

**Gladman Developments Ltd**

**Representation on**

**The Bromsgrove District Plan 2011-2030**

**– Proposed Submission Version**



**October 2013**



## **1 INTRODUCTION**

1.1.1 Gladman Developments welcomes the opportunity to make a representation on the most recent consultation on the Bromsgrove District Plan – Pre-submission version.

1.1.2 Gladman Developments specialise in the promotion of strategic land for residential development with associated community infrastructure. Gladman Developments has considerable experience in the development industry in a number of sectors including residential and employment land. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that they need to ensure that everyone has access to a decent home.

## **2 REPRESENTATION**

2.1.1 In regard to the proposed policies in the draft Bromsgrove District Plan, Gladman Developments highlight that at this final stage of consultation before the document is submitted to the Secretary of State for independent examination, that Council must be satisfied that the document is 'sound.' That is, the document must be:

- **"Positively prepared** – the plan should be prepared based on a strategy which 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 proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working 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 Framework." (§182 NPPF)

2.1.2 As well as this, §178 and §179 of the NPPF requires Councils to have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans.

2.1.3 Having reviewed the Bromsgrove District Plan, there are two major flaws in the evidence base which run through the document. Both pieces of evidence alone are substantial enough to mean that the plan is not sound and needs to be put on hold until a decision can be made regarding the ramifications of the evidence base. The two factors causing the document to be currently unsound are as follows:

- **Regional SHMA:** With the recent announcement and technical paper by Birmingham City Council which states that they are only capable of delivering around 61% of their housing growth, this issue has ramifications for the Bromsgrove District Plan. Currently a regional SHMA is being compiled which will likely change Bromsgrove's growth scenario and is due out imminently; meaning that Bromsgrove have failed in their duty to cooperate by not considering the ramifications of this pertinent strategic issue;
- **Strategic Green Belt Review:** Bromsgrove Council makes the presumption of land being available in the Green Belt without a Green Belt Review. A strategic assessment of the Green Belt in the West Midlands is required to identify whether there is enough land and sites available to deliver the intended growth. Bromsgrove are unable to evidence their deliverability of 2400 dwellings in the Green Belt, nor whether there will be a further need to release additional sites as a result of increased growth figures from the regional SHMA work currently taking place. There needs to be a Green Belt review before assumptions can be made regarding housing delivery.

2.1.4 The following expresses our comments regarding the particular components of the Plan:

### **3 DEVELOPMENT STRATEGY**

#### **3.1 Policy BDP2 – Settlement Hierarchy**

The text in Paragraph 8.14 which supports this policy states that in response to consultation comments regarding appropriate development in the settlements of Bromsgrove that *"to exactly define what types of development that would be allowed in each settlement type was considered too inflexible and following the publication of the NPPF, being prescriptive about the types of allowable development would not be in conformity with the spirit of this guidance."*

3.1.1 However, this is exactly what table 2, which supports the policy and identifies the settlement hierarchy does. Gladman question the evidence base which supports this policy, as there does not appear to be any evidence which would support this regimented list of uses and development specified in the table under "suitable development" as it presumes that only these uses are appropriate in each of the identified villages.

3.1.2 The list of 'suitable development' goes beyond the Use Classes order, as well as National Planning Policy, and as a result, Gladman recommend that this section of the Table 2 be removed. In its current form, it is not **Justified** (as it is not based upon evidence) and as a result is not **Consistent with National Policy**.

3.1.3 Gladman consider the way the settlement hierarchy has been configured is based upon an outdated understanding of sustainability as the Policy sets arbitrary rules which attempt to classify the role of settlements. Although it is appreciated that this quantitative approach is a starting point for this process, there does not appear to be a qualitative approach employed which recognises the roles, relationships and local circumstances which apply to settlements. It is also questionable whether settlement boundaries actually need to exist, as this stifles the ability of neighbourhood planning as well as restricting sustainable settlements from delivering a suitable amount of growth related to their needs. 2

3.1.4 The methodology for selecting suitable categories of villages should be in accordance with 'sustainable development' which is stated in §9 of the NPPF:

*"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):*

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes."*

3.1.5 Furthermore, when authorities are developing Local Plans they need to ensure that:  
*"Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas"* (§10 NPPF).

