legible and permeable place.
- Development will front onto streets and spaces wherever possible, providing the opportunity for natural surveillance and encouraging active overlooking.
- Development is structured to reflect the built form of existing properties off Chelmsley Wood Road, and to ensure plentiful views to planting and open space, reinforcing a green character.





CHELMSLEY ROAD

COLESHILL HEATH ROAD

A452 CHESTER ROAD

BIRMINGHAM BUSINESS PARK

ACCESS AND MOVEMENT

- Vehicular access taken from Coleshill Heath Road to the east of the site.
- The existing permissive cycle path crossing the site will be retained in-situ as part of the proposals.
- A new network of informal pedestrian routes will be established within the site, responding to key desire lines and creating recreational circular walks that encourage physical activity.
- A hierarchy of streets is proposed, ensuring that the development is both legible, permeable and easy to navigate.

OPEN SPACE

- The proposals retain a large area of the site as accessible public open space. This offers the opportunity to significantly benefit the new and existing community through the provision of multifunctional green infrastructure with areas for formal and informal amenity open space.
- Existing green capital has guided the location of development within the site. Open space retains existing trees and hedgerows wherever possible, integrating them within a network of new green corridors.
- The proposals will maximise opportunities to retain and enhance biodiversity and habitat creation. The provision of Sustainable Drainage systems (SuDS), comprising of attenuation basins will help to achieve this and also manage surface water run off rates.
- Residential development is located to the west of the site. This enables the creation of a multifunctional and connected green infrastructure to be provided, with development benefiting from views to open space, and the retention of the existing structural planting to the west of the site.
- Easements to the Esso pipeline and gas main crossing the site are accommodated within areas of public open space
- Existing tree and hedgerow planting will be retained and enhanced wherever possible, creating a number of 'green corridors' that adjoin the boundaries of the site.
- Significant areas of accessible public open space are proposed to the west and west of the site, providing areas for formal play, attenuation, recreation, informal walks and existing/ new tree planting.



Off-site: looking north along Coleshill Heath Road. The permissive path that crosses the site to Birmingham Business park is visible on the right.

7. LANDSCAPE STRATEGY

The objective of the Landscape Strategy is to set the development into the host landscape in a manner that achieves a sympathetic and successful assimilation at the settlement edge.

There are three key objectives for Landscape Strategy:

- to make an important contribution to integrating the development with the host landscape of the immediate setting;
- to create a public asset of attractive green space to serve the needs of the development; and
- to ensure the effects of the development are limited and contained in a manner that makes an attractive and effective new edge to the settlement.

Existing components: the shared path, hedgerow and trees, would form the structure of the new Green Infrastructure (GI). There would be other green spaces in addition to the existing planted edges and supplemented further by Sustainable Drainage systems (SuDs). These green and blue spaces along with the existing components would form a network of biodiverse linked spaces and habitats within the site and would also provide linkage to other GI assets beyond the site. The retained woodland and other components would be enhanced by setting them in areas of public green space, forming a loop around the site.





On-site: looking west along the foot and cycle path towards the crossing on Coleshill Heath Road.



Landscape Strategy Plan

Existing Components

-  Site Boundary
-  Countryside
-  Settlement
-  Public Green Space

Proposed Components

-  Shared Cycle and Pedestrian Route
-  Roads
-  Vegetation
 -  Tree Cover
 -  Field Trees
-  Development Area
-  Attenuation Ponds
-  Development Entrance with green planting
-  Green links into site

The Landscape Strategy has at this early stage of conceptual development design work, been identified by Landscape and Visual Appraisal work that is set out in this document. Landscape Character at national, regional and local levels have informed the understanding of the site and its relationship to the countryside and settlement. It has been recognised that the visual containment of the site is a key characteristic and would be important to retain this aspect of the site and potentially enhance the sense of concealment with additional tree planting where appropriate.

The SuDs will require basins to be created to attenuate rainwater. These features have been located to serve drainage operational requirements. They also have a biodiversity role as well as providing an enhancement to the development. They will be designed, planted and managed in a manner that serves as a public amenity. A publicly accessible landscape will be created that makes attractive links for residents with the existing settlement to the west including the Kingfisher Country Park and Coles Valley Way, a long-distance path.

Wildlife enrichment and the safeguarding and future management of potential habitats that will be improved for both existing and future additional species, will also be an aspiration for the development proposals.

	Site boundary
	Existing tree planting
	Existing hedgerow planting
	Existing shared cycle and pedestrian route
	Proposed tree planting
	Proposed wetland planting
	Proposed meadow grassland
	Proposed amenity grass - lawn
	Proposed formal pedestrian path - crushed stone
	Proposed informal pedestrian route - mown grass
	Proposed highway paving
	Proposed pedestrian paving
	Proposed attenuation ponds and basins
	Proposed play area (LEAP)

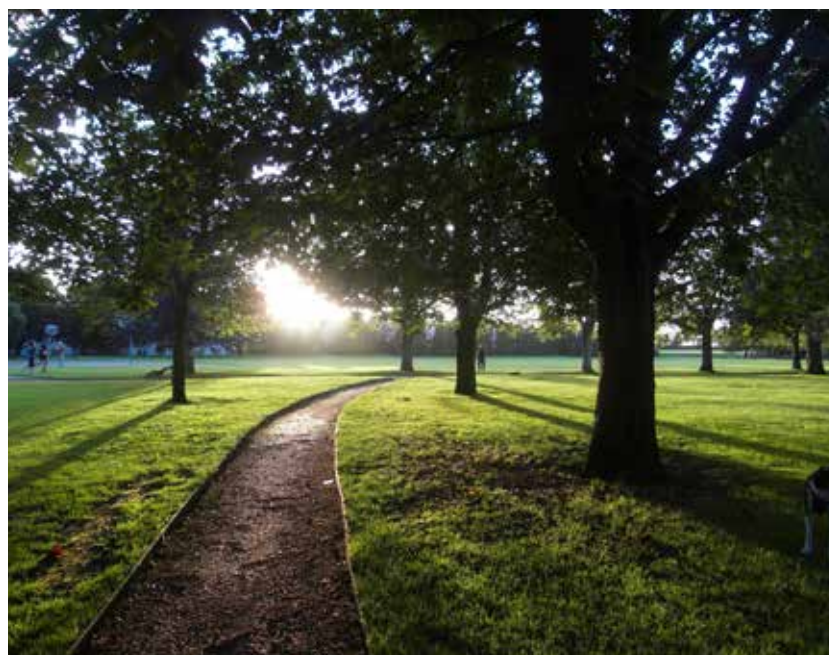


CHELMSEY ROAD

COLESHILL HEATH ROAD

A452 CHESTER ROAD

BIRMINGHAM BUSINESS PARK





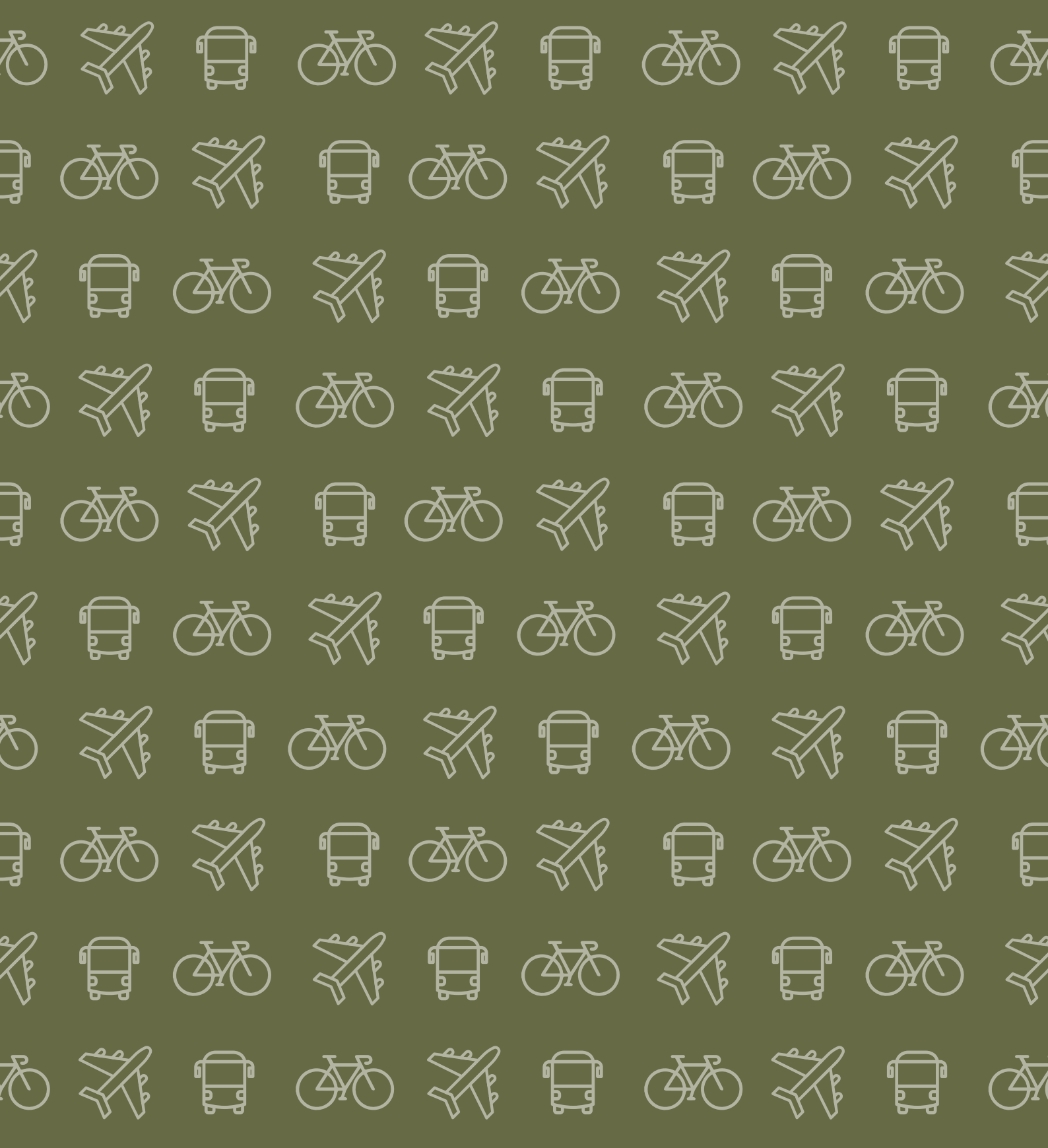
8. SUMMARY OF ASPIRATIONS



This vision document has set out a vision for the site, a summary of technical assessments undertaken to date and the emerging concept proposals for Land east of Coleshill Heath Road, Birmingham.

In summary the proposals will deliver the following key benefits and qualities:

- A desirable high quality and distinctive scheme, that benefits from easy access to local facilities, delivering around 135 dwellings.
- An attractive, safe and legible place that will have a site specific identity and character, responding to positive elements of the surrounding built form.
- An accessible development, benefiting from the sites excellent location, with plentiful connections to sustainable transport choices.
- Significant areas of publicly accessible open space, providing areas for formal and informal play, benefiting both existing and proposed communities, as well as enhancing biodiversity and ecology.



**BARTON
WILLMORE**

Appendix III

Representations to the Supplementary Consultation (March 2019)

Solihull Draft Local Plan Supplementary Consultation

Land east of Coleshill Heath Road

Representations on Behalf of St Philips Ltd

March 2019

Contents

1. Introduction 1

2. St Philips’ response to the Supplementary Consultation 2

Prepared By: Kate Green

Status: FINAL

Draft Date: March 2019

For and on behalf of GVA Grimley Limited t/a Avison Young

1. Introduction

- 1.1 These representations have been prepared by Avison Young on behalf of our clients St Philips Ltd (referred to as St Philips) in relation to the Solihull MBC Local Plan Review Non-Statutory Consultation *"Reviewing the Plan for Solihull's Future: Solihull Local Plan Review: Draft Local Plan Supplementary Consultation"*.
- 1.2 St Philips has an interest in land east of Coleshill Heath Road, and adjacent to Birmingham Business Park, which is referred to as Site 131 in the Solihull Local Plan Review 'Site Assessment' documentation. A site plan is appended to these representations at **Appendix I**.
- 1.3 St Philips is promoting the allocation of the land for the delivery of up to 135 dwellings within the first five years of the new Local Plan period. The opportunities and design principles for the proposed development are considered in the Vision Document which is submitted alongside these representations (**Appendix II**) and which is informed by a suite of technical evidence to demonstrate that the site is deliverable.
- 1.4 The site has been promoted through the latest Call for Sites consultation exercise, and its development potential has been considered within the Strategic Housing & Economic Land Availability Assessment (2016), and in the subsequent Sustainability Appraisals undertaken by the Council.
- 1.5 The extant development plan for Solihull MBC comprises the Solihull Local Plan, which was adopted in December 2013 and covers the period 2011 to 2028. Following the adoption of the Plan a legal challenge resulted in the housing requirement being deleted and remitted back to the Council for reconsideration.
- 1.6 As a result of the above the Council has reviewed the housing policies within the Solihull Local Plan. In this context they undertook a 'Scope, Issues and Options Consultation' on the Local Plan Review between November 2015 and January 2016, which was followed by a Draft Local Plan Consultation between December 2016 and February 2017.
- 1.7 The purpose of the current Supplementary Consultation is to:-
- provide an update on Local Housing Need following the introduction into the NPPF of the Standard Methodology, and following the Technical Consultation on updates to planning policy and guidance (October 2018) which led to the publication of the NPPF (2019);
 - assess the 70+ additional Call for Sites submission that Solihull MBC has received following the publication of the Draft Local Plan in 2016;
 - refine the site selection process for assessing which sites should be included in the plan and reassess all sites (circa. 430) to ensure that the preferred sites are the most appropriate when considered against the spatial strategy, and existing/new or updated evidence; and
 - publish the concept masterplans for principal allocations.
- 1.8 As set out in the following representations, St Philips concludes that, if the Council proceeds to publish the Submission version of the Local Plan without change to the housing policies and proposals as they are set out in the Supplementary Consultation document, the subsequent Examination will find the Draft Plan to be unsound. St Philips considers that the land at Coleshill Heath Road should be allocated for development as part of a package of amendments needed to ensure compliance with national policy requirements.
- 1.9 It should be noted that these representations respond to those questions raised through the Draft Local Plan Supplementary Consultation that are considered relevant to the proposed development site in question.

