

CHAPTER 12: IMPLEMENTATION AND MONITORING

POLICY IM1: DEVELOPER OBLIGATIONS

Objections to First Deposit

1175/635 – Sport England; 1305/252 – Berkswell Society; 1352/781 – Cala Properties; 1359/742 – Taylor Woodrow Devts Ltd; 1360/1127 – BT Group plc; 1362/771 – Cala Homes (Midlands) Ltd; 1365/862 – Chase Midlands plc; 1369/1016 David Wilson Estates & Taylor Woodrow Devts Ltd; 1386/820 – Marcity Devts; 1398/807 – Persimmon Homes (South Midlands) Ltd; 1413/101 – Solihull Youth Council; 1427/839 – Wimpey Homes West Midlands Ltd.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Should Policy IM1 refer to Circular 1/97 and the need for obligations to be reasonably related in scale and kind to proposed development;*
- *Does the Policy imply that all types of obligation will be sought in all cases;*
- *Should the Policy “seek” or “require” obligations from developers;*
- *Should the Policy refer to sports and recreation facilities under financial contributions and be more explicit about types of contribution sought;*
- *Should the Policy be more specific about the need to accommodate increased traffic and make provision for education facilities and additional school places.*

Inspector’s reasoning and conclusions

- 12.1 Policy IM1 sets out the circumstances when the Council will seek S106 Agreements when considering development proposals, in accordance with national guidance in Circular 1/97. The approach outlined generally reflects the guidance in this Circular, which is specifically mentioned in the opening sentence of the explanatory text, including the specific tests (¶ 12.1.1). In my view, this satisfactorily reflects national guidance in Circular 1/97.
- 12.2 The inclusion of the words *where appropriate* ensures that not all elements of the policy will be sought at all times and that the policy will not be applicable in all circumstances. Circular 1/97 makes it clear that developers cannot be *required* to enter into S106 Agreements. The approach in *seeking* to enter into such agreements accords with national guidance in Circular 1/97 (¶ 5-8).
- 12.3 PPG17 (¶ 33) confirms that planning obligations can be used to remedy local deficiencies in open space, sports and recreation provision. Para 12.1.2 includes examples where contributions from developers might be used to provide facilities, including open space, recreational and sporting facilities. Para 12.1.3 includes community facilities and public open space under the list of examples for which financial contributions may be used. Although public open space and community facilities could include sports and recreation facilities, it would be helpful if this was confirmed in para 12.1.3(c), to reflect national policy for sport, which would meet Sport England’s objection.
- 12.4 The purpose of Policy IM1 is to ensure that the necessary arrangements are made to provide infrastructure and facilities directly related to new development. This would include any highway improvements and additional education and community facilities resulting from and related to any new development, as confirmed in para 12.1.2.
- 12.5 *Since the inquiry closed, the government has issued revised consultation documents on planning obligations, including a revised draft circular (November 2004). Many of the established tests for planning obligations set out in Circular 1/97 remain, but there are some important changes in national*

policy. Consequently, it will be necessary to review Policy IM1 in the light of the final revised national guidance if it emerges before the UDP is modified and adopted.

Recommendation

12.6 I RECOMMEND that the Plan is **modified** by:

(i) *amending paragraph 12.1.3(c) by adding the words “sports and recreational facilities” after public open space;*

(ii) *reviewing Policy IM1 in the light of the final revised national guidance on planning obligations.*

POLICY IM2: SUPPLEMENTARY PLANNING GUIDANCE

Objections to First Deposit 1106/1084 – Solihull Residents Association; 1275/151 – CPRE; 1380/57 – House Builders Federation.

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Does the Policy seek to divert decision making to SPG, contrary to national guidance in PPG12;*
- *Does the Policy make it clear what SPG is currently available;*
- *Should the Policy protect sensitive “gateways” into the Borough and town centre.*

Inspector’s reasoning and conclusions

12.7 PPG12 (¶ 3.15-3.18) sets out the nature, status and preparation of SPG and its relationship to the development plan. It confirms that SPG has a valuable role in supplementing plan policies, but emphasises that it should not be used to avoid public scrutiny and should not attempt to delegate criteria for decision making. Policy IM2 reflects this guidance, with further clarification given in the accompanying text. Neither the Policy nor the supporting text indicates that relevant criteria or decision making will be delegated to SPG.

12.8 PPG12 (¶ 3.15) confirms that SPG does not form part of the development plan. SPG is prepared outside the UDP process at varying times and to address specific matters. Although a list of current SPG might be useful, it would soon be out-of-date, and I do not recommend including such a list in this Review. However, I understand that a programme of SPD will be included in the new LDS for Solihull, which will ensure that the information is readily available and regularly updated.

12.9 I understand that GO-WM has advised that a policy protecting “gateways” could conflict with the key objective of PPG3 (¶ 2) of making more efficient use of land, in the context of Policy ENV3 (included at First Deposit stage but now deleted). Policy ENV6 of the Plan protects areas of architectural or historic interest, while Policy ENV2 promotes high quality urban design. Guidance on protecting and enhancing areas of local distinctiveness will also be prepared under Proposal ENV2/1. In my view, these policies would ensure that the issue of important “gateways” to the town and town centre could be addressed at the development control stage without needing any additional policies or further clarification.

