Wythall Parish Neighbourhood Plan 2021-2040[1]

A report to Bromsgrove District Council

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[1] The Plan title itself does not include a time period: this is taken from the Basic Conditions Statement

Executive summary

I was appointed by Bromsgrove District Council on 14 August 2026 with the agreement of Wythall Parish Council, to carry out the independent examination of the Wythall Parish Neighbourhood Plan.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 19 August 2026.

Wythall is a large Parish in the north-eastern part of Bromsgrove, on the southern edge of the West Midlands conurbation. Its population of over 12,000 is spread between a number of separate villages and hamlets, the main three (Hollywood, Wythall Village and Majors Green) having defined settlement boundaries. The rest of the Parish is "washed over" by Green Belt. It is a popular place to live, within an attractive landscape setting and enjoying good links to the national highway network and local amenities.

The Neighbourhood Plan has been prepared against a background of considerable uncertainty. The statutory development plan (which describes Wythall as "a large, sustainable settlement") is in the process of being updated, but it is clear that Bromsgrove is having to identify a significant amount of new land for housing, and that some of this will require changes to the existing Green Belt boundaries, probably including land in the Parish. For reasons which are set out in the document, the WNP does not directly address the implications of this – for example, it does not include any housing allocations.

The Plan's approach to dealing with the land supply issue has attracted a number of objections, primarily from housebuilders and landowners. However, subject to a number of significant recommendations, I have concluded that the Wythall Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently I am recommending that it should proceed to referendum.

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Introduction

1. This report sets out the findings of my examination of the Wythall Parish Neighbourhood Plan (the WNP), submitted to Bromsgrove District Council (BDC) by Wythall Parish Council (WPC). The Neighbourhood Area for these purposes is the same as that of the Parish Council's boundaries.

2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF was published in August 2026 and is the principal element of national planning policy. Detailed advice about the preparation of neighbourhood plans is provided by national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014 and occasionally updated.

3. The main purpose of the independent examination is to assess whether the Plan satisfies certain "basic conditions" which must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes to both policies and any supporting text.

4. In the present case, my examination concludes with a recommendation that, subject to certain detailed recommendations, the Plan should proceed to referendum. If this results in a positive outcome, the WNP would ultimately become a part of the statutory development plan and thus a key consideration in the determination of planning applications relating to land lying within the WNP area.

5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years' experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years' experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O'Shea Consulting.

Procedural matters

6. I am required to recommend that the Wythall Parish Neighbourhood Plan either

    - be submitted to a local referendum; or
    - that it should proceed to referendum, but as modified in the light of my recommendations; or
    - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.

7. In carrying out my assessment, I have had regard to the following principal documents:

    - the submitted WNP
    - the Consultation Report
    - the Basic Conditions Statement
    - the Strategic Environmental Assessment / Habitat Regulations Assessment Draft Screening Assessment

- the representations made to the WNP under Regulation 16
- selected policies of the adopted Bromsgrove District Plan 2011-2030
- selected issues in Bromsgrove's new draft Development Strategy (2025)
- relevant parts of the National Planning Policy Framework (the NPPF).

8. I carried out an unaccompanied visit to the Plan area on 19 August 2026 , when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape.

9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations[2]. In the present case, I considered hearing sessions to be unnecessary. I should add that none of the representations received at the Regulation 16 stage included a request for a hearing.

10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

A brief picture of the neighbourhood plan area

11. Wythall is a large parish on the south-eastern fringes of the West Midlands conurbation. Its northern edge is hard up against Birmingham's southern suburbs, and it has a common boundary with Solihull and Warwickshire. The built-up areas are concentrated in the three separate settlements of Hollywood (the largest), Wythall village and Major's Green. These urban elements are concentrated in the eastern half of the Parish, with most of the western and southern parts being predominantly open, save for a scattering of small hamlets, farms and some commercial enterprises. The majority of this area lies within the Green Belt. The three villages have defined settlement boundaries[3], and as far as I have been able to judge, development has effectively extended up to them.

12. There is no clear village "core"; the nearest to this being the concentration of services and community facilities in the centre of Hollywood. In other locations, there are small shopping parades. The important A435 is a dual carriageway which bypasses Wythall Village and Hollywood and allows easy access north-south across the Parish. It also has a railway station, with another (Whitlocks End) lying close to the parish boundary. The impression I had from my visit is that this is a highly convenient residential area with a good range of local community facilities and environmental assets.

The basic conditions

13. I am not required to come to a view about the 'soundness' of the Plan (in the way which applies to the examination of local plans); instead, I must principally address whether or not it is appropriate to make it, having regard to certain "basic conditions", as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the relevant PPG.

