

**Meriden Parish Council**

# **Meriden Neighbourhood Development Plan**

A report to Solihull Metropolitan Borough Council of the  
Independent Examination of the Meriden Neighbourhood  
Development Plan

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## Summary of Main Findings

This is the report of the Independent Examination of the Meriden Neighbourhood Development Plan. The plan area is the whole of the Parish of Meriden being also the administrative area of Meriden Parish Council within the Solihull Metropolitan Borough Council area. The plan period is 2018-2033. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities the power to develop a shared vision for their area.*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Meriden Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Meriden Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Meriden Neighbourhood Area which was formally designated by Solihull Metropolitan Borough Council (the Borough Council) on 16 March 2015. The Neighbourhood Plan has been produced by the Neighbourhood Plan Steering Group made up of Parish Councillors and other volunteers.
4. The submission draft of the Neighbourhood Plan including the Basic Conditions Statement, along with the Consultation Statement, have been approved by the Parish Council for submission of the plan and accompanying documents to the Borough Council. The Borough Council arranged a period of publication between 29 June 2020 to 24 August 2020 and subsequently submitted the Neighbourhood Plan to me for independent examination.

## Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the Borough Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The

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<sup>1</sup> Paragraph 29 National Planning Policy Framework (2019)

<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Borough Council will decide what action to take in response to the recommendations in this report.

6. The Borough Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the Local Planning Authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application<sup>3</sup>.
7. Should the Neighbourhood Plan proceed to local referendum<sup>4</sup> and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area<sup>5</sup> unless the Borough Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan<sup>6</sup>. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted<sup>7</sup>.
8. I have been appointed by the Borough Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the Borough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning

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<sup>3</sup> Paragraph 48 of the National Planning Policy Framework 2019 explains full weight is not given at this stage. Also see Planning Practice Guidance paragraph: 107 Reference ID: 41-107-20200407 Revision date: 07 04 2020 for changes in response to the coronavirus (COVID-19) pandemic

<sup>4</sup> The Local Government & Police & Crime Commissioner (Coronavirus) (Postponement of Elections & Referendums) (England & Wales) Regulations 2020 Regulation 13 states referendums that would have been held from 7 April 2020 up to 6 May 2021 will be held on 6 May 2021

<sup>5</sup> Section 3 Neighbourhood Planning Act 2017

<sup>6</sup> Section 156 Housing and Planning Act 2016

<sup>7</sup> Paragraph 12 National Planning Policy Framework 2019

Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>8</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>9</sup>

11. The Regulation 16 representation on behalf of L&Q Estates requests their clients “*be involved in the examination process in order to thoroughly and robustly examine these issues*”. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>10</sup> The Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing*” and “*I trust the above and attached is clear and sufficient*”.

12. The representation on behalf of J H Barber and Son asks that I agree to hold a hearing. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had the opportunity to state their case and I am satisfied the representations have all been expressed in terms that are sufficiently clear. No party has advised me that their representations are not sufficiently clear. The Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the

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<sup>8</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>9</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>10</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Neighbourhood Plan meets the Basic Conditions and other requirements. As I did not consider a hearing necessary, I proceeded on the basis of examination of the written representations and an unaccompanied visit to the Neighbourhood Plan area made during December 2020.

## Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>11</sup> A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>12</sup>

14. As the final basic condition, on 28 December 2018, replaced a different basic condition that had previously been in place throughout much of the period of preparation of the Neighbourhood Plan there is a need to confirm the Neighbourhood Plan meets the new basic condition. I refer to this matter later in my report.

15. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.<sup>13</sup> All of

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<sup>11</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

<sup>12</sup> This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition “the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”.

<sup>13</sup> The Convention Rights has the same meaning as in the Human Rights Act 1998

these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’<sup>14</sup> and ‘The Neighbourhood Plan Policies’.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>15</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.
17. The Neighbourhood Plan relates to the area that was designated by the Borough Council as a neighbourhood area on 16 March 2015. A map of the Neighbourhood Plan boundary is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Parish of Meriden boundaries, being also the administrative area of Meriden Parish Council. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>16</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>17</sup> All requirements relating to the plan area have been met.
18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>18</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>19</sup> I am able to confirm that I am satisfied that each of these requirements has been met.
19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>20</sup> The front cover of the Submission Version Plan clearly states the plan period to be 2018-2033. A

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<sup>14</sup> Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind

<sup>15</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

<sup>16</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>17</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>18</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>19</sup> Principally minerals, waste disposal, development automatically requiring Environmental Impact assessment and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>20</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

representation states a preference for a different plan period but that is not a matter for my consideration

20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>21</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.<sup>22</sup> I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

## Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

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<sup>21</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

<sup>22</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Meriden Neighbourhood Development Plan 2018-2033 Submission Version including Appendices 1 to 12 March 2020
- Meriden Neighbourhood Development Plan Consultation Statement including Appendices 1 to 11 January 2020 [*In this report referred to as the Consultation Statement*]
- Meriden Neighbourhood Development Plan Basic Conditions Statement February 2020 [*In this report referred to as the Basic Conditions Statement*]
- Meriden Parish Neighbourhood Development Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report November 2019
- Background information published on the Borough Council and Parish Council websites
- Representations submitted during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the Borough and Parish Councils including: the initial letter of the Independent Examiner dated 2 December 2020; the letter of the Independent Examiner seeking clarification of various matters dated 18 December 2020; and the reply I received on 14 January 2021 that includes the responses of the Parish Council and the Borough Council
- Solihull Local Plan - adopted 3 December 2013
- Solihull Local Plan – Draft Submission Plan October 2020
- National Planning Policy Framework (February 2019) and subsequently updated [*In this report referred to as the Framework*]
- Permitted development rights for householders’ technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [*In this report referred to as the Guidance*]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- Neighbourhood Planning (General) (Amendment) Regulations 2015

- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
- Local Government & Police & Crime Commissioner (Coronavirus) (Postponement of Elections & Referendums) (England & Wales) Regulations 2020

## Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the Submission Plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

26. Following the first meeting of the Neighbourhood Plan Steering Group in April 2015 and a decision to proceed with preparation of a neighbourhood plan a number of meetings took place in 2015 with groups within the community including cameo (over 55's) and the scout group, and with individuals at the primary school summer and Christmas fayres. Heart of England secondary school pupils were consulted in January 2016 where they were asked what they liked about Meriden and what they would like to see improved. A similar approach has been maintained throughout the plan preparation process supplemented with use of the Parish Council website and Facebook pages; notice boards and flyers; the quarterly Meriden Mag; consultation workshops and drop-in sessions; a suggestion box in the library; and offering an opportunity for input at the Annual Parish Assembly. Other specific consultation has included a resident's survey in June 2016 that resulted in 370 responses; a call for sites; a business survey that resulted in 21 responses; a mobile mast survey; and attendance at Funday and other community events. A comprehensive housing needs survey in July 2018 involved the distribution of 1463 survey forms.

27. Pre-submission consultation in accordance with Regulation 14 was undertaken between 12 September and the 25 October which was promoted through the Parish Council website and Facebook page; on

notice boards; deposit of the Plan and supporting documents at Meriden Library and in the Pavilion at Meriden Sports Park; and through direct email to consultee bodies and other organisations. This consultation generated 16 responses, including five residents. The representations arising from the consultation are summarised in Appendix 11 of the Consultation Statement, and responses and amendments made to the Neighbourhood Plan, are set out. The suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the Borough Council.

28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 29 June 2020 to 24 August 2020. Representations from 14 different parties were submitted during the period of publication. I have been provided with copies of each of these representations including the representation made by the Borough Council. In preparing this report I have taken into consideration all of the representations where they are relevant to my role even though they may not be referred to in whole, or in part. Some representations include suggestions for additions to the Neighbourhood Plan, but these are not a matter for my consideration unless the addition is necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements I have identified. Where representations relate to specific policies, I refer to these later in my report when considering the policy in question, particularly where they are relevant to the reasons for my recommendations.<sup>23</sup>

29. The representation on behalf of J H Barber and Son requests transparency on the amounts and sources of funding referred to in paragraph 1.2.2 of the Neighbourhood Plan *“and a written explanation as to whether there has been any direct links or discussions between landowners and/or promoters of land for development who may have provided funding to the process”*. An independent examiner has no authority to consider such matters which should be dealt with in the first instance through requests for information to the relevant Council.

30. The representation on behalf of J H Barber and Son includes a proposition that there is reason to pause progress on the Neighbourhood Plan as a result of the Planning White Paper recently published by Government. This is not a matter for my consideration.

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<sup>23</sup> *Bewley Homes Plc v Waverley Borough Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6)

31. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. I placed no obligation on the Parish Council to offer any comments but such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did not submit any comments on the representations. I requested the Borough Council to publish the Regulation 16 representations on its website.

32. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>24</sup>

33. The Consultation Statement and appendices do include information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Advisory Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

34. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan

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<sup>24</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

35. The Basic Conditions Statement states *“the MNDP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.”* I have considered the European Convention on Human Rights and in particular Article 6 (1) (fairness); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>25</sup> Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst no Equality Impact Assessment has been undertaken in respect of the Neighbourhood Plan, from my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

36. The objective of EU Directive 2001/42<sup>26</sup> is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of

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<sup>25</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

<sup>26</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

'plans and programmes'<sup>27</sup> as the Local Planning Authority is obliged to 'make' the plan following a positive referendum result.<sup>28</sup>

37. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Solihull Metropolitan Borough Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
38. A Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report November 2019 concludes "*The SEA screening assessment concluded that the policies in the Meriden Parish NDP are likely to be in general conformity with the strategic policies of the adopted Development Plan. It is therefore unlikely that there will be any significant environmental effects arising from the Meriden Parish NDP that were not covered in the Sustainability Appraisal / SEA of the Solihull Local Plan and the Gypsy and Traveller Site Allocations Plan. It is therefore concluded that the Meriden Parish NDP does not require a full SEA to be undertaken*". The Basic Conditions Statement states "*The screening exercise involved consultation with the statutory environmental bodies (Historic England, Natural England and the Environment Agency). All three bodies have returned consultations and it was confirmed by SMBC in an email dated 29 January 2020 that a Strategic Environmental Assessment (SEA) is not required in respect of the MNDP.*" I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
39. The Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report includes an assessment of likely environmental impacts on European Sites in respect of the Neighbourhood Plan and finds no likely significant effects. The Screening Outcome states "*The sensitivities and vulnerabilities of the 12 Natura 2000 sites outlined above have already been identified in the HRA for the Solihull Local Plan and the Solihull Gypsy and Traveller Site Allocations plan. The screening assessment concluded that there would be no likely significant effect on the Natura 2000 network, either alone or in combination with other local plans. The Meriden Parish NDP is unlikely to significantly increase the quantum of development contained within the Solihull Local Plan or the Gypsy and*

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<sup>27</sup> Defined in Article 2(a) of Directive 2001/42

<sup>28</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

*Traveller Site Allocations Plan and the Meriden Parish NDP should be in general conformity with the statutory Development Plan. The screening assessment therefore concludes that the Meriden Parish NDP does not require a full HRA to be undertaken.*” In combination effects are confirmed to have been considered in paragraph 5.3.1 of the Screening Report. The Screening Report includes reference to consultation with Natural England in July 2012 and in March 2013. The Basic Condition *“the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”*<sup>29</sup> came into force on 28 December 2018. In response to my request for clarification where it is confirmed the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 and that Natural England agree with that conclusion, the Borough and Parish Councils responded *“Meriden Parish NDP Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report November 2019 (SEA and HRA Screening Report), section 4, paragraphs 4.2.1 to 4.2.10. This references the screening exercise undertaken by Warwickshire Wildlife Trust in 2008 and the further screening undertaken by Middlemarch Environmental Ltd in 2012 and 2013, which concluded that no significant effects were considered likely on Natura 2000 (European) sites from policies or proposals in the Solihull Local Plan 2013 or the Gypsy and Traveller Site Allocations Plan 2014, and confirms that the screening reports were approved by Natural England.”* The Screening Report was prepared after the revised Basic Condition came into force. I conclude the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

40. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

41. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood

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<sup>29</sup> This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition *“the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”*.

Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

42. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The Borough Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).<sup>30</sup>

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

43. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>31</sup> which requires plans to be “*consistent with national policy*”.

