

To Inspectors Kevin Ward and K Ford
c/o Programme Officer



**ECONOMY & INFRASTRUCTURE
DIRECTORATE**

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By email only.

Please ask for: Gary Palmer

Date: 7th October 2022

Dear sir/madam

SOLIHULL LOCAL PLAN EXAMINATION

1. Thank you for your letter dated 5th September 2022 and for the Inspectors continued constructive approach to the examination of our Local Plan Review. Please accept this letter as our initial response, which will focus on:
 - a) our concerns regarding the initial conclusions at the NEC in terms of prioritisation of brownfield land and changes to site capacity which if met through alternative options is likely to require further green belt land release¹;
 - b) the likely delay and subsequent implications of having to identify additional sites – both in relation to meeting housing needs across the Borough but also the unmet needs of the HMA. The current recommendations appear to be counterproductive in this regard; and
 - c) the draft KN2 allocation with a specific focus on the importance of the school redevelopment, the necessity for an adjacent site in that regard to allow the school to still function and its benefits to the local community.
2. Consistent with the Inspectors' approach the Council has always approached this examination in a constructive manner and it is pleasing to note that this has been acknowledged.
3. The Council has always accepted that it is likely that main modifications would be required to overcome any issues of soundness identified by the Inspectors. In that context the Council believes the Plan is an appropriate strategy to support overall growth objectives (consistent with the NPPF). The Plan is a pragmatic way to deal with the significant issues requiring to be addressed and needs to be adopted as soon as possible. It remains the case that the Council wishes to pursue the adoption of an appropriate plan as soon as possible.

¹ In the context of the Local Plan Review already releasing over 574ha of land from the Green Belt (paragraph 421 of the Draft Submission Plan Oct 2021).

4. In that respect, the Council welcomes the endorsement of the housing requirement (816 d/pa) and the contribution of 2,000 homes to meet the unmet needs of the wider HMA (paragraph 4).

The NEC Site

5. In relation to the NEC site, it is pleasing to note the comments in paragraph 17 of your letter that redevelopment at the NEC site for housing is appropriate in principle and a justified element of the plan, such that the proposal should remain and be strengthened by the addition of a specific policy along the lines of the suggested policy UK3.
6. However, the Council is surprised at the conclusions in paragraph 19 of your letter which suggests that the plan period capacity at the NEC should be reduced by approximately 1,700 dwellings from 2,240 to just 500.
7. In that context it is not a matter of principle about the merits of the allocation, but rather, it is the scale and rate of development envisaged that appears to be the issue. In particular, para 11 makes specific reference to concerns regarding densities. This is something we feel could be addressed through main modifications to relevant policies and additional evidence we understand the NEC are already preparing to support their planning application².
8. Whilst we note that para 19 of the letter states the reduced figure would be “broadly in line with the trajectory for site UK1”, the NEC site is clearly unique compared to the other allocations proposed in the plan, both in terms of scale and its brownfield nature. As such, we do not believe its projected delivery can be reasonably compared with any other site within the Plan. Indeed, for that reason we commissioned focussed research which we believe justifies the level of supply identified. We accept that you feel this may be too high and as a result have recommended a reduction. In our view however this reduction is excessive, and we are unable to see evidence for this proposed figure.
9. We are also unable to understand why and how a highly sustainable brownfield site – identified as developable, not deliverable – has been discounted to such an extreme extent, in favour of releasing further land from the Green Belt, which is likely to be the only available alternative source of supply. Such an outcome is contrary to the NPPF and we would welcome a further explanation of how such an extreme conclusion can be justified.
10. To summarise, the Council is keen to understand how a figure “in the order of 500 dwellings” has been derived., bearing in mind the unique nature of the site. The Council requires a clear rationale and evidence base, in order to inform its next steps and to be able to communicate any implications effectively and transparently with local communities. This is consistent with the legal requirements for reasons to be adequate and justified³.

² Being mindful that the thrust of the NPPF is to seek to maximise the potential for highly sustainable, suitable brownfield land within settlements (Para 120(c)) and optimise the potential to seek a significant uplift in densities in locations well served by public transport (Para 125(e)).

³ This is especially important if communities are to be asked to accommodate further Green Belt land releases when they see the substantial opportunity that exists to maximise the potential to use non-Green Belt, previously developed land at the NEC.