2. St Philips' response to the Supplementary Consultation

Question 1

Do you believe that there are exceptional circumstances that would justify the Council using an alternative approach, if so what are the exceptional circumstances and what should the alternative approach be?

- 2.1 The NPPF (February 2019) confirms at Paragraph 60 that *"to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflect current and future demographic trends and market signals."*
- 2.2 This is supplemented by Planning Practice Guidance: Housing and Economic Needs Assessment which confirms that the Standard Method *"uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply"* (Paragraph: 002 Reference ID: 2a-002-20190220).
- 2.3 Government consulted on a number of potential changes to the Standard Method following the publication of the 2016 Household Projections. As a result of the consultation government has confirmed that the use of the 2014 Household Projections is the most appropriate approach for the time being. It has also confirmed that the Standard Method does not represent a mandatory target for local authorities to plan for, but is to be treated as the starting point for the planning process.
- 2.4 Solihull MBC has applied the Standard Method, utilising the 2014 Household Projections, and has found its local housing need to be 767 dwelling per annum, equivalent to 13,039 dwellings across the Plan period (assuming that were to be confirmed as 2018-2035). This is the approach advocated by the NPPF (February 2019) and is accepted by St Philips.
- 2.5 Notwithstanding this, government has set out its intention to review the Standard Method within the next 18 months (i.e. by August 2020) with a view to establishing *"a new approach that balances the need for clarity, simplicity and transparency for local communities with the Government's aspirations for the housing market"*. This will need to be monitored as the preparation of the plan progresses as future changes to national policy may require further work to determine the minimum local housing need for the Borough.

Unmet Need

- 2.6 St Philips notes that the Council has maintained a reference to accommodating 2,000 dwellings within the Borough as a proportion of the unmet need that arises across the wider Housing Market Area (HMA). Adding this to the Local Housing Need figure arising from the application of the Standard Method increases the number of dwellings to be provided to 885 per annum, or 15,039 dwellings over the plan period.
- 2.7 St Philips acknowledges that the Council has said that *"the potential for this [i.e. a contribution of 2,000 dwellings] to be revised as part of the Submission Draft (to be published in summer 2019) remains"*. Whilst the Council is not seeking views on this matter as part of this consultation, St Philips does not consider that inclusion of an allowance of 2,000 dwellings to help address the HMA shortfall is sound.

- 2.8 As the Council itself acknowledges *"there is a clear expectation from other HMA authorities (and other interested parties) that (a) there is no clear justification why 2,000 was chosen as the figure Solihull would make towards the HMA shortfall and (b) there is opportunity to make greater provision"*.
- 2.9 The LPA must set out clearly the evidence that supports the adoption of 2,000 as the figure for 'unmet need' and should provide the opportunity for that to be scrutinised by all those with an interest in the Plan. It is assumed that the Greater Birmingham HMA Strategic Growth Study will be part of the Council's evidence base in this regard; in which case the Council will need to clearly set out the assumptions that it relies upon for determining the scale of unmet need across the HMA, and the basis on which it has concluded that it should accommodate 2,000 of the overall shortfall. When thoroughly assessed, the overall shortfall may increase, which may have a bearing on the Local Housing Need figure of 885 dwellings per annum that the Council has adopted for the purpose of this consultation. That would have implications for the amount of land to be allocated for housing, yet the strategy as set out in the Supplementary Consultation includes no flexibility to accommodate such an adjustment.
- 2.10 St Philips considers it prudent to note again that the NPPF (2019) and PPG confirm that the application of the Standard Method sets the minimum housing need to be included within a Local Plan.

Proposed Plan Timeframe and Need for Safeguarded Land

- 2.1 Paragraph 22 of the NPPF confirms that *"Strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities"* (our emphasis).
- 2.2 St Philips notes that changes have been made to the duration of the plan period between the publication of the Draft Local Plan (Nov 2016) and the Supplementary Consultation (Feb 2019). The DLP covered the period from 2014-2033 (19 years) whereas the Supplementary Consultation refers to the period 2018-2035 (17 years). The Local Plan is unlikely to be adopted until 2020, so that the remaining plan period will be 15 years, in line with the guidance set out in national planning policy. Notwithstanding this, the plan period should be adjusted to 2036, which would also be consistent with the GL Hearn Strategic Growth Study. The SGS forms part of the Council's evidence base for the preparation of the Draft Local Plan and due consideration should therefore be given to the document. Should the Council wish to discount this evidence, sufficient justification to support an alternative approach should be provided.
- 2.3 It is recognised by all parties that Solihull MBC is required to release land from the green belt to meet its Housing Need. In this regard, paragraph 139 (c) of the NPPF (2019) advises that plans should:-
- "where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period";*
- 2.4 This is a critical matter for the Solihull Local Plan given that the Borough is substantially constrained by green belt and that Paragraph 139 (e) of the NPPF says that plans should:-
- "be able to demonstrate that green belt boundaries will not need to be altered at the end of the plan period".*
- 2.5 Despite this clear advice the Local Plan as currently drafted (albeit in a Supplementary Consultation document) does not include any areas of safeguarded land to accommodate longer term growth. Whilst the term *"well beyond"* the plan period is not defined in the NPPF, and may be for debate having regard to local circumstances, it would be reasonable to conclude that this should be a minimum of five years, and more robustly ten years, particularly in an authority as constrained by green belt as Solihull.

- 2.6 Adopting the current annual Local Housing Need figure derived from the Standard Method would suggest a need for a substantial allocation of safeguarded land (3,835 to 7,670 dwellings over a five or ten year period, excluding any allowance for cross boundary need) in addition to the land required to meet any shortfall from the HMA. Setting the boundaries with confidence depends, of course, on clarity in relation to the proportion, and amount, of unmet HMA need to be accommodated in Solihull Metropolitan Borough.
- 2.7 The draft Local Plan considered in this context does not meet the objectives of the NPPF (2019) and, if it is to be found sound, should identify a supply of safeguarded land so as to secure green belt boundaries well beyond the plan period. Decisions on where that safeguarded land should be must be evidence-based and related to an assessment of the performance of land against green belt purposes.

Housing Land Supply Position

- 2.8 We have reviewed the Housing Land Supply table included at page 13 of the Supplementary Consultation document. As part of this we have been advised by Officers that further evidence supporting the Housing Land Supply Table is not yet available for scrutiny. It is understood that the Council will publish this evidence once the period for the Supplementary Consultation has been closed.
- 2.9 St Phillips notes also that a Housing Delivery Trajectory has not been published, nor have sites been allocated into phases. It is assumed that this is as a consequence of on-going work on individual site masterplanning, but it is essential that this information be made available prior to the Submission of the plan.
- 2.10 Our comments on the Housing Supply Table in the Supplementary Consultation document are set out below.

Source	Estimated Capacity	Avison Young Comment
1. Sites with planning permission (started)	1,106	We assume that the figure of 1,106 is an accurate, factual position.
2. Sites with planning permission (not started)	2,199	<p>The NPPF confirms that <i>"to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."</i></p> <p>All sites which do not involve major development and have permission and all sites with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they are no longer viable. Where a site has outline permission for major development, is allocated in the development plan, has a grant of permission in principle, or is identified on a brownfield register it should only be considered deliverable where there is clear evidence that that completions will begin in 5 years.</p> <p>The Council has not supplied a schedule of sites which make up the figure of 2,199, nor has it provided evidence to confirm that the relevant sites meet the requirements of the definition of deliverable in the NPPF. The Council must supply detailed evidence in relation to the sites that support this figure, including a housing delivery trajectory, and should do so at the latest on</p>

		publication of the Regulation 19 Plan (Submission Version).
3. Sites identified in land availability assessments	364	<p>The Council has included a list of sites identified in Land Availability Assessments on page 87 of the document. The following points arise:</p> <ul style="list-style-type: none"> • First, the table on page 13 refers to 364 units whereas the table on page 87 refers to 204 units without any explanation of the discrepancy. • Second, having regard to the text on page 87, the sites listed are suitable, available and achievable, do not require a policy change to be brought forward and will typically support less than 50 houses. We are unsure why the LPA has chosen to itemise these sites, but not others that presumably make up the difference between 204 in the table on page 87 and 364 in the supply table. • We are unsure also why the LPA has not chosen to allocate at least some of these sites, given that they are said to be deliverable (subject to testing) and could presumably contribute to the requirement to allocate at least 10% of the housing requirement on sites no larger than 1 hectare. • Moreover, if they are not to be allocated, they are presumably to be treated as 'windfalls'. If listed separately in the supply table, that also places doubt on the robustness of the LPA's windfall allowance (given that 364 units comprises at least 2 years of windfalls, adopting the LPA's assumptions on windfall completions). <p>We conclude that the LPA has not provided evidence to justify the inclusion of these sites so that Row 3 should be deleted.</p>
4. Sites identified in the Brownfield Land Register (BLR)	200	<p>Appendix D to the Supplementary Consultation document (pages 85-86) lists 14 sites from the BLR which are not allocated for development and which are expected to contribute towards supply.</p> <p>It acknowledges that BLR/017 (National Motorcycle Museum) should be discounted as the Council is not aware that it is being promoted for redevelopment. The potential supply from these sites is between 74 and 314 dwellings. The LPA has used a figure of 200 as an approximate mid-point within the range. St Phillips is concerned about this for the following reasons.</p> <ul style="list-style-type: none"> • As with the sites in Row 3, the sites from the BLR should either (i) be identified as allocations with evidence to support the LPA's conclusion that they will contribute to supply, including as a response to paragraph 68 (a) of the NPPF; or (ii) if not allocated, should be treated as windfalls (and inclusion as a separate category also undermines the LPA's windfall assumption). • Even if it were reasonable to include supply from BLR sites in the supply table in the way that Solihull MBC has (and St Phillips' view is that it is not), there is no evidence provided to support taking a mid-point between the

		<p>minimum and maximum capacity assumptions for those sites. The NPPF and the Planning Practice Guidance are clear that Local Plans should plan positively for development with the Standard Method representing a minimum target for delivery. In that context, taking what may be an optimistic mid-point rather than a prudent minimum is not justified.</p> <p>Given the current lack of evidence to support the inclusion of BLR sites St Phillips considers they should be removed from the supply calculation.</p>
5. Solihull Local Plan allocations without planning permission at 1 st April 2018	1,236	<p>The four sites that comprise the 1,236 units in Row 5 are listed in Appendix D (p.85). However, the LPA has not given any detailed explanation in the supporting text to explain why those sites have not come forward as anticipated, or to explain why it considers that any matters that have constrained their delivery to date have been resolved, or will be resolved in a reasonable timescale, so as to justify their continued allocation in the plan at the capacities identified.</p> <p>Similar to the comments against Row 2 (sites with permission not started) the Council must provide evidence to support the figure stated, and to support the continued allocation of these sites. St Phillips acknowledges that the Council intends to do so at Submission Stage but, nonetheless, no evidence on deliverability has been provided to support the assumptions set out in the current consultation so that there is potential for this figure to be reduced, particularly in relation to 'Phase 1' sites and their delivery within the first 5 years of the Plan period.</p>
6. Less a 10% to sites with planning permission (not started), sites identified in land availability assessments and SLP sites	-400	<p>The Council should provide evidence to support the use of 10% as a discount allowance, as opposed to any higher figure. Moreover, the discount is applied to sites identified in Land Availability Assessments, which we consider should be excluded from the supply calculations (on the basis that, if not allocated, they would comprise windfalls). St Phillips reserves the right to comment once the evidence to support this assumption is made available.</p>
7. Windfall housing land supply (2018-2033)	2,250	<p>The Council is required to release land from the green belt to meet its Local Housing Need, and unmet need from the HMA, and should also be allocating Safeguarded Land to meet the requirements set out at paragraphs 22 and 139 of the NPPF (2019). In so doing, the LPA must be able to demonstrate that it has maximised the opportunity to deliver sites from within the urban area and on land outside the green belt, and should take steps to allocate as much land as possible to support the delivery of new housing.</p> <p>In this context St Phillips has commented already on the LPA's reference to sites identified in Housing Land Assessments and to BLR sites, and has noted the requirement in paragraph 68 (a) of the NPPF in relation to the need to identify small sites of less than 1 ha to contribute to land supply.</p>

