84 x8007

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 14	Paragraph: 5.1	Policy: OBJECTIVE S04
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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)**

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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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	☐
Yes, I wish to participate at the oral examination	☑

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 seperate sheet /expand box if necessary)

THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 17	Paragraph:	Policy: BPP1/PART BDP1.3
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)**	☐
(2) Effective **(see Note 5)**	☐
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☐

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)

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 19	Paragraph:	Policy: BDP2
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)

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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)**	☐
(2) Effective **(see Note 5)**	☐
(3) Consistent with national policy **(see Note 6)**	☐
(4) Positively prepared **(see Note 7)**	☐

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)

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 21/22	Paragraph: 8.18 TO 8.27	Policy: BDP3
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)**

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 23 TO 25	Paragraph: 8.28 TO 8.39	Policy: BDP4
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☐

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)

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

Part A (see Note 8)

How we will use your details:
The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 1998. It will be used only for the preparation of local development documents or any subsequent statutory replacement. However, your name and representation will be made publicly available when displaying and reporting the outcome of the consultation stage, and cannot be treated as confidential. Other details including your address and signature will be treated as confidential.

Personal Details	**Agent's Details (if applicable)**
Title:	Title: MR
First Name:	First Name: CHRIS
Last Name:	Last Name: MAY
Job Title: (if applicable)	Job Title: (if applicable) N/A
Organisation: GALLAGHER ESTATES (if applicable) C/O AGENT	Organisation: (if applicable) PEGASUS GROUP
Address 1:	Address 1: 5 THE PRIORY
Address 2:	Address 2: OLD LONDON ROAD
Address 3:	Address 3: CANWELL
Address 4:	Address 4: SUTTON COLDFIELD
Postcode:	Postcode: B75 5SH
Telephone No:	Telephone No: 0121 30809570
Email address:	Email address: chris.may@pegasuspg.co.uk

Notification Request:
Please tick the boxes below if you wish to be notified at any of the following Plan stages:

☑ that the BDP has been submitted for independent examination

☑ the publication of the recommendations of the person appointed to carry out an independent examination of the BDP

☑ the adoption of the BDP

If the notification address is different to that stated above, please specify here:

AS ABOVE

Your details will remain on our database and will be used to inform you of future Strategic Planning matters and procedures following the adoption of BDP. If at any point in time you wish to be removed from the database, please contact us and we will remove your information.

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page:	Paragraph:	Policy: BD5A
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)

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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)**	☐
(2) Effective **(see Note 5)**	☐
(3) Consistent with national policy **(see Note 6)**	☐
(4) Positively prepared **(see Note 7)**	☐

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)

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No, I do not wish to participate at the oral examination	☐
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 34	Paragraph:	Policy: BDP5B
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)

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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)**	☑
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

Part A (see Note 8)

How we will use your details:
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Personal Details	Agent's Details (if applicable)
Title:	Title: MR
First Name:	First Name: CHRIS
Last Name:	Last Name: MAY
Job Title: (if applicable)	Job Title: (if applicable) N/A
Organisation: GALLAGHER ESTATES (if applicable) C/O AGENT	Organisation: (if applicable) PEGASUS GROUP
Address 1:	Address 1: 5 THE PRIORY
Address 2:	Address 2: OLD LONDON ROAD
Address 3:	Address 3: CANWELL
Address 4:	Address 4: SUTTON COLDFIELD
Postcode:	Postcode: B75 5SH
Telephone No:	Telephone No: 0121 30809570
Email address:	Email address: chris.may@pegasuspg.co.uk

Notification Request:
Please tick the boxes below if you wish to be notified at any of the following Plan stages:

☑ that the BDP has been submitted for independent examination

☑ the publication of the recommendations of the person appointed to carry out an independent examination of the BDP

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Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page:	Paragraph:	Policy: RCBD 1.1
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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)**

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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)

THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 47	Paragraph:	Policy: BDP6
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 49	Paragraph:	Policy: BDP7/PART BDP7.1
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☐

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)

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No, I do not wish to participate at the oral examination	☐
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)**

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 52	Paragraph:	Policy: BDP8/PARTS BDP 8.1 AND BDP8.5
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)**

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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)**

THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)**

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 94 TO 95	Paragraph:	Policy: BDP19
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)

SEE REPRESENTATIONS PROVIDED WITHIN THE ATTACHED DOCUMENT ENTITLED "BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION 2011-2030" ON BEHALF OF GALLAGHER ESTATES.

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: [redacted]	Date: 11/11/2013

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)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 98 TO 100	Paragraph:	Policy: BDP20
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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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)

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Signature: [redacted]	Date: 11/11/2013

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

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Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 103	Paragraph:	Policy: BDP21
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)

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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)**	☑
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☑
(4) Positively prepared **(see Note 7)**	☑

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)

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No, I do not wish to participate at the oral examination	☐
Yes, I wish to participate at the oral examination	☑

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Signature: [redacted]	Date: 11/11/2013

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

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Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR GALLAGHER ESTATES

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

Page: 107	Paragraph:	Policy: BDP22
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:☐

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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)**	☐
(2) Effective **(see Note 5)**	☑
(3) Consistent with national policy **(see Note 6)**	☐
(4) Positively prepared **(see Note 7)**	☐

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)

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Signature: [redacted]	Date: 11/11/2013

NOVEMBER 2013 | BIR.4151 mp

BROMSGROVE DISTRICT PLAN

PROPOSED SUBMISSION VERSION 2011-2030

REPRESENTATIONS BY PEGASUS PLANNING GROUP

ON BEHALF OF GALLAGHER ESTATES

(MAYPOLE FARM)

Pegasus Group

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1. INTRODUCTION

1.1 We are instructed to submit representations to the proposed submission version of the Bromsgrove District Plan (BDP) 2011-2030 on behalf of Gallagher Estates who have interests in the District.

1.2 Our representations on behalf of Gallagher Estates are framed in the context of the requirements for the BDP to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (the Framework), Paragraph 182 and for a plan to be sound it must be:

- ***Positively Prepared*** *– the plan should be prepared and based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring Authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- ***Justified*** *– the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate, robust and credible evidence base;*
- ***Effective*** *– the plan should be deliverable over its identified time period and based on effective joint working with partners on cross-boundary strategic priorities; and*
- ***Consistent with National Policy*** *– the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.*

1.3 Forming part of these formal representations, and accompanying this document as **Appendix 1**, is an Opinion from Mr Satnam Choongh, Counsel from No 5 Chambers, concerning the failure of the Council to comply with the legal requirements with regard to the Duty to Co-operate as set out in Section 33A of the Planning and Compulsory Purchase Act 2004.

