

## Balsall Common Multi Modal Package (incorporating the Balsall Common Relief Road) – Position Statement

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## Introduction

1. The A452 forms part of the Boroughs strategic road network and runs in a north-west to south-east direction linking north Solihull, east Birmingham, Birmingham Airport, the NEC, and Aren Cross with Kenilworth, Warwick, Leamington Spa and the areas south-west of Coventry.
2. Balsall Common is a rural settlement of some 4,000 households that straddles the A452. The through traffic moving between the areas noted above travels through the centre of the settlement along Kenilworth Road, which is the name given to the A452 as it passes through Balsall Common.
3. The Balsall Common Multi Modal Package (hereafter referred to as the MMP) comprises of two distinct, but related elements as follows:
  - A relief road<sup>1</sup> that can take through traffic away from the centre of the settlement, and
  - A package of active travel and public realm measures that will make travel by sustainable means in and around the settlement (including to the centre of the settlement from its suburbs) safer and more attractive. This will include measures that would discourage through traffic from using Kenilworth Road.
4. The MMP is required in order to provide essential infrastructure for Balsall Common in light of the growth expected to take place at the settlement.
5. This position statement is intended to provide the background to the scheme and how decisions on relevant planning applications will need to take it into account and make a proportionate contribution towards its delivery.
6. The position statement is not new policy, but rather confirmation that the approach set out in the now withdrawn plan, as supported by evidence; and generic national and local policy, will apply despite the fact the 2020 has been withdrawn.
7. Approval for the publication of this position statement was made at the Council's Climate Change and Planning Cabinet on 26<sup>th</sup> March 2025.

## Development Plan Background

8. Since at least 1997, the potential for a by-pass or relief road to serve Balsall Common has been either included or addressed in a development plan for the Borough as follows:
  - Unitary Development Plan (adopted 1997)
  - Unitary Development Plan (adopted 2006).
  - Solihull Local Plan (adopted 2013).
  - Solihull Draft Submission Plan (2020) (withdrawn 2024).

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<sup>1</sup> This essentially falls into three parts: (a) the existing Hall Meadow Road that links Kenilworth Road (north of the settlement) to Station Road, (b) Station Road to Waste Lane (which will effectively be provided as part of the Barratt's Farm (BC1) development) and (c) Waste Lane to Kenilworth Road (south of the settlement), the alignment for which is still to be determined.

### **Unitary Development Plan (adopted 1997)**

9. The 1997 UDP included the following policy (BC5 – Traffic) in the Balsall Common chapter of the plan:

*“The Council's aim is to improve traffic conditions and reduce accidents in Balsall Common by reserving a line for a by-pass; by ensuring access to new developments are appropriately located; and by increasing the level of car parking in the local centre.”*

10. The plan also provided the following commentary to the policy:

*“4.33 One of the main problems facing Balsall Common is the scale of traffic on the A452 Kenilworth Road. This forms part of the proposed Strategic Highway Network defined in the UDP and connects the M42, A446 (T) and A45 (T) to Kenilworth and the A46 (T). North of the village the road is a good standard dual carriageway but through the village it reduces to a single carriageway with frontage development and a series of central turning lanes and crossing points.*

*4.34 It is anticipated that a high level of traffic on the Kenilworth Road is likely to continue in the future. Recent estimates are that, despite the opening of the M40 which has diverted traffic from the A452, pre M40 levels of traffic will be exceeded within 15 years and indeed earlier if additional growth comes forward in the area.*

*4.35 On the basis of the continuing environmental and traffic problems on the road, the Council appointed Consultants in November 1988 to examine alternative potential routes. The Consultants' Study, which took account of the anticipated effect on local traffic of M40 recommended a line to the east of the village as the most cost effective route.*

*4.36 On the basis of the Consultants' recommendations, the Council agreed in September 1989 to reserve the line of the by-pass as now indicated on the Action Area Plan Proposals Map and set out in Proposal T4/3 in the Transport Chapter of the UDP ie*

*Transport Scheme No 4: Highway Improvement Line for a by-pass to the east of Balsall Common.*

*4.37 The road would be a ten metre wide two lane single carriageway. At its northern end there would be a roundabout junction with the A452, near the southern limit of the existing dual carriageway. The route would then follow the line of the railway turning southwards to cross Station Road by means of a bridge approximately 200 metres west of the level crossing. It would continue in a south east direction to the B4101 Waste Lane to a new four arm roundabout before continuing a southerly direction to another new four arm roundabout on the A452 south of the garage at the Meer End Road junction.*

*4.38 The route avoids the need for property demolition, although several properties, mainly in Waste Lane, would be within 50 metres of the proposed route.”*

11. The inset plan for Balsall Common include a highway improvement plan which is indicated on the following extract:





**Unitary Development Plan (adopted 2006)**

12. Policy T12 (Strategic Highway Network) included the following policy wording:

*“The Council will give priority to maintaining and improving those roads that carry the greatest levels of traffic and heavy goods vehicles, as defined by the Strategic Highway Network on the Proposals Map. The programme of maintenance and improvement will be kept under review.*

*In addition, the Council will protect the lines of by-passes/relief roads in order to relieve congestion, increase safety, minimise the effect on the environment and allow more sustainable forms of transport the opportunity to attract users.”*

13. Paragraph 5.3.8 included the following commentary:

*“One of the main problems facing Balsall Common in recent years has been the scale of traffic on the A452 Kenilworth Road. The opening of the M40 initially eased the problem to some extent. However, traffic levels have now increased towards the levels that existed before the M40 opened. Therefore, it is important to retain*

