

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Terence O'Rourke on behalf of Mr M Leather and Others c/o CJH Land Limited

1. To which part of the BDP does this representation relate?

Page:	Paragraph:	Policy: <b>BDP3 Future Housing and Employment Growth</b>
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

The duty to cooperate is a legal requirement inserted into the Planning and Compulsory Purchase Act by the Localism Act 2011. The duty is inserted alongside the provision to abolish Regional Spatial Strategies, the latter having provided the forum for such cooperation previously. As such, the duty to cooperate can be seen as a means to ensure appropriate growth across administrative boundaries. It is our view that the duty to cooperate has not been fully discharged by Bromsgrove District in the preparation of the plan, particularly in regard to meeting objectively assessed housing needs.

The duty requires the local planning authority to "engage constructively" and "actively" with its neighbours on an on-going basis in the preparation of the core strategy / local plan to maximise the "effectiveness" of the plan making process (Planning and Compulsory Purchase Act 2004 section 33A). This is a legal requirement that the NPPF, at paragraph 182, makes clear should be tested through the local plan examination process.

It is our view that the evidence presented by the local planning authority does not demonstrate that the duty to cooperate has been adequately and fully discharged, particularly in regard to meeting the objectively assessed housing requirement when considering neighbouring authorities needs.

Specifically, we refer to Birmingham City, where that Council has identified a potential shortfall in its physical ability to supply the number of homes necessary to meet its objectively assessed housing need. Recent publications by the City Council suggest that this shortfall could be in the region of 33,000 dwellings. This is a serious and significant deficit, the exact level of which will be confirmed early 2014. As one of eight authorities surrounding the City, this will have a significant impact on Bromsgrove District's plan and the need for Green Belt review. The indication, from City Council statements, is that Birmingham City will ask Bromsgrove to accommodate a significant proportion of this need, particularly as many residents of Bromsgrove work within the City.

Whilst the plan acknowledges that the results of Birmingham's studies could have an impact on the district and both Council's are working together, it is the case that the plan, as drafted, makes insufficient provision to meet Bromsgrove District's own needs, irrespective of any additional provision necessary to satisfy the duty to cooperate, principally because it is unwilling to plan positively in respect of Green Belt review.

The combined impact is so significant it is inappropriate to continue with this development plan in its current form at this stage until the requirements are known and Bromsgrove has taken its appropriate share.

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

The duty to cooperate can only be functionally discharged once Birmingham City Council has identified the deficit it is facing and an approach to meeting that need is agreed amongst the City Council and the eight surrounding councils. As this evidence is due to be published in early 2014 the plan should be reviewed at that stage to consider the impact on the housing numbers proposed in the plan.

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input checked="" type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

The approach to the delivery of housing development in Bromsgrove District is flawed as the plan does not provide for enough homes to meet the Council's objectively assessed housing need. Given the Green Belt constraint, this approach is unjustified and fundamentally undermines delivery of the plans vision and strategic objectives, further it is contrary to the clear requirements of the NPPF and presumption in favour of sustainable development.

The policy and supporting text outlines the position that 7,000 new homes are needed in the plan period, between 2011 - 2030. However, the plan fails to make provision for a significant proportion of those homes, leaving this provision to local plan review. The plan acknowledges that the accommodation of this scale of homes will require Green Belt review but then fails to undertake this review, leaving unjustifiable uncertainty about the distribution of growth and the associated mitigation necessary, particularly in respect of infrastructure provision. This approach is completely contrary to the NPPF.

The key purpose of the planning system, as set out in the NPPF, is to "contribute to the achievement of sustainable development" (paragraph 6) and the NPPF is clear of the importance of the development plan in decision-making (paragraphs 11 & 12). To enable the delivery of sustainable development a fundamental aspect of the plan is that Local Authorities must identify sufficient land to "ensure that their local plan meets the full, objectively assessed needs for market and affordable housing" (paragraph 47, NPPF). Using the Council's own assessment of housing need, the plan acknowledges that, at this stage, it fails to provide 2,400 new homes needed in the plan period. There is no mechanism within the plan (and no associated development plan documents) to address this. Leaving the matter to a later review is contrary to the NPPF.