1.4 The Opinion from Mr Choongh sets out clearly the position that Bromsgrove District Council has failed to comply with the statutory Duty to Co-operate in the preparation of the BDP, and in particular with regard to meeting the unmet housing needs of Birmingham. Whilst we recognise that the Council has engaged with the Duty to Co-operate in the wording of text and policy contained in the

BDP, it has not discharged its statutory duty in this regard by seeking to rely on an undertaking to carry out a review of the BDP, to include a Green Belt Review, sometime before 2023. It is our clear contention that postponing compliance with the Duty to Co-operate in dealing with the strategic matter of unmet housing need arising in Birmingham to an indeterminate point up to 2023 does not maximise the effectiveness of the preparation of the BDP and cannot therefore have discharged the Duty prior to its submission for examination. We recognise the work that both Bromsgrove and Birmingham are participating on through the Greater Birmingham and Solihull LEP should prove valuable in tackling the key strategic planning matters that have arisen in the area, but contend that this should result in outcomes now and not decisions to proceed with development plans on the basis of future cooperation.

1.5 Purely in planning terms, dealing with the issue of the objectively assessed housing needs of Birmingham which cannot be met within its administrative boundaries, currently estimated at in excess of 30,000 dwellings up to 2031 (the plan period for the emerging Birmingham Development Plan) is the single most important strategic matter affecting the wider Birmingham city region. The profound effects of dealing with this unmet housing need in the wider Birmingham city region should be the focus for strategic planning efforts amongst those authorities affected and in the preparation of their development plans, as required by the statutory Duty to Co-operate. Successfully dealing with this matter through the preparation and adoption of sound development plans both in Birmingham itself and across the city region is essential for the growth prospects of the wider area, the strength and sustainability of economic recovery and the success of the city region as a driver of economic growth.

1.6 As we understand matters at the time of writing, it is highly likely that the submission for examination of the Bromsgrove District Plan will follow the publication in its final form of the National Planning Practice Guidance, initially circulated in draft in August 2013. Accordingly, we believe it would be both prudent and essential for the Council to take heed of the draft Guidance, especially in relation to the Duty to Co-operate.

1.7 Although this Guidance may be subject to change before finally being published, and we believe might subsequently be updated on a more regular basis than we have previously been used to with regard to Government Guidance, nevertheless the draft Guidance available now should be taken into account.

1.8 The draft Guidance makes clear that the legal duty placed on local planning authorities to engage constructively, actively and on an ongoing basis in the preparation of local plans is for the purpose of maximising the effectiveness of those plans in relation to strategic cross boundary matters. The Guidance goes on to say that Local Planning Authorities will need to bear in mind that the co-operation legally required of them should produce effective and deliverable policies on strategic cross boundary matters. In our view, this clearly lays to rest the mistaken interpretation of the legal Duty to Co-operate as being one related to process, with outcomes considered as being subject only to the soundness requirements of the Framework. It is clear that a proper interpretation of the legal duty contained in Section 33A means that the need to demonstrate outputs from the process which produce effective and deliverable policies on strategic matters forms part of the legal test.

1.9 The importance of outcomes from the Duty to Co-operate is reinforced in the Guidance, where it is stated

> *"Co-operation between Local Planning Authorities, County Councils and other public bodies should produce effective policies on strategic cross boundary matters. Inspectors testing compliance with the duty at examination will assess the outcomes of co-operation and not just whether Local Planning Authorities have approached others."*

1.10 The Guidance goes on to say:

> *"Co-operation should produce effective policies on cross boundary strategic matters. This is what Local Planning Authorities and other public bodies should focus on when they are considering out to meet the duty."*

1.11 The Guidance further reminds Councils that

> *"Section 33A(6) of the 2004 Act requires Local Planning Authorities and other public bodies to consider entering into agreements on joint approaches. Local Planning Authorities are also required to consider whether to prepare local planning policies jointly under powers provided by Section 28 of the 2004 Act."*

1.12 It is clear that there is some contact between Bromsgrove and Birmingham Councils, and indeed both as members of the LEP are participating in the wider

housing needs study. However, we could see no evidence to demonstrate that Birmingham or Bromsgrove have given any consideration, as required by Section 33A, to entering into agreements on joint approaches or preparing planning policies jointly.

1.13 The Guidance states:

> *"At the examination the Inspector will consider whether the Local Planning Authority has fulfilled its duty under Section 33A so as to maximise the effectiveness of the plan making process when planning for strategic cross boundary matters."*

1.14 In our view, Bromsgrove Council would seem to be suggesting that BDP4 Policy – Green Belt sets out an approach which can in effect discharge the statutory Duty to Co-operate. If this is so, we believe it is an erroneous assumption and a fatal flaw in the BDP in relation to the statutory Duty to Co-operate. In the face of evidence which first emerged in 2012 that the scale of housing need arising in Birmingham which the City could not accommodate within its boundaries was at least 30,000 dwellings over the period to 2031, the response from Bromsgrove District Council that it will undertake a local plan review including a full review of the Green Belt 'in advance of 2023' cannot, in our view, constitute evidence that the preparation of the BDP has complied with statutory Duty to Co-operate.

1.15 We do not believe that agreement between respective local planning authorities as to the approach they will adopt in relation to the Duty to Co-operate can of itself provide evidence that the Duty has been discharged. It is not in the gift of local planning authorities to agree between themselves not to engage constructively in order to maximise the effectiveness of their plan preparation with regard to strategic matters, but defer such consideration to a point in the future and therefore conclude that they have discharged the Duty to Co-operate. The position with regard to the relationship between Bromsgrove and Birmingham stands in sharp contrast to the approach undertaken between Bromsgrove and Redditch. Bromsgrove and Redditch have cooperated on the strategic matter of housing needs arising in Redditch which cannot be met within its boundaries and require allocations in the Green Belt in Bromsgrove. This is exactly the approach which should be progressed through this plan process with regard to the strategic matter of Birmingham's unmet housing needs.

1.16 At examination of local plans, evidence must be produced such that the Inspector can conclude that the Duty has been met. In our view, the tactic of agreeing to defer consideration of a strategic matter which, in the case of the unmet housing need arising in Birmingham is so significant, cannot be evidence that the Duty to Co-operate has been discharged. Agreeing to a review at some unspecified point through some unknown mechanisms is not a reasonable interpretation of maximising the effectiveness of the preparation of local plans.

1.17 If the test of whether or not the Duty to Co-operate has been complied with is simply evidence that local planning authorities have agreed amongst themselves to defer consideration of the strategic matter of unmet housing needs to some unspecified point in the future, this has the effect of removing from Section 33A its meaning and purpose in relation to the future of strategic planning in a landscape without Regional Strategies or Structure Plans. Whilst it is recognised that the Framework clearly indicates that local planning authorities should move to adopt up to date development plans, this cannot absolve Councils of their statutory responsibilities with regard to the Duty to Co-operate. With the revocation of Regional Strategies, responsibility for strategic planning now rests with local planning authorities and the statutory Duty to Co-operate is in place to ensure they meet this responsibility in the preparation of their development plans.

