

[Redacted]

From: Andrews, Mark (Economy and Infrastructure Directorate, SMBC)
Sent: 14 December 2020 14:39
To: [Redacted]
Subject: RE: Solihull Local Plan-Arden Site Knowle, the Councils conflict of interest, plus lack of various up to date studies/reports, VERY short Consultation period in the midst of a Global Pandemic in an attempt to push the Plan through quickly in my opinion?!
Flag Status: Flagged

Dear Mr Moore,

Thank you for your email. Please accept my apologies for the delay in responding to you, but I have been unwell over the last week and only picking up limited workflows at the moment. I saw your email though and was keen to get you a response today in case you wanted to update any representation you may wish to make to the plan before the end of today. Mr responses are provided below for ease of reference.

Kind regards

Mark

Mark Andrews MRTPI
Head of Planning, Design and Engagement Services
Economy & Infrastructure Directorate
Solihull Metropolitan Borough Council | Council House | Manor Square | Solihull | B91 3QB

[Redacted]



From: [Redacted]
Sent: 07 December 2020 15:27

To:

Subject: RE: Solihull Local Plan-Arden Site Knowle, the Councils conflict of interest, plus lack of various up to date studies/reports, VERY short Consultation period in the midst of a Global Pandemic in an attempt to push the Plan through quickly in my opinion?!

Dear Mark,

Thank you for your reply to my concerns, as a result I have a few more questions, queries and comments. I will use the original numbering for ease of reference:

1. A) I find it very strange that you have not addressed the extremely exceptional circumstances created by the Global Pandemic which has affected every aspect of life in the UK and the World today, including no doubt the normal running of the Council and your own planning Department?!

I apologise if this wasn't addressed as you requested. Whilst I of course recognise the exceptional circumstances within which we find ourselves with covid 19, I am also conscious that we have experienced strong levels of public engagement, and have had positive experiences of engaging in different ways compared to previous versions of the Plan. We have also gone over and above what is required by our Statement of Community Involvement, which is a legal requirement of how we engage on the Plan. It's important to highlight also that the Local Plan was actually published at the end of September in advance of the cabinet meeting on the 1st October and remained informally published between then and the formal launch on the 30th October. This was alongside much of the evidence base that had been available since earlier consultations in 2015, 2016 and 2019. Whilst I would acknowledge the pandemic has of course had some effect on the way our planning team functions and in general on everyday life, I believe it has also opened up other opportunities to engage in things like the Local Plan differently. This is where the use of social media, online webinars and concentrated efforts around availability of duty officers etc. to respond to questions have been valuable resources.

- B) Normal guidance is for a minimum of 6 weeks to 12 weeks consultation as per <https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/resident-communications-4>. Who decided for the 6 week timeframe and why were the exceptional circumstances of the Global Pandemic not taken into account or the subsequent 4 week National Lockdown announced on the 31st October 2020, which I presume the Council knew about in advance...prior to the issue of the email dated 30th October 2020 that I received at 15:18 from Gary Palmer? (copy attached)

Whilst not wanting to devalue the information on the website you have linked to, this link relates to best practice advice from the LGA, it is not statutory planning guidance. The timeframe associated with this stage of the Plan is identified in the Town and Country Planning Regulations (2012) and should be no less than 6 weeks. As previously highlighted though, the Plan has been subject to consultation over the last 5 years, which has helped inform and structure the Plan that is now published.

- C) Your reply states “... **that this stage is not a formal consultation process...**” which appears to contradict Gary Palmer's email of the 30th October which states “**This is a statutory consultation (Regulation 19) that is being undertaken, in order for representations to be made on the Plan before it is submitted for examination by a Planning Inspector.**” Which one is it?

I apologise for any confusion here. In general, whilst this stage of the process is a “consultation” in the sense we have published material to invite comments (in the form of representations), it is not a ‘typical’ consultation in the sense that

the Council do not expect to respond to the comments made in advance of preparing and publishing an updated Plan. This version of the Plan is the one we believe is sound and legally compliant and the one we expect to submit for public examination. As a result all representations will be sent to the Planning Inspector to review and publicly examine. This is a statutory stage of the plan making process in accordance with Reg 19 of the Planning Act and the Town and Country Planning Regulations (2012).

D) Do you not think it would be prudent to delay the submission given the Global Pandemic and be more responsible, fair and reasonable to all stakeholders by allowing more time, as a Senior Person holding Public Office and given your own admission of the importance of this document ?

I believe I have already answered this question.