14. There have been changes to the basic conditions since the Parish Council began work on the Plan, arising from the provisions of Sections 98 and 99 of the Levelling-up and Regeneration

[2] Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
[3] The plan refers to this fact, and I understand that it derives from the adopted Bromsgrove District Plan. I have not, however, been able to access maps showing the boundaries themselves.

Act 2023 (LURA). The principal one for my examination is the replacement of a broad requirement under basic condition (e) for neighbourhood plans to be "in general conformity with the strategic policies in the development plan for the local area" with a specific one which (in plain language) would ensure plans do not propose less housing than what is provided for in the development plan for the area (in this case the adopted Bromsgrove District Plan).

15. In summary, all neighbourhood plans must:

- have regard to national policy and guidance (Condition a);
- contribute to the achievement of sustainable development (Condition d);
- not result in the development plan for the area proposing that less housing is provided than if the neighbourhood development plan were not to be made (Condition e);
- not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- comply with any other prescribed matters[4].

16. The updated Basic Conditions Statement (BCS) begins by setting out the statutory background, before looking at the way the WNP has had regard to specific national policies in the current version of the NPPF (there is an issue for my examination over which version of the NPPF is relevant, and I will return to this matter shortly). There is then an assessment of the extent to which the Plan seeks to contribute to the achievement of sustainable development, followed by a commentary on the relationship with the adopted Bromsgrove Local Plan. This is followed by detailed references to the SEA exercise (see next section) and compatibility with human rights legislation.

17. It is not necessary for me to comment on any particular elements of the BCS – suffice to say that overall, I consider that it amply explains the relationship between the WNP's policies and its wider context.

Other statutory requirements

18. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:

- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
- that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
- that the plan period must be stated. The Plan identifies the period to which it relates as 2021 to 2040;
- so far as considered appropriate, the plan must be designed to secure that the

[4] A new basic condition would relate to any requirements imposed in relation to Part 6 of LURA 2023 (environmental outcomes reports). The details of this are yet to be announced.

development and use of land contribute to the mitigation of, and adaptation to, climate change, and to take account of any local nature recovery strategy (section 104 of the Environment Act 2021); and

- that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

19. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body's responsibility to undertake any necessary environmental assessments, but it is the local planning authority's responsibility to engage with the statutory consultees.

20. A detailed report was published by BDC in July 2024. It sets out the legislative background before describing the screening process. The conclusion is that a full SEA is not required, largely because the Plan does not include any proposals for development. A similar assessment is arrived at in relation to the European Habitats Directive.

21. Details of the considerations which support these assessments are set out in the statement, and I have been given no reasons to question any of the conclusions reached. These are supported by Natural England, Historic England and the Environment Agency, as statutory consultees in the process.

22. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that (with some exceptions) that requirement is met.

National policy

23. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG) on neighbourhood planning, an online resource which is updated from time to time by Government.

24. The WNP was first submitted to BDC in March 2025 and was then re-submitted in January 2026 following some modifications. It is the latter version which is the subject of this examination. The current version of the NPPF was published on 17 August 2026. Paragraph 6 of Annex A to this document says that "neighbourhood plans that have been submitted to the local planning authority under Regulation 15, on or before, the date of publication of this Framework should be prepared in accordance with the Framework published in December 2024". I have therefore carried out my examination of the Plan primarily in the context of national policy as it stood at the time of its submission.

25. Annex A to the current NPPF provides for a qualifying body to withdraw a submitted plan in order to update it to take into account current national policy, but this is not something the Parish Council considered to be necessary. What they did do, however (in August 2026), was to amend the original Basic Conditions Statement (January 2025), to accompany the revised Plan. This document is significant since it explicitly refers to the need for the Plan to take into account LURA and the changes to the basic conditions.

26. This seems to me perfectly reasonable in its own terms, although it has resulted in a somewhat hybrid context for my examination. I have adopted a pragmatic approach by concentrating on the Plan's relationship with the 2024 NPPF, while noting one or two points

from the current version as I consider appropriate, especially where the changes are primarily a matter of wording or emphasis.

27. An example of this relates to national policy on the *content* of neighbourhood plans. Paragraph 16f of the previous version of the NPPF simply said that "plans should … serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area". The new Policy[5] PM6, in setting out general principles for plan-making, enlarges on the basic principle by saying that *"all plan-makers should, in preparing plans, (a) only address matters, and include policies, that are necessary and relevant to the plan being prepared, and that avoid unnecessary duplication of other parts of the development plan; (b) only include policies that extend beyond site or location-specific requirements where these are necessary and where plan-makers consider there is a clear and justified reason for inclusion; (c) not include policies which duplicate, substantively restate or are inconsistent with the content of national decision-making policies…".*

28. It is also necessary to bear in mind the (unchanged) advice in paragraph 041 of the PPG that *"a policy in a neighbourhood plan should be clear and unambiguous… it should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."*

29. Of particular relevance to my examination is the fact that the WNP has been prepared before the adoption (or even submission to the Planning Inspectorate) of the updated local planning framework for Bromsgrove. This has resulted in a significant number of representations from development interests, and in my response to these I will be guided to a considerable extent by the approach set out in the PPG at paragraph 009, to which I will return shortly.