Recommendation

12.10 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

POLICY IM3: MONITORING

Objections to First Deposit 1380/56 – House Builders Federation; 1423/1001 – West Midlands RSL Planning Consortium.

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Should the Policy monitor the assumptions that underpin the Plan and have regard to good practice guidance on monitoring;*
- *Does the Policy have a clear framework for measuring progress in reducing affordable housing needs, as required by PPG3.*

Inspector's reasoning and conclusions

12.11 Policy IM3 confirms that the Council will monitor land-use development and the effectiveness of the Plan's policies and proposals. Appendix 1 sets out the monitoring targets and indicators. The purpose of monitoring is to assess the effectiveness of the Plan's policies and proposals, rather than the assumptions that underlie the Plan. SMBC confirms that this will be undertaken having regard to good practice guidance on monitoring, and I have no reason to doubt this. No amendments are therefore needed to Policy IM3 or the accompanying text to address this issue.

12.12 SMBC explains that the Plan aims for a concise number of indicators and targets. A specific indicator and target relating to affordable housing is included in Appendix 1, which I deal with below. Para 12.3.1 confirms that the rate of house-building activity will be monitored and I consider that specific reference to affordable housing is best left to the accompanying Appendix 1.

Recommendation

12.13 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

POLICY OMISSIONS

Objections to First Deposit 1037/688 – Network Rail Infrastructure Ltd; 1492/1108 – Countryside Planning Services Ltd.

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Should the Plan include a list of Railtrack's requirements for developments near railway lines, including landscaping, boundary fencing, open spaces and environmental designations;*
- *Should the Plan include a policy to review the UDP as a result of monitoring.*

Inspector's reasoning and conclusions

12.14 The consultation arrangements for planning applications set out in national legislation [GDPO; SI 1995/419] would ensure that the successor body to Railtrack is consulted on relevant development proposals. These specific concerns are best addressed at the planning application stage, when detailed proposals are put forward. The level of detail suggested is not appropriate for a Plan of this nature, but all these matters would be considered as part of the normal development control process.

- 12.15 One of the main purposes of monitoring is to assess the effectiveness of the UDP's policies and its achievement of local and regional objectives, including housing provision. The results of such monitoring will be fed into the next review of this UDP, and also into subsequent reviews of RPG11. An early review of this UDP will, in any event, be required under the new development plan regime, as SMBC confirmed at the inquiry, and so it is unnecessary to include such a commitment in this Plan.

Recommendation

12.16 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

APPENDIX 1

Objections to First Deposit

1069/1056 – GO-WM; 1423/1002 – West Midlands RSL
Planning Consortium

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Should the annual average density target figure be higher than 30dw/ha;*
- *Should the indicators for affordable housing include: progress in improving quality of housing stock, reducing waiting lists and reducing number of vacant dwellings, house price data and net change in number of social housing.*

Inspector's reasoning and conclusions

- 12.17 In the Revised Deposit SUDPR, the housing density target has been amended to *Minimum 30 dwellings per hectare on 95% of developments (Rev A1)*. This would accord with national guidance in PPG3 and regional guidance in the latest RPG11, and address GO-WM's concern.
- 12.18 The monitoring indicator for affordable housing is the percentage of such housing on suitable sites (target: 40%). RPG11 [CD51G; p.42] indicates that the number and proportion of social/affordable/low cost housing should be monitored. It would therefore be appropriate to add the number of such units to the monitoring indicator. Most of the other indicators would be monitored through the Council's Housing Strategy. Their inclusion in the UDP would duplicate other work and result in a less concise number of indicators.

Recommendation

12.19 I RECOMMEND that the Plan is **modified** by *amending the monitoring indicator for affordable housing in Appendix 1 to "Number and percentage of affordable housing on suitable sites"*.

PROPOSALS MAP

Berkswell Marsh Meadow SINC

Objections to First Deposit 1403/1099-1100 – RMC Aggregates (Western) Ltd.

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Should this site be identified as a SINC.*

Inspector’s reasoning and conclusions

12.20 I understand that a review of SINC’s is taking place outside the UDP process. The current Proposals Map shows all SINC’s identified at the time of publication, but since then, further sites have been identified. Berkswell Marsh Meadow now meets the necessary criteria for a SINC and SMBC confirms that it will be shown on the Proposals Map at the modifications stage.

Recommendation

12.21 I RECOMMEND that the Plan is **modified** by amending the Proposals Map to show Berkswell Marsh Meadow as a Site of Importance for Nature Conservation.

12.22 The following objection concerns a housing “omission” site, and issues relating to the Proposals Map are dealt with in Chapter 3A – Housing Omission Sites:

Site	Objection
<i>Tythebarn Lane, Dickens Heath</i>	1430/1089 – Mr D F L Harrison

12.23 The following objection concerns an employment “omission” site, and issues relating to the Proposals Map are dealt with in Chapter 4 under Policy E3:

Site	Objection
<i>Provident Park, Stratford Road, Solihull</i>	1363/1103 – Castlemore Securities

12.24 This concludes my report on objections made orally at the inquiry and in writing to the Solihull Unitary Development Plan Review, both at First and Revised Deposit stages. Annexes listing the inquiry programme and those appearing, along with lists of the various documents, statements and other material submitted, and schedules of all the representations made, are appended. SMBC has copies of all the core documents, objections and supporting representations made at First and Revised Deposit stages, along with all the documents and other material submitted both before and during the inquiry.