		<p>St Philips acknowledges that the inspector who examined the SLP agreed with a windfall allowance of 150 dwellings per annum. However, the BDP has since been examined and the scale of unmet need across the HMA has been assessed, and with an as yet undefined proportion of that to be met in Solihull. The LPA must adjust its green belt boundaries to accommodate its Local Housing Need and cross-boundary needs, and must first ensure that it has identified and allocated all deliverable capacity from sites outside the green belt (including from sites of less than 1ha). Having done so, the potential for a continued supply of windfall completions at a rate of 150 per annum must be questionable.</p> <p>Moreover, the current figure of 2,250 windfall completions comprises 14% of the overall housing land supply for the Borough, which St Philips considers is high, having regard the comments above. Further evidence-based justification is required from the Council to support such a high reliance on windfall sites, as this has a very significant bearing on the quantum of land required for additional homes, and for the setting of appropriate green belt boundaries now that may endure well beyond the plan period.</p>
8. UK Central Hub Area	2,500	<p>St Philips does not question the ability of the UK Central Hub Area to contribute to major growth in the Borough but notes that the Council has increased its assumption on the delivery of housing from the UK Central Hub over the plan period from 1,000 dwellings in the 2016 LPR consultation, to 2,500.</p> <p>Given the significance of the UK Central Hub to the supply of housing in the Borough (the current assumption of 2,500 units comprises 15% of the proposed housing land supply, and 28% of the sites that are currently proposed for allocation) it is imperative that the Council can thoroughly justify the assumptions that it makes in terms of delivery within the plan period.</p> <p>In this regard, we note that the delivery trajectory set out in the UK Central Framework Plan sets out Low and High delivery assumptions from 2018-2032 with those ranging from 990 to 2,650, but with an assumption that a significant proportion (550 to 1,150) would occur in the next five years (i.e. prior to 2023). Given the substantial infrastructure requirements associated with this scheme, and the associated lead-in time, St Philips considers that a prudent approach would be to adopt, as a maximum for the purpose of the plan-making process, the low delivery assumption of 990 units. The Delivery Trajectory is set out in the table beneath this table.</p> <p>St Philips expects that the LPA will publish more evidence on the lead-in times to the delivery of new housing from the UK Central Hub and in relation to phasing and programme. In advance of that, St Philips considers that a more prudent approach is as set out above.</p>
9. Allocated Sites	6,310	<p>No comment in advance of the publication of finalised housing numbers and delivery trajectories for each of the allocated sites.</p>

Total Estimated Capacity (Rows 1 – 7)	15,765	Taking the above comments into consideration, and in particular the lack of evidence to substantiate the assumptions in relation to Rows 3, 4, 5, 7 and 8, St Philips considers that there is significant concern relating to the ability of the Council to meet its Local Housing Need and a proportion of wider HMA need without the identification of additional allocations. Given that the Council will have taken every opportunity to identify land within the urban area this will necessarily require the identification of additional land for housing outside the urban area.
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UK Central Hub Delivery Assumptions: The Hub Framework Plan, Issue 2 21 February 2018 (page 30)

UK Central Hub Phase	Time Period	Potential Range of Dwellings at the Hub (Low to High) 4	
Phase 1	2018-2022	130	550
Phase 2	2023-2027	420	600
Phase 3	2028-2032	440	1,500
Phase 4	Post 2032	800	2,020
Total to 2032	(mid-range: 1,820)	990	2,650
Overall Total	(mid-range: 3,230)	1,790	4,670

Summary

- 2.11 St Philips agrees with the approach taken by Solihull MBC to applying the Standard Method for calculating housing need for the Plan period, but notes that the calculation provides a minimum figure and a starting point for the preparation of the Local Plan.
- 2.12 In relation to cross boundary need St Philips acknowledges that the Council has said that there is potential for the current assumption of 2,000 dwellings to be revised as part of the Submission Draft. There is, however, no justification for the figure currently chosen, and a substantial opportunity for Solihull to make a greater contribution given its relationship with Birmingham CC's administrative area. Once thoroughly assessed, the overall shortfall may increase, which may have a bearing on the adjusted Local Housing Need figure of 885 dwellings per annum that the Council has adopted for the purpose of this consultation.
- 2.13 St Philips notes that changes have been made to the duration of the plan period between the publication of the Draft Local Plan and the Supplementary Consultation. The Local Plan is unlikely to be adopted until 2020, so that the remaining plan period will be 15 years, in line with the current national planning policy guidance. Notwithstanding this, St Philips recommend that the plan period should be extended to 2036 in line with the Strategic Growth Study prepared by G L Hearn, which forms part of the Council's evidence base for the Draft Local Plan Preparation. Should the Council wish to discount this evidence, sufficient justification should be provided to support the delivery of housing to accommodate the wider HMA shortfall.
- 2.14 The NPPF advises in relation to the definition of green belt boundaries that plans should *"where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period"*. This is a critical matter for the Solihull Local Plan given that the Borough is substantially constrained by green belt and that paragraph 139 (e) goes on to say that plans should *"be able to demonstrate that green belt boundaries will not need to be altered at the end of the plan period"*.

- 2.15 The draft Local Plan does not meet the objectives of the NPPF (2019) as it does not identify a supply of safeguarded land that will secure green belt boundaries well beyond the plan period. That safeguarded land should be able to accommodate at least 5, and arguably 10, years additional supply.
- 2.16 St Philips is also concerned that the land supply assumptions over state supply for the following reasons:-
- the capacity of the 'Sites with Planning Permission' (Row 2) cannot be relied upon without confirmation of the sites that are included and evidence that they meet the definition of 'deliverable' in the NPPF;
 - there is no justification for the inclusion of an allowance for 'Land Availability Assessment' sites (Row 3) or Brownfield Land Register sites (Row 4) as separate elements of supply as such sites should be allocated, or form part of the windfall allowance;
 - the figure for 'Solihull Local Plan Allocations without planning permission' (Row 5) must be tested against evidence of their deliverability given that they have not come forward as expected when allocated;
 - the reliance on 150 windfall completions per annum appears inappropriately high as a proportion of total supply, and having regard to the need for the LPA to ensure that it has identified all sustainable options for housing development in the urban area and outside the green belt; and
 - the assumption on the number of units to be delivered from UK Central Hub Area within the plan period is not currently supported by evidence.
- 2.17 St Philips looks forward to the publication of evidence to support the Council's housing land supply position in advance of the publication of the Submission Version of the Local Plan. In the meantime St Philips does not consider that the Council has justified its assumptions on supply, or its position in relation to the HMA shortfall, such that there is a clear need to identify additional land to support the delivery of large-scale sites, and/or to include a review mechanism that will secure additional sites in the event of a failure to deliver. Moreover, the Council must identify areas of Safeguarded Land to meet longer term needs so as to ensure that the green belt boundaries to be set by the Local Plan Review will endure.

Question 2

Do you agree with the methodology of the site selection process, if not why not and what alternative/amendment would you suggest?

Step 1 – Site Hierarchy

- 2.18 As set out in the Consultation document, Step 1 of the Site Selection process seeks to provide a balanced approach whereby brownfield sites, accessible sites and lower performing Green Belt sites are taken forward due to their development potential. This reflects guidance at paragraph 138 of the NPPF (2019) which states that *“where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport”* so that the general approach is supported.
- 2.19 Proposed sites have then been afforded a score between 1 and 10, based on the performance of the site in green belt terms as assessed in the Solihull Strategic Green Belt Assessment (July 2016) and an assessment of the availability of public transport. Sites were then afforded a ‘RAG’ status as per the following criteria:-
- Green (1-4) - suitable for inclusion within the Plan;
 - Yellow (5) - potential inclusion sites;
 - Blue (6-7) - unlikely inclusion sites; and
 - Red (8-10) - unsuitable for inclusion within the Plan.
- 2.20 St Phillips does not disagree with the general approach of providing a RAG classification to each site assessment. Indeed, it is noted that the land in which St Phillips has an interest to the east of Coleshill Heath Road (Site 131) scored a 5 in the Step 1 assessment, with sites scoring 5 being defined as sites that are:-
- “Greenfield in accessible, lower performing Green Belt location: Green Belt non PDL in accessible location.*
- 2.21 Sites that comprise *“Lower performing Green Belt”* are said to generally have a combined score of 5 or less in the Green Belt Assessment (GBA). Site 131 achieved a combined score of 3.
- 2.22 The Consultation Documents advise that sites that fall within Priorities 1 to 4 (i.e. ‘green’ sites) should generally be considered suitable for inclusion in the plan unless there are exceptional reasons why they should not be included. Sites that fall within priorities 8 to 10 (i.e. ‘red’ sites) should be considered unsuitable for inclusion unless there are exceptional reasons why they should be included.
- 2.23 Sites that fall within priorities 5 to 7 are considered *“to have potential to be included”*. A distinction is made between Priority 5 sites and Priority 6 and 7 sites. Priority 5 sites (i.e. ‘yellow’ sites) are seen as *“potential inclusions”* whereas Priority 6 and 7 (i.e. ‘blue’ sites) sites are seen as *“unlikely inclusions”*. Again St Phillips does not disagree with this general approach (noting that Site 131 was a ‘yellow’ site at Step 1).

Step 2 – Refinement Criteria

- 2.24 As set out in the consultation document, Step 2 considers sites in relation to other considerations such as site constraints and the spatial strategy, *“to give a finer grain analysis to the submitted sites”*. This element is said to rely on site specific planning judgment, and is the step at which the LPA arrives at a view on whether a site should be allocated or not. The result is that sites are classified as green, amber or red at the end of Step 2.

2.25 The Consultation Document goes on to say that Step 2 will be used:-

“principally to confirm whether ‘potential’ allocations (yellow) should be included as green or amber sites in the consultation, and whether ‘unlikely’ allocations (blue) should be included as amber or red sites in the consultation”.

2.26 Whilst St Phillips does not disagree with the general approach, it is noted with reference to Site 131 that the purpose of this step is to confirm whether ‘potential’ allocations (yellow) should be included as green or amber sites, not as red sites. The Summary Illustration of the Site Selection Process does not, however, correspond with the text as it appears to show that yellow sites may be confirmed as red sites. According to the text, yellow sites may only be categorised following Step 2 as ‘green’ or ‘amber’ sites.

2.27 For ease of reference the refinement criteria are replicated below:

Factors in Favour	Factors Against
In accordance with the spatial strategy.	Not in accordance with the spatial strategy.
Any hard constraints only affect a small proportion of the site and/or can be mitigated.	Overriding hard constraints that cannot be mitigated.
Site would not breach a strong defensible boundary to the Green Belt.	SHEELA category 3 sites unless demonstrated that concerns can be overcome.
Any identified wider planning gain over and above what would normally be expected.	Site would breach a strong defensible boundary to the Green Belt.
Sites that would use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.	Sites that would not use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.
If finer grain accessibility analysis shows the site (or the part to included) as accessible.	If finer grain accessibility analysis shows the site (or the part to be included) is not accessible.
	If the site is in a landscape character area that has a very low landscape capacity rating.
	If the SA appraisal identifies significant harmful impacts.

2.28 It is said that higher performing sites in the hierarchy need to result in more significant harmful impacts if they are to be excluded. No explanation is given, however, as to how the significance of potentially harmful impacts is to be assessed in the exercise of planning judgement.

2.29 Step 2 includes ‘Factors in Favour’ and ‘Factors Against’. We note that ‘Green Belt Boundaries’ are included and that two of the Factors in Favour (the third and fifth bullet points) and two of the Factors Against (the third and fourth bullet points) make reference to Green Belt *“boundaries”*, whereas other factors in relation to the impact on the Green Belt are not included within the table at all.

2.30 More generally, no guidance is provided on how the Factors in Favour and Factors Against are ranked and/or weighted. Without such an explanation it is not clear how the individual, or relative, merits of sites are assessed. This is a weakness given that Step 2 is used to either include or reject sites for allocation.

2.31 Our concerns with the lack of transparency in the Step 2 approach are amplified in our response to Question 39 which asks whether there are any red sites omitted that should be included in the plan.

Question 39

Are there any red sites omitted which you believe should be included; if so which one(s) and why?

- 2.32 St Philips has identified a number of reasons why the Council should allocate additional land to ensure that the Local Plan will meet its Local Housing Need and a proportion of the HMA shortfall; that it will address the correct plan period; and that it will set green belt boundaries that exclude safeguarded land as well as allocated sites so that they will endure well beyond the plan period. St Philips notes also that the capacity of the 'Amber sites' is only circa 700 units (subject to further assessment).
- 2.33 It follows that St Philips considers that omitted red sites should be included if the Plan is found to be sound, and that land at Coleshill Heath Road (Site 131) should be included.
- 2.34 We note at this point that the Vision Document submitted previously and again with these representations is based on the collection of evidence related to technical and environmental matters, including accessibility, landscape and highways. The Vision Document confirms that any site constraints may be mitigated and that the site is capable of development within 5 years.
- 2.35 In relation to the Step 1 Site Assessment, we note also that the Strategic Green Belt Assessment (July 2016) concluded that Refined Parcel RP08 (land immediately east of Birmingham Business Park) is given a combined score of 3, with its highest score being 2 in relation to Purpose 1 (to check the unrestricted sprawl of large built up areas). A score of 2 means that the boundary is weak but can be identified so that the parcel is "*moderately performing*" in relation to that purpose. We note also that RP08 "*does not perform*" against Purpose 2 (to prevent neighbouring towns from merging together) or Purpose 4 (to preserve the setting of historic towns), and that it is "*lower performing*" in relation to Purpose 3 (to assist in safeguarding the countryside from encroachment).
- 2.36 In relation to accessibility factors, the Site Assessment document summarises that in the following way:-
- Primary School: Very High
 - Food Store: Very High
 - GP Surgery: Medium
 - Public Transport: Very High (Rail)
 - Overall: Very High
 - Access: No existing footway provision
- 2.37 On this basis St Philips agrees that the site was rightly scored '5' at Step 1, which is the lowest (i.e. the most favourable) score that any green belt site may achieve, if it is not already subject to a commitment for development.
- 2.38 We assume that the Step 2 Assessment will have scored the site highly in terms of 'Factors in Favour' given the lack of hard constraints (and limited soft constraints) and that it comprises part of a 'Lower Performing Refined Parcel' (with a combined score of 3 against the 'threshold' score for lower performing parcels of a combined score of 5).
- 2.39 We have, therefore, considered below the performance of the site against the 'Factors Against' criteria as it is assumed that the site must have scored very poorly indeed against these factors to justify it being moved from a 'yellow' to a 'red' site (a change in status that the text at paragraph 73 does not contemplate), rather than to an 'amber' site, with the effect that it is omitted from inclusion within the Plan.

