

**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)

Alliance Planning

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

|               |  |         |
|---------------|--|---------|
| Page:         | Paragraph:   | Policy: |
| Policies Map: | Other document: The District Plan, Duty to Cooperate |         |

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: <input checked="" type="checkbox"/> | No: <input type="checkbox"/> |
|--|------------------------------|

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)

Please see attached letter

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)

Please see attached letter

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

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

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

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

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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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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.

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

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

It is considered that the District Plan as drafted is not legally compliant and is also unsound in respect of how it addresses the Duty to Co-operate.

Signature

Date:

7 / 11 / 13

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

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Name or Organisation (see Note 8 para 4.1)

Alliance Planning

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

|               |                 |              |
|---------------|-----------------|--------------|
| Page:         | Paragraph:      | Policy: BDP2 |
| Policies Map: | Other document: |              |

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It is considered that the District Plan as drafted is unsound in respect of how it addresses the significant matters of housing land supply, housing provision and Green Belt. We would wish to explore these matters with an Inspector given their significant strategic importance.

Signature

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| Page:         | Paragraph:      | Policy: BDP3 |
| Policies Map: | Other document: |              |

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| Page:         | Paragraph:      | Policy: BDP4 |
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|-------------------------------|---|
| Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
|-------------------------------|---|



Our Ref: 4888  
Your ref:

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Edgbaston  
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B16 8PE

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Fax: 0121 456 7445

7th November 2013

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Email: kf@alliance-plan.co.uk

Strategic Planning  
Planning and Regeneration  
Bromsgrove District Council,  
Burcot Lane,  
Bromsgrove,  
Worcestershire,  
B60 1AA

Dear Sirs

#### **LOCAL PLAN REPRESENTATIONS: BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION CONSULTATION**

Alliance Planning Act on behalf of Charles Church Developments Ltd in respect of their interests in two sites at Clent and Belbroughton, both of which are considered to have future potential as residential development options. Both sites currently fall adjacent to the village envelopes of these defined Small Settlements. Whilst it is noted that the Local Plan seeks to secure a short to medium term review of the Green Belt boundaries in the District, we are concerned that the Plan as drafted is unsound on a number of grounds, and that there is no good reason to delay the proper planning of the District now, through production of a plan which meets objectively assessed need at today's date, rather than seeking to unnecessarily defer critical decision making to a later time, some years distant. Indeed the painfully slow progression made in the bringing the Core Strategy to this stage of consultation, which is so graphically illustrated by the chart at para 1.11 spanning 8 years' worth of preparation, would suggest that plan preparation for a Green Belt should be commenced right now if a Plan is to adopted in the timescales envisaged.

These representations submit that the District Plan as drafted is not legally compliant and unsound in respect of how it addresses matters of housing land supply, and housing provision. Specifically it is argued that the Council have not properly addressed the implications of the Duty to Co-operate as it relates to the Authority's engagement with Birmingham City Council and have not therefore met the legal test of compliance. In addressing housing land supply, the Plan has relied on the flawed analysis of the Worcestershire SHLAA, which the Inspector of the South Worcestershire Development Plan (SWDP) recently found (28<sup>th</sup> October 2013) to contain "*fundamental shortcomings*", and which led him to conclude in respect of the South Worcestershire authorities, that their "*Plan is not justified in relying on the February 2012 SHMA*". The representations further address the consequence of 'back-loading' sustainable development within the Small Settlements to post 2023, and the absence of an evidence base to support or analysis within the Sustainability Appraisal as to the implications of this for the future growth or sustainability of rural settlements. Finally, the objections consider the failure to address the Green Belt review as a fundamental dereliction of the duties imposed by the Framework to plan for the full objectively assessed need now (Framework paras 156 and 157). To ignore one of the most substantive strategic matters the Plan needs to address (with over 90% of

the Borough lying with Green Belt) and to create unbalanced growth by deferring sustainable rural development to the end of the Plan period without any consideration of the consequences of this for the health of the rural economy, is a significant omission and one which leads in our opinion, to the Plan being unsound.

### **The Duty to Co-operate**

The Council have produced a 'Statement of Compliance with Duty to Co-operate', dated September 2013.

