

Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018-2033

Produced by the Knowle, Dorridge and Bentley Heath Neighbourhood Forum

Health Check – April 2018



Introduction

The KDBH Neighbourhood Forum took advantage of technical support available to bodies creating a Neighbourhood Plan (NP) that enables a Draft Plan to be independently assessed by planning experts who specialise in Neighbourhood Planning (bearing in mind most NPs are created by local resident volunteers). This document provides the findings and recommendations from that report, shown in black below, as well as the Forum response and actions taken, shown in red below.

This support provides a very valuable opportunity to ‘test’ and ‘scrub’ the Plan robustly prior to it being formally submitted to SMBC and onward to the Independent Examiner. It’s important to note that the Plan review took two important perspectives, described below. There were a few points that required change to improve the Plan for Independent Examination. However, although the recommendations are not binding, the Forum has undertaken a considerable amount of additional work to address the majority of points highlighted that will make the Plan easier to interpret and apply by those who will be using it in the future (such as SMBC planners and those undertaking new development). This has inevitably made it a slightly more ‘technical’ document than the pre-submission version aimed at residents. In summary:

From an Independent Examiner’s perspective, Parts 1 and 2 of the report focus on the list of criteria that the Plan must meet. The key exceptions highlighted were:

- including detail already in the Basic Conditions Statement (re. National Policy and SMBC Local Plan) and in the Consultation Statement into the body of the Plan itself, which we have done
- more focus on sustainability. The Forum made some updates to strengthen this aspect, while also referencing the strong focus on this already in the Solihull Local Plan which are applicable also to the Neighbourhood Plan
- a number of Policies needed to include more explanatory text by way of justification, which we have added.

Notable examples of suggestions to improve detail for future users of the Plan include:

- requests for more mapping graphics, eg. of KDBH roads and community facilities, and, if possible, photographs of the village centres. Also moving some of the existing maps into the relevant part of the body of the Plan for ease of cross-reference
- recommendation to add a Plan Monitoring and Review Section, now added.

Summary of Recommendations

1. Process

- We consider that the Knowle, Dorridge and Bentley Heath Neighbourhood Plan (the Plan) should contain rather more detail on how the various community engagement and consultation activities, and particularly the Regulation 14 consultation in November 2017-January 2018, have helped shape the Plan, its aims and objectives and its policy content. (1.4)

Plan Section 2.2 on community engagement has been replaced with summary extracts from the Consultation Statement, Part 1.

- We recommend that the Plan should include a Monitoring and Review section addressing how the Neighbourhood Forum and its partners, including Solihull Metropolitan Borough Council (MBC), will monitor the implementation and effectiveness of the Plan and its Policies. (1.7)

Section 1.5 Plan Monitoring and Review added to the Plan, expanding the material previously in Section 1.5.

2. Content

- The Plan contains 38 draft Policies. A number of those Policies are potentially defective, and require redrafting together with enhanced justification. (2.1)

Policies amended, and reasoned justification added, where necessary and appropriate.

- The present references to the National Planning Policy Framework (NPPF) in the Plan are too brief. We recommend that a separate section be included addressing National Policy, and more of the NPPF policy aspects that are relevant to the Plan area. (2.3)

New Section 2, Planning Context added, replacing Section 1.4 and bringing through summary detail extracted from the Basic Conditions Statement covering National Planning Policies, SMBC Local Development Plan and EU Obligations. Specific Sustainable Development detail also added.

- The absence of a fuller explanation in the Plan itself as to how it contributes to the achievement of Sustainable Development is presently an omission which needs to be addressed. The Plan should indicate how the Policies of the Plan will contribute, individually and collectively, to that objective, and this is a priority area for further work on the Plan. We also recommend that the Plan contains a specific policy to address the need to promote the achievement of sustainable development. (2.4)

See above.

- The Plan does contain some references to the strategic policies in the adopted Solihull Local Plan (2013). However, as with National Policy, we recommend that the Plan contains a separate section addressing the relevant strategic policies contained in the adopted Solihull Local Plan, particularly in order that future users of the Plan can gain a better understanding of which Local Plan policies might apply to potential developments within the Plan area. (2.8)

See above.

- We make detailed comments on the full content of the Plan, identifying issues where we consider that the Plan requires amendment, correction or enhancement, including a number of Policies which are potentially defective. (2.9)

Addressed as indicated below.

- Important note: This health check has assessed the Plan against the extant NPPF and Planning Practice Guidance (PPG), published in 2012. Government has published consultations on both revisions to, and proposed revised wording of, the current NPPF and PPG on 6 March 2018 (updated 9 March 2018)¹. The transitional arrangements envisage that the current NPPF will apply to the examining of plans which are submitted on or before the date which is six months after the date of the publication of the new NPPF. The consultations close on 10 May 2018, so a reasonable working assumption is that should the new NPPF be published in mid-June 2018 at the earliest, it could apply to a Plan examination commencing in mid-December 2018. Whilst it is proposed that this Plan will reach Examination stage before the end of this year, if it does not, it will need to be reappraised against the stated policy in the final revised NPPF and PPG when published.

Noted.

