

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

As you are aware I have been appointed to conduct the Examination of the Balsall Parish Neighbourhood Development Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. The queries are extensive but the responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the intention behind the policy and other content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In particular I need to be sure that the Plan meets the obligation to “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” (NPPF para 16). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

General Matters

There are four initial comments that pertain to the approach of the Plan document which may entail numerous adjustments but I need to explain the basis of my concerns. Firstly, the intention for the Plan is that, after the referendum, it will be a Development Plan document and, as such, prospective developers will consult the document and Solihull MDC will assess whether their subsequent development proposals show appropriate regard for the Development Plan documents as a whole. There is therefore no value or purpose in content addressed solely to Solihull MDC, either within policies or the supporting text; prospective developers can do nothing about these matters. Either those issues should have been addressed and resolved within the preparation of the Plan or they now fall to the Parish Council to pursue, perhaps within the context of a Community Aspiration (ie content that is important to the community but not intended for use within the Development Plan).

Secondly, the NPPF requires that Plans should “be prepared positively, in a way that is aspirational but deliverable” (NPPF para 16). It is often the case that Plan policy content is expressed positively but then followed by an equal and opposite version about what will be “resisted”; such duplication can give rise to confusion. It is rarely the case that how policy delivery will be achieved and what that might entail are explored. A representation comments: “There is an over reliance on views collected by questionnaire and they need to be tempered with reality. The residents' desires/concerns need to be tested against hard facts/evidence otherwise the NDP will struggle to offer the protection it should.” The NPPF also says (NPPF para 16) that Plans should avoid “unnecessary duplication of policies that apply to a particular area”; it is therefore important that the local focus of every policy is evident.

Thirdly, whilst the extent of referencing in the document is admirable (tending perhaps toward some repetition), it is not always clear how the referenced documents can be accessed. I note that many

documents have helpfully been gathered within an evidence page on the Parish Council website but it would appear that this is not itself referenced within the Plan. Subject to a clarification on this I feel that it would probably be sufficient for references to be within footnotes and the sections headed "Reference Documents" are somewhat redundant.

Lastly, one representation from a Balsall Parish Councillor raises many issues that are beyond the scope of the Examination and are a matter for the Parish Council complaints process. However the representation also questions the "flawed" nature of the data presented for analysis for or from the Exhibition held on 21 & 22 April 2008. As this may be evidence on which the Plan has relied I invite comments on this issue.

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I note that the Table shows a section 6.6 but the pages there indexed are spread throughout the "Policies" section within the Plan. Planning Practice Guidance says: "Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex" (Paragraph: 004 Reference ID: 41-004-20170728). Was there a particular reason why the "Community Aspiration" content was not included as section 6.6 but instead dispersed? There is some indication within the representations that this has led to confusion about what the implementation of the Plan might entail eg the design of the shopping area and the development of a by-pass.

1. Introduction & Background

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?

Plan Period

Paragraph 1.18 says "The final sites allocated and adopted within the Solihull Local Plan will be recognised within the Balsall Parish Neighbourhood Development Plan". 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. Therefore paragraph 1.20 is more accurate in this respect. Do you have any comments on this line of thought?

The Plan Context

In December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

Neither the Plan nor the submitted Basic Conditions Statement has acknowledged this change. As the Plan does not allocate land for development and is supportive of Balsall's rural features, I am satisfied that the making of the 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?

2. Process Overview

A representation comments: "Section 2 on Process Overview speaks of the council engaging with the public but this was markedly lacking in the rural areas. For example few posters reminding residents to complete their Household Questionnaires in 2017 were put up in the rural parish. Indeed there were NO posters displayed at Meer End until it was pointed out to the council that these residents formed part of Balsall Parish. Information about the Questionnaire Results Exhibition held 21st – 22nd April 2018 was not posted in Fen End, Meer End & Temple Balsall, nor were we aware of any focus group interviews taking place for rural residents in these areas." Do you have any comments?

Evidence Base Overview

This is one of the occasions where source references are provided but with insufficient detail on how these might be accessed. I note that each Policy section also, in addition to footnotes, provides a "Reference Documents" list but no access details. I feel that 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. Do you have any comments on this line of thought?