1.18 Once adopted, there is no credible mechanism for compelling local planning authorities to undertake a review of a development plan at any given time, or to address strategic matters which may be more clearly defined after adoption. The only sanction available to ensure that the statutory Duty to Co-operate is met is in the hands of Inspectors through the examination of development plans. Given the poor performance of local planning authorities historically in bringing forward local plans for adoption, allied to resource constraints which will inevitably affect their ability to undertake significant work in the future, it is entirely reasonable to consider that Councils may not move as swiftly as they suggest at present to review their adopted local plans in the near future. This is especially the case where Authorities may be facing politically sensitive and difficult decisions with regard to the allocation of greenfield and Green Belt land to meet housing needs arising in a neighbouring local planning authority.

1.19 It is our genuine concern that unless the nettle is grasped now and the strategic matter of the unmet housing needs arising in Birmingham is dealt with in the

current round of development plan making, there is a very real risk that without any effective sanction and no clear processes which in any way bind the relevant authorities, the development plan making process will fail to deliver strategic planning in relation to the wider Birmingham city region.

1.20 As an example of a site which can readily meet the needs arising in Birmingham, and indeed those needs arising in Bromsgrove derived from in-migration from the metropolitan area, my client has previously proposed lands at Maypole. Further information in respect of this site is included in **Appendix 2**.

2. Key Challenges

Key Challenge 3

2.1 The BDP has helpfully identified the key challenges that the District faces, but has omitted to refer to the clearly understood challenge of meeting the unmet housing needs of Birmingham. Key challenge 3 is of particular note. This references meeting the growth needs of the District up to 2030 and beyond by ensuring that there is an adequate supply of appropriate housing and employment land thus providing certainty for the development industry. The fact that the Plan seems reluctant to do anything more than deliver an **"adequate"** supply of housing and employment land singularly fails to reflect Government policy, particular paragraph 47, NPPF and the requirement to boost significantly the supply of housing. .

2.2 The greater concern however is that the reality of the BDP is that it singularly fails to meet key challenge 3. It does not propose to meet the growth needs of the District to 2030 and beyond, it does not ensure that there is the requisite supply of appropriate housing and employment land and, in turn, it does not provide certainty for the development industry. It is our contention, evidenced throughout these representations, that the reality of this Plan is that it seeks to address growth needs of the District to 2023 only. Assuming adoption in 2014 this is therefore a period of only 9 years post adoption. This, in our view, is contrary to paragraph 157, NPPF which refers to a 15 year timescale as preferable when preparing Local Plans. It also conflicts, fundamentally with the central approach of the NPPF to use the planning system to promote sustainable economic growth, deliver a significant increase in the supply of housing and to plan positively for new development. Unfortunately the Plan fails to meet key challenge 3 which the District Council itself has identified. The failure to meet this challenge is so significant that it renders the plan as a whole fundamentally unsound unless it is substantially modified.

3. The Vision

Paragraph 4.2

3.1 Section 4 sets out the vision for the District at 2030. Paragraph 4.2 of the Vision is that: *"people from all sections of society will have been provided with access to homes, jobs and services"*. The BDP is not capable of delivering this vision to 2030. In terms of housing the policy approach of the Plan is to 'deliver' on housing need to 2023 only. It is proposed that an ill defined review process (see response to Policy BDP3 and BDP4) will address the delivery of housing post 2023 in the period to 2030. As such the BDP, as prepared, cannot deliver on a vision which states that all sections of society will have been provided with access to a home. At present the evidence base does not exist to demonstrate how or whether this will occur. It is therefore from the outset of the Plan that this fundamental difficulty occurs, namely the inability of the core policies contained within the Plan to cover the lifetime of it. This is in clear contradiction of the NPPF and is unsound. The Draft National Planning Practice Guidance (October, 2013) relating to Local Plans is of note in this regard in clearly stating that: *"The Local Plan should make clear **what** is intended to happen in the area over the life of the plan (my emphasis supplied), **where** and **when** this will occur and how it will be delivered"*.

Paragraph 4.12

3.2 Paragraph 4.12 of the Vision as drafted is misleading and unsound. This states that the: *"Green Belt boundary will remain unchanged.."*. The reality is that this is not what is proposed over the lifetime of the Plan. A key part of the strategy of the Plan is that the Green Belt will need to be reviewed and rolled back in appropriate locations in order to accommodate the development requirements of the District in the period to 2030. Irrespective of our firm view (set out in our response to Policy BDP4), that this Green Belt review needs to take place now as part of the evidence of this Local Plan, the Vision should acknowledge that by 2030 the Green Belt boundary will have been drawn back in certain locations. It is not responsible to give the impression to the reader that the Green Belt will not be altered given the clear commitment in the Plan that Green Belt review is necessary. Although the cross reference to footnote 8 is noted this, in our view, is confusing and adds nothing in terms of a Vision. Paragraph 154, NPPF is clear

that Local Plans should be realistic. The Vision needs to properly reflect the realistic fact that the Green Belt boundary will change.

4. Strategic Objectives

Objective SO4

4.1 In general terms the majority of the objectives are satisfactory. Objection is raised, however, to Objective SO4. This is, at best, implicit about the need for the District to meet their **full requirements** for market and affordable housing over the plan period. This does need to be made much more explicit as it is a critical issue facing the District that must be addressed within the Plan if it is to be sound. As evidenced in our response to Policy BDP3 and BDP4, the Plan has not made the delivery of housing to meet objectively assessed requirements over the lifetime of the BDP an intrinsic part of its preparation. This is, in turn, contrary to the provisions of paragraph 47 of the NPPF to boost housing supply and paragraph 156, NPPF which is clear that Local Planning Authorities should set out the strategic priorities for the area in the Local Plan including the delivery of the homes needed in the area. Given this inherent failure the plan as a whole is unsound.

5. BDP1 Policy Sustainable Development Principles

(1)

5.1 We welcome the inclusion of a policy in accordance with the presumption in favour of sustainable development set out in the NPPF. No objection is therefore raised to Part BDP1.1 or BDP1.2 of the Policy. We have also noted BDP1.4, criteria A to J and have no significant concerns.

5.2 However, with regard to BDP1.3 of the Policy when referencing footnote 9 of the NPPF the policy uses the phrase *"remaining land designated as Green Belt"*. This phrase does not feature in footnote 9 of the NPPF and it is unclear what is meant by this. Land is either within the Green Belt or it is not at the point when applications are made and determined taking into account paragraph 14, NPPF. The reference here is unclear to the reader and ineffective. It does nothing to

assist the decision maker in terms of how they should react to a development proposal. As such Section BDP1.3 of Policy BDP1 should be re-worded to correctly reflect the Framework.

6. BDP2 Policy Settlement Hierarchy Policy

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The settlement hierarchy is largely supported as sound. The policy at parts BDP2.1, BDP.2.2, BDP2.3 and BDP2.4 list four facets of the hierarchy and importantly it does not say that sites within the four facets will come forward in the priority order that they are listed. Therefore all must be treated as having the same priority and this is an approach which we support as commensurate with the NPPF objective to boost supply. It avoids the potential for sites to be held back unnecessarily. This is particularly important in Bromsgrove District which has experienced difficulties in maintaining a 5 year supply of deliverable housing sites as required by the NPPF. As such the approach of the hierarchy is supported as sound. If anything further clarification in the supporting text that the hierarchy is <u>not</u> to be applied in priority order would be of benefit. The reference to development sites in or adjacent to large settlements is supported as sound in the context of the NPPF imperative to deliver development that is sustainable.