**Undertaken by Derek Stebbing B.A. (Hons), Dip. E.P., MRTPI
04 April 2018**

¹ View the documents at: <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

Part 1 – Process

	Criteria	Source	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	Basic Conditions Statement / the Plan	<p>Yes, this requirement is met. The process of designation is described on Page 1 of the Plan and in the Basic Conditions Statement (at Page 4). Page 2 of the Plan contains the Designation Map. The Neighbourhood Area designation date, which was 1st October, 2015, could usefully be part of the title for the Designation Map on Page 2 of the Plan.</p> <p>Noted. Designation date added to Area Map.</p>
1.2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?	N/A	<p>The Plan has been prepared by the Knowle, Dorridge and Bentley Heath (KDBH) Neighbourhood Forum, which was designated by Solihull MBC on 1st October 2015 as the Qualifying Body.</p> <p>Noted.</p>
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	Consultation Statement	<p>Yes. The Consultation Statement describes the Regulation 14 Pre-Submission consultation with accompanying publicity which took place between 25th November 2017 and 12th January 2018, and contains a summary of the consultation responses received.</p> <p>Noted.</p>
1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	Consultation Statement	<p>Yes. The Consultation Statement fully describes the community engagement activities that commenced initially during 2015 and continued during 2016 and 2017. This involved a variety of consultation techniques, including workshops, a youth forum, a residents' survey and a business survey, in addition to the formal Regulation 14 consultation. However, we consider that the Plan should contain rather more detail on how the various community engagement and consultation activities, and particularly the Regulation 14 consultation in November 2017-January 2018, have helped shape the Plan, its aims and objectives and its policy content. (See under Detailed Comments below).</p> <p>Section 2.2 Community Engagement modified as indicated above.</p>

1.5	Are arrangements in place for an independent examiner to be appointed?	N/A	<p>No. There is no information provided on this. Whilst the Neighbourhood Forum has not yet reached Submission of the Plan to Solihull MBC under Regulation 15, it is advised that the Neighbourhood Forum begin discussing what the process will be for identifying a suitable independent examiner with Solihull MBC.</p> <p>Discussions with SMBC in hand.</p> <p>Whilst the general approach is to assess the resumes/CVs provided by prospective examiners, you may also find it very helpful in coming to a decision by reading examples of their reports on other Neighbourhood Plans.</p> <p>Noted.</p>
1.6	Are discussions taking place with the electoral services team on holding the referendum?	N/A	<p>No. It is not yet appropriate to put in place arrangements for a Referendum after the Examination of the Plan. However, as the Plan advances during 2018, discussions should be held with Solihull MBC.</p> <p>Noted.</p>
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	N/A	<p>No. No significant evidence seen regarding this matter. The Plan does not contain a section dealing with Monitoring and Review, nor a clear listing of priorities for the implementation of proposals, such as local infrastructure improvements, during the Plan period.</p> <p>We make detailed comments below on these matters, but a key recommendation is that the Plan should include a Monitoring and Review section addressing how the Neighbourhood Forum and its partners (including Solihull MBC) will monitor the implementation and effectiveness of the Plan and its Policies. (See under Detailed Comments below, at point no. 56).</p> <p>Section on Plan Monitoring and Review included and indicated above.</p>

1.8	Has an SEA screening been carried out by the LPA?	SEA Screening Report	Yes. A Strategic Environmental Assessment (SEA) Screening Report was prepared by Solihull MBC in January 2018, which determined that a SEA Environmental Report is not required. This is included as Appendix 4 to the Basic Conditions Statement. We do not identify any concerns regarding the SEA Screening Report for the Plan. <i>Noted.</i>
1.9	Has an HRA screening been carried out by the LPA?	HRA Screening Report	Yes. A Habitats Regulations Assessment (HRA) Screening Report has been prepared by Solihull MBC in January 2018, and this is also included as Appendix 4 to the Basic Conditions Statement. We do not identify any concerns regarding the HRA Screening Report for the Plan. <i>Noted.</i>

Part 2 – Content

	Criteria	Source	Response/Comments
2.1	Are policies appropriately justified with a clear rationale?	The Plan	No. The Plan contains 38 draft Policies. A number of those Policies are potentially defective, and require redrafting together with enhanced justification. We provide detailed comments on each of the Policies below. <i>Policies amended, and reasoned justification added, where necessary and appropriate.</i>
2.2	Is it clear which parts of the draft plan form the 'neighbourhood plan proposal' (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the independent examination, and which parts do not form part of the 'plan proposal', and would not be tested by the independent examination?	The Plan	Yes. The Plan (presently totalling 62 pages) is the 'neighbourhood plan proposal' to be subject to future independent Examination. We do not identify any extraneous material (such as Appendices) that should be removed from the Plan. However, we do recommend that certain sections of the Plan, including a number of Policies, should be amended and/or extended to provide fuller information and explanation regarding the Neighbourhood Area. <i>Policies amended, and reasoned justification added, where necessary and appropriate.</i>