3. Balsall Parish Today

The inclusion of 2 maps related to the SMBC Character Assessment is unexplained and their value is diminished because the colour key conflicts between the two and neither shows the Neighbourhood Area boundary (or even the Meriden Ward). Whilst I appreciate that the latter may be technically difficult because the maps are derived from another document, it would seem that a single map would be sufficient and less confusing.

The relevance of paragraph 3.14 is unexplored – and the source of the data undeclared.

A representation comments: "Section 3, 'Employment', omits the small groupings of businesses on Table Oak Lane. 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."

Do you have any comments on these lines of thought?

4. Character Appraisal

Whilst I can see that with figure 4, as with figure 2 or figure 3, there is a dilemma about a scale that will allow for the detail to be identified, I feel that the map must be complete so that the extent of areas O, P, Q, R & S is defined. This would probably entail a larger scale map with an inset map for the urban area.

A number of representations have queried the definition of Character Zone A which, perhaps because of the photos, is believed to be misrepresented as related solely to Elysian Fields (which one representation says should be "Elysian Gardens"): "Up until recently nearly all of this [Zone A] area, with the exception of the northern sector, was in the greenbelt, comprising open fields, a working farm and four private residences (see Google Earth map ..). 3 years ago, permission was given to develop two new estates known collectively as Elysian Gardens (not "Fields"). The site to the north is now Drovers Close. The site to the south is Meer Stones Road. Crucially, these sites are still

separated by a sizeable area of greenbelt land, including an area of semi-woodland designated by the Warwickshire Wildlife Trust as being of such high ecological value that it should not be developed.....Moreover, the density of the four original properties is extremely low, in contrast to the new estates. The house fronting the Kenilworth Road is a significant dwelling sited in parkland and the density of the three houses to the rear is just 11.5 dwellings per hectare.....Based on this, the Character Assessment undertaken by the previous parish council is clearly inaccurate. Furthermore, referring to the more detailed assessment given in the Appendix of the draft NDP (see p4), the land use is not wholly residential and there is no mention under “Green and Natural features” of at least a quarter of the area comprising the open field and semi-woodland.”

A 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. Jaguar Land Rover is situated immediately behind the Oakley Estate and this firm calls itself Jaguar Land Rover, Fen End! Page 23 claims that Fen End is Zone P. This is completely wrong – my family have lived in Fen End since 1950. 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. In the The Character Assessments at the end of the NDP, two of the listed landmarks in Zone R – Balsall Cottage Farmhouse and the barn at Balsall Cottage Farm - on Oldwich Lane East do not exist! There is an error in the landmarks in Zone P. ‘Fen and Lodge’ should read Fen End Lodge. 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. This is a sweeping assumption rather than fact. Many of the properties here with ‘farm’ in their name are no longer working farms. They have been sold off and converted into large residences, with occupants who have no ties to the land.”

Another 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.”

Do you have any comments on these lines of thought?

5. Our Vision, Our Aspiration

The possessive terms “our” and “we” are potentially awkward words within a Plan that is about to go to community referendum so that it may become part of the Development Plan. This is particularly so when the words become ambiguous as within paragraphs 5.3 and 5.6; “we” there is evidently the Plan Committee or Parish Council rather than ‘our community’.

Surprisingly, this section does not include an explanation of the important difference (as noted above) between “Policies” and “Community Aspirations”; indeed it is perhaps the apparently random intermixing of the two that has led to the use of subjective language in what needs to be an objective document – (para 5.15) “the time has come to alleviate this ubiquitous and oppressive hegemony”.

Do you have any comments on these lines of thought?

6. Policies

6.1 Future Housing Development

Do you have any comments on the following lines of thought under this heading?

Strategic Objective

The 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. It is difficult to reconcile the future objective to “recognise the strategic housing site allocations identified within the Solihull Local Plan (when adopted)” with the current objective to define Built-Up Area Boundaries since this will become out of date as soon as the Local Plan is implemented. The Basic Conditions Statement suggests that the boundary is defined because the draft Local Plan will not define the boundary but does the Neighbourhood Plan add clarity to or confuse the meanings of “built-up area”, “countryside” and “Green Belt” particularly if their relationships are about to change? 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?