'Not in Accordance with the Spatial Strategy'

- 2.40 The Spatial Strategy outlined in the DLP (2016) confirms a sequential approach will be taken to directing growth focussed, in the first instance, on delivering non-green belt land and greenfield land, where this is highly or moderately accessible and not in reasonable beneficial use. Focus will then turn to green belt land.
- 2.41 Under all circumstances, sites must be in a highly or moderately accessible location. In this respect, Site 131 has excellent access to services and sustainable infrastructure being located adjacent to an established residential area with good existing public transport links and pedestrian and cycle ways. To the west the site is bordered by Birmingham Business Park, affording employment opportunities to future residents.
- 2.42 We have noted above that the site was assessed at Step 1 as a 'yellow' site (Priority 5) which is the lowest (i.e. most favourable) score that any green belt site may achieve if not already subject to a commitment for development. We conclude that, to this extent, the site performs well against the Spatial Strategy and aligns with it at least as well as 'blue' (Priority 6 and 7) sites. Moreover, the consultation document is clear at paragraph 70 that Priority 5 sites are viewed as "*potential inclusions*" in the plan.
- 2.43 In this context we conclude that Site 131 is exceptionally well placed, in accordance with the key criteria applied in Step 1 and the Site Hierarchy, to move to 'green' status and to contribute to the need for additional housing land.
- 2.44 Notwithstanding the above, we note that paragraph 5 of the Supplementary Consultation document states that the Council intend to "*amend the overall spatial strategy set out in the DLP*" through the Submission version of the plan. It is, therefore, difficult to comment further on this Factor Against at this stage.

'Overriding Hard Constraints that cannot be Mitigated'

- 2.45 The Vision Document submitted with these representations sets out the main constraints to development within the proposed site boundary, which include an oil pipeline and habitats of wildlife interest. It includes also an Illustrative Masterplan which demonstrates how the site could accommodate up to 135 residential units, whilst mitigating these constraints.
- 2.46 In any event, we note that the Council has confirmed in the Site Assessments that the site is not subject to any constraints that can be considered 'hard'. On this basis, we conclude that this factor must not have counted against the site in its relegation at Step 2 from 'yellow' to 'red' status.

'SHELAA Category 3 Sites unless Demonstrated that Concerns can be Overcome'

- 2.47 The SHELAA was prepared in November 2016 by PBA. The commentary for Site 131 confirms that the site comprises "*open meadow with PROW/cycle path intersecting the site. The site surrounds a mixture of residential and employment uses and benefits from good access to facilities and services.*" Furthermore, it is noted that the site performs well against suitability and availability criteria but that it faces some achievability constraints associated its marketability in the context of its proximity to the business park.
- 2.48 The SHELAA concludes that the site sits within Category 2. Category 2 sites are defined in the main report as:

"Sites with a limited level of constraints, such that they are likely to be available for the delivery after the first five years, inter alia. These 'developable' sites may be suitable for development, depending on their individual circumstances and on specific measures being proposed to overcome their constraints within a 6 to 10 year time horizon."

2.49 As noted above, the Illustrative Masterplan within the Vision Document demonstrates that the identified site constraints can be accommodated and/or mitigated. Furthermore, the landowner has confirmed deliverability of the site within the first five years of the Plan period, in line with the draft trajectory set out at Section 5 of the Vision Document.

2.50 We conclude that Site 131 is not in conflict with this factor, because it is not a Category 3 site. Moreover, the limited constraints noted in its categorisation as a Category 2 site can be overcome.

'Site Would Breach a Strong Defensible Boundary to the Green Belt'

2.51 The Strategic Green Belt Assessment (July 2016) concluded that Refined Parcel RP08 (land immediately east of Birmingham Business Park), which includes Site 131, is given a combined score of 3, with its highest score being 2 in relation to Purpose 1 (to check the unrestricted sprawl of large built up areas). A score of 2 means that the boundary is *"weak but can be identified"* so that the parcel is *"moderately performing"* in relation to that purpose. Parcel RP08 *"does not perform"* against Purpose 2 (to prevent neighbouring towns from merging together), or Purpose 4 (to preserve the setting of historic towns), and is *"lower performing"* in relation to Purpose 3 (to assist in safeguarding the countryside from encroachment).

2.52 As a consequence, the site was rated as Priority 5 ('yellow') at the Step 1 Assessment which, as we have noted, is the lowest (most favourable) score that a green belt site may achieve if not already subject to a commitment for development.

2.53 Whilst the Site Assessment for Site 131 confirms that the site is within a *"lower performing parcel"* in the Green Belt, it goes on to say that its development:-

"would result in the loss of an important green belt gap and corridor and threaten the integrity of the green belt further to the west. Inter alia, it would have a detrimental impact on the green belt and coalescence."

2.54 This commentary is at odds with the rating of the site as Priority 5, not least as RP08 *"does not perform"* against Purpose 2 and is *"lower performing"* against Purpose 3.

2.55 The Strategic Green Belt Assessment states in relation to Purpose 1 that:-

"RP08 boundary to the east is weak bordering Birmingham Business Park but is stronger at its boundary with Coleshill Heath Road. There is no development present within the refined parcel".

2.56 Site conditions are set to change with the proposed delivery of the East Birmingham to Solihull Extension (EBSE) Midland Metro route. The proposed route passes through the site on an oblique alignment running from a point opposite Chelmsley Road to link with The Crescent within Birmingham Business Park, connecting the Business Park to the urban area. The alignment coincides broadly with the footpath and cycleway which is shown on the Opportunities and Constraints Plan at p.28 of the Vision Document.

2.57 In any event, the Strategic Green Belt Assessment does not characterise the boundaries as strong (noting that its commentary relates to a larger parcel than Site 131) with the boundary to the east being judged as *"weak"* and that to the west as *"stronger"* (but not *"strong"*). Hence, the refined parcel is only *"moderately performing"* in relation to Purpose 1. On this basis St Phillips concludes that this factor counts strongly against the allocation of the site.

2.58 Whilst St Phillips is promoting the release of the whole of the site from the green belt, the Illustrative Masterplan included in the Vision Document confirms that a substantial green buffer would be retained between Birmingham Business Park and the eastern edge of the new development, and that substantial existing planting in this part of the site, and on its northern and southern boundaries, would be retained. This would maintain a sense of separation between the Business Park and urban area.

2.59 We note also that Site 77 has been assessed as suitable for employment uses. The site is located to the south of Site 131 and to the south west of Birmingham Business Park and in the same Refined Parcel. The site scores 7 positive and 2 negative effects in the Council's SA, as does Site 131. Whilst both sites produced the same set of results, Site 131 was considered as unsuitable for development and the commentary in the proforma for Site 77 confirms that the site could be considered as an extension to the existing Business Park.

'Sites that Would Not Use or Create a Strong Defensible Boundary to Define the Extent of Land to be Removed from the Green Belt'

2.60 As demonstrated in the Vision Document, Site 131 is well contained and supported by strong defensible boundaries.

- To the north the site is bordered by the A452.
- To the east the site is bordered by Birmingham Business Park.
- The access to Wright's Farm is located adjacent to the southern boundary.
- Coleshill Heath Road borders the site to the east.

2.61 On this basis the extent of land to be removed from the green belt would be clear and defined by defensible boundaries to the north and south.

'If Finer Grain Accessibility Analysis Shows the Site (or part of the site) is not Accessible'

2.62 The development of the Illustrative Masterplan in the Vision Document was supported by a transport assessment. This confirmed that that site is well located in terms of the strategic highway network, with M6 J4 located 2km away via Coleshill Heath Road, and M42 J6 accessed via the A45.

2.63 A number of footways are located adjacent to the site providing connection on foot to key destinations including the Chelmsley Wood shopping centre and interchange. In addition, an existing foot and cycle path crosses the site linking Birmingham Business Park to Coleshill Heath Road via the Godwin Way.

2.64 In terms of public transport, high frequency bus services serve stops on Coleshill Heath Road providing connections to key destinations including Birmingham City Centre, Chelmsley Wood and the Heartlands Hospital. Marston Green Railway Station and Birmingham International are both located approximately 2.5km from the site and offer frequent services to Birmingham New Street and Birmingham International, providing further connectivity to national destinations such as London, Manchester and Edinburgh.

2.65 We conclude that a 'finer grain accessibility analysis' has been undertaken to support the preparation of the Vision Document and Illustrative Masterplan which has reconfirmed the conclusion reached in the Step 1 Assessment that the site is highly accessible and should be considered positively in this respect.

'If the Site is in a Landscape Character Area that has a Very Low Landscape Capacity Rating'

2.66 The site is located in LCA 10B, which extends into the urban area of Solihull providing a series of green spaces. The area to the east of LCA 10B along Coleshill Heath Road and closer to the M42 corridor tends to be busy and dominated by the impacts of major transport infrastructure.

- 2.67 The Solihull Borough Landscape Character Assessment (2016) confirms that the sub-area is able to accommodate some areas of new development provided that would be in keeping with the type, scale and form of the existing landscape character and local distinctiveness.
- 2.68 Tree cover is a key character driver for this locality. Small pockets of deciduous woodland are scattered across the area, including an Ancient Woodland to the south. Tree cover is extensive and includes street trees, hedgerow trees, woodlands and trees within parks. Coleshill Heath Road and Chester Road are also lined with trees, supplementing the extensive tree cover in the area. The northern boundary of the site comprises dense vegetation. Similarly, the eastern boundary separating the site from Birmingham Business Park is made up of dense vegetation limited view to small gaps and access points.
- 2.69 The indicative landscaping strategy in the Vision Document describes how the identified LCA characteristics will be retained and enhanced. This will be achieved by setting development in an area of public green space ensuring the proposed development is well integrated into the host landscape and the immediate setting. This will create an attractive public asset through the provision of purposeful and functional open space to the benefit of existing and future residents.
- 2.70 Through the retention and incorporation of existing trees and vegetation the effects of the development will be limited, and the site will retain characteristics typical of the LCA. Site 131 may, therefore, be considered favourably against this factor.

‘If the SA Appraisal Identifies Significant Harmful Impacts’

- 2.71 The SHELAA confirms that the Interim Sustainability Appraisal Report (2017) identifies 7 positive effects, 8 neutral effects and 2 negative effects. The negative effects relate to Objectives SA1: Regeneration and economic development, and SA14: Amenity.
- 2.72 Objective SA1 seeks development that will contribute to the regeneration and economic development initiatives that benefit the Borough’s communities; especially those identified as deprived. The appraisal criteria and thresholds for this objective are as follows.
- **Located within the top 10% most deprived:** significant positive effects are more likely to be experienced so that a score of dark green is awarded. Positive effects may arise through the creation of accessible jobs, affordable housing and improved environments.
 - **Located within top 20% most deprived:** positive effects likely so that a score of light green is awarded.
 - **Located within top 40% most deprived:** neutral effects are likely and a grey score is awarded.
 - **Located within 60% least deprived:** negative effects are likely and mitigation may be necessary. An amber score would be awarded in this scenario.
- 2.73 The site is located approximately 1 mile from Chelmsley Wood and 1.5 miles from Marston Green. The Supplementary Consultation document confirms that Chelmsley Wood *“has a high proportion of local neighbourhoods within the 10% most deprived in the country and some in the bottom 5%”*. Conversely, Marston Green is described as being a popular mature residential suburb which is generally affluent in character with good schools, strong local centres and lower than average unemployment levels.
- 2.74 The site has been awarded an amber score in the SA because it is located within the 60% least deprived areas. However, St Phillips considers that a positive effect would be expected to arise where development would be located near to communities that are recorded as having a greater level of deprivation. In this context, consideration should be given to the site’s proximity to Chelmsley Wood, so that an amber rating

does not reflect the positive benefits that the site could bring in terms of affordable housing and improved access to open space and recreational facilities in particular.

2.75 Objective SA14 relates to Amenity, in the sense that development should minimise impacts on air, soil, water, light and noise pollution. The appraisal criteria for this objective confirms that sources of noise adjacent to the site could affect amenity and that an assumption should be made by undertaking site visits, desktop analysis of mapping imagery and professional opinion. An amber scoring suggests that negative effects are likely to be experienced and that mitigation would be necessary. However, St Phillips has undertaken various technical and environmental assessments as part of the technical analysis forming the basis of the Illustrative Masterplan. These confirm that, with sufficient measures in place, any negative effects in relation to amenity can be successfully mitigated to provide a high quality development for future residents.