The Development Plan for the area and housing land supply

30. The current development plan for the area is the Bromsgrove District Plan 2011-2030 (the BDP), adopted in 2017. The Plan explains that after Bromsgrove itself, there are two levels in the settlement hierarchy: "large" and "small". Wythall falls into the first category. There are two other components of the development plan, namely the Worcestershire Waste Core Strategy Local Plan 2012-2027 and the Worcestershire Minerals Local Plan 2018-2036 (adopted July 2022), but I have been given no reason to believe that these would have any implications for the WNP.

31. It is widely accepted that the BDP is out of date, perhaps especially with regards to the question of housing land supply. In June 2025 consultation began on an update to it, with the name of the Bromsgrove District Local Plan Draft Development Strategy, which is intended to be adopted by about April 2029[6]. My understanding is that Wythall's position in the settlement hierarchy in the new Local Plan is unlikely to change.

32. The WNP's policies have been designed to relate to the *adopted* local plan. The land supply issue (as opposed to the question of housing mix) is not addressed in any of its policies, although the Parish Council accepts that the matter is likely to have significant impact on Wythall in the near future. To quote from Section 5 of the Plan: *"The Adopted Local Plan does not provide a sufficient basis for setting a forward housing requirement for Wythall Parish. The Emerging Local Plan has not so far produced proposals which would help to set future housing requirements in the Parish. A working housing requirement is not available from Bromsgrove*

[5] The previous versions of the NPPF were set out in "paragraphs", whereas it is now appropriate to refer to "policies".
[6] Source: BDC website

District Council… the Housing Needs Assessment… pro-rates the total by population to Wythall as a potential guide to likely totals required in the Parish. This is not considered further in the Neighbourhood Plan because no assumption can be made that this total will need to be met in Wythall, as the only means to do that would be to release land from the Green Belt. To date, there is no indication when this will occur."

33. This position has led to concerns from a number of prominent housebuilders. I have no need to detail each point here but, to summarise them, their conclusions are that the Plan:

    - should be flexible enough to accommodate strategic allocations that may emerge from the Local Plan review, and generally that it should positively contribute to increased housing delivery: in practice it constrains it (for example, by implying a rejection of any Green Belt release);
    - should include or be based on up-to-date housing needs figures and include housing allocations to contribute to the need; and
    - fails to make any reference to the need to identify "Grey Belt" land.

34. These criticisms lead to a recommendation from some of the respondents that the Plan should be "paused" because it is premature, since progress is not possible until the housing requirement for Wythall is clarified and the Green Belt review is completed as part of the new Local Plan process. This would of course result in a significant delay in the adoption of all the Plan's other policies.

35. I have given careful consideration to these arguments, with national planning policy and guidance in mind. It is clear that basic condition (e) is intended to relate to the adopted local plan, not the emerging one, although there are some caveats. Paragraph 009 of the PPG states: "*Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development*."

36. While there is no "housing supply policy" in the WNP (and nor is there any requirement that there should be one), equally important is how its policies and supporting text are likely to be interpreted in practice – not least by the local community itself. There are no policies in the Plan directly preventing significant development; but there is a sense (I put it no higher) that the Parish Council may be hoping somehow to avoid the realities of the land supply issue. This seems clear to me from the statement that the notional housing figure for Wythall being used for the Local Plan update "is not considered further in the Neighbourhood Plan because no assumption can be made that this total will need to be met in Wythall, as the only means to do that would be to release land from the Green Belt."

37. WNP Paragraphs 99 and 100 have a similar viewpoint: "The updated National Planning Policy Framework and increased Local Housing Requirements applying to Bromsgrove District will increase the likelihood of Green Belt land releases within the district to facilitate development, or development on Green Belt land through speculative development proposals… [the] Parish shares boundaries with two other areas where development is taking place and which have potential to meet local housing needs".

38. As context, I have noted that the 2022 AECOM Housing Needs Assessment for Wythall (submitted with the Plan documents and referred to again below) suggests that around 800 homes may need to be built in the Parish if it were to take its "fair share" of Bromsgrove's total requirement: "This would significantly exceed the rate of housing provision recorded across the NA [Neighbourhood Area] between 2011 and 2022, which equalled 324 dwellings in total". I am not attaching any specific weight to the estimate of 800 dwellings, but it gives an idea of the scale of the challenge. It is not clear why the Parish Council chose not to consider its implications, if only for the purposes of contingency planning.