A representation comments that “It is also important, that the ability of Balsall Parish NDP to support sustainable extensions on suitable sites is made explicit within the NDP objectives”; however, I can see that the Neighbourhood Plan has acknowledged the role of the draft Local Plan in determining the level and location of housing provision within the Neighbourhood Area.

Policy H.1: Built-Up Area Boundary

The Policy title says “Boundary” but in fact there are two ‘Boundaries’ defined (although the figures’ titling puzzlingly suggests that the delineations are “for illustrative purposes only”). But further, as the local authority representation notes, “Infilling within the built-up areas of Balsall Common and Oakley would be permitted by [Local Plan] Policies H1, H2 and H4. However, 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. To rectify this, either the settlement boundaries should coincide with the green belt boundary, or Policies H1, H2 and H4 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. If the latter approach is chosen, then the Council [SMBC] would have the option of amending the green belt in the Local Plan Review to accord with the settlement boundaries in the NDP. Policy H1 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.”

I note that 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) ; these would be needed by a policy-maker intending to review the boundaries (eg for the Local Plan). Another representation notes that it would potentially have been possible for the Plan to amend the Green Belt boundary - NPPF paragraph 136 says: “Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans”. However, a view would need to have been taken on current “strategic policies” and any such approach would have needed to be justified and evidenced.

A representation comments that Policy H1 wording “is not consistent with national policy set out in NPPF para 79 (countryside housing) or para 145 & 146 (green belt)”. Another 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?

The cross-reference to Policy H6 appears to be an error – was that intended to be to Policy H3?

Policy H.1 Explanation

In 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.

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

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”).

Policy H.2 appears to be a sub-policy of Policy H.1 because, confusingly, whereas Policy H.1 says that “new dwellingswill be supported in principle”, Policy H.2 suggests that what is actually meant is “Limited infilling ... will be supported in principle”; “limited” is then suggested as meaning “modest and in proportion to the size of the site”. The 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. The wording of Policies needs to be consistent and “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” (NPPF para 16). Consistency might best be achieved by not spreading the same issue over several policies.

Community Aspiration: CA.1 New Homes

The thinking behind the location of this section was raised earlier. Probably the information on the construction dates for HS2 is already out of date. The assertion that there may be implications for the Neighbourhood Area (as opposed to the Local Plan area) would appear to be speculative. Although I can see that CA.1 is an action point for the Parish Council, the phrasing of both the “Aspiration” and the “Explanation” needs to be appropriately tempered if it is not to affect the public perception of the Plan document as a whole. A representation objecting to the proposal comments that a Construction & Environmental Management Plan can be agreed between LPA and developer to address concerns.

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

This Policy too would appear to be a sub-policy of Policy H.1. However, the Policy starts from a very different point than the NPPF which says that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt” (para 145). However the NPPF acknowledges that there are “exceptions” one of which is “the partial or complete redevelopment of previously developed land”. 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. I note that 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”. A 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).”

The Environment Agency 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”.

Policy H.3 Explanation

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. The 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. Paragraph 6.1.17 makes a similar error in suggesting that the policy relates to sites “within settlements”. 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.

Policy H.4: Use of Garden Land

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) and save some duplication and avoid some differences of wording. Trees are not only on garden land and are addressed specifically in Policy NE.1?

The local authority representation comments that “Clause (a) of Policy H4 should seek to ‘preserve and maintain’ character rather than ‘preserve or enhance’”. Another 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. In addition, the 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, 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.”

Policy H.4 Explanation

Paragraph 6.1.19 suggests incorrectly that Policy H.4 is about “Building in back gardens” (and also in the first sentence uses “compromises” where I believe ‘comprises’ is intended).

Policy H.5: Affordable Housing

This 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”.

Policy H.5 Explanation

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. Similarly 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.

Policy H.6: Housing Mix

A 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 in 2017 is [sic] not considered sufficiently reliable, to justify a housing mix different to the Local Plan."