2.76 Whilst it is recognised that the SA does not take into account mitigation measures, consideration should be given to rescoring the site, for the reasons given above, to ensure an accurate representation is provided, or to applying a more appropriate and positive planning judgement at Step 2.

Summary

2.77 The site was given a Priority 5 ('yellow') rating at the Step 1 Assessment which is the lowest (i.e. most favourable) score that any green belt site may achieve if not already subject to a commitment. The Step 2 Assessment then applies planning judgement to a series of 'Factors in Favour' and 'Factors Against'.

2.78 In relation to the Factors in Favour:-

- by virtue of its Priority 5 rating, the site is clearly well aligned with the Spatial Strategy, noting that green belt release is essential if Solihull is to meet its Local Housing Need and unmet need;
- the site has no 'hard constraints' (which is confirmed in the Site Assessment);
- a finer grain accessibility analysis has confirmed the favourable conclusions reached by the Council in its Step 1 Assessment; and
- the site will accommodate the East Birmingham to Solihull Extension Midland Metro route which is a further consideration in its favour.

2.79 In relation to the Factors Against:-

- the corollary of the conclusions reached in relation to the site's performance against the Spatial Strategy, that it is not affected by any hard constraints, and that it has very good accessibility credentials, is that the corresponding Factors Against do not hold against its allocation;
- the site is not a SHELAA Category 3 site (it is Category 2);
- the SA identifies 7 positive effects, 8 neutral effects and only 2 negative effects, with the negative effects relating to Objectives SA1: Regeneration and economic development, and SA14: Amenity in respect of which we have noted various mitigating factors; and
- the proposal to retain substantial mature landscaping throughout the site ensures that the development would be well assimilated into the host landscape.

- 2.80 In relation to those factors that relate to green belt boundaries, existing boundaries to the east and west are characterised in the Strategic Green Belt assessment as “*weak*” and “*stronger*”, but not strong. The boundaries to the north with the A452, and to the south with Wrights Farm, are strong and would provide long term defensible boundaries. In any event, the Strategic Green Belt Assessment concluded that Refined Parcel RP08, which includes Site 131, achieves a combined score of 3, with its highest score being 2 in relation to Purpose 1 (to check the unrestricted sprawl of large built up areas) so that it is “*moderately performing*” in relation to that purpose. Parcel RP08 “*does not perform*” against Purpose 2 (to prevent neighbouring towns from merging together), or to Purpose 3 (to assist in safeguarding the countryside from encroachment).
- 2.81 Our assessment of the site in the light of the Refinement Criteria set out under Step 2 of the Site Selection process concludes that the site performs positively. The Council’s conclusion that this ‘higher performing site’ (i.e. a site categorised as a ‘yellow’ site, and as a “*Potential Inclusion*”, after the Step 1 assessment) should be excluded and designated as a ‘red’ site is not justified having regard to the conclusions of the Site Assessment proforma and the SA.
- 2.82 This is particularly so given that the definition of a ‘red’ site within the Supplementary Consultation document means that:-
- “the development of the site has severe or widespread impacts that are not outweighed by the benefits of the proposal.”* (our emphasis)
- 2.83 The evidence does not support the planning judgment that the Council has applied, or the conclusions that the effects of development would be “*severe or widespread*”. The site should be re-categorised as a site which has the potential to accommodate a proportion of the Borough’s housing need, in line with the spatial strategy set out in the Draft Local Plan.
- 2.84 As demonstrated throughout these representations, the Council will need to release further land in addition to the green and amber sites that have already been identified, and will need to identify areas of Safeguarded Land, if the Plan is to be found sound on Examination. It is therefore considered that sites that are currently categorised as red will need to be reconsidered and brought forward to support the sites already identified.

Avison Young

Appendix IV

Informal Supplementary Representations
(Green Belt Issues) (January 2020)

Solihull Local Plan Review

Land east of Coleshill Heath Road

**Supplementary Submission (Green Belt Considerations: Site 131)
on Behalf of St Philips Ltd**

January 2020

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Appendices

Appendix 1 – Site Plan

Appendix 2 - Revised Concept Masterplan (indicating proposed green belt boundary)

Appendix 3 – Proposed Green Belt Boundary (Large Scale version)

Appendix 4 – Proposed Green Belt Boundary (Local Area version)

1. Introduction and Purpose of Submission

- 1.1 This note has been prepared on behalf of St Philips which has an interest in land to the east of Coleshill Heath Road which is referred to as 'Site 131' in the Solihull Local Plan Review 'Site Assessment' documentation. A site plan is at **Appendix 1**. St Philips is promoting the allocation of the land in the Local Plan Review for up to 135 dwellings. The design principles of the proposed development have been considered and are set out in the Vision Document and the Concept Masterplan.
- 1.2 The site has been promoted through the 'Call for Sites' consultation, and its merits and development potential have been considered in the Strategic Housing & Economic Land Availability Assessment (2016) and in Sustainability Appraisals undertaken by the Council. St Philips has also submitted representations to the Local Plan Review process, most recently to the 'Supplementary Consultation' exercise in March 2019. The Supplementary Consultation provided an update on Local Housing Need following the introduction of the Standard Methodology, and assessed the 70+ additional Call for Sites submissions that Solihull MBC had received following the publication of the Draft Local Plan in 2016.
- 1.3 The Supplementary Consultation also explained that the LPA had refined the site selection process for assessing sites for inclusion in the plan. The LPA had also reassessed all circa. 430 sites to ensure that the preferred sites included in the Supplementary Consultation were the most appropriate when considered against the spatial strategy and the evidence base.
- 1.4 St Philips' made general representations in relation to the draft housing strategy and concluded that, if the LPA proceeded to publish the Submission version of the Local Plan without change, the Examination would find the Draft Plan unsound. St Philips concluded that there is a clear need to identify additional land to support the delivery of large-scale sites, and/or to include a review mechanism that will secure additional sites in the event of a failure to deliver, as well as a need to identify areas of Safeguarded Land to meet longer term needs. We do not revisit those matters in this Supplementary Note.
- 1.5 St Philips made substantial representations in relation to the assessment of the merits of the site by officers, and challenged the rationale and justification for it having been categorised as a 'red site'. Officers agreed to meet with St Philips in October 2019 to review St Philips' comments and to discuss further the merits of the site, the Council's site selection process, and the application of that process to Site 131. Specifically, St Philips sought clarity over the application of, and weight given to, certain criteria at 'Step 2' to enable a better understanding of the categorisation of Site 131 as a 'red site' given its previous categorisation as an 'amber site'. Officers confirmed that, having reviewed a number of representations, including those submitted by St Philips, they intended to review the site selection methodology and, consequently, the merits of releasing additional development sites.
- 1.6 More specifically, the meeting discussed the principal issue which it appeared had led officers to conclude that Site 131 should be categorised as a 'red' site, and that it should not form a proposed allocation in the draft Local Plan. This was the site's green belt status and in particular:-
- its performance in relation to the four relevant green belt purposes; and
 - the ability to identify and maintain clearly defensible boundaries, were it to be allocated and subsequently developed for residential and open space uses.
- 1.7 This Supplementary Submission addresses both of these points. It explains why St Philips considers that neither should lead to the site's categorisation as a 'red' site. It concludes also that both matters may be robustly addressed by a simple amendment to St Philips' representations.

1.8 Officers also confirmed that the following points were being considered further by the Council.

- Solihull's housing need and the proportion of Birmingham City Council's and the wider HMAs's unmet need that the Borough will accommodate remained under review (which is still the case).
- A revised housing position statement prepared by the 14 HMA Authorities is to be published via North Works' planning website to support the evidence base underpinning their Local Plan Review process. This has not yet been published. The HMA Authorities were due to meet in November to discuss the conclusions of the housing position statement but we assume have not, as it has not been published.
- In conjunction with the above, Solihull MBC was intending to meet with a number of the HMA Authorities independently to discuss their approach to Birmingham's shortfall and the concerns raised by representations submitted in respect of Solihull's Supplementary Consultation.
- Officers would also review the Step 2 site selection process, and the application of the methodology outlined in the Supplementary Consultation document, to finalise proposed allocations.

1.9 Officers confirmed that it was unlikely that the Solihull MBC Local Plan Review would progress materially before the end of 2019. Officers were unable to confirm the Local Plan Review timetable at the time. However, the Council's updated LDS is to be considered at Committee on 22 January and suggests that the LPA 'could' publish and consult upon the Draft Submission Plan (Regulation 19) in Summer 2020.

2. The Site and Proposals

- 2.1 We include at this point a brief description of the site, and a summary of those elements of the Concept Masterplan that are most relevant to the conclusions of this Supplementary Submission. We comment as we go along on the implications of the matters that we wish to highlight for the ongoing consideration of the merits of the release of Site 131 for development, having regard to the green belt considerations that we set out at paragraph 1.6.

Site Description, Context and Defensible Boundaries

- 2.1 The site comprises 9.19 ha and is located adjacent to Coleshill Heath Road (to the west) and Birmingham Business Park (to the east). The A425 Chester Road forms the northern boundary and Wright's Farm and its access forms the southern boundary. In short, the site is exceptionally well contained at its boundaries by physical infrastructure and development.
- 2.2 The majority of the site comprises grassland and is broadly flat, with the exception of two existing subsoil mounds. Moreover, the site supports some significant stands of mature trees:-
- adjacent to the Coleshill Heath Road/Chester Road junction;
 - along the Chester Road;
 - along the full extent of its boundary with the Birmingham Business Park; and
 - along the southern boundary and the access road to Wright's Farm.
- 2.3 We emphasise at this point that the Concept Masterplan within the Vision Document proposes that all of these stands of mature trees would be retained within a green buffer that would extend along the boundary with the Business Park, and with Chester Road and the farm access. They will be integrated within a network of new green corridors and open space that equates to 5.6 hectares (or 60% of the gross site area). Put another way the site's existing landscape structure will be retained and subsequently maintained by virtue of the landscape proposals that would be delivered as part of the development.
- 2.4 If there were any doubt about the permanence of the development structure that is described by the Concept Masterplan, that is addressed by reference to the presence of an Esso pipeline and associated easement that runs roughly north/south through the site and which has effectively set the eastern boundary of the site's developable area. This feature is permanent and so, by logical extension, creates a permanent limit to the eastern extent of development of the site. This is reinforced above ground by the proposed retention of existing trees within the site's structural open space and green buffers.
- 2.5 We conclude that, in the same way that the site is exceptionally well contained at its boundaries by physical infrastructure and development, it is also exceptionally well defined internally by factors that set permanent development boundaries. This is highly relevant in the context of the consideration of the potential for any site to be removed from the green belt for development, and the related need for the new green belt boundary to be set along clearly defensible lines. We are not aware of any advice in the NPPF, PPG, or elsewhere that would suggest that defensible boundaries can only be set by above ground features. The below ground feature that sets the development boundary on the site's eastern edge is no less permanent or defensible, in our opinion, than would be the case with an above ground feature such as a road. Moreover, it could be given effect in any allocation by either:-
- limiting the extent of any allocation and green belt release to the alignment of the pipeline; or
 - including the whole site in an allocation, but with a clear explanation that the green belt boundary is set on the alignment of the pipeline.

- 2.6 We would favour the first option, but in either case, any subsequent planning application could extend across the whole site, with the land to the east of the revised green belt boundary being proposed for open space and landscaping. This would be entirely compatible with its retained green belt status. The plan at **Appendix 2** is a version of the Concept Masterplan from the Vision Document onto which we have added the proposed alignment of the green belt boundary
- 2.7 The removal of land from the green belt to accommodate local housing needs in Solihull is inevitable. It is St Phillips' view that the removal of more land from the green belt than was proposed in the Supplementary Consultation documents is also necessary, both to accommodate local housing needs and future growth.
- 2.8 In those 'exceptional circumstances' where green belt release is justified, the potential to enhance retained green belt by way of its management and the provision of access to it should be explored, and is capable of being treated as a material planning consideration.
- 2.9 In this case, the land that would be retained in the green belt would be laid out as open space, with its existing landscape structure maintained and managed, and with public access to it allowed. This would provide, in our view, a very positive outcome, and weighs in favour of the allocation of Site 131 both of itself and relative to any other site that would not provide similar benefits or 'mitigation' for the release of land from the green belt.
- 2.10 We have reproduced below, for ease of reference, the opportunities and constraints plan from the Vision Document which highlights the existing landscape structure in particular.