2.3	Are there any obvious conflicts with the NPPF?	The Plan	<p>Yes. The Plan fails to address national policy with sufficient clarity, in that the references to the NPPF are too brief. The Plan fails to promote and achieve Sustainable Development as a key objective, and does not contain a Policy to that effect.</p> <p>The present references to the NPPF in the Plan are too brief. We recommend that a separate section be included addressing National Policy, and more of the NPPF policy aspects that are relevant to the Plan area. Most importantly the Plan should recognise more comprehensively the requirement to contribute to the achievement of Sustainable Development.</p> <p>The Basic Conditions Statement (at Appendix 1) contains a listing of the core planning principles contained in national policy, but at present the Plan itself fails to address some of those principles with sufficient clarity.</p> <p>New Section 2 added covering these points, as indicated above.</p>
2.4	Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?	The Plan	<p>No. There are only some very brief references within the Plan on the promotion of sustainable development. The absence of a fuller explanation in the Plan itself as to how it contributes to the achievement of Sustainable Development is presently an omission which needs to be addressed. The Plan should indicate how the Policies of the Plan will contribute, individually and collectively, to that objective, and this is a priority area for further work on the Plan. We also recommend that the Plan contains a specific policy to address the need to promote the achievement of sustainable development.</p> <p>New sub-section 2.2 on Sustainable Development added, as indicated above.</p>
2.5	Are there any issues around compatibility with human rights or EU obligations?	The Plan	<p>No. We do not presently identify any issues regarding this matter, which is addressed on Page 3 of the Basic Conditions Statement.</p> <p>Noted. (New sub-section 2.4 added on EU obligations and Human Rights Requirements.)</p>
2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?	The Plan	<p>Yes. There are no potential issues regarding this matter.</p> <p>Noted.</p>

2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	The Plan	<p>No. It is not yet possible to fully assess whether there is consensus (or disagreement) between Solihull MBC and the KDBH Neighbourhood Forum regarding the Plan's general conformity with the strategic policies in the adopted Solihull Local Plan (2013) and in the emerging Solihull Local Plan Review 2018-2033. The Plan does contain some references to the strategic policies in the adopted Solihull Local Plan (2013). However, as with National Policy, we recommend that the Plan contains a separate section addressing the relevant strategic policies contained in the adopted Solihull Local Plan, particularly in order that future users of the Plan can gain a better understanding of which Local Plan policies might apply to potential developments within the Plan area.</p> <p>New sub-section 2.3 added on SMBC Development Plan.</p> <p>We are unable to conclude at the present time that there are no potential issues of non-conformity (i.e. disagreement) with strategic development plan policies. (See also under Detailed Comments below).</p> <p>Further explanatory text added.</p>
2.8	Are there any obvious errors in the plan?	The Plan	<p>Yes. The principal omissions in the Plan are that there is no commentary on National Policy, as largely contained in the NPPF and particularly the need to seek to contribute to the achievement of sustainable development, or the relevant strategic policies in the adopted Solihull Local Plan (2013) that affect the Neighbourhood Area. There should also be a fuller discussion on the emerging new Solihull Draft Local Plan, which is expected to further progress during 2018. (These matters are presently fully addressed in the Basic Conditions Statement, but the Plan itself will need a section on National and Local Plan Policy).</p> <p>We make Detailed Comments below on the full content of the Plan, identifying issues where we consider that the Plan requires amendment, correction or enhancement, including a number of Policies which are potentially defective.</p> <p>New Section 2 covering these areas, as indicated above.</p>

2.9	Are the plan's policies clear and unambiguous and do they reflect the community's aspirations?	The Plan	<p>No. The draft Policies in the Plan are not yet sufficiently clear and succinct. Certain Policies also contain non-planning material which is not the subject of a Neighbourhood Plan. In most cases it is clear that the Policies reflect the community's land use aspirations. We make Detailed Comments below on the structure, content and drafting of the Plan's Policies, a number of which require amendment.</p> <p>Policies amended, and reasoned justification added, where necessary and appropriate.</p>
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Part 3 –Detailed Comments

1. These detailed comments address all matters, both of significance and of a more minor nature, across the Plan and are presented in Page order.

Noted.

2. **Front Cover** – the Submission date may change and should be updated to reflect this (and the Page footer in the Plan should then be changed).

Front cover and footer pages updated.

3. Page 1 - **1.4 - The Plan Context** – we suggest that this paragraph describes that these matters are the Basic Conditions which the Plan must satisfy.

New Section 2, Planning Context added, as indicated above.

4. Page 2 - **1.5** – the final sub-paragraph sets out that the Neighbourhood Forum will be responsible for maintaining and revisiting the Plan and to monitor delivery. We comment in more detail on this matter below.

See subsequent comments.

5. Page 3 – **2.2** – although the Consultation Statement describes and illustrates how the Plan was developed between 2015 and 2017, we consider that section 2.2 should contain rather more detail on how the various community engagement and consultation activities, and particularly the Regulation 14 consultation in November 2017-January 2018, have helped shape the Plan, its aims and objectives and its policy content. We are impressed by the “Our Journey” diagram on Page 2 of the Consultation Statement, and consider that this could be adapted to include in the Plan itself at section 2.2.

Section 3.2 revised as indicated above, including detail on Draft Plan Pre-Submission Consultation Process and “Our Journey” diagram.

6. Page 4 – **2.3** – it would be useful to provide web links, where available, to the list of Evidence Base documents, for the benefit of future users of the Plan.

Web links added.

7. Page 6 – **3.2** – bearing in mind that the Plan area covers three villages surrounded by countryside which is subject to differing pressures, we consider that sections 3.1 and 3.2 would benefit from a fuller description of the Plan area, possibly supported by inset maps and/or photographs of the village centres of Knowle, Dorridge and Bentley Heath.

Photographs of the three village centres added to the Plan inner front cover and inner and outer back cover.