7. Future Housing and Employment Growth

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7.1 Policy BDP3 and its attendant paragraphs contain a strategy for the delivery of housing that is not in accordance with the NPPF. It is not positively prepared, justified or effective. It is unsound. The reasons for this are explored below.

7.2 The NPPF at paragraph 17 sets out a set of core land use planning principles that should underpin plan making, as well as decision taking. One of these core principles is that planning should *"proactively drive and support"* the delivery of development including the homes that the country needs. This core principle of the NPPF requires *"every effort"* to be made within an area to objectively identify and then to meet housing needs. Authorities are charged with delivering a: *"clear strategy for allocating sufficient land which is suitable for development in their area"*.

7.3 Paragraph 47 of the NPPF goes on to reflect this principle in terms of delivering housing. Paragraph 47 clearly sets out the importance which the Government attaches to the delivery of housing. Authorities are required to *"boost significantly the supply of housing"* and: *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area....including identifying key sites which are critical to the delivery of the housing strategy over the plan period".* There are further indicators of the importance which the Government attaches to meeting housing requirements. The Housing and Growth Ministerial Statement (6th September, 2012) explains that the number one priority is to get the economy growing. It acknowledges that the need for new homes is acute and supply remains constrained. The statement stresses the need to get more homes built and to have a planning system that works proactively to support the growth the country needs.

7.4 Given the provisions of the NPPF there can be no doubt that a key function of the Local Plan making process is to plan to meet, in full the need for housing over the plan period. Policy BDP3 does not, in our view, achieve this. The strategy advocated in Policy BDP3 is as follows. An overall housing land provision target of 7,000 net additional dwellings is identified for the period 2011 to 2030. Within that overall target it is proposed that 4,600 dwellings are delivered by 2023 on land that is not currently located in the Green Belt. To this extent the Plan proposes a strategy for the delivery of housing to this point only - a period of only 9 years post adoption (assuming adoption in 2014). Between 2023 and 2030 the Council purport that there will be a requirement for a further 2,400 new dwellings to deliver the overall Plan target of 7,000 new dwellings. The Plan, as drafted, does not provide a strategy for the delivery of these houses on the basis that land will need to be released from the Green Belt to accommodate the housing and that a review of the Green Belt has not been undertaken at this stage. In short the delivery of housing in the period between 2023 and 2030 is being "put off" by the Authority. Our detailed views of this approach to Green Belt are dealt with in response to Policy BDP4.

7.5 It is clear from the above that Policy BDP3 advocates an approach to the delivery of housing that is the polar opposite to the requirements of the NPPF. It is not an approach which "proactively drives" the delivery of housing over the lifetime of the Plan. It is short term and seeks to avoid making decisions about delivery. It does not make "every effort" to meet the need for housing. In contrast it looks to delay the effort of undertaking the Green Belt Review now. In so doing the Plan does not provide a clear strategy for allocating sufficient land which is suitable for development in their area. As a strategy and approach to plan making it is unsound.

7.6 Moving away from the macro strategy issue it is also necessary to consider the evidence base upon which the 7,000 dwelling requirement figure 2011 to 2030 is proposed. Paragraph 159 of the NPPF states that authorities should have a clear understanding of housing needs in their area and should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. Notwithstanding the Birmingham factor discussed in other representations to this Plan, Paragraph 8.19 of the BDP informs us that the Authority has sought to prepare a joint SHMA with its neighbours in the County through the preparation of the Worcestershire Strategic Housing Market Assessment of February 2012. We are informed that the 7,000 requirement figure is derived from the outputs of this SHMA assessment. This is the key evidence base document underpinning the housing requirement. 4

7.7 The robustness of the SHMA has been subject to a degree of testing by the Inspector considering the South Worcestershire Development Plan (SWDP). The Interim Conclusions of the Inspector were published on the 28th October 2013. It must now be of concern to the District that the Inspector is critical of the SHMA. Indeed he states, in his covering letter that: *"My most important finding is that the modelling and analysis in the February 2012 SHMA do not provide a reliable basis for identifying the level of housing need in South Worcestershire over the plan period"*. The Councils of South Worcestershire are, in turn, being asked by the Inspector to undertake some further modelling and analysis in order to derive an objective assessment of housing need over the plan period. Given that this is the same SHMA with the same methodologies that is relied upon by Bromsgrove District it is imperative, before proceeding further, that the District assure

themselves that the evidence base is robust and credible. If it is unsound to rely on it in South Worcestershire then the implication could well be that it is unsound to rely on it at Bromsgrove.

7.8 The District Council include, at paragraph 8.22, a table which seeks to demonstrate how the components of the proposed delivery to 2023 are made up. A number of sources of supply are identified including: completions 2011 to 2013, commitments, Bromsgrove Expansion Sites, Remaining Development Sites, Other SHLAA sites and windfall allowance. There is a concern about some of these sources of supply as evidenced below.

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7.9 The plan identifies commitments at 1052 dwellings. This is made up of 99 dwellings under construction from across a total of 18 sites and 953 dwellings with planning permission from a total of 89 sites. The Council has applied no discounting to this commitment figure. This is said to be on the basis that the Authority has no evidence to suggest that the sites will not come forward within five years. This, in our view, is not a realistic assumption and, in reality it is likely that a proportion of the dwellings from sites with permission will not be delivered.

7.10 When calculating housing land supply in the current housing market, which is in a process of recovery, an appropriate level of discounting should be included in order to allow for: sites where permissions expire, circumstances where schemes are redesigned to lower densities to improve viability; sites which have planning permission for valuation purposes with no intention of being built, particularly small sites and circumstances where sites are uneconomic to develop and will not come forward until the housing market has fully recovered. It is therefore reasonable to allow for a 10% non implementation discount on sites with planning permission. This approach is supported by "Housing Land Availability", DOE Planning and Research Paper and has been supported by Inspectors in a number of recent appeal decisions.

7.11 To conclude it is important for the Authority to be robust in its delivery assumptions in order to be confident that there is sufficient supply to cover not only the five year but longer term period. Indeed this is particularly pressing with

the strategy proposed by Bromsgrove District as they are only really seeking to deliver housing to a period of 9 years post adoption. If Bromsgrove are over optimistic in terms of their delivery assumptions then they may not have a supply to 2023 and they will not, given that Borough is 90% Green Belt, have a resource of identified land or sites (given the failure to undertake the Green Belt Review now) to draw on to make good the break in delivery. Indeed other authorities have fallen foul by including unrealistic delivery assumptions within the Development Plan. In Newcastle under Lyme, the Borough are considering whether to prepare a new Local Plan (after only recently adopting a Joint Core Strategy) on the basis that insufficient sites are available to actually deliver the strategy. Further information is provided in response to Policy BDP4 on this point.