The NPPF is clear that the starting point for determining planning applications is the local plan, however this authority is failing to provide a robust, justified or effective plan. This is certainly not a positive planning approach as advocated by the NPPF. This part of the plan completely fails to meet the tests of soundness in this regard (NPPF paragraph 182).

The NPPF sets out a number of tests in respect of identifying and meeting the objectively assessed housing needs. These tests are framed by the presumption in favour of sustainable development, paragraph 14 for "plan making", and further explained in paragraph 47 to 159 of the NPPF. These paragraphs confirm that local planning authorities must boost the supply of housing land, using the

evidence base to demonstrate they meet the full objectively assessed need (paragraph 47), and that they must meet household and population projections (paragraph 159) as well as catering for housing demand, and the scale of supply necessary to meet this demand. This is confirmed by the following core principle that requires planning to:

*"Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth" (NPPF 17, extract from 3<sup>rd</sup> bullet).*

The Council is not meeting the housing need through this plan and therefore it cannot be found sound. The Council acknowledges that this unmet need will need to be delivered on sites currently designated as Green Belt. However, there has been no overall Green Belt review or consideration of where those homes may be located. Having identified the housing need to be met it is certainly not the case that the NPPF then allows Council's to leave the Green Belt review for a later date.

The Council's own policy position (BDP3.3) states that it will *"seek to maintain a 5 year supply of deliverable sites plus an additional buffer of 5% moved forward from later in the plan period"*, yet the plan provides no mechanism to achieve this, relying instead on an uncertain review process.

In summary, this is a significant flaw in the plan:

- The Council is unable to demonstrate how it will deliver the 2,400 homes it itself acknowledges are requirement, which is contrary to paragraph 47 of the NPPF.
- Proposing and waiting for a later review of the local plan is entirely inadequate as the need is identified now and therefore the Green Belt should be reviewed now.
- The Green Belt boundaries taken forward in this plan are not capable of *"enduring"* the plan period, let alone beyond (as required by paragraph 83 of the NPPF).
- The plan is not positively prepared as it does not *"meet objectively assessed development and infrastructure requirements"* (paragraph 182, NPPF).
- The plan does not present the *"most appropriate strategy"*, as there is simply no strategy in relation to the Green Belt review (paragraph 182, NPPF).
- The plan is not deliverable as there remains a significant number of homes that are identified by the Council as needed but not delivered by this plan (paragraph 182, NPPF).

What is more, as explained above in regard to the duty to cooperate, the Council is likely to face a significant requirement to help meet some of Birmingham's identified housing needs. Paragraph 182 of the NPPF clearly requires *"unmet requirements from neighbouring authorities to be met where it is reasonable to do so and consistent with achieving sustainable development"*.

The Green Belt designation across Bromsgrove District, does not mean the Council can fail to meet this requirement – the NPPF explicitly enables Green Belt review through the local plan process. In the Ministerial Statement, dated 6 September 2012, Eric Pickles encouraged and incentivised councils to use powers provided in the NPPF to review their Green Belt, stating: *"We encourage councils to use the flexibilities set out in the National Planning Policy Framework to tailor the extent of Green Belt land in their areas to reflect local circumstances. Where Green Belt is considered in reviewing or drawing up Local Plans, we will support Councils to move quickly through the process by prioritising their Local Plan examinations"*. The loss of the Green Belt through this process must be justified by 'exceptional circumstances' but clearly cannot be considered to constitute justification to avoid meeting needs or producing an ineffective plan.

The NPPF advises that the place for Green Belt review is in plan making. That is now. This plan cannot continue without this significant element of work to identify suitable Green Belt sites to enable the Council to meet its objectively assessed need.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

The Council needs to carry out a Green Belt review to identify a sustainable pattern of development to meet the identified housing need. In undertaking this review the Council should also work closely

with Birmingham City Council and the other neighbouring authorities to identify how the eight surrounding authorities will help the city meet its housing need.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
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9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

Our client has a significant interest in land at Station Road in Wythall and we therefore consider it to be important that we are able to participate orally to expand on the comments we have made within these representations.