44. Lord Goldsmith has provided guidance<sup>32</sup> that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

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<sup>30</sup> Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

<sup>31</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

<sup>32</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

45. The most recent National Planning Policy Framework was published on 19 June 2019. The Planning Practice Guidance was most recently updated in respect of Neighbourhood Planning on 25 September 2020. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.
46. I am satisfied the Basic Conditions Statement, in the Tables included at paragraphs 2.9 and 2.10 together, demonstrates the Neighbourhood Plan has regard to relevant identified components of the Framework.
47. The Neighbourhood Plan includes a positive vision statement for the Neighbourhood Area in 2033. The Vision refers to economic factors (“growth” and a place to work in); social factors (“healthy, safe” and meeting housing, community and infrastructure needs); and environmental factors (Preserve and enhance the rural landscape, the openness of the Green Belt and the numerous heritage assets). The vision was developed from relevant aims of the Neighbourhood Plan that were identified through the initial stages of public consultation. Six topic-based strategic objectives are identified which help describe how the vision will be achieved and which establish a context within which the policies of the Neighbourhood Plan will operate.
48. Sections 5 to 10 of the Neighbourhood Plan set out policies arranged by topic. The last of those Sections which relates to traffic, transport and road safety also includes four “*projects*”. Paragraph 6.13.2 of the Neighbourhood Plan includes a block of text under the heading “*Guidance*”. And paragraph 5.7.2 includes a block of text under the heading general guidance. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “*Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form*

*part of the statutory development plan*".<sup>33</sup> I am satisfied the approach adopted in the Neighbourhood Plan presenting the projects in a different text box colour and including the word "*Project*" in the title, and presenting the guidance in a different text box colour and including the heading "*Guidance*", differentiates the community aspirations from the policies of the Plan and has sufficient regard for the Planning Practice Guidance.

49. The Borough Council has stated the designation of "*Quiet Lanes*" referred to in the "*Guidance*" under paragraph 6.13.2 may be difficult to deliver when businesses object to designation. I agree the statement must reflect the Regulations and I have recommended a minor correction in this respect in the Annex to my report. The Borough Council has also stated the Projects presented within the Traffic, Transport and Road Safety Chapter of the Neighbourhood Plan "*are intended to form the basis for on-going dialogue between Meriden Parish Council, Solihull Council and other key stakeholders. These include change in speed limits, possible removal of double yellow lines, improvements to footways, better management of road safety and enforcement of parking regulations. The projects are reasonable but would require consultation with Transport Planning and the Highway Services Team before confirming what can be delivered. The text within the chapter should make this clear. In particular, the wording of Project 1.1 should be amended to highlight that the proposals are subject to consultation with SMBC and wider stakeholders.*" I agree the realisation of the stated community aspirations are reliant on the discretion of the Highway Authority and subject to constraint by Regulations. I have recommended a correction in this respect in the Annex to my report.

50. A representation on behalf of J H Barber and Son states paragraphs 1.5.2 and 1.5.3 of the Neighbourhood Plan relating to monitoring and review are insufficiently precise. Paragraph 33 of the Framework establishes an approach to review of policies in Local Plans and spatial development strategies but is silent with respect to Neighbourhood Plans. The statement regarding reviews and amendment of the Neighbourhood Plan does not require modification to meet the Basic Conditions.

51. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am

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<sup>33</sup> Planning Practice Guidance *Paragraph: 004 Reference ID: 41-004-20190509 Revision 09 05 2019*

satisfied that the need to ‘*have regard to*’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”

52. At the heart of the Framework is a presumption in favour of sustainable development<sup>34</sup> which should be applied in both plan-making and decision-taking<sup>35</sup>. The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”<sup>36</sup>. I have earlier in my report referred to the representations of the Borough Council which state that it is not immediately clear how the general approach of the Neighbourhood Plan sits within the overriding presumption in favour of sustainable development set out in the Framework. The Borough Council has identified how the Neighbourhood Plan could overcome this difficulty and I have adopted several of the modifications suggested by the Borough Council in my recommendations.

53. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

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<sup>34</sup> Paragraph 10 National Planning Policy Framework 2019

<sup>35</sup> Paragraph 11 National Planning Policy Framework 2019

<sup>36</sup> Planning Practice Guidance Paragraph 072 Ref ID:41-072-20190509 Revision 09 05 2019

54. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes in Section 3 a brief explanation of how the Neighbourhood Plan will contribute to the achievement of sustainable development show regard to the Framework. The assessment identifies sustainability benefits arising from the Neighbourhood Plan. The assessment does not highlight any negative impacts on sustainability objectives.

55. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, when modified as I have recommended, will contribute to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes will protect local distinctiveness; will serve economic needs; will protect and enhance social facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan policies seek to:

- Establish a spatial strategy for the location of housing growth including for affordable housing and conditionally support redevelopment of brownfield land for new housing;
- Establish design principles for housing and for advertisements, and ensure all development respects local character;
- Enhance landscape quality;
- Maintain and enrich biodiversity including protection and possible enhancement of priority habitats;
- Ensure development contributes to, or improves, green infrastructure;
- Manage flood risk;
- Conditionally support renewable and low carbon energy production and use;
- Promote active travel;
- Conditionally support improvement or enhancement of community facilities and guard against unnecessary loss of identified community facilities; and
- Identify uses for locally determined Community Infrastructure Levy expenditure;
- Protect Meriden Surgery from adverse effects of developments and conditionally support proposals to enhance its facilities;
- Protect and support improvement of primary school and library facilities;

- Designate Local Green Spaces;
- Protect allotments and conditionally support new provision, and ensure new homes offer opportunities for growing food;
- Guard against unnecessary loss of employment land or premises;
- Protect and enhance the Village Centre;
- Conditionally support improved broadband and telecommunications infrastructure;
- Protect best and most versatile agricultural land and establish principles for support of farm diversification;
- Encourage home-working space and conditionally support live-work units;
- Protect leisure and tourism uses and conditionally support new provision; and
- Support to reduce traffic impacts in the village centre.

56. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan, will, when modified as I have recommended, contribute to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

57. The Framework states neighbourhood plans should “*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*”.<sup>37</sup> Plans should make explicit which policies are strategic policies.<sup>38</sup> “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area*”<sup>39</sup>. *Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies*”.<sup>40</sup>

<sup>37</sup> Paragraph 13 National Planning Policy Framework 2019

<sup>38</sup> Paragraph 21 National Planning Policy Framework 2019

<sup>39</sup> Footnote 16 National Planning Policy Framework 2019

<sup>40</sup> Paragraph 29 National Planning Policy Framework 2019

58. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Borough Council has confirmed the Development Plan applying in the Meriden Neighbourhood Area and relevant to the Neighbourhood Plan comprises the Solihull Local Plan (adopted 3 December 2013). The Guidance states, *“A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”*<sup>41</sup> The Borough Council has advised me that all the policies of the Solihull Local Plan, are regarded as strategic policies by the Local Planning Authority.
59. An early review of the Solihull Local Plan is being undertaken. The Draft Submission Local Plan has been developed through a series of stages: Scope, Issues and Options Consultation (November 2015); Draft Local Plan (November 2016); and Draft Local Plan Supplementary Consultation (January 2019). The Borough Council published the Draft Submission Version Solihull Local Plan Review for consultation between 30 October and 14 December 2020. This Plan will be subject to a future Examination in Public. The most recent Local Development Scheme (January 2020) anticipates adoption of the Local Plan Review in Spring/Summer 2021.
60. The Neighbourhood Plan can proceed ahead of preparation of the Local Plan Review. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body*

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<sup>41</sup> Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20190509 Revision 09 05 2019

*and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan;*
- *the emerging Local Plan;*
- *the adopted development plan;*

*with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”<sup>42</sup>*

61. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the Solihull Local Plan Review when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised.

62. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Solihull Local Plan Review is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan*”<sup>43</sup>. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire*

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<sup>42</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009- 20190509 Revision 09 05 2019

<sup>43</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision 09 05 2019

West & Chester BC [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

63. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility.”<sup>44</sup> The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

64. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”<sup>45</sup>*

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

65. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

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<sup>44</sup> Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

<sup>45</sup> Planning Practice Guidance Paragraph 074 ID ref: 41-074 20140306 Revision 06 03 2014

## The Neighbourhood Plan Policies

66. The Neighbourhood Plan includes 26 policies as follows:

Policy H1: Housing Growth

Policy H2: Local Needs Housing

Policy H3: Housing Design

Policy NE1: Valued Landscapes

Policy NE2: Biodiversity

Policy NE3: Green Infrastructure

Policy NE4: Priority Habitats

Policy NE5: Flooding and Drainage

Policy NE6: Renewable and Low Carbon Energy

Policy BE1: Responding to Local Character

Policy BE2: Use of Brownfield Land

Policy BE3: Designated Heritage Assets

Policy BE4: Promoting Walking and Cycling

Policy BE5: Advertisements

Policy LC1: Designated Community Assets

Policy LC2: Protecting and Enhancing Health Opportunities

Policy LC3: Protecting and Enhancing Education and Library Facilities

Policy LC4: Designated Local Green Spaces

Policy LC5: Allotments

Policy LE1: Protecting and Enhancing Existing Employment Sites

Policy LE2: Protecting and Enhancing the Village Centre

Policy LE3: Promoting High Speed Broadband and Mobile Telecommunications

Policy LE4: Agricultural Land and Farm Diversification

Policy LE5: Homeworking and Live-Work Units

Policy LE6: Leisure and Tourism

Policy T1: Managing the Impact of Traffic

67. Paragraph 29 of the Framework states *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*. Footnote 16 of the Framework states *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*
68. Paragraph 15 of the Framework states *“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”*
69. Paragraph 16 of the Framework states *“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*
70. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and*

*respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”<sup>46</sup>*

71. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*<sup>47</sup>

72. A neighbourhood plan should contain policies for the development and use of land. *“This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*<sup>48</sup>

73. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”*<sup>49</sup> *“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”*<sup>50</sup>

74. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

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<sup>46</sup> Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306 Revision 06 03 2014

<sup>47</sup> Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

<sup>48</sup> Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20190509 Revision 09 05 2019

<sup>49</sup> Planning Practice Guidance Paragraph 040 Reference ID 41-040-20160211 Revision 11 02 2016

<sup>50</sup> Planning Practice Guidance Paragraph 042 Reference ID 41-042-20170728 Revision 28 07 2017

## Policy H1: Housing Growth

75. This policy seeks to establish conditional support for new housing development within the identified Village Boundary; confirms that all areas outside the Village Boundary are classified as countryside and fall within the Green Belt; and seeks to establish that new housing in the countryside will be limited to specified types in accordance with paragraph 79 of the Framework and new dwellings in accordance with Policy H2 of the Neighbourhood Plan.

76. I present my report in relation to Policy H1 under the following headings:

- Quantum of Housing Development
- Housing Allocations
- The Village Boundary
- Land outside the Village Boundary
- Other Matters
- Finding and recommendation relating to Policy H1

### Quantum of Housing Development

77. The representations of two individuals oppose any housing growth referring to newly built property on the market and to the potential impact on demographic profile, road safety and parking, drainage and flooding.

78. The Borough Council state *“the table at paragraph 5.3.1 should explain that the number of homes is between 2011 and (presumably) 2018, as there may have been further completions since then”*. I refer to this matter later in my report.

79. A representation on behalf of J H Barber and Son includes *“It is our view that Policy H1 should be deleted, including the references to the draft allocation in the emerging Solihull Local Plan. It is highly likely that the emerging Local Plan will supersede the strategic aims of the Neighbourhood Plan, and accordingly, these more strategic matters are better placed at a Borough level, where the proposed locations for growth can be considered in the context of the Borough housing need.”* The representation includes reference to a legal challenge by Gallagher Homes Ltd and Lioncourt Homes Ltd in 2014 stating this

has resulted in no housing requirement within the adopted Local Plan. The representation states *“that it is not currently possible to demonstrate general conformity with strategic policies that do not exist other than those in a plan based on out-of-date data”*.

80. The representation on behalf of IM Land raises concerns how the AECOM assessment of housing need has been reported in the Neighbourhood Plan referring to confusion between commitments and completions; misinterpretation of end dates for calculations; and inaccurate reporting of market/affordable housing need.

81. The representation on behalf of L&Q Estates suggests that the response to the Housing Needs Survey undertaken by Warwickshire Rural Community Council in July 2018 is based on insufficient evidence to provide an accurate representation of need. The representation also states that paragraph 4.2.6 of the Neighbourhood Plan does not reflect the findings of the Housing Needs Assessment undertaken by AECOM in March 2019 which concluded around 164 dwellings would be required within Meriden in order to meet identified affordable need, and asserts these dwellings are not planned for in the Neighbourhood Plan and that at least an additional 64 dwellings should be provided.<sup>51</sup> The representation also states paragraph 5.6.2 of the Neighbourhood Plan incorrectly refers to 2033 when 2028 should be used and that there is unmet housing need for years beyond 2029. The representation objects to Policy H1 on two grounds: *“Firstly, the plan period of the NDP begins at 2018. As such, only those commitments granted since 2018 are relevant to the NDP period (a total of 3 market homes) and any dwellings granted planning permission prior to this should be removed. Commitments prior to 2018 accordingly do not represent justification for not providing additional homes during the plan period. Secondly, it remains that the Housing Needs Assessment prepared by AECOM (March 2019) identifies that 86 affordable homes should be built from now (i.e., March 2019) up until 2028 (notably not the end of the NDP or Local Plan period of 2033/2035). Again, it is clear that the AECOM assessment is only considering need from 2019-2028 and, therefore, housing delivery prior to this period does not contribute towards meeting this need”*.