It is 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. 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.

In relation to the requirement for bungalows, it is unclear how the threshold of "20 dwellings" and the proportion of 10% have been derived; 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. The 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".

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?

The last paragraph of Policy H.6 is a statement rather than a policy and would appear to be more appropriately part of the explanatory text.

Policy H.7: General and Specialist Accommodation

Is not "general accommodation" the subject of other Plan policies? It would appear that 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 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. The local authority representation suggests that "Specialist schemes tend to be reasonably large, so this may result in schemes meeting needs from outside the area. 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. The rationale for encouraging children's play areas in older persons developments is not clear or justified."

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

Whilst I can see that it is entirely 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. Perhaps the Policy would sit more appropriately within the Community section where Policy COM.4 would appear to cover the same subject?

It is 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? The reason

for the duplication of content across paragraphs 2 & 3 is unclear. Also there 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”? May I presume that the second and third sentences of paragraph 4 do not relate solely to “New buildings for employment use”?

A 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.

Policy H.8 Explanation

Although the assertion that there is a “very high proportion of dog owners in the area” is not evidenced, the 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. 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. Puzzlingly, paragraph 6.1.42 refers to “Local Cycling and Walking Infrastructure Plans” but, if these exist covering Balsall Parish, they are not referenced.

6.2 Built Environment

Do you have any comments on the following lines of thought under this heading?

Policy BE.1: Conversion of Rural Buildings

The 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”. The Policy relates to “rural buildings” but does not distinguish between countryside and Green Belt locations. It 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); it may be more appropriate to say ‘uses appropriate in the countryside or Green Belt including tourism’. The local authority representation points out in particular that clause f) should recognise that not all ancillary development is appropriate in the Green Belt. Overall it is difficult to see why the NPPF (and Local Plan) content is considered insufficient for Balsall Parish purposes.

The second paragraph of the Policy does not appear to be a land use matter but rather it relates to the application process.

Policy BE.1 Explanation

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.

Policy BE.2 Replacement Dwellings

This 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. It is difficult to see why considerations for replacements might be materially different from other development covered by Policies BE.3 & BE.4 and 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. Criterion b) would appear to be particularly over-prescriptive particularly since it is not expected for new dwellings where sites may be less constrained. A 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.”

Policy BE.3: Design

The repetition of wording suggests there is significant overlap between Policies BE.3 and BE.4; differences of wording between the two (eg density) will give rise to confusion. Is there a purpose in separating out the two related Policies?

The Historic England representation comments “Very commendably [the Plan] includes a bespoke Character Appraisal defining individual character zones in order to better define local distinctiveness”.

Policy BE.3 explicitly relates to “all development” but not all aspects will be relevant for every development – the construction of a single dwelling for instance - suggesting the need for inserting ‘where applicable’. It is doubtful that a prospective developer will understand what is required from paragraph 3 and the “Explanation” section does not assist other than providing a reference; is the core of this issue perhaps addressed by the Community Policies? The local authority representation suggests that in paragraph 4 “enhance” should be replaced with ‘respect’. It would seem that paragraph 5 adds nothing to that which is indicated in Policy BE.4. The local authority representation comments: “The final paragraph relating to development within curtilages should reference Policy H4 to ensure no conflict”.

A number of representations comment: “There is no policy to incorporate quality public open space or significant spacing between existing and new dwellings. A policy such as that in the Berkswell NDP (B1: New Housing - General Principles; 2. Layout and Accessibility; e.) should be incorporated to ensure consistency across sites covered by both parishes and Balsall Common overall”. However such a Policy was not part of the Regulation 16 consultation.

Policy BE.3 Explanation

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. 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”.

Policy BE.4: Responding to Local Character

As with Policy BE.3, not every “principle” will be relevant to every proposal and so ‘where applicable’ is required. In relation to 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” and a 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. Is the introductory paragraph perhaps a sufficient guide to the required approach without the need for principle a) which adds no clarity?

A 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”. “It is important not to duplicate requirements of the Solihull Local Plan with respect of complying with the Solihull Borough Landscape requirements (Criterion h). Likewise, 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". "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."

