

Balsall Parish Neighbourhood Development Plan (Submission Plan dated April 2019)

Table of Responses

General Matters

| | Issue | Examiner's/ other suggested remedy | BPC response |
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| Comment 1 | There is therefore no value or purpose in content addressed solely to Solihull MDC. | | Agree for body of plan but not if statements are in Community Aspirations (now to be contained in an appendix to the Plan). |
| Comment 2 | It is therefore important that the local focus of every policy is evident. | | Agree. |
| Comment 3 | Not always clear how the referenced documents can be accessed. | It would probably be sufficient for references to be within footnotes and the sections headed "Reference Documents" are somewhat redundant. | Agree. |
| Comment 4 | Representation also questions the "flawed" nature of the data presented for analysis for or from the Exhibition held on 21 & 22 April 2008. | I note that the analyses were undertaken by independent bodies but even then mistakes can occur. Could you please confirm that the Parish Council is satisfied that the two analyses were conducted accurately? | Disagree. Data collected, analysed and presented for the Exhibition held on 21 & 22 April 2018 was undertaken on behalf of the parish council by Stratford-on-Avon District Council, Performance, Consultation & Insight Unit, a recognised provider of neighbourhood development plan data collection through household questionnaire. Analysis from the Exhibition held on 21 & 22 April 2018 was undertaken by FAT Research on behalf of the parish council. Both sets of data form part of the Regulation 14 Evidence Base and were published on the parish council website as part of the consultation. |

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| 1 | Table shows a section 6.6 but the pages there indexed are spread throughout the "Policies" section within the Plan. | Set out in a companion document or annex. | Agree; Community Aspirations to be included as appendix to the Plan. |

1. Introduction & Background

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| 2 | The history of the designation of the Neighbourhood Area has proved controversial with some Regulation 16 consultees. | I do not see that the Plan need include other than the details of the Area to which the Submission Plan relates, whilst perhaps acknowledging that a Berkswell Neighbourhood Plan now exists. Do you agree? | Agree. |

Plan Period

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| 3 | In practice there would be no need to review the Neighbourhood Plan to "recognise" the sites ultimately allocated within the Local Plan because both documents will be part of the Development Plan. | Paragraph 1.20 is more accurate in this respect. | Agree; take out last sentence of para 1.18. |

The Plan Context

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| 4 | In December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. | Plan is unlikely to breach the Basic Condition relating to the Habitats and Species Regulations 2017. However, do you have any particular comments on this line of thought? | Agree. |

2. Process Overview

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 5 | Representation comments: "Section 2 on Process Overview speaks of the council engaging with the public but this was markedly lacking in the rural areas. Do you have any comments?" | | The process of engaging with all residents is detailed in the Consultation Statement and included 2 questionnaires posted to all households in the parish, notice board updates (although there are no parish notice boards in Meer End and Fen End) articles in the Bugle (local quarterly community magazine), The Communicator (email newsflash from Balsall Common Village |

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| | | | Residents Association). In addition digital methods were use via the parish council website, email newsletter and an extensive facebook communication programme that ran from September 2017 to March 2019. Lamppost posters were placed in various rural locations (Oakley, Fen End; Brees Lane crossroads; Temple Balsall) to remind residents to return questionnaires. When a resident requested one in Meer End, this was added. |
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Evidence Base Overview

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| 6 | Source references are provided but with insufficient detail on how these might be accessed. Each Policy section also, in addition to footnotes, provides a "Reference Documents" list but no access details. | One of these listings can be removed but the one retained should provide a full source reference for the documents and the footnotes can relate to this listing. | The documents listed in para 2.15 will be amended to provide access details. The footnotes will then relate to this and the "Reference Documents" in each Policy section will be deleted. |

3. Balsall Parish Today

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| 7 | The inclusion of 2 maps related to the SMBC Character Assessment is unexplained. | A single map would be sufficient and less confusing. Figure 2 would appear to contain all the information (and more) that is also shown in Figure 3, albeit at a smaller scale. Since the original document from which the Figure is derived will be referenced Figure 2 alone would appear to be sufficient? | The 2 maps are those contained in a SMBC published document and therefore not open to change. They are to indicate the parts of the parish being described in paras 3.3 to 3.6. |
| 8 | Relevance of paragraph 3.14 is unexplored – and the source of the data undeclared. | | The data source will be added – Meriden Ward Profile 2016, p10. The relevance is that the area has employment opportunities for a mobile workforce and this will be added to the |

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| | | | text. |
| 9 | Representation comments: "Section 3, 'Employment', omits the small groupings of businesses on Table Oak Lane. | | Acknowledged, Table Oak Lane will be added to para 3.8. |
| 10 | Section 3, 'Community Facilities', is misleading when it states that Harry Williams, the author of 'It's a Long Way to Tipperary', is buried in the cemetery grounds of St Mary's Church. | It should say that he is buried in the cemetery run by the parish council at Temple Balsall. | Noted. Para 3.26 will read "Williams is buried in the parish council cemetery adjacent to St Mary's Church, Temple Balsall." |

4. Character Appraisal

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| 11 | Figure 4, as with figure 2 or figure 3, the map must be complete so that the extent of areas O, P, Q, R & S is defined. | Entail a larger scale map with an inset map for the urban area. | Agree to replace with a larger scale map with inset maps. |
| 12 | Representations have queried the definition of Character Zone A. | | The Character Assessment Zone A description under the title "Buildings" a third sentence too be added: "Two new estates flank an area of four detached properties set within extensive garden land and some semi woodland." "Elysian Fields" to be replaced with "Elysian Gardens" throughout. |
| 13 | Representation raises a number of other factual issues: "Pages 7, 13, 23, 25, 81 make reference to Oakley as a separate entity or even a 'hamlet'. We who live here regard Oakley as a small residential estate IN FEN END and NOT separate to it. | | Agree that Oakley is an estate within Fen End. Para 4.15 take to the Fen End and nr Temple Balsall (P, O) heading as new para 4.14 headed Fen End and nr Temple Balsall (P, O and R). The term hamlet in relation to Oakley will be deleted in the Plan. |
| 14 | Page 23 claims that Fen End is Zone P. This is completely wrong. The centre of Fen End is at the crossroads of Fen End Road, Honiley Road, Table Oak Lane and Oldwich Lane East. Any map suggesting that the centre of Fen End is down the Fen End Road is grossly out of date. | | Agree that Fen End as shown on the OS base map is not necessarily where local people view the centre. The map illustrating Character Zones is to be redrawn – see action at Ref 11 above. |
| 15 | Two of the listed landmarks in Zone R – Balsall Cottage Farmhouse and the barn at Balsall Cottage Farm - on | | Delete these landmarks, they now fall within Chadwick End parish formerly part of Balsall |

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| | Oldwich Lane East do not exist! | | parish. |
| 16 | There is an error in the landmarks in Zone P. 'Fen and Lodge' should read Fen End Lodge. | | Agree. |
| 17 | Pages 16, 23 and 44 states that there are 'many' or 'a high proportion' of farms in the Fen End, Meer End & Temple Balsall area. | | 'a number' to be used as a more appropriate description at these points in the Plan. |
| 18 | Representation questions the accuracy of para 4.12: "As a point of clarification, as set out in the Catesby Estates Vision Framework (see Appendix 2 of Appendix 2) prepared for their land interests, the [Windmill Lane / Kenilworth Road] Site is considered to be in a sustainable location and it is served by public transport. Pages 14 and 15 of the Vision Framework identify that there are bus stops within 490m of the land on Kelsey Lane, and primary and secondary schools within 1km. The majority of the local services of Balsall Common are within 1.6km (1 mile) on Station Road." | | Accurate information for accessibility walking distances from the centre of Meer Stones Road (part of the Windmill Lane/Kenilworth Road site) is as follows: Shops on Station Road 1.6km Railway station 2.4km Doctors 2.3km Children's playground 2.4km (Willow Park and Lavender Hall Park) (source: Google maps) The bus stop on Kelsey Lane is served by 1 bus per hour. |

5. Our Vision, Our Aspiration

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 19 | Possessive terms "our" and "we" are potentially awkward words within a Plan. Paragraphs 5.3 and 5.6. | Evidently the Plan Committee or Parish Council rather than 'our community'. | Agree, to be replaced by 'Balsall Parish Council'. |
| 20 | Explanation of the important difference between "Policies" and "Community Aspirations". | | Heading at 5. Is to be reworded "Vision and Aims". Community Aspirations are to be included in an appendix to the Plan with a brief introduction and explanation of the difference between these and Policies. |
| 21 | Subjective language eg para 5.15) "the time has come to alleviate this ubiquitous and oppressive hegemony". | | Agree, delete this part of the sentence at para 5.15. |