82. The Guidance states *“The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a*

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<sup>51</sup> The representation also queries whether the figure should be 172 but I have not pursued that matter of 5% variation on the basis that this is within what might reasonably be regarded as “around 164 dwellings”

*housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”<sup>52</sup>*

83. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”<sup>53</sup>*

84. *“Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it.”<sup>54</sup>*

85. *“The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies”<sup>55</sup>*

86. *“Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The neighbourhood planning toolkit on housing needs assessment may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning*

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<sup>52</sup> Planning Practice Guidance Paragraph: 104 Reference ID: 41-104-20190509 Revision date: 09 05 2019

<sup>53</sup> Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211 Revision date: 11 02 2016

<sup>54</sup> Planning Practice Guidance Paragraph: 103 Reference ID: 41-103-20190509 Revision date: 09 05 2019

<sup>55</sup> Planning Practice Guidance Paragraph: 101 Reference ID: 41-101-20190509 Revision date: 09 05 2019

*authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the basic conditions.”<sup>56</sup>*

87. The Neighbourhood Plan is, in Policy H1, seeking to establish a Village Boundary that is different to the Green Belt inset area boundary referred to in strategic Local Plan Policy P17 and in justification paragraph 11.6.11. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance.
88. Strategic Local Plan Policy P5 makes provision for housing land supply with a total Borough-wide estimated capacity including completions, planning permissions, identified and proposed sites, and windfall supply. No sites were allocated in the Meriden Neighbourhood Area and no projection of windfall sites in the Meriden Neighbourhood Area was made. The Local Plan spatial strategy identifies the Meriden Neighbourhood Area as being in the Rural Area “*focussing new market housing on the needs of newly forming and downsizing households in Balsall Common, Cheswick Green, Dickens Heath, Knowle, Dorridge, Bentley Heath and Hampton-in-Arden*”. The Solihull Local Plan - Draft Submission Plan published for consultation (October 2020) identifies Meriden for limited expansion and includes a proposed site allocation reference ME1 West of Meriden with an indicated capacity of 100 dwellings, but this is an emerging plan and its proposals cannot be taken into account when assessing whether future local housing needs will be met.
89. The Borough Council has not provided a formal housing target at neighbourhood area level and the Parish Council have not requested an indicative housing requirement figure. The Borough Council has advised me that all the policies of the Solihull Local Plan (adopted 3 December 2013), are regarded as strategic policies by the Local Planning Authority. The Meriden Housing Needs Assessment prepared by AECOM in March 2019 states “*The current local plan, the ‘Solihull Local Plan’ (SLP), was adopted in December 2013 and covers the period 2011 to 2028. However, a legal challenge to the SLP post-adoption has resulted in the overall housing requirement being*

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<sup>56</sup> Planning Practice Guidance Paragraph: 105 Reference ID: 41-105-20190509 Revision date: 09 05 2019

*deleted, and the Council is currently undertaking a Local Plan Review (LPR). Consequently, Solihull Metropolitan Borough Council (SMBC) does not put forward a specific housing requirement for the Neighbourhood Area (NA).”* The AECOM study uses the Local Plan annual housing requirement of 500 for the Borough (a total housing requirement of 8,500) between 2011 and 2028 to calculate a proportional share for the Neighbourhood Plan area concluding 7 homes (1.45% of 500) should be allocated annually as the ‘fair share’ of the Borough’s target (or a total of 123 homes between 2011 and 2028, up to end of the Plan period for the NP). As a matter for clarification, I asked the Borough and Parish Councils to confirm it is the housing requirement that has been deleted by the Courts that is being used in the calculation of housing need for the Neighbourhood Area, and asked if any information why this is acceptable could be provided. The Borough and Parish Councils responded *“The 2013 Solihull Local Plan was subject to a High Court challenge soon after it was adopted. The High Court Order of May 2014 deleted the parts of the Plan relating to the housing land requirement and housing trajectory, and this was upheld by the Court of Appeal in December 2014. As a result, although Policy P5 ‘Land for Housing’ is a strategic policy, it does not include a housing requirement, and therefore there is not a specified housing figure for the Borough or the constituent Neighbourhood Areas. Further information can be found on the Council’s website here: <https://www.solihull.gov.uk/Planning-and-building-control/Solihull-local-plan>”*. Where the Basic Conditions refer to general conformity with strategic policies it is evident to me that those policies or parts of policies must exist.

90. Paragraph 5.1 of the Neighbourhood Plan refers to *“planning applications with permission to build already granted”*. As a matter for clarification, I asked the Borough and Parish Councils to confirm what is the number of dwellings completed and the number of dwellings committed but not yet completed in the Plan period since 2018 up to the submission date of the Neighbourhood Plan. I received the following response *“Of the figures in paragraph 5.3.1 of the Neighbourhood Plan, one application is not on the SMBC system with that reference (Grand View, Birmingham Road), one application is for 1 unit not 2 (Berryfields Farm), one application has net zero dwellings (Five Oaks), and two applications are not within Meriden Parish (Shirley Lane; and Back Lane). The resultant figures from the table is that 168 dwellings have been permissioned, and 160 of those have been built out between April 2011 and March 2020. Further detailed information is provided in a spreadsheet.”* The spreadsheet provided

indicates that in addition to the planning permissions identified in the Table at paragraph 5.3.1 of the Neighbourhood Plan, a further 5 dwellings have been granted permission, of which 2 are shown to be under construction. I have noted a number of the commitments listed in the table at paragraph 5.3.1 of the Neighbourhood Plan have, on the basis of the latest records, yet to be completed. I asked the Borough Council to publish, on its website, my requests for clarification and the responses.

91. The Meriden Housing Needs Assessment prepared by AECOM in March 2019 states *“In arriving at a final total for Meriden, it is important to take into consideration that 160 dwellings were built between 2011 and 2017 in the NA. Considering these completed dwellings, Meriden has met the Local Plan’s housing target and does not need to build more homes between 2018 and 2028. Consequently, Solihull Metropolitan Borough Council (SMBC) does not put forward a specific housing requirement for the Neighbourhood Area (NA).”* It appears the Neighbourhood Plan is based on the following *“As housing completions in the Neighbourhood Area exceed the proportional requirement of the Local Plan for the Neighbourhood Area then no further dwellings are required in the period 2011 to 2028”*. The Neighbourhood Plan however has a start date of 2018. As a matter for clarification, I asked the Borough and Parish Councils to direct me to the evidence that demonstrates the Neighbourhood Plan does not promote less development than set out in the strategic policies for the area for the period to 2028 and received the following reply *“Due to the High Court Order, the 2013 Local Plan (that runs from 2011-2028) does not set out a housing requirement, either for the Borough or for any sub-areas. The Council has used the standard methodology for Local Housing Need since its introduction in February 2019. AECOM have referred to a housing target, but in effect, it does not exist in the Local Plan, so they have taken a proxy from the housing land available as of adoption of the 2013 Plan.”*

92. As Policy H1 is relevant to housing supply the Guidance states the policy should take account of latest and up-to-date evidence of housing need. The Meriden Housing Needs Assessment (HNA) prepared by AECOM in March 2019 states *“The appropriate quantity of new housing to be delivered in the Neighbourhood Area, also called a Housing Need Figure (HNF), is 90 dwellings by 2028. In contrast, the projection derived from the Draft Local Plan housing target suggests that Meriden should see an increase of 164 dwellings by 2028. Although we have shown that between 2011 and 2017, Meriden had*

*built enough to meet the need for a growth of 140 households by 2028, the group should be aware that the figure of 164 is likely to come forward as their required housing target from the Local Authority. This figure is liable to change with the new Standard Method and HS2, which will be completed during the Neighbourhood Plan period. We believe the impact of the HS2 will be significant; however, it is outside the scope of this study to assess it. The group is advised to discuss this further with Solihull Council. Our analysis has shown that 86 Affordable Housing units (includes Social Rented, Affordable Rent and intermediate housing such as Shared Ownership), should be built from now until 2028. Provided Meriden meets our recommended Housing Needs Figure (HNF) target of 90 dwellings, almost all newly-built dwellings should fall into Affordable Housing tenures to meet housing needs. However, this is not likely to be viable. Alternatively, if the Local Authority requires Meriden to build around 164 dwellings (number derived from the new Local Plan), then that level of housebuilding would allow the Parish to meet this Affordable Housing need. This will only be possible however if developers abide by the Draft Local Plan's Affordable Housing Policy, which requires 50% of Affordable Housing on housing development sites of 11 units or more.”.*

93. Noting the Housing Needs Assessment prepared in 2019 relates to a period up to 2028, as a matter for clarification, I asked the Borough and Parish Councils to direct me to the existing evidence that sets out the assessment of the housing requirement for the Neighbourhood Area for the remainder of the Neighbourhood Plan period, that is 2029 to the Plan end date of 2033. I received the following response “*Neighbourhood Plans are not under the same obligations as Local Plans in respect of the assessment of housing need and the provision of housing to meet that need. In fact, many Neighbourhood Plans make no provision whatsoever for new housing allocations. This is principally a matter for the host planning authority and only for the Qualifying Body if it chooses. Due to the Green Belt constraint around the village, it was not felt appropriate for the Qualifying Body to allocate land for new housing allocations which would likely be in conflict with national and local planning policy on Green Belts. Consequently, the Qualifying Body has no specific evidence that sets out the assessment of the housing requirement for the Neighbourhood Area for the remainder of the Neighbourhood Plan period up to 2033. The post-2028 housing evidence may be based on the 2016 Local Plan Review (supported by the Peter Brett Associates Strategic Housing Market Assessment published in 2016), or the 2019 Supplementary Consultation to the Local Plan Review (based on the*

*standard methodology for Local Housing Need and making allowance for a 2000 contribution to the wider Housing Market Area).*”

94. Paragraph 5.6.2 of the Neighbourhood Plan states the Meriden Housing Needs Assessment (AECOM) 2018/19 has shown that 86 affordable housing units should be built from “now” until 2033. The AECOM assessment appears to relate to a period to 2028. As a matter for clarification, I asked the Borough and Parish Councils to advise me what date “now” refers to, and asked them to advise me if the period 2029-2033 is included in the assessment and any implications of this. I received the following reply *“The Qualifying Body understands the term ‘now’ to mean at the time of writing the Housing Needs Assessment report. For some reason, the assessment appears to have looked at the period up to 2028 whereas the plan period for the Neighbourhood Plan extends to 2033 to coincide with the Local Plan review timeframe. The implications of excluding the period 2029-33 is that the affordable housing requirement is likely to be slightly higher than the figure of 86. SMBC can provide the latest figures on completions and pipeline.”* Whilst the Housing Needs Assessment does not include the period 2029-33 it does provide an assessment for a substantial period of time to 2028. As with any assessment reliability decreases as time period extends. I am mindful that the Neighbourhood Plan recognises the need for monitoring and review, specifically in response to national or strategic policy changes. I am satisfied the formulation of Policy H1 has taken account of the latest up to date assessment of housing need for the Neighbourhood Area. I have explained earlier in my report I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>57</sup>
95. Paragraph 5.3.2 of the Neighbourhood Plan confirms that small scale infill additional provision of dwellings within the Village Boundary is anticipated. Policy H1 places no cap or limit on the number of homes that can be provided within the Village Boundary subject to compliance with other policies in the Neighbourhood Plan. The Table set out in paragraph 5.3.1 of the Neighbourhood Plan provides details of planning permissions for 173 homes of which it is stated 152 homes have been *“built in the village since 2011”*. This Table provides evidence to support the view that future infill development will occur within the Meriden Village Boundary. It is possible there will also be an increase in dwelling numbers beyond the Village Boundary where the proposal is accepted in terms of national policy. Policy H2 of the

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<sup>57</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

Neighbourhood Plan also seeks to establish conditional support for affordable housing development on small sites beyond, but reasonably adjacent to the Village Boundary. In this policy context it is reasonable to assume there will be some windfall supply of dwellings during the Plan period up to 2033 which will boost the supply of homes in the Neighbourhood Area. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for Meriden parish and provides the necessary justification that Policy H1 (after recommended modification), which is relevant to housing supply, will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies as required by paragraph 29 of the Framework. As recommended to be modified Policy H1 is positively worded and in the context of the characteristics of the Neighbourhood Area, in particular as a Green Belt inset settlement, Policy H1 will significantly boost the supply of housing.

