

Mr Andrew Moore
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Ref no:

Date: 3rd December 2020

Dear Mr Moore,

Re:

Further to your recent email correspondence to local councillors and our MP Mr Bhatti, please accept this letter in response to the questions you have raised. I have provided a copy of my response to all those who were in receipt of your initial correspondence.

- 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?!**

I appreciate the concerns you have raised with regards the timetable for engaging with this stage of the Local Plan. The Council have been clear from the outset however that this stage is not a formal consultation process, but one where all residents, business and other stakeholders can submit representations to the proposed Plan. These representations are then submitted to the Planning Inspectorate to be considered as part of a public examination. This reflects the fact that the Plan, including proposed site allocations, have been subject to previous periods of consultation, including in 2015, 2016 and 2019. The draft Plan currently published has built on over 3,000 responses received to those periods of consultation and used that feedback to develop the policies, site allocations and evidence base.

I do not disagree with the importance of this document but at this stage of the process we must work within the remits of national planning legislation. Whilst I also acknowledge your

point about adequate consultation I would stress that officers have gone to significant lengths to engage with local residents and communities during the publication period. We have utilised a comprehensive communications plan and completed online webinars and support videos, maximised the use of our contact database and social media presence, introduced a duty officer telephone inquiry system and a dedicated website.

At this time I am afraid we are not in a position to extend the representations period and I would encourage that any comments you wish to make on the plan you do so before the closing date of the 14th December.

- 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 ?**

I apologise if you feel this is the case. I wish to reassure you though that the Council is following national legislative requirements in relation to the planning system. This will be a key test when the draft Local Plan is publicly examined. As I have indicated above we have sought to introduce different ways of engaging in the Local Plan process to help ensure as many people as possible are able to ask questions or seek clarification on key aspects of the Plan. Any specific questions you'd wish to discuss can be raised through our duty officer or via the dedicated email address:

| [REDACTED]
| [REDACTED]

- 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.**

The webinars have been structured to reflect a public meeting, in so far as officers have provided a presentation on the plan and then responded to a number of questions. These questions have either been raised by stakeholders in advance or during the sessions. I am aware that officers have offered specific meetings to all parish councils and neighbourhood forums, with many taking up this opportunity to discuss key local issues. It is also my understanding that KDBH Neighbourhood Group have continued to raise localised issues and points of clarification directly with officers to help inform their representations. The Neighbourhood Group have also published their own FAQ's on their website to support residents in responding to the Plan.

- 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?**

The email you will have received on the 30th October was intended to inform you that the Local Plan had formally been launched and that the period of representations had started. It outlined the steps we were taking to engage with all stakeholders and how you could

respond to the Plan. If you did have further technical points you wished to discuss with officers you can do this via telephone or email as indicated above.

Notwithstanding, please accept my reassurances that we have and will be sending further email updates as a reminder about the publication of the Plan; the opportunity to respond; and the resources available on the web site to help when making representations.

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?!

The Local Plan is supported by an extensive [viability assessment](#) that was completed in October and is available on our website - <https://www.solihull.gov.uk/lpr/evidence> as part of our wider evidence base. Given the nature of the Plan it is not necessary to test site specific details, but instead insure the content of the Plan as a whole would be deliverable and achievable. This includes assumptions around infrastructure delivery and policy compliant affordable housing requirements. As such, the Viability Assessment is based on standard site typologies as opposed to exact site details. Should the proposed site allocation be confirmed and come forward through the planning process then we would expect it to be subject to further viability assessment work by developers and tested by the Council if necessary.

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?

Taking questions 6, 7 and 8 together, I think it is important to stress that all of our evidence base has been compiled over a number of years and has built up and supported the Plan as it has evolved. The key to a successful evidence base is its proportionality and reasonableness. On this basis we have undertaken a detailed assessment of highways impacts around different parts of the Borough as well as the Borough as a whole. This has drawn on a range of evidence and modelling inputs and outputs over a period of time to help us obtain a reasonable and justified view of possible highway impacts.

The data used in developing the transport evidence base has been drawn from a number of sources, over a number of years. Although some of it was collected some time ago, it has been sense-checked (relative to data more recently collected at nearby locations) to ensure that it continues to provide a valid and representative reflection of 'normal' highway conditions. We had arranged to collect further traffic data in March of this year (to further inform the sense-checking exercise) but unfortunately, the data collection exercise had to be abandoned before it could start due to the onset of Covid-19 and the related national lockdown. To have continued would have rendered the data collected unusable due to the significant change we saw in traffic patterns. We are however, continuing to collect data at

a number of locations across the borough so that we can better understand when road conditions return to relative 'normality'.