The District Plan whilst having regard to the NPPF has failed to satisfy the requirements of the Framework. The Statement of Compliance paper does not allay our concerns in this respect. Specifically, the Council acknowledge that there will be a requirement upon the Authority to meet some of Birmingham City Council's displaced needs. The amount and strategic location of that housing requirement will be "*substantial*" (SWDP Inspector's Interim Conclusions, para 5) currently envisaged to be between 37,000 to 62,000 homes. Unlike South Worcestershire, however, where the Inspector considered there was insufficient evidence that land there would be needed to address the substantial shortfall there, the same is not so for Bromsgrove District. Within Bromsgrove District it is acknowledged that senior officers of the Council including the CEO are '*heavily involved and committed*' in the consideration of the implications of this need. It is impossible to know, in the absence of this critical and likely substantial component of future housing need, whether the overall Strategic Objectives of the Development Plan established at Section 5 are the correct strategy for meeting the objectively assessed need of the District, when that need has not been properly quantified.

The duty to co-operate with neighbouring authorities to agree upon and accommodate an appropriate objectively assessed market and affordable housing need figure for the wider strategic housing market area is an essential element of the NPPF. This fact was re-iterated by the Inspector appointed to the Coventry Local Plan Examination, when following a pre-hearing exploratory meeting the Council was asked to withdraw its plan for failing to satisfy its duty to co-operate.

We are concerned therefore that the District Plan is both **legally non-compliant** and **unsound** because the Council has failed in its legal obligations to comply with the duty to co-operate as set out in Section 110 of Localism Act 2011 and Paragraphs 17, 157, 178 and 181 of the NPPF.

### **BDP2 Policy: Settlement Hierarchy Policy**

This Policy is considered **unsound** as it is neither justified, effective, consistent with national policy, nor positively prepared.

The Policy is confused and **unsound** in its presentation;

1. Policy BDP2.7, by deferring provision of market housing within the fourth tier of the Settlement Hierarchy until after 2013 is potentially creating an unbalanced and unsustainable pattern of growth during the life of the plan period. There is no sound planning justification for deferring a review of Green Belt boundaries at this time. Green Belt Boundaries are matters which are meant to endure for beyond the life of any individual plan, the recognition of the need for their review within this plan period, must be a matter of strategic importance key to the overall plan strategy, given as the plan repeatedly notes, that 90% of its area is covered by Green Belt. Deferral of addressing the need to later in the plan period is a clear dereliction of the duties imposed by paras 156 and 157 of the

Framework to deliver the homes and jobs needed in the area, over a 15 year time horizon, taking account of longer term requirements.

2. The Table associated with the policy (Table 2 on page 20), sits outside of the Policy itself. For clarity and to ensure full Development Plan status, the hierarchy of settlements ought properly to be included within the overarching policy.
3. For the reasons noted in respect of the Duty to Co-operate above, specifically with regard to meeting the unknown quantum of Birmingham's "Substantial" unmet housing need, it is not possible to state with certainty if this policy, absent a full Green Belt review at this time, can adequately address the objectively assessed housing need.
4. For the reasons noted in respect of Policy BDP3 below, specifically with regard to the adequacy of the evidence base, it is not possible to state with certainty if this policy, absent a full Green Belt review at this time, can adequately address the objectively assessed housing need.
5. The policy says there are 'four main facets' to the delivery of housing, yet identifies 5 if not 6 facets to actual delivery, when Green Belt Review and Village Envelope Review are considered.

The policy is **unsound** because it is;

- a) Not positively prepared, because by its own acknowledgement, it does not meet objectively assessed need, and does not address a known unmet requirement from a neighbouring authority,
- b) Not Justified, because without knowing the need it is to address, it is not possible to assess whether alternative strategies, including an immediate review of Green Belt boundaries, might be the better strategy,
- c) Is not effective, because it is not deliverable over its period. It has built in obsolescence by 2023, when it is acknowledged that a different approach to Green Belt will be required, and
- d) Is not consistent with national policy, as it does not meet the expectations for plan provision in the Framework as set out above.

#### **BDP3 Policy: Future Housing and Employment Growth**

This Policy is considered **unsound** as it is neither justified, effective, consistent with national policy, nor positively prepared.