#### Housing Allocations

96. The Guidance states *“If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.”*<sup>58</sup>
97. *“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body*

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<sup>58</sup> Planning Practice Guidance Paragraph: 043 Reference ID: 41-043-20140306 Revision date: 06 03 2014

*and the local planning authority should discuss and aim to agree the relationship between policies in:  
the emerging neighbourhood plan  
the emerging local plan (or spatial development strategy)  
the adopted development plan  
with appropriate regard to national policy and guidance.”*

98. *“The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”<sup>59</sup>*

99. *“A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.”<sup>60</sup> “A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. Neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans. A neighbourhood plan can also propose allocating alternative sites to those in a local plan (or spatial development*

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<sup>59</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision date: 09 05 2019

<sup>60</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 67-009-20190722 Revision date: 22 07 2019

*strategy), where alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy. Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”<sup>61</sup>*

100. Representations support or promote land for development as follows:

- Frontier Estates Ltd, and a representation by Tyler Parkes on behalf of a client, support the Draft Local Plan Review site allocation at Birmingham Road (west of Meriden) for approximately 100 dwellings;
- IM Land promote the development of land north of Main Road, Meriden for up to 100 dwellings;
- L&Q Estates promote the development of land at Berkswell Road, Meriden with a stated capacity to meet up to 50 dwellings; and
- J H Barber and Son promote the development of land south of Main Road and east of Berkswell Road, Meriden with potential for circa 200 dwellings.

101. It is not within my role to consider the merits of development proposals, or the relative merits of alternative development proposals, including those supported or promoted in Regulation 16 representations, nor is it within my role to balance those merits against any inherent detriments or shortcomings that the proposals may have.

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<sup>61</sup> Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20190509 Revision date: 09 05 2019

I have earlier in my report explained that my role is to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified.

102. A representation on behalf of the owner of part of Housing Site 10 West of Meriden, identified for residential development in the emerging Local Plan Review requests revised wording of Policy H1 to accord with any Green Belt boundary changes arising from reviews of the Local Plan.
103. A representation on behalf of IM Land includes *“Therefore, the MNDP should be in general conformity with the Solihull Local Plan 2013. This means the MNDP should give no reliance to the proposed allocation Site 10 West of Meriden as this is proposed in an emerging LPR that is not relevant to the MNDP compliance with the basic conditions.”*
104. A representation on behalf of J H Barber and Son states *“The supplementary text to this policy outlines that the Plan will support the ‘commitment’ of land in the emerging Solihull Local Plan, which proposes an allocation of 100 houses to the west of the village, as outlined on Figure 5. Although not proposed for allocation, it is considered that references to this site being an allocation should be removed. The Borough Council’s Plan has not yet reached submission version and therefore it remains unclear which sites will be proposed for allocation. Additionally, it is noted that there remains unresolved objection not just to this site, but the wider issue of housing need in the Borough. There is a pressing need for significant growth to Solihull’s more sustainable villages, and it is our view that Meriden should accommodate more growth through a positive suite of housing allocations.*
105. The Borough Council has stated *“the Plan does not include any specific land allocated for housing. However, it is welcomed that the NDP provides support for the proposed site allocation ‘West of Meriden’ included in the current Local Plan Review.”* The Neighbourhood Plan policies do not include reference to the ‘West of Meriden’ site allocation but elements of general text within the Neighbourhood Plan do support that allocation. The representation is indicative that the approach of the Borough Council and the Parish Council has been consistent with that stated in the Guidance *“It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.”*

106. I have earlier in my report referred to national policy relating to the relationship of neighbourhood plans and emerging Local Plans. There is no requirement for Policy H1 to take account of the specific housing allocations in the emerging Local Plan review and indeed it does not. The text of paragraph 5.1 of the Neighbourhood Plan is misleading and should be amended to not make reference to the possible future strategic housing allocation as a reason the Neighbourhood Plan does not allocate housing land. I have recommended a modification in this respect. I have also recommended a modification so that Policy H1 acknowledges the need to support any future Development Plan strategic housing allocation that may be made during the plan period.

107. Figure 5 identifies the “*Draft SMBC Housing Allocation*”, and Figure 7 is titled “*Proposed Housing Allocation 10, West of Meriden, Meriden*” and identifies the “*Proposed Housing Allocation 10, West of Meriden, Meriden*”. I have recommended a modification to more clearly confirm the reference is to a proposed allocation in an emerging draft Local Plan so that the Neighbourhood Plan “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

108. I am content that should there ultimately be any conflict between the Neighbourhood Plan, and the Solihull Local Plan Review (or any further future reviews) when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan. The Guidance is clear that potential conflicts should be minimised. I am content the Neighbourhood Plan will minimise conflicts and, subject to my recommended modifications including those relating to paragraph 5.1 and Figures 5 and 7, indicate the latest position regarding the Local Plan Review and its relationship with the Neighbourhood Plan.

#### The Village Boundary

109. A representation on behalf of the owner of part of Housing Site 10 West of Meriden, identified for residential development in the emerging Local Plan Review objects to Policy H1 and the Village Boundary identified on Figure 5 as they do not take account of the emerging Local Plan Review. Another representation on behalf of Frontier Estates Ltd with an interest in the southern part of the “West of Meriden” site allocated for housing development in the Local Plan Review, states this should be recognised within Policy H1. The

allocation referred to is currently a draft proposal that may, or may not, be included in the Local Plan Review as finally adopted. There is no requirement for the Neighbourhood Plan to be in general conformity with the strategic policies of an emerging development plan to meet the Basic Conditions.

110. A representation on behalf of J H Barber and Son states “*The actual text of the policy outlines that infill windfalls will be supported, and outside the boundary, all other proposals will be considered in the context of the NPPF. Accordingly, on this basis alone, in respect of H1.2 it is not clear what this policy adds, other than a duplication of the national position. In respect of Policy H1.3, whilst citing Policy 79 of the NPPF, this policy fails to read the NPPF as a whole and, importantly, does not consider the implications of the Green Belt as set out in Paragraphs 133 to 147. Such rural workers dwellings would surely impact on the Green Belt; however, the Neighbourhood Plan is not proposing any amendments to the Green Belt boundary. It would appear that this policy would be in conflict with national policy*”. With respect to this latter point the need for an agricultural or forestry worker to live in a specific location could represent the very special circumstances needed to allow development to take place in the Green Belt.

111. The representation on behalf of J H Barber and Son also states if Policy H1 is not deleted, “*then we also object to the exclusion of existing properties on the south side of Main Road, located between the junctions with Church Lane and Berkswell Road and properties on the north side of the road near to the Church Lane junction. These properties form part of the built-up area of Meriden and therefore they should be identified as being within the Village Boundary. This requires a change to Figure 5 including the extent of the Green Belt in this location.*” The Neighbourhood Plan is not able to propose a Green Belt boundary change as this is a matter that must be addressed in strategic policy. I refer to the relationship of the Village Boundary and the Green Belt inset area boundary later in my report.

112. A Village Boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the Village Boundary. The definition of the envelope however does not have to relate to some observable land use difference or dividing feature. A Village Boundary does not have to include the full extent of a

settlement, and a Village Boundary does not have to reflect land ownership boundaries or the precise curtilages of properties. Village boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include whole properties or parts of large residential gardens.

113. The Village Boundary referred to in Policy H1 has been subject to community engagement and consultation during the Plan preparation process. The Village Boundary does not define the built-up area of Meriden village as it excludes some adjacent buildings. The Village Boundary is intended to indicate a physical limit to development within which infill development will be conditionally supported over the plan period, unless otherwise provided for in the Neighbourhood Plan or in national policies. Policy H1 uses the Village Boundary as a mechanism to define the area within which proposals for housing development will be conditionally supported, and will guide development to sustainable solutions.

114. In response to my request for clarification how the alignment of the Village Boundary has been determined the joint response of the Borough and Parish Councils states "*The Village Boundary outlined in Figure 5 in the NDP follows the existing inset village boundary in the Solihull Local Plan 2013 excluding the draft SMBC housing allocation off Birmingham Road on the western fringe of the village (see separate map, with the Draft Local Plan proposal shown hatched in red).* [attributed to the Parish Council] *The Village Boundary incorporates the built-up area of Meriden and broadly follows the Green Belt Inset Area boundary as shown on the Proposals Map for the Solihull Local Plan/ Gypsy and Traveller Site Allocations Plan 2014. However, the area south of Mons Avenue/St Laurence Close is excluded as it is not built-up, although it is within the Local Plan Inset Area, whilst the outbuildings to the rear of 118 Fillongley Road are included in the Village Boundary, although in the Green Belt.*" [attributed to the Borough Council]. This latter mentioned inclusion of Green Belt land in the Village Boundary where development will be supported on criteria different to those for support of proposals in Green Belt does not meet the Basic Conditions. The policy does not have sufficient regard for national policy in this respect and the variation from national policy has not been sufficiently justified. The proposed alignment of the Village Boundary in this respect has been presented without any justification. The Guidance states "*Proportionate, robust evidence should support*

*the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*".<sup>62</sup> I have recommended a modification so that the Village Boundary is adjusted to not include Green Belt land.

115. I requested clarification why proposed Local Green Space 6 is included within the Village Boundary whereas proposed Local Green Spaces 12 and 13 are not, when all three areas are all within the Green Belt inset area. The joint response of the Borough and Parish Councils states "*The area designated as 'inset' in the Green Belt is not all within the designated Village Boundary. Proposed LGS12 and 13 are not within the Green Belt because they are within the 'inset' boundary. However, neither of these proposed LGS's are within the existing or proposed Village Boundary [attributed to the Parish Council]. Whittle's Copse and Green off Strawberry Fields are adjacent to the Strawberry Fields development, whereas Mulberry Gardens Public Open Space and Leys Lane Allotments are respectively a much larger local green space and a separate use not associated with any development and together a significant area that is not built-up*" [attributed to the Borough Council].

116. Where the proposed Village Boundary follows the Green Belt inset area boundary, which has Development Plan status and has been subject to examination, I regard this as sufficient justification for a boundary within which development will be conditionally supported. Where the Village Boundary is drawn more tightly than the Green Belt inset area boundary then justification is required. The evidence base supporting the designation of Local Green Spaces 12 and 13, although directed to a different purpose, can be regarded as providing both an explanation and justification why those areas are excluded from the Village Boundary. That evidence does not however provide an explanation and justification for the alignment of the Village Boundary as an entity in its entirety. Whilst the Borough Council has offered an explanation for the apparent difference of approach adjacent to the Strawberry Fields development from that adopted at Mulberry Gardens Public Open Space and Leys Lane Allotments this does not form part of the evidence base supporting the Neighbourhood Plan and has not been subject to consultation. A full explanation and justification for the alignment of the Village Boundary in its entirety has not been presented. The Guidance states "*Proportionate, robust evidence should support the choices made and the approach taken. The*

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<sup>62</sup> Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

*evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*".<sup>63</sup> Strategic Local Plan Policy P17, where it relates to the Green Belt inset area, includes criteria that will be relevant to the assessment of development proposals. Policy H1 provides additional detail that is in general conformity with the strategic policy and results in a distinct local approach. If Policy P17 and Policy H1 were to relate to areas with different boundaries this would be a potential source of confusion for parties preparing development schemes, and in decision making, contrary to the requirements of paragraph 16 of the Framework. I have recommended a modification that the Village Boundary should be amended to the alignment of the Green Belt inset area boundary.

#### Land outside the Village Boundary

117. I now consider the elements of Policy H1 that relate to land outside the Village Boundary. In response to my request for an explanation of Part H1.2 of the policy which states *"All areas outside the Village Boundary are classed as countryside and fall within the Green Belt"* the joint response of the Borough and Parish Councils states *"With the exception of the two areas comprising LGS12 and LGS13, this statement is correct. The Qualifying Body would be happy to include this rider in revised wording for the policy. [attributed to the Parish Council]. The two areas set out in 7 above are not consistent with the Green Belt Inset Area boundary. Either the Village Boundary should be altered to conform with the Inset Area boundary, or Policy H1.2 should be amended to recognise that the boundaries are not the same"* [attributed to the Borough Council].
118. In response to my request for clarification why Part H.1.3 of the policy refers to some but not all of the circumstances referred to in paragraph 79 of the NPPF the joint response of the Borough and Parish Councils states *"The Qualifying Body would be happy to specifically refer to 'Enabling Development' in addition to the exceptions already included in the policy but this is effectively covered by the exception 'conversion of existing buildings to dwellings'. Additionally, the Qualifying Body would be happy to include the subdivision of existing residential properties in the list of exceptions. [attributed to the Parish Council]. Policy H1.3 does not provide any local guidance additional to NPPF paragraph 79 b) c) and d), although b) is covered in Policy BE3.5. NB. Policy H1.3 also covers some of the*

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<sup>63</sup> Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

*exceptions to inappropriate development in the Green Belt in NPPF paragraph 145* [attributed to the Borough Council].