Signature:

[Redacted Signature]

Date: 07 November 2013

**Part B (see Note 1 and Note 8 para 4.2)****Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Terence O'Rourke on behalf of Mr M Leather and Others c/o CJH Land Limited

1. To which part of the BDP does this representation relate?

Page:	Paragraph:	Policy: <b>BDP4 Green Belt</b>
Policies Map:	Other document:	

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2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No: 

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

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5. Do you consider the BDP is sound? (see Note 3)

Yes:  No: Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
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The approach to the Green Belt review does not represent a positive approach to plan making. It is neither justified nor effective and is inconsistent with national planning policy guidance. The Green Belt review should happen now during this plan process to enable the local authority to demonstrate how it will meet the objectively assessed housing need and how its strategic objectives will be delivered.

There are four key concerns with the approach to the policy:

- First, the policy itself acknowledges that the development plan will not meet the objectively

assessed housing need without Green Belt review.

- Second, the housing numbers presented in plan as the objectively assessed housing need have not taken into account the likely substantial housing shortfall Birmingham City Council is finding in the preparation of its document and whilst evidence is still being prepared it is likely that, as one of 8 surrounding authorities, the duty to cooperate and the provision of the NPPF will require Bromsgrove District to take at least some of that unmet need.
- Third, the only positive and sustainable way to plan for the district until 2030 is to undertake a thorough Green Belt review now to identify the most "sustainable patterns of development" (NPPF, paragraph 84) around Bromsgrove and the main larger settlements such as Wythall.
- Fourth, there are suitable, sustainable sites, currently located within the Green Belt, that are capable of accommodating development and should be released through Green Belt review. For example, our clients land to the south of Station Road at Wythall is a sustainable, suitable and deliverable site capable of being released from the Green Belt, with relatively little contribution to the Green Belt in terms of the purposes identified at paragraph 80 of the NPPF.

It is acknowledged that the Government attaches great importance on the Green Belt as set out in the National Planning Policy Framework, however this is exactly why a thorough and robust Green Belt review should be undertaken now to identify appropriate sites for development and why the plan is unsound without this review. Without review it will be impossible to deliver the housing required, including maintaining a 5-year supply, and impossible to understand and plan for the associated infrastructure requirements.

The Bath and North East Somerset Core Strategy Inspector supported the need to undertake Green Belt review now. In his report (June 2012, Inspector's Preliminary Conclusions on Strategic matters and way forward, reference ID/28) the Inspector made it clear that green belt review is an integral part of the plan making process, noting that "The NPPF (83) makes clear that any review of the Green Belt Boundaries should have regard to their intended permanence in the long term so that they should be capable of enduring beyond the plan period" (paragraph 4.4) and that "whilst the NPPF does not make a 15 year span a requirement, a longer term perspective is particularly important if there needs to be any review of the Green Belt" (paragraph 2.20).

It is important to also acknowledge the Government's stance in regard to Green Belt review. In Eric Pickles Ministerial Statement (6 September 2012), he encouraged councils to use powers provided in the NPPF to review their Green Belt, stating: "We encourage councils to use the flexibilities set out in the National Planning Policy Framework to tailor the extent of Green Belt land in their areas to reflect local circumstances. Where Green Belt is considered in reviewing or drawing up Local Plans, we will support Councils to move quickly through the process by prioritising their Local Plan examinations". Clearly the local circumstances in Bromsgrove require a full Green Belt review and by fast tracking the local plan the government is clear in its intention to incentivise local authorities undertaking necessary Green Belt review.

The council's sustainability appraisal produced in 2008 recognised the importance of delivering housing development close to existing services and facilities, it notes "strategic sites should be located close to essential services minimising the need to travel where possible. It will be crucial for sites to be close to public transport options to give people a realistic alternative to the car" (paragraph 3.34).

The NPPF states "once established, Green Belt boundaries should only be altered in exceptional circumstances" (paragraph 83). The Council has identified that those exceptional circumstances exist, as it is unable to meet its objectively assessed housing need outside the Green Belt. As such, the NPPF is clear that the next step is to "take account of the need to promote sustainable patterns of development" (paragraph 84).

As one of six larger settlements in the District, and as inherently acknowledged by BDP4.3, Wythall provides the opportunity to deliver sustainable development that will enhance the vitality of the settlement and provide sustainable development in close proximity to the railway station. Wythall benefits from a train service that provides a direct connection into central Birmingham and to Stratford-upon-Avon. It also benefits from bus connections, a primary school, doctors and other local shops and facilities.