39. In my view, the Parish Council would be in a better position to respond to applications seen as unwelcome (and with potentially enhanced chances of success, given the land supply situation) if the Plan included specific allocations. However, this is clearly a matter for them, and the decision not to do this does not, of itself, amount to a failure to comply with the basic conditions.

40. Recent additions to the PPG/NPPF include an expectation that when Green Belt boundaries are reviewed as part of the plan-making process, authorities should identify, where necessary, land which could be released without compromising the basic purposes of Green Belts – "Grey Belt" land. Some representations on the WNP suggest that it should have undertaken its own exercise in this respect: I disagree. The Green Belt is a strategic planning tool, and any significant review of its boundaries is a matter for the local planning authority.

41. In the light of the foregoing, I make no recommendation that progress on the Plan should be delayed. I will make further references to development plan policies in the body of the report, as necessary.

The consultation exercise (Regulation 14)

42. Regulation 14 requires the Parish Council to publicise details of their proposals "in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area", and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.

43. The Consultation Statement is dated January 2025. It is a lively and informative document which first records the designation of the Neighbourhood Area (in 2020) and the early survey/consultation processes that were undertaken to ensure the local community was fully engaged with the issues being canvassed. A steering group was formed to take the Plan forward. The initial work culminated in the production of a draft plan in late 2024, and the statement records the results of the consultation process, and how the Parish Council decided to respond to the responses received.

44. This is a very comprehensive document which amply satisfies the requirements of Regulations 14 and 15.

General observations about the Plan

45. The Plan document begins by summarising the history of the Parish, its physical character, its services and amenities, its local economy and the demographic profile of its residents. The role of the Green Belt in preventing further expansion of the Birmingham conurbation and the coalescence of the Parish's own settlements is highlighted, as is its good transport links. The richness of its community life is also described.

46. There follows an explanation of the background to the WNP's preparation, focusing on the statutory and policy framework. Paragraph 55 states: "The Neighbourhood Plan has been prepared to ensure it conforms with strategic policies in the development plan, the NPPF and, as far as possible in the emerging local plan in preparation", adding that its end-date of 2040 aligns with an earlier version of the draft Local Plan (it has now been extended to 2043). Parts of the Basic Conditions Statement are then reproduced to support the statement in paragraph 55, and this is followed by a summary of the consultation process and its results.

47. Paragraph 78 introduces the vision for Wythall Parish, which is that by 2040, *it "will remain a distinctive local community. New development will be well-accommodated based on good design principles. People will use walking, cycling and public transport opportunities more and use their car less. Good local services will meet the needs of the local population. Local people will have a choice of housing to meet their needs. The environment, made up of heritage assets, green infrastructure and habitats for wildlife, will be much improved. Overall, the quality of life for people living in Wythall will be excellent".*

48. There is nothing here to suggest that the Plan is seeking to prevent necessary development (which might be the inference drawn by some of the Regulation 16 respondents). However, Figure 3, which is part of the lead-up to the vision statement, is a SWOT analysis, described as a summary of "points raised by residents" rather than anything more arms-length. The inclusion of this exercise introduces some uncertainty: the results of the local survey in 2021 are already set out in Figure 2, so the risk is that Figure 3 is seen as serving a different purpose, which is that it is meant to in some way inform the vision itself.

49. I draw attention to two examples to illustrate the point: one of the identified 'strengths' set out in Figure 3 is that "Green Belt offers clear development boundaries *and should continue to do so"* [my emphasis]; and one of the 'threats' is "concern that changes to Green Belt to allow new development could lead to the area being overwhelmed by Birmingham and Solihull development". The prominence given to these comments may help to explain the view of some respondents that the Plan does not have a sufficiently positive approach to sustainable development.

50. ***In order to avoid any misinterpretation of the Plan's broader objectives, and to remove unnecessary duplication, I recommend that Figure 3 and the related paragraph 74 be deleted.***

51. Five specific objectives are set out, which may be summarised as improving travel and transport; promoting good quality design; the creation of a green and blue infrastructure network; ensuring new housing meets local needs; and ensuring that services and facilities keep pace with development. These are then developed into 11 detailed policies. Two appendices deal with local heritage sites and the Local Green Space assessments.

52. The Plan is generally not an easy document to navigate. There are two main reasons for this. Firstly, considerable volumes of text usually precede the policies: while this often includes useful background information, it is not as easy as it should be for users of the Plan to get to the heart of the matter – which is the policies themselves. Secondly, while the policies are highlighted (in green), much of the text is similarly highlighted – adding to the difficulty in consulting the Plan's key elements. ***I recommend (a) that a rigorous editing exercise be undertaken which recognises that the Plan is primarily a tool for decision-making, containing policies which are supported by a crisp explanation/justification, and therefore that as much as possible of the background material be relocated to appendices; and (b) that the policies themselves be made easier to find, for example by the use of bordered text***

highlighted with its own colour.