119. Paragraph 77 of the Framework states *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”* I am satisfied that Policy H1 in combination with Policy H2 has sufficient regard for national policy in this respect.

120. Paragraph 79 of the Framework states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of stated circumstances apply. This approach must be applied in combination with relevant parts of the Framework in this case Section 13 of the Framework relating to Green Belts which states inappropriate development (by definition harmful to the Green Belt) should not be approved except in exceptional circumstances. Mulberry Gardens Public Open Space and Leys Lane Allotments, which lie outside the proposed Village Boundary but inside the Green Belt inset area boundary are proposed for designation as Local Green Spaces in Policy LC4 of the Neighbourhood Plan. Paragraph 101 of the Framework states policies for managing development in Local Green Spaces should be consistent with those for Green Belts. The remainder of the Neighbourhood Area outside the proposed Village Boundary is designated Green Belt. Paragraphs 143 to 147 of the Framework set out national policy in respect of proposals affecting the Green Belt. Paragraph 145 states a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Amongst the exceptions specified is limited affordable housing for local community needs under policies set out in the development plan (including rural exception sites). I have recommended modification so that Policy H1 has sufficient regard for national policy in these respects and continues to refer to Policy H2 of the Neighbourhood Plan which establishes conditional support for affordable housing development on small sites beyond, but reasonably adjacent to the Village Boundary. I have earlier in my report also recommended the application of Policy H1 outside the Village Boundary should recognise any future Development Plan allocation as an exception.

## Other Matters

121. It is normally unnecessary and confusing for a policy to state “*subject to compliance with other policies in this Plan*” as the Neighbourhood Plan should be read as a whole. However, in Policy H1 the term provides a means for the policy to be clearly written avoiding extensive repetition of matters referred to in other policies of the Neighbourhood Plan. Strategic Local Plan Policy P17, where it relates to the Green Belt inset area, includes criteria that will be relevant to the assessment of development proposals. Policy H1 provides additional detail that is in general conformity with the strategic policy and results in a distinct local approach. The term “*supported in principle*” introduces uncertainty and does not provide a basis for the determination of planning proposals. I have recommended a modification in this respect so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

### Finding and recommendation relating to Policy H1

122. Subject to the proposed modification the policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

123. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes and protecting Green Belt land the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 1:**

#### **In Policy H1**

- **in part 1 delete “in principle”**
- **replace parts 2 and 3 with “Outside the Village Boundary housing development will only be supported where: it is within a Development Plan strategic housing allocation; or**

**is in accordance with Policy H2; or is otherwise consistent with national policy.”**

**Amend the Village Boundary defined on Figure 5 to follow the Green Belt inset area boundary.**

**Amend the text of paragraph 5.1 of the Neighbourhood Plan to delete reference to the “Draft Local Plan commitment” to a strategic allocation as a reason the Neighbourhood Plan does not allocate housing land.**

**Amend the legend to Figure 5, and the title and legend of Figure 7, to clarify the “*Proposed Housing Allocation 10, West of Meriden, Meriden*” relates to the emerging Draft Local Plan and not the Neighbourhood Plan.**

### **Policy H2: Local Needs Housing**

124. This policy seeks to establish that affordable housing development will be supported on small sites beyond, but reasonably adjacent to the village boundary where stated criteria are met. The policy also seeks to establish circumstances where an element of market housing may be included within a rural exception scheme subject to stated requirements being satisfied.
125. The Borough Council states “*the policy should be amended to include reference to the need for viability and feasibility testing. The testing will be required to ensure that any proposals and/or requirement for bungalows (as contained within the Housing Needs Survey) is viable and feasible given the impact on density, housing mix and efficient use of land. In other respects, the policy conforms to the Meeting Housing Needs Supplementary Planning Guidance.*” There is no requirement for the Neighbourhood Plan to conform to Supplementary Planning Guidance however I have recommended a modification in this respect as paragraph 16 of the Framework requires Plans to be deliverable.
126. A representation on behalf of Frontier Estates Ltd with an interest in the west of Meriden site proposed allocation in the Solihull Local Plan Review states that given the identified need and recognition that provision of accommodation to meet the needs of older people is required in Meriden “*it would be appropriate for the policy to include provision for specialist accommodation to be brought forward on sites that are both within and beyond, but reasonably adjacent to, the village boundary - in the same way that it makes provision for affordable housing to come forward on such sites, where there is a proven and*

*unmet local need.*” It is beyond my role to recommend a modification to introduce an additional planning policy of this nature. There is no requirement for the Neighbourhood Plan to include a policy as suggested in order to meet the Basic Conditions.

127. A representation on behalf of L&Q Estates states that as the settlement boundary of Meriden is enveloped by Green Belt in its entirety the provision of affordable housing through rural exception sites adjacent to Meriden would also be obligated to overcome national green belt policy, as set out at paragraph 145 of the NPPF. It is stated national policy does not define the extent to which cross-subsidising market housing can be provided as part of a rural exception site in Green Belt and that provision on sites released from the Green Belt would provide greater certainty.

128. Paragraphs 77 and 78 of the Framework state *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services...”*.

129. Paragraph 77 of the Framework includes provision for the acceptance of some market housing on a rural exception site. Paragraph 145 of the Framework states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this is *“limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)”*. The definition of rural exception sites in the Glossary to the Framework includes *“A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.”*

130. Local Plan Policy P4 states *“The provision of affordable housing developments on green belt land to meet the local needs of households in that Parish or neighbourhood will be supported in circumstances where, i the development proposal is consistent with the Village, Parish or Neighbourhood Plan; or ii 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 Group.*” I have recommended a modification to refer to local needs being able to be met on an allocated site. Subject to this modification the policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

131. The term “*village boundary of Meriden*” is imprecise. I have recommended a modification in his respect so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 2:**

##### **In Policy H2**

- **replace “village boundary of Meriden” with “Village Boundary outlined on Figure 5”**
- **replace part 1a) with “The latest Housing Needs Survey identifies a proven, and as yet unmet, local need that can be viably and feasibly met;”**
- **in part 1b) after Meriden insert “and the proven need cannot be met through affordable housing provision on an allocated housing site”**

#### **Policy H3: Housing Design**

133. This policy seeks to establish that all new housing developments should have regard to the Meriden Parish Design Statement and

demonstrate how it has been taken into account. The policy seeks to establish that stated design principles will apply and requires proposals to plan positively to reduce crime and the fear of crime.

134. In a representation with respect to the statement in the Parish Design Statement that Birmingham Road should be narrowed, the Packington Estate state *“Contrary to the proposed guidance we are actually of the view that the current width with wide verges, trees and hedges reflects the historic context of the road.”* The representation also states *“We do not support the guidance about future developments on Maxstoke Lane. We believe that development at the north end is practical, subject to suitable traffic measures.”* No modification of the Neighbourhood Plan is necessary in these respects to meet the Basic Conditions or other requirements.
135. A representation on behalf of Frontier Estates Ltd states *“it should be made clear as to which type of housing developments the policy will apply - for example, criterion e) should be amended to acknowledge that class C2 development has differing parking needs from class C3 - such that a ratio of 1 space per bedroom would not be appropriate.”*
136. A representation on behalf of L&Q Estates states the Meriden Parish Design Statement requires updating; that national design and construction standards should not be replicated; the Lifetime Homes and building for Life 12 are out of date; and that the level of parking provision is excessive and does not encourage sustainable travel. It is suggested required provision should be one space per bedroom up to a maximum of 3 spaces per dwelling and that garages, which should be required to be 6m x 3m should be counted as providing a parking space.
137. A representation on behalf of J H Barber and Son objects to the parking requirement as this would require overprovision for 4, and 5, bedroom dwellings. It is considered parking standards are a matter for the emerging Local Plan. The representation raises concern regarding use of Lifetime Homes standard that goes beyond the current scope of Building Regulations and which has potential financial implications.
138. In a representation the Borough Council state the policy should recognise more recent national and strategic design guidance will take precedence over parts of the Parish Design Statement where a conflict arises. The Borough Council also state clarity is necessary regarding updates to the Parish Design Statement. I have recommended a

modification in these respects. The Borough Council also state the provision relating to development to the rear of properties could rule out developments that, with effective and appropriate design, could enhance the local area, meeting local identified needs. I am satisfied the policy only seeks to avoid development that adversely affects existing property and that this is a legitimate policy approach.

139. Paragraph 126 of the Framework states *“To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified”*. Paragraph 127 of the Framework states *“Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”* I am satisfied the approach adopted in the Neighbourhood Plan, as recommended to be modified, in these respects has sufficient regard for national policy.

140. Principle d) includes reference to Lifetime Homes Standard and Building for Life 12. The Guidance states assessment frameworks of that nature *“are effective when the issues within them are considered in relation to the particular context and character of a local area.”*<sup>64</sup> In July 2020 Homes England has announced support for Building for a

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<sup>64</sup> Planning Practice Guidance Paragraph:018 Reference ID: 26-018-20191001 Revision date: 01 10 2019

Healthy Life guidance, commissioned by NHS England, to replace Building for Life 12. I am satisfied use of the term “*or its equivalent*” is sufficient to future proof the policy in this respect and in respect of the emerging Local Plan review.

141. Principle c) refers to standards of performance. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.<sup>65</sup> The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. Principle f) seeks to establish a parking standard. The Borough Council states this is contrary to the Council’s evidence-based approach and that the Framework indicates the way that it is appropriate for local circumstances to be taken into account. The Borough Council has suggested a criterion-based policy used elsewhere could be used. The suggested approach would be disproportionate in respect of many, in particular small-scale development proposals and represent an inappropriate burdensome scale obligation on those applicants. The suggested criteria duplicate national policy relating to the criteria that should be taken into account if setting local parking standards. Paragraph 16 of the Framework states “*Plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*” Paragraph 105 of the Framework sets out the factors that should be taken into account if policies seek to set local parking standards. Whilst paragraph 5.7.5 of the Neighbourhood Plan refers to paragraph 105 of the Framework the introduction of a specific parking policy has not been sufficiently justified. Paragraph 102 of the Framework states patterns of movement, streets, parking and other transport considerations should be integral to the design of schemes, and contribute to making high quality places. I have recommended modification of the policy in these respects so that the policy has regard for national policy.

142. It is inappropriate to refer to a policy in an emerging Local Plan document as that policy may not be included in the adopted version of

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<sup>65</sup> <https://www.gov.uk/guidance/housing-optional-technical-standards>

the Local Plan. Principle a) is imprecise and does not provide a basis for the determination of development proposals. The Framework refers to the aim of achieving safe places so that crime and disorder and the fear of crime do not undermine the quality of life or community cohesion, however, the term “*where necessary will be expected to*” introduces uncertainty. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

143. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

144. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, promoting sustainable transport, making effective use of land, and achieving well-designed places the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 3:**

#### **In Policy H3**

- after “**Design Statement**” insert “**as updated, and insofar as it has not been superseded by later national and strategic policy**”
- delete design principles a) and c)
- in d) delete “**(Policy P15 Securing Design Quality in Solihull’s Draft Local Plan)**”
- replace part f) with “**It is demonstrated the proposal will not necessitate regular on-road parking.**”
- replace “**where necessary will be expected to**” with “**must**”

**Adjust Appendix 2 to display the Parish Design Statement as updated including text from paragraph 5.7.2 of the Neighbourhood Plan**

## Policy NE1: Valued Landscapes

145. This policy seeks to establish that new development must have regard to identified valued landscapes, skylines and views and that proposals that will have an adverse impact will be resisted. The policy also seeks to encourage measures to improve the quality of the landscape, its scenic beauty and tranquillity and to reduce light pollution.
146. A representation on behalf of L&Q Estates states the Borough council Landscape Character Areas referred to extend beyond the areas identified as valued, and that case law is clear that to be valued landscape, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond “ordinary”.<sup>66</sup>
147. A representation on behalf of IM Land states Policy NE1 confuses what constitutes a landscape and what constitutes a view. The representation includes a Landscape Appraisal and Green Belt Review which finds in respect of the ‘valued landscape’ from St Laurence Churchyard, on the first issue of what is a landscape or a view *“The view may be locally valued by residents, and its merit and sensitivity to change has been addressed elsewhere within this LVA GBR, but that is different to being a landscape of value.”*
148. The representation on behalf of IM Land also contends Policy NE1 is erroneous in respect of the definition of a valued landscape in planning policy, stating *“popularity alone is not justification for a landscape to be considered ‘valued’ in planning terms. Further, a landscape cannot be considered as ‘valued’ simply because it demonstrates the characteristics of the local countryside.”* The Stroud DC High Court decision is quoted in which it is found a Planning Inspector is entitled to conclude, on the evidence he had before him, that there had been no demonstrated physical attributes to make the land ‘valued’.<sup>67</sup> The Landscape Appraisal and Green Belt Review submitted as part of the representation finds with respect to the valued landscape from St Laurence Churchyard *“As a result of the above assessment , whilst the landscape identified in the MNDP is valued locally, it does not demonstrate features that elevate it above other countryside in the local area or that would make it ‘valued’ as per paragraph 170a of the NPPF.”*

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<sup>66</sup> Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)

<sup>67</sup> Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin)

149. A representation on behalf of J H Barber objects to identification of a new valued landscape designation at “Field from Berkswell Road to Church Lane” as paragraph 20 of the Framework is clear that conservation and enhancement of natural, built and historic environment, including landscape is a matter for strategic policies, and there is no need to repeat paragraph 127c of the Framework. The representation states the proposed designation is not sufficiently justified - undocumented use of a footpath is not sufficient; the evidence includes no comment on the view from Berkswell Road; and the presence of trees and hedgerow along Berkswell Road mean at best only filtered views of the church are likely to be available although no evidence is provided of this. The representation states no objective assessment has been undertaken to demonstrate the accepted requirements, and the Borough Landscape Character Assessment is not sufficiently fine grained to support the policy and the requirement to have regard is imprecise. It is contended part 2 of the policy is unclear; illustrations provide insufficient context or detail and do not always show ground level views; and Figure 23 does not appear to show the land proposed in the valued landscape in Figure 13.