6. Policies

6.1 Future Housing Development Strategic Objective

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 22 | Use of the term "Strategic" Objective is awkward here as it suggests that the objective derives from (either the current or draft) Local Plan, which it does not. | | Agree, "Objective" to be used throughout the Plan. |
| 23 | Difficult to reconcile the future objective to "recognise the strategic housing site allocations identified within the Solihull Local Plan (when adopted)" Is the issue solely the boundary issue noted within paragraphs 6.1.4 and 6.1.9 and if so would the draft Local Plan not be sufficient reassurance? | | 6.1 to be reworded: "The built up area boundary of the settlement of Balsall Common will be modified by the strategic housing site allocations identified in the Solihull Local Plan when adopted. To ensure future housing developments successfully incorporate different open market and affordable housing types for all stages of life. To enhance walking and cycling infrastructure. To ensure brownfield sites are appropriately developed and are in keeping with the local environment. To provide clear guidance upon garden infilling ensuring the practice is well-controlled and that future developments contribute positively to the neighbourhood Area." |

Policy H.1: Built-Up Area Boundary

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 24 | Policy title says "Boundary" but in fact there are two 'Boundaries' defined. | Either the settlement boundaries should coincide with the green belt boundary, or Policies H.1, H.2 and H.4 should make clear that green belt policy, including the importance of openness, applies to those parts of the settlements that are in the green belt. | Built up area boundary (Balsall Common) coincides with the Green Belt boundary as defined in Figure 6. "Balsall parish and Oakley" and Figure 5 to be deleted. First [Second?] sentence of second para to be deleted. |

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| 25 | Oakley is within the green belt where there is a presumption against new dwellings that would be permitted by Policy H1. As such, these policies are not in conformity with the NPPF or the SLP. The same applies to those parts of the Balsall Common built-up area that are within the green belt. | Policy H.1 should conform with the NPPF requirement to promote sustainable patterns of development, and the policy or the supporting text should also make clear that replacement dwellings in the green belt should not be materially larger than that replaced. | Built up area boundary (Balsall Common) coincides with the Green Belt boundary as defined in Figure 6. “(....Balsall parish and Oakley)”and Figure 5. to be deleted. |
| 26 | No explanation is provided for the purpose of the boundary definition, nor is any detail provided for the basis on which the boundary has been delineated (the “Reference Documents” section suggests there is documentation but this is not within the on-line collection). | | See above comment response. Documentation as suggested in the “Reference Documents” will be deleted. |
| 27 | Representation comments that Policy H.1 wording “is not consistent with national policy set out in NPPF para 79 (countryside housing) or para 145 & 146 (green belt)”. | | Wording amended as above. |
| 28 | Representation says that “the NDP should clearly state that upon adoption of the Solihull Local Plan, it expects allocations to be based upon the built up area and that proposals for these sites will be expected to comply with the NDP policies” but I believe that is already the expectation behind the Plan? | | Agree. |
| 29 | Cross-reference to Policy H6 appears to be an error. | Was that intended to be to Policy H3. | Agree. |
| 30 | Paragraph 6.1.1 it is unexplained what “government advice” is being applied in defining a Built-Up Area Boundary. This section appears only to relate to the Balsall Common boundary. | | Amend to reflect Balsall Common built-up area boundary only. |

Policy H.2: Infill within the Built up Area Boundary

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 31 | Between Policies H.1 & H.2 and figures 5 & 6 there is inconsistency in the way that the title “Built- up” Area Boundary is formed. Policy H.2 appears only to apply to Balsall Common with its reference to “the village” (and paragraph 6.1.6 in the “Explanation”). | | Amend to reflect Balsall Common built-up area boundary only. |

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| 32 | Policy H.2 appears to be a sub-policy of Policy H.1 because, confusingly, whereas Policy H.1 says that “new dwellings ...will be supported in principle”, Policy H.2 suggests that what is actually meant is “Limited infilling ... will be supported in principle” | | Agree; H.1 and H.2 to be merged. |
| 33 | Policy refers to the “standards” contained in Policies BE.4 and BE.5 but that term is not central to the content of either of those Policies | | Restrict to BE.4 and term ‘principles’. |

Community Aspiration: CA.1 New Homes

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 34 | Probably the information on the construction dates for HS2 is already out of date. | | Insert second para “As of the date of this Plan, the latest information ...” |
| 35 | The assertion that there may be implications for the Neighbourhood Area (as opposed to the Local Plan area) would appear to be speculative. | | The published plan is that construction traffic for HS2 will travel along the A452 through Balsall Common. The HS2 Ltd Environmental Statement makes it clear that there will be about 500 lorry movements in each direction per day and this will have implications on travel on this road. The community’s wish is that housing construction traffic occurs at a different time to HS2 construction traffic. |
| 36 | The phrasing of both the “Aspiration” and the “Explanation” needs to appropriately tempered if it is not to affect the public perception of the Plan document as a whole. | | 6.1.10 to be reworded with the facts as above. |
| 37 | Representation objecting to the proposal comments that a Construction & Environmental Management Plan can be agreed between LPA and developer to address concerns. | | Noted, however this is a Community Aspiration and a community can state its aspirations. |

Policy H.3: Use of Brownfield Land in the Green Belt

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 38 | Policy too would appear to be a sub-policy of Policy H.1. | | Disagree; would prefer H.1 and H.2 [H.3?] to be separate as H.1 and H.2 are now non- |

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| | | | Green Belt [but see clarification requested at 24 above]. |
| 39 | <p>It is not established in relation to Policy H.3 that there are opportunities for “appropriate” and sustainable development within the Balsall Green Belt, as distinct from the countryside outside of the Green Belt for instance. The differences of wording between the Policy and the NPPF (eg criterion c) relates to a previous version of the NPPF) could give rise to confusion and there would not appear to be a locally specific aspect to Policy H.3 or even clarity of purpose.</p> | <p>Continuing potential for confusion since the opening sentence and criterion ?f) seem incompatible.</p> | <p>Accept confusion should be removed. Reword policy as follows: The limited infilling or the partial or complete redevelopment of brownfield land to create new homes and other appropriate uses will be encouraged and supported subject to the following criteria: a) The development would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt; b) The new use would not harm the amenity enjoyed by occupiers of surrounding land; c) Any remedial works to remove contaminants are satisfactorily dealt with including underlying soils and groundwater; d) The proposal would lead to an enhancement in the character and appearance of the site and would not result in the loss of any land of high environmental quality; e) Safe and suitable access and parking arrangements would be provided to serve the new use; and</p> <p>The redevelopment of brownfield land within the Green Belt will be restricted to the land which is or was occupied by a permanent structure, including the curtilage of the land (although it should not be assumed that the whole of the curtilage should be developed)</p> |

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| | | | and any associated fixed surface infrastructure in accordance with the definition of previously developed land set out in the NPPF Annex 2 glossary. |
| 40 | The Policy does not acknowledge the exception allowed for within the NPPF (para 145) where redevelopment would “not cause substantial harm to the openness of the Green Belt, [and] where the development would re-use previously developed land and contribute to meeting an identified affordable housing need”. | | See response to comment 39 made above. |
| 41 | Representation comments that “The proposed policy wording appears to seek to impose development constraints (in terms of ‘highly or moderately accessible’ which itself is not defined, therefore ambiguous) not presently contained in NPPF (particularly in para 145). | | See response to comment 39 made above. |
| 42 | Representation comments: “should a development site currently or formerly have been subject to land-use(s) which have the potential to have caused contamination of the underlying soils and groundwater then any Planning Application must be supported information to show the risks can be safely managed.” Accordingly criterion b) may need to be amended to include specific mention of “underlying soils and groundwater”. | | See response to comment 39 made above. |
| 43 | Paragraph 6.1.13 notes that “27% of businesses felt existing employment sites should be protected” but, in theory at least, Policy H.3 might encourage the redevelopment of employment sites for residential use | | Demand for employment sites to be protected was not borne out in the evidence. |
| 44 | Local authority representation notes that paragraph 6.1.15 is wrong in suggesting that residential garden land within the Green Belt (as distinct from that within urban areas) is addressed specifically in the NPPF. | The amendment here is itself misleading as a result of partially quoting the NPPF source. Since the source will be fully referenced I suggest omitting the whole of the last sentence. | Agreed. Amend the last sentence of para 6.1.15 to: It includes the curtilage of the developed land but specifically excludes agricultural/ horticultural land and land in built up areas |