7.12 The Council approach to windfall sites is also confusing and would appear, at present, to be unsound. The plan suggests that windfalls are included on the basis of delivering 30 dwellings per annum over the period 2014 to 2030 totalling 480 dwellings. The impression given in the source of supply table at paragraph 8.22 is, however, that all of these windfalls will be delivered by 2023 in order to support the 4,600 dwelling target to be achieved without recourse to the Green Belt. It is unclear why this windfall figure would not be 270 dwellings ie 2014 to 2023. Clarification on this issue is therefore required. Notwithstanding this issue, however, the NPPF is clear in paragraph 48 that the use of windfalls should only be in the first five years and then only if there is compelling evidence to support this. Clearly the Plan, in including a windfall allowance over the liftetime of it, is contrary to the NPPF. A windfall allowance over a five year period 2014 to 2019 would only give 150 windfalls and even these should only be included if compelling evidence can be demonstrated. We would suggest that no such evidence has been produced. To conclude we are in no way convinced that the evidence supports the approach to windfalls. At present this approach must be regarded as not justified and unsound.

7.13 In light of the above we consider Policy BDP3 and its attendant paragraphs to be fundamentally unsound. It is not positively prepared, will fail to meet objectively assessed housing requirements and is not effective. In addition the Plan is inconsistent with the NPPF. This is such a critical aspect of the Plan that the Plan needs to be substantially modified. As explored further in our response to Policy BDP4 in our view, there is a need to review the Green Belt now and identify a

strategy which is capable, as far as possible, of identifying how development requirements to 2030 and beyond will be met.

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8. BDP4 Green Belt

8.1 The strategy of the Plan relating to Green Belt covers paragraph 8.23 to 8.39 inclusive and BDP4 Policy Green Belt. We consider the Policy and its attendant explanation to be unsound. As the Council's approach to the Green Belt represents so fundamental a part of the strategy of the Plan, we consider it renders the whole plan as unsound unless it is substantially modified.

8.2 The NPPF, Paragraph 83 is clear that it is the role of a review of the Local Plan to alter Green Belt boundaries in exceptional circumstances. As established in our response to Policy BDP3 in order to meet housing requirements over the lifetime of the Plan, there is a clear and unquestionable imperative to utilise land currently located in the Green Belt. In short, within Bromsgrove District the requirement to deliver the objectively assessed need for housing as required by the NPPF is an exceptional circumstance that requires appropriate alterations to the Green Belt boundary. Paragraph 83 of the NPPF goes on to state that it is at the time of the Local Plan review that: *"authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period"*. Paragraph 85 of the NPPF is also of note stating that when defining boundaries, local authorities should: *"satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period"*.

8.3 The strategy of the Plan is in clear contradiction to the provisions of the NPPF. The Council are now at a stage where they are undertaking a review of the Plan to 2030 and at a time when they are in no doubt that the Green Belt boundary needs to be altered not at the end of the plan period but significantly in advance of the end of the development plan period to meet their development requirements. As such the NPPF is clear that it is now, through this Local Plan Review, that the issue of rolling back the Green Belt to meet development requirements over the plan period should be dealt with. The Council has simply chosen not to grapple with the difficult issue of Green Belt release at this time.

8.4 The suggestion proffered in paragraph 8.28 of the Plan is that the strategy of the Council to delay the Green Belt review is due to the *"urgency to have an adopted up to date District Plan"*. This is not a credible or robust justification for the Council's approach. The Council has not demonstrated, to date, urgency in this Local Plan Review process. Paragraph 1.11 of the Plan demonstrates that the review process has been ongoing since 2005. The Council were certainly cognisant of the need to review the Green Belt to meet development requirements prior to and following the publication of the last consultation stage of the Local Plan. The Draft Core Strategy 2 consultation was published in January 2011, approaching two years ago and acknowledged the need to review the Green Belt. Certainly Pegasus Group at that time objected to the approach of putting off the Green Belt review and urged the District to undertake the process immediately in order that development requirements over the whole plan period could be met and that the risk of the Plan being found unsound could be avoided. Paragraph 8.37 of the BDP notes that through consultation feedback: *"a considerable amount of comments considered that the Council should do the Green Belt review now to ensure sufficient land is available for development"*. The Council has simply made a decision to seek to avoid making the difficult, and often controversial decisions about releasing Green Belt land.

8.5 In our view this approach of the Council is inherently contrary to the spirit of the NPPF and is not consistent with it. It is a strategy which cannot be said to seek to meet the objectively assessed development requirements over the plan period as evidenced in our response both to this Policy (BDP4) and Policy BDP3 above. As such it is not positively prepared. For reasons explored below, we also consider that it is not an effective approach to plan making.

8.6 The mechanism for the plan to be delivered over the period to 2030 is not addressed within the Policy or its accompanying text. Paragraph 8.28 states that in advance of 2023 a Green Belt Review will be undertaken <u>which will remove</u> (emphasis supplied) sufficient land from the Green Belt to address the unmet housing needs over the plan period, address needs beyond 2030 and deal with cross boundary development needs of the conurbation in the plan period. Three crucial elements of the Local Plan Review. There is however a clear difficulty with this approach. A Green Belt Review is <u>not</u> able to remove land from the Green Belt.

8.7 A Green Belt Review is certainly an important evidence based document that can consider and make recommendations as to where the Green Belt could and should be rolled back. It is not, however, a Local Plan document and it is quite clear from the NPPF that it is the Local Plan which is the means by which Green Belt boundaries are amended. As a strategy therefore a commitment within this Plan to undertake a review of the Green Belt in order to meet needs over the plan period to 2030 is not a strategy which is capable of delivering on the objectively assessed development requirements. Accordingly it is not effective and is unsound.

8.8 Part BDP4.2 of the Plan, in contradiction of paragraph 8.28, is perhaps more accurate regarding what is intended by the Authority. Reference is made to a "Local Plan Review" being undertaken which will include the full review of the Green Belt and that this will occur in advance of 2023. At no place in the supporting text is reference made to a Local Plan Review. All other references imply that it is the Green Belt Review that will address the issue. We would agree with the Authority's reference at part BDP4.2 of the Policy that a Local Plan Review is the appropriate mechanism by which land can be released from the Green Belt. It is, indeed, for this reason that we are firm in our view that this should be undertaken now. This Plan is, after all, a review of a Local Plan and one that purports to cover a period 2011 to 2030.

8.9 The reality is that the Council have not put forward a Plan which is deliverable over a period 2011 to 2030. It is a Plan which they consider is deliverable to 2023 only and one which would need to be immediately reviewed as, allowing for adoption in 2014, it would cover a period of no more than 9 years. Given that this Local Plan Review has been ongoing since 2005 it is improbable that we can expect a further Review to take place at speed. This places at considerable risk the ability of the District Council to have a Plan in place which looks to proactively address meeting development requirements. This provides no certainty for the development industry, is not consistent with national policy and is ineffective. It is a plan which will have a Green Belt which is: *"only maintained in the short to medium term"* (paragraph 8.28, Submission Local Plan). It is unsound. It is essential, in our view, to deal with the Green Belt review now and get a long term Plan in place which is robust and credible. It might mean delay now but it would avoid the inevitable further delay and uncertainty which would immediately follow as a further Review process is embarked upon.