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. The site will still be subject to a planning application and that application will need to be supported by a robust transport assessment which will drill even further into impacts on junctions and the highway network. As such the policies highlight the importance of supporting highway improvements as required. This gives maximum flexibility at the planning application stage. We can capture more details within our Infrastructure Delivery Plan but this is a live document and will be kept up to date as necessary and in order to respond to changes in circumstances. As such any lists of junction improvements should not be considered exhaustive at this stage.

- 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?!**

Please refer back to my response to Question 1.

- 10. What exactly is the nature of the Councils conflict of interest and what steps have been taken 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?**

As you will be aware the allocated site does include school land, so you will appreciate that the Council does have some interests from a land owner perspective. The majority of the site however comprises land owned by 3rd parties who have promoted its development to the council as Local Planning Authority. As part of assessing the site in Planning terms I can confirm that no consideration is given to the ownership of land, it is based purely on planning merits.

The Council as land owner have held discussions with the other parties around site valuation and infrastructure delivery. Whilst these discussions need to respond to planning requirements, such as affordable housing and infrastructure need, they are very separate to the planning considerations that take place as part of the plans development.

The Local Planning authority engages with the council as land owner in the same way it would any other land owner. This is the same for all sites proposed for allocation within the Plan.

I would therefore seek to reassure you that there is no conflict of interest and no favouritism or bias towards any particular land owner or site promoter.

- 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?**

The Duty to Cooperate (DtC) was first established through the 2011 Localism Act and the 2012 National Planning Policy Framework (NPPF) as a replacement for regional planning. It means that local planning authorities have a legal responsibility to work with other local planning authorities and organisations to seek to address strategic planning matters that are driven by issues that affect more than just the one local authority area, especially around housing needs, jobs growth and cross boundary infrastructure. The DtC is the mechanism for ensuring the right issues are addressed, in the right way, and with the right partners to maximise the effectiveness of policy and plan-making.

The Localism Act also introduced additional context within Section 33A of the Planning and Compulsory Purchase Act (2004) which sets out that to maximise effective working on strategic matters throughout the preparation of Local Plans, authorities have a duty "...to engage constructively, actively and on an ongoing basis".

In order for the local plan to pass its public examination and be adopted, the Council have to demonstrate how they have satisfied the requirements of the DTC.

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?!

I am afraid I cannot really comment on this point.

All I can say in response is that a Council's Local Plan must be in general conformity with national guidance and must be prepared in accordance with national planning law. Failure to do so will mean the Plan is unsound and will need to be amended or withdrawn.

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!

I cannot comment on this point I'm afraid, you are of course welcome to your opinion. Our aim at SMBC is to progress a Local Plan we believe is sound and legally compliant. If you do not believe this has been achieved then I would invite you to submit representations before the 14th December deadline explaining why you believe this to be the case.

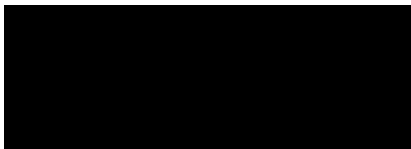
14. I have attended previous Public meetings and made representations to the Council but I am sorry I feel very aggrieved that my valid suggestions have been ignored in particular the scale of the Arden Triangle development and the transport issue and the gridlock on Knowle High Street and other roads 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.

As part of developing the Plan a range of alternative options have been considered and tested. This includes different levels of growth and different site options. The Plan we have published for representations is the Plan we believe is sound, in so far as it reflects our evidence base, builds on the consultation responses we have received in the past and plans positively for the future of the Borough. The expected capacity at the 'Arden

Triangle' site has reduced from the Draft Plan (when 750 homes were identified) to the 600 now included. This has been informed by work on the concept masterplans which were not available in 2016. We also believe the Plan to be legally compliant, especially given the work we have undertaken with neighbouring authorities and key parties in relation to the Duty to Cooperate. I apologise if you feel your suggestions have been ignored, but I wish to reassure you that all comments received throughout the process have been fully considered as part of the Plans evolution. As I am sure you will appreciate some have been taken forward and others we have not been able to use for a variety of reasons.

I hope my responses help provide some additional clarity and understanding around the draft Plan. Should you have any further questions or require further support in making a representation to the Plan, please do not hesitate to contact me or a member of our Planning Policy team using the details above.

Yours sincerely



Mark Andrews

Head of Planning, Design and Engagement Services
Economy and Infrastructure Directorate