53. A related issue is the way the Plan deals with community aspirations and priorities, which have a section to themselves (part 4). The comment is properly made that these are complementary to the Plan's policies and are not land-use considerations in their own right (and they do not fall within the scope of my examination). However, while Policy Wythall 1 seeks to protect local community facilities, it is preceded by 16 paragraphs of text, much of which is not directly relevant in development management terms***. I recommend that this material also be relocated to appendices.***

54. The Plan itself does not include a Policies or Proposals map**.** Access to this is via a digital link – and a very complex layered map which not everyone would find easy to interrogate. It is not necessary for me to make this the subject of a formal recommendation, but I would suggest that the Parish Council considers ways in which key spatial information can be sensibly disaggregated and incorporated into the Plan itself. I consider that this would be particularly appropriate for identifying the locations of the Local Green Spaces.

Representations received (Regulation 16)

55. Network Rail, the Coal Authority, the Environment Agency, National Highways and Natural England, as statutory bodies, had no specific comments to make on the Plan. A number of respondents made observations which may well be helpful but are not of direct concern to my examination. In these cases, I am content for the Parish Council and BDC to consider them on their merits and to make any changes they think fit.

56. The general concerns about the Plan from housing interests were addressed in the section on the development plan above. They were submitted by agents for the Church Commissioners, Taylor Wimpey, Bellway, IM Land, St Philips Land, Persimmon, Barratt Redrow, Bloor Homes and Birmingham Property Group Holdings.

The policies

57. Unless otherwise stated, I have concluded that (so long as my specific recommendations are accepted) each of the Plan's policies satisfies the basic conditions. I have therefore not made that point under each policy heading.

Policy WYTHALL 1: Local community facilities

58. This policy supports proposals "which avoid the loss of community facilities in Use Class F1, F2 or [are] sui generis", and the facilities themselves are listed. They consist mainly of education, sporting and recreation assets, as well as social facilities and pubs. The policy sets out the steps that would need to be taken if any of them would be lost as a result of a development proposal; they include a requirement that equivalent alternative provision exists "within the relevant village"or will be provided.

59. St Philips Land Ltd have an interest in land at Hollywood golf course (included in the list). Representing them, Messrs Lichfields say that the policy does not align with adopted Local Plan Policy BDP25 and is too restrictive. They add that there are two other golf courses within the NP area, and that private facilities such as this should not be viewed as a "community" asset.

60. LP Policy BDP25.3 relates to the loss or displacement of existing indoor and outdoor open space, sport and recreation facilities (and thus is much narrower in its scope than Wythall 1[7]). It says that the loss of such facilities will not be permitted "… unless it can be demonstrated through up-to-date and robust evidence that: a) there is a proven surplus of provision and the site is no longer needed, or is unlikely to be required in the future; or b) the benefit of the development to the community outweighs the harm caused by the loss of the facility; or c) an alternative facility of an equal quantity and quality or higher standard will be provided in at least an equally convenient and accessible location to serve the same local community".

61. While I accept that a case could be made for suggesting that a private golf course could be viewed as a "community facility" for the purposes of planning policy, I do not consider that debates about a particular club fall within the scope of my examination. In any event, much would depend on evidence of access arrangements, none of which have been submitted to me. Perhaps more importantly, criterion b) of BDP25.3 allows for the flexibility sought by Lichfields on behalf of their clients. I therefore see no reason to remove the Hollywood course from the list of facilities to be given some protection under the policy.

62. Policy Wythall 1 adds nothing to Policy BDP25 (it is arguably weaker in the way it is framed), other than providing a list of facilities to which the Parish Council would like it to apply. The difference in wording between the two policies would potentially be a source of confusion. In addition, I agree with Lichfields about the prescriptive nature of the locational requirement.

63. ***I recommend the following amendments:***

    (a) that the first part of the policy (ie up to the list of facilities) be reworded as follows: "Where planning permission is required for any proposal which would result in the loss of any of the indoor and outdoor open space, sport and recreation facilities listed below, the application will be determined in accordance with Local Plan Policy BDP25.3".

    (b) that the supporting material to the policy explain what this means in practice by quoting BDP25.3 directly;

    (c) that the first part of the policy continue by saying: "The loss of other community facilities will not be supported unless it can be demonstrated that the facility is no longer needed or financially viable and that evidence is provided to demonstrate that all reasonable efforts have been made to secure its continued community use"; and

    (d) that it be made clear to which of the facilities in the list these two elements of the policy are intended to apply.