8. Page 8 – if possible, and to avoid any confusion, we would suggest that sites submitted under the Call for Sites that lie outside the Plan area be removed from this Plan, viz: 063, 097, 107 and 165. However, we acknowledge that this is probably an extract of a larger Solihull MBC plan.

Map updated (created by Forum, not SMBC).

9. Page 9 – **3.7** – an understanding of the key transport issues in the Plan area, and particularly the policies in Section 9, would be greatly aided by the inclusion of a plan showing the major roads, railway line, designated cycle routes and bus services.

Map of Main Transport Links in KDBH added as Appendix 7.

10. Page 9 – **3.8** - again, an understanding of the issues concerning educational and community facilities across the Plan area, and particularly for interpretation of the policies in Section 10, would be greatly aided by a plan showing the location of those facilities, possibly as a further Appendix.

Maps showing Education and Community Facilities in the three village centres added as Appendix 8.

11. General – the principal omissions from the initial sections of the Plan are that there is no commentary on National Policy, as largely contained in the NPPF and particularly the need to seek to contribute to the achievement of sustainable development, or the relevant strategic policies in the adopted Solihull Local Plan (2013) that affect the Neighbourhood Area. There should also be a fuller discussion on the emerging new Solihull Draft Local Plan, which is expected to further progress during 2018. These matters are presently fully addressed in the Basic Conditions Statement, but the Plan itself will need a section on National and Local Plan Policy, which we recommend should be a new Section 3 (with subsequent sections re-numbered to be 4-13), that provides a synopsis of National and Local policy (drawing upon the material in the Basic Conditions Statement). The key point here is to focus upon the **strategic** Local Plan policies, and it may be appropriate to refer to non-strategic policies, either in a further Appendix or as cross-references alongside the NP policies.

New Section 2, Planning context added covering these areas, as indicated above.

12. Pages 10-14 – **Section 4 – Opportunities and Key Issues** – this section draws on the Strengths, Weaknesses, Opportunities and Threats (SWOT) identified in Appendix 2. It is right that the SWOT analysis is confined to an Appendix, but we are somewhat concerned that the key issues identified in Section 4 have over-focused on “perceived threats”. For example, “Fear of urbanisation” and “School run congestion” are people’s perceptions, rather than key planning issues as such. Our view is that, if the SWOT analysis is to be used to identify Key Issues, Section 4 needs to balance its discussion of those issues with more commentary on how, or if, the Plan can address those matters through its Policies. In practical terms, for example, the Plan will be able to do little to reduce school run congestion, which is an issue in most urban areas, but it is clearly a matter that can be raised with the Highways and Education authorities and the schools themselves, possibly as part of a wider initiative to encourage parents to use more sustainable modes of transport for getting children to/from schools. Appendix 3 presents a range of Community Actions which are correctly identified as non-land use planning matters. In the context of our comments on Section 4 and Appendix 2, we suggest that Section 4 contains greater cross-references to Appendix 3, as recognition that Community Actions are in some cases the most appropriate response to an Issue, another example being timely access to a General Practitioner.

Various amendments made. Note that while some points are not directly land use related, they are very relevant in providing planning context in terms of eg. ensuring the sustainability of future development and indicating areas of priority for potential Section 106 or Community Infrastructure Levy (CIL) developer contributions. SMBC proposals include relocation / rebuilding of school(s), driving a focus on designing to avoid issues of school run congestion in new development.

13. Pages 15-17 – **Section 5 – Vision and Objectives** – our only comment on this Section is that the Vision Statement and Objectives should be set in the context of looking ahead through the Plan period to 2033.

Amended.

14. Page 18 – we consider that this material would be better placed as part of the discussion in an expanded Section 4 (see above), and that a simple introductory title page be used ahead of the Policies sections (Sections 6-12).

Frontice page to Policies Sections amended.

15. Page 19 – **Village Character and Natural Environment** – we support the presentation of Policies in the format being used, namely a listing of policy drivers, a ‘Policy Goal’ and then draft Policies within a text box followed by the Reasoned Justification for each policy. With regard to this format, we would only suggest that the Policy text be printed in **bold** for greater clarity.

Noted, no change (takes more space). Policies are already highlighted through use of orange and green boxes, with explanation of these added to Policies Section frontice page.

16. Page 19 - **Policy VC1 (Green Belt and Landscape)**. The Neighbourhood Plan itself cannot address the removal of permitted development rights (which is a matter for Solihull MBC). We consider that the second sentence of the Policy should be deleted, but that the supporting justification (on Page 20) can still refer to the removal of permitted development rights, where appropriate, by the local planning authority.

Policy and supporting justification amended.

17. Page 20 – **Policy VC2 (Conservation Areas)**. We would suggest that the second sentence of the Policy be reworded to “*New development should seek to conserve and enhance the Conservation Areas and their heritage assets*”, in line with the NPPF.

Amended.

18. Page 21 – **Policy VC3 (Heritage Assets)**. The term “Positive buildings” will need some greater clarification within the Policy, as it is not a term usually associated with Heritage Assets. We suggest that a simple cross-reference to the Knowle Conservation Area Appraisal be made for a definition.

Cross-reference added.