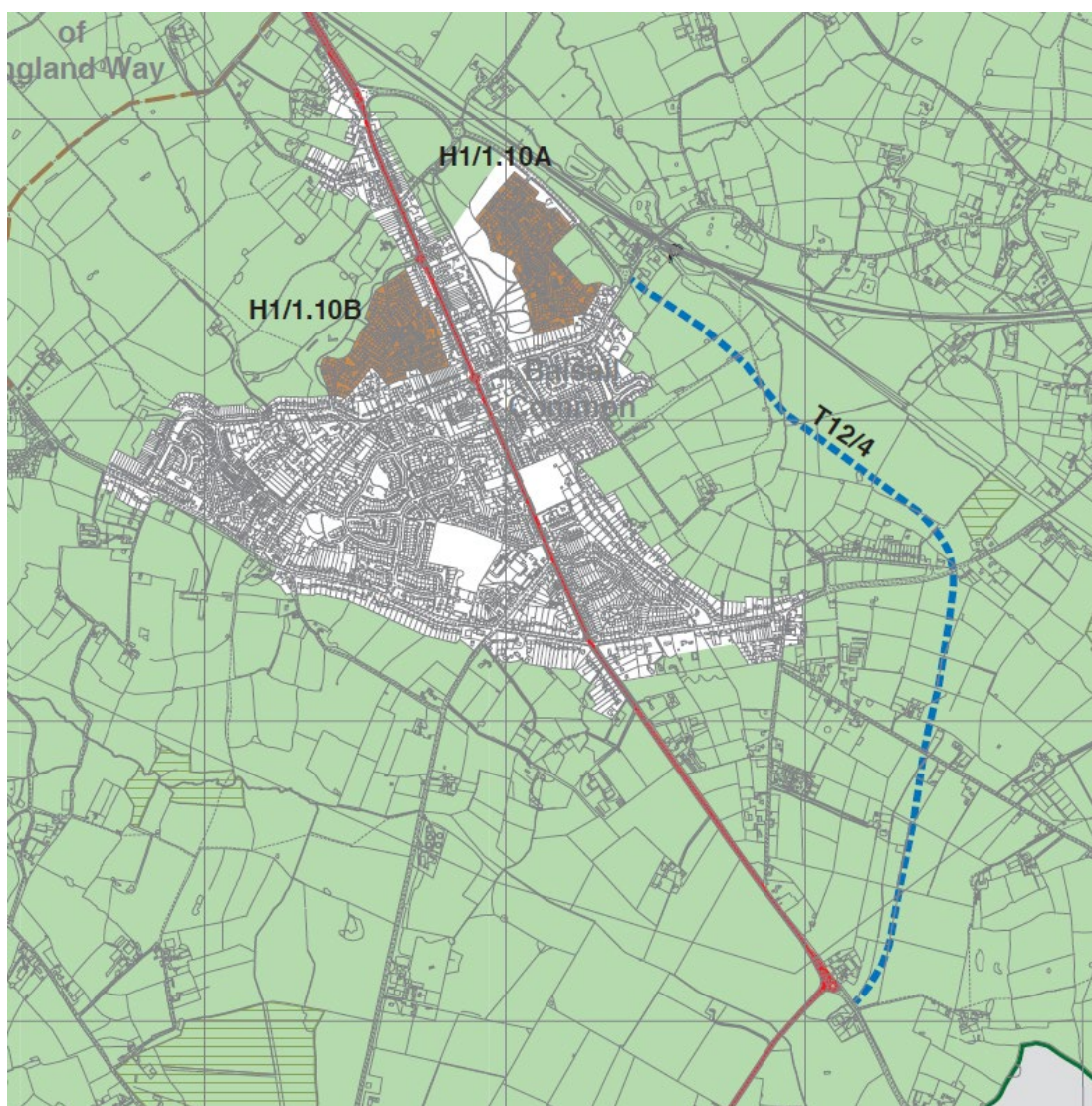


*the line of the Balsall Common by-pass for the completion of the by-pass to provide a potential solution to the traffic problems.”*

14. This was followed by Proposal T12/4 (Balsall Common Bypass) which stated:

*“The Council proposes to safeguard a highway improvement line for a road to the East of Balsall Common.”*

15. The associated proposals map included a highway improvement line showing the bypass as follows:



### ***Solihull Local Plan (adopted 2013)***

16. The 2013 plan addressed the bypass improvement lines as follows<sup>2</sup>:

*“Three longstanding bypass improvement lines, at Knowle, Hockley Heath and Balsall Common, were retained in the Council’s Unitary Development Plan 2006 pending further analysis of the M42 Active Traffic Management (ATM) Scheme and an understanding of progression of potential widening of M42. The Council has*

<sup>2</sup> Paragraphs 9.3.15 to 9.3.19

*reviewed, in liaison with the Highways Agency and Warwickshire County Council, the need to retain the three improvement lines within this Local Plan.*

*Active Traffic Management (ATM) of the M42 through the Borough has proven highly successful in reducing congestion and delay to motorists whilst increasing journey time reliability; and, whilst land remains safeguarded, potential proposals to widen the M42 have progressed no further since the publishing of the UDP.*

*It is apparent however that the focus of transport investment has shifted significantly since initial consideration of the bypass lines. Given the impact of the current economic climate, and the drive to reduce greenhouse gas emissions, it is considered no longer appropriate to deliver large scale, costly transport improvements in the form of new roads. Transport policy is now focused more towards the management of travel demands, encouraging a shift away from car use and towards public transport, walking and cycling.*

*Furthermore, the principal purpose of the three bypass improvement lines would be to remove traffic from Knowle, Hockley Heath and Balsall Common centres; and it is therefore conceivable that the implementation of such bypass lines could be detrimental to the vitality and viability of the centres. In the light of the national commitment to sustainable economic growth, measures to increase footfall in centres and to manage the various different needs of a centre in a cohesive way that encourages its sense of place, would be more appropriate.*

*As such, the Council considers that priorities for transport investment, particularly in relation to local centres, have altered significantly since the initial safeguarding of bypass improvement lines at Knowle, Hockley Heath and Balsall Common; and therefore, that the need for their retention no longer exists.”*

17. Therefore, the plan did not include these bypasses/improvement lines on the associated proposals map.
18. Policy P8(a)(i) of the 2013 Local Plan states that:  
*“Development will not be permitted which results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any users of the highway or other transport network.”*

### ***Solihull Draft Submission Plan (2020) (withdrawn 2024)***

19. Whereas previous development plans considered the need for a by-pass serving the settlement, this was in the context of little additional growth<sup>3</sup>. This is in sharp contrast to the 2020 plan which (as detailed in a later section) provided for significant growth at the settlement. This caused the need for a relief road to be reassessed.
20. This plan included the following at paragraph 524:  
*“The A452 will continue to provide an important part of the highway network enabling vehicles to travel from Kenilworth and beyond up towards east Birmingham (including the UKC Solihull Hub area). The road carries much through traffic (e.g. over 80% of traffic passes through the village during the am peak time without stopping) and now is the opportunity to use new development to complete the highway network so that there is a functioning by-pass enabling through*

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<sup>3</sup> The 2013 plan proposed 220 dwellings at Balsall Common.

