



Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For official use only)

Name of the Local Plan to which this representation relates:

Solihull Local Plan – Draft Submission

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

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This form has two parts –

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

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

Part A

1. Personal Details*		2. Agent's Details (if applicable)
*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.		
Title	<input type="text"/>	<input type="text" value="Mr"/>
First Name	<input type="text"/>	<input type="text" value="Gary"/>
Last Name	<input type="text"/>	<input type="text" value="Stephens"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Partner"/>
Organisation (where relevant)	<input type="text" value="Rainier Developments Limited (Park Lane)"/>	<input type="text" value="Marrons Planning"/>
Address Line 1	<input type="text"/>	<input type="text" value="Bridgeway House"/>
Line 2	<input type="text"/>	<input type="text" value="Bridgeway"/>
Line 3	<input type="text"/>	<input type="text" value="Stratford upon Avon"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="CV37 6YX"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>

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" value="X"/>	No	<input type="text"/>
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" value="X"/>	No	<input type="text"/>

Please tick as appropriate

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

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

See attached paper

(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.

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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)

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Date:

14/12/2020

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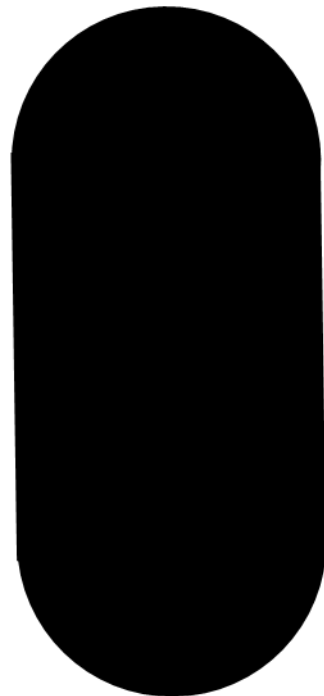
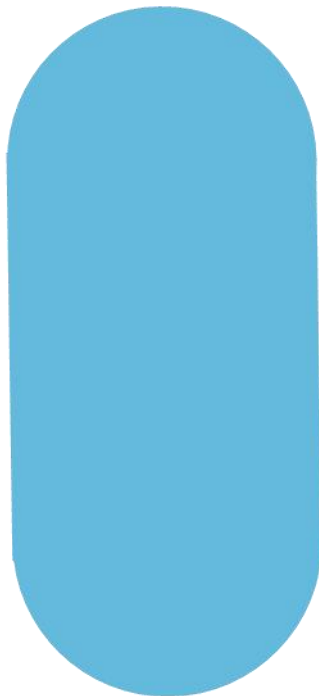
14/12/2020

Representations

Solihull Local Plan - Draft Submission Plan

Rainier Developments Limited

December 2020





1. The following representations are made in response to the Solihull Local Plan – Draft Submission Plan (October 2020) on behalf of Rainier Developments Limited in respect of their land interests at land south of Kenilworth Road, Balsall Common (Site 92 (New Mercote) in SHELAA 2016) and south of Park Lane, Balsall Common (Combined Site Reference 534). These should be read alongside the completed Representation Form.

Paragraph 523 (Sustainability Appraisal)

Question 5

2. There is not a specific section within the Plan which refers to the Sustainability Appraisal (SA), therefore this objection is made in relation to Paragraph 523 of the Plan as this is the first reference to the SA in the Plan.
3. The SA has not fairly considered reasonable alternatives in respect of levels of employment growth. In fact, the level of growth was pre-determined prior to undertaking the SA this year, and has therefore not been informed by the SA in accordance with the Framework¹.
4. The SA fails to appraise any alternatives in relation to levels or locations for employment growth within the Borough. Reference is made at Chapter 8 of the SA to developing the employment strategy, however the strategy was pre-determined and was never assessed. Chapter 8 explains that local employment needs are being addressed through existing commitments and the allocation of Employment Site 20. The SA justifies the selection of Site 20 based on its proximity to Jaguar Land Rover and it being within an area identified in the GBHMA Strategic Growth Study, but with no reference to the SA objectives. No appraisal has therefore been undertaken of any reasonable alternatives in relation to employment.
5. In relation to Site 534 (land south of Kenilworth Road and south of Park Lane, Balsall Common), the site has not been assessed in the SA and only forms part of Broad Area 04 which encompasses the entire eastern half of the Borough. The SA has therefore not assessed the potential allocation as a reasonable alternative.