19. Page 22 – **Policy VC4 (Green Space)**. We consider that the Policy should be re-titled as “*Local Green Spaces*” in view of its content. The Policy refers to the plan at Appendix 4, and requires study of that plan to be able to interpret the policy. We recommend that this plan be included within the main body of the Plan alongside Policy VC4. It is not our role as part of this Health Check to examine the Plan, but we can advise that the scrutiny of proposed Local Green Spaces is becoming a major, and increasing, part of Neighbourhood Plan Examinations across the country. We note that the proposed designation of the Local Green Spaces is supported by an Evidence Base document. This appears to be comprehensive but should further contain the size of each of the proposed designations (in hectares) as the extent of the proposed sites is a consideration in the NPPF paragraph 77 criteria, which is not presently addressed in this document. We would also comment that the Neighbourhood Forum should ensure that all relevant landowners are being made aware of the proposed Local Green Space designations, and that they have had the opportunity to comment.

The policy deals with types of green space other than Local Green Space, so the title has not been changed. The relevant plan has been inserted within the body of the Plan. Size of the designated LGS Areas added. Landowners have had the opportunity to comment – see introduction to LGS analysis in the Evidence Base.

20. Page 23 – **Policy VC5 (Green Streets)** – The application of this Policy to “*Examples (in a non-exhaustive list) of roads...etc...*” will require a more robust evidence base and justification than is so far presented. If possible, we suggest that Appendix 4 (see above) be replaced by a plan that shows more clearly the roads (and the lengths of those roads) that are presently considered to be ‘Green Streets’. This is important for future users of the Plan to be able to assess whether Policy VC5 applies to a development site, or not.

Further clarification added to make clear what is meant by Green Streets.

21. Page 24 – **Policy NE1 (Trees, Hedgerows and Woodland)** – The second paragraph of the reasoned justification for this Policy is rather more onerous than the Policy itself. We would suggest that the Policy could be strengthened by setting out the requirement for a Tree Survey to accompany applications for new development which might affect sites containing important trees, hedgerows and woodland.

Amended.

22. Page 24 – **Policy NE2 (Habitats and Biodiversity)** – The requirement for an Ecological Survey to be submitted with all applications on sites in excess of 0.25 hectare may be disadvantageous. Some key fauna and flora habitats exist on much smaller sites, and would also need to be identified where appropriate. We would also suggest that the Policy should make a clearer reference to designated Local Wildlife Sites and Local Nature Reserves within the Plan area, and the need for their protection.

Amended.

23. Page 25 – **Housing** – The opening parts of this section, and the construction of Policy H1, are clearly against the background of the Neighbourhood Forum’s objections to the emerging allocation in the Solihull Local Plan Review of two large sites at Hampton Road (300 houses) and the “Arden Triangle” (750 houses). **Policy H1 (Scale of New Housing)** asserts that “*A total of about 500 houses (or such number as may be determined when the Solihull Local Plan is adopted) shall be provided on allocated sites, etc.*”. Policy H1 presently relies upon evidence from the Housing Needs Assessment, but that will only be part of the evidence of housing need being considered by Solihull MBC. Both the NP and the emerging Local Plan Review are planning for a Plan period ending in 2033, and Policy H1 should demonstrate a closer alignment with the Local Plan Review even if it maintains that about 500 houses is the appropriate residential development limit for the Plan area up to 2033.

General note: The Housing Section has been up-dated to address the reviewer’s comments (subsequently confirmed as addressing the concerns).

Clarification has been obtained from the reviewer particularly with regard to the comments on Policies H1, H2, H4 and H5. Further text has been added by way of explanation. This part of the Plan draws on evidence wider than the Housing Needs Assessment, and other sources have been referenced for clarity. The section on the SMBC Development Plan refers to the delay in preparing the emerging Solihull Local Plan Review and therefore its limited weight at this stage.

24. Page 26 – **Policy H2 (Housing on Allocated and Larger Sites)**. If Policy H1 is amended as discussed above, this Policy will be much more effective, in that it provides a detailed planning context for the preparation of masterplans or design briefs being proposed in the second paragraph of the Policy. However, the third paragraph introduces the phrase “*strategic housing allocations*” without defining what or where these might be. Some alignment with Policy H1 will be required as to what “strategic housing allocations” will be, which we understand to be the strategic allocations that will be made in the emerging Local Plan Review. We would suggest that the final category of planning requirements (on page 29) entitled ‘Other relevant Plan policies’ be given rather more prominence in the supporting text to Policy H2.

Amendments have been made to clarify the sites to which the policy will apply to and to reference the Solihull Local Plan Review.

25. Page 29 – **Policy H3 (Affordable Housing)** (Amended version has been checked, as received on March 15th) – This policy, as drafted, is really a housing management policy, setting out who might be eligible to live in new affordable housing, rather than planning policy. It seeks to introduce local connection criteria on affordable dwellings secured through Section 106 (s.106) agreements. The normal usage for local connection criteria in relation to affordable housing relates to affordable housing exception sites only. In term of affordable housing on other sites within the Plan area, the present position is that the adopted Local Plan policy P4a) requires the provision of affordable housing at a level of 40% (with an appropriate tenure mix). We suggest Solihull MBC be consulted, as the relevant housing authority, to ascertain whether the proposed local connection criteria is in accordance with their approach to allocating social housing. We are aware there are examples where Examiners have been content to agree the inclusion of Neighbourhood Plan policies to deal with the allocation of social housing and if Solihull MBC is supportive of your policy, this will go some way to mitigating the risk that an Examiner is minded to taking a strict approach to this issue².