*vehicles to avoid using the village centre. This in turn will allow for environmental improvements (including cycle lanes) to be undertaken along the Kenilworth Road within the village as it would no longer need to accommodate the same levels of through traffic.”*

21. At paragraph 527 (under the heading ‘what is required for the settlement in the future’) it stated:

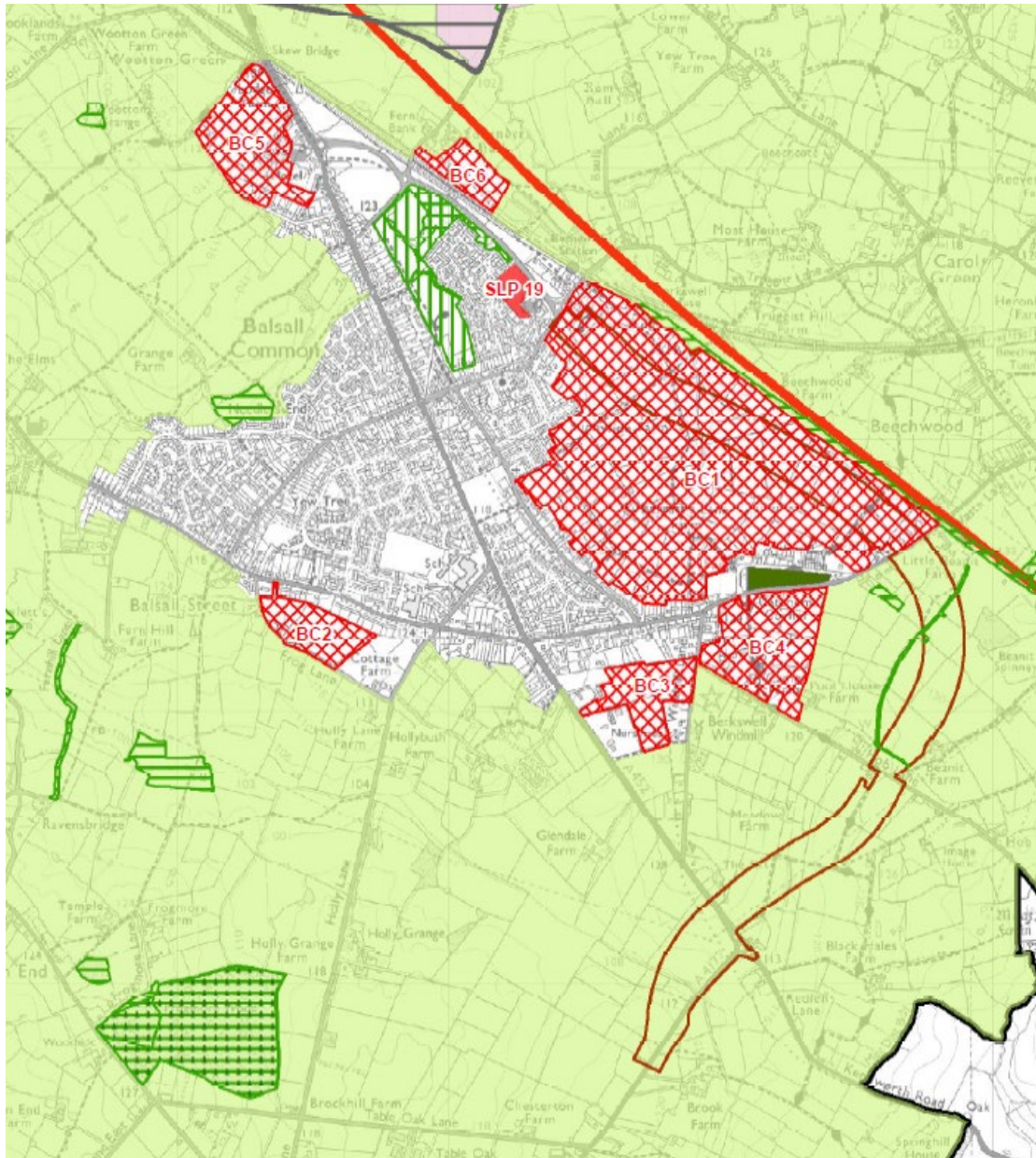
*“**Balsall Common Relief Road** – Evidence shows that there is a need for a bypass to serve Balsall Common currently, and that the additional growth proposed in this Plan will make its early delivery necessary to facilitate development and HS2 activity. It also indicates that continuing the line of Hall Meadow Road around the eastern side of the village, crossing Waste Lane to the west of Little Beanit Farm and joining up with the A452 around the Meer End Road junction is the preferred route. The design of the road would be single carriageway with few direct access points thus being attractive to through traffic as an alternative to using Kenilworth Road through the centre. However, the road would be expected to provide the main vehicular access into the Barratt’s Farm development and will need to be phased early in the development and as such it could also provide construction access for HS2 traffic. Delivery of the road will comprise of direct on-site delivery, coupled with potential CIL funding and grant funding opportunities that may be available through, for instance, the WMCA.”*

22. The accompanying policies map indicated a “Balsall Common Relief Road Buffer Zone” as follows<sup>4</sup>:

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<sup>4</sup> The buffer zone is as indicated by the near parallel brown lines on the plan.





### ***Neighbourhood Development Plans (NDP)***

23. The Balsall Parish Neighbourhood Development Plan (NDP) became part of the development plan for the Borough in June 2021. Associated with the NDP is a series of ‘Community Aspirations’ (CAs). The CAs:
- “... cover matters wider than those relating to development and use of land. They express the key concerns of the Balsall parish community that it considers would improve life in Balsall parish.”*
24. CA.5: Community Aspiration 5 “Village Bypass Road” states:
- “A bypass for the A452 to redirect through traffic around the village of Balsall Common and to reduce congestion along the Kenilworth Road is needed. This new bypass would mean the current trunk route along the Kenilworth Road becoming a local road for access. This would replace the existing trunk through road with a more environmentally friendly core for the local community with the potential for walkways and cycle routes.*



*During the construction of HS2 haul routes should be implemented to minimise the need for construction traffic to use the main trunk road A452 through Balsall Common (Balsall parish)."*

25. The explanation for this includes the following:

*"Residents overwhelmingly support a long overdue bypass for Balsall Common. The village is a notorious borough congestion hot spot and a bypass will relieve existing congestion and provide better access for new housing developments. A bypass to reduce traffic on the main A452 artery and connecting roads through the village and create the opportunity to incorporate walkways and cycle paths within the village to reduce car use for short journeys is required.*

*In the Household Questionnaire 2017 there was strong support for a bypass to be built around the village for through traffic (85%)."*

26. The Berkswell NP was adopted in 2019 and references the expected growth in Balsall Common as planned through the then emerging Local Plan Review and talks positively about the need for necessary infrastructure. However, whilst the relief road in particular will sit primarily within Berkswell Parish the NDP doesn't specifically reference the MMP.