The evidence base (the Worcestershire SHMA February 2012) which the Council are relying on for the generation for their housing requirement figures has already been found to be unreliable by the Inspector considering the SWDP. He concluded at para 25 of his Interim Conclusions published on the 28<sup>th</sup> October 2013, that;

*"Because of their fundamental shortcomings, I consider that the Plan is not justified in relying on the February 2012 SHMA, and in particular on SS2, as the basis for defining its housing requirement"*

In the light of this conclusion which relates to the likely under-estimation of housing requirement, coupled with the absence of the identification of unmet Birmingham City need, the Plan is undoubtedly not making adequate provision for objectively assessed housing need. In this circumstance, the strategy of avoiding taking responsibility for a Green Belt review now, to meet the housing requirement of the plan period is further questioned. The delays in the production of this District Plan, does not encourage the belief that the Council will be able to produce a prompt and urgent review of Green Belt, post Plan adoption, nor is it a justification for producing an incomplete plan now.

A further effect of the Council's approach is to defer provision of market housing within the Green Belt Small Settlements until the latter part of the plan period. The consequences for the future sustainability, provision of housing choice and a balanced housing stock within the Small Settlements of that deferral, are not addressed or considered as potential weaknesses of the proposed strategy within the published Sustainability Appraisal, which focusses principally on the role of affordable housing. This is notwithstanding that the assessment of Policy BDP2 identifies growth within the Small Settlements as having a positive effect towards their survival, yet policies deferring that growth are not then recognised as presenting a 'weakness'.

The policy is **unsound** because it is;

- a) Not positively prepared, because by its own acknowledgement at BDP3.1, it does not meet objectively assessed need now, requiring a subsequent review and allocation process for Green Belt sites,
- b) Not Justified, because without addressing the Green Belt need immediately, it is not possible to assess whether the Green Belt review will meet that need appropriately. Green Belt is a fundamental strategic issue, which must go to the heart of a 'District Plan' where 90% of the District is defined as lying within Green Belt,
- c) Is not effective, because it is not deliverable over its period. It has built in obsolescence by 2023, when it is acknowledged that a different approach to Green Belt will be required, and
- d) Is not consistent with national policy, as it does not meet the expectations for plan provision in the Framework as set out above.

#### **BDP4 Green Belt**

The 'real' strategy is revealed within the text accompany this policy. It is encapsulated in the phrase "In view of the urgency to have an adopted up to date District Plan..." contained at para 8.28. The Council have had this plan in preparation since 2005. In September 2007, when the Policies of the 2004 adopted Local Plan were extended, the Council were specifically advised in the GoWM Saving Letter that;

*"The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to timetables in local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs"*

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The fact that 6 years later, the Council has not progressed its Plan production with the speed envisaged in 2007, is not a justification now for failure to produce a Framework compliant Plan, just so that the Council may rush through with 'urgency' the adoption of a District Plan. The Plan ought properly to undertake a formal review of Green Belt boundaries at this time, including a review of settlement boundaries and village envelopes of washed over settlements within the Green Belt, such that the proper strategy of meeting the full objectively assessed housing need within the plan period can be met. Policies BDP4.1, 4.2 and 4.3 would then become redundant.

Policy BDP4.4 (f) ought to be re-written with the phrase 'Limited infilling in Green Belt settlements' replaced with "Infilling appropriate in scale to the Green Belt settlement it falls within,..." to better reflect the positive advantages of some market housing occurring within the washed over settlements.

Whilst the imperative to see Brownfield development occur first is understood, there needs to be recognition that not every settlement will have a supply of such opportunities, and that some Green Belt Settlement infill, within newly defined village envelopes and settlement boundaries, should be welcomed throughout the plan period, and that this should be viewed as potentially positive as para 3.21 of the Sustainability Assessment identifies. The absence of a temporal nature to the policy is unhelpful.

The policy is **unsound** because it is;

- a) Not positively prepared, because it is inconsistent with the aims of achieving sustainable development within the 90% of Bromsgrove covered by Green Belt for the first 2/3rds of the plan period,
- b) Not Justified, because the absence of an immediate Green Belt review is not a strategy based on planning need, but rather one of expedience couched in the terms of addressing as a matter of "urgency to have an adopted up to date Local Plan",
- c) Is not effective, because it does not deliver the identified housing need (let alone the unidentified need), without a further major review of the Core Strategy, vis a vis Green Belt,
- d) Is not consistent with national policy, as it does not meet the expectations for plan provision in the Framework as set out above.

#### **Summary**

We would be grateful for your acknowledgement of receipt of these representations and confirm that the very serious shortcomings they identify will be fully addressed in advance of the Plan being submitted to the Secretary of State.

Yours faithfully