¹ Paragraph 32 of the Framework



Question 6

6. The SA should be updated to consider higher levels of employment growth using a more refined approach, and alternative locations of employment.

7. An SA of Site 534 (land south of Kenilworth Road and south of Park Lane, Balsall Common) for employment uses should be undertaken as part of an update to the SA.



Paragraphs 63 to 69 (Spatial Strategy/Site Selection)

Question 5

8. There is not a policy within the Plan that contains the Spatial Strategy, and so representations are made against paragraphs 63 to 69 of the Plan. The Plan should contain strategic policies which set out the overall strategy for development², and therefore the Plan is not sound on this basis.
9. The Strategy refers to Options A to D as a 'starting position', then refers to other Options (E to G), which can only therefore be described as 'secondary' to A to D. Option F includes a limited expansion of a rural village/settlement, such as Site 534 .
10. Paragraph 65 then adds further confusion by introducing three further criteria which inform the location of growth but don't relate in anyway to Options A to G. It is unclear which takes precedence (A to G or Paragraph 65). Furthermore, within the evidence base, the Site Selection Topic Paper includes an entirely new set of hierarchy criteria³, which has been used to inform the site selection.
11. The absence of a clear Spatial Strategy and indeed settlement hierarchy therefore makes it impossible to understand how the scale and pattern of development is to be delivered within the Plan.
12. This therefore makes it difficult to understand how the sites selected relate to the Strategy. By way of example, it is noted that no sites selected in Paragraph 69 as allocations fall within Options A to D, and yet these Options are the 'starting position' within the Spatial Strategy. Site Selection (Paragraph 69) refers to the site selection methodology which is set out in the Topic Paper. The methodology is consistent with national policy in so far as considering first the potential of sites outside of the Green Belt (Priority 1 and 2), however it then departs from national policy in relation to Green Belt by not first considering previously developed land and land well served by public transport⁴. It also makes no reference to whether the loss of Green Belt can be offset through compensatory improvements to the remaining Green Belt.

² Paragraph 20 of the Framework

³ Paragraph 43 of the Topic Paper

⁴ Paragraph 138 of the Framework



13. The implications of the Spatial Strategy and site selection methodology are that Green Belt sites that perform well in relation to national policy⁵ were not selected as a result of the methodology and its confused application.
14. For example, Site 534 at land south of Kenilworth Road and south of Park Lane, Balsall Common is in part previously developed arising from its use by HS2, and is well served by public transport given its proximity to Berkswell Rail Station. It also offers compensatory improvements to the environmental quality through potential landscape/ecological enhancements to the balance of land that cannot be developed. It therefore fits squarely with the Framework.
15. However, the site is not included in the Site Assessment 2020 as this assessment only looks at residential sites. There is therefore no evidence document that explains why the site was dismissed, and this further supports the view that the Council had pre-determined its employment requirement and allocations. The site has not therefore been considered fairly through this process.
16. The SHELAA 2020 notes only two physical constraints; namely a high pressure gas pipeline and the HS2 safeguarding zone.
17. The gas pipeline affects only a portion of the site and does not preclude development. The area will be retained as open land providing an area for landscape/ecological enhancement in accordance with paragraph 138 of the Framework.
18. The land to the south of Kenilworth Road is not affected by the HS2 safeguarding and is available for development now.
19. The HS2 safeguarding area only affects land south of Park Lane which is a works compound, and this land will be released and available for development following the construction of this part of HS2. Given its use by HS2 and the public investment in infrastructure to open up the site for an employment use (including upgrading Park Lane and a new junction with the A452, as well as an access), it would be a missed

⁵ Paragraph 138 of the Framework



opportunity if the Plan did not allow for the continued use of this previously developed site for employment uses.

20. The SHELAA notes reasonable prospects of the site being attractive to occupiers, and that there are limited industrial sites in the local area. That is correct, and it is considered this site would be very attractive for businesses wishing to expand or locate in the Borough. The site has very good accessibility to the strategic road network, to public transport routes to nearby centres of population (both by bus and rail), and by foot/cycle to Balsall Common. It is also relatively unconstrained by nearby uses and could be developed with buildings of a variety of footplates to provide choice. The SHELAA therefore concludes there are reasonable prospects of the site being developed and occupied, and it is considered this underplays the potential of the site.
21. There is a need for more employment land within the Borough as evidenced in the representations to Policy P3. Further, given the scale of housing growth proposed at Balsall Common within the Plan (some 1,600 dwellings), the absence of any complimentary employment growth will only serve to increase out-commuting from the settlement for work, and represent an unsustainable pattern of development contrary to the Framework⁶. There is a need for employment growth in Balsall Common, and this is the most suitable, available and achievable site to deliver that within the Plan period. The site should therefore be an allocation listed in Paragraph 69.

Question 6

22. The Spatial Strategy should be set out as a strategic policy in the Plan.
23. The Spatial Strategy should be more clear as to the scale and pattern of development that is intended to be delivered, and how this has informed site selection.
24. The Site Selection methodology should be amended to reflect Paragraph 138 of the Framework.
25. The Site Selection should include an allocation of land south of Kenilworth Road and south of Park Lane as an employment allocation.

⁶ Paragraph 103 of the Framework



Policy P17 – Green Belt Policy

Question 5

26. Policy P17 makes no reference to safeguarding land within the Green Belt. Indeed, there is no reference to any consideration being given to safeguarding land. It is considered necessary for the Plan to safeguard land in order to meet longer-term development needs. Exceptional circumstances exist in that:
- a. the local authority is significantly constrained by Green Belt with opportunities outside it very limited; and,
 - b. there are no neighbouring Councils who have expressed a willingness to take any unmet needs arising from Solihull thereby meaning the next review of the Plan will need to release land from the Green Belt.
27. This Plan should therefore be safeguarding land in order to ensure there is a degree of permanence to the boundaries proposed within this Plan.

Question 6

28. The Plan should be amended to include safeguarded land to accommodate longer-term development needs.



Paragraph 419 – Strategic Green Belt Assessment

Question 5

29. Paragraph 419 of the Plan makes reference to the Solihull Strategic Green Belt Assessment, and that its findings have been used to help justify the removal of land from the Green Belt. That statement is inconsistent with the Assessment itself which states on page 2 that it does not make recommendations for amendments to the boundary but that it forms the basis for more detailed assessment. There is no evidence of any more detailed assessment, which should have been undertaken for Site 534 (land south of Kenilworth Road and Park Lane, Balsall Common).

Question 6

30. The Strategic Green Belt Assessment should be updated to include an Assessment of Site 534 (land south of Park Lane, Balsall Common).



Policy P3 – Provision of Land for General Business and Premises

Question 5

31. Policy P3 is unsound as it is not positively prepared and fails to make sufficient provision of employment land to meet the needs of the area, including unmet needs of neighbouring areas. Over reliance is placed on two large allocations where delivery and land availability is uncertain, and where their trajectory is likely to be much later in the plan period thus failing to provide the continuous supply necessary.
32. Policy P3 is also unsound as it is not justified and not an appropriate strategy based on the evidence. It fails to match the spatial strategy of the Plan and the location of housing growth, and has no regard to the evidence of the HEDNA in relation to supply and demand.
33. Policy P3 is also unsound as it is not consistent with national planning policy. It fails to provide a choice for businesses who wish to invest and expand, and fails to align with the locations for growth in housing leading to a less sustainable pattern of development.
34. The suggestion by the Council in its topic paper that an early review of the Plan is an appropriate response to addressing unmet needs is also unsound as it is evidence of deferring cross-boundary strategic matters. Moreover, the Plan then fails to provide any certainty as to the permanence of its Green Belt boundaries in the longer term contrary to national planning policy.
35. The following points are made to support the above statements.

Employment Requirement

36. Paragraph 142 of the Plan sets out an employment requirement of 147,000 sq m of floorspace based on meeting local needs. This figure is not found within any of the policies of the Plan, and therefore the Plan fails to provide a strategic policy that



- sets out the overall scale of development for employment. This is inconsistent with paragraph 20 of the Framework.
37. The evidence of need is set out within the HEDNA based on a baseline forecast using national trends which indicates the economy is expected to grow by 1.5% per annum or 10,000 jobs. However, national economic trends may not automatically translate to particular areas with a distinct employment base⁷. As the HEDNA noted, the baseline forecast fails to reflect the progression of specific local sectors. The more appropriate position reflecting past performance was shown in a modelled forecast which resulted in growth of 15,680 jobs. This figure should be carried forward as a minimum to inform employment land requirement.
38. Other factors need to be taken into consideration in informing the requirement, particularly the existing stock available, pattern of supply, and evidence of market demand. It is evident from the HEDNA that opportunities for businesses to expand or locate in and around Balsall Common are extremely limited⁸.
39. Further, in terms of existing supply, reference is made to 7ha of land being available at Blythe Valley Park and 2ha at nearby Fore to satisfy short term needs, but this is no longer correct and supply is now down to around 3ha at Blythe. The Local Industrial Strategy raises similar concerns as to the shortfall of land for employment, highlighting the significant gap in good quality employment land⁹, and yet no reference is made to the Strategy or its evidence.
40. In this context, the limitation imposed on future supply by the low requirement in the Plan and the very limited number of allocations will constrain economic growth in the short to medium term given the market demand indicators and evidence. No account of this evidence has been taken in the employment land requirement, or the selection of sites to meet that requirement. The Plan requirement is therefore not positively prepared or justified.

⁷ Paragraph: 025 Reference ID: 2a-025-20190220 of the NPPG

⁸ Figures 49 and 59 of the HEDNA

⁹ Page 63 of the Local Industrial Strategy



41. Furthermore, unmet employment land needs exist within neighbouring areas (up to 570ha to 2038 within the Black Country Authorities who have written to the Council notifying them). There is no evidence within the Plan of any contribution being made to meet those unmet needs, and the Council has suggested their unmet needs can be dealt with as part of the next review of the Local Plan. However, that is not evidence of effective joint working, but rather deferring its consideration which is evidence of an unsound Plan in being contrary to paragraph 35 c) of the Framework.
42. It is unacceptable to propose before the Plan has even been submitted to the Inspectorate that a review will be necessary to properly address employment needs. That amounts to 'poor planning', and is not evidence of a positively prepared Plan which, as a minimum, seeks to meet the needs of the area. The opportunity exists now to make this Plan sound before it is submitted to the Inspectorate, and the Council should properly address this issue.
43. In any event, were an early review of the Local Plan to be undertaken addressing unmet needs it will inevitably require the release of Green Belt land. This Plan demonstrates exceptional circumstances exist to require the removal of land from the Green Belt as a consequence of the level of need, the lack of sufficient alternatives outside of the Green Belt, and the absence of willing neighbouring Councils prepared to accommodate some of the need. Those exceptional circumstances are very likely to still exist when the Council comes to undertake its review as urban capacity is limited, and nearby Councils are similarly constrained.
44. The Council have therefore failed to demonstrate the proposed Green Belt boundaries within this Plan will not need to be altered at the end of the Plan period¹⁰, and therefore consideration must be given in this Plan to safeguarding land. If not, there is no permanence to the Green Belt boundaries proposed within this Plan and they will not endure beyond the Plan period contrary to the Framework¹¹.

Employment Supply

¹⁰ Paragraph 139 e) of the Framework

¹¹ Paragraph 136 of the Framework



45. Policy P3 states that the Plan provides a continuing supply of employment land, which encourages sustainable economic growth and provides a broad range of employment opportunities.
46. The table at paragraph 143 of the Plan sets out the seven sites that comprise that supply. Five of the sites are existing allocations. The land currently available on those five sites is less than what is stated within the Plan as illustrated below.

Summary Table of Solihull Borough Employment Land Availability

No	Site.	Readily Available Allocated Area (ha) Draft Plan October 2020	Current Availability (ha) – December 2020
1	Blythe Valley Park	2	3
2	Fore, Stratford Road	2	0
3	Chep/Higginson, Bickenhill Lane	0	0
4	Land at Clock Interchange	1	1
5	Birmingham Business Park	2.4	2.4
6	Land at HS2 Interchange		
7	Land at Damson Parkway		
	Total ha	7.4ha	6.4ha

47. Only 3ha of land remains available at Blythe Valley Park, no land is left available at Fore, no land is available at Chep/Higginson, only 1ha is readily available at Coventry Road, and 2.4ha is remaining at Birmingham Business Park.
48. The existing supply therefore amounts to 6.4ha of employment land on three sites. For an economy that is described as 'strong, with key sector growth across a suite of white-collar and technical industries', this is a wholly unacceptable figure and can only be regarded as a significant constraint upon the local and regional economy.



49. The Plan proposes only two additional allocations. The UK Central Hub whose delivery is described as 'complex' within the Plan¹², and that proposals are likely to come forward towards the end of the Plan period (subject to the delivery of HS2)¹³. The scale of infrastructure required is also noted as significant, requiring co-ordination with a variety of key stakeholders¹⁴. There is no trajectory within the Plan for when this site will be readily available, nor any evidence to support such a trajectory. There is therefore no certainty when this site will be readily available, and as such it currently makes no contribution to maintaining a continual supply of employment land.
50. In addition, there are substantial infrastructure requirements in addition to HS2, such as public transport and active travel bridges across the WCML, which has an estimated cost of £40m and with no timescales confirmed for delivery. It is also noted the Council are still working with Highways England to assess the impact of development on their highway network¹⁵. The absence of any agreement undermines the extent to which the assumptions within the Plan on delivery can be relied upon.
51. This evidence is important in being able to demonstrate the Plan is deliverable and sustainable, and that improvements to infrastructure required as a result of development have been robustly assessed, costed in order to demonstrate viability, and capable of being delivered in a way which does not hinder the proposed delivery of housing and employment. The absence of this evidence means the Plan is not justified.
52. The second allocation is land at Damson Parkway. It is noted there is no concept masterplan for the site (unlike other proposed allocations) and presumably this will have to be prepared and adopted post adoption of the Local Plan thus delaying the planning process. The site has a close relationship with the delivery of UK Central¹⁶ and therefore planning and delivering infrastructure improvements, particularly