3.1.6 Since the introduction of the NPPF and Localism Bill, planning is changing to be more growth led and reflecting the needs of the community who should be empowered to have a say in the development in their community by means of a Neighbourhood Plan. The settlement boundary should be decided upon by a Neighbourhood Plan, as by not responding to local needs, the proposed settlement boundary (which is the same as previously) does not respond to local needs and effectively cuts off any development potential and any ability for a Neighbourhood Plan to influence how development is within

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the local community. It is also questionable whether settlements within the Green Belt even require a settlement boundary given the strict restrictions already imposed in areas subject to Green Belt policy. Taking these issues into account, the Policy is not **Justified**, not within the planning principles of neighbourhood planning and as a result is not **Consistent with National Policy**.

3.1.7 It is also noted in BDP2.6 that a Green Belt assessment will be carried out before changes to settlement boundaries will be made. Surely this review should take place before the Council is wishing to adopt its plan, as the current boundaries and in turn, this policy will be out of date.

3.1.8 Even rural settlements with no or little services require revitalisation, particularly in circumstances where there is an inherent local need for housing, such as a son/daughter moving out of home but needing to stay close to their parents. This policy makes no allowance for such inherent local needs housing which could easily be integrated into existing rural settlements.

3.1.9 It would be more appropriate to allow suitable development dependent upon the particular village's characteristics and not limit development to an arbitrary set of settlement boundaries.

3.1.10 The issue of settlement boundaries is also a concern given that settlement boundaries of previous plans are tightly drawn as they reflect the housing growth scenarios of previous plan. As a result, the failure to reassess settlement boundaries results in restrictions to enable future growth and also restricts the ability for neighbourhood plans to alter any of the boundaries. Taking this into account, the current settlement boundaries are not **Justified** (as they are not based upon up to date evidence) and as a result are **Contrary to Planning Policy**.

### **3.2 Policy BDP 3 – Future Housing and Employment Growth**

3.2.1 Acknowledging the Governments agenda to boost economic and employment growth, Gladman support the adoption of the high growth scenario in which Bromsgrove have chosen to deliver 7000 dwellings up to 2030.

3.2.1 However, the Policy is not based upon up to date evidence given that the delivery of 2400 dwellings in the Green Belt is dependent upon a Green Belt strategy which is yet to be published. This is acknowledged in Paragraph 8.29 of the District Plan which states "the

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*amount of development required in relation to the conurbation is uncertain and will depend on the latest evidence available in the next District Plan review"*(BDP pp23).

- 3.2.2 The Council is dependent upon the Green Belt Review and this acknowledgement that the Council is uncertain regarding the amount of development demonstrates that the plan is not deliverable. There is no assurance whether the borough is capable of identifying 2400 dwellings in the Green Belt, let alone whether there is a need to accommodate more dwellings as a result of the regional SHMA which is currently taking place. 4
- 3.2.3 Taking this into account, it is considered that the policy is not based upon up-to-date evidence as it assumes the result of a Green Belt review which is yet to be published. It is considered that this policy is not **Justified** (as decisions are not based upon up to date evidence), **Effective** (questionable whether housing is deliverable as a result of not considering evidence base) and as a result would not be **Consistent with National Policy**.
- 3.2.4 Another issue with Bromsgrove Council's housing delivery position is based upon a recent technical paper by Birmingham City Council which states that they are only able to deliver 61% of their housing needs meaning that the SHMA may need to distribute housing amongst surrounding authorities. A working group comprising of Solihull Metropolitan Borough Council, Redditch Borough Council, Wyre Forest District Council, Lichfield City Council, Cannock Chase, Tamworth and East Staffordshire District Councils and the Greater Birmingham and Solihull LEP have commissioned consultants to undertake a SHMA to decide upon how to distribute this significant amount of growth.
- 3.2.5 In order to deal with this significant issue of housing delivery, the Bromsgrove District Plan states that *"Both Councils also continue to engage on Birmingham's unmet housing need which may require the identification of potential sites in Bromsgrove in the later stages of the Plan period."* (Bromsgrove District Plan pp4).
- 3.2.6 To disregard this cross-boundary strategic issue to *'later stages of the plan period'* which is post 2030 is clearly not **Positively Prepared** or **Effective** as the plan is not deliverable over the plan period as it ignores relevant and major cross-boundary strategic priorities. Although the Localism Act or the NPPF does not define what is meant by 'co-operation,' in a recent examination of a North London Waste Management Plan, the Planning Inspector, Andrew Mead, referred to the dictionary definition meaning *"to work together, to concur in producing an effect"*. The Inspector also noted that the NPPF refers to co-operation rather than consultation, therefore *"it is reasonable to assume that engagement as part* 5