Detailed discussions were held with SMBC during the formulation of this policy. The criteria advanced are similar to those used by the Council, with no issues raised at pre-consultation. The percentage of affordable housing to be occupied by households with a strong local connection amended to be in line with SMBC pre-submission consultation feedback.

² The allocation of social housing is a function of a housing authority under Part 6 of the Housing Act 1996 (as amended) (‘the 1996 Act’). Statutory guidance is provided in ‘Allocation of accommodation: guidance for local housing authorities in England (2012)’ and, ‘Providing social housing for local people (2013)’. The latter document indicates that it is in addition to the former. Paragraph 2.5 of the 2012 document explains that s.166A of the 1996 Act ensures certain categories are given reasonable preference. It states that authorities must have regard to their homelessness and tenancy strategies when framing their allocation scheme. In paragraph 3.20, it states that “*in framing their qualification criteria, authorities will need to have regard to their duties under the equalities legislation, as well as the requirement in s.166A(3) to give overall priority for an allocation to people in the reasonable preference category*”. It also indicates (paragraph 3.21) that housing authorities should avoid setting criteria which disqualify groups of people whose members are likely to be accorded reasonable preference for social housing, for example, those who are homeless or occupying insanitary or overcrowded accommodation or need to move on medical grounds, etc. View the guidance documents at: <https://www.gov.uk/government/publications/allocation-of-accommodation-guidance-for-local-housing-authorities-in-england>

26. Page 30 – **Policy H4 (House Types)** – We would suggest that the Policy be re-titled ‘Housing Mix’. The suggested mix of new dwellings contained in this Policy under ‘Market Housing’ is far too specific in the context that it is described, which is “*On those parts of allocated sites not to be developed for the provision of specialist housing...*”. As the Plan is presently drafted, without any formal housing site allocations, it is not possible for anybody to assess whether the housing mix being proposed for a site is appropriate, taking into account location, size of site, etc. We would suggest that this part of Policy H4 be put into a context of the wider Plan area, and be set as a Policy objective for seeking to achieve an appropriate mix of new housing across the sites (to be) allocated in the Plan area. (see also under Policy H5 below).

Policies H4 and H5 combined, with amendments.

27. Page 31 – **Policy H5 (House Size)** – In many respects, Policy H5 mirrors the requirements of Policy H4, and we consider that the most appropriate course of action would be to merge Policies H4 and H5 in a Policy entitled ‘Housing Mix’, which should be a Plan-wide policy.

Policies H4 and H5 combined, with amendments.

28. Page 31 – **Policy H6 (Apartments)** – In that Policies H4 and H5, as presently drafted, seek to achieve about 15% of new housing developments as Flats/Apartments, we question why this Policy is necessary. It does not address the conversion of properties into flats/apartments, and is solely concerned with ‘new blocks of apartments’. As drafted, it also does not refer to the redevelopment of existing housing plots to provide higher density flat/apartment schemes. We consider that the requirements of this policy could be satisfactorily addressed within a Housing Mix policy, with the benefits of ‘down-sizing’ being part of the reasoned justification.

Part of the purpose of Policy H6 is to encourage apartments, where appropriate. The policy has been retained but expanded to cover conversions.

29. Page 32 – **Policy H7 (Windfall Housing)** – We would suggest that this policy be suitably qualified by reference to the need to comply with other relevant Plan policies, e.g. Policy D1 (Character and Appearance).

Amendments made.

30. Page 32 – **Policy H8 (Extensions and Alterations)** – We would suggest that the phrase “Planning permission for residential development within the curtilage of dwelling houses” be replaced by “Planning permission for extensions and alterations to existing residential properties”. Again, the policy should be qualified by reference to the need to comply with other relevant Plan policies, notably Policy D1.

Amended.

31. Page 34 – **Policy D1 (Character and Appearance)** – The reasoned justification states that “the policy is designed to apply to all developments and this is the intention”. In practice, the Policy is fundamentally concerned with new residential development, and there is little specific policy guidance that would apply to non-residential development. We consider that the Policy should be partly redrafted to make it clear that it applies to all new developments, and that certain specific residential requirements, such as “.. the arrangements of front gardens” and “garages of a size capable of accommodating a modern family car” be placed in the supporting text. This would not detract from the fundamental objectives of the Policy. In view of the importance of this Policy and its length, we would also comment that the reasoned justification for the Policy is extremely brief and we consider that some further supporting material is required, for example in describing “obvious local characteristics”.

Amendments made.

32. Page 35 – **Policy D2 (Design in Conservation Areas)** – As currently drafted, the Policy is potentially defective, in that it seeks a higher standard of design for all development within the Conservation Areas but then states that Policy D1 (which is a lower design threshold) will apply in the Granville Road Conservation Area. We see no planning reason to seek a lower standard of design in the Granville Road Conservation Area, despite its residential nature, and would recommend that Policy D2 be redrafted to contain appropriate policy guidance for the Granville Road Conservation Area which should obviously relate to the design and appearance, etc. of residential development.

Amendments made.

33. Page 36 – **Traffic and Transport** – this section contains ten policies addressing many aspects of transportation planning, but it does not state at any point in the section itself, or elsewhere in the Plan, that in some cases the implementation of transport policies will require the support of the Highways Authority (which is Solihull MBC) and other partners such as West Midlands Travel. We recommend that text be added to this effect.

