

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

Table of Responses by Solihull MBC

Parish Council reference	Examiner's comments in Opening Enquiries	Balsall Parish Council response	Solihull MB Council response
4	In December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. Plan is unlikely to breach the Basic Condition relating to the Habitats and Species Regulations 2017. However, do you have any particular comments on this line of thought?	Agree	The Balsall Parish NDP Strategic Environmental Assessment and Habitat Regulations Assessment (HRA) Screening Report, December 2018, concludes that the NDP does not require a full HRA, as it is unlikely to significantly increase the quantum of development above that in the Solihull Local Plan 2013 and the Gypsy & Traveller Site Allocations Plan 2014, which have been screened and found to have no likely significant effect
71	Unclear why non-residential developments have been caveated with a restriction to those "open to visiting members of the public" – journeys to work may involve walking and cycling?	First paragraph to be replaced with: "The creation of new units of residential dwellings, non-residential dwellings open to the public or new buildings for employment use shall be required to demonstrate that the needs of pedestrians and cyclists have been provided for in the plan, including adequate facilities for the storage of bicycles." First sentence of the last paragraph to be deleted	Suggest replacement text be re-worded to 'non-residential buildings' rather than 'non-residential dwellings'
75	Representation comments that it is inappropriate for a Neighbourhood Plan to potentially incorporate different design standards from those of the Highway Authority particularly where the Authority	Don't believe there is a conflict. SMBC state: "Policy H8 requires that new housing and employment proposals consider the needs of cyclists and pedestrians and can be welcomed as being consistent with Council policy."	Agree with Parish Council response

	will be expected to adopt the road/path/cycleway		
88	Difficult to see why considerations for replacements might be materially different from other development covered by Policies BE.3 & BE.4	Justification is summarised by the SMBC comment: <i>“Replacement dwellings are covered in draft Policy BE2, which should flag up green belt restrictions limiting replacements to not materially larger than the building replaced, in line with the NPPF. The policy is quite prescriptive, providing more detailed local guidance relating to garaging and storage, amenity and biodiversity, and requiring proposals to demonstrate how a replacement is more sustainable than refurbishment, alteration or extension of the existing building.”</i>	Agree, as Parish Council has indicated policy relates to replacement dwellings outside Green Belt
108	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	All titles of reference documents will be checked and reconciled	The Warwickshire Landscape Guidelines: Arden, 1993, provides guidelines for development and local landscape types and informed the Solihull Local Plan, 2013. The Solihull Borough Landscape Character Assessment, 2016, provides a breakdown of character areas, including sensitivity, pressures and capacity, with guidelines to manage change and will inform the Solihull Local Plan Review
184	Unsure what the extensive and very specific quotation across paragraphs 6.5.6.and 6.5.7 is intended to achieve. The NPPF provides the basis for the protection of green infrastructure	The detail is below the NPPF and contained in government guidelines, as a useful addition to the NPPF	Note that there is nothing in the policy that relates to ancient woodlands, so explanation could be restricted to veteran trees
190	Representation raises a particular concern: “the proposed designation of land forming	The identification of LGS5 as a LGS is considered important as:	Evidence in the Local Green Space Assessment, 2018 supports designation

	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	<ol style="list-style-type: none"> 1. It is not a requirement of designation under paras 99-101 of the NPPF that the LGS has to take note of other protections. 2. A 999 year lease to SMBC for use as a park is in place and SMBC have not commented adversely on the LGS designation. 3. A specific case has been made which meets the criteria. 4. Local Green Space is a statutory planning designation providing protection similar to that provided by Green Belt status. As such it provides additional protection to a Section 106 agreement. An agreement is just that and can be changed by the parties 	
191	Representation doubts the "particular importance" of some spaces: "Tidmarch Close Green No 6 (fig 9 page 91) is a small tract of land that one suspects would have been difficult to build on so it was left open, it is also boggy in winter and can flood	Consider it does meet with LGS criteria for designation whatever the reason was for it not being developed	Evidence in the Local Green Space Assessment, 2018 supports designation
192	The pond on Kemps Green Road and green No8 (fig 9 page 91) is hardly a major feature it is heavily screened by tress [sic] and the supposed green nearby is merely an extended grass verge	The tree screening of LGS8 does not negate its designation but adds to its value to the community by creating a screened and tranquil green space	Evidence in the Local Green Space Assessment, 2018 supports designation
193	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	The comment appears to support the role of LGS7 designation	Evidence in the Local Green Space Assessment, 2018 supports designation

	respect.”		
203	Paragraph 6.5.27 quotes the NPPF but no evidence is provided to suggest that there are Air Quality Management Areas or Clean Air Zones within the Neighbourhood Area	Detail will be added to confirm the SMBC are currently monitoring air borne pollutants at 3 sites in Balsall Common as part of their emerging Clean Air Strategy and consideration of an Air Quality Management Area (AQMA) for all or part of the Borough	SMBC is not considering declaring an Air Quality Management Area, although it has been carrying out a review and assessment of air quality in the Borough. It is suggested that the additional text proposed by the Parish Council omits the clause after the words ‘Clean Air Strategy’