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| | | | such as residential gardens. |
| 45 | Paragraph 6.1.17 makes a similar error in suggesting that the policy relates to sites “within settlements.” | | Agreed. Delete the words “within settlements” |
| 46 | Paragraph 6.1.18 is inappropriately addressed to Solihull MBC and by referencing the NPPF it appears to imply that Solihull policy is at odds in some way with the NPPF but NPPF paragraph 121 does not specifically apply to the Green Belt. | | Agree, delete para 6.1.8. |

Policy H.4: Use of Garden Land

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 47 | Policy H.4 appears to be another sub-policy of Policy H.1 in that it places another restriction on the “in principle” notion that “new dwellings” will be supported within the Built-up Area. | It is difficult to see why the detail here could not satisfactorily be incorporated within Policy H.2 (or even a comprehensive Policy H.1.) | Agree; incorporate H.4 as a section of H1. |
| 48 | Trees are not only on garden land and are addressed specifically in Policy NE.1? | | Disagree; this is about garden trees that make a contribution to garden landscapes. |
| 49 | Local authority representation comments that “Clause (a) of Policy H4 should seek to ‘preserve and maintain’ character rather than ‘preserve or enhance’”. | | Agree. Change “enhance” to “maintain”. |
| 50 | Representation comments: “ Criterion b) to proposed Policy H.4 is overly prescriptive where it says ‘ Not introduce an inappropriate form of development which is at odds with the existing settlement pattern establishing and retaining appropriate open space between dwellings;’ The consequence of this wording may be that opportunities to redevelop otherwise acceptable sites within the settlement may be lost. For example, where a site has a long rear garden and a cul-de-sac form of new housing development could be satisfactorily be provided. | | Agree that cul-de-sacs do form part of the current settlement pattern. |
| 51 | Proposed policy requirement (H.4) at a) that development proposals should ‘Preserve or enhance the character of the area, and particularly to preserve and enhance the mature garden landscape with retained trees’ is unduly prescriptive, | | See above comment response, proposals should “Preserve and maintain the character of the area, and particularly to preserve and maintain the mature garden landscape with |

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| | and does not allow for removal of trees where they do not contribute to the character and appearance of the area, or where trees may be dead, dying or diseased.” | | retained trees.” |
| 52 | Paragraph 6.1.19 suggests incorrectly that Policy H.4 is about “Building in back gardens”. | | Title of Policy changed to “Development of Garden Land”. Remove “back” from fourth sentence in para 6.1.19. |
| 53 | First sentence uses “compromises” | Where I believe ‘comprises’ is intended. | Agree. |

Policy H.5: Affordable Housing

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 54 | Policy is apparently about financial mechanisms rather than a land use policy. | Suitably reworded this Policy might therefore be more appropriate as a “Community Aspiration”. | Agree as a Community Aspiration. |
| 55 | Paragraph 6.1.21 says that “This plan endorses the latest policy within the Solihull Local Plan” by which I presume it is meant that there is a community aspiration to support the provisions on affordable housing within the draft new Solihull Local Plan. | | Agree. |
| 56 | in paragraph 6.1.24 there would appear to be support for identification and allocation of rural exception sites for the assurance of sufficient numbers of affordable housing within the Neighbourhood Area, although this suggests that the 40% of Local Plan housing on strategic sites would be insufficient to meet the affordable housing requirement; there is no data from which to estimate this. | | Agree; delete para 6.1.24. |

Policy H.6: Housing Mix

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 57 | Representation comments: “L&Q Estates and BDW consider it more appropriate for housing mix to be dealt with at Local Plan level, unless there is significantly better [and] proportionate local evidence and justification for an alternative approach. The questionnaire results undertaken | | This representation is merely an expression of opinion. Housing mix is a policy commonly found in NDP’s. Where an NDP housing mix differs from a policy in the host Planning Authority’s |

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| | in 2017 is [sic] not considered sufficiently reliable, to justify a housing mix different to the Local Plan.” | | Local Plan sufficient but proportionate evidence must be present. In this case the local housing mix policy has been informed by local evidence (Household Questionnaire 2017 and the Housing Needs Survey 2018). This evidence is robust, proportionate, relevant and therefore fully justifies the policy. The QB therefore strongly maintains its position on local housing mix. |
| 58 | Unclear why the first paragraph of this Policy relates only to “Market Housing Developments” since it would seem that “a mix” is being sought across both market and affordable housing. | | To add clarity suggest deleting the word “Market” at the beginning of the first sentence of the first paragraph. Suggest adding the word “Market” before “dwelling” at the beginning of the last sentence of the second paragraph. |
| 59 | If the opening paragraph is assumed to relate to all housing developments, it is unclear why currently applicable mixes are then specified, particularly since it is undeclared how these have been “derived” from the Solihull Strategic Housing Assessment. | The first paragraph requires “a mix of dwelling types and sizes which reflects the most up-to-date needs of the Parish” whereas the specific dwelling size guidance that follows will only be “up-to-date” for a limited period and it would seem unrealistic for the Plan to be revised as often as the data needs updating. More appropriately the specific guidance might be included in the text as ‘what current surveys indicate’. | See suggested amendment to policy above. This policy seeks to impose a local housing market mix having particular regard to the local evidence obtained. |
| 60 | In relation to the requirement for bungalows, it is unclear how the threshold of “20 dwellings” and the proportion of 10% have been derived. | You have not established that, as requirements, these are “not overly onerous on developers”; they should therefore be suggestions. | These thresholds have been chosen because they are fair, proportionate and not overly onerous on developers. There is no exact science behind the chosen thresholds but they are considered to be very reasonable. Smaller developments (under 20 units) are excluded because it is recognised that there is less flexibility in such developments to |

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| | | | accommodate a proportion of bungalows for various planning and viability reasons. 10% is a relatively small proportion but at the same time will provide a meaningful continuation to this much needed house type without compromising development viability, character and quality. 10% would also enhance the variety of design within developments which is often found lacking given recent examples. |
| 61 | Representations make the point that bungalows are an expensive form of housing and whilst people (not all of whom may be 'downsizers') might aspire to move into a bungalow, affordability may be a barrier for many. | | As only 10% of new homes are included as bungalows for housing mix on sites of more than 20 dwellings, only a proportion of all 'downsizers' will take the opportunity to afford bungalows to reduce their house size. |
| 62 | Local authority representation and others add that the Policy "Should make explicit reference to viability/feasibility, as viability testing will be required to ascertain whether the level of bungalow provision is feasible, and the higher proportion of 1-2 bedroom dwellings may not be feasible across all sites" | | Agree. Suggest adding the following words after "appropriate" "..., such as viability or feasibility evidence". |
| 63 | With the detailing of a bungalow provision there is evidently an overlap with Policy H.7 and, given that Policy H.7 is less specific, what was seen as the purpose of separating it out? | | H.7 will be merged into H.6. |
| 64 | The last paragraph of Policy H.6 is a statement rather than a policy. | More appropriately part of the explanatory text. | The statement will be deleted. |

Policy H.7: General and Specialist Accommodation

| Ref | Issue | . Examiner's/ other suggested remedy | BPC response |
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| 65 | Is not "general accommodation" the subject of other Plan policies? | | See above response at Ref 63. |
| 66 | The second paragraph of the Policy relates to avoiding isolation, in keeping with the assertion in paragraph 6.1.33 that "recent trends to segregate retirement living needs | | Noted. |

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| | reversing with mixed occupancy advocated”. But an objective Policy needs to be supported by evidence rather than assertion – even evidence of “recent trends” within Balsall Parish appears to be lacking. | | |
| 67 | Local authority representation suggests that “Specialist schemes tend to be reasonably large, so this may result in schemes meeting needs from outside the area. | | Noted. |
| 68 | LA -Encouraging mixed tenure extra care would improve the likelihood of a scheme meeting local needs. | It may be more realistic to promote such developments within existing settlements or as part of larger sites, and to encourage developments well-related to existing communities. | Agree; this approach will be incorporated. |
| 69 | LA -The rationale for encouraging children’s play areas in older persons developments is not clear or justified.” | | The statement will be deleted. |

Policy H.8: Walking and Cycling Infrastructure within Housing and Commercial Developments

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 70 | Appropriate for a “walking and cycling” Policy to extend to both residential and commercial developments, this leaves Policy H.8 somewhat in the wrong place within the Plan document. | Policy would sit more appropriately within the Community section where Policy COM.4 would appear to cover the same subject? | Agree. H.8 will be merged with COM.4 and placed in the Built Environment Policy section. |
| 71 | Unclear why non-residential developments have been caveated with a restriction to those “open to visiting members of the public” – journeys to work may involve walking and cycling? | | First paragraph to be replaced with: “The creation of new units of residential dwellings, non-residential dwellings open to the public or new buildings for employment use shall be required to demonstrate that the needs of pedestrians and cyclists have been provided for in the plan, including adequate facilities for the storage of bicycles.” First sentence of the last paragraph to be deleted. |
| 72 | Reason for the duplication of content across paragraphs 2 & 3 is unclear. | Connectivity is surely not only an issue for “major developments” and not only for cycling but also for footpaths (as well as roads)? | Disagree. The second paragraph concerns the form and design of new streets, footways and cycle paths within a development. The third |