Text added.

34. Page 37 – **Policy T1 (Parking for Residents)** – The phrase “target end-users” in this Policy has no definition, nor any meaning in Planning. We imagine that it might refer to elderly persons’ accommodation, but the phrase should be deleted and replaced by a definition of those categories of housing where a reduced level of car parking provision may be supported.

Amendments made.

35. Page 37 – **Policy T2 (Parking for Non-Residential Premises)** – We are not certain how the link between the main objective of this Policy and on-street parking in St. John’s Close can be made in planning terms, if at all. In any event, on-street parking (on public highways) is very largely a non-planning matter and if a particular road suffers from excessive on-street parking then it becomes a matter for the Highways Authority to consider whether parking restrictions should be applied. We recommend that the third paragraph of this Policy be deleted, and that the reasoned justification be expanded to describe the planning purposes of the Policy.

Amendments made.

36. Page 38 – **Policy T3 (Parking at Village Centres and for Rail Users)** – Whilst the purpose of this Policy is clear, the reasoned justification (nor any other proposal in the Plan) gives an indication of where any additional off-street parking, which presumably means public car parking, can be provided in the vicinity of the centres of Knowle, Dorridge, Bentley Heath and Dorridge Station. It would be helpful if any opportunities that do exist can be identified.

Opportunities will be sought in discussion with SMBC.

37. Page 38 – **Policy T4 (Contributions to Additional Parking or Road Improvements)** - In the title of this Policy the word “or” should be replaced by “and”. The rationale and reasoning for the application of a 750 metre radius of the village centres of Bentley Heath, Dorridge and Knowle needs further explanation, at least in the reasoned justification for this Policy and probably also within the Policy. If it refers to areas suffering from higher levels of on-street parking, then the Neighbourhood Forum should carefully consider what is the planning reason for this measure.

Amendments made.

38. Page 38 – **Policy T5 (Transport Assessment and Travel Plans)** - It is probably the case that Solihull MBC require the submission of Transport Assessments and Travel Plans with planning applications for certain categories of development, and for developments above certain thresholds. If that is the case, then the Policy should make this clear. Furthermore, the Policy presently lacks any reasoned justification and this should be added.

Amendments made.

39. Page 39 – **Policy T6 (Walking Infrastructure)** – Again, this Policy lacks any reasoned justification, which should be added. The Policy makes several references to ‘pedestrians and cyclists’, and we consider that there is scope to merge Policies T6 and T7 (Cycling Infrastructure), such that a single policy addresses the need to provide for both pedestrian and cycling infrastructure. This would not reduce the effect of either of the present two policies, and would be clearer and more straightforward for future users of the Plan.

Amendments made. Policies T6 and T7 deal with slightly different matters and have been retained as two separate policies.

40. Page 39 – **Policy T7 (Cycling Infrastructure)** – See our comments regarding Policy T6 above. We note that the reasoned justification to this Policy makes reference to some potential new cycleways. We further note that the Plan does not include any specific proposals for those new cycleways, nor any public realm improvements, etc. We make more detailed comments on this point under Policy ECF4 below, but the present absence of any specific defined local infrastructure projects in the Plan may weaken the ability to negotiate with Solihull MBC and developers for monies to implement such projects.

Amendments made. Policies T6 and T7 deal with slightly different matters and have been retained as two separate policies.

41. Page 40 – **Policy T8 (Road Infrastructure)** – As presently drafted, we do not identify the planning reasons for the content of this Policy, which seems to relate to highway improvement schemes that would be implemented under various Highways Act procedures. If the Policy is to remain, we suggest that it provides a planning context for highway improvements, amongst which (we suggest) would be the need to ensure that schemes within Conservation Areas should use appropriate materials and avoid the loss of any trees etc. The present content of the Policy is, in the main, not a planning policy.

Clarification added re. relevance in planning context. Amendments made.

42. Page 40 – **Policy T9 (Public Transport Infrastructure)** – Again, this Policy lacks a clear planning purpose, and certainly the staffing of Dorridge Railway Station is not a planning policy issue (being a matter for the rail operator). We recommend that the current content of the Policy be deleted, and that consideration be given to a Policy which promotes the use of public transport (bus and rail) across the Plan area, and for journeys beyond, as part of a wider initiative to promote sustainable forms of transport (including walking and cycling). This could include the suggested physical improvements to Dorridge Railway Station and the provision of improved facilities for bus travel. This would need to be supported by the necessary reasoned justification.

Amendments made.

43. Page 40 – **Policy T10 (Infrastructure for Cleaner Transport)** – The objective of this Policy is laudable, but it does not presently give any indication where the provision of charging facilities should be located – such as at public car parks or at major retail car parks. The Policy needs to be strengthened, and a reasoned justification added.

Amendments made.

44. Page 41 – **Policy ECF1 (Formal Education – Places for Local Pupils)** – The title of this Policy, and particularly ‘Places for Local Pupils’ needs adjustment, and we would suggest ‘Formal Education – School Capacity’. The word “sponsor” in this Policy should be avoided, and we suggest that it be replaced by “support”.

Amendments made.