64. The second part of the policy requires new development, where appropriate, to identify and propose contributions towards a list of 14 priorities which the Parish Council supports. Some representations consider that this lacks clarity, and I agree. ***I recommend that the preamble to the priority list include a second sentence: "Any contributions will be expected to be necessary, directly related and fairly and reasonably related in scale and kind to the development, as set out in Section 106 of the Town and Country Planning Act and Regulation 122 of the Community Infrastructure Levy Regulations".***

[7] I point out here that the Basic Conditions Statement describes the scope of BDP25 as extending (somewhat vaguely) to "amenity assets" – this is not the case.

Policy WYTHALL 2: Affordable housing tenure
Policy WYTHALL 3: Housing types and sizes in Wythall

65. It is convenient to take these two policies together, since they both focus on the preferred mix of housing in whatever development proposals might come forward over the Plan period. They are informed by the Housing Needs Assessment mentioned earlier, and paragraphs 101-118 of the Plan, together with three tables setting out the detailed data, explain the background to the priorities which the Parish Council wishes to address. These cover tenure, affordability, and the types and sizes of dwellings, including housing for elderly people.

66. In principle, it is of course entirely appropriate that the Plan should seek to establish these priorities, especially if they are based on up-to-date evidence. However, as presently written, Policy Wythall 2 is somewhat over-prescriptive given the absence of an overall housing target for the Parish or any certainty about when one will emerge. It has the potential to constrain both the amount and type of housing that comes forward once the strategic picture is clarified, risking the Plan's failing to satisfy basic condition (d).

67. The broad objectives here are already dealt with in Policy BDP8.3 of the Local Plan, which says that the Council "*will seek to negotiate the mix of affordable housing tenures on individual schemes taking into account local needs, the housing mix in the local area and the impact on viability. A mix of the following tenures will generally be sought: Social rented; Intermediate housing; and Affordable rent*". Unlike Policy Wythall 2, this does not lay down any percentages, and so is sufficiently flexible to allow individual proposals to be assessed on their merits and at the time they are submitted.

68. The WNP is not in a position to add much to the existing policy framework. For this reason, ***I recommend that Policy Wythall 2 be modified such that it reads: "Affordable housing provision should ensure that as many households as possible based in Wythall can afford to access it. In line with Local Plan Policy BDP8.3, an appropriate mix of affordable housing tenures will be expected from individual schemes, assessed on a site-by-site basis. This will take into account local needs, the housing mix in the local area and the impact on viability. A mix of social rented, intermediate housing and affordable rent will generally be sought. The appropriate mix of home ownership and shared ownership will also be determined on a site-by-site basis. First Homes, shared-equity homes, social rented and affordable rented homes should be prioritised for people with a local connection in the first instance."***

69. Following my request for clarification, the Parish Council has explained that the requirement for a local connection is justified by the evidence gathered for the Housing Needs Assessment, prepared by AECOM in 2022. ***I recommend that the criteria for local connection qualification be set out in the supporting material, together with the source of this guidance.***

70. The first two sentences of Policy Wythall 3 are doing no more than repeating the Plan's objective 4, which is also broadly covered by Local Plan Policy BDP7. ***I recommend that they be replaced with: "As appropriate to the circumstances, the types and sizes of proposed new housing will be expected to contribute towards the maintenance of a balanced community in Wythall, as set out in Local Plan Policy BDP7".*** IM Land objects to the encouragement the policy gives (in the third sentence) to two-bedroom open market properties, including accessible low-rise apartments or houses to meet the specific needs of the local population." However, this is not framed as a priority or a requirement, and I see no need to recommend a change.

Policy WYTHALL 4: Good design and development form in Wythall Parish

71. Paragraph 127 of the Plan states that "strategic housing development on greenfield green belt land in Wythall Parish would have a transformational effect on its existing settlements". AECOM's Design Guidelines and Design Codes Report, which is a supporting document, seeks to ensure that the anticipated growth occurs in a way which protects the existing character areas of the Parish (seven being identified for the purpose, including "rural hamlets and open countryside"). Table 4 of the Plan sets out the principles to be considered in each of these areas, and Table 5 lists the codes for each component of development. There follows a detailed consideration of densities within the various parts of the Parish.

72. Policy Wythall 4 requires new development to be carried out "in accordance with" these guidelines and codes, which is too prescriptive by definition. It also picks out some specific issues (density, habitats and biodiversity), without any explanation of why they have been highlighted – this might have the unintended consequence of downgrading the importance of other factors set out in the AECOM report.