2. Again you do not mention the unprecedented nature of the greatest crisis since WW2, the Global Pandemic, and its impact upon the ability for due process and consultation, and can you honestly say that my and other residents rights are not affected?

I believe I have already answered this question.

3. Sorry I disagree entirely. How can a webinar of 39 minutes covering the whole of the local plan be anywhere near as 'effective and proper' as the meetings I have attended at KDBH Forum lasting several hours in total? Also attended by Councillors Ian Courts, Ken Meeson and Gary Palmer himself, who I spoke to personally with a query?!

I respect your right to disagree with this, but what I was seeking to explain is that when we hold public events we typically provide a short presentation followed by opportunity for discussion and questions. The Webinar provided the presentation and questions. We have provided other opportunities for open discussion, arguably in a format that is more flexible and personal than if it were held in a public hall.

4. I only ever received the one email on the 30th October, can you please send me copies of the other ones you claim were sent?

It is my understanding that we have sent out a number of reminders to members of the councils databases. I do not have copies of the additional emails as they went through our communications process. I have raised a request to check, but in the interest of getting you a response, I didn't want to delay this email whilst checking this point.

5. Noted but why have we a viability study on the Hampton Rd site in Knowle but not the larger more controversial site known as Arden triangle?

As previously discussed the viability study focused primarily on standard typologies across different parts of the Borough. Each typology was linked to proposed site allocations to provide a context and a baseline but the focus was more on the standardised nature of typologies in order to reflect the profile of the sort of sites we expect to come forward. Not all of the draft allocations were captured in this way within the viability appraisal.

6. 7 & 8. A) I see for the first time you mention the Global Pandemic or should I say **COVID-19** (in your words) as a reason for why the traffic surveys have not been updated and were in fact cancelled, and I have to say it is a very valid reason, exactly the same very valid reason for the consultation period to be extended at the very least to the 12 weeks as per the local government guidelines, certainly at least another four weeks to replace the four weeks of national lockdown?
B) Please provide details of the sense checking that you say was carried out including all reports produced?
C) Why was the public not informed that the traffic surveys planned in March were cancelled due to Covid-19? In my opinion this is critical data that needed updating to validate the comments and recommendations in the

Knowle Transport Study dated October 2020 that you have put forward as evidence to support the local plan especially given the new developments that have taken place since 2013 etc?

D) In your reply you say **“I should stress though that for the purpose of the Local Plan we must demonstrate that the proposed development could be developed and any impacts it generates could be mitigated in a reasonable way”** how can you possibly say this **given your admission of the traffic surveys being cancelled, someone obviously thought they were necessary otherwise why book them for March 2020?**

E) In Knowle Transport Study dated October 2020 Page 7 figure 2.1 Survey locations numbers 7,10,12,14,21,23,24,25, 26 were carried out in 2013, 2014 and 2015 they were all except 2 identified as ‘At Risk Junctions’. Page 38 Figure 3.4 with all marked for Public Consultation given this information surely you cannot say the **“.....impacts it generates could be mitigated in a reasonable way”** without the updated traffic data?

F) Finally on the Knowle Transport Study, I note there was a revision ...can you supply details of the nature of the revision/s please?

I do understand your concerns here. All information relating to the highways evidence is included on the website <https://www.solihull.gov.uk/lpr/evidence> . In terms of public notification regarding the traffic surveys, it’s not uncommon for the highways authority to not inform the public of such changes. It’s also not uncommon for highways evidence and modelling to draw on a range of data collected over a period of time to help capture an understanding of highway pressures and potential for mitigation. It remains my view that the evidence base provides a proportionate assessment of highway pressures and mitigation options and is therefore adequate and justified in supporting the basis of the draft allocations in the Plan. It’s also important to highlight that should such sites move forward to planning applications they will be supported by detailed transport assessments, which themselves will be subject to consultation as part of a planning application process.

9. I still believe it is grossly unfair of the Council to only be giving myself and fellow residents just 6 weeks to consider this plan when 4 weeks was a National Lockdown what difference does another 3 months really make in the middle of the worst crisis since WW2 I urge you to reconsider your and the Councils position on this and the possible repercussions and cost to the Council on any possible legal challenges in the future you have a duty to the Tax payers of Solihull in my opinion?
Guidance in the link above in point 1 B) actually states you should take into account events, I do not believe you can ignore the Global Pandemic and it would be irresponsible of the Council to do so in my opinion?!

I appreciate your views on this and as previously advised I would encourage you to explain your thoughts and views on this matter through your representation.