In principle 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". The words "Demonstrate plans to" would seem superfluous to principle f). Principle h) references the "Solihull Borough Landscape 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. Principle l) 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) and is therefore more applicable in Policy BE.6.

A representation suggests that "The NDP should acknowledge how new development can positively contribute to the character of Balsall Common through the planning process."

Policy BE.4 Explanation

Paragraph 6.2.30 quotes extensively from NPPF para 127 but I believe it would be fairer to say that the use of the Character Assessment "will *help* to ensure...". Paragraph 6.2.31 is inappropriate and the same policy considerations will apply to approvals at all stages in the planning process

Policy BE.5: Design Review Panels

This is an instance of an inappropriate Policy directed at Solihull MBC. The 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." An 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 the Council's blessing. However, the Plan document cannot extend its remit beyond the Neighbourhood Area boundary. The 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.

Policy BE.6: Heritage Assets

I note that neither this Policy nor the supporting "Explanation" references a list of heritage assets other than the Temple Balsall Conservation Area. A 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. I note that 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. I feel it is 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?

I 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 – but rather the applicant must 'assess and address any impact of their proposals on the significance of the asset'. Similarly in the 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. A source for the map of the Temple Balsall Conservation Area is required; a representation suggests that the map may not be an up-to-date version.

Policy BE.6 Explanation

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. The same paragraph 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”.

Policy BE.7: Renewable Energy

This is an instance where the first paragraph expresses a positive expectation and then the obverse of it is included as paragraph 2.

Policy BE.7: Explanation

Paragraph 6.4.42 provides another instance of 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. Paragraph 6.4.43 cannot tell Solihull MBC their job.

Policy BE.8: Highway Safety

It is unclear why the introductory sentence needs to repeat some of the criteria that are the subject of the Policy. A 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. Another 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 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”. NPPF paragraph 109 states that “development should only be prevented or refused on highway grounds if ... or the residual cumulative impacts on the road network would be severe.”

Policy BE.8: Explanation

Paragraph 6.2.51 suggests that the final sentence is derived from the NPPF para 108 but by altering the wording it may mislead – planning decisions will rest on the actual NPPF wording.

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

It is not appropriate within a Neighbourhood Plan to demand that another authority – in this case Solihull MBC - should act. As an action point for the Parish Council to pursue with the relevant interested parties the CA.2 content would be appropriate. However a number of representations have questioned the practicality of the proposals.

I note that there is no map that delineates the Village Centre but the 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. 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”. 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.”

Community Aspiration CA.3: Village Bypass Road

As above, expressed as an action point for the Parish Council to pursue with the relevant interested parties the CA.3 content could be appropriate. More than one representation notes that an eastern bypass option would largely be outside of the Parish and therefore beyond the scope of the NDP. Another 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.” Another representation goes further: “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 can be delivered in a sustainable way. 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.”

Policy BE.9: Local Parking Standards

The 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. It has been 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 onstreet, verge and pavement parking, overflow parking from the rail station and congestion in the local centre. The provision of local parking standards has been an issue for the Knowle, Dorridge and Bentley Heath NDP, and for the Berkswell Parish NDP, where the Examiner has recommended a criterion based policy. To ensure a consistency of approach across Neighbourhood Areas, a similar approach is recommended for this NDP.” As you are aware, I was the Examiner for the Berkswell Parish NDP.

Government policy on provision for car parking starts from a different place to that apparent in the Balsall Parish Plan. The NPPF says (para 102) “patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places” and (para 105) “If setting local parking standards for residential and non-residential development, policies should take into account: 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 e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles”. 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. Also, 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.

A criterion based approach would look like this:

‘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 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.

Policy BE10: Flooding and Surface Water Drainage

The NPPF makes a distinction by Flood Zones (page 47 footnote 50): "A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use." The Solihull MBC Strategic Flood Risk Assessment (page 42) says that Balsall Common (which I appreciate does not equate with the Parish) is in Flood Zone 1. The "where appropriate" as used in paragraph 6.2.78 may therefore be required within the Policy.

The Environment Agency 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."