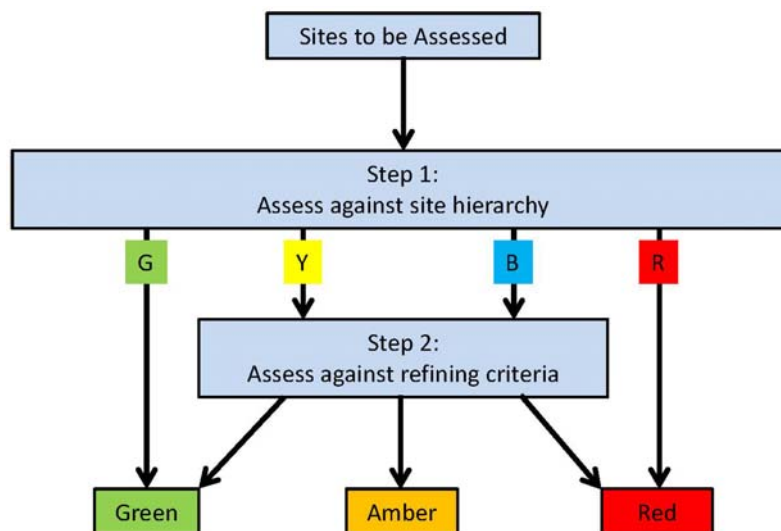
Midland Metro Alliance

- 2.11 A Public Right of Way and cycle route bisects the site running in a broadly east-west direction, connecting into the network of footpaths within the Birmingham Business Park.
- 2.12 Throughout the promotion of the proposed development site, St Philips has been approached by the Midland Metro Alliance regarding their proposals associated with the East Birmingham to Solihull Metro Extension (EBSE). The proposed route of the EBSE extends through Site 131 broadly along the line of the Right of Way and into to Birmingham Business Park. An initial meeting with the Alliance was held in December 2018 with the expectation that further, more detailed, discussions would take place during early 2019. St Philips, through its most recent correspondence with the Alliance in August 2019, understands that the design process for the route has been temporarily paused.
- 2.13 Notwithstanding this, St Philips has demonstrated to both SMBC and the Alliance their willingness to work collaboratively, at the appropriate time, to ensure the Metro is incorporated into the proposed development scheme, where possible. This is a further matter that should be taken into account when considering the future use of the site and how the introduction of Metro would add an urbanising feature within the site.

3. Site Selection Process

- 3.1 This section provides a brief summary of the site selection process described in the Supplementary Consultation documents and the concerns St Philips has regarding this. It summarises the points made in St Philips' representations and at our meeting with Officers in October 2019.
- 3.2 The Supplementary Consultation was supported by a number of key documents, including:
- Solihull Local Plan Review – Draft Concept Masterplans
 - Draft Local Plan Supplementary Consultation: Amber Site
 - Draft Local Plan Supplementary Consultation: Site Assessments
 - Draft Local Plan Supplementary Consultation: Site Assessments Key Plan
- 3.3 The Site Assessments document confirms that the site selection process comprised two steps:
- Step 1 – Site Hierarchy; and
 - Step 2 – Refinement Criteria.
- 3.4 In accordance with Paragraph 138 of the NPPF (2019) Step 1 seeks to provide a balanced approach whereby brownfield sites, accessible sites, and lower performing green belt sites are taken forward in preference to others. Proposed development sites are assigned a score between 1 and 10 based on the performance of the site in green belt terms (as assessed in the Solihull Strategic Green Belt Assessment (July 2019)). This is supported by an assessment of sustainable transport opportunities.
- 3.5 The following RAG status is then attached to the resultant scores as per the following:
- Green (1-4) – suitable for inclusion within the Plan;
 - Yellow (5) – potential inclusions sites;
 - Blue (6-7) – unlikely inclusion site; and
 - Red (8-10).
- 3.6 Site 131 scored '5' and was therefore included as an *"Amber Site"* at Step 1. Sites scoring '5' are those that are:
- "Greenfield in accessible **lower performing green belt location**: Green belt non PDL in accessible location."*
- 3.7 The Supplementary Consultation confirmed that sites which fall within priorities 5 - 8 *"have potential to be included"* within the plan unless there are exceptional circumstances that demonstrate that they are unsuitable. Further differentiation follows with Priority 5 sites (yellow) being defined as *"potential inclusions"* whereas Priority 6 and 7 (blue) are defined as *"unlikely inclusions"*. In line with Step 1 of the Council's proposed methodology, Site 131 is considered to be *"suitable for inclusion"* in the draft Plan.
- 3.8 Step 2 seeks to provide *"a finer grain analysis to the submitted sites"* and so considers other constraints, opportunities and the Council's preferred spatial strategy. Step 2 will be used to:
- "principally, inter alia, confirm whether 'potential' allocations (yellow) should be included as green or amber sites in the consultation, and whether 'unlikely' allocations (blue) should be included as amber or red sites in the consultation."*

- 3.9 St Phillips does not disagree with this approach, but has noted that the purpose of Step 2 is specifically to consider the potential allocation of 'amber' sites. The purpose of the step is **not** to re-categorise amber sites as red sites, as has happened with Site 131.
- 3.10 The decision to allocate 'amber' sites rests on a matter of planning judgement against a series of criteria that are described as 'Factors in Favour' and 'Factors Against'. Sites are ranked and / or weighted against these factors and a decision made as to whether or not they will be included as an allocation. It is not clear how these factors have been applied generally or to site 131, and St Phillips is therefore unable to determine why the site has been re-categorised in the way that it has.
- 3.11 For the purpose of our representations to the Supplementary Consultation, and for this Supplementary note, we assume that officers concluded that the 'Factors in Favour' were not outweighed by the 'Factors Against', except in relation to those factors that relate to green belt issues. We say this on the basis of the analysis and conclusions that we reach in our representations to the Supplementary Consultation at the following paragraphs:-
- 2.45-2.46 which relate to *"overriding hard constraints that cannot be mitigated"*
 - 2.47-2.50 which relate to *"SHELAA Category 3 Sites"* (which Site 131 is not)
 - 2.62-2.65 which relate to whether a *"finer grain analysis shows the site ... is not accessible"*
 - 2.66-2.70 which refer to sites in Character Areas that have *"a very low landscape capacity rating"*
 - 2.71-2.76 which refer to sites where *"the SA identifies significant harmful impacts"*.
- 3.12 The site selection process was summarised in the Supplementary Consultation Documents by the following flow chart.

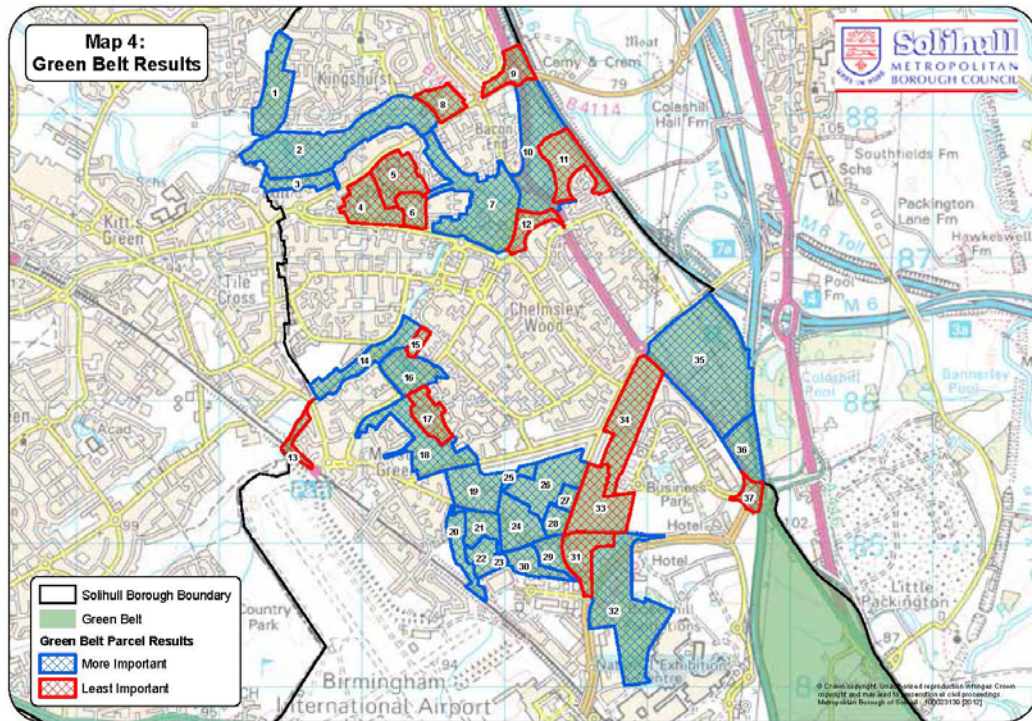


4. Site 131 – Green Belt Assessment

- 4.1 Having regard to our comments in paragraph 3.11, we assume that Site 131 was categorised as a 'red site' at Step 2 only on the basis of those factors that relate to green belt matters. This assumption was broadly confirmed by Officers at our meeting in October 2019. For this reason, this section reviews the green belt assessments that have been undertaken by SMBC in relation to Site 131.

SMBC Green Belt Assessment (2011)

- 4.2 SMBC undertook a Green Belt Assessment in 2011 as part of the preparation of the adopted Local Plan. The Assessment concluded that the site attracted the following scores against each purpose:
- Purpose 1: To check the unrestricted sprawl of large built-up areas – 1
 - Purpose 2: To prevent neighbouring towns from merging into one another – 2
 - Purpose 3: To assist in the safeguarding the countryside from encroachment – 1
 - Purpose 4: To preserve the setting and special character of historic towns – 0
 - Purpose 5: To assist in urban regeneration by encouraging the recycling of land – 0
- 4.3 The Site's total score was 4.
- 4.4 St Phillips notes that the site scored moderately against Purpose 2, which is to prevent neighbouring towns merging, but contest this given that the site lies between the residential areas of Coleshill Heath to the west and Birmingham Business Park to the east. These do not comprise separate towns and so any reduction in the gap between them would not result in two towns merging, and would not compromise this green belt purpose. Moreover, the analysis that we undertook in Section 2.0 is relevant in that it concludes that it is not possible to completely close the gap between Coleshill Heath Road and the Business Park due the presence of the pipeline and associated easements. We conclude that Site 131 was scored incorrectly against this purpose and note that SMBC agreed and addressed this in the 2016 Green Belt Assessment in which Site 131 scores '0' against this purpose.
- 4.5 St Phillips notes that Parcel 33 in SMBC's Green Belt Assessment 2011, which is located to the immediate south of Site 131, scored similarly to Parcel 34 (which includes Site 131). The key difference between the scores was in relation to Purpose 3 (safeguarding the countryside from encroachment). The scores reflect the presence of soft constraints established by the SHLAA. Soft constraints include those which may constrain development but which may be mitigated or removed, and include arboricultural constraints. Parcel 33 scored '1' and Parcel 34 scored '2'.
- 4.6 We assume the difference relates to the degree to which each parcel has comparable characteristics to the countryside. Notwithstanding the similarities in score, a proportion of Parcel 33 was released from the green belt to support employment uses and was allocated in the Solihull Local Plan (2013) as an extension to the Birmingham Business Park. For reasons that are unclear Parcel 34 (i.e. Site 131) was retained as designated green belt. We note in paragraph 4.7 below that the site scored '1' in the 2016 Green Belt Assessment (and so lower than in 2011).
- 4.7 The parcels that we refer to are shown on the extract from the 2011 Green Belt Assessment that we reproduce below.



SMBC Green Belt Assessment (2016)

4.8 Site 131 was reassessed in the Solihull Green Belt Assessment (2016). It was given site reference RP08, and attracted a combined score of 3 (which indicates a “moderately performing” site). The following commentary is provided against each purpose.

- Purpose 1: “RP08 boundary to the east is weak bordering B’ham Business Park but is stronger at its boundary with Coleshill Heath Rd. There is no development within the Refined Parcel.” **Score – 2.**
- Purpose 2: “RP08 represents a gap between B’ham Business Park to the east and the urban area of Chelmsley Wood to the west. The Parcel does not however, represent a gap between neighbouring towns.” **Score – 0.**
- Purpose 3: “RP08 is entirely contained by the urban area. It contains agricultural land, trees and green spaces.” **Score – 1.**
- Purpose 4: “RP08 is not within or adjacent to a Conservation Area or historic town.” **Score – 0.**

4.9 The Site’s total score was 3.

4.10 The assessment concludes that the site is more “moderately performing” in terms of its contribution to the green belt. We note that only two sites are identified as being “lower performing”. They are Site RP18, which scored ‘4’, and Site RP26 which scored ‘3’. This is despite 12 Refined Parcels, including RP08 (Site 131), scoring lower than RP18 (between 0 and 3). This is demonstrated in the Annexes to the 2016 Assessment entitled “Refined Parcels and Broad Areas Combined Score” and “Refined Parcels and Broad Areas Highest Score”. The categorisation of “more moderately performing” and “lower performing” green belt parcels appears on this basis to be inconsistent, and to the dis-benefit of Site 131.

Analysis in St Philips' Representations to the Supplementary Consultation

- 4.11 It is worth recounting at this point the commentary that we gave in St Philips' representations to the Supplementary Consultation exercise in March 2019 .
- 4.12 Similar to the conclusions that we reach in 4.10, we noted in our representations in March 2019 that the Strategic Green Belt Assessment (2016) concluded that Refined Parcel RP08 is given a combined score of 3, with its highest score being 2 in relation to Purpose 1 (to check the unrestricted sprawl of large built up areas). A score of 2 means that the boundary is weak but can be identified so that the parcel is *"moderately performing"* in relation to that purpose. We noted also that RP08 *"does not perform"* against Purpose 2 (to prevent neighbouring towns from merging together) or Purpose 4 (to preserve the setting of historic towns), and that it is *"lower performing"* in relation to Purpose 3 (to assist in safeguarding the countryside from encroachment). We then considered this conclusion against the two Step 2 'Factors Against' which relate to green belt. We summarise our March 2019 commentary below.

'Site Would Breach a Strong Defensible Boundary to the Green Belt'

- 4.13 Site 131 was rated as a Priority 5 site at the Step 1 Assessment. We note that a score of 5 is the lowest (or most favourable) score that any green belt site may achieve that is not already subject to a commitment for development.
- 4.14 Whilst the Site Assessment for Site 131 confirms that the site is within a *"lower performing parcel"* in the green belt, it goes on to say that its development:-

"would result in the loss of an important green belt gap and corridor and threaten the integrity of the green belt further to the west. Inter alia, it would have a detrimental impact on the green belt and coalescence."