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| | | | paragraph concerns the connectivity to routes beyond the development for cycling. |
| 73 | Appears to be a contradiction within paragraph 2 that requires both that footways should be “on both sides of the street” and that footpaths “should be separated from the roads”? | | Clarity to be added: “New footpaths for pedestrians should be clearly delineated from the road surface and where practicable, from cycle paths/tracks. |
| 74 | I presume that the second and third sentences of paragraph 4 do not relate solely to “New buildings for employment use”? | | Agree, first sentence of fourth paragraph to be deleted. |
| 75 | Representation comments that it is inappropriate for a Neighbourhood Plan to potentially incorporate different design standards from those of the Highway Authority particularly where the Authority will be expected to adopt the road/path/cycleway. | | Don’t believe there is a conflict. SMBC state: “Policy H8 requires that new housing and employment proposals consider the needs of cyclists and pedestrians and can be welcomed as being consistent with Council policy.” |
| 76 | Assertion that there is a “very high proportion of dog owners in the area” is not evidenced. | | Sentence to be rephrased “The countryside is easily accessed from every location and this is extensively made use for walking, including dog walking and cycling. |
| 77 | Focus of paragraph 6.1.37 (and others later in the section) would appear to be addressed within Policy COM.4 rather than Policy H.8. | | Agree; COM.4 to be merged with H.8, see response above. |
| 78 | Within this “Explanation” section (along with others) there are footnote references to the NPPF but there is no clarity as to what wording is a quotation from the NPPF. | | Agree; a) and c) wording to be included in full as a quotation. |
| 79 | Puzzlingly, paragraph 6.1.42 refers to “Local Cycling and Walking Infrastructure Plans” but, if these exist covering Balsall Parish, they are not referenced. | | NPPF paragraph 104d) to be quoted in full. Reference to be made to the West Midlands Local Cycling and Walking Infrastructure Plan and the emerging Solihull MBC Cycling and Walking Strategy and LCWIP. |

6.2 Built Environment

Policy BE.1: Conversion of Rural Buildings

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 80 | NPPF does not use the term “conversion” but rather “re-use”; conversion may entail the extension or alteration of a building which the NPPF would require (para 145) “does not result in disproportionate additions over and above the size of the original building”. | | Agree. BE.1 title to be reworded. |
| 81 | Policy relates to “rural buildings” but does not distinguish between countryside and Green Belt locations | | Agree; to be rephrased “Conversion of rural buildings in the Green Belt”. |
| 82 | Should not be assumed that all the uses quoted in the opening paragraph are “not inappropriate” within the Green Belt, even after having regard to the criteria a) – g) | May be more appropriate to say ‘uses appropriate in the countryside or Green Belt including tourism’ | Agree; to be rephrased “uses appropriate to the Green Belt including rural tourism.” |
| 83 | Local authority representation points out in particular that clause f) should recognise that not all ancillary development is appropriate in the Green Belt | | Acknowledge; clause f) to be reworded to recognise that ancillary buildings can be appropriate in the green Belt, meeting the requirements of the NPPF and Solihull Local Plan with respect to impact on the greenbelt. |
| 84 | Overall it is difficult to see why the NPPF (and Local Plan) content is considered insufficient for Balsall Parish purposes. | | Noted. |
| 85 | Second paragraph of the Policy does not appear to be a land use matter but rather it relates to the application process | | Agree; to be deleted. |
| 86 | Paragraph 6.2.3 appears to be a partial quotation – unreferenced - from the NPPF (para 79) but this as well as part of paragraph 6.2.4 relate to the construction of new buildings which is not the subject of Policy BE.1. | | Agree; reference and quotes to be added. Intended that this policy covers the construction of new ancillary buildings to support re-use for rural economic purposes (f). |

Policy BE.2 Replacement Dwelling

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 87 | Policy would appear to relate to existing dwellings within the built-up, countryside and Green Belt areas but there are particular considerations that will apply to the latter as noted above. | | Policy to be reworded “Replacement dwellings not in the Green Belt”. |
| 88 | Difficult to see why considerations for replacements might | I struggle to see how the quoted SMBC | Justification is summarised by the SMBC |

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| | be materially different from other development covered by Policies BE.3 & BE.4. | comment addresses my query. The text at 6.2.5 says that “appropriate replacements will be [are?] encouraged”. Policy BE.3 addresses design considerations for all dwellings whether a replacement or not. Policy BE.4 addresses local character considerations for all dwellings whether a replacement or not. Accordingly Policy BE.2 criteria a) and d) (and f) via other policies) are duplications. Criteria b) and c) seem to some degree to be contradictory but it is hard to see how garaging, garden and domestic storage considerations can be peculiar to replacement dwellings. Given that any new dwelling will have to gain an approval under the current Building Regulations, and given that the suggested alternative of extensions could increase the building footprint, criterion e) seems more like an obstacle than an encouragement. Accordingly I need more information to understand the thinking behind Policy BE.2. | comment: “Replacement dwellings are covered in draft Policy BE2, which should flag up green belt restrictions limiting replacements to not materially larger than the building replaced, in line with the NPPF. The policy is quite prescriptive, providing more detailed local guidance relating to garaging and storage, amenity and biodiversity, and requiring proposals to demonstrate how a replacement is more sustainable than refurbishment, alteration or extension of the existing building.” |
| 89 | Where marginal differences are suggested, such as with criterion e), there is no indication of why this might be a particular consideration for Balsall Parish or how “more sustainable” might be assessed. | | Rephrase : “more ecologically sustainable”. |
| 90 | Criterion b) would appear to be particularly over-prescriptive particularly since it is not expected for new dwellings where sites may be less constrained. | | Include “where practicable”. |
| 91 | Representation comments more generally that “Elements of the proposed policy appear be overly prescriptive and unnecessarily constrain a site which may otherwise help deliver sustainable development.” | As quoted above the SMBC comment says that the whole Policy is “quite prescriptive” which would suggest that the representation may be valid in relation to some “elements”. | Disagree subject to amendments as above. SMBC are comfortable with the Policy. |

Policy BE.3: Design

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 92 | Repetition of wording suggests there is significant overlap between Policies BE.3 and BE.4. Is there a purpose in separating out the two related Policies? | | These Policies will be merged if the Examiner thinks this would be helpful. |
| 93 | Policy BE.3 explicitly relates to “all development” but not all aspects will be relevant for every development. | Suggesting the need for inserting ‘where applicable’. | <p>Agree. BE3 and BE4 to be merged as “Local Character and Design: Where applicable, development proposals must demonstrate how local character and scheme design has considered the factors listed a) to o) below where they relate to the proposal concerned. Development proposals must make full use of the appendix to this plan (Character Assessment) and its detailed findings during the conception and evolution of a design.</p> <p><i>‘a) to l) as per existing BE4; and</i> m) Development proposals will be expected to demonstrate how the design has been influenced by the need to plan positively to reduce crime and the fear of crime and how this will be achieved; n) Developments will be expected to demonstrate how the design has been influenced by the need for a positive impact on public health; and o) Residential development within the curtilage of dwelling houses will be supported if the design respects the character and appearance of the immediate character zone and there would be no unacceptable harm to the living conditions of nearby occupiers.”</p> |
| 94 | Doubtful that a prospective developer will understand what is required from paragraph 3 and the “Explanation” section | Is the core of this issue perhaps addressed by the Community Policies? | Reference to policies of the SMBC SLP to be made in order to explain. |

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| | does not assist other than providing a reference. | Please provide the references. | |
| 95 | Local authority representation suggests that in paragraph 4 “enhance” should be replaced with ‘respect’ | | Agree. |
| 96 | Paragraph 5 adds nothing to that which is indicated in Policy BE.4. | | This will be dealt with by the merger of Policies BE.3 and BE.4. |
| 97 | The local authority representation comments: “The final paragraph relating to development within curtilages should reference Policy H4 to ensure no conflict.” | | Agree. |
| 98 | Paragraph 6.2.17 reproduces a quotation that relates to ‘strategic policies’ but it is left unclear how this may be applied to the detail that is addressed within Policies BE.3 and BE.4. | Please provide the references. | Reference to policies of the SMBC SLP to be made in order to explain. |
| 99 | Paragraph 6.2.18 refers to ‘Secured by Design’ (although this is written as “Secure by Design” and is unreferenced). | Secured by Design provides design guidance rather than “standards”. | Agree. |