10. I was not aware of the ownership of the school land and never did Gary Palmer or any Councillors present at the KDBH Forum Public meetings declare the Councils ownership and/or possible Conflict of Interest that I recall , in fact it was only brought to my attention since 30th October via the KDBH website where they pointed it out. Please can you let me know when this site was first put forward as a site for selection and by whom and who is dealing with this site on behalf of the Council as the Applicant.

It is my understanding that the land which forms part of draft allocation KN2 has been considered through the Local Plan making process since the early stages of its development. For example, it was included as a draft allocation in the 2016 version of the draft plan, which was published for consultation in December 2016.

If you do want to discuss the site with the council as land owner I would advise it best making contact via the following details: [REDACTED]

11. Sorry I regard this ‘threat’ with a degree of scepticism at the risk of repeating myself we are in the middle of a Global Pandemic no one would be critical of a delay but they could be of this very short consultation period and lack of due process and updated facts/data and ‘you’ trying to get this through while everyone is distracted in the shortest time possible in my opinion ?!

12. In relation to point 11 above Conservative Stratford upon Avon is launching a legal challenge against the Government so it does and can happen ?!

With regards points 11 and 12, I believe I have previously responded on this matter and do not believe it is suitable for me to respond any further at this stage.

13. I do not have enough time to consider the plan therefore I repeat my wholly reasonable request for an extension due to the Global Pandemic of a minimum of 8 weeks?

I note your concerns, but for the reasons outlined before and within this email the deadline for submitting representations will remain unchanged. I would therefore advise that your best course of action is to submit a representation to the Plan now, even if this just lightly touches on your concerns you will have the opportunity through the public examination to expand on these points further as part of public hearings.

14. This development is gross over development and misuse of Green belt land and is contrary to Government policy in particular Climate Change plus National Planning Framework and health/safety issues regarding highways in my opinion .

I welcome your views on this. I would advise that if this is your view then please raise this through a representation to the Plan.

15. New query: https://www.thetimes.co.uk/edition/news/doubts-over-botched-population-data-used-to-justify-housebuilding-fln35w9c?utm_medium=Social this article refers to incorrect ONS data please confirm what data has been used by Solihull Council to justify the Local Plan and what does this mean for Balsall Common and the Local Plan?

I am aware of the challenges to ONS data, especially in some localised cases such as Coventry. I am also conscious that the most recent ONS population projections are a statutory requirement to be used to inform plan making. As such, I can confirm that the 2018 based projections have formed the basis for our assessment of population growth and housing needs. This links to the government standard methodology for assessing housing needs. I would also reassure you though that the data has been critiqued through our HEDNA document (Housing and Economic Development Needs Assessment) to ensure it is suitably robust for Solihull.

I look forward to your early response.

Many thanks

Andy

PS Certain responses are in my considered opinion.

Andy Moore

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From:

Subject: RE: Solihull Local Plan-Arden Site Knowle, the Councils conflict of interest, plus lack of various up to date studies/reports, VERY short Consultation period in the midst of a Global Pandemic in an attempt to push the Plan through quickly in my opinion?!

Dear Mr Moore,

Further to the holding response provided by Ms Caulkin, I am in receipt of your recent questions relating to our draft Local Plan and period of representations.

In the light of the number of technical and legal aspects covered, Cllr Courts has asked me to write and answer the questions you have raised.

Therefore, please find attached my considered response.

Kind regards

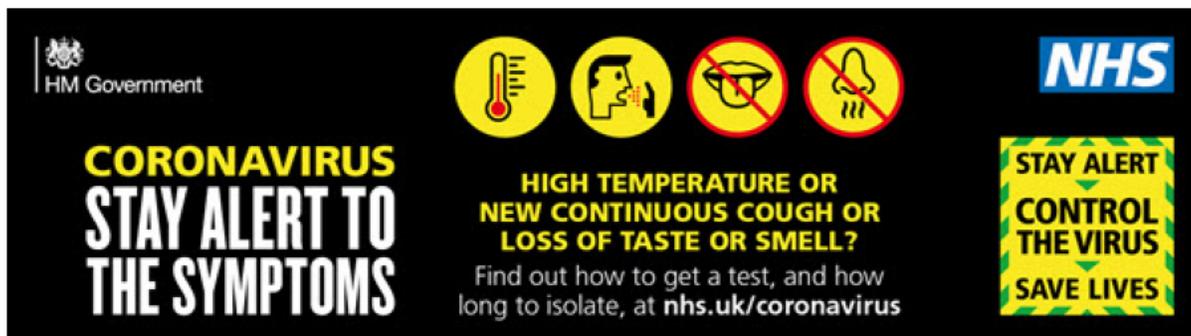
Mark

Mark Andrews MRTPI

Head of Planning, Design and Engagement Services

Economy & Infrastructure Directorate

Solihull Metropolitan Borough Council | Council House | Manor Square | Solihull | B91 3QB



From: [REDACTED]

Date: 25 November 2020 at 18:14:53 GMT

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Solihull Local Plan-Arden Site Knowle, the Councils conflict of interest, plus lack of various up to date studies/reports, VERY short Consultation period in the midst of a Global Pandemic in an attempt to push the Plan through quickly in my opinion?!