6.3 Economy

Do you have any comments on the following lines of thought under this heading?

Policy ECON.1: Superfast Broadband

I am not sure why "future" is used within the Policy wording, would not 'for' suffice? A representation comments that flexibility is needed in the wording to allow for new technologies that will arrive over the Plan period.

Policy ECON.1: Explanation

Perhaps through cutting and pasting paragraph 6.3.6 seems to have become a circular sentence.

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

I presume that this Community Aspiration is to be 'owned' by the Parish Council.

Policy ECON.2: Home Working

I note that this 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. The requirement in ECON.1 is to provide broadband "infrastructure" rather than "cabling".

A 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."

Policy ECON.3: Encouraging Local Business and Employment

Whilst I can see that the principle of concentration is an appropriate one, it would seem that the 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. The capacity of the village centre is not

apparently addressed. 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.

The 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”.

Policy ECON.4: Rural Tourism

The 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.”

6.4 Community

Do you have any comments on the following lines of thought under this heading?

Policy COM.1: Leisure Facilities

As written this “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. Although the title indicates otherwise, Policy ECON.4 seeks to protect “land and premises currently associated with *leisure* or tourism”; Policy COM.3 may also overlap with its focus on community facilities (which are not defined). The 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.1: Explanation

It is unclear how the content of paragraph 6.4.1 relating to facilities “outside of the Neighbourhood Area” might have informed Policy COM.1.

Community Aspiration CA.5: Public Leisure Amenities

The content here would appear to be a shopping list for CIL funds passed to the Parish Council.

Policy COM.2 Formal Education Facilities

The local authority representation comments: “Education colleagues are supportive of the policy relating to formal educational facilities, which seeks to ensure capacity for all children in the Parish. Policy COM2 also provides criteria for considering new facilities which appear appropriate. Clearly the requirements for a new facility will be dependent on the scale of growth for Balsall Common.”

The 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.

Policy COM.3: Local Services

As noted above some more clarity is required on what “Local Services” in the title and “community facilities” as used in the Policy mean in practical terms – are sports and leisure facilities, where operated by or on behalf of the community, included? The sentence on CIL funds passed to the Parish Council should be within the explanatory text.

Policy COM.3: Explanation

The relevance of paragraph 6.4.25 as partly derived from the NPPF is difficult to see.

Community Aspiration CA.6: Improved Public Transport

If a Plan can have “ambition” then is that ambition owned by the Parish Council? A representation comments: “It remains Catesby Estates Ltd’s position that there is no in principle objection to Community Aspiration CA.06. Indeed, at planning application stage, a justified and reasonable contribution to improving public transport in the form of bus services through a planning obligation would be acceptable and agreeable to Catesby Estates Ltd. Notwithstanding, 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.

Policy COM.4: Encouraging Walking and Cycling

I noted earlier 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. A representation suggests that this Policy should only encourage “reasonable measures”.

Policy COM.4: Explanation

Paragraph 6.4.22 would (appropriately worded) seem to amount to more of a Community Aspiration than an “Explanation” for Policy COM.4.

Policy COM.5: Allotments

The local authority representation comments: “Policy COM5 provides protection for existing allotments and includes criteria for consideration of new gardens. This is in line with current policy on green space protection, and will be informed by emerging work on the Solihull Open Spaces Assessment. However, it could seek a net increase in provision in the Neighbourhood Area, given that the emerging evidence indicates a shortage of plots.”

Given the emphasis of Policy COM.4 I am puzzled by the inclusion of criterion b); would not a more appropriate expectation be that new sites should be well located in relation to known areas of demand and be accessible on foot or bicycle, or similar?

6.5 Natural Environment

Do you have any comments on the following lines of thought under this heading?

Strategic Objective for the Natural Environment

The 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.”