Policy BE.4: Responding to Local Character

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 100 | As with Policy BE.3, not every “principle” will be relevant to every proposal. | ‘Where applicable’ is required. | Agree. |
| 101 | Principle a) it is unclear what is to be understood by the term “area”; it is very apparent from the Character Assessment that the Neighbourhood Area has not one but a wide variety of “patterns, building styles and materials” | Is the introductory paragraph perhaps a sufficient guide to the required approach without the need for principle a) which adds no clarity? | The term “area” refers to the Character areas as defined in the Character Assessment as an appendix to the Plan and this will be made clearer in this text. a) to be retained as it adds a specific requirement regarding pattern, style and materials. |
| 102 | Representation comments: “More flexibility is [thus] sought from L&Q Estates and BDW with respect of the criteria, including a) building styles and materials, b) density, and c) building heights, given the emphasis should be to achieve sustainable development around Balsall Common as per national planning policy”. | If the Policy is “about the interface between old and new dwellings” that “interface” for the strategic site allocation(s) is likely to vary across a site and much of the site will be detached from the existing dwellings. I commented that “the Neighbourhood Area has not one but a wide variety of “patterns, building styles and materials” and a | Disagree. Policy is about the interface between old and new dwellings, b) and c) relate to this interface. It is felt helpful to reference specific guidelines that the Plan wishes developers to implement. The comments go beyond and provide additional detail. |

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| | | representation points out that a large-scale development might justify a distinctive, if sympathetic, style of its own, as has evidently happened in the past with some noted successes. But if there have been past design 'failures' then it would not be appropriate for these to be replicated within any adjacent new developments." How do the "principles" set down in Policy BE.4 distil from the Character Assessment the matters which will assure a 'successful' development in Balsall Common - or do they over-concentrate on matters which apply to every development? | |
| 103 | "It is important not to duplicate requirements of the Solihull Local Plan with respect of complying with the Solihull Borough Landscape requirements (Criterion h). | | Ditto. |
| 104 | The various heritage, landscape and flood risk criterion d), e), k) and l) are effectively covered by National Planning Policy and the Strategic Policies of the Local Plan and duplication of such advice is not considered necessary in the neighbourhood plan". | | Ditto. |
| 105 | Unless: key view across the parish area are specifically defined, tranquil areas are precisely identified and through routes are clearly demarcated by the NDP, criterion f), i) and j) will be difficult to apply in the development management process." | | Ditto. |
| 106 | c) the lengthy combination of clauses and sub-clauses is potentially confusing. The local authority representation notes that "Whilst clause c) [on] restrictions to height of buildings has been modified, policy [BE.4] could provide greater flexibility on new housing allocations". | | c) will be split to be clear of the distinction between the village centre and strategic housing sites. We would contest that the Plan does provide significant flexibility. |
| 107 | The words "Demonstrate plans to" would seem superfluous to principle f). | | Agree; delete "Demonstrate plans to". |
| 108 | Principle h) references the "Solihull Borough Landscape | Which of the two is intended? | All titles of reference documents will be |

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| | Guidelines' but the "Reference Documents" records this as the "Warwickshire Landscape Guidelines – Arden" – it is unclear whether this is the intended document or the 'Solihull Borough Landscape Character Assessment 2016' included within the evidence documents online. | | checked and reconciled. |
| 109 | Principle I) relates to very specific circumstances "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest" (NPPF para 189). | More applicable in Policy BE.6. | Agree. |
| 110 | Representation suggests that "The NDP should acknowledge how new development can positively contribute to the character of Balsall Common through the planning process. | | Agree, appropriate wording to be included. |
| 111 | Paragraph 6.2.30 quotes extensively from NPPF para 127. | Would be fairer to say that the use of the Character Assessment "will help to ensure...". | Agree. |
| 112 | Paragraph 6.2.31 is inappropriate and the same policy considerations will apply to approvals at all stages in the planning process. | | Agree, paragraph to be deleted. |

Policy BE.5: Design Review Panels

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 113 | Inappropriate Policy directed at Solihull MBC. NPPF (para 129) makes clear the basis on which such review panels would feed into the planning decision process. Representations suggest that the threshold for review has been set too low. | Council representation comments: "The Council has no plans currently to establish such a mechanism [Design Review Panels], and as the policy does not provide guidance for determining planning applications, this recommendation should be covered in the supporting text to Policy BE.3, rather than a policy itself." Alternative might be for this issue to become a "Community Aspiration" for the Parish Council either to press further with the local authority or to set up independently but with | Agree. SMBC comments to be included in BE.3 supporting text. BE.5 to be deleted. |

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| | | the Council's blessing. | |
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Policy BE.6: Heritage Assets

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 114 | Neither this Policy nor the supporting "Explanation" references a list of heritage assets other than the Temple Balsall Conservation Area. | | True, however the heritage asset list can change over time and it is not considered appropriate to replicate the list in the Plan. A reference to the list can be made. |
| 115 | Representation suggests that national policy may be relied on, with less potential for confusion, and Policy BE.6 could concentrate on the important Conservation Area. | Whilst it is true that heritage assets are widespread, the related Policy does not/could not vary from national protections; whereas the Conservation Area Policy can/could be informed by issues specific to Temple Balsall (although I note that there is no Appraisal document shown on the Solihull MBC website). | It is considered that a heritage asset can be anywhere in the parish and the Conservation Area is only in Temple Balsall and they are different. Consequently this policy adds value. |
| 116 | Whilst the "Reference Documents" includes "Listed Buildings in Balsall Parish" it is not apparent that a listing is attached to the Plan as an un-numbered Appendix 2. | | A reference to the listing of SMBC will be made. The list which forms an appendix to the Character Assessment will be deleted. |
| 116 | Unfortunate that the "Landmarks" listed within the Character Assessment do not comprehensively (apparently) include the heritage assets by Zone such that their distribution and contribution might be better appreciated. | Is there a particular reason why the Assessment and listing have not been combined? | "Landmarks" listed within the Character Assessment cover a wider range than the locally listed buildings. Buildings have been included where it is considered that it adds value. |
| 117 | Doubt that it is the responsibility of an applicant, as the Policy says, to "explain" the significance of a heritage asset – this will be described within its listing. | Rather the applicant must 'assess and address any impact of their proposals on the significance of the asset'. | Agree. |
| 118 | Last paragraph the meaning of "strictly controlled" is unclear in the context of the application process and this sentence does not seem to add any clarity beyond the previous paragraphs. | | Delete. |
| 119 | Source for the map of the Temple Balsall Conservation Area is required; a representation suggests that the map | | SMBC confirmed (12.11.2019) that the Temple Balsall Conservation Area Map is up to date. |

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| | may not be an up-to-date version. | | |
| 120 | Paragraph 6.2.38 says that heritage assets “should be considered by all development proposals”. However, not every proposal is likely to affect a heritage asset. | | “where appropriate” will be added. |
| 121 | Paragraph 6.2.38 says that national policy places great weight on the “preservation” of heritage assets whereas paragraph 6.2.40 suggests that great weight should be given to the heritage asset’s “conservation”; apart from there being no value in repetition, the NPPF (para 193) actually says “conservation”. | | Agree. |

Policy BE.7: Renewable Energy

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 122 | First paragraph expresses a positive expectation and then the obverse of it is included as paragraph 2. | | Second paragraph to be deleted. |
| 123 | Paragraph 6.4.42 provides a somewhat inappropriate quotation (without quotation marks) referring to the need for an energy “strategy” that would be beyond the scope of a Neighbourhood Plan. | | Full NPPF quote to be added with quotation marks. |
| 124 | Paragraph 6.4.43 cannot tell Solihull MBC their job. | | Delete paragraph. |

Policy BE.8: Highway Safety

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 125 | Unclear why the introductory sentence needs to repeat some of the criteria that are the subject of the Policy. | This rewording would seem to be sufficient for the Policy – the issue about clarity in deriving content from the NPPF would not then arise? | Rephrase introductory paragraph to read “New development should allow for sufficient measures to ensure safety, particularly for pedestrians, motor scooters and cyclists. |
| 126 | Representation comments that paragraph 108 in the NPPF does not use the term “unacceptable impact” but instead says “significant impacts” and refers to the ability to mitigate these to an acceptable degree. | | In new paragraph 6.2.52 NPPF reference to be added, para 109 uses “unacceptable impact”. |
| 127 | Representation comments: “As drafted, bullet point b) of Policy BE.8 relating to highway safety and impacts, would still fail Basic Condition test (a) as it is contrary to national | NPPF paragraph 109 states that “development should only be prevented or refused on highway grounds if ... or the | See above. |