## Previous Studies & Evidence

27. The evidence base for the now withdrawn plan included the following studies undertaken by Mott MacDonald:

- [Balsall Common Transport Study October 2020.](#)
- [Balsall Common Transport Study: Impact of Future Growth on the Network October 2020.](#)
- [Balsall Common Transport Study: Baseline and Constraints Report October 2020.](#)

28. These studies demonstrate that the highway network in Balsall Common is predicted to experience congestion and operate above capacity in various locations, particularly on the A452 Kenilworth Road, and that a package of mitigation measures is required in the form of the MMP.

29. The studies also identified that in the absence of any contributions towards the delivery of the package, the cumulative effect of the planned development in Balsall Common would result in significant adverse effects on the road network within and around Balsall Common. As individual developments are responsible for contributing towards the overall traffic flows, it is appropriate that they are considered holistically, both in terms of impact and in the context of what mitigation is required.

## Local Plan 2027-43

30. Following withdrawal of the 2020 emerging plan in 2024, the Council has adopted a Local Development Scheme setting out its intentions in bringing forward a new local plan as follows<sup>5</sup>:

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<sup>5</sup> At the time the LDS was adopted, it was noted that amendments to the NPPF (or other wider ranging changes) and the duty-to-cooperate could have impacts on this timescale.

- Winter 24/25 – launch Call-for-Sites exercise
  - Autumn 25 – publish a Regulation 18 Preferred Options Plan
  - Summer 26 – publish a Regulation 19 Draft Submission Plan
  - Autumn 26 – Submit plan for examination
  - Winter 26/27 – Examination hearings
  - Summer/autumn 27 – Plan adoption
31. It is the intention that the new plan will include a policy relating to the provision of a relief road serving the settlement and associated active transport & environmental improvements.
32. Until the new plan is adopted, it is considered necessary that a position statement for this important infrastructure is provided to help guide the determination of planning applications.

## Anticipated Growth at the Settlement

### ***Solihull Draft Submission Plan (2020) (withdrawn 2024)***

33. The spatial strategy in the now withdrawn plan included Balsall Common as a “*rural settlement identified for significant expansion.*” The plan then went on to allocate 6 additional sites for release from the Green Belt so that they could accommodate residential development. These are set out in the table below.

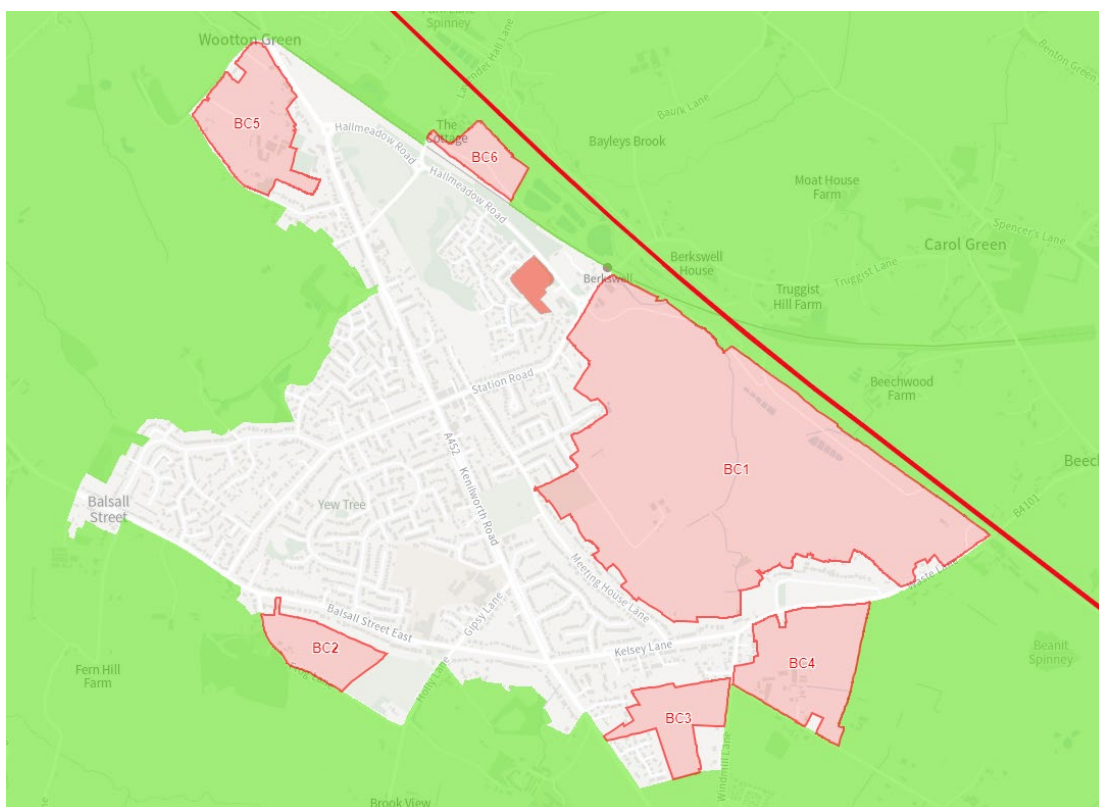
Site Ref. <sup>6</sup>	Site Name	Capacity <sup>7</sup>
BC1*	Barratt's Farm	1,158
BC2*	Frog Lane	110
BC3	Windmill Lane/Kenilworth Road	120
BC4*	Pheasant Oak Farm	268
BC5	Trevallion Stud	310
BC6*	Lavender Hall Farm	90
<b>Total</b>		<b>2,056</b>

34. In addition to the above is a remaining site allocation for the adopted 2013 plan that relates to a site<sup>8</sup> at Riddings Hill that is expected to accommodate around 65 dwellings. This means that the overall level of planned growth at the settlement is **2,121 dwellings**.
35. The location of these sites is shown on the following plan:

<sup>6</sup> An \* by the reference number indicates that at the time of publication of this position statement a planning application has been submitted for all or part of the relevant site.