45. Page 42 – **Policy ECF2 (Formal Education – Location of New Schools)** – As drafted, this Policy is presently only addressing the transport implications of a new school’s location. We are surprised that it does not make reference to any other issues, such as the need to avoid other impacts on local amenities, the need to provide well-designed buildings, outdoor recreational facilities and any potential dual-use opportunities for other community facilities. We suggest that the Neighbourhood Forum consider those points in more detail.

Amendments made.

46. Page 43 – **Policy ECF3 (Protection of Community Facilities and Services)** – Many Neighbourhood Plans contain a Policy of this nature. We would suggest that, as drafted, the present key criteria involving the demolition or change of use of sites or properties are too restrictive, and could inhibit some proposals that would serve to protect and enhance community facilities on existing sites. We would recommend that the opening sentence of the Policy be redrafted along the following lines: “Proposals involving the potential loss of sites or properties presently used as community facilities will not be supported unless...etc.”.

Amendments made.

47. Page 44 – **Policy ECF4 (New Housing Development – Investment in Community Facilities)** - The reasoned justification to this Policy sets out a number of potential schemes for the improvement/expansion of community facilities within the Plan area. These are not referred to within the Policy itself, nor are they taken forward elsewhere in the Plan as specific proposals. As we comment under Policy T7 above, this does represent a potential weakness for the Plan in that it does not contain a section dealing with the future Implementation of the Plan and its proposals, and no indication of the prioritisation for any potential infrastructure and community facility improvements. Therefore, Solihull MBC, in negotiating future s.106/Community Infrastructure Levy (CIL) contributions with developers, will not be able to draw upon the KDBH community’s priorities for such contributions. At present, the final paragraph on Page 44 refers to this matter in general terms, but our view is that the Plan itself should identify a specific list of infrastructure proposals that would be considered suitable for s.106/CIL contributions.

Noted.

48. Page 45 – **Policy ECF5 (Recreation, Leisure and Sport)** – The reasoned justification for this Policy needs to be considerably expanded, and should also mention the benefits of recreation, leisure and sport for health and wellbeing for people of all ages.

Amendments made.

49. Page 45 – **Policy ECF6 (Community Access and Management)** – We only comment that the reasoned justification refers to “local shop”. In most cases, because of their commercial nature, this would not be regarded as a community facility to be subject of a Community Access Statement.

Amendments made.

50. Page 47 - **Policy E1 (Retention of Shops and Services)** – The Policy refers to defined Primary and Secondary Retail frontages in Knowle, which are shown on the map at Appendix 6. Whilst it is acceptable to place this map as an Appendix, it would be preferable to include it within the body of the Plan alongside Policy E1, to enable users of the Plan to readily see the policy implications. We believe that the text of the Policy relating to Dorridge could be improved, to avoid any ambiguity, by substituting the word “from” for “for” in the second line of the text.

Amendments made.

51. Page 48 – **Policy E2 (New Development in Village Centres)** – As with a number of other Policies, we would recommend that Policy E2 be suitably qualified by reference to the need to comply with other relevant Plan policies, e.g. Policy D1 (Character and Appearance).

Amendments made.

52. Page 49 – **Policy E3 (Business Centre)** – For clarity, we would suggest that this Policy defines acceptable uses within a Business Centre as being Class B1 of the Town and Country Planning (Use Classes) Order 1987.

Amendments made.

53. Page 49 – **Policy E4 (Working from Home)** – As the reasoned justification notes, it is the case that most examples of “working from home” do not require planning permission. We would only comment that the phrase “living conditions of nearby occupiers” should be changed to the “residential amenities of nearby properties”.

Amendments made.

54. Page 50 – **Policy U1 (Mobile Phone and Broadband Infrastructure)** – Our only comment is that the Policy could seek to encourage mast sharing by telecommunications providers.

Amendments made.

55. Pages 51-58 – **Appendices** – we have made comments above regarding a number of the Appendices, e.g. under Policy E1.

Amendments made.

56. General - There are two areas where we consider that the Plan needs further development. Firstly, there is no Policy, nor sufficient prominence within the Plan, to the requirement to contribute to the achievement of sustainable development. It is mentioned at paragraph 1.4, but the thread of promoting sustainable development is generally not being carried through within the various topics. We have commented above specifically with reference to the Traffic and Transport section, but it also applies to other sections. We recommend that the Plan should contain a specific Plan-wide Policy addressing the requirement to promote sustainable development (see also our comments at point 11 above). Secondly, the Plan does not contain a section on Monitoring and Review, addressing how the Neighbourhood Forum and its partners will monitor the effectiveness of the Plan and whether, at a future date, it will require Review. We would suggest that this is important, particularly as it is clear that the Plan as presently drafted could potentially not be sufficiently aligned with the strategic policies of the emerging Solihull Local Plan Review, at least in terms of proposed housing growth in the Plan area (see also our comments at point 23 above).

See foregoing comments.

57. There are a small number of typographical errors within the text, e.g. the Contents page does not list Policy VC4; “aging” in the Housing box on Page 16. Prior to Submission under Regulation 15, we suggest the NP should be proof read by an independent person to check for other typographical errors.

Amendments made. Noted.

58. Finally, we recognise that the above comments will involve some further work to the Plan and its contents. However, we commend the time and effort that has clearly already been put into the Plan to date and we consider that if the Plan can be amended to incorporate our suggestions then it will have a much better prospect of being submitted in due course for a successful Examination. We have also sought to make suggestions which will improve the document for future users of the Plan.

Noted.