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| | policy. The draft Policy states that in order to be acceptable, all development proposals should, inter alia, have no “residual cumulative impact on the capacity and operation of the local highway network that would be severe”. | residual cumulative impacts on the road network would be severe.” | |
| 128 | Paragraph 6.2.51 suggests that the final sentence is derived from the NPPF para 108 but by altering the wording it may mislead. | | Final sentence to be replaced with “Significant effects on the highway network in this area should be addressed in accordance with paras 108 and 109 of the NPPF.” Two congestion hot spots are shown on the A452 in Balsall Common in the Solihull Connected Transport Strategy page 19 . |

Community Aspiration CA.2: Village Centre Road Safety and Parking Improvements

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 129 | Not appropriate within a Neighbourhood Plan to demand that another authority – in this case Solihull MBC - should act. | Action point for the Parish Council to pursue with the relevant interested parties. | This is a Community Aspiration not a Policy. It is consistent with the draft SLP (Consultation 2019) statement: “89. An Enhanced Centre – Most of the centre is located within Balsall parish, but areas in Berkswell may also be included. The Council will work with both parishes to agree an appropriate way forward, e.g. through a village centre masterplan.” |
| 130 | Representations have questioned the practicality of the proposals. | | The first two sentences of the second paragraph will be taken out. |
| 131 | Representation from Berkswell Parish Council comments that it objects to the CA.2 proposals and asks that it be deleted from NDP as part of the Balsall Common centre and land subject to the proposals is within Berkswell Parish. | | The title of Fig. 8 will be changed to indicate that it is an illustration of a possible concept not a proposal.” |
| 132 | However another representation comments on “the contradiction within the Berkswell Parish Council Regulation 14 and 16 response to the well supported Community Aspiration to improve Balsall Common village centre. | | Noted. |

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| 133 | A further representation adds: "Quite apart from the fact that CA 02 covers an area of a few yards into Berkswell Parish, this Community Aspiration is what it says - an aspiration not a policy." | | Noted. 6 of 24 shops on the Station Road parade fall within Berkswell parish. |
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Community Aspiration CA.3: Village Bypass Road

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 134 | | Expressed as an action point for the Parish Council to pursue with the relevant interested parties the CA.3 content could be appropriate. | This is a Community Aspiration not a Policy. It is consistent with the draft SLP (Consultation 2019) statement: <i>"88. Balsall Common Bypass – Emerging work is indicating that continuing the line of Hall Meadow Road around the eastern side of the village, crossing Waste Lane at Catchems Corner 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."</i> |
| 135 | Representation notes that an eastern bypass option would largely be outside of the Parish and therefore beyond the scope of the NDP. | | Noted, no route is identified by the Plan. |
| 136 | Representation comments: "There is no firm argued case, it is heavily based on perceived wishes of residences responding to a questionnaire and it needs to be factually tested as does the route." | | Agree that a business case test will be used by SMBC. |
| 137 | Representation "L&Q Estates and BDW acknowledge the local desire for a by-pass for the A452 to redirect traffic around Balsall Common, but underline that, whilst it is an 'aspiration', consideration needs to be given to whether it | | As a Community Aspiration its delivery will be outside the scope of the Plan, see above comment response. |

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| | can be delivered in a sustainable way. | | |
| 138 | The NPPG also suggests (Paragraph: 045 Reference ID: 41-045- 20190509) that a Neighbourhood Plan should consider how any additional infrastructure requirements might be delivered and what impact the infrastructure requirements might have on the viability of a proposal in Balsall Common. Whilst the NDP appears to outline the need for a by-pass, it doesn't give any consideration to how it might be delivered and its potential impact on the delivery of strategic housing allocations in Balsall Common." | | Agree, see comment responses above. |

Policy BE.9: Local Parking Standards

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 139 | Local authority representation comments: "the requirement for at least one off-road parking space per bedroom for one bedroom dwellings, two spaces for two/three bedroom dwellings and three spaces for four or more bedroom dwellings, [which] is contrary to the Council's evidence based approach and may be in conflict with the NPPF. | Suggested that provision should be based on the criteria included in the original explanation to the draft policy, but the Parish Council has referred to evidence of on-street, verge and pavement parking, overflow parking from the rail station and congestion in the local centre. | Agree. Para 6.2.71 quotes the opinions of respondents to support a criterion based approach as a route to the prevention of parking problems associated with new development. |
| 140 | To ensure a consistency of approach across Neighbourhood Areas. | Recommend a criterion based policy: 'Development proposals must have appropriate regard for the higher levels of car ownership evident within the Balsall Parish Neighbourhood Area. Whilst suitable parking provision must be integral to the design of schemes, the number of off-street parking spaces for residents and visitors should be justified and provided on the basis of an evidenced assessment of: a. the accessibility of the development; b. the type, mix and use of development; c. the availability of and opportunities for | Agree to a criterion-based policy: 'Development proposals must have appropriate regard for the higher levels of car ownership evident within the Balsall Parish Neighbourhood Area. Suitable parking provision must be integral to the design of schemes and therefore the number of off-street parking spaces for residents and visitors must provide at least one off-road parking space for each one bedroom dwelling, at least two off-road parking places for each two and three bedroom dwelling and at least three off road parking places for |

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| | | <p>public transport; d. local car ownership levels; and e. the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles</p> <p>The range of considerations to be evidenced is therefore wider than that which has been applied in justification of the requirement of Policy BE.9.</p> <p>The additional wording would need to be in the supporting text in the absence of evidence on feasibility and viability.</p> | <p>four or more bedroom dwellings (excluding garages but including car ports) unless a lower standard is justified and provided on the basis of an evidenced assessment of:</p> <p>a. the accessibility of the development; b. the type, mix and use of development; c. the availability of and opportunities for public transport; d. local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.</p> |
| 141 | From paragraph 6.2.73 it might seem that parking provision for dwellings is adequate. Other current parking issues cannot be resolved via a Policy for new housing development. | | Paragraph 6.2.73 is a survey to illustrate the effect of previous policy application. The desire is to avoid this issue being continued. |

Policy BE10: Flooding and Surface Water Drainage

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 142 | | The "where appropriate" as used in paragraph 6.2.78 may therefore be required within the Policy. | Agree. |
| 143 | Representation comments: "We recommend that Policy BE.10 could be strengthened and recommend the inclusion of a point which seeks to ensure all new development is in Flood Zone 1." | | Agree. |

6.3 Economy

Policy ECON.1: Superfast Broadband

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 144 | Not sure why "future" is used within the Policy wording. | Would not 'for' suffice. | Agree. |
| 145 | Representation comments that flexibility is needed in the wording to allow for new technologies that will arrive over | | Agree. Policy heading to read: "Superfast Broadband and Electronic Communications |

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| | the Plan period. | | Networks”. Policy wording to read: “All new residential and commercial development..... will be expected to allow for high speed connectivity.” |
| 146 | Perhaps through cutting and pasting paragraph 6.3.6 seems to have become a circular sentence. | | 6.3.6 to read: “This Plan supports electronic communications networks using high quality digital infrastructure from a range of service providers; and the prioritisation of full fibre connections to existing and new developments.” |

Community Aspiration CA.4: Improved Mobile Reception and Faster Broadband.

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 147 | Presume that this Community Aspiration is to be owned’ by the Parish Council. | | Agree. |

Policy ECON.2: Home Working

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 148 | Policy “encourages” rather than ‘requires’ but it would seem that the implications of “flexible space adaptable to a home office” are more readily understood than “space and facilities to support home-working”; these phrases used together might appear to be somewhat contradictory. | | Agree. Reword: “Proposals for all new dwellings are encouraged to provide flexible space and facilities to support home-working and where appropriate infrastructure in accordance with ECON.1. |
| 149 | Requirement in ECON.1 is to provide broadband “infrastructure” rather than “cabling. | | Agree. See response above. |
| 150 | Representation comments that “Page 73 does not include farming in the ‘home working’ section and page 74 fails to mention farming when encouraging local business and employment. | | Noted, however home-working defines work that takes place in the home, farming by definition is not performed within the dwelling. A farm dwelling may include a home office and is therefore captured in the Policy. Proposals for new dwellings in the Green Belt will be covered by that national policy. |

