

**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)

RCA Regeneration Ltd on behalf of Ms N Harrison

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

Page:	Paragraph:	Policy: BDP1, 2, 3 and 4
Policies Map:	Other document: Strategic Housing Market Assessment	

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 type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

The rationale behind the consideration that the BDP is not legally compliant is twofold.

Firstly section 39 of the Planning and Compulsory Purchase Act 2004 requires that Local Planning Authorities must exercise their plan making functions with the objective of contributing to sustainable development.

The Brundtland Report (1987) defined sustainable development as "*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*".

While acknowledging that sustainable development comprises the three interlinked aspects detailed in paragraph 7 of the National Planning Policy Framework (hereafter "the Framework"), it is considered that there are substantial shortcomings in the plans ability to positively contribute to the social role of sustainable development. This is by virtue of the fact that the consultation iteration of the Bromsgrove District Plan (hereafter "the BDP") does not provide for a sufficient number of homes. The housing numbers contained within the plan are based upon figures provided within the Worcestershire Strategic Housing Market Assessment (SHMA). The SHMA itself contains a number of short-comings (which are analysed in detail within the 'soundness' section of the plan). By not providing for sufficient levels of new homes required in the plan period, the BDP fails to meet its requirements of contributing to sustainable development.

Furthermore, s110 of the Localism Act 2011 introduces the statutory requirement on Local Planning Authorities to co-operate with the relevant prescribed persons to achieve sustainable development. While Bromsgrove District Council has worked closely with Redditch Borough Council, significant uncertainty remains regarding co-operation with Birmingham City Council. It is understood that Birmingham City Council cannot meet their housing needs within their administrative boundary and that this housing need must be met Birmingham City Council's neighbouring authorities. It is noted that paragraph 1.14 of the BDP states that

"A housing study is currently being carried out across the whole of the Greater Birmingham and Solihull Local Enterprise Partnership area which will provide some of the evidence required for this issue (RCA Regeneration emphasis)"

What is clear from the above is that Bromsgrove District Council acknowledges that they do not have a complete evidence base as to what housing requirements will be required in partnership with Birmingham City Council. Furthermore it acknowledges that the work on-going still will not sufficiently identify the housing requirements. Until full analysis has been undertaken of Birmingham City Council's housing requirements, and the ability of neighbouring authorities to accommodate such growth, then uncertainty will remain as to whether all the Local Planning Authorities have adequately co-operated to achieve sustainable development.

BDP 3  
54/1

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)

It is considered that in order for the BDP to be compliant with its statutory requirement under s39 of the Planning and Compulsory Purchase Act 2004, the plan needs to re-examine its housing numbers. Firstly this is required on the basis of significant shortcomings in the soundness of the SHMA (detailed in subsequent sections). Alongside this, the BDP does not incorporate the required level of growth necessary to contribute to meeting Birmingham City Council's housing need; this is on the basis that the compilation of the evidence base is still on-going and even on completion, this evidence base document will only provide "some" of the information required.

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)

Due to the operational nature of my client, analysis has been undertaken on the residential growth element of the BDP, particularly the following policies;

- BDP 1 – Sustainable Development Principles
- BDP 2 – Settlement Hierarchy
- BDP 3 – Future Housing and Employment Development
- BDP 4 – Green Belt

The section of the representation has been compiled based on the following;

- Planning Advisory Service (PAS) – Soundness Self-Assessment Checklist (January 2013)
- National Planning Policy Framework (March 2012) – particularly paragraphs 150 – 182

Justified:

Paragraph 182 of the Framework states that for a plan to be considered justified it "should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence". In light of this paragraph of the Framework, the BDP is considered unjustified for a number of reasons.

Firstly the BDP is not based on proportionate evidence. Paragraph 152 of the Framework states that "Local planning authorities should have a clear understanding of housing needs in their area. They should;

- Prepare a Strategic Housing Market Assessment to assess their **full** housing needs,

**working with neighbouring authorities where housing market areas cross administrative boundaries**

In relation to the above statement, the BDP fully acknowledges that there is a lack of evidence in regard to its housing needs (paragraph 1.14) and that even when this evidence base document is produced; it will only provide "some" of the evidence required. Accordingly the evidence to the BDP does not define what the full housing need is across Bromsgrove District Council's administrative boundary. This is because the work with Birmingham City Council and its neighbouring authorities is still on-going. Without the completion of this work, the BDP has not adequately assessed its full housing need. Accordingly it is considered that the plan is unjustified.

Furthermore there is significant concern regarding the accuracy and robustness of the SHMA which has been used to guide the level of growth contained within the BDP. The Council has not undertaken a SHMA for its individual area but rather worked closely with neighbouring authorities to produce a Worcestershire SHMA (February 2012). In this regard it is important to note the advancement of other authorities who themselves have relied upon the SHMA in the production of their development plans; most notably the South Worcestershire Development Plan (SWDP).

The SWDP was recently subject to independent examination into its proposed growth figures (residential, employment and retail). Significantly time at the examination stage was given to the analysis of the SWDP residential development figures derived from the Worcestershire SHMA. On 30<sup>th</sup> October 2013, the Inspector's interim conclusions were published into the SWDP in which it concluded "that there are three fundamental shortcomings in the approach taken in the SHMA. In combination they mean that its assessment of housing need is unreliable and does not provide a sound basis for the planning of housing provision...".

It is important to note that the BDP's residential growth figures are reliant upon precisely the same evidence as the SWDP. Accordingly the BDP has exactly the same shortcomings. While not willing to reiterate the conclusions of the Inspector of the SWDP, it is noticeable that his recommendation was that further analysis be undertaken to derive the objectively assessed housing need. Furthermore, in factoring in all the shortcomings of the SHMA, the Inspector stated that the housing growth figure is likely to be "substantially higher".

Notwithstanding the above, paragraph 182 requires that a plan is the most appropriate strategy when considered against reasonable alternatives. It is noted that paragraph 8.1 of the BDP states that the proposed development strategy identifies where the most sustainable locations for growth are. However a starting position for this strategy is that no development shall take place within the Green Belt until such a time as a Green Belt review has been undertaken.

Such a strategy conflicts with the Framework's relevant policies on Green Belt (see below).<sup>BDP 4</sup> However at this juncture it is necessary to highlight the content of paragraph 82 of the Framework. In defining Green Belt boundaries, Local Planning Authorities should "ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development". The BDP's starting point of no development in the Green Belt until post a review is considered to be an inappropriate strategy for two reasons. Firstly, as the BDP notes, approximately 91% of the land within the Council's administrative boundary is within the Green Belt. However such land includes a number of important rural centres (e.g. Belbroughton and Fairfield). To allow no extensions to such settlements disregards the important contribution these settlements can make to the objective of achieving sustainable development. Such settlements contain key day to day services, but with a decreasing household size and an inability to provide new homes to ensure their long-term viability, such services will be increasingly unable to continue. As such the current strategy of no growth in the Green Belt, even when located immediately adjacent to key settlements, will cause decline in such settlements to meet day to day needs.

Such a strategy can only be justified when there is no alternative strategy. However in this instance, an alternative strategy is present which is to undertake a detailed Green Belt review at the start of the plan process. While this would be compliant with the Framework (see paragraphs below), it would also provide a more justified strategy that would more positively contribute to achieving sustainable development.

Further to the above, given the fact that there is a need to meet a proportion of Birmingham City Council's growth within Bromsgrove District Council's administrative boundary, as well as the comments from SWDP Inