

Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For official use only)

Name of the Local Plan to which this representation relates:

BALSALL COMMON

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*

**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.*

2. Agent's Details (if applicable)

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone Number

E-mail Address

Part B – Please use a separate sheet for each representation

Name or Organisation: BERKSWELL CHARITIES

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

Paragraph	<input type="text" value="531"/>	Policy	<input type="text"/>	Policies Map	<input type="text"/>
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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"/>
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.

New Primary School – Based on the sites allocated for development, a new two-form entry primary school is to be accommodated on the Barratt's Farm development. Funding for the school will be expected via developers' contributions associated with the development of the allocated sites. These comments are submitted by the Trustees of Berkswell Charities in whom the legal title of Berkswell C of E School is vested. Hence the Trustees have an inherent interest in the provision of education within the settlement of Balsall Common. Furthermore, all of the new housing is upon sites which fall within the area of benefit under the terms of the Charity Scheme.

The Trustees therefore respectfully request that they are to be viewed as a key stakeholder and their interests are noted. It is requested that at all times the Trustees be included within all planning and developmental strategies by SMBC.

This policy is lacking in detail that should be considered for inclusion in a site allocation policy of masterplan on school provision.

It should identify:-

- Types and size of school(s) required
- Location(s) for school(s) and minimum site area(s) required (with reference .
- Any requirements for delivering a two-phase school from the outset

(with initial phase future-proofed for subsequent expansion), and/or safeguarding of additional land for potential future expansion

- The anticipated trigger point for provision, where known (e.g. delivery to take place before a specific number of homes have been occupied)
- If schools are intended to share facilities with the community, this should be reflected in the masterplan
- Access/parking arrangements, where known
- Any site-specific issues affecting the design e.g. flood risk, biodiversity protection/enhancement, air quality, local plan policy constraints LPAs should make clear that any land allocated for a school must be safe and fit for purpose. Issues which will need to be assessed include ground conditions; topography; contamination; flood risks and the proximity of incompatible land uses. Nox particularly (oxides of nitrogen), the product of motor vehicle exhaust, particularly diesel engines, is highly detrimental to many aspects of health in children and there is much emphasis on this by national public health bodies. To this end the Local Planning Authority will need to develop policies to address this and ensure the school is sited as far from busy vehicle roads as possible, now or anticipated.

The Local Plan only identifies a two-form entry primary school with a nursery which will “**possibly**” be located to the north of the Barratts Farm site. Access will be via a relief road which is located in a flood risks zone 2 and 3 and parking it appears to be suggested elsewhere in the plan will be shared with the station car parking.

SENs provision must be included also. No mention of this is made within the Local Plan.

The lack of strategic educational planning within the Local Plan as currently drafted is significantly sufficient to justify this policy as being unsound in its present format. A high percentage of the new housing in the settlement of Balsall Common will be completed before the construction works at Barratts Lane Farm yet there will be no available school places in existence, all existing schools already being at full capacity. The Plan is silent on this point and is therefore unsound. Additionally, the potential to build a further 300 homes following completion of HS2 has not been included within the calculation of the size of school required nor has any footfall.

Furthermore, the creation of an additional primary school within the settlement of Balsall Common has not been based upon any objective evidence other than a number-crunching exercise to justify the size of the school required for the number of houses to be built.

Three primary schools already exist with the settlement; Berkswell CofE Primary School, Balsall Common Primary School and Lady Katherine Leveson Primary School. If the Local Plan is adopted in its current format without a full assessment of the educational strategy for the settlement as a whole, four primary schools will exist in close proximity to one another within a rural community.

SMBC have the strategic lead for the education of children and they have a legal duty to ensure that every child fulfils his or her educational potential.

Whilst acknowledging that a new school will be required to meet the additional school places generated by the new housing constructed, SMBC need to address in greater detail their educational strategy for the settlement as a whole to ensure that the quality and standards of education within the settlement of Balsall Common does not decline overall. Four primary schools will generate significant competition for school places between the schools potentially creating one school being substandard as opposed to others which will be detrimental to the education of the children.

The Local Plan should ensure that the educational strategy of the settlement of Balsall Common ensures that the extremely high standards of excellence of those schools already in place do not suffer in any way due to inadequate planning and foresight being afforded within the Local Plan. Currently, the Local Plan brushes over the schools at Temple Balsall and Berkswell with very little recognition yet they both form part of the two parishes that make up the settlement in question.

(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.

The Local Plan should be amended to address the defects in educational strategy identified above to ensure that an insightful strategy is prepared from the outset as opposed to one that provides the bare minimum which fails to consider the impact on the existing school, the availability of school places during construction and future expansion.

(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.

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

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

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

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

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

As the legal title of Berkswell C of E Primary School is vested in the name of the Trustees and the Trustees form part of the School Governing Body it is maintained that they possess an inherent interest to be part of any hearing sessions.

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:

5/12/20

Part B – Please use a separate sheet for each representation **BERKSWELL CHARITIES**

Name or Organisation : BERKSWELL CHARITIES

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"/>

Please tick as appropriate

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

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

The Trustees of Berkswell Charities submit that the draft submission plan in its current format is unsound and whilst it is compliant with present planning policy, but there may be a danger that the Local Plan is not future-proofed due to the provisions of the White Paper- Planning for the Future. This is expanded upon within this document and references to the relevant policies/ sections duly quoted. It is appreciated that the local plan will be considered under planning regulations in place at the time but the White Paper does address underlying principles to achieve the provision of affordable housing during the housing crisis that should not be overlooked.

For the examiner to comprehend the basis upon the making of the submissions by the Trustees the examiner must have a full understanding of the presence and work of Berkswell Charities within the Parishes of Berkswell and Balsall alongside other Almshouse Charities in the Solihull area none of whom should be prejudiced in terms of future delivery.

Berkswell Charities dates back over 500 years and assets owned by the Charities include Berkswell CofE Primary School, the Cottages and Village Stores which surround the Village Green in Berkswell; Burton Green Farm along with two Ancient Woodlands at Burton Green and other parcels of agricultural land within the Parish. Also, the Trustees own 14 Almshouse properties in accordance with one of the Charity objects within their Charity Scheme to provide relief of poverty among the inhabitants of the area of

benefit, by the provision of Almshouse Accommodation. The Almshouse properties form part of the Charities' permanent endowment and are held in perpetuity.

The Charities also make donations to individuals and organisations within the two Parishes, benefiting the community at large.

Almshouse Charities, such as Berkswell Charities, are the oldest form of social housing in the United Kingdom and have successfully provided their unique model of enduring low-cost community housing for over a thousand years. The draft submission Local Plan fails to recognise and indeed potentially excludes such a valuable commodity of affordable housing within the allocated site plans and policy earmarked for development.

For the benefit of the examiner, appendix A provides the accepted definition of an Almshouse adopted by the Charity Commission.

Page 50 Para 160 states

"The Borough definition of 'affordable' will be informed by work with the WMCA and build upon the definitions in national guidance. It will be set out in a Meeting Housing Needs Supplementary Planning Document (SPD) which will be updated periodically to ensure it remains up to date and can respond to the introduction of new tenures quickly and effectively if required."

It is submitted that the affordable housing definition should from the outset clarify that Almshouse Charities are a form of affordable housing.

Reason for the Need for Clarification:

Some planning authorities interpret the current National Planning Policy Framework (NPPF) definition of 'affordable housing' to mean that an almshouse charity which is not a Registered Provider should be treated as if it were not a provider of 'affordable housing' for s.106 Town and Country Planning Act 1990 purposes. Clearly this is an anomaly.

Further, the planning authority:

- Requires an almshouse charity to carry out s.106 obligations where the charity itself is developing new almshouse dwellings. For example, the charity might be required to make a financial contribution towards community infrastructure or 'affordable housing'. This approach is paradoxical since the dwellings which the charity is developing are themselves within the statutory definition of 'social housing' in the Housing and Regeneration Act.
- Maintains that a private developer cannot fulfil a s.106 obligation to provide 'affordable housing' by building almshouses for an almshouse charity.

This inconsistent practice leads to fewer almshouses being built than might otherwise be the case and, even when s.106 provision is allowed, typically the planning process can take an extended length of time, and add cost to the project. These factors are counterproductive, and work against the desire of the Government to boost not only housing supply but the speed that housing is delivered.

(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.

Whilst it is understood that a supplementary planning document will be prepared the Trustees wish to bring this to the attention of the inspector now and for it to be recommended to the Local Planning Authority that almshouse charities are included as being a further and legitimately recognised type of affordable housing accurately stating the legal differences between almshouse charities and other forms of affordable housing provision. This would provide reassurance to local authorities, and an approved route for including almshouse charities in the benefits available under s.106.

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

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

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

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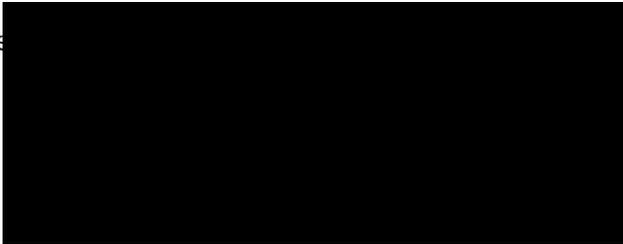
8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

THIS IS A PARTICULARLY COMPLEX AREA AND THE TRUSTEES WISH TO ENSURE THAT THE ALMSHOUSE MODEL IS FULLY UNDERSTOOD.

FURTHERMORE, THE PROPOSAL TO BUILD 30/40 AFFORDABLE HOMES WITHIN THE SETTLEMENT WHICH MAY BE EXCLUDED UNDER THE TERMS OF THE LOCAL PLAN JUSTIFIES ATTENDANCE BEING AFFORDED.

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:

6/12/20 .

Part B – Please use a separate sheet for each representation BERKSWELL CHARITIES

Name or Organisation: BERKSWELL CHARITIES

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"/>

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.

Additional Definition of Affordable Housing.

Page 50 Para 160 states

“The Borough definition of ‘affordable’ will be informed by work with the WMCA and build upon the definitions in national guidance. It will be set out in a Meeting Housing Needs Supplementary Planning Document (SPD) which will be updated periodically to ensure it remains up to date and can respond to the introduction of new tenures quickly and effectively if required.”

It is submitted that the affordable housing definition should from the outset clarify that Almshouse Charities are a form of affordable housing.

For the purposes of the National Planning Policy Framework (NPPF), almshouse charities satisfy the current eligibility criteria as defined in the paragraphs on “social rented and affordable rented housing” and “affordable private rent housing” except that they do not charge rent rather a weekly maintenance contribution: they are required by charity law to be used as homes for those in financial need, in accordance with Charity Commission schemes. Additionally, almshouse accommodation falls within the definition of ‘social housing’ in ss.68-9 Housing and Regeneration Act 2008 (HRA).

Although almshouse charities are very similar to the forms of housing covered by the proposed definition of 'affordable housing' there remain some important legal differences that need to be recognised. In particular, there should be the recognition that the legal status of almshouse charities is unchanged, irrespective of whether they are Registered Providers or unregistered, and express or implied references to rent should be deleted.

. In accordance with charity law, almshouse charities exist in perpetuity for the charitable purposes for which they were established.

The Trustees recognise the importance of building additional affordable housing within the area for those in genuine "need " and now wish to move to the next stage in bringing their plans for the benefit of the community at large by building approximately 30-40 new Almshouse properties within the Parish of Berkswell and Balsall Common.

The Trustees have already taken the step of discussing their proposals with members of Berkswell and Balsall Parish Councils and Ward Councillors who have all demonstrated their support for a project of this nature. Meetings have taken place and correspondence has passed with SMBC regarding this project and the view of SMBC is that they would not object to the project being undertaken under the "rural exceptions rule" upon existing Charity Land. Based upon this background it is submitted that the provisions of the Local Plan as drawn are potentially discriminatory in their terms.

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

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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:

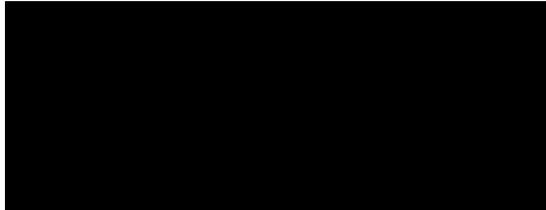
THE POSITION OF ALMSHOUSE PROPERTIES ARE A UNIQUE MODEL THAT SHOULD BE CORRECTLY INCLUDED AND SPECIFICALLY STATED AS FALLING WITHIN THE DEFINITION OF AFFORDABLE HOUSING.

THIS IS A LIVE ISSUE FOR THE BOROUGH, THERE BEING 5 ALMSHOUSE CHARITIES WITHIN THE BOROUGH WHO COULD POTENTIALLY BE IMPACTED BY THE LACK OF CLARITY AND UNSOUND LEGAL APPROACH TAKEN BY SMBC.

FURTHERMORE, THE PROPOSAL TO BUILD 30/40 AFFORDABLE HOMES WITHIN THE SETTLEMENT WHICH MAY BE EXCLUDED UNDER THE TERMS OF THE LOCAL PLAN JUSTIFIES ATTENDANCE BEING AFFORDED

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9. Signature:



Date:

6-12-20

Part B – Please use a separate sheet for each representation BERKSWELL CHARITIES

Name or Organisation: BERKSWELL CHARITIES

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="checkbox"/>	No	<input checked="" type="checkbox"/>
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4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

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.

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The Rt. Hon. Robert Jenrick MP Secretary of State for Housing, Communities and Local Government:-**White Paper 2020 Planning for The Future**
“Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.
*In Growth areas, we would also want to allow sub-areas to be created specifically for self and custom-build homes, and **community-led housing** developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities.”*
 It is maintained that **section 168 of Policy 4a** is contrary to the principles of fair competition on the open market to the developers and is prejudicial to “some” registered social housing providers, such as an Almshouse Charity. Any developer would be cautious to enter into discussions with an Almshouse Charity when the provider *may* seek to house those from the local community or with a connection to the local community. (**as stated in Policy 4a 168**)
 Whilst it is recognised that a borough-wide need is to be met this provision seeks to exclude those from the local community despite that local need forms part of the borough need. The policy is by consequence unsound.
 A recent freedom of information request has revealed the number of those on Solihull Housing register per postcode prefix. In the immediate parish of CV7, there are 38.

Other postcodes in the area are CV8 Kenilworth, CV4 Tile Hill, CV5 Meriden (part), B93 Knowle. All of these bring the total to 78. These figures do not take into account those individuals who need homes, are in need (asset rich, cash poor) but do not appear on the housing register which can often be the case as the definition of "need" within the Trustees' considerations encompasses wider criteria than housing legislation. The Charity Commission states concerning the relief of poverty the following:-

"In the past, the courts have always defined 'poverty' by reference to financial hardship or lack of material things but, in current social and economic circumstances, poverty includes many disadvantages and difficulties arising from, or which cause, the lack of financial or material resources. There can be no absolute definition of what 'poverty' might mean since the problems giving rise to poverty are multi-dimensional and cumulative. It can affect individuals and whole communities. It might be experienced on a long or short-term basis. Poverty can both create, and be created by adverse social conditions, such as poor health and nutrition, and low achievement in education and other areas of human development. Charities operating in this area often express concerns about the voicelessness, vulnerability, fear and powerlessness experienced by people in poverty and the fact that people in poverty can become excluded from the opportunities, goods and services necessary for them to live a decent life in modern society. Charities preventing or relieving poverty can, additionally, provide a very valuable platform for promoting and protecting the interests of people in poverty"

The policy should therefore not be based upon a "*may*" when it could by virtue of its provisions create Inequality between providers of affordable housing and afford preference to outside agencies being granted a site within the allocated housing site when the Local Plan identifies at **Policy 4a**) the importance of working with those with a presence in the community and provision of Affordable Homes.

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

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POLICY 4A BE AMENDED TO INCLUDE SPECIFIC REFERENCE TO ALMSHOUSES AS A RECOGNISED FORM OF AFFORDABLE HOUSING FOR THE PURPOSES OF SOLIHULL'S LOCAL PLAN
POLICY 4 BE AMENDED TO INCLUDE COMMUNITY LED HOUSING.
ADDITIONALLY TO BE AMENDED TO INCLUDE COMMUNITY LED HOUSING TO BE AFFORDED THE SAME RECOGNITION AS AFFORDABLE HOUSING WHERE LOCAL NEEDS ARE TO BE MET.

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

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

THE COMPLEXITIES AND LEGAL TECHNICALITIES OF THIS SUBMISSION JUSTIFIES ATTENDANCE AT THE HEARING SESSION

FURTHERMORE, THE PROPOSAL TO BUILD 30/40 AFFORDABLE HOMES WITHIN THE SETTLEMENT WHICH MAY BE EXCLUDED UNDER THE TERMS OF THE LOCAL PLAN JUSTIFIES ATTENDANCE BEING AFFORDED

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Date:

6/12/20

Appendix A

Definition of an almshouse charity

In general, an almshouse will usually fit within the following description:

An almshouse is a unit of residential accommodation (usually a house or flat) which belongs to a charity, is provided exclusively to meet the charity's purposes (for example, the relief of financial need or infirmity) and is occupied or is available for occupation under a licence by a qualified beneficiary.

An almshouse charity is typically a charity which is established for purposes which are to be furthered by the provision of one or more almshouses.

An almshouse charity is usually a charity for the relief of financial hardship by the provision of housing and associated services or benefits which must (or is authorised to) provide its primary benefit by the grant of a licence to occupy the accommodation that it owns to its beneficiaries.

In addition, an almshouse charity is likely to have one or more of the following features:

- a) the origin of the charity is a private gift for the relief of poverty;
- b) the beneficiaries are required to pay a weekly maintenance contribution that must not be set at a level that would cause hardship;
- c) the nature of the accommodation is such that the licence requires that beneficiaries must show particular consideration for the needs of other residents;
- d) a significant proportion of the accommodation is permanent endowment;
- e) the beneficial class or the geographical area from which it can be drawn is restricted.

Almshouses do not necessarily have the word "almshouse" in their name; they may be referred to by another title, such as 'College', 'Hospital' or 'Homes'. This is due to the historical nature of some almshouses and the contemporary usage of these terms at the time the almshouse was established.

Part B – Please use a separate sheet for each representation BERKSWELL CHARITIES

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 :

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Please tick as appropriate

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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.

The draft submission Plan fails to identify if the green belt land referred to includes the land that SMBC seek to release from the Green Belt or whether this is additional green belt land that SMBC would support the release of to meet a Local Need for housing. This policy is unclear and needs clarification. In the case of the latter, the release of additional green belt land Policy 4b is unsound and fails to consider the provisions of the NDP whereby the view is that Brownfield sites should be considered at first instance.

PAGE 54 • The development proposal is consistent with the Village, Parish or Neighbourhood Plan; or

- There is evidence that people with a local connection to the Parish area have a housing need that cannot be met through affordable housing provision on an allocated housing site and the proposed development is supported by the Parish Council or Neighbourhood Forum. – This is contrary to principles of freedom of choice to limit those in need of accommodation to allocated housing sites before access to a local needs' provider can be accessed. Secondly, the "local connection to the parish" provisions cannot override the terms of Trusts established within Charity Schemes as governed by the Charity Commission to which Charities are open public scrutiny, to do so fetters Trustees discretion which is an integral part of Charity Law. An exclusion within this clause should be applied in respect of registered Almshouse Charities.

Additionally;

- The Parish Council and the Local Community would strongly oppose the release of further green belt land for development irrespective of the merits of the development.
- The provision of Community-Led Housing is supported by the Parish Council to meet the needs of the Local populace within the allocated sites.
- By implication, green belt site allocation would not be within easy access of the local amenities or transport which is prejudicial and discriminatory to the local parish community whose personal circumstances may require accommodation nearer to amenities but which would not be available due to them by virtue of their characteristics.
- A community-led housing project for those who are in the older age bracket, as is typically the case for the Almshouse Model, could risk being considered under the rural exceptions policy despite being a registered affordable housing provider for the most vulnerable in society as the Local Plan is currently drafted
- The allocation of Local needs via the Rural Exceptions Policy demonstrates a total lack of community engagement regarding the need to respect and listen to the needs of the community. Any development envisaged by the rural exceptions rule by the Local Plan appears to be the only mode that Local Housing needs can be met and such a project would likely be under the umbrella of a Community-Led Housing Scheme. Yet the benefits of Community-Led Housing, the Strategic Vision for Solihull 2020-2025 and Partnerships with Birmingham together with the White Paper, "Planning for the Future" have been inadequately and woefully addressed within the Local Plan.

Policy 4(b) is contrary to the provisions of the Community Right to Build Orders and the Localism Act 2011

The Local Plan attempts to restrict this legal right of the Community and is therefore contrary to the provision of the Localism Act 2011.

The Local Plan discriminates against Almshouse Charities who provides Affordable Housing via the Almshouse Model, the definition of which is recognised by the Central Government.

Almshouses Charities provide the oldest form of social housing and are the foundation of the provisions of affordable housing yet the Local Plan deems that a local need would fall to be considered under the rural exceptions rule, and seeks to dictate the terms who may be allocated such accommodation. This contradicts with the vision of Solihull 2020-2025 for reasons stated above. Berkswell Charities would strongly request that this approach within the Local Plan is amended. In its current format, the Local Plan is unsound as to Policy 4a and 4b for the reasons stated above.

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

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Berkswell Charities would seek amendments to include specific reference and provisions to include Community-Led Housing within the Local Plan.

Community-Led Housing is a peripheral subject in the mind of the Local Authority only afforded two lines within the justification of **policy 4(b)**. Yet this is contrary to good practice exercised by large numbers of Local Authorities within the United Kingdom and which is and incorporated within their Local Plan.

SMBC does not have such a Community-Led Housing Policy which at a time when there is a need for additional housing this lack of foresight for future planning in the area is disappointing.

It is accepted that the National Planning Policy Framework does not mention Community Led Housing, however, it has a specific focus on sustainable development, and in particular “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations”, as well as creating sustainable, inclusive and mixed communities.

That is what community-led housing and almshouses in particular provide.

It is submitted that the Local Plan should deliver much more than this for the Borough of Solihull particularly as the Strategic Vision of Solihull 2020-2025 identifies the work undertaken with The Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP). Their Strategic Economic Plan (SEP) 2016-2030 <https://gbslep.co.uk/wp-content/uploads/2019/03/GBSLEP-Housing-Framework-2019-Final.pdf> which emphasises the need to promote community-led housing and financial models available to the Local Authorities to work alongside Community-led Housing Organisations.

The Local Plan in its current format does not reflect the objectives of the GBSLEP despite the Leader of the Council of SMBC referring to the strong partnership with the GBSLEP and the vision of Solihull for the future which encompasses

“ *Enable communities to thrive Component activities, 2020-25:*

> *Strengthening our localities - continue to grow locality working to include all partners with focused action plans*

> *Connecting and engaging communities, by changing conversations*

> *Building an asset-based approach to prevention*

> Creating strong foundations by changing culture and developing workforce. These activities are multi-agency and being managed through the Solihull Together Thriving Communities Programme.”

By way of conclusion the Local Plan and Solihull Policy documents are in direct conflict with one another and yet the Local Plan forms the basis of the large scale development within the Parish of Berkswell and Balsall Common.

The benefits of Community-Led Housing are well documented.

- A community land trust is a not-for-profit organisation that is made up of community members. Trusts can be involved in a range of community activities other than housing.
- Community land trusts acquire land, then deliver or oversee the development of affordable housing to rent or buy.
- Trusts remain, stewards when the homes are complete.
- An asset lock means the affordability is legally protected so that future residents will also benefit. Homes cannot be sold for inflated profits, and any extra money that a community land trust earns or raises must go back into the pot to be used for community benefit.
- Community-led housing can deliver much-needed additional housing that meets local housing need, is affordable to those on lower incomes and delivers wider wellbeing benefits that provide a net positive to society
- It is useful to evaluate and consider the added value of community-led housing in contrast to other established models of delivery:
- Achievement and confidence incorporating influence and recognition as a local stakeholder
- Ability to reinvest and to grow communities
- Able to proactively respond to local housing needs and issues – where other organisational types are unable to or do not operate
- Localised management gives tenants/occupiers improved access to services that are tailored and personal
- Transformation of organisation management capacity
- Social enterprise foundation: generate surplus collateral for finance and securities
- Stake in the management of the local area: how and where housing is provided
- Security to plan long term
- Mechanisms to tailor allocation to local needs and to create long term affordability through asset locks. Allocation of properties based on local letting criteria to address local needs
- Improved design and procurement – community organisations are accountable daily experiencing constant contact with residents and residents can openly join organisations and influence direction
- Freedom to innovate if there is a viable proposition
- Other benefits to local stakeholder organisations identified in a 2011 review of urban CLTs⁴ include:
- New community-driven partner for public agencies and organisations to work with
- A mechanism for landowners to increase supply in the knowledge that there will not be private gain

- Not for private profit solutions to service provision (smaller overheads with increased local accountability than large corporate investment partners)
- The base for providing joint services tailored to community needs. More common in the community housing sector for a mixed-asset portfolio of shops, community space, retail alongside housing
- Able to access a range of funding streams from charitable and other sources targeted at supporting the sustainability of community organisations through the acquisition and management of assets of community value
- Improved neighbourhoods; improving well-being and a sense of place
- Increased uptake in services designed to be specific to local dynamics.

(2011) The Young Foundation

****Understanding the Potential of SMALL SCALE COMMUNITY LED HOUSING Locality July 2015**

The Capital Economics Report 15 September 2020 concludes

“The evidence confirms that community-led housing delivers significant economic, social and environmental benefits which equate to medium to high value for money for public funding. This calculation is based on the Green Book Framework, which HM Treasury developed to evaluate the value for money of spending proposals.”

The restrictions upon Community Led Housing Schemes within the Local Plan lead to inequality and discrimination which is not only contrary to the Equality Act but also contrary to the Localism Act 2011. Berkswell Charities respectfully requests that the Inspector recommends SMBC address the following within their Local Plan.

- Developing a supportive policy environment to include enabling policies, and aligning planning, corporate asset management and housing policies to create opportunities for CLH schemes
- A housing strategy or delivery plan that ensures that CLH and not-for-profit schemes are included as part of affordable housing delivery in the area and are viable and have the same opportunities as other affordable home providers
- A housing allocations policy that raises awareness of CLH as a housing option
- Procurement policy, panels and frameworks that allow CLH providers to bid to develop a site, for example by allowing them exclusive 12-month options to purchase land enabling them to raise the finance
- A corporate asset management strategy that is aligned with the authority’s strategic policy objectives and local spatial plan to enable it to determine the market value for the desired use of a site in its ownership.
- making land available through planning policy a local authority could take a strategic view of the potential of small and larger sites in their area for CLH and shape their planning policy accordingly. This could involve the proactive assessment of sites suitable for CLH and allocation of them in their local plans,
- providing local authority sites/ buildings through sale or asset transfer A review of council land can uncover sites that are not of interest to larger developers, because they are too small, have complex conditions or do not fit

mainstream approaches to development. These sites may present opportunities for a CLH scheme. The Local Plan does not identify any and instead offers up green belt land.

- may transfer empty properties to CLH groups at nil or discounted value for refurbishment to provide affordable rent and homeownership.
- Leasing local authority land or properties to CLH groups on a long lease at a peppercorn rent increases the organisation's asset base and improves their long-term sustainability and borrowing capacity. This enables them to bring extra resources into the area to develop new homes or buy and refurbish existing empty homes.
- Local authority funding of CLH Revenue
- Capital funding to support construction or renovation costs Local authorities can use commuted s.106 sums, second homes Council Tax or New Homes Bonus receipts to support CLH groups to develop new homes or refurbish empty homes.
- Enabling support for CLH Local authority capacity to enable CLH is a critical area for developing and supporting a pipeline of CLH projects.

Authorities that have implemented a selection of the above considerations are Brighton and Hove Bristol East Cambridgeshire DC's Liverpool or Middlesbrough, Leeds and Lewisham Cornwall

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

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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:

THIS IS A PARTICULARLY COMPLEX AREA AND THE TRUSTEES WISH TO ENSURE THAT THE ALMSHOUSE MODEL IS FULLY UNDERSTOOD.

FURTHERMORE, THE PROPOSAL TO BUILD 30/40 AFFORDABLE HOMES WITHIN THE SETTLEMENT WHICH MAY BE EXCLUDED UNDER THE TERMS OF THE LOCAL PLAN JUSTIFIES ATTENDANCE BEING AFFORDED.

***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:

6/12/20'

Part B – Please use a separate sheet for each representation BERKSHELL CHARITIES

Name or Organisation: BERKSHELL CHARITIES

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

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.

Solihull Local Plan Site 19- Riddings Hill/ Hall Meadow Road

A concept plan should be prepared for this site. This plot which was included within the 2013 Local Plan has not been included within the concept plan.

Why has SMBC not brought forward this plot for allocation now?

How does this plot stand in the thinking of SMBC?

This requires clarification within the terms of this policy document. Berkswell Charities would support the provision of accommodation on this site to meet the needs of those who require specialist/ sheltered accommodation to include the provision of Almshouses.

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

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To include this plot within the concept plans. Accommodation on this site to meet the needs of those who require specialist/ sheltered accommodation and to include the provision of Almshouses.

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

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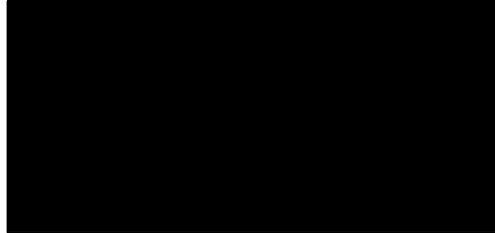
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6/12/20

Part B – Please use a separate sheet for each representation

BERKSWELL CHARITIES

Name or Organisation:

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4.(2) Sound

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No

4 (3) Complies with the
Duty to co-operate

Yes

No

Please tick as appropriate

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This plot of 80 dwellings is in need of a footway/cycleway link to a primary school. Berkswell CofE primary school in Berkswell is the closest school and within normal walking distance. The Local Plan supports a walking and cycling strategy.

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

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A provision should be incorporated within the Local Plan that there be financial contribution towards the provision of cycling and walkway for the new residents to Berkswell School.

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

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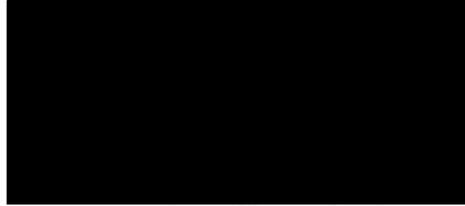
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SITE 43 – LAND ADJACENT TO OLD LODGE FARM, KENILWORTH ROAD SHOULD BE INCLUDED WITHIN THE TABLE OF ALLOCATED SITES.
2.THIS SITE HAS CAPACITY OF 40 HOMES AS DESCRIBED IN PARAGRAPH 538 OF THE SUBMISSION PLAN AND IS 1.36 HECTARES IN SIZE. THE NPPF DEFINES SMALL SITES AS THOSE BELOW 1 HECTAARE AND THIS SITE IS ABOVE THAT THRESHOLD.

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

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THE INCLUSION OF THIS SITE WITHIN THE ALLOCATED SITES AND AS FOR PLOT BC6 PROVISION FOR CYCLING/ WALKWAY CONTRIBUTIONS FOR ACCESS TO BERKSWELL SCHOOL.

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

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