150. Paragraph 6.8.1 of the Neighbourhood Plan states “*based on the evidence Meriden’s NDP Steering Group gathered from the residents of Meriden, three valued landscapes have been identified*”. It is evident from parts 6.9 and 6.10 of the Neighbourhood Plan that there are landscape views in the Neighbourhood Area that are widely liked or appreciated. The translation of general statements of popularity into the identified precisely defined valued landscapes and directions of view presented on Figure 13 has not been sufficiently justified. Furthermore, from the photographs presented in Figures 14 to 23, and from the brief descriptions in supporting text, it is unclear what are the demonstrable physical attributes that justify the elevation of these landscapes above other landscapes in the neighbourhood area. Section 6.11 of the Neighbourhood Plan brings together a number of statements from the Borough Council Landscape Character Assessment but it is not clear from this listing which points relate specifically to the identified valued landscapes, and which apply to each of the three separate valued landscapes. It is necessary for the basis of selection of each valued landscape to be clear in terms of physical attributes if an assessment of impact of proposed development schemes is to be assessed. In the absence of clarity regarding demonstrable physical attributes the policy cannot provide a basis for the determination of development proposals as required by Paragraph 16 of the Framework. The term “*have regard to*” also fails to

satisfy this requirement. There are a number of other issues that I have identified that support my conclusion that parts 1 and 3 of the policy do not meet the Basic Conditions. Those issues are: that planning policy should operate in the public interest and it is not clear that viewpoints indicated by the base of direction of view indicators are in locations that are accessible to the general public; the term “*encouragement*” does not provide a basis for the determination of development proposals; it is confusing that the third part of the policy does not refer to “*views*” which are referred to in the first part of the policy. I have recommended part 1 and 3 of the policy are deleted and part 2 is modified. It may be that in a Neighbourhood Plan Review a valued landscapes policy can be successfully established but that will require a more specific evidence base relating to demonstrable physical attributes and greater precision in definition of viewpoints.

151. As recommended to be modified the policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

152. As recommended to be modified the policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 4:**

##### **In Policy NE1**

- **delete parts 1 and 3**
- **in part 2 replace “encouraged” with “supported”**
- **replace the Policy title with “Landscape”**

#### **Policy NE2: Biodiversity**

153. This policy seeks to establish that development should protect and enhance the natural environment by minimising impacts on biodiversity and provide net gains in biodiversity in specified ways. The

policy also seeks to establish that development which fails to adequately protect and enhance biodiversity will be resisted.

154. A representation on behalf of L&Q Estates states the policy is too prescriptive and should have greater regard for paragraph 170 d) of the Framework.

155. Encouragement does not provide a basis for the determination of development proposals. The final sentence of the policy is imprecise. I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

156. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

157. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 5:**

##### **In Policy NE2**

- **replace b) with “create new ecological habitats and networks;”**
- **delete the final sentence**

#### **Policy NE3: Green Infrastructure**

158. This policy seeks to establish that development will be expected to contribute to the provision and/or improvement of green infrastructure in specified ways.

159. The representation on behalf of J H Barber and Son objects to the requirement to retain hedgerows as this may not be possible in

some circumstances. The representation on behalf of L&Q Estates state hedgerows should only be retained if they are good quality and species rich, and that provision should be made for essential removal, for example, to form a site access. Whilst the term “*good quality*” is imprecise and therefore inappropriate, I agree with the other points made and have recommended a modification in these respects so that the policy has greater regard for national policy relating to loss of irreplaceable habitats. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals.

160. The above-named representations also object to the requirement for 8m buffer zones to watercourses. Both state the specific requirement in part i) of an 8m buffer zone has not been sufficiently justified, and one of the representations states there is duplication of intent between parts i) and j) of the policy. I have recommended a modification in these respects in order to avoid unnecessary duplication and due to the absence of proportionate robust evidence relating to the purpose specified, as required by national policy.

161. The terms “*will be expected to*”, “*encourage*”, “*encouraged*”, and “*in preference*” do not provide a basis for the determination of development proposals. The word “*demonstration*” is a typographical error. It is confusing and unnecessary for the policy to state “*located in the Neighbourhood Area*” as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. I have recommended a modification in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

162. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the

Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 6:**

##### **In Policy NE3**

- **replace “will be expected to” with “must”**
- **after “following ways” insert “wherever possible”**
- **in b) c) and h) replace “encouraged” with “supported”**
- **in f) replace “encourage” with “include”**
- **replace g) with “When constructing boundaries, built walls and fences should only be used if it is demonstrated use of native hedge species is not possible”**
- **replace h) with “Species-rich hedgerows must be retained unless removal is necessary, for example to form a site access. Establishment of new native hedges is supported.”**
- **delete part i)**
- **in j) replace “demonstration” with “demonstrate” and delete “located in the Neighbourhood Area”**

##### **Policy NE4: Priority Habitats**

164. This policy seeks to establish that new developments should conserve and where possible enhance identified types of priority habitats and that proposals that result in loss or harm to priority habitats will not be supported unless there are exceptional circumstances and the contribution to the public good outweighs their loss/harm.

165. A representation on behalf of L&Q Estates states use of the term “*exceptional circumstances*” represents too high a barrier, and refers to misuse of the term “*Priority Habitats*”. The Glossary to the Framework defines priority habitats and species as “*Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.*” Meriden’s Ecological Report prepared by the Habitat Biodiversity Audit Partnership identifies priority habitats in the Neighbourhood Area. Extracts from that report are set out in section 6.18.1 of the Neighbourhood Plan. Paragraph 174 of the Framework states plans should promote the conservation,

restoration and enhancement of priority habitats. I am satisfied the approach adopted in Policy NE4 has sufficient regard for national policy.

166. The term “*where appropriate*” in the context used introduces uncertainty. It is confusing and unnecessary to state “*within the Neighbourhood Area*” in one policy as all the policies of the Neighbourhood Plan apply throughout the neighbourhood area unless a lesser area is specified. I have recommended a modification in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

167. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

168. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 7:**

##### **In Policy NE4**

- **delete “Where appropriate” and “within the Neighbourhood Area”**
- **after “must” insert “demonstrate opportunities have been taken to”**

#### **Policy NE5: Flooding and Drainage**

169. This policy seeks to establish requirements that aim to ensure development should not increase flood risk.

170. A representation on behalf of L&Q Estates and a representation on behalf of J H Barber and Son state the requirement for development to be set back 8m from watercourses has not been

justified or evidenced. Paragraph 157 of the Framework states plans should safeguard land from development that is required, or likely to be required, for current or future flood management. The specific set back of 8m required in part 4 of the policy has not been sufficiently justified. I have recommended a modification so that the policy is able to be applied taking account of material considerations and so that it only safeguards land from development that is required, or is likely to be required for current or future flood management in accordance with paragraph 157 of the Framework.

171. The representation on behalf of J H Barber and Son also states part 1 of the policy duplicates national policy and introduces requirements that are not justified., and states part 7 of the policy is not necessary as the matter is addressed through the building regulations.

172. Paragraphs 155 to 165 of the Framework set out a clear statement of planning policy in relation to flood risk. It is inappropriate for a Neighbourhood Plan to include policies that either duplicate or seek to vary national or strategic policy. Part 1 of the policy duplicates paragraph 163 of the Framework with respect to flood risk assessments contrary to paragraph 16f) of the Framework, and introduces other requirements that are imprecise and do not provide a basis for the determination of development proposals. Repeat use of the word “*development*” in part 4 is a typographical error. The term “*the watercourses*” introduces uncertainty. The word “*mitigation*” is imprecise. The term “*encouraged, where appropriate*” does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

173. Part 7 of the policy refers to standards of performance. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.<sup>68</sup> The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary*

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<sup>68</sup> <https://www.gov.uk/guidance/housing-optional-technical-standards>

*planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*". I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

174. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

175. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with climate change and flooding, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 8:**

##### **In Policy NE5**

- **delete part 1**
- **after "set back" delete "development" and before "watercourses" delete "the"**
- **after "floodplain" continue "unless it is demonstrated a narrower buffer zone is sufficient"**
- **insert "flood" before "mitigation"**
- **replace "encouraged, where appropriate" with "supported"**
- **delete part 7**

##### **Policy NE6: Renewable and Low Carbon Energy**

176. This policy seeks to establish conditional support for development proposals relating to production of renewable and low carbon energy, and establish a requirement for new dwellings to include at least one charging point for electric vehicles.

177. A representation on behalf of L&Q Estates contends that the requirement for all dwellings to have at least one charging point for electric vehicles is not based on any evidence of need or demand. The representation on behalf of J H Barber and Son also objects to this

requirement as impact on viability has not been considered. Paragraph 110 of the Framework provides that in the stated context applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. In the context stated in paragraph 109 of the Framework I consider it appropriate that Policy NE6 should seek to establish support for charging facilities rather than seek to establish a requirement in this respect. In a representation the Borough Council states it may not always be feasible or perhaps viable for all new dwellings to have at least one electric vehicle charging point. Paragraph 16 of the Framework states Plans should be deliverable. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

178. The terms “*in principle*” and “*normally*” introduce uncertainty. I have recommended a modification in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

179. Part 3 of the policy refers to maximising energy efficiency in buildings. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.<sup>69</sup> The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

180. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

181. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their

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<sup>69</sup> <https://www.gov.uk/guidance/housing-optional-technical-standards>

community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with meeting the challenge of climate change, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 9:**

##### **In Policy NE6**

- **delete “in principle” and “normally”**
- **delete part 3**
- **replace part 4 with “Proposals for new dwellings that incorporate facilities to enable the charging of electric vehicles in safe, accessible and convenient locations will be supported.”**

#### **Policy BE1: Responding to Local Character**

182. This policy seeks to establish that development proposals must demonstrate how local character has been taken into account during the conception and evolution of a design in accordance with stated principles. The policy also seeks to establish that proposals that do not positively contribute to local character will be resisted.

183. In a representation Historic England suggest that Policy BE 1.1 could be strengthened by making direct reference in it to the need for those proposing new development to take full account of the Parish Design Statement (or its successors) and to show in their planning applications how the design guidelines within it have been addressed and have positively influenced the proposed design solution. A modification of this nature would not be necessary to meet the Basic Conditions.

184. Paragraphs 124 to 132 of the Framework set out a clear statement of national policy for achieving well-designed places. Paragraph 125 of the Framework states *“Neighbourhood Plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.”* The Guidance regarding design process and tools was updated on 1 October 2019. The Guidance states *“Neighbourhood plan-making is one of the key ways in which local character and design objectives can*

*be understood and set out, and with the benefit of being a community-led process.”* The National Design Guide, which is to be read alongside the Guidance, sets out under ten headings, the characteristics of well-designed places and demonstrates what good design means in practice. Policy BE1 has regard for national policy in that it seeks to promote or reinforce local distinctiveness without unnecessary prescription.