8.10 It is a requirement of paragraph 14, NPPF that *"Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change"*. It is our contention that the strategy proposed by the Authority does not allow for sufficient flexibility to adapt to change. It is therefore unsound. A key role of the Local Plan is to ensure that sufficient land of suitable quality is allocated and deliverable over the plan period (paragraph 47, NPPF). There is, in our view, a risk that a Plan which offers a delivery strategy to 2023 only, a period of 9 years post adoption, is not sufficiently flexible. In a scenario whereby there is an unforeseen delay in the sites allocated within the Plan coming forward then the Council could be in a position whereby there are insufficient allocated sites consistent with the strategy of the Plan which are capable of making good any shortfall or break in the supply. This could potentially leave the Authority exposed to rogue planning applications made on the basis of a lack of a 5 year housing land supply which are not consistent with the hierarchical approach envisaged in the Local Plan.

8.11 In light of the above Policy BDP4 and its attendant text are unsound on the basis that it is not positively prepared, will fail to meet objectively assessed housing requirements and is not effective. In addition the plan is unsound as it is singularly inconsistent with the NPPF. To repeat this is such a critical aspect of the Plan that it renders the plan as a whole fundamentally unsound unless it is substantially modified. In our view there is a need to review the Green Belt now and identify a strategy which is capable, as far as possible, of identifying how development requirements to 2030 and beyond will be met. In addition, as expressed elsewhere in these representations, the development requirements that should be met include those arising in Birmingham that it would be appropriate to meet.

9. BDP5A Policy Bromsgrove Town Expansion Sites Policy

9.1 We are in support of the hierarchy of development identified in Policy BDP2. Likewise we support the three urban extension sites at Bromsgrove Town (BROM 1, BROM 2 and BROM 3).

9.2 In other representations submitted on behalf of Gallagher Estates reference is made to the potential for additional land at Norton Farm to meet housing needs in the district.

10. BDP5B Policy Other Development Sites Policy

10.1 In other representations submitted on behalf of Gallagher Estates, the potential for additional land to be identified at Bleak House Farm, Wythall is referred to.

11. RCBD 1.1 Policy – Redditch Cross Boundary Development

11.1 We support the need to identify urban extensions to Redditch, located within Bromsgrove District, and concur that the exceptional circumstances to justify Green Belt release on the edge of the town have been met.

12. BDP6 Policy Infrastructure Contributions

12.1 Policy BDP6 is targeted at delivering necessary infrastructure in association with development. No objection is raised to this approach in principle. Paragraph 157, NPPF is clear that a strategic priority of plan making should be to: *"plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework"*. The deliverability of infrastructure does need, however, to be cognisant of viability. As recognised by the Harman Report (Viability Testing Local Plans Advice for Housing Delivery Practitioners – Sir John Harman, June 2012), at the Local Plan level viability is very closely linked to the concept of deliverability. The link between viability and deliverability is expressly recognised in the NPPF, particularly at paragraphs 173 and 174. The former states that: *"sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened"*. In turn paragraph 174 goes on to say that Local planning authorities should be able to demonstrate that the cumulative impact of <u>all</u> of their policy requirements does not put the implementation of the plan at serious risk.

12.2 At present the evidence base does not demonstrate that the implications of the cumulative viability of policy costs that are set out in the Local Plan (Policy BDP8

Affordable Housing, Policy BDP6, Policy BDP12 Sustainable Communities, Policy BDP16 Sustainable Transport, Policy BDP19 High Quality Design, Policy BDP21 Natural Environment, Policy BDP23 Water Management, Policy BDP24 Green Infrastructure) have been assessed. In turn no conclusion can be drawn as to the viability and, in turn, delivery of the Plan as a whole. This is an omission from the evidence base which is contrary to the express requirement of paragraph 174 of the NPPF which states that Local Authorities should *"assess the likely cumulative impacts on development in their area.."* and that, as set out above: *"the cumulative impact of these standards and policies should not put implementation of the plan at serious risk"*. It is also in contradiction of Paragraph 177 which is clear that: *"it is important that local planning authorities understand district wide development costs at the time Local Plans are drawn up"*.

12.3 In light of the above although we have no objection to the policy wording of Policy BDP6 per se we have an overall serious concern that, at present, the plan is unsound. It does not demonstrate that it is deliverable over the plan period and is therefore ineffective. It is also expressly inconsistent with the NPPF which requires an assessment of the cumulative impact of all policy costs.

13. BDP7 Policy Housing Mix and Density

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13.1 Part BDP7.1 of this Policy is concerned with housing mix. It is considered that this policy provision, as drafted is not justified and is unsound.

13.2 The suggestion is that all development proposals need to focus on delivering 2 and 3 bedroom properties. Although the term "focus on" is not defined and is therefore ambiguous in practice the implication is that on all sites the mix sought will be predominantly 2 and 3 bedroom properties. Whilst we do not dispute that it is appropriate for new housing to take into account identified housing need, by focusing generally on delivering 2 and 3 bed dwellings on all development proposals there could be a tendency to overlook the existing housing mix at the micro level. As such rather than expanding the housing mix in a particular location, new 2 and 3 bed dwellings could actually be adding to an existing supply of similar dwellings. Paragraphs 8.88 and 8.92 of the BDP reinforce the difficulty of having a policy which suggests a specific mix. The former acknowledges that the household needs within the District are varied with the latter acknowledging

that there is likely to be a: *"sustained demand for family housing recognising that moderate and larger properties represent the aspiration for many households of different age groups"*. Given this acknowledgement, a policy which skews provision to predominantly 2 and 3 bedroom properties is not justified.

13.3 There appears to be an acceptance in the Policy that on larger schemes a wider dwelling mix will be appropriate. No definition is provided as to when a scheme is considered to be large which is ambiguous. The reality, however, is that it is a geographical or locational requirement at a micro level as to appropriate mix as opposed to relating solely to the size of a scheme. In reality a policy on mix needs to be less definitive. It has to be sufficiently flexible to adapt to changing circumstances. Somewhat inevitably the information which has informed the mix at this point in time may quickly become out of date. What may be correct today may not be in 10 years time. We believe that the housing developers have a good understanding of the markets within which they operate, as ultimately they will only build what there is demand for within a given location. In light of these concerns the policy is too definitive, is not justified, is ineffective and unsound. Accordingly this policy should be redrafted to refer to any proposed housing mix on a new site taking into account existing housing types in the area and what the housing market is seeking at the time.