Policy NE.1 Green Infrastructure

I note the local authority comments in their representation: “Policy NE1 now relates to green infrastructure, rather than trees, hedgerows and woodlands following advice. It seeks no unacceptable loss or damage to trees and woodland from development. Whilst unacceptable loss is

not defined, this can be addressed during ecological consideration of proposals. 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 policy also includes a standard for new tree planting of one tree per parking space or per 50m² gross floor space, which the Parish Council advises has been used elsewhere. This could result in significant off-site planting, so prioritising suitable sites would be helpful." There doesn't appear to be a reference for the use of/justification for the quantum of new planting. A 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. The issue of off-site planting might be addressed within Community Aspiration CA.7.

A representation comments that BS5837:2012 is being used incorrectly because it does not require the all trees be retained.

Within paragraph 1 I am unsure what "sensitive" is intended to suggest. 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". It is difficult to see what might justify paragraph 3 of the Policy. The last paragraph is inappropriate as planning law will define what may be secured through conditions and legal agreements.

Policy NE.1 Explanation

I am 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.

Community Aspiration CA.7: Enhancement of Green Infrastructure

As noted above, this may be a suitable place to pick up the local authority's suggestion about identifying locations for off-site planting.

Policy NE.2 Blue Infrastructure

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 it should reference the relevant Plans that are applicable within the Neighbourhood Area. The "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. It is perhaps the case that 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.

I note that the Environment Agency representation welcomes "the recognition of the importance of green and blue infrastructure" and comments that "Consideration should be given through all new development to protect and enhance the river corridor of the River Blythe, Blythe Tributary and Ordinary Watercourses located in the NDP area."

Policy NE.3: Designated Local Green Spaces

It is 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". Many green areas may not merit the particular LGS protection and Planning Practice Guidance notes, "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).

One 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. Moreover, the proposed development of Grange Farm estate has demonstrated a sensitive design approach which would maintain the greenspace, including woodland, hedgerows as ecological corridors. The development of the Grange Farm site would therefore serve to protect the environmental attributes of this space, whilst ensuring the creation of appropriate landscape buffers to minimise impact on the surrounding Green Belt. L&Q Estates and BDW therefore strongly object to the designation of LG5, which is wholly unwarranted and recommend that consideration should be given to the ability of sustainable new development to provide recreational provision, both on-site and indirectly through contributions towards suitable off-site facilities. This balance should be recognised within the NDP.”

A 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. 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. Likewise Yew Tree Green No7 (fig 9 page 91) is 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.”

I have yet to visit the Neighbourhood Area but that will help me to understand the character of the spaces. Meanwhile the otherwise very thorough LGS Assessment document, does not specifically address the issue of other, existing designations. It 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.

From the LGS Assessment document I note that the ownership of the proposed LGS 6 ‘Tidmarsh Close Green, Balsall Common’ is “unknown”. The Planning Practice Guidance says that “the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan” (Paragraph: 019 Reference ID: 37-019-20140306). Please would you advise whether efforts have been made to identify and contact the owner. Also 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.

In relation to the wording of the Policy itself (in addition to the issue noted above), the Policy needs to reference the maps since they define (not “for illustrative purposes only”) the land affected. Paragraph 2 says that “designations will be used” but the Policy is itself making designations.

Policy NE.3: Explanation

The 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.

Policy NE.4: Biodiversity

The local authority representation notes: "Protection and enhancement of biodiversity is covered in Policy NE4, which is consistent with the NPPF, DEFRA's 25 Year Environment Plan, and the recent Government consultation on Net Gain." I believe it would be appropriate to insert 'where possible' before "provide net gains". I also 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."

Policy NE.5: Minimising Pollution

As a representation notes, Policy NE.5 lacks clarity on what "unacceptable" levels of pollution would be. In relation to air pollution 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. 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).

In relation to noise pollution it is established that the Neighbourhood Area is affected by aircraft noise (although the map on page 100 lacks a key and a source). I note that the NPPF (para 180) says that "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment" and that paragraph further references the "Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)"; this in turn notes (para 2.9): "Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments." 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; the issues are not exclusive to Balsall Parish. Having said that, I am aware that the Policy wording was agreed with Birmingham Airport and the wording itself has not been disputed by Solihull MBC. Clearly the Policy only goes as far as the Airport is comfortable to go. 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.

Appendix: Character Assessment

A number of points were included earlier about the accuracy of parts of this Assessment that need not be repeated here