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*of co-operation is more than a process of consultation'* (Paragraphs 22-25 Appendix 1 North London Waste Plan Inspectors Report March 2013).

3.2.7 To progress the plan any further before consideration of upcoming evidence (due November 2013) which has a high likelihood of changing the housing targets for the region demonstrates that the plan is also not **Justified** (as the plan is not the most appropriate strategy given not all options have been assessed) and as a result the Council has not adhered to its **Duty to Cooperate** in reviewing the evidence base which is due imminently. 6

3.2.8 Given that the proposed housing targets of the Local Plan do not reflect a "full and objective assessment of housing needs" which does not take into account cross-border strategic issues, the Local Plan in its current form is not **Consistent with National Policy**.

3.2.9 In its current form this policy would not be found sound. We would advise that the current housing strategy component of the Local Plan is premature, and the issues as highlighted above are significant enough to warrant a delay to the plan to consider the ramifications of the soon to be published SHMA evidence base as well as a Strategic Green Belt Review.

### **3.3 Policy BDP4 – Green Belt**

3.3.1 §47 of the NPPF states that *to boost significantly the supply of housing, local planning authorities should:*  
*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, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*

3.3.2 It is clear from the text within the District Plan that a large amount of reliance is placed upon 2400 dwellings to be delivered in the Green Belt, even know the Council is uncertain whether this is even possible.

3.3.3 The dependence of the Green Belt Review to deliver housing, change Green Belt boundaries as well as settlement boundaries shows that this policy is ambiguous and not deliverable as the evidence doesn't exist. There is also the question of whether a greater amount of housing will be required to accommodate Birmingham's lack of ability to deliver their housing target, meaning that the Green Belt review will actually mean that more than 2,400 dwellings will be needed which may also need to be delivered within the Green Belt. 7

- 3.3.4 If the regional SHMA does highlight further housing need, this further highlights the need for a green belt review. §83 of the NPPF states 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.*" Local Authorities should be reviewing their Green Belt boundaries once in order to see out the life of the Plan as well as into the next plan period. A Green Belt Review is urgently needed to determine Councils ability to take further growth and its position regarding taking growth from other regions.
- 3.3.5 Again, the issues presented previously regarding prematurity in that the District Plan is making assumptions on the SHMA update as well as a Green Belt Review mean that the policy is not sound as a result of it not being **Positively Prepared** (is not objectively based and fails to consider cross boundary issues); **Justified** (is not the most appropriate option given appropriate alternatives); **Effective** (doubts upon the deliverability of the plan given a review has not been undertaken on actual capacity); and as a result is not **Consistent with National Policy**.
- 3.3.6 We consider that the plan needs to be put on hold and this Policy developed after a Green Belt review is completed as well as the regional SHMA which re-distributes Birmingham's housing numbers.