14. BDP8 Policy Affordable Housing

14.1 We broadly support Policy BDP8. It is acknowledged that the delivery of affordable housing is a key objective for the District Council. The use of the term "up to" at BDP8.1 of the Policy in respect of the percentage targets is important. Flexibility in this policy is necessary due to the boom and bust nature of the housing market and given that circumstances will change continually over the plan period. There should be flexibility on a scheme by scheme basis to ensure scheme viability. It is, in light of this, not appropriate to use the term "in exceptional circumstances" at BDP8.2. It is sufficient for the policy to acknowledge that where the applicant can demonstrate that the required target cannot be achieved then a lower level of provision will need to be negotiated. At present the wording goes beyond what is justified and is unsound.

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14.2 The reference to Lifetime Home Standards at part BDP8.5 is noted. Given that this is a policy dealing with affordable housing only then it is assumed that the requirement for all homes to be Lifetime Home Standards is intended to relate to affordable housing only and not market housing. This should be made clear within the Policy. This is on the basis that, in respect of market housing, this is to be encouraged rather than insisted upon. Indeed it is noted that in the policy relating to the elderly (Policy BDP10) which is cross referenced the phrase used in relation to the delivery of Lifetime Home Standards is that it will be "actively encouraged". In short it does not appear to be a requirement in terms of Policy BDP10. There is an inconsistency here that the BDP needs to address. We support the term actively encouraged used in Policy BDP10 in respect of market housing on the basis that the standards are discretionary and whilst a number of house builders do meet them voluntarily they should not be compulsory through planning policy.

15. BDP19 Policy High Quality Design

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15.1 It is acknowledged that the Government attaches great importance to the design of the built environment and identifies that "good design" is a key aspect of sustainable development (Paragraph 56, NPPF). As such we support the inclusion of a policy encouraging good design in a manner consistent with the NPPF, paragraph 59. In short design policies should: *"avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally"*.. There are elements of the proposed policy that go beyond this requirement and are subject to objection.

15.2 Part (a) of the policy places a requirement on developers to follow relevant guidance and procedure to achieve good design. Although we do not object to this as unsound we consider it does little to assist the decision maker in terms of how they react to a development proposal in practice. Objection is however raised to part (c) of the Policy which seeks to "ensure" that residential development achieves the highest standard of Building for Life. This is far too prescriptive and goes beyond what is justified. Building for Life is not a mandatory requirement that is placed on developers. It is voluntary only. There is

no justification for Bromsgrove to apply it as mandatory. Criterion (c) is therefore unsound and should be deleted.

15.3 Objection is also raised to criterion (d) which again uses the term 'ensure' in relation to the Code for Sustainable Homes. The Government has not made achieving a particular level against the Code for Sustainable Homes mandatory. There is no legal requirement to meet CO2 emission requirement of either Code 5 (100% improvement) or Code 6 (zero net). Certainly the latest Government thinking, as evidenced in the DCLG Housing Standards Review Consultation August 2013, is to phase out the Code for Sustainable Homes. In any event all development will need to meet various regulatory requirements at the time of construction, including Building Regulations. There is, therefore, no requirement to make specific reference to these in policies. As such the inclusion of criterion (d) as a requirement is not justified and should be deleted.

15.4 Objection is raised to the requirement for compliance with internal environmental standards from a good practice guide as referred to in criterion (m). Again, this goes too far in looking to make something that is to be taken into account a mandatory process. This is not justified and reference to the Guide should be deleted. Turning to criterion (o), this is a further example of the Policy seeking to impose something that is not mandatory, in this case 'Secure by Design', onto development. This goes too far, is not justified in the local context and should be deleted.

15.5 In summary criteria (c), (d), (m) and (o) in seeking to 'ensure' development complies with non mandatory provisions goes beyond what is reasonable to include in a policy which is aimed at encouraging good design. These criteria are too prescriptive, are unjustified, not consistent with the NPPF and are unsound. They should, therefore, be deleted.

16. BDP20 Policy Managing the Historic Environment

16.1 It is undoubtedly the case that the NPPF, as set out in its provisions at paragraphs 126 to 141, seeks to conserve and enhance the historic environment. We therefore support the inclusion of a policy which seeks to conserve and enhance the historic environment of the District in principle. In practice, however,

we can find little or no support in the NPPF to justify the way in which Policy BDP20 has been drafted. The Policy is very prescriptive and implies a level of protection that offers no clear distinction between heritage assets which are 'designated' and those which are not. The NPPF is very clear, in paragraph 1.26 that heritage assets should be conserved *"in a manner appropriate to their significance"*. Paragraph 132 tells us that the more important the heritage asset then the greater the weight of conserving that asset should be. This distinction is, at best blurred and at worst not included at all within Policy BDP20. No real distinction appears to be made between heritage assets that are designated, non designated heritage assets, the historic landscape, designated landscapes and historic transport networks. This approach is not justified and is unsound.

16.2 There are other aspects of the Policy that are of concern. The NPPF is clear that there the purpose of the Local Plan policies are to assist the decision maker in terms of how they should react to a development proposal. As such the reference to potentially designating new conservation areas is completely superfluous and unnecessary. Part BDP20.7 should therefore be deleted. In turn, there is also no need to include Part BDP20.8 which seeks to identify a "material consideration". This is not a matter for inclusion within a policy and should be deleted. Objection is also raised to Part BDP20.10. This seeks to resist demolition of buildings, trees or landscape features which are said to make a positive contribution to an area's character. This is for too restrictive and is not a matter appropriate to managing the historic environment. Again, there is no need to include Part BDP20.12 of the Policy which simply suggests that the Council will update its local list of assets. This also applies to Part 20.19 which simply sets out an intention of the Council to undertake studies. These policy elements are not effective in terms of delivery and should be deleted.

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16.3 We object to Policy BDP 20 as drafted as being unsound. This Policy needs to be substantially modified in order to be sound. It should be clear and concise and reflect clearly the distinction between designated and non designated heritage assets. The unnecessarily detail which does not assist the decision maker should be deleted from the Plan.

17. BDP21 Policy Natural Environment

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17.1 As with Policy BDP20 relating to the Historic Environment, Policy BDP21 goes beyond what should be expected from development having regard to the NPPF. It cannot be an 'expectation' that all developments will, as suggested at part (a), create core areas of high conservation value. We can find no justification for this as an expectation in the NPPF. The same concern goes to the expectation of development to design in wildlife. A further concern is that the implications that the provisions may have for the viability of developments. This concern is linked to the points made in respect of Policy BDP6. The cost implications of all of these 'expectations' on development are simply not quantified. As such large parts of this policy appear to be unjustified, go beyond the requirements of the NPPF and are unsound. This policy needs, therefore to be substantially modified.