<sup>7</sup> The capacity used here is as included in the land supply update given to the examination of the plan in August 2024 (document reference SMBC026). These are subject to amendment via the planning application process.

<sup>8</sup> Known as site SLP 19.



36. Although the plan was withdrawn, this was only after significant parts of the independent examination in public had been undertaken. This enabled the Inspectors to confirm<sup>9</sup> that:

*“We can also confirm that whilst there are a range of soundness issues, we consider that the overall spatial strategy of the submitted Local Plan and the other housing site allocations are in principle appropriate.”*

37. Due to potential delays with the examination of the 2020 plan, the Council set out its position in dealing with the planning applications that had by then been submitted in relation to the sites allocated in the plan, and any future applications. This was done through a report to [Climate Change and Planning Cabinet in July 2023](#)<sup>10</sup>.
38. The position statement was made to enable planning applications submitted for the allocated sites to be considered on a consistent basis. It recognised that applicants would need to demonstrate “very special circumstances” (in Green Belt terms) to enable the applications to be approved and then went to set out how this could be achieved so that decisions could be made in a positive manner.
39. This has now resulted in 5 applications either being approved or the Planning Committee have resolved to grant permission. These applications relate to the following allocations<sup>11</sup>:
- BC2 – Frog Lane, Balsall Common.

<sup>9</sup> Via letter dated 6<sup>th</sup> March 2023.

<sup>10</sup> When Full Council (8<sup>th</sup> October 2024) authorised the withdrawal of the 2020, Members reaffirmed the approach in the July 2023 Cabinet report.

<sup>11</sup> The references in bold relate to sites with planning permission. The others have a resolution to grant from Planning Committee.



- BC4 – Pheasant Oak Farm, Balsall Common (part of allocation).
  - **HA2 – Oak Farm, Catherine-de-Barnes (all of allocation).**
  - KN2 – South of Knowle (part of allocation).
  - **ME1 – West of Meriden (most of allocation).**
40. In addition to the above, a further 13 applications (which include provision for over 4,200 additional dwellings) are under consideration.
41. The process set out in the July 2023 Cabinet report and the subsequent evidence of Planning Committee decisions is an indication of the positive way the Council is addressing the housing need in the Borough, and the likely contribution towards addressing this need that approving the development of the allocated sites will make.
42. It is anticipated that this approach will continue, thus demonstrating the need for additional guidance in how such applications will be determined, and the factors that will need to be taken into account. In relation to proposals in and around Balsall Common, this will include how the proposals are related to the MMP.

### ***Windfall Developments***

43. In addition to the above, there may be a number of windfall developments in and around the settlement. Most are expected to be small scale developments of around 5 dwellings or less, but there remains a possibility that some larger schemes may be pursued for sites in the Green Belt that weren't included as an allocated site in the 2020 plan.
44. One such example is the proposal for 100 dwellings on land at 722 Kenilworth Road and land adjacent to Harper Fields Care Home in Balsall Common. This application<sup>12</sup> was allowed on [appeal](#) on 28<sup>th</sup> February 2025. Further commentary on this appeal is given in a later chapter in this position statement.

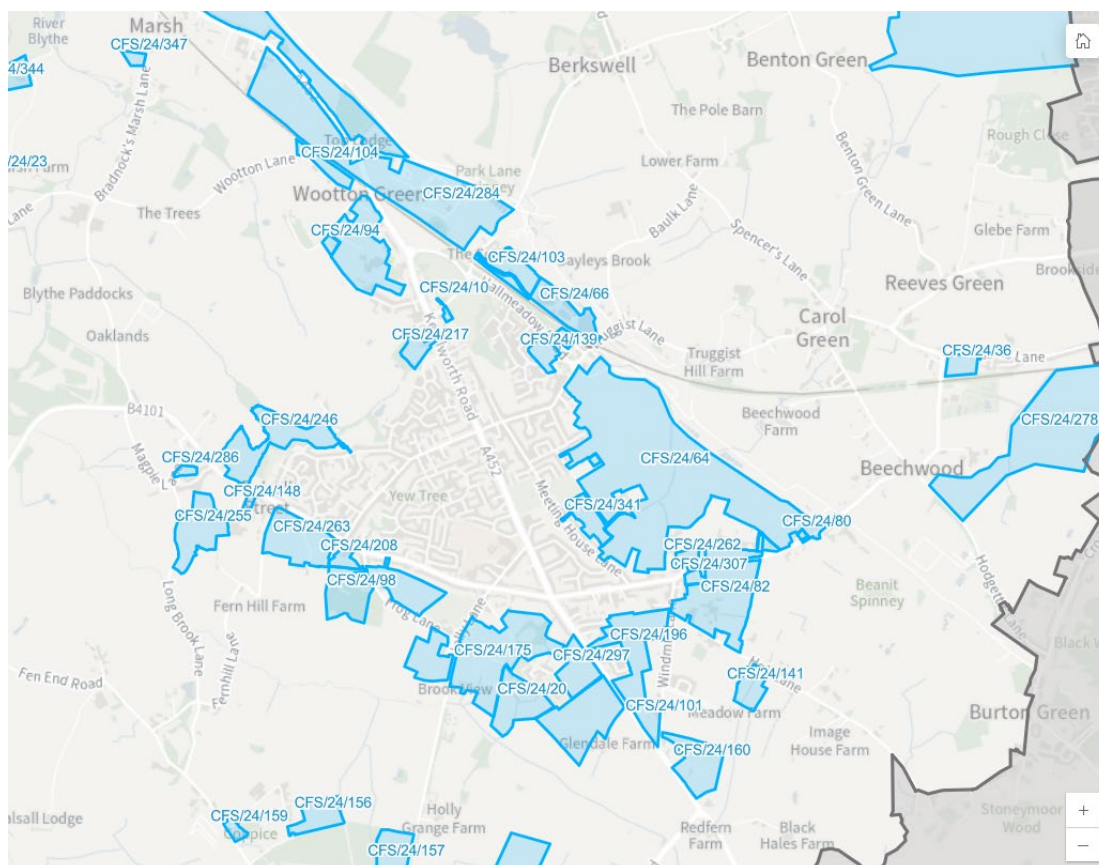
### ***Local Plan 2027-43***

45. Following withdrawal of the 2020 plan, the National Planning Policy Framework (NPPF) was updated in December 2024. For Solihull, this includes a significant increase in its Local Housing Need via changes to the standard methodology used to calculate need. The need is now 1,323 dwellings per annum (dpa). This compares with 866 dpa that was the figure immediately before the NPPF was updated. The new NPPF therefore amounts to a difference of an additional 457 dpa. Over a typical 17-year plan period, this would increase the requirement by over 7,700 dwellings.
46. The first stage in drawing up a new plan has commenced with a call-for-sites exercise which ran from November 2024 to January 2025. At this stage an assessment of the sites being promoted has not been undertaken, but it is useful to illustrate the scale and distribution of sites being promoted in the Balsall Common area. These are as illustrated in the following plan<sup>13</sup>:

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<sup>12</sup> Reference PL/2021/01360/MAJFOT and APP/Q4625/W/24/3351230.

<sup>13</sup> An interactive on-line version of this plan can be found at [www.solihull.gov.uk/cfs](http://www.solihull.gov.uk/cfs).



### ***Concluding Remarks on Scale of Growth***

47. It will be for the new plan to determine how the Borough's increased housing need is addressed, including whether and to what extent additional growth may be accommodated in Balsall Common.
48. For present purposes it is reasonable to assume that the settlement will see a level of growth of at least the level set out in the 2020, and potentially more. This underlines the importance of ensuring a mechanism is in place to capture the infrastructure requirements to support this level of growth. This includes the MMP.

### **Cost of Scheme**

49. As part of developing the now withdrawn 2020 Local Plan Review (LPR), the Council utilised the work undertaken by Mott MacDonald as part of the Balsall Common Transport Study (2020) to identify a cost range for delivering the MMP. This was summarised within the [Infrastructure Delivery Plan \(2020\)](#) (IDP) that was published alongside the LPR. The figures referenced within the Mott Macdonald Study utilised 2018 prices. The following extract is lifted from Page 122 of the IDP.

Project	Where	Why	Specific Requirements	Lead Delivery Organisation	Management Partners	Estimated Cost	Timescales / Phasing	Sources of funding	Any dependencies / Risks	Status in delivering Local Plan
Balsall Common Transport Improvements	Balsall Common	Ease congestion Access to housing development Improved public environment for those accessing the village centre	Relief road to the east of the village, connecting Station Road / Hallmeadow Road with Waste Lane and A452, with new junction arrangement to replace existing A452 / Meer End Road junction Complementary public realm, pedestrian and cycle improvements within the centre	SMBC		£20m - £30m	2022-2025	DfT - MRN GBS LEP WMCA S106/CIL		Essential  Policies: P8 BC1 BC2 BC3 BC4 BC5 BC6

50. The nature of the IDP is that it remains a live document, intended to support continued review of infrastructure requirements necessary to support growth across the Borough.
51. This price range has provided the basis upon which the cost of the MMP has been considered in the context of supporting current and future planning applications expected to deliver growth with Balsall Common. Such growth must contribute towards the overall delivery of the MMP to ensure the cumulative effects of growth can be appropriately managed in a sustainable and strategic manner.
52. Since the price range was identified within the IDP the construction industry has experienced a significant period of cost inflation. The Council has therefore drawn on the governments published data relating to inflation within the construction industry. This is evidenced by the [Construction output price indices - Office for National Statistics](#) and considers values for new build construction projects from January 2018 – December 2024 (the most recent data available).
53. The data shows a price point increase from 103.5 to 141.3<sup>14</sup> – an increase of 37.8 index points (which represents a 36.3% increase). When this is factored into the projected cost range the following figures are identified:

	IDP bottom figure	IDP mid-point	IDP top figure
2018 baseline	£20,000,000	£25,000,000	£30,000,000
2024 increased baseline	£27,300,000	£34,125,000	£40,950,000

54. The Council have considered a range of pricing options within the range identified above. Since the publication of the IDP the Council has also undertaken further work to consider more detailed alignment options for the Relief Road in particular. This work has however paused following the withdrawal of the local plan and will be superseded in due course by an updated design specification and further consideration of highways matters as part of determining live planning applications. This work did however identify a direct capital cost for the MMP broadly aligned to the mid-point of the IDP range (uplifted by inflation). As such, the Council intends to consider the relevant contributions towards the MMP based on the mid-point of the IDP range, allowing for an inflationary increase as identified above. This figure totals £34.125m.

<sup>14</sup> Using the 'infrastructure' index and where 2015 = 100 (index points).



## Funding for the Scheme

55. Other funding sources may also include:
- West Midlands Combined Authority.
  - Contributions from Community Infrastructure Levy funds (both monies already collected and future CIL receipts).
  - Contributions from S106 agreements as part of residential developments in and around Balsall Common.