The site to the south of Station Road is situated within reasonable distance of these services and facilities and is within less than 1km of the railway station. It is a sustainable location to deliver development that will boost the vitality of the settlement and help to meet housing need. The Council

has identified it as a sustainable location in the Area Assessment Study (September 2013) prepared to support the SHLAA and recognise in that study that the site is *"worth of consideration when the Green Belt Review is undertaken"* (paragraph 8.351).

It is our view that the Green Belt review should be undertaken now and, as a sustainable site in a sustainable settlement, the land to the south of Station Road should be considered as part of that review.

In regard to the purposes of the Green Belt the site has been assessed against the main purposes of the Green Belt, set out in paragraph 80 of the NPPF as follows:

*"To check unrestricted sprawl of large built-up areas" and "to prevent neighbouring towns merging with one another"*

The main purpose of the Green Belt in this area is to check the growth of the Birmingham conurbation and to separate settlements from it. The Green Belt covering the land to the south of Station Road does not perform this function. The Station Road site lies to the south of the settlement. It is contiguous with the built up linear development along Station Road, which forms its northern boundary. The site is well contained by existing built features that would provide Green Belt boundaries that are clear, *"readily recognisable and likely to be permanent"* (paragraph 85).

The development of this site would not impact on the coalescences of Wythall with any other settlement. The development of the settlement beyond this site would be restricted by physical features bordering the site, with the railway to the east and a mature belt of trees separating the site from the golf course to the south / west.

The Council's Site Assessment Study (September 2013), did highlight their concern that development of this site would *"significantly reduce the gap between the settlement of Tanners Green" and Wythall* (paragraph 8.329). However, Tanners Green is a small cluster of dwellings and a golf course that lies to the south west of the site, beyond the Fulford Heath Golf Club. The closest part of Wythall to Tanners Green is actually to the north of Tanners Green, not in the direction of this site. The expansion of Wythall into the field to the south of Station Road would bring development closer, but the shortest gap would not be affected. The Council's own visual appraisal in the Site Assessment Study acknowledges that the site is *"relatively low lying"* where views are *"restricted to mainly short distance views from the adjacent Public Right of Way and passing trains"* (paragraph 8.333), clearly indicating, in terms of the visual impact, the development of this site is unlikely to lead to any perceived coalescence of Tanners Green and Wythall.

*"To assist in safeguarding the countryside from encroachment"*

The physical features that form the boundaries of the site enclose it within the landscape setting. As a consequence, development here would not encroach into the open countryside. As mentioned above, the Council's Site Assessment Study confirms that views of the site are relatively limited. Equally, the site is already significantly influenced by the existing urban form, with the ribbon development along Station Road to the north and the railway to the east.

*"To preserve the setting and special character of historic towns"*

The Council's Site Assessment Study identifies the site as within the Wythall Heath Historic Environment Character Zone but that the *"historic environment of this zone is low sensitivity"* and that it is preferable for development to occur in these *"low sensitivity areas where the historic environment can accommodate medium to large scale developments"* (paragraph 8.339)

*"To assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*

The Council's local plan has sought to prioritise the use of previously developed land and land within the urban area but this provides insufficient supply to meet the housing need. Green Belt sites will need to be brought forward.

In summary, the site is well contained physically and visually, by the physical features forming its boundaries. It relates well to the built form of Wythall. The impact of its development on the purposes of the Green Belt would be very limited. When balanced against the need to address the Council's housing need through Green Belt review, it is clear exceptional circumstances exist for the release of this site through this local plan process.

The removal of the site from the Green Belt is acceptable to help the Council to meet some of its housing need in a sustainable location that benefits from being walk/cycling distance from the railway station and close to local amenities, services and facilities, including local schools.

Exceptional circumstances exist for altering the Green Belt boundary here to help meet the Council's objectively assessed housing need.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

The Green Belt boundary needs to be reviewed as part of this local plan and not a later review. The land to the south of Station Road, Wythall should be removed from the Green Belt as part of that review and allocated for development as it is a suitable, sustainable and deliverable site.