¹² Paragraph 835 of the Plan

¹³ Paragraph 845 of the Plan

¹⁴ Paragraph 835 of the Plan

¹⁵ Page 23 of the Draft Infrastructure Delivery Plan

¹⁶ Paragraph 850 of the Plan



- highways, will be more complex and take longer. The absence of any evidence as noted above is a similar concern.
53. The allocation is labelled as Jaguar Land Rover expansion¹⁷, although reference is made to it also being available for local needs. However, it is unclear at this stage the exact nature of the proposals¹⁸, and therefore there is a significant degree of uncertainty as to what land is available beyond that required by Jaguar Land Rover.
54. As with UK Central, there is no trajectory within the Plan for when the Damson Parkway site will be readily available, nor evidence to support such a trajectory. There is therefore no certainty when this site will be available, and as such it currently makes no contribution to maintaining a continual supply of employment land.
55. On the basis of the above, there is significant doubt as to the ability of the Plan to maintain a continual supply of employment land to meet its needs. The economic growth of the Borough appears to be in the hands of two sites where delivery and the availability of land is in serious doubt. The Plan fails therefore to create the conditions that enable businesses to invest and expand now, and provides little or no choice for businesses who wish to locate or expand in the Borough.
56. Moreover, the future economic growth of the Borough over the next 15 years is reliant upon two inter-related large scale allocations geographically clustered around Junction 6 of the M42 away from centres of population and growth.
57. The employment allocations of the Plan have little relationship with the strategy of the Plan. For example, over 1,600 homes are allocated at Balsall Common, and yet no employment growth is proposed in this area. Such a strategy does not support a sustainable pattern of development through limiting the need to travel and offering a genuine choice of modes of transport. It is not therefore an appropriate or sustainable strategy and will only continue the pattern of unsustainable travel to work patterns within the Borough.

¹⁷ Paragraph 850 of the Plan

¹⁸ Paragraph 850 of the Plan



58. Objection is therefore made on the basis there are insufficient suitable, deliverable, and available sites to meet the needs for employment and therefore the absence of a continuous supply of employment land. Moreover, there is a lack of flexibility within the proposed allocations, in terms of the scale and location of sites allocated which will not contribute towards a sustainable pattern of development contrary to the Framework.

Question 6

59. The employment requirement should be set out within a strategic policy within the Plan.
60. The employment requirement should be increased to reflect past performance, the market evidence of supply and demand, the Local Industrial Strategy for the West Midlands Combined Authority and the unmet needs of the Black Country Authorities.
61. Evidence should be provided as to the availability and deliverability of the proposed allocations and the trajectory for their delivery, to demonstrate they are justified. If the evidence is not available, the sites should be removed as allocations.
62. Additional employment sites should be allocated to address the additional employment land requirement to ensure a continuous supply, to provide choice both in terms of scale and location and to focus particularly on sites which can be delivered early within the Plan period. There should be a balance of allocations across the Borough, including an employment allocation at Balsall Common.
63. The table of allocated sites should be amended to include land south of Kenilworth Road and south of Park Lane, Balsall Common as an employment allocation¹⁹.
- a. The site is deliverable, available and achievable²⁰;