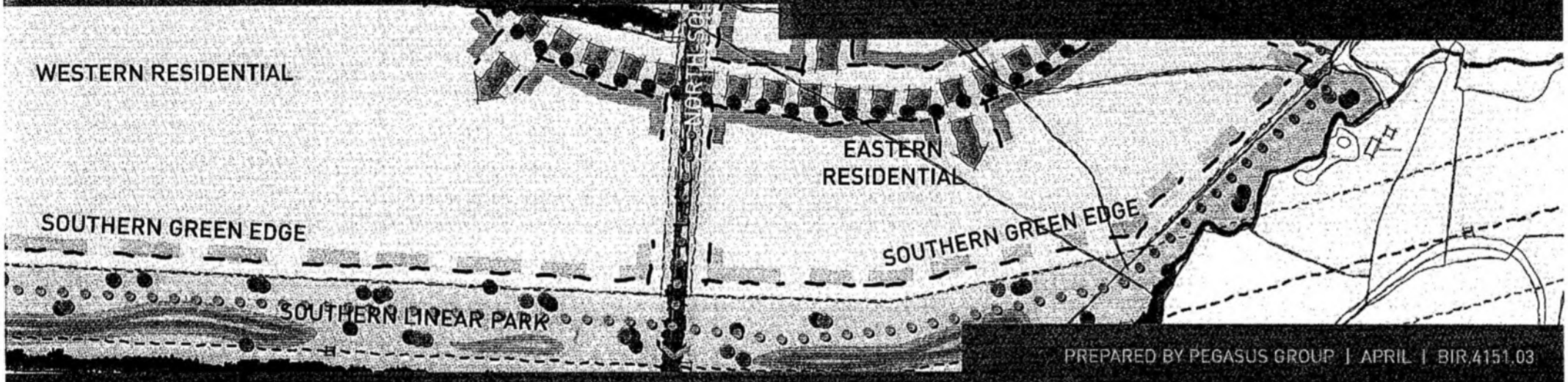
18. BDP22 Policy Climate Change

18.1 We are broadly supportive of Policy BDP22. The Policy would benefit from amendment to make it clear however that it is for developers to determine the mitigation for carbon emissions (allowable solutions).

APPENDIX 1

MAYPOLE FARM, HIGHTER'S HEATH

BACKGROUND DOCUMENT



PREPARED BY PEGASUS GROUP | APRIL | BIR.4151.03

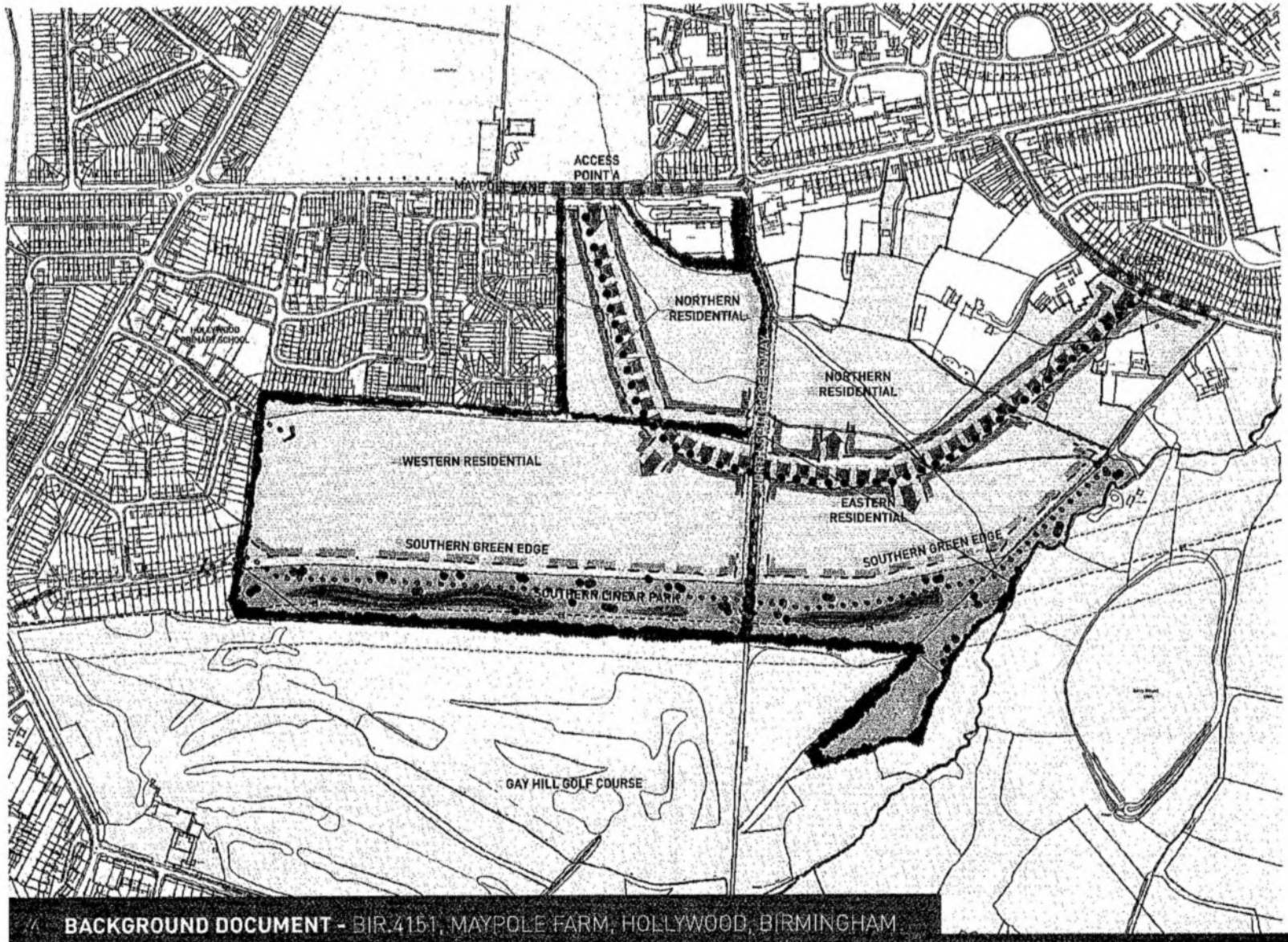
A SUSTAINABLE LOCATION FOR GROWTH

- A proposal for the development of a new, sustainable residential community on the edge of Birmingham.
- The scheme can help meet the long term housing needs of Birmingham and the wider housing market area.
- The proposal would see the development of around 1,000 dwellings, open space and com munity facilities.
- There are excellent opportunities to provide for a network of open space and recreation facilities for the benefit of new and existing residents, including nature conservation and habitat creation.
- Open space to the south of the scheme will, together with Gay Hill Golf Club, maintain the separate identity of Hollywood and provide a long-term Green Belt boundary.
- The scheme will be developed further in consultation with local residents and others and supported by technical studies and reports.

MAYPOLE FARM - SITE LOCATION PLAN

BACKGROUND DOCUMENT - BIR.4151, MAYPOLE FARM, HOLLYWOOD, BIRMINGHAM

MAYPOLE FARM - DEVELOPMENT CONCEPT PLAN



BACKGROUND DOCUMENT - BIR.4151, MAYPOLE FARM, HOLLYWOOD, BIRMINGHAM