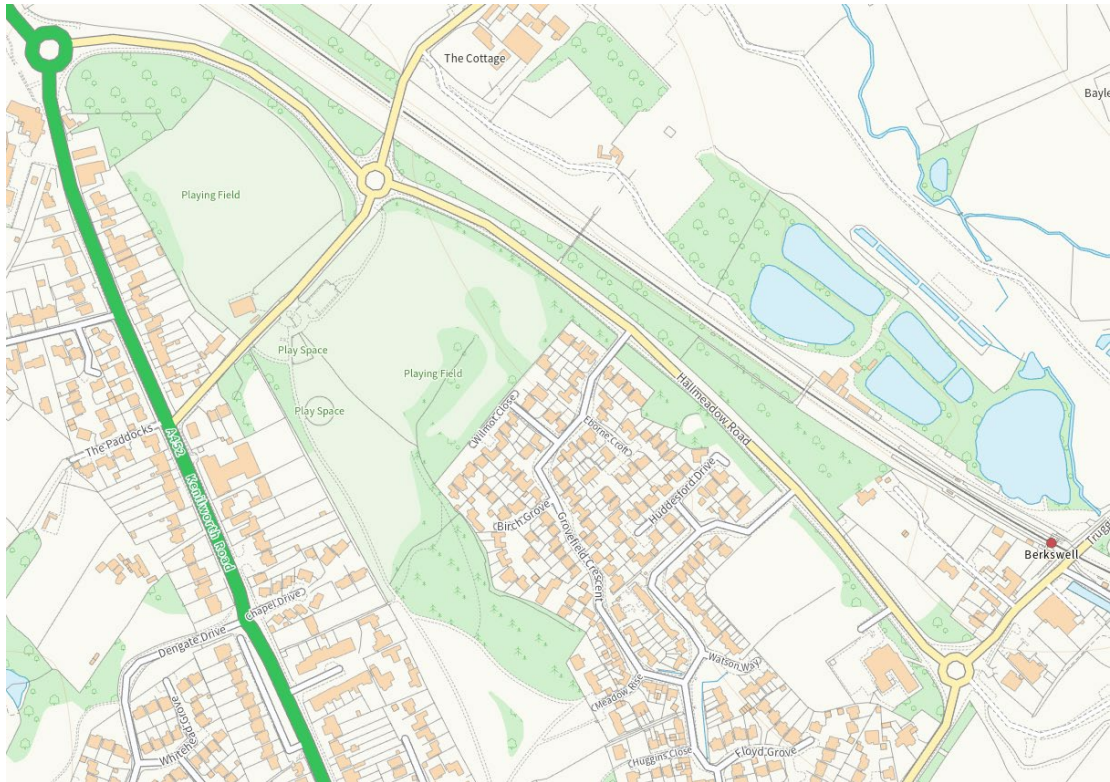
## Delivery of Scheme

56. It is possible to consider the provision of the relief road being provided in three phases:
- Phase 1 – Hallmeadow Road from Kenilworth Road to Station Road. This is effectively already in place.
  - Phase 2 – Station Road to Waste Lane.
  - Phase 3 – Waste Lane to Kenilworth Road.

It is expected that these phases will be delivered differently with Phase 2 being delivered 'in-kind' as part of the Barratts Farm development at BC1. This reflects the essential nature of this section of the road and associated junctions to ensure its sustainable delivery as well as appropriate access into and movement through the site (as indicated in the now withdrawn Local Plan Review). Phases 1 and 3 are currently expected to be delivered through the mix of funding opportunities outlined in this paper with a proportionate contribution coming from s106 agreements associated with other sites.

### ***Hallmeadow Road from Kenilworth Road to Station Road***

57. The following is an OS extract indicating Hall Meadow Road, including the residential roads accessed of it.



### ***Station Road to Waste Lane***

58. As above, this part of the relief road between Station Road and Waste Lane will be delivered as part of the development of allocated site BC1 – Barratts Farm. The road will not only function as the relief road to the settlement, but also as the principal vehicular access points into the new development of nearly 1,000 dwellings. Access of this part of the road will be limited to a small number of junctions. In this respect, this part of the road will function in a similar way to how Hall Meadow Road functions and provides access to Riddings Hill, Grovefield Crescent and the roads off them.
59. The following is an extract from the illustrative masterplan included in the planning application<sup>15</sup> submission for Barratt's Farm. The relief road runs in a north-west to south-east direction north of most of the proposed residential development.

<sup>15</sup> Application reference PL/2023/01520/PPOL



### ***Waste Lane to Kenilworth Road***

60. This part of the relief road is likely be provided by Solihull MBC using the funding sources identified above. Alignment for this section of the road will be considered through the new local plan.

### ***Active Travel and Public Realm Measures***

61. This part of the package will be provided by Solihull MBC using the funding sources identified above.

### **Relationship to Planning Decisions**

62. Through this position statement it has been demonstrated that developments within Balsall Common ought to contribution towards the MMP. This will relate to sites that were intended to be allocated in the 2020 Local Plan Review and any other sites that forecast multi modal trips to be generated into and around the settlement. Any applications of 10 or more dwellings will be expected to contribute to the MMP as part of the s106 agreement. Any sites below that threshold will be considered on their own merits, having regard to specific highway impacts, site size and geography etc.
63. With the exception of Barratts Farm (BC1), which will make an in-kind contribution to the MMP, the other identified sites (known at the time of this report) are expected to contribute a financial sum towards the overall cost of the package. Should any other relevant site(s) come forward, which would be geographically located and/or generate such an impact upon the local highway network (either individually or cumulatively), that they would demonstrate the need for an in-kind contribution, then such an approach will be considered as part of assessing and determining such an application.



64. Additional commentary on the justification for this is set out in this section.

### ***National Planning Policy Framework***

65. Paragraph 115(d) of the NPPF notes that:

*“it should be ensured that... any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”*

66. In this policy context, in order to make the proposed development acceptable in planning terms it is necessary for a contribution to be made to the Package, which comprises a “vision led approach” to mitigating the cumulative impacts of planned development in Balsall Common.

67. Paragraph 116 states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

68. The provision of the MMP is considered the necessary mitigation to avoid the type of impact paragraph 116 is set out to avoid.

69. Paragraph 156 states:

*Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (‘Golden Rules’) should be made:*

*b. necessary improvements to local or national infrastructure”*

70. The provision of the MMP is considered the necessary improvements to local infrastructure of the type paragraph 156 is set out to capture.

### ***Planning Obligations***

71. Reflecting the legislation<sup>16</sup>, NPPF paragraph 58 states:

*“Planning obligations must only be sought where they meet all of the following tests:*

*a) necessary to make the development acceptable in planning terms;*

*b) directly related to the development; and*

*c) fairly and reasonably related in scale and kind to the development”*

72. This position statement sets out the argument for why a contribution is necessary, how it would be directly related to appropriate developments, and a later section will demonstrate how individual contributions are proportionate.

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<sup>16</sup> Regulation 122 of the CIL Regulations.

### **Adopted Development Plan Policy**

73. Policy P21 (Developer Contributions and Infrastructure Provision) of the 2013 states:

*“Development will be expected to provide, or contribute towards provision of:*

- *Measures to directly mitigate its impact and make it acceptable in planning terms.*
- *Physical, social and green infrastructure to support the needs associated with the development*

*Infrastructure and mitigation measures will be provided in a timely manner to support the objectives of the Local Plan.*

*The Council will, where appropriate, seek to secure site-specific measures through planning obligations. The nature and scale of any planning obligations sought will be related to the form of development and its potential impact on the site and surrounding area. The cumulative impact of developments will also be taken into account.*

*Developer contributions in the form of the Community Infrastructure Levy will contribute towards strategic infrastructure required to support the overall development in the Local Plan.*

*The Council will work in partnership with infrastructure providers and other delivery agencies in updating the Infrastructure Delivery Plan, preparing Development Briefs and other LDF documents if necessary.”*

74. The provision of the MMP is considered the infrastructure of the type Policy P21 is set out to capture.

### **Policy Basis for the Contributions**

75. It is considered that the above paragraphs set out the principle for the contribution to be sought. The following section sets out how the contributions will be proportionate to the development being proposed.