¹⁹ As illustrated in the Key Development Principles Plan attached as Appendix 1

²⁰ Site 534 in the SHELAA Update














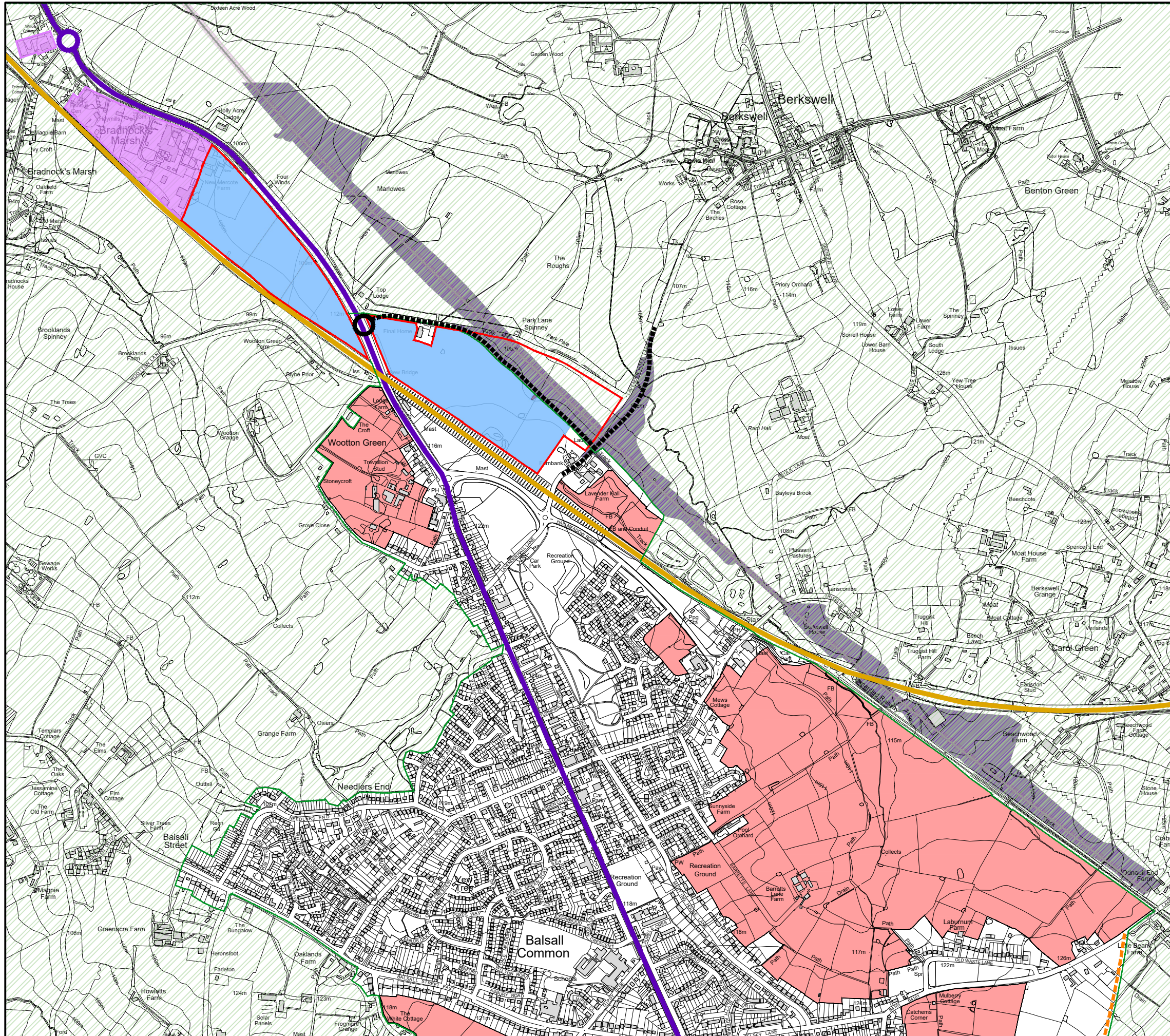
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- b. Is low performing in Green Belt terms due the urban influences and the strong defensible boundaries that already exist in relation to highway and rail infrastructure;
 - c. has a low impact in landscape terms due to its enclosed nature and relationship to existing buildings and road/rail infrastructure;
 - d. is in close proximity to Balsall Common, and Berkswell Rail Station, and is therefore a sustainable location for employment development;
 - e. The site is located adjacent to Balsall Common where market demand is high and land supply limited; and,
 - f. It is located in an area where substantial housing growth is planned, with no corresponding employment growth planned, leading to a less sustainable pattern of development.

The scaling of this drawing cannot be assured

Revision Date Drn Ckd

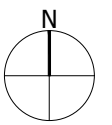
LEGEND

-  Site Boundary
-  Proposed Commercial Area
-  Draft Housing Allocations (Regulation 18)
-  Green Belt Boundary Amendment Proposed by Rainier
-  HS2
-  Proposed Haul Road
-  Proposed Roundabout
-  Alignment of Balsall Common bypass to be established. Land inside of bypass proposed to be removed from the Green Belt as part of the Local Plan Review
-  Existing Railway Line
-  A452
-  Existing Commercial Area

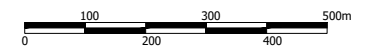


Project
**Land at Park Lane,
 Balsall Common**

Drawing Title
Key Development Principles Plan



Date	Scale	Drawn by	Check by
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