73. ***I recommend that the policy be simplified such that it reads: "Planning applications will be expected to respect the particular character of the various villages and hamlets of the Parish. Where appropriate, proposals will be required to demonstrate how account has been taken of the supporting Design Guidelines and Design Codes Report (October 2023).*** In line with my general observations about the difficulties of accessing the key policy elements of the Plan, ***I recommend that paragraph 137 and Tables 4 and 5 be relocated to an appendix.***

Policy WYTHALL 5: Environmental performance of buildings

74. This policy encourages future-proofing of development, including the reduction of carbon emissions and related objectives. Seven specific measures are to be supported in general terms.

75. This approach clearly aligns with national policy, and I accept that neighbourhood plans may have their own contribution to make in this field, especially where particular local circumstances warrant it. In this case, however, much of the ground covered by Policy Wythall 5 falls within Building Regulations requirements and is also found in parts E1-E3 of the Design Codes just referred to. In addition, section BDP22 of the Local Plan is devoted to the issue of climate change (with Policy BDP20.20 dealing specifically with the impact of adaptation on historic buildings), and I would expect relevant polices to feature prominently in the updated Local Plan in due course. In addition, there are numerous references in the NPPF devoted to this subject.

76. ***Policy Wythall 5 does not appear to add anything to the existing strategic policy framework, and I recommend that it be deleted.*** If the Parish Council thinks it would be helpful, it would be appropriate for the important issues it deals with to be the subject of contextual references elsewhere in the Plan document, supported as necessary by links to relevant sources of information.

Policy WYTHALL 6: Wythall Parish local heritage assets

77. Figure 11 shows the location of the two scheduled monuments and 19 Grade 2 listed buildings within the Parish. In addition, as the Plan explains, non-designated heritage assets may be identified for a degree of protection: Figure 12 clearly sets out the criteria for this, and the policy and Appendix A list 20 lists the sites in the parish that are involved.

78. IM Land is promoting housing development at Packhorse Lane, Hollywood, which might have implications for two of the sites on the list (nos. 1 and 6). Having regard to the PPG at paragraph 041, they say that "the assessment underpinning the formation of the list… is inappropriate… the policy is considered vague and would require further assessment or re-wording to ensure it complies with Basic Condition (a)". I do not agree. Appendix A is an extremely clear and comprehensive analysis of the significance of each of the assets listed, and there is no justification for requiring further work to be done on the matter

Policy WYTHALL 7: Local Green Space sites

79. This policy relates to 2024 NPPF paragraphs 106 and 107, which allow local and neighbourhood plans to "identify and protect green areas of particular importance" to the local community by designating them as Local Green Spaces. The three NPPF criteria for designation are that the land is "a) in reasonably close proximity to the community it serves; (b) demonstrably special to a local community and holds a particular local significance… and (c) is local in character and not an extensive tract of land".

80. Policy Wythall 7 lists 14 sites which the Plan proposes should be designated as LGS, adding that "other than in very special circumstances, no inappropriate development will be permitted within them that would harm their green character and reason for designation." ***I recommend that the policy be amended such that it more accurately reflects the wording of national policy as set out in NPPF paragraph 108: "The following sites, described in Appendix B and shown on the policies map, are designated Local Green Space. Decisions for managing development within a Local Green Space will be consistent with national policy for Green Belts."*** To aid public understanding, the Parish Council may wish to add to the supporting material by explaining what this means in practice, by reproducing NPPF Policies GB6 and GB7 (which will now be the context for decisions on planning applications made by BDC).

81. Appendix B to the Plan lists each of the sites suggested for protection, together with clear maps and a summary of how each "scores" against the NPPF criteria. Some of the judgements are bound to be subjective, but (having looked at several of the sites on my visit to the NP area) I have been given no reason to doubt the conclusions reached. I have noted that there have been no objections to any of the designations from third parties.

82. The policies map does not appear to identify the sites by their reference numbers. ***I recommend that this be done.***

Policy WYTHALL 8: Biodiversity gains from new development in Wythall Parish

83. This policy relates to the statutory requirement for development to deliver a minimum of 10% biodiversity net gain[8]. However, it would not be clear to the reader the extent to which it selectively quotes from, varies, or seeks to interpret the statutory position***. I recommend that the first sentence be replaced with: "In accordance with statutory requirements, qualifying development proposals will be required to demonstrate a biodiversity net gain of at least 10%.".*** An explanation of the key mechanisms is already provided in the preamble to the policy.

[8] under Sch. 7A of the Town and Country Planning Act 1990 (as inserted by Sch.14 of the Environment Act 2021)

Policy WYTHALL 9: Support for bus services

84. This policy is preceded by a detailed description of the limitations of the current bus services in the Parish and seeks to ensure that major development contribute towards improving them. To that extent, the issue appears to be fully covered by Local Plan Policy BDP16. The identification of specific priorities for Wythall adds useful detail but, as drafted, the policy is too prescriptive, and the third component (support for the Worcestershire on Demand service) goes too far beyond land-use planning considerations.