- 4.15 This commentary is at odds with the rating of the site as Priority 5, not least as the Green Belt Assessment concludes that RP08 *"does not perform"* against Purpose 2 and is *"lower performing"* against Purpose 3.
- 4.16 The Strategic Green Belt Assessment states in relation to Purpose 1 that:-

"RP08 boundary to the east is weak bordering Birmingham Business Park but is stronger at its boundary with Coleshill Heath Road. There is no development present within the refined parcel".

- 4.17 So, the Strategic Green belt Assessment does not characterise the boundaries as strong (noting that its commentary relates to a larger parcel than Site 131) with the boundary to the east being judged as *"weak"* and that to the west as *"stronger"* (but not *"strong"*). Hence, the refined parcel is only *"moderately performing"* in relation to Purpose 1. On the basis that the Green Belt Assessment concludes that Site 131's has only *"weak"* and *"stronger"* (but not *"strong"*) boundaries then, logically, this matter should not count strongly against the Site in relation a 'Factor Against' at Step 2 that does not favour sites that possess strong defensible boundaries.
- 4.18 We note also that 'Site 77' has been assessed as suitable for employment uses. The site is located to the south of Site 131 and to the south west of Birmingham Business Park and in the same Refined Parcel. Site 77 site scores 7 positive and 2 negative effects in the Council's SA, as does Site 131. Whilst both sites produced the same set of results, Site 131 was considered unsuitable for development, whereas the commentary in the proforma for Site 77 confirms that site could be considered as an extension to the existing Business Park.

- 4.19 Whilst St Phillips is promoting the release of the whole of the site from the green belt, the Concept Masterplan included in the Vision Document confirms that a substantial green buffer would be retained between Birmingham Business Park and the eastern edge of the new development, and that the substantial existing planting in this part of the site, and on its northern and southern boundaries, would be retained. This would maintain a sense of separation between the Business Park and urban area.

‘Sites that Would Not Use or Create a Strong Defensible Boundary to Define the Extent of Land to be Removed from the Green Belt’

- 4.20 We commented in March 2019 that the Vision Document demonstrates that Site 131 is well contained and supported by strong defensible boundaries.
- To the north the site is bordered by the A452.
 - To the east the site is bordered by Birmingham Business Park.
 - The access to Wright’s Farm is located adjacent to the southern boundary.
 - Coleshill Heath Road borders the site to the east.
- 4.21 We considered this in more detail in Section 2.0 and concluded that the site is exceptionally well contained at its boundaries by physical infrastructure and development. It seems to us beyond debate that Site 131’s northern and southern boundaries comprise strong defensible boundaries that would clearly define the extent of land to be removed from the green belt.
- 4.22 In relation to the Site’s eastern boundary, we have reached the following conclusions.
- a) The pipeline and associated easement that runs north/south through the site sets the eastern boundary of its net developable area. This creates a permanent constraint to the eastern extent of development. It also represents a defensible boundary (albeit one that is not visible above ground).
 - b) This is reinforced above ground by the retention of existing trees within the site’s structural open space. This existing landscape structure will be retained and maintained as a defined element of the site’s development, which is compatible with its retention in the Green belt.
- 4.23 This combination of factors means that the site should not have scored poorly against a ‘Factor Against’ criterion which relates to using strong defensible boundaries to define the extent of land to be removed from the green belt.
- 4.24 A further consequence of it being certain that land east of the pipeline will remain free of development is that the site’s allocation will not lead to the loss of the ‘gap’ between Coleshill Heath and Birmingham Business Park, so that any perception that the allocation of the site would compromise Purpose 1 would be misplaced.
- 4.25 On the assumption that our conclusion at paragraph 3.11 is accurate, we conclude that Site 131 was reclassified as ‘red’ at Step 2 due only to its performance against the two ‘Factors Against’ that relate to green belt considerations. On the basis of the conclusions that we have reached in this section, and in view of the comments that we have made about defensible boundaries both within and on the edge of the site, we do not consider that Site 131 should have been reclassified as a ‘red’ site on the basis of these two factors.

5. Implications of Allocation for Adjacent Parcels

5.1 Officers raised a concern at our meeting in October that the release of Site 131 from the green belt might set a precedent for 'higher performing' green belt parcels located to the south west of Site 131 (i.e. Refined Parcels RP07 and RP10 in 2016 Green Belt Assessment) to come forward for development.

5.2 Officers mentioned specifically a view that Site 131 has value in maintaining a clear visual link from the Refined Parcel to the north (RP09) to Refined Parcels to the south west (RP07 and RP10). Officers recommended that St Phillips review the Concept Masterplan and consider the retention of a proportion of the green belt through the site to maintain any such link. We respond to this in the following way.

- a) As summarised in Section 4.0, the Council's Green Belt Assessment does not support the comments made by officers. Rather, it confirms that Site 131 is a lower performing green belt parcel which is of lesser importance to the integrity of the green belt in this area of the Borough.
- b) We do not consider that a closing of the gap, or 'link', so that the area of green belt to the south might become isolated from the wider green belt would of itself represent a reason not to release the site from the green belt. It is not unusual for parcels of green belt land to be wholly or largely surrounded by urban areas.

This is evident locally by reference to the plan that we include at **Appendix 3**, with there being several areas of green belt to the north-west and west of the site which are largely surrounded by the urban area. Moreover, we are not aware of any established approach that would suggest that the value of the remaining green belt, or its performance against the five purposes, would be in any way diminished if the gap were to be closed, or narrowed.

- c) It is relevant to any concern that officers may have that the 'gap' between Coleshill Heath Rd and Birmingham Business Park would not be closed so that visual and physical separation would remain, as would a visual and physical link (assuming this were a relevant consideration).

This matter is also illustrated by reference to the plan at Appendix 2, and also that at **Appendix 4**, both of which show the green belt boundary redrawn to exclude land to the west of the below ground pipeline, but with land to the east of the pipeline retained within the green belt.

- d) The land that would remain open would comprise a green buffer and part of a network of open space. This would reinforce, rather than erode, physical and visual links through the site. This is illustrated by the version of the Concept Masterplan that we include at **Appendix 2**.
- e) The Council has adopted an approach that assesses the performance of land in relation to green belt purposes that focuses on Refined Parcels. In our view decisions on whether land may be released from the green belt should be based on the performance of each parcel in its own right (which is presumably why the approach focuses on Refined Parcels not 'Broad Areas')
- f) In the context of the Council's existing housing land supply position, and the need for the Local Plan to meet Local Housing Need and unmet needs from elsewhere, the starting point for consideration should be those sites whose contribution to the green belt is lower performing.

5.3 The potential release of sites adjacent to, or in close proximity to, Site 131 should therefore not be a deciding factor in concluding whether Site 131 is suitable for future development. St Phillips is of the opinion that each site should, in line with the Council's green belt Assessment, be considered on its own merits and in relation to its deliverability and ability to contribute towards meeting Local Housing Need and a proportion of Birmingham's shortfall.

- 5.4 Finally, and to respond to the recommendation that Officers made, St Philips has considered the retention of a proportion of the green belt through the site and has set its position out at paragraph 2.5. This is illustrated by the plans at **Appendices 2, 3 and 4**.

6. Concluding Comments

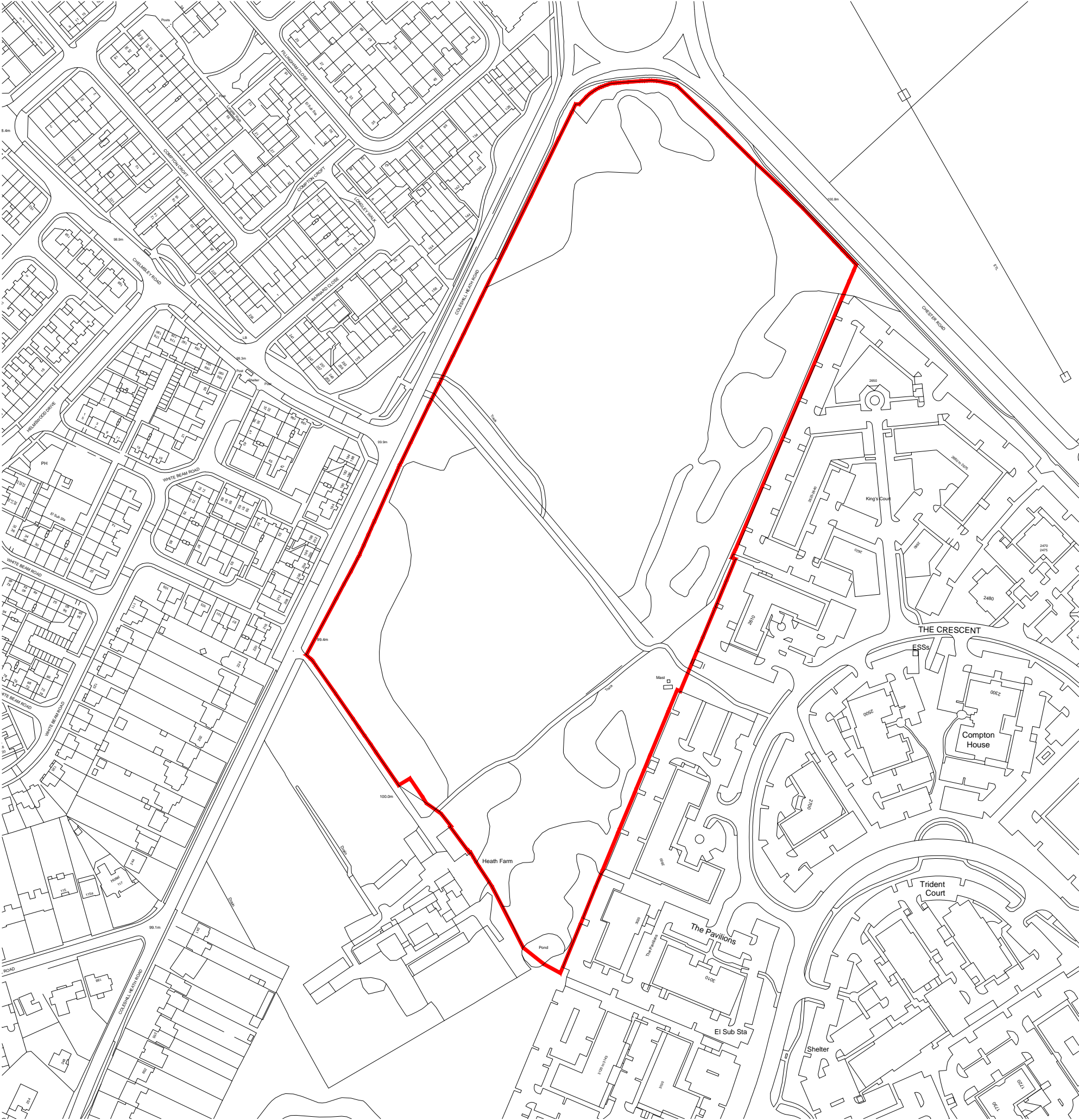
- 6.1 St Phillips has made general representations to the Local Plan Review which conclude there is a need to identify additional land to support the delivery of housing that will inevitably require the release of additional sites from the green belt.
- 6.2 St Phillips has challenged the rationale for Site 131 having been categorised as a 'red site', which it appears is based on the site's green belt status and, in particular:-
- a) officer's view of its performance in relation to the four relevant green belt purposes; and
 - b) a concern about the ability to identify and maintain clearly defensible boundaries were it to be allocated and subsequently developed for residential use.
- 6.3 We have described the site and reached two important conclusions.
- First, the site is exceptionally well contained at its boundaries by physical infrastructure and development.
 - Second, the pipeline that runs through the site sets the eastern development boundary. This feature is permanent and so creates a permanent limit to the eastern extent of development that is reinforced above ground by the proposed retention of existing trees within the site's structural open space. Consequently, in the same way that the site is exceptionally well contained at its boundaries, it is also exceptionally well defined internally by factors that set permanent and defensible development boundaries.
- 6.4 We are not aware of any advice in the NPPF, PPG or elsewhere that would suggest that defensible boundaries can only be set by above ground features. The matter that sets the eastern development boundary is no less permanent or defensible than an above ground feature, and could be given effect in any allocation by either:-
- a) limiting the extent of any allocation and green belt release to the alignment of the pipeline; or
 - b) including the whole site in an allocation, but with a clear explanation that the green belt boundary is set on the alignment of the pipeline.
- 6.5 In those 'exceptional circumstances' where green belt release is justified, the potential to enhance retained green belt by the provision of access to it should be explored. In this case, land that would be retained in the green belt would be laid out as open space with public access. This would provide a positive outcome that weighs in favour of the allocation of Site 131.
- 6.6 We have concluded that the 'Factors in Favour' of the allocation of the site were not outweighed by the 'Factors Against', except in relation to those factors that relate to green belt issues. In this regard, Site 131 was assessed in the Solihull Green Belt Assessment (2016) as site RP08 and attracted a score of 3 which indicates a "*moderately performing*" site. We have considered this conclusion against the two Step 2 'Factors Against' which relate to green belt.
- **Site Would Breach a Strong Defensible Boundary to the Green Belt.** In this regard the Green Belt Assessment concludes that Site 131 has only "*weak*" and "*stronger*" (but not "*strong*") boundaries so that logically this matter does not count strongly against the Site in relation a 'Factor Against' that does not favour sites that possess strong defensible boundaries.