### **3.4 Policy RCBD1.1 – Redditch Cross Boundary Development**

- 3.4.1 Gladman support the principle of the cross boundary approach employed by both Redditch and Bromsgrove Council in delivering the housing growth which Redditch have stated cannot be delivered within their borough. Raising again the need to consider strategic cross boundary issues involving Birmingham's lack of ability to deliver growth, it is questionable whether the figure of 3,400 dwellings is appropriate/ adequate.
- 3.4.2 If the new SHMA which will be published later in the year identifies more development for Redditch, will Bromsgrove again take this additional growth? In this circumstance the delivery of 2,400 dwellings will not be enough to deliver the plan. Taking this into account, the policy is not **Positively Prepared** (as it ignores wider cross boundary strategic issues); **Justified** (may not be the most appropriate option given that the Strategic SHMA evidence is yet to be published), **Effective** (the deliverability of the plan is questionable as growth is not assessed on up to date evidence base) and as a result is not **Consistent with National Policy**. X 1



- 3.4.3 It is recommended that the plan is put on hold until decisions are made on how best to deal with the upcoming strategic SHMA Report which will likely have an impact upon the particular sites which will need to come forward and whether more sites will need to cater for both Redditch and Bromsgrove Council's housing needs.

### 3.5 Policy BDP8 – Affordable Housing

- 3.5.1 The provision of affordable housing is a key priority that Councils seek to achieve through their Local Plan. However, one of the only ways to improve affordability is to provide housing. If the evidence base suggests that a certain level of affordable housing is required and the local planning authority are not seeking to address this through their Local Plan then the affordability gap will only get worse. Local Plan housing requirements should therefore reflect the full need for affordable housing provision as required by paragraph 47 of the Framework if addressing affordability is to be achieved. 8

- 3.5.2 To compound the current predicament regarding housing delivery which the Council finds itself in, previous comments regarding needing to accommodate some of Birmingham's growth will also have impacts on affordable housing provision, given that a number of the dwellings which will be distributed will also include an element of affordable housing.

- 3.5.3 Taking the above into account, it is considered that this policy is not **Positively Prepared** (does not consider the cross boundary issues for housing from Birmingham), **Justified** (may not be the most appropriate strategy seeing all options have not been assessed), **Effective** (questionable of whether affordable housing is deliverable seeing that totals are unknown), and as a result is not **consistent with National Policy**. The Council should put the Local plan on hold until further evidence base regarding housing requirements is forthcoming later in the year.

## 4 OTHER MATTERS

- 4.1.1 Part of the Government agenda is to remove red tape and make planning more streamlined and easy to understand. The general nature of the Plan is burdened by an excess of information not normally required at this final stage of the Local Plan Process. Information pertaining to consultation results should be published separately in a consultation statement, as well as other sections being questionable over their need such as Table 6 – Useful Guidance and swathes of introductory text to policies which is not necessary. The document could be considerably shortened and made more succinct

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## 5 CONCLUSIONS

- 5.1.1 As outlined within these representations, the Local Plan in its current form does not comply with §47, 157, 158 and 159 of the Framework and as such would not be found sound at examination.
- 5.1.2 Gladman believe the key areas where the plan fails and therefore would be found unsound are as follows:
- 5.1.3 Duty to Cooperate – The plan does not comply with the Duty to Co-operate seeing the document does not take into account the strategic SHMA work currently being undertaken to re-distribute additional dwellings as a result of Birmingham City being unable to accommodate their housing need. This is a significant flaw in the document which will impact upon the Council's housing numbers and should necessitate the delay of the plan until the SHMA document is completed (November 2013).
- 5.1.4 Housing shortfall – It is acknowledged by Bromsgrove Council that it is uncertain where 2400 dwellings will be delivered in the Green Belt, and is an assumption considering that the Green Belt review which this decision is based upon does not exist. The Green Belt Review is essential before decisions regarding housing shortfall and distribution can be made. Furthermore, with the likely need to provide for part of Birmingham's housing growth, the evidence of housing need remains questionable about whether the figure reflects actual need given that the growth scenario adopted is the lowest growth option. The 5 year land supply and deliverability of this is also questionable given that the strategic site is unlikely to be delivered in the first 5 years as suggested with evidence showing that the site is delivering 19 dwellings per annum against the required 117 dwellings per annum required.
- 5.1.5 Affordable Housing Shortfall – The issue of housing delivery for the Council is also compounded by the lack of affordable housing deliverability, which will be further compounded by the need to accommodate some of Birmingham's growth which is likely to include affordable housing also.
- 5.1.6 Gladman Developments reserve the right to participate in the oral presentation to present and further substantiate the points raised in this document.