### **Calculating the Contribution**

#### **Identifying a Proportionate Contribution**

76. The Council have considered a range of proportions that could be utilised to support a reasoned contribution. These include:
- 100% - full cost recovery – this proportion would fully link to the mitigation of the cumulative impacts from the related development. It would however result in a figure that would likely result in development being unviable.
  - 20% cost contribution – such a proportion would broadly align with the percentage of the costs associated with the active travel measures. Whilst such a figure would support the intrinsic link to active travel, modal shift and the principles of Policy P7 within the Local Plan, it would not include a link to the Relief Road element of the MMP.
  - 10% cost contribution – this is the minimum figure often sought towards the full cost of a scheme when considering grant funded business cases. This would fail

to have regard to the costings of the active travel scheme whilst continuing to show no link to the Relief Road element of the MMP.

77. To arrive at a fair and justified approach it is considered that the preferred option is to utilise a contribution of 33% of the identified cost. When considering the cost delivery of the project in full the capital costs are expected to be around 33% of total cost. Other costs will include for example risk, professional fees, design and future inflation, which need to be considered when producing supporting business case submissions.
78. This generates a total developer contribution of £11,261,250 which represents 33% of the updated mid-point estimate of £34,125,000.

### ***Cost per home***

79. An earlier chapter in this position statement identified an overall level of growth at the settlement of 2,221<sup>17</sup> dwellings, all of which would be expected to contribute toward the overall delivery of the MMP.
80. The Council proposes to divide the identified cost contribution fairly and equally across the number of homes currently planned/or proposed within the settlement. **This would equate to a cost per home of £5,067** (£11,261,250 / 2,221).
81. As discussed earlier in this Statement, where sites contribute in-kind aspects of the overall MMP then the cost of this will be either removed in part from the overall request or the contribution accepted as an in-kind provision. This will have regard to the relevance of the in-kind infrastructure to the overall sustainable delivery of the site in question. The prime example here is site BC1 at Barretts Farm which will deliver the middle phase of the Relief Road between Waste Lane and Station Road as well as the necessary and supporting junction improvements at both ends. Such aspects are considered to be essential onsite infrastructure to ensure sustainable access and movement through the site.

### ***Securing Contributions***

82. The Council recognises that the total number of homes planned within Balsall Common may fluctuate over time, as sites secure planning consent or other sites come forward as 'windfall' proposals. As such it is proposed to keep this aspect of the contribution under review as part of any associated Section 106 agreement.
83. The S106 agreement will therefore calculate a contribution at the point of determination using the formula identified in this position statement. This will set a maximum contribution (or cap), which would only be increased in line with inflation.
84. Additional growth would be expected to make further contributions and wherever possible support strategic solutions generating benefits for active travel or highways infrastructure associated with the relief road.
85. Formula for calculating contributions:  $A = B \times D / C$ . Where:
- A = Amount of Balsall Relief Road and Multi Modal Package Developer Contribution – currently £11,261,250.

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<sup>17</sup> The 2,121 dwellings identified in the now withdrawn plan (as detailed in an earlier chapter) plus the 100 dwellings allowed on appeal at the Kenilworth Road site.



- B = 33% (or any other % figure that comes to be approved and/or adopted by the Council in a relevant report covering the anticipated capital cost of the Balsall Common MMP).
  - C = Total number of dwellings expected to be delivered within Balsall Common at the point the contribution is to be made – as informed by the figure in this position statement (2,221) or otherwise set out in an appropriate Council report.
  - D = Total number of Dwellings to be delivered at the respective development.
86. Associated S106 agreements will also include provision for any unspent monies to be paid back within a certain period of time. In this instance, given the timescales involved with the scale of growth at the settlement, the Council expects such contributions will only be paid back after a 20-year period.

### **Weight to be Attached to this Position Statement**

87. It is acknowledged that as this position statement is not an adopted development plan policy, or guidance intended to support such a policy, then it cannot be given full weight in the decision-making process. However, for the reasons stated above it is considered that significant weight can be given to this statement as it aims to provide an appropriate mechanism to securing essential infrastructure, the need for which is caused by the scale and nature of development at the settlement. It is also considered to provide applicants and other stakeholders with a degree of certainty in relation to developer contributions and the councils continued commitment to the delivery of the MMP.

### ***Kenilworth Road Appeal***

88. At this point it is useful to refer to the Inspector's conclusions in the Kenilworth Road appeal referred to earlier, in so far as they relate to the MMP. These include:
- *"... there is merit in the Council's concerns that each individual development within Balsall Common could demonstrate that in isolation the site would not cause significant harm, and I note that this has already happened for some other identified sites within the village."*
  - *"... in the absence of a contribution towards the Package, the cumulative effect of the planned development in Balsall Common together with the appeal scheme would cause significant effects on the road network within Balsall Common."*
  - *"A contribution towards the Package is necessary in order to ensure that the development complies with Policy P8 and the Framework. It is agreed between the parties that the Package would provide the necessary "vision-led approach" to resolving the transport difficulties likely to transpire in Balsall Common if the development were to go ahead together with the other planned development within the settlement."*
  - *"... the highways contribution in the S106 is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. It would therefore meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations)."*

89. The associated S106 in the appeal made provision for a contribution to be made that is broadly in line with the principles set out in this position statement, including a 20-year period within which the contribution is to be used.
90. The Kenilworth Road appeal example is a useful illustration of a decision maker being satisfied that (a) the MMP has been demonstrated as being required, (b) individual planning applications should make a proportionate contribution to the scheme, and (c) that this approach is in accordance with the policy and regulations – i.e. necessary; directly related to the development; and fairly and directly in scale and kind to the development.

### **Moving Forward**

91. Going forward this Position Statement is intended to be kept under review and will be updated as required through the appropriate Cabinet reporting process. Notwithstanding, the next planned update of this Position Statement will be as part of the Council publishing its Reg18 draft Local Plan in Autumn 2025.