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Our client has a significant interest in land at Station Road in Wythall and we therefore consider it to be important that we are able to participate orally to expand on the comments we have made within these representations.

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Date: 07 November 2013



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Terence O'Rourke on behalf of Mr M Leather and Others c/o CJH Land Limited

1. To which part of the BDP does this representation relate?

Page:	Paragraph:	Policy: <b>BDP5B Other Development Sites</b>
Policies Map:	Other document:	

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As set out in our response to BDP4, the approach to the Green Belt review is wholly inadequate and fails to represent a positive approach to plan making. It is neither justified nor effective and is inconsistent with national planning policy guidance. The NPPF states that "once established, Green Belt boundaries should only be altered in exceptional circumstances" (paragraph 83). The Council has identified that those exceptional circumstance exist, as it is unable to meet its objectively assessed housing need outside the Green Belt. As such, the NPPF is clear that the next step is to "take account of the need to promote sustainable patterns of development" (paragraph 84).

We therefore object to this policy on the basis that it has omitted to allocate land to the south of Station Road, Wythall, for development (see attached plan). This position is justified as follows.

As one of six larger settlements in the District, and as inherently acknowledged by BDP4.3, Wythall provides the opportunity to deliver sustainable development that will enhance the vitality of the settlement and provide sustainable development in close proximity to the railway station. Wythall benefits from a train service that provides a direct connection into central Birmingham and to Stratford-upon-Avon. It also benefits from bus connections, a primary school, doctors and other local shops and facilities.

The site to the south of Station Road is situated within reasonable distance of these services and facilities and is within less than 1km of the railway station. It is a sustainable location to deliver development that will boost the vitality of the settlement and help to meet housing need. The Council has identified it as a sustainable location in the Area Assessment Study (September 2013) prepared to support the SHLAA and recognise in that study that the site is *"worth of consideration when the Green Belt Review is undertaken"* (paragraph 8.351). It is our view that the Green Belt review should be undertaken now and, as a sustainable site in a sustainable settlement, the land to the south of Station Road should be considered as part of that review.

In regard to the purposes of the Green Belt the site has been assessed against the main purposes of the Green Belt, set out in paragraph 80 of the NPPF as follows:

*"To check unrestricted sprawl of large built-up areas" and "to prevent neighbouring towns merging with one another"*

The main purpose of the Green Belt in this area is to check the growth of the Birmingham conurbation and to separate settlements from it. The Green Belt covering the land to the south of Station Road does not perform this function. The Station Road site lies to the south of the settlement. It is contiguous with the built up linear development along Station Road, which forms its northern boundary. The site is well contained by existing built features that would provide Green Belt boundaries that are clear, *"readily recognisable and likely to be permanent"* (paragraph 85).

The development of this site would not impact on the coalescences of Wythall with any other settlement. The development of the settlement beyond this site would be restricted by physical features bordering the site, with the railway to the east and a mature belt of trees separating the site from the golf course to the south / west.

The Council's Site Assessment Study (September 2013), did highlight their concern that development of this site would *"significantly reduce the gap between the settlement of Tanners Green" and Wythall* (paragraph 8.329). However, Tanners Green is a small cluster of dwellings and a golf course that lies to the south west of the site, beyond the Fulford Heath Golf Club. The closest part of Wythall to Tanners Green is actually to the north of Tanners Green, not in the direction of this site. The expansion of Wythall into the field to the south of Station Road would bring development closer, but the shortest gap would not be affected. The Council's own visual appraisal in the Site Assessment Study acknowledges that the site is *"relatively low lying"* where views are *"restricted to mainly short distance views from the adjacent Public Right of Way and passing trains"* (paragraph 8.333), clearly indicating, in terms of the visual impact, the development of this site is unlikely to lead to any perceived coalescence of Tanners Green and Wythall.

*"To assist in safeguarding the countryside from encroachment"*

The physical features that form the boundaries of the site enclose it within the landscape setting. As a consequence, development here would not encroach into the open countryside. As mentioned above, the Council's Site Assessment Study confirms that views of the site are relatively limited. Equally, the site is already significantly influenced by the existing urban form, with the ribbon development along Station Road to the north and the railway to the east.