185. Whilst there is a degree of overlap of parts of the policy with other policies of the Neighbourhood Plan those parts of the policy either introduce additional policy content or have a different application. The general reference to the Warwickshire Landscape Guidelines is imprecise and does not provide a basis for the determination of development proposals. I have recommended a modification in this latter respect so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

186. Paragraph 189 of the Framework states a desk-based assessment, and where necessary a field evaluation, should be required where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest. The requirement in part i) of the policy that all development proposals be preceded by an appropriate archaeological survey has not been sufficiently justified. Part b) of the policy does not reflect the flexibility of approach with respect to density set out in paragraphs 122 and 123 of the Framework, nor does it show sufficient regard for paragraph 127 of the Framework which states policies should not prevent or discourage appropriate innovation or change (such as increased densities). I have recommended a modification in these respects so that the policy has sufficient regard for national policy.

187. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

188. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, making effective use of land,

achieving well designed places, meeting the challenge of climate change and flooding, conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 10:  
In Policy BE1 delete parts b) e) and i)**

**Policy BE2: Use of Brownfield Land**

189. This policy seeks to establish support for the redevelopment of brownfield land to create new housing subject to stated criteria.
190. Paragraph 178 of the Framework states planning policies should ensure that a site is "*suitable for its proposed use*" taking account of ground conditions and any risks associated with land instability and contamination, and "*adequate site investigation information*" is available to inform assessments.
191. It is unnecessary and confusing for a policy to state "*would be in accordance with other policies in this Plan*" as the Neighbourhood Plan should be read as a whole. I have recommended a modification in this respect so that the policy "*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*" as required by paragraph 16d) of the Framework.
192. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
193. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with making effective use of land, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 11:  
In Policy BE2 delete part f)**

**Policy BE3: Designated Heritage Assets**

194. This policy seeks to establish a policy approach to development proposals that affect designated heritage assets.
195. A representation states *“The general intention of Policy BE3 is supported by L&Q Estates and it is noted that the Policy appears to have regard to NPPF paragraphs 192-196. However, additional paragraphs beyond this, such as BE3.6 and BE3.7, are not supported, as they are not commensurate with national policy.”*
196. Paragraph 16f of the Framework states *“Plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework), where relevant.”* Part 16 of the Framework sets out national policy with respect to designated heritage assets. Parts 2, 3 and 4 of Policy BE3 duplicate paragraphs 194, 195, and 196 of the Framework and parts 1, 5, and 6 of Policy BE3 do not adequately have regard for the balanced approach of national policy. Part 7 of Policy BE3 does not adequately reflect national policy regarding Conservation Areas set out in paragraph 201 of the Framework. Policy BE3 in large part duplicates national policy and in other respects presents policy in terms that do not have regard for national policy without sufficient justification. The policy does not meet the Basic Conditions. I have recommended the policy is deleted so that the Neighbourhood Plan has sufficient regard for national policy.

**Recommended modification 12:  
Delete Policy BE3**

**Policy BE4: Promoting Walking and Cycling**

197. This policy seeks to establish that CIL funds will be used to enhance active travel routes; requires development to demonstrate how walking and cycling opportunities are to be enhanced; and states proposals that either adversely affect walking and cycling routes or fail to sufficiently encourage new walking and cycling opportunities will not be supported.

198. The representation on behalf of J H Barber and Son states it would be advisable to identify the particular routes to be enhanced to assist delivery of the policy. Modification of the policy in this respect is not necessary to meet the Basic Conditions. It is appropriate for the Neighbourhood Plan preparation process to be used to establish broadly expressed community priorities for the use of any developer contributions that become available for locally determined spending that may arise throughout the plan period.

199. Paragraph 104 of the Framework states planning policies should provide for high quality walking and cycling networks and supporting facilities. The term "*prioritised*" does not provide a basis for the determination of development proposals. I have recommended a modification in this respect so that the policy "*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*" as required by paragraph 16d) of the Framework.

200. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

201. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 13:**

**In Policy BE4 replace "prioritised" with "facilitated"**

**Policy BE5: Advertisements**

202. This policy seeks to establish principles for the determination of applications for advertisement consent with particular reference to the Village Centre, and to proposals in the Conservation Area, or on Listed Buildings.

203. The two references to Figure 40 are typographical errors. Part 4 of the policy, and the word “*encourage*” do not provide a basis for the determination of applications for advertisement consent. Whilst paragraph 132 of the Framework states “*advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*” the requirement of part 2c) of the policy has not been sufficiently justified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

204. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

205. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with achieving well designed places, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 14:**

##### **In Policy BE5**

- **replace “40” with “45” on both occasions**
- **replace “encourage” with “support”**
- **delete principle 2c)**
- **delete part 4**

#### **Policy LC1: Designated Community Assets**

206. This policy seeks to establish that the loss of identified community assets will be resisted and that proposals for new facilities will be supported. The policy also seeks to establish that all proposals will be assessed for health benefits and negative impacts, and establish that CIL funds may be used to support and enhance community facilities.

207. In a representation Sport England state there appears to be an overlap between Policy LC1 and LC4.1 as both policies include protection for named playing field and sporting activity sites. I am satisfied the purpose of these policies is different.
208. In a representation Packington Estate disputes the statement that certain areas of land listed in the policy are designated community assets and asks that those assets that the Estate owns should be removed from the list of community assets and the policy. In response to my request for clarification that the term designated is not appropriate and should be removed from the policy, and policy title the Borough and Parish Councils confirmed "*The term used in the Assets of Community Value (England) Regulations 2012 is listed and it is recognised that this would be more appropriate than the word designated used in the heading to Policy LC1 and clause LC1.1.*" I have recommended deletion of the word "*designated*" from the policy and the policy title. The Neighbourhood Plan is able to identify community assets and include a land use policy in respect of those assets regardless of the nature of the ownership of those assets. The representation includes a statement that part of the Meriden Archery Club and Clubhouse is not in the neighbourhood area; most of the Stonebridge Golf Centre is not in the neighbourhood area; and that none of Somers Wood Caravan Park is in the neighbourhood area. In response to my request for clarification the Borough and Parish Council state "*It is confirmed that part of the Meriden Archery Club and Clubhouse and at least part of the Stonebridge Golf Centre and Somers Wood Caravan Park are within the Meriden Parish Neighbourhood Area.*" I have recommended a modification in this respect to clarify the Neighbourhood Plan only relates to land within the Neighbourhood Area.
209. Paragraph 92 of the Framework states planning policies should plan positively for the provision of community services to enhance the sustainability of communities, and guard against unnecessary loss of valued facilities and services. It is appropriate for the Neighbourhood Plan preparation process to be used to establish community priorities for the use of any developer contributions that become available for locally determined spending that may arise throughout the plan period.
210. The first sentence of the policy is not linked to development proposals. Whilst loss of an asset would not occur if it is replaced, I have recommended these circumstances, and circumstances where a significant diminution of an asset will occur should be included in the policy to avoid uncertainty. The terms "*generally be supported*" and

“encouraged” do not provide a basis for the determination of development proposals. The term “adequate” is imprecise. It is confusing and unnecessary for a policy to state “or any other policy in this Plan” as the Neighbourhood Plan should be read as a whole. Paragraph 109 of the Framework states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.” There is a duplication in that Meriden Surgery is the subject of Policy LC2. Whilst there is a degree of duplication with Policy LC3 with respect to education facilities and Meriden Library the latter policy does include provisions that are different to those set out in Policy LC1. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

211. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

212. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities and promoting sustainable transport, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 15:**

##### **In Policy LC1**

##### **In part 1**

- **delete item 8 from the list of assets**
- **insert “(the part that is in the Neighbourhood Area)” after the listing of items 2, 5 and 6**
- **replace the text before the list with “Development proposals that will result in the loss, or significant diminution, of a community asset listed below will not be supported unless it can be demonstrated:**
  - **the asset is no longer viable; or**

- the asset is no longer in active use and there is no prospect of it being brought back into active use; or
- the asset is to be replaced by an equivalent asset in no less convenient location for users.”

**In part 2**

- replace “encouraged” with “supported”
- replace a) with “the proposal will not result in regular on-road parking;”
- delete “or any other policy in this Plan”

**Delete the word “Designated” from the Policy title**

**Policy LC2: Protecting and Enhancing Health Opportunities**

213. This policy seeks to establish support for proposals that will enhance and expand health care facilities at Meriden Surgery. The policy also seeks to establish criteria for support of proposals that would adversely affect provision and delivery of health care at Meriden Surgery.

214. In a representation an individual states that medical facilities need to be improved. The Packington Estate state part 2 of the policy is not applicable as the surgery is not owned by the Doctors practice but is in rented property owned by the Packington Estate. It is stated the marketing or use of the property is up to the landlord and the property is not a designated community asset. Policy LC2 does not seek to establish that the surgery is a designated community asset. The proposed policy is a land use policy that is silent regarding ownership. No modification is necessary in these respects to meet the Basic Conditions or other requirements.

215. Paragraph 92 of the Framework states planning policies should plan positively for the provision of community services to enhance the sustainability of communities, and guard against unnecessary loss of valued facilities and services.

216. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

217. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable

development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy LC3: Protecting and Enhancing Education and Library Facilities**

218. This policy seeks to establish a policy approach to proposals relating to education and library facilities.
219. Paragraph 92 of the Framework states planning policies should plan positively for the provision of community services to enhance the sustainability of communities, and guard against unnecessary loss of valued facilities and services.
220. Part 1 of the policy is a statement and not a land use policy. I have recommended a modification in this respect so that the policy "*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*" as required by paragraph 16d) of the Framework.
221. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
222. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 16:**  
**In Policy LC3 replace part 1 with "Development proposals for the expansion of facilities at the existing primary school or at Meriden library will be supported.**

## Policy LC4: Designated Local Green Spaces

223. This policy seeks to designate 17 Local Green Spaces.
224. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figures 39 to 42 of the Neighbourhood Plan, not at Figures 34 to 37 as stated in the policy. I have recommended this correction is made. The same maps are presented in Appendix 8. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the green spaces in question. Appendix 8 also includes other information to assist identification including postal address with postcode and images of the sites. I am satisfied the areas of land proposed for designation as Local Green spaces have been adequately identified. Part 2 of the policy is a statement rather than a component of a land use policy. I have recommended part 2 of the policy is deleted so that the policy has sufficient regard for national policy and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.
225. The Borough Council has stated *“Spaces 2 (‘Coronation Island and the Wildlife bank behind it’) and 7 (‘Memorial Approach’) are within adopted highway land and concern was expressed by the local highway authority that the land may need to be retained for possible future improvements. In order to resolve this, a clause has been added at paragraph 8.7.4 stating that where a Local Green Space is on adopted highway land, there may be operational reasons why maintenance and improvements affecting the Local Green Space are necessary.”* Decision makers must rely on paragraph 101 of the Framework that states *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”* and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 143 to 147. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. Part 3 of the policy seeks to introduce a more restrictive approach to development proposals than

apply in Green Belt without sufficient justification, which it may not.<sup>70</sup> I have recommended part 3 of the policy is deleted.

226. Paragraph 99 of the Framework states *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”*

227. In respect of all of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

228. Paragraph 100 of the Framework states *“The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.”*

229. I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land. In reaching the latter conclusion I have taken into account the fact that some of the areas of land proposed for designation as Local Green Space are adjacent to, or in close proximity to, one another.

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<sup>70</sup> *R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812*

230. The Guidance states the Qualifying Body (Parish Council) *“should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.”*<sup>71</sup> The areas proposed for designation as Local Green Space have been subject to extensive consultation with the local community and Appendix 8 seeks to identify ownership.
231. The submission Neighbourhood Plan includes in Appendix 8 statements that seek to justify the proposed designations as Local Green Space. Relevant reasons for designation are stated in respect of each site including matters referred to in the Framework. Appendix 8 provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.
232. The majority of the areas proposed for designation as Local Green Space are within designated Green Belt. Paragraph 133 of the Framework states *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. Planning Practice Guidance states *“If land is already protected by Green Belt policy...then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.”*<sup>72</sup>
233. Figure 5 of the Neighbourhood Plan clearly identifies extensive areas of Green Belt and Policy H1 makes reference to areas outside the village boundary falling within Green Belt. Although a number of the proposed Local Green Spaces lie within or partly within Green Belt, I am satisfied their designation is appropriate given the nature of those areas and their spatial context in relation to the built form of Meriden village. The proposed areas for designation are clearly a resource of particular importance to the local community.
234. I have considered the representation of The Packington Estate objecting to the Meriden Archery Club and grounds being designated

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<sup>71</sup> Planning Practice Guidance Paragraph: 019 Reference ID:37-019-20140306 Revision date 06 03 2014

<sup>72</sup> Planning Practice Guidance Paragraph: 010 Reference ID:37-010-20140306 Revision date 06 03 2014

as Local Green Space stating *“The land is in Green Belt which provides its own protection. The land is neither a Village Green nor Local Authority owned Sports Field. Part is not in the Meriden Parish and, as a private club and a dangerous sport, its designation is not applicable.”* I have considered the matter of Green Belt designation above and am not aware of any assertion the land is a Village Green or a Local Authority owned Sports Field. The proposed area for designation as Local Green Space shown on Figure 40 of the Neighbourhood Plan is entirely within the Neighbourhood Area. The policies of the Neighbourhood Plan only apply to land within the Neighbourhood Area.

235. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 99 to 101 of the Framework concerned with the identification and designation of Local Green Space.

236. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

237. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 17:**

##### **In Policy LC4**

- **delete parts 2 and 3**
- **replace “34-37” with “39-42”**

##### **Policy LC5: Allotments**

238. This policy seeks to establish that development proposals that would result in partial or complete loss of an allotment will not be supported unless specified criteria are met. The policy also seeks to

establish conditional support for proposals for the provision of new allotments and residential developments are encouraged to include shared space or private gardens suitable for occupants to grow food.

239. Paragraph 91 of the Framework states planning policies should enable and support healthy lifestyles for example through provision of allotments.

240. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

241. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy LE1: Protecting and Enhancing Existing Employment Sites**

242. This policy seeks to establish criteria for support of proposals for the change of use or redevelopment of land or premises identified for or currently in employment use.

243. The Framework states planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy LE1 has sufficient regard for national policy in this respect, whilst enabling a rapid response to changes in economic circumstances as required by paragraph 81 of the Framework.

244. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

245. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong competitive economy, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy LE2: Protecting and Enhancing the Village Centre**

246. This policy seeks to establish that proposals for new or enhanced retail, commercial or community uses will be supported within the defined Village Centre and establish a criterion for loss of such uses. The policy also supports provision of residential uses above shops but establishes a criterion for support of conversion of a whole retail, commercial or community unit.

247. Reference to Figure 40 is a typographical error. It is confusing and unnecessary for a policy to state "*where there is no conflict with other policies in the development plan*" as the Development Plan should be read as a whole. The term "*be resisted*" does not provide a basis for the determination of development proposals. The term "*in principle*" introduces uncertainty. I have recommended a modification in these respects so that the policy "*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*" as required by paragraph 16d) of the Framework.

248. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

249. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, and ensuring the vitality of town centres, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is

appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 18:**

**In Policy LE2**

- replace “40” with “45”
- delete “where there is no conflict with other policies in the development plan”
- replace “be resisted” with “not be supported”
- delete “in principle”

**Policy LE3: Promoting High Speed Broadband and Mobile Telecommunications**

250. This policy seeks to establish conditional support for new and improved high-speed broadband and mobile telecommunications infrastructure.

251. In a representation an individual suggests broadband and mobile phone signals are inadequate and that improvement should be a priority as more people work from home.

252. The term “*in principle*” introduces uncertainty. I have recommended a modification in this respect so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

253. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

254. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with supporting high quality communications, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 19:  
In Policy LE3 delete “in principle”**

**Policy LE4: Agricultural Land and Farm Diversification**

255. This policy seeks to establish a policy approach to protection of the best and most versatile agricultural land, and to support identified forms of agricultural diversification.
256. A representation on behalf of J H Barber and Son objects to part 1 of the policy as this is covered in the Framework and should be considered on a Borough-wide basis. In a representation the Packington Estate states *“The Agricultural Land Classification Map that has been shown is not Fig.42 as stated in paragraph 9.7.1 but Fig.47 and the plan is over 40 years out of date. In any event, Agricultural Land Classification Plans were only accurate to 200 acres and this plan and reference to classification is outdated. We also fundamentally object to Policy LE4.3. New buildings are constantly required for agriculture and Holdings change. The proposed Policy would be a gross infringement of liberty in allowing farmers to sell land off or, indeed, sell buildings off. The Policy should be deleted”*.
257. I am satisfied part 1 of the policy has sufficient regard for national policy but adds a level of local detail. The glossary to the Framework defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification. I have recommended a modification in this respect to correct an error. Part 3 of the policy has not been sufficiently justified in terms of the tests for planning obligations set out in paragraph 56 of the Framework.
258. A representation on behalf of L&Q Estates states *“the practicality of demonstrating no other land of a poorer agricultural quality is questionable. As identified at paragraph 9.7.1 and Figure 42 of the NDP, a very small element of the Neighbourhood Area comprises non-BMV land, the majority of which is located towards Hampton-in-Arden and not adjacent to any built settlement (this land also appears to overlap partly with two active quarries off Cornets End Lane and is therefore not capable of accommodating development). The reality is, therefore, that any development within the Neighbourhood Area will take place on BMV land, regardless of location.”*

259. Paragraph 83 b) of the Framework states planning policies should enable the development and diversification of agricultural and other land-based rural businesses. Paragraph 170 b) of the framework states planning policies should recognise the economic and other benefits of the best and most versatile agricultural land. Given the extent, location, and related development potential of agricultural land that is not best and most versatile the inclusion of a requirement to demonstrate non-availability of poorer quality agricultural land is inappropriate and represents a burdensome scale of obligation on parties preparing development schemes. The term “*considered compatible with this policy*” does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

260. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

261. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong, competitive economy and conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 20:**

##### **In Policy LE4**

- **replace “Agricultural Classification” with “Agricultural Land Classification”**
- **replace “agricultural land is necessary, and no other land of poorer agricultural quality is available” with “that agricultural land is necessary”**
- **replace “considered compatible with this policy” with “supported”**

- delete part 3 of the policy

### **Policy LE5: Homeworking and Live-Work Units**

262. This policy seeks to establish support for provision of home-working facilities in new homes and conditional support for live-work units.
263. Paragraph 81 of the Framework states planning policies should allow for new and flexible working practices such as live-work accommodation. The term “*are encouraged*” does not provide a basis for the determination of development proposals. The term “*an appropriate level*” is imprecise. I have recommended a modification in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
264. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
265. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong, competitive economy and delivering a sufficient supply of homes, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 21:**

##### **In Policy LE5**

- replace “All new dwellings are encouraged to” with “Development proposals for new dwellings that”
- after “broadband” insert “will be supported”
- replace part 2b) with “It is demonstrated neither use will necessitate regular on-road parking;”

## **Policy LE6: Leisure and Tourism**

266. This policy seeks to establish conditional support for new and improved leisure and tourism-based services and facilities.
267. Paragraph 83 of the Framework states planning policies should enable “*sustainable rural tourism and leisure developments which respect the character of the countryside.*” It is confusing and unnecessary for a policy to state “*or other policies in this Plan*” as the Neighbourhood Plan should be read as a whole. I have recommended a modification in this respect so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
268. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
269. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong, competitive economy, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 22:**

**In Policy LE6 delete “or other policies in this Plan”**

## **Policy T1: Managing the Impact of Traffic**

270. This policy seeks to establish that where necessary applicants will be expected to identify and assess the traffic generation and road safety impacts of their development proposals. The policy states an expectation that adverse impacts will be mitigated through improvements to transport and accessibility. The policy also seeks to establish support for measures that reduce impacts of traffic congestion and traffic in the Village Centre.

271. The Framework seeks to promote sustainable transport and includes at paragraph 102 *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; ...e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”*. Paragraph 103 of the Framework includes *“the planning system should actively manage patterns of growth in support of these objectives.”* Paragraph 127 of the Framework states planning policies should ensure developments function well and add to the overall quality of the area and create places that are safe.

272. Paragraph 109 of the Framework states *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

273. Paragraph 84 of the Framework states *“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”* Whilst paragraph 84 of the Framework makes reference to unacceptable impact on local roads this is in the circumstances that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The Neighbourhood Plan does not seek to identify sites to meet local business and community needs.

274. Paragraph 111 of the Framework requires that *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or assessment so that likely impacts of the proposal can be assessed.”* The Guidance states *“Transport Assessments and Transport Statements primarily focus on evaluating the potential transport impacts of a development proposal.”*

*(They may consider those impacts net of any reductions likely to arise from the implementation of a Travel Plan, though producing a Travel Plan is not always required.) The Transport Assessment or Transport Statement may propose mitigation measures where these are necessary to avoid unacceptable or “severe” impacts. Travel Plans can play an effective role in taking forward those mitigation measures which relate to on-going occupation and operation of the development. Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be “severe”, which may be a reason for refusal, in accordance with the National Planning Policy Framework.”<sup>73</sup>*

275. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out what is required from applicants when submitting planning applications. The ‘Guidance on Information Requirements and Validation’ document published by the Department for Communities and Local Government Department (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include *‘information to accompany the application as specified by the local planning authority on their local list of information requirements’*. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain *‘relevant, necessary and material’*. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application. The policy is seeking to establish information requirements that are outside the statutory framework relating to local lists of information to be submitted in support of planning applications. It is for the Highway Authority to assess highway impact and if considered necessary to specify mitigation measures. The term *“where necessary”* introduces uncertainty and the term *“will be expected to”* does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy *“is clearly written*

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<sup>73</sup> Planning Policy Guidance Paragraph: 005 Reference ID: 42-005-20140306 Revision date: 06 03 2014

*and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.*

276. The policy is in general conformity with the strategic policies included in the Solihull Local Plan (adopted December 2013) and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

277. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 23:  
In Policy T1 delete parts 1 and 2**

## Conclusion and Referendum

278. I have recommended 23 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

279. I am satisfied that the Neighbourhood Plan<sup>74</sup>:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions:

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<sup>74</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>75</sup>

**I recommend to Solihull Metropolitan Borough Council that the Meriden Neighbourhood Development Plan for the plan period up to 2033 should, subject to the modifications I have put forward, be submitted to referendum.**

280. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>76</sup> I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”<sup>77</sup>. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Solihull Metropolitan Borough Council as a Neighbourhood Area on 16 March 2015.**

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<sup>75</sup> This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

<sup>76</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>77</sup> Planning Practice Guidance Reference ID: 41-059-20140306

## Annex: Minor Corrections to the Neighbourhood Plan

281. A number of consequential modifications to the general text, and in particular the ‘*explanation*’ and other general text of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. Explanations and other supporting text must not introduce any element of policy that is not contained within the Neighbourhood Plan policies.

282. I am also able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>78</sup> I recommend minor change only in so far as it is necessary to correct an error, or where it is necessary so that the Neighbourhood Plan provides a practical framework which makes it evident how a decision maker should react to development proposals as required by paragraph 16 of the Framework. Necessary corrections include:

- Adjust paragraph 4.2.6 to more accurately reflect the AECOM assessment findings
- In point 2 in the text box headed ‘Guidance’ under paragraph 6.13.2 replace “should designate” with “are requested to investigate the designation of”.
- Correct Project 1.1 to highlight that the proposals are subject to consultation with the Borough Council as Highway Authority and with wider stakeholders as required by Regulations.
- The representation of the Packington Estate objects to text on page 64 of the Neighbourhood Plan relating to Plantation Woodlands. Although the text is seeking to present extracts from Meriden’s Ecological Report it should be qualified by a statement that the owners of Meriden Shafts and Close Wood have indicated these private woods will be managed for a mixture of purposes which include, in particular commercial timber production.
- The Borough Council has stated “*Paragraph 7.3 recommends narrowing of the carriageway of Main Road to make it ‘more in scale with its village setting’.* However, the Council considers that this would now be unacceptable as Main Road is a bus route with a designated cycle lane and there are also a number of right-turn lanes along Main Road and ‘narrowing’ of the

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<sup>78</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

*carriageway may adversely affect these. It is therefore suggested that proposals for the improvements to Main Road should allow for a bespoke scheme to be designed. The text could be amended, for example to: ‘investment in improvements to the design to the Main Road carriageway area to ensure it enhances the character, appearance and functionality of the village’.*” I agree that this update should be made.

- The Borough Council stated “*The text at paragraph 7.4.3 following policy BE1 regarding local character, sets out the ‘character areas’ of the village and parish which are discussed in more detail in the Design Statement (Appendix 1 of the Plan). However, since the Design Statement was written in 2011 it does not include more recent developments – for example the development at Leys Lane. It would be appropriate to add a note within the text to this effect.*” I agree that this update should be made.
- In paragraph 8.7.6 replace “sight” with “site”
- In paragraph 9.4.1. replace “40” with “45”

**Recommended modification 24:**

**Modify explanation sections, general text, figures and images to achieve consistency with the modified policies, and to correct identified errors**

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26 January 2021  
REPORT ENDS