Dear Elected Representatives

I write to you all with my **grave concerns about the overdevelopment of the Arden Triangle site the loss of precious Green Belt and the irresponsibility of no planned new transport improvements (relief roads) for a development of this scale or a viability study (possibly illegal)** which will result in the gridlock of the historic Knowle High Street and other roads **the Councils haste to push through this plan in record time during a National Crisis** , plus see below my requests, comments and questions:

1. Given the **Global Pandemic and the current Lockdown from 5th November to 2nd December (using up 4 weeks of the consultation period)** and the **inability to hold any private, public meetings or adequate consultation I formally request that my Elected representatives ask the Council to extend the period of Consultation for this VERY important process and decision to at least the New Year maybe longer?!**
2. I as your Constituent and a resident of Middlefield Spring **believe my constitutional and human rights are being affected and I am unable to exercise my rights or be heard fairly and properly** in public or private meetings because of the current Lockdown and I am sure other residents **when I am able to canvass them will feel the same ?**
3. The **Council webinars are simply not sufficient and cover the whole local plan**, the last one was only **39 minutes which is not long enough and a large part (over half) was with Council Officers speaking** when we in Knowle wish to have our own Public meeting with the KDBH Residents forum which I am a member.
4. I am on the database and why have I not been emailed like the one I received on the 30th Oct informing me of when the webinars are being held?
5. **Why do we not have a viability study for this enormous development proposal given the vast impact on Knowle High Street and Knowle as a community plus the public interest?!**
6. **I turn specifically to the Knowle Transport Study dated October 2020 and the survey locations on page 7 how on Earth can we rely on ATC and JTC surveys some as old as 2013 soon to be 8 years old?!**

7. **Why have the traffic surveys not been updated?**
8. **How can the report conclude that no mitigation is required at the junction of Grove Road and Warwick Road using data some as old as 2013 it is absolutely irresponsible and false in my opinion that is what I have discovered so far in a report of 132 pages long, I will investigate further ?!**
9. **Given the sheer volume of data we are required to review in just 6 weeks it is simply not long enough in normal times let alone in the middle of the greatest crisis the Nation has faced since WW2 it is grossly unfair of the Council given peoples current predicament?!**
10. **What exactly is the nature of the Councils conflict of interest and what steps have been take by Officers and other interested parties to ensure impartiality and fairness of choosing this site known as the Arden triangle, please provide all meeting minutes public and private and all other relevant documents for transparency to save time and me making a Freedom of Information request ?**
11. **Please explain this line of "duty to co-operate" and the specific legislation it is from, the Councils duty is to the residents/tax payers of Solihull in turn the Council is Governed by the Elected Representatives who have a duty to represent their Constituents first without fear or favour?**
12. **The leaders of the devolved Governments have currently gone against the Government and I am sure it will not be the first time a Council has legally challenged the Government?!**
13. **These are not times for yes people especially with an inexperienced Government and the fiascos of the Pandemic and Brexit without a plan in my opinion!**
14. **I have attended previous Public meetings and made representations to the Council but I am sorry I feel very aggrieved that my valid suggestions have been ignored in particular the scale of the Arden Triangle development and the transport issue and the gridlock on Knowle High Street and other roads that will follow a development of this scale the valuable loss of Green Belt and the contribution of this over development to emissions and the detrimental effect and contradiction to current climate policy. I did suggest alternatives to large scale development.**

I hope for an early positive response to my first request from my elected representatives for application for an extension of time from the Council given this unique and unprecedented situation the Nation and the World finds itself in, which is in the best interests of your Constituents in my opinion ?!

Many thanks

Your Constituent

[REDACTED]

[REDACTED]

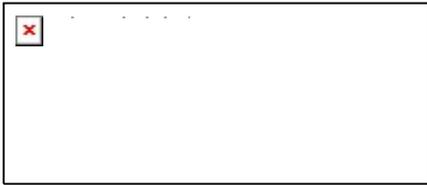
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Andy Moore



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