*"To preserve the setting and special character of historic towns"*

The Council's Site Assessment Study identifies the site as within the Wythall Heath Historic Environment Character Zone but that the *"historic environment of this zone is low sensitivity"* and that it is preferable for development to occur in these *"low sensitivity areas where the historic environment can accommodate medium to large scale developments"* (paragraph 8.339)

*"To assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*

The Council's local plan has sought to prioritise the use of previously developed land and land within the urban area but this provides insufficient supply to meet the housing need. Green Belt sites will need to be brought forward.

In summary, the site is well contained physically and visually, by the physical features forming its boundaries. It relates well to the built form of Wythall. The impact of its development on the purposes of the Green Belt would be very limited. When balanced against the need to address the Council's housing need through Green Belt review, it is clear exceptional circumstances exist for the release of this site through this local plan process.

The removal of the site from the Green Belt is acceptable to help the Council to meet some of its housing need in a sustainable location that benefits from being walk/cycling distance from the railway station and close to local amenities, services and facilities, including local schools.

Exceptional circumstances exist for altering the Green Belt boundary here, to facilitate the delivery of the Station Road site for residential development, to help meet the Council's objectively assessed housing need.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

The Green Belt boundary needs to be reviewed as part of this local plan and not a later review, and the site to the south of Station Road, Wythall, allocated for development in accordance with the presumption in favour of sustainable development.

Our client would be willing to work with the Council to master plan the site and confirm its capacity.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*


**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? *Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

No, I do not wish to participate at the oral examination	<input type="checkbox"/>
Yes, I wish to participate at the oral examination	<input checked="" type="checkbox"/>

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

Our client has a significant interest in land at Station Road in Wythall and we therefore consider it to be important that we are able to participate orally to expand on the comments we have made within these representations.

Signature:  Date: 7 November 2013

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Terence O'Rourke on behalf of Mr M Leather and Others c/o CJH Land Limited

1. To which part of the BDP does this representation relate?

Page:	Paragraph:	Policy: <b>BDP2 Settlement Hierarchy</b>
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

5. Do you consider the BDP is sound? (see Note 3)

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input checked="" type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

The identification of Wythall as a large settlement is supported (Table 2: District's Settlement Hierarchy). Wythall is a sustainable settlement with local facilities and good transport links to the Birmingham conurbation, including rail. The sustainability credentials of Wythall have previously been acknowledged by local plan inspectors and the settlement, generally, identified as a location that should be seriously considered to accommodate residential development should releases from the Green Belt be necessary. The evidence base clearly justifies the position of Wythall in the settlement hierarchy.

However, the policy is ineffective, not positively prepared and inconsistent with national policy. It cannot therefore be supported, specifically because it fails to deal adequately with Green Belt review

requirements (and therefore settlement boundary review) and fundamentally undermines the deliverability of certain elements of the Plan. There is a balance to be struck between Green Belt retention and the benefits of securing development that would deliver the aims of the settlement hierarchy and sustainable development. BDP2.6 is an inadequate and 'unsound' response to this issue. It fails to plan positively and provide certainty and clarity about the scale and location of releases from the Green Belt within the plan period. The settlement boundaries are out of date and do need to be reviewed in order to accommodate growth. The NPPF, in respect of Green Belt, is unequivocal that this is a function of the local plan process, which must also set out the exceptional circumstances that exist. The policy fails to do this, and in so doing is unable to consider the spatial implications of growth distribution for infrastructure provision – it cannot be justified.

In leaving the matter to a later review (to accommodate 2,400 homes) the policy is inconsistent with the NPPF. This requires the local plan to:

- address spatial implications of economic, social and environmental change (para 154) over the plan period – preferably 15 years (para 157)
- "deliver" the homes and jobs needed (para 156); and
- plan positively for infrastructure and allocate sites necessary (para 157)

Because of the inadequate response to the Green Belt designation, the aims and objectives of the plan are undeliverable, including its ability to meet needs.