Policy ECON.3: Encouraging Local Business and Employment

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 151 | Application of Policy ECON.3 has the potential to displace retail uses which is probably not the intention and may be at odds with Local Plan policy. | | Policy first sentence to be reworded: "Proposals for new business premises will be supported provided they contribute to the health and vitality of the retail centre (Character Assessment Zone K) provided that and they do not conflict with other policies in this Plan. |
| 152 | Capacity of the village centre is not apparently addressed. | | Noted. |
| 153 | If Policy COM.3 is intended to include retail services then there is a possible internal conflict between the ECON.3 desire for change and the COM.3 desire for retention | | Noted, see comment response above. |
| 154 | Local authority representation notes the Policy "should include a clause making clear that proposals outside the built-up area will be subject to green belt policy". | | "and proposals outside the built-up area and in the Green Belt will be subject to Green Belt policy." To be added to the second sentence. |

Policy ECON.4: Rural Tourism

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 155 | Local authority representation says: "Policy ECON.4 seeks to protect existing leisure and tourism services and facilities. The policy supports proposals for new and improved provision, subject to green belt restrictions as well as other policies in the NDP, but should include an additional criterion to cover the sustainability/accessibility of the site." | | Add a clause c) to the Policy namely: "and, subject to the sustainability and accessibility of the site." |

6.4 Community

Policy COM.1: Leisure Facilities

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 156 | "Policy" would seem to be a statement of intent on the part of the Parish Council; certainly the CIL commitment is beyond the scope of a land use policy. | | Take into Community Aspiration CA.5. |
| 157 | Although the title indicates otherwise, Policy ECON.4 seeks to protect "land and premises currently associated with | | Policy title to be reworded: "Rural tourism and leisure." |

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| | <i>leisure or tourism</i> ". | | |
| 158 | Policy COM.3 may also overlap with its focus on community facilities (which are not defined). | | Policy COM.1 wording to be taken into Community Aspiration CA.5. |
| 159 | Local authority representation notes that "Protection and enhancement of sport and recreation facilities is in line with the recommendation in the Solihull Playing Pitch Strategy to protect playing pitches given the current and future shortfall in provision" and this would potentially fit within the wording (with an amended title) of Policy ECON.4. | Alternatively the "Local Services/community facilities" of Policy COM.3 might be clarified to include sport and leisure facilities. | Policy COM.3 to be retitled: "Sport, Community and Recreation Facilities." |
| 160 | Unclear how the content of paragraph 6.4.1 relating to facilities "outside of the Neighbourhood Area" might have informed Policy COM.1. | | Policy COM.1 to be merged with CA.5. The facility (Lavender Hall Park) is outside but contiguous with the Plan boundary and provides a significant community facility for Balsall Common (Balsall) residents. It was felt that this contribution could not be ignored in the Household Survey and could inform judgements on proposals for the provision of community facilities in the Plan area. |

Community Aspiration CA.5: Public Leisure Amenities

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 161 | Content here would appear to be a shopping list for CIL funds passed to the Parish Council. | | Noted. |

Policy COM.2 Formal Education Facilities

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 162 | Policy wording incorporates another instance where the first sentence expresses a positive expectation and then the obverse of it is included as the second sentence. | | The last sentence of the first paragraph will be deleted. |

Policy COM.3: Local Services

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 163 | Some more clarity is required on what "Local Services" in the title and "community facilities" as used in the Policy mean in | | To be retitled " Community Facilities " "Sport, Community and Recreation Facilities" as |

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| | practical terms – are sports and leisure facilities, where operated by or on behalf of the community, included? | | above |
| 164 | | Sentence on CIL funds passed to the Parish Council should be within the explanatory text. | Agree. |
| 165 | Relevance of paragraph 6.4.25 as partly derived from the NPPF is difficult to see. | | Assume this is 6.4.15. Concerns impact on existing community facilities of new development and the avoidance of restrictions being placed upon them. |

Community Aspiration CA.6: Improved Public Transport

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 166 | If a Plan can have "ambition" then is that ambition owned by the Parish Council? | | Agree. |
| 167 | Representation comments... "the commentary at para 6.4.17 that allocated development sites should not be completed until post 2026 when SPRINT Transit buses are introduced, remains inappropriate and, as drafted, in conflict with the requirements of Basic Condition test (e)." | It may be considered that as a Community Aspiration CA.6 is not subject to the Basic Conditions; there should however be accuracy and clarity. | This is a Community Aspiration and is factually correct. The statement expresses a view to support the community aspiration and therefore accurate and clear. |

Policy COM.4: Encouraging Walking and Cycling

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 168 | Some overlap between this Policy and the other related Policy H.8 that sits within the Housing section (but relates to more than just housing). | A single Policy could bring helpful clarity or at least some rationalisation is needed so that two Policies don't say the same thing in different words | COM.4 to be merged with H.8 and included as a BE Policy. |
| 169 | Representation suggests that this Policy should only encourage "reasonable measures". | | The terms "where appropriate" and "where possible" are already used. |
| 170 | Paragraph 6.4.22 would (appropriately worded) seem to amount to more of a Community Aspiration than an "Explanation" for Policy COM.4. | | Paragraph to be added to the Community Aspiration CA.5 Public Leisure Amenities. |

Policy COM.5: Allotments

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 171 | Local authority representation comments "...it could seek a net increase in provision in the Neighbourhood Area, given that the emerging evidence indicates a shortage of plots." | | Noted. |
| 172 | Given the emphasis of Policy COM.4 I am puzzled by the inclusion of criterion b) | A more appropriate expectation being that new sites should be well located in relation to known areas of demand and be accessible on foot or bicycle, or similar? | b) recognises the need for parking associated with allotments to cater for the car transportation of site materials, tools, equipment and the removal from site of waste material to recycle or dispose of. The current SMBC allotment site at Holly Lane has this provision. The text in the second paragraph indicates that the provision of new allotments should be in "appropriate and suitable locations". |

6.5 Natural Environment

Strategic Objective for the Natural Environment

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 173 | Local authority representation notes that "The Strategic Objective for the Natural Environment has been widened to include grasslands, but could specifically reference woodlands in addition to trees." | | Agree. |

Policy NE.1 Green Infrastructure

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 174 | Local authority comments in their representation: "The policy references the two veteran trees in the Neighbourhood Area which must be retained, although the addition of 'known' as a prefix would allow for recording of other specimens." | The addition of 'known' as a prefix would allow for recording of other specimens." | Agree. |
| 175 | Policy also includes a standard for new tree planting of one tree per parking space or per 50m ² gross floor space, which the Parish Council advises has been used elsewhere. | Prioritising suitable sites would be helpful. | Agree that it would be helpful. |

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| | This could result in significant off-site planting, so prioritising suitable sites would be helpful. | | |
| 176 | There doesn't appear to be a reference for the use of/justification for the quantum of new planting. | | Agree. Paragraph 5 to be reworded as follows: Trees to be retained and additional new trees planted in accordance with SMBC standards, with adequate space both below and above ground for the trees to grow to maturity with an appropriate care regime. |
| 177 | Representation comments that an arbitrary requirement relating to parking spaces or floorspace would be inappropriate for larger schemes where high quality landscaping would be expected and required. | | Noted. |
| 178 | | The issue of off-site planting might be addressed within Community Aspiration CA.7. | Disagree. |
| 179 | Representation comments that BS5837:2012 is being used incorrectly because it does not require the all trees be retained. | | The Policy is not requiring all trees to be retained, compliance with BS5837 does not mean that all trees must be retained. |
| 180 | Within paragraph 1 I am unsure what "sensitive" is intended to suggest. | | "ecologically sensitive". |
| 181 | As with Policy P14 within the Solihull Borough Local Plan, a Policy can recognise guidance within non-planning documents – the British Standard – without noting the source within the Policy (not least because the reference may change over time); the wording of the BS reference is in any event confusing and is detail that should sit within the "Explanation". | The wording of the BS reference is in any event confusing and is detail that should sit within the "Explanation". | Agree, the wording will be changed and the British Standard reference will be added to the explanation. |
| 182 | It is difficult to see what might justify paragraph 3 of the Policy. | | Agree delete. |
| 183 | Last paragraph is inappropriate as planning law will define what may be secured through conditions and legal agreements. | | Agree, delete. |

Policy NE.1 Explanation

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 184 | Unsure what the extensive and very specific quotation across paragraphs 6.5.6.and 6.5.7 is intended to achieve. The NPPF provides the basis for the protection of green infrastructure. | Then I believe that some introductory words are required such as 'Government guidance on 'What planning authorities should consider for developments affecting ancient woodland, ancient trees and veteran trees' says:'. As the local authority has noted, as there is nothing in the Policy about ancient woodlands paragraph 6.5.7 could be omitted? | The detail is below the NPPF and contained in government guidelines, as a useful addition to the NPPF. |

Community Aspiration CA.7: Enhancement of Green Infrastructure

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 185 | | This may be a suitable place to pick up the local authority's suggestion about identifying locations for off-site planting. | Not required. Trees should be planted on-site and not compensatory off-site. |