85. ***I recommend that the policy be reworded as follows: "In accordance with Local Plan Policy BDP16, where appropriate, contributions will be sought from developers with the aim of improving the quality of local bus services. There will be particular focus on services linking the Parish with Solihull and Maypole, Birmingham, King's Heath and Redditch".***

Policy WYTHALL 10: Support for rail services and station improvements

86. Policy Wythall 10 consists of a comprehensive wish-list of improvements at Wythall Station, many of which (such as support for a 30-minute frequency of trains, or the need to provide live information screens) are not appropriate to a land-use planning policy. ***I recommend that the policy be replaced with: "Proposals which would enable improvements to Wythall Station will be supported in principle. These include a car park (a potential location being shown in Figure 20), improvements to pedestrian access and waiting areas, and secure cycle parking".***

Policy WYTHALL 11: Support for improvements to priority walking and cycling routes

87. The introduction to this policy is a lengthy discussion of the quality of non-motorised access to and from key destinations within the Parish. The policy itself contains no land-use proposals but is a list of routes which would benefit from improvements. As with Policy Wythall 9, it adds specific locations to the general objectives set out in Local Plan Policy BDP16. ***I recommend a minor rephrasing: "In accordance with Local Plan Policy BDP16, where appropriate, contributions will be sought from developers with the aim of improving the quality of the walking and cycling routes listed below and described in more detail in Table 9[9]".***

Monitoring and review

88. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) a review might be undertaken. However, this is not a statutory requirement, nor is it the subject of Government policy beyond guidance that communities are encouraged to keep plans up to date. In this case, the WNP states (at paragraph 235) that its outcomes "will require further actions, active monitoring and periodic review to determine whether objectives and policies are being achieved and observed". Table 10 lists each policy but gives little beyond saying that their use in planning applications will be monitored or that other actions will be developed as required. This is very vague – but, more importantly, there is no mention of the over-riding significance of the outcome of the Local Plan review.

89. Given the fact that this issue does not form part of my examination, I think it unnecessary for me to make a formal recommendation on the matter. Nevertheless, I suggest it would be in the public interest for a reference to be made to the way the Parish Council intends to look at

[9] With reference to my earlier general recommendation, Table 9 would be better placed in an appendix.

the Plan over the next couple of years as the strategic picture clarifies and (no doubt) as decisions on planning applications are made.

Conclusions on the basic conditions

90. There is nothing in the Plan that gives rise to any significant concerns in relation to the basic conditions. In particular, and notwithstanding the complications arising from the overlap with the Local Plan review process, there is no direct evidence to suggest that the policies themselves would lead to a failure to comply with the updated condition (e) ["that it would not result in the development plan for the area proposing that less housing is provided than if the neighbourhood development plan were not to be made"]. My recommendations are principally aimed at reducing duplication with other policies and over-prescription where this occurs and adding clarity where I think it is needed. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

Formal recommendation

91. I have concluded that, provided that the recommendations set out above are followed, the Wythall Neighbourhood Plan would meet the basic conditions, and therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA
DipTP MRTPI
Independent Examiner

23 September 2026

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
50	Figure 3 and paragraph 74	• Delete.
52	General	• Undertake rigorous editing to relocate as much as possible of the background material to appendices. • Make policies easier to find eg using bordered text highlighted in a dedicated colour.
53	Paragraphs 82-96	• Relocate to appendices.
63	Policy WYTHALL 1	• Reword the first part of the policy as suggested. • Include, within the supporting material, direct quotes from BDP25 by way of explanation.
64	Policy WYTHALL 1	• Add the suggested sentence to the preamble to the priority list.
68	Policy WYTHALL 2	• Modify the policy as suggested.
69	Policy WYTHALL 2	• Set out, within the supporting material, the criteria for local connection qualification and their source.
70	Policy WYTHALL 3	• Replace the first two sentences of the policy with the suggested wording.
73	Policy WYTHALL 4	• Simplify the policy with the suggested wording. • Remove para 137 and Tables 4 and 5 to an appendix.
76	Policy WYTHALL 5	• Delete the policy.
80	Policy WYTHALL 7	• Amend the policy as suggested.
82	Policies Map	• Amend the map to identify the LGS sites by their reference numbers.
83	Policy WYTHALL 8	• Replace the first sentence of the policy as suggested.
85	Policy WYTHALL 9	• Reword the policy as suggested.
86	Policy WYTHALL 10	• Replace the policy with the wording suggested.
87	Policy WYTHALL 11	• Rephrase the policy as suggested.