We provided further detail on our concerns in this regard in response to BDP3 and BDP4.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

The Council needs to undertake a Green Belt review as part of this local plan to ensure sufficient land is available to meet development needs.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

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8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? *Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

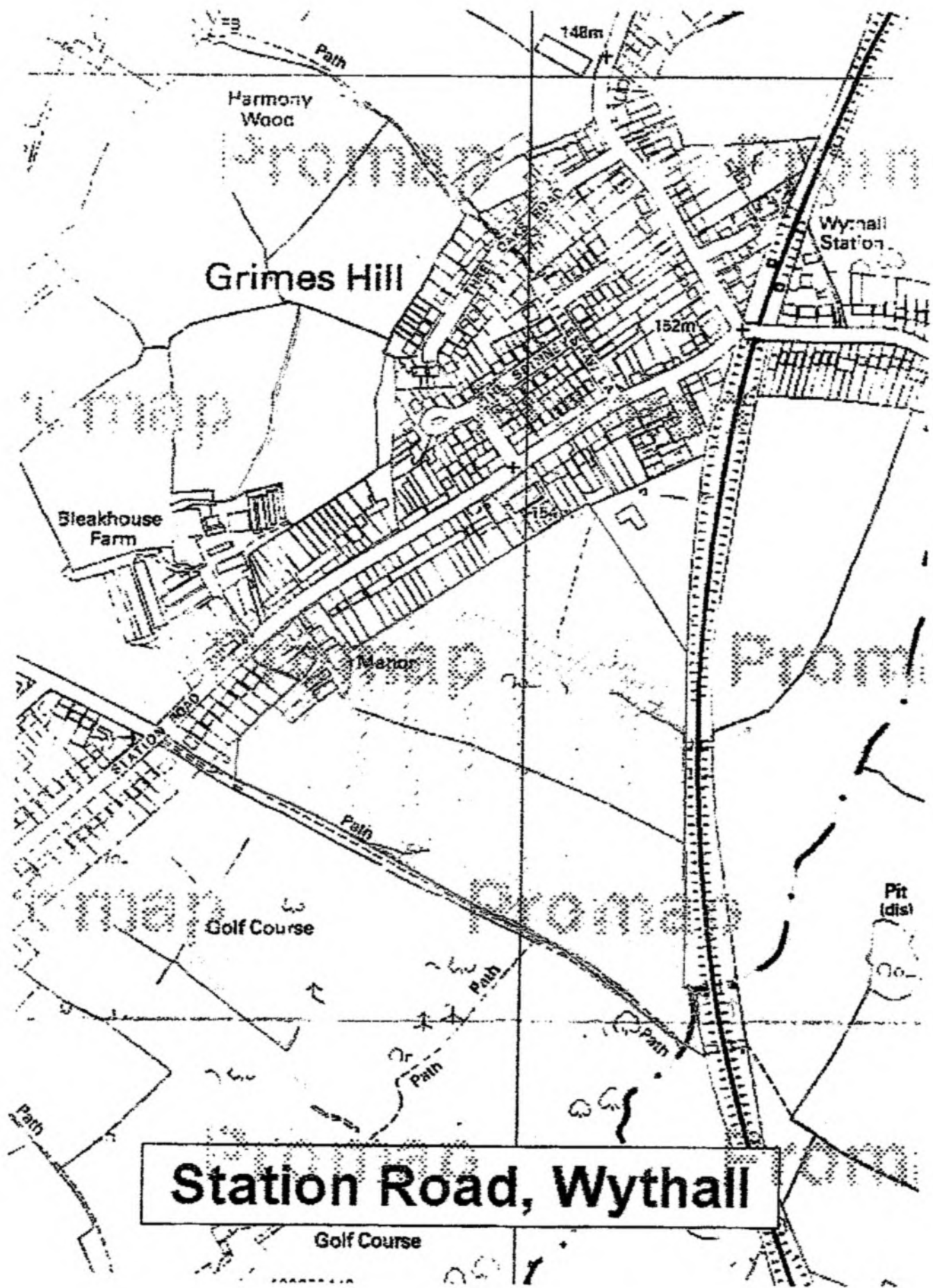
No, I do not wish to participate at the oral examination	<input type="checkbox"/>
Yes, I wish to participate at the oral examination	<input checked="" type="checkbox"/>

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

Our client has a significant interest in land at Station Road in Wythall and we therefore consider it to be important that we are able to participate orally to expand on the comments we have made within these representations.

Signature:

Date: 07 November 2013



**Station Road, Wythall**

Golf Course