Policy NE.2 Blue Infrastructure

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 186 | As it is not the purpose of Neighbourhood Plans to repeat or restate higher level policies, rather than the Policy referencing generic River Basin Management Plans and Catchment Flood Management Plans | Should reference the relevant Plans that are applicable within the Neighbourhood Area. | Reword with reference to the SSSI and nature reserve, currently in the explanation. |
| 187 | Explanation" for the Policy does refer to a specific SSSI and a Nature Reserve as well as referencing the Parish Ecological Report, but these are not mentioned or noted within the Policy. | | Reword with reference to the SSSI and nature reserve, currently in the explanation. |
| 188 | Much of the content of Policy NE.2 is the "Explanation" or justification for a neighbourhood level Policy. | Paragraph 6.5.12 provides the kernel of a Neighbourhood Area specific Policy whereas much of the content of Policy NE.2 is the "Explanation" or justification for a neighbourhood level Policy. | Agree. Wording in para 6.5.12 to be moved to the Policy text and non-policy text moved to "Explanation". |

Policy NE.3: Designated Local Green Spaces

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 189 | Not the purpose of Local Green Space (LGS) designation to “ensure a suitable quantum and quality of amenity space” but, as noted in paragraph 6.5.16, designation protects “green areas of particular importance. | If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Ref: 37-011-20140306) Planning Practice Guidance Notes. | Agree. |
| 190 | Representation raises a particular concern: “the proposed designation of land forming LGS5 ‘Grange Park’ within the NDP is neither necessary nor justified. The Parish will be aware through previous representationsthat the land is the subject of a S106 planning obligation that requires it to be maintained as open space in perpetuity. Its designation would not override this obligation nor increase the protective status of this land. | | The identification of LGS5 as a LGS is considered important as: <ol style="list-style-type: none"> 1. It is not a requirement of designation under paras 99-101 of the NPPF that the LGS has to take note of other protections. 2. A 999 year lease to SMBC for use as a park is in place and SMBC have not commented adversely on the LGS designation. 3. A specific case has been made which meets the criteria. 4. Local Green Space is a statutory planning designation providing protection similar to that provided by Green Belt status. As such it provides additional protection to a Section 106 agreement. An agreement is just that and can be changed by the parties. |
| 191 | Representation doubts the “particular importance” of some spaces: “Tidmarch Close Green No 6 (fig 9 page 91) is a small tract of land that one suspects would have been difficult to build on so it was left open, it is also boggy in winter and can flood. | | Consider it does meet with LGS criteria for designation whatever the reason was for it not being developed. |
| 192 | The pond on Kemps Green Road and green No8 (fig 9 page 91) is hardly a major feature it is heavily screened by tress [sic] and the supposed green nearby is merely an extended grass verge. | | The tree screening of LGS8 does not negate its designation but adds to its value to the community by creating a screened and tranquil green space. |
| 193 | Likewise Yew Tree Green No7 (fig 9 page 91) is | | The comment appears to support the role of |

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| | certainly green but not in itself a feature. These spaces assist in breaking up the otherwise monotonous features of a housing estate and have a small value in this respect.” | | LGS7 designation. |
| 194 | LGS Assessment document, does not specifically address the issue of other, existing designations. | Could be, for instance, that the Holly Lane Allotments already benefit from a statutory protection which the LGS designation may not enhance (and I note that the Allotment is in any case to be protected by Policy COM.5). Similarly land designated as a Cemetery may already have an appropriate and adequate protection. The Claverdon example follows the Planning Guidance: “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.” My query is legitimate in line with the Guidance quoted at 189 above. | There is precedent in made NDP’s where proposed LGS in Green Belt has been accepted by Examiners (most recently, see Claverdon NDP approved at referendum in October 2019). There is no conflict or reason why an LGS cannot also be located in the Green Belt. A proposed LGS is not just about adding a layer of protection to the land, it is more about highlighting the local importance and value of such spaces to the community and celebrating and positively promoting these spaces even if the planning policy function appears to be duplicated. |
| 195 | The ownership of the proposed LGS 6 ‘Tidmarsh Close Green, Balsall Common’ is “unknown”. | Advise whether efforts have been made to identify and contact the owner. | Yes, the land registry search indicated that the land was unregistered. Site notices were placed on site prior to Regulation 14 consultation with no response. |
| 196 | In relation to the Assessment, I note that it relates to 15 proposed LGS whereas the Policy lists only 14; it is unclear whether this discrepancy arises because the Plan and the Assessment document have not been aligned after amendment or whether other considerations have been applied. | A small problem arises I believe from the change in the numerical site referencing. | One LGS proposed was removed from the Plan as a result of a Regulation 14 representation. There is no need to amend the LGS assessments. They are part of the evidence base for the NDP through its various stages of preparation. |
| 197 | | Policy needs to reference the maps since they define (not “for illustrative purposes only”) the land affected. | The LGS Assessment will be included as Appendix 3 to the Plan and the Policy will make reference to this and the maps |

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| | | | contained there. |
| 198 | Paragraph 2 says that “designations will be used” but the Policy is itself making designations. | | Phrase to be deleted. |
| 199 | Relevance of the quotation from Natural England in paragraph 6.5.15 is questionable since, as noted above, LGS designation is not intended to meet the open space needs of a community. | | Agree; quotation to be deleted. |

Policy NE.4: Biodiversity

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 200 | | I believe it would be appropriate to insert ‘where possible’ before “provide net gains” | Agree. |
| 201 | Believe that it would make Policy NE.4 more relevant to the Neighbourhood Area if paragraph 6.5.21 was incorporated within the Policy (in place of the last paragraph/sentence). In relation to this paragraph the local authority has commented: “Paragraph 6.5.21 references the River Blythe Site of Special Scientific Interest (SSSI) and Local Wildlife Sites (LWS). | Minor rewording of the text would ensure that the national status of the SSSI is recognised with references to LWS using capital initial letters. | Agree. |

Policy NE.5: Minimising Pollution

| Ref | Issue | Examiner’s/ other suggested remedy | BPC response |
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| 202 | Policy NE.5 lacks clarity on what “unacceptable” levels of pollution would be. | Given the need for proportionate evidence I believe that an appropriate Policy wording might be: Where appropriate, development proposals will be required to demonstrate how measures to address and mitigate as necessary the impact of air, noise and water pollution have been considered. Appropriate instances will include but not be limited to proposals that: i) are within the scope of the SMBC Clean Air Strategy (when adopted), or ii) relate to a site currently or formerly with land-use(s) which have the potential to have | Insert sentence as part of second paragraph – “Unacceptable levels of pollution are those outside the acceptable levels within the current WHO guidelines for noise and appropriate standards and guidelines of the government for air and water quality.” |

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| | | caused contamination of the underlying soils and groundwater, or iii) sit within the Birmingham Airport Noise Preferential Route corridors either side of the Standard Instrument Departure (SID) or below the arrival flight paths. | |
| 203 | Paragraph 6.5.27 quotes the NPPF but no evidence is provided to suggest that there are Air Quality Management Areas or Clean Air Zones within the Neighbourhood Area. | I note that this is an “emerging” strategy and SMBC has advised that no AQMA are under consideration. | Detail will be added to confirm the SMBC are currently monitoring air borne pollutants at 3 sites in Balsall Common as part of their emerging Clean Air Strategy and consideration of an Air Quality Management Area (AQMA) for all or part of the Borough. |
| 204 | In relation to water pollution no specific mention of it is included within the Policy or the “Explanation” text (although the Environment Agency has commented on the subject as above in relation to the redevelopment of brownfield land). | | The text will be changed to include the comments of the Environment Agency in relation to the River Blythe system. |
| 205 | In relation to noise pollution, It would therefore seem inappropriate for evidence to be gathered, limits to be defined or relevant mitigation measures to be identified at a Neighbourhood Area level. | | It is not considered that the mitigation requirements are unreasonable for new developments and appropriate to consider at Neighbourhood Plan level. |
| 206 | I am aware that the Policy wording was agreed with Birmingham Airport and the wording itself has not been disputed by Solihull MBC. My concerns are that I doubt that such evidence as is provided to support the noise aspects of this Policy is “proportionate” to the issues involved, Balsall Parish is but a small part of the area affected and the draft Solihull Local Plan (in conjunction with other affected areas) can better assess relevant limits within the context of the Airport Master Plan, and the Inspector examining the Local Plan can be better informed about the “complex issue [which] at times requires complex solutions”. Comments are invited. | | Ditto. |

Appendix: Character Assessment

| Ref | Issue | Examiner's/ other suggested remedy | BPC response |
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| 207 | A number of points were included earlier about the accuracy of parts of this Assessment that need not be repeated here. | | |