Delays to Plan Adoption and Implications for Meeting Housing Needs

11. Of particular relevance here are Paragraphs 18-20 of the letter. Whilst we appreciate the Inspectors points, the context within which they are presented feels counterproductive and we would welcome further clarification regarding the implications. The Inspectors are correct in that the Council have remained committed to the principles of meeting its housing requirement and making the meaningful contribution to the unmet needs of Birmingham through to 2031. This has been demonstrated through our revised trajectory which we note the Inspectors have supported. The Inspectors then go on to say that “If this Local Plan did not make an appropriate contribution, there could be significant implications for agreements and co-operation between authorities and the progress of other local plans in the Housing Market Area”. To put this in context, we are currently working towards an adoption date by March 31st 2023, allowing approximately 8 years in which the Council have indicated it would expect to see the delivery of the 2,000 contribution to unmet needs from Birmingham. This is supported by a specific trajectory and substantial land release from the Green Belt. Should the Council seek to modify its Plan to identify additional sites to accommodate the 1,700 dwellings removed from the NEC capacity then this will require a significant period of work.
12. As we are sure the Inspectors will appreciate, this may require a call for sites, evidence development and review, further SA/SEA, transport evidence, consultation and additional EIP sessions. Based on our experience this would likely take a period of 18-24 months just to return to the stage we find ourselves now meaning adoption will be delayed at least 2 years. This would have to be considered in the context of a further extension to the Plan Period of at least 2 years adding approximately a further 1,650 dwellings to be identified – again compounding the process points listed above. During that time none of the other site allocations will be able to come forward due to the fact they remain in the Green Belt, the Councils 5-year land supply will deteriorate, we risk planning by appeal on inappropriate sites and the unmet needs of Birmingham are not positively planned for or met. Should we then achieve adoption by March 2025 for example we would only have 6 years within which to deliver the 2,000 home commitment plus any under delivery of our own needs realised prior to adoption.
13. At Para 20, the Inspectors go on to say, “a review would be likely to take considerable time to come to fruition and go through necessary stages of preparation, submission and examination”. This is not a principle the Council disagrees with, but for the reason outlined above and as clearly communicated throughout the EIP on a number of occasions, so would the necessary work being encouraged by the Inspectors within their letter.
14. Para 20 then states that “The Council would need a clear trigger point for a review and to initiate the preparation of a new local plan. The key concern for us is delivery and given that construction starting on site is anticipated to start in September 2025 and first completions expected in October 2027 (see document SMBC016), these would seem to be the most obvious trigger points for a review”. Again, the Council do not disagree with this sentiment. A review trigger clearly associated with the delivery milestones of the NEC, amongst together appropriate milestones would seem wholly reasonable whilst also allowing the rest of the site allocations to be removed from the Green Belt and brought forward sooner as part of an adopted Local Plan.
15. Para 20 ends by saying “Leaving a decision to undertake the preparation of a new local plan to such a time would mean that it is unlikely to be adopted much before 2030/31 and the contribution that could be made to Birmingham’s unmet needs by

that date would be limited”. For the reasons outlined above the Council firmly believe that a delay now to identify, evidence and examine additional sites to replace the developable capacity at the NEC would pose a far greater risk to the Councils ability to meet its commitments to unmet needs now, arising from Birmingham by 2031 as well as planning positively for its own needs.

16. In concluding this point, the council feels the approach recommended by the Inspectors in relation to the NEC and the decision not to embrace an appropriately worded review trigger is counterproductive to the Councils, and the HMA’s abilities to meet housing needs now. As such, we would welcome further clarification and discussion regarding this position and would welcome the opportunity to present a suitable worded review trigger to the Inspectors as part of proposed modifications to the Plan.
17. Whilst the Council remains committed to getting an appropriate plan in place as soon as possible, it also notes the current uncertainties around the planning system, and what reforms lay ahead, are causing a growing number of Local Authorities to pause plan making, most notably on matters associated with Green Belt policy and land release (often by those LPAs making less Green Belt release than Solihull’s plan) to avoid making potential unnecessary decisions to release Green Belt now. Whilst this doesn’t help to boost supply now and has the potential to leave a dangerous planning vacuum, it is clear that some favour this option rather than planning positivity now, as this Council is seeking to do. But in the context of the already substantial Green Belt release, there will be some argument that ‘enough is enough’ and with comments from the Prime Minister and others Ministers about moving “away from the culture of top down housing targets which have done so much to poison the relationship between individual communities and government on the question of how we build the houses that we need” it is understandable that these reactions will arise.

Arden Academy and site KN2

18. With regard to the allocation at KN2, we note at paragraph 25 of your letter that you believe that it would seem possible, in principle, to redevelop the Arden Academy within its own grounds. We presume this has had a bearing on your conclusion that the allocation does not require the relocation of the school. The Council is keen to understand the evidence or basis to support this position, as it is not what the Council believe is the case. This is something we have argued through the examination hearings in relation to DFE requirements for new schools; and the educational and welfare needs for the c1,800 pupils that need to be protected during construction. This would clearly present difficulties if attempting to redevelop within the existing curtilage.

Conclusions

19. For the reasons outlined in this letter the Council believe that there is a lack of clarity and justification for some of the recommendations made within the initial Inspectors letter. Through this response we are seeking further clarification and evidence to help demonstrate how key conclusions have been reached and how they have been aligned with the implications they will inevitably cause. As currently presented the Council feels the recommendations in relation to the NEC and the urgent need to deliver homes now are at odds and fail to give, what is an appropriate strategy, a chance to succeed. Instead, the Council is being led towards the sacrificing of more Green Belt land now, contrary to the thrust of the policy envisaged by the NPPF, and still have the NEC make a significant contribution to land supply in the plan period.

20. Whilst the Council recognises that the Inspectors are not expecting further submissions⁴ on the merits of the conclusions, the Council believes there are such important and far-reaching consequences that we are making a request to better understand the reasoning behind those recommendations and wish to reserve our right to make further representations and submit further information to the examination should it be deemed appropriate and reasonable to do so. In that context we have already highlighted a number of areas where this could be prudent and look forward to receiving the Inspectors response to this letter in due course.

Yours sincerely

A handwritten signature in black ink that reads "G. Palmer". The signature is written in a cursive style with a large, stylized 'G' and 'P'.

Gary Palmer
Group Manager – Policy & Engagement
Growth & Development

⁴ Whilst the Inspectors letter dated 11th February invited representations on a number of matters, the Inspectors did not raise the question regarding density at the NEC. The Council did not therefore have an opportunity to provide material covering this matter.