- **Sites that Would Not Use or Create a Strong Defensible Boundary to Define the Extent of Land to be Removed from the Green Belt.** In this regard we have concluded that the site's northern and southern boundaries are strong and defensible, and that the pipeline creates a permanent constraint to the eastern extent of development and represents a defensible boundary (albeit one that is not visible above ground) reinforced above ground by the retention of trees within the site's structural open space. The site should not have scored poorly against a 'Factor Against' criterion which relates to using strong defensible boundaries to define the extent of land to be removed from the green belt.
- 6.7 On the assumption that our conclusion at paragraph 3.11 is accurate, it appears that Site 131 was reclassified as 'red' at Step 2 due only to its performance against the two 'Factors Against' that relate to green belt considerations. On the basis of the conclusions that we have reached in this note we do not consider that Site 131 should have been reclassified as a 'red' site on the basis of these two factors.
- 6.8 In relation to other associated matters:-
- A further consequence of land east of the pipeline remaining open is that the site's allocation would not lead to the loss of the 'gap' between Coleshill Heath and Birmingham Business Park. This is illustrated by the plans that we include at **Appendix 3** and at **Appendix 4**.
 - Officers raised a concern at our meeting in October that the release of Site 131 from the green belt might set a precedent for release of 'higher performing' green belt parcels adjacent. We have given a number of reasons why this would not be the case (not least that a gap would remain) whilst noting that isolation of the area of green belt to the south would not of itself represent a reason not to release the site from the green belt.
- 6.9 Our assessment of the site against the Step 2 criteria that do not relate to green belt matters concludes that the site performs positively. The Council's conclusion that this 'higher performing site' (i.e. a site categorised as a 'yellow' site and as a "*Potential Inclusion*" after the Step 1 assessment) should be designated as a 'red' site is not justified having regard to the conclusions of the Site Assessment proforma and the SA. This is particularly so given that the definition of a 'red' site within the Supplementary Consultation document means that:-
- "the development of the site has severe or widespread impacts that are not outweighed by the benefits of the proposal."* (our emphasis)
- 6.10 It is also not justified in relation to the Step 2 criteria that do relate to green belt matters for all the reasons set out in this statement.
- 6.11 With this in mind, St Phillips requests that:
- officers consider the content of this Supplementary Statement when undertaking a review of their previous Step 2 assessment of the Site; and
 - that officers consider in particular the comments that we make in relation to way that an allocation could be defined in relation to the site's eastern boundary.

Avison Young

Appendix 1

Site Plan



Site boundary

9.19 Ha

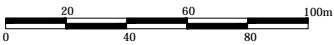
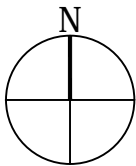
Project

Birmingham Business Park

Drawing Title

Site Boundary Plan

Date	Scale	Drawn by	Check by
21.09.18	1:2500 @ A3	PT	EB
Project No	Drawing No	Revision	
27360	9001	A	



Appendix 2

Revised Concept Masterplan

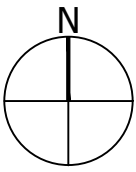


LEGEND

- Site boundary
- Proposed Green Belt Boundary
- Vehicular access point
- Existing pedestrian access point
- Residential development
- Public open space
- Existing and proposed tree/ hedgerow planting
- Street tree planting
- Proposed area for attenuation
- Proposed informal pedestrian route
- Proposed play area (LEAP)
- Existing PRoW: Footpath

NOTE

Plan is DRAFT and subject to detailed technical input and design



Project

Land east of Coleshill Heath Road
Birmingham

Drawing Title

Concept Masterplan

Date

22.10.18

Project No

27360

Scale

1:1250 @ A1
1:2500 @ A3

Drawing No

9302

Drawn by

EMH

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Revision

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DRAFT

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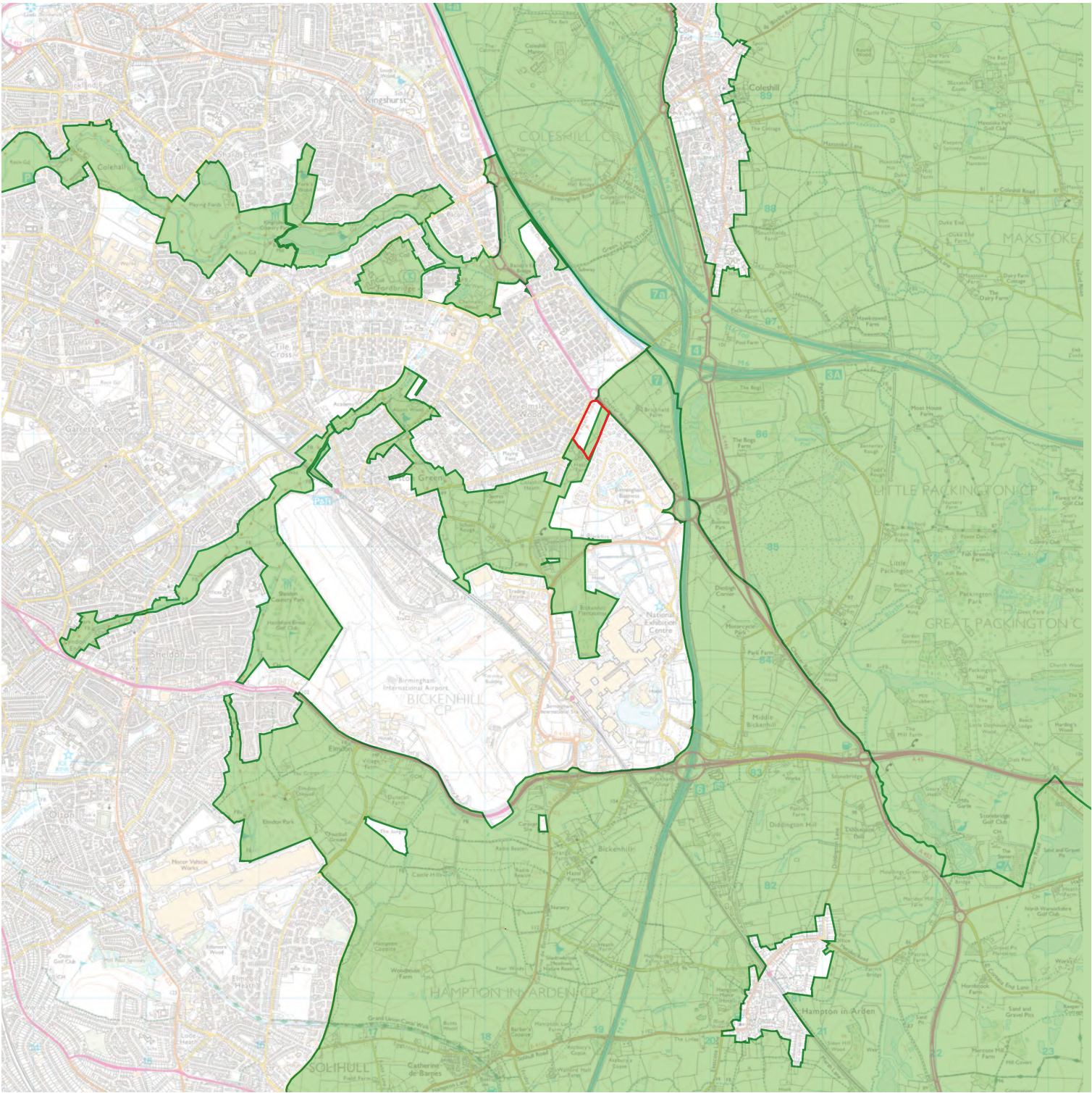
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Appendix 3

Proposed Green Belt Boundary (Large Scale)



-  Site Boundary
-  Proposed Green Belt Boundary

PROJECT
Colehill Heath Road, Solihull

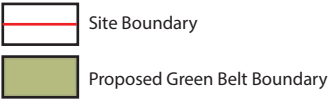
DRAWING TITLE
Proposed Green Belt Boundary

DATE	SCALE	DRAWN BY	CHECK BY
30.01.2020	NTS	DD	RMw
PROJECT NO	DRAWING NO	REVISION	
27360	BL_L_PL001	-	

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Appendix 4

Proposed Green Belt Boundary (Local Area)



PROJECT
Coleshill Heath Road, Solihull

DRAWING TITLE
Proposed Green Belt Boundary - Aerial

DATE	SCALE	DRAWN BY	CHECK BY
30.01.2020	NTS	DD	RMcW
PROJECT NO	DRAWING NO	REVISION	
27360	BL-L-PL002	-	

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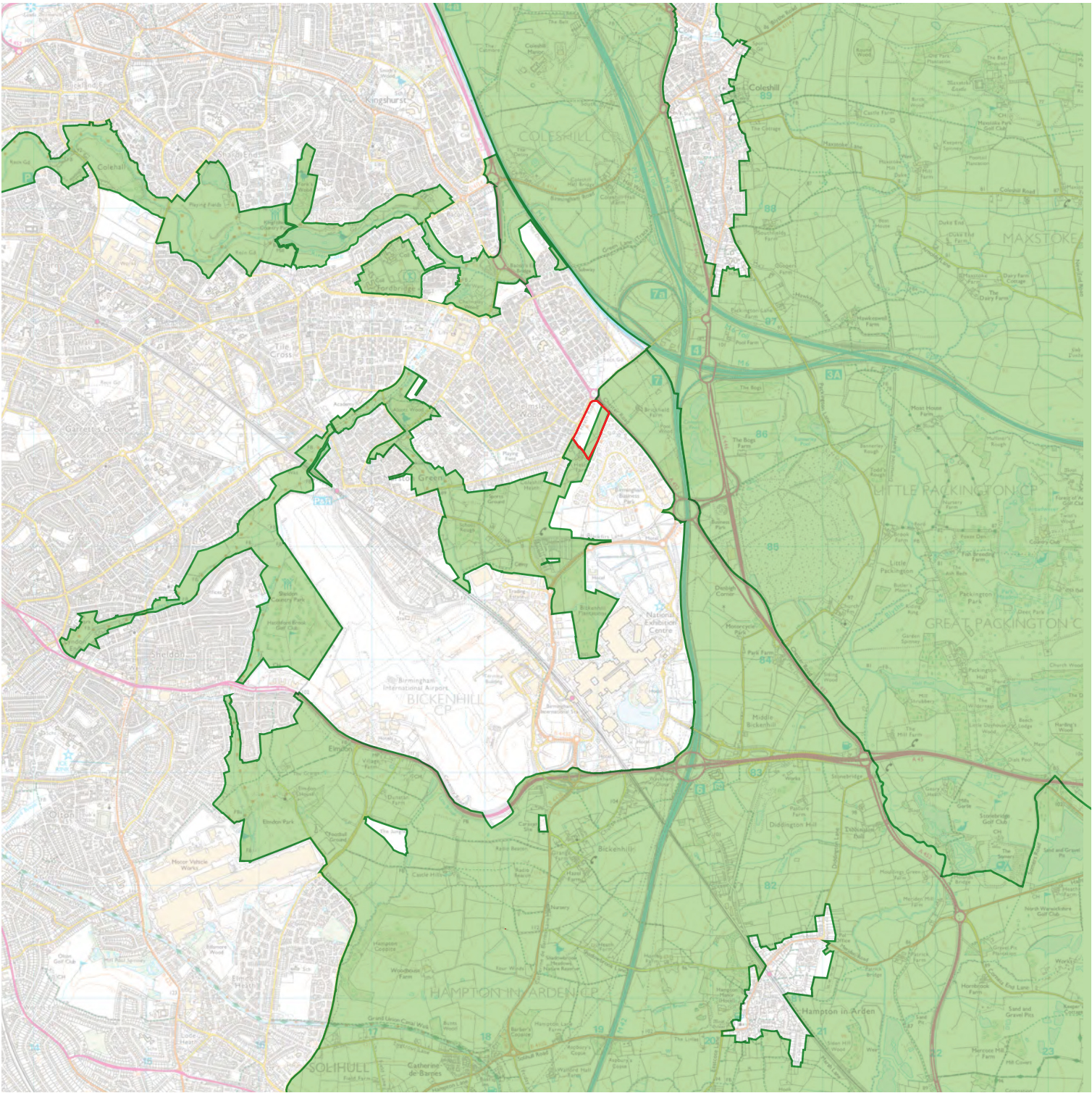
3 Brindleyplace, Birmingham B1 2JB


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Appendix V(a)

Proposed Green Belt Boundaries – Large Scale Map





Site Boundary



Proposed Green Belt Boundary

PROJECT
Coleshill Heath Road, Solihull

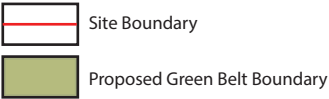
DRAWING TITLE
Proposed Green Belt Boundary

DATE	SCALE	DRAWN BY	CHECK BY
30.01.2020	NTS	DD	RMw
PROJECT NO	DRAWING NO	REVISION	
27360	BL_L_PL001	-	



Appendix V(b)

Proposed Green Belt Boundaries – Site Plan Version



PROJECT
Coleshill Heath Road, Solihull

DRAWING TITLE
Proposed Green Belt Boundary - Aerial

DATE	SCALE	DRAWN BY	CHECK BY
30.01.2020	NTS	DD	RMcW
PROJECT NO	DRAWING NO	REVISION	
27360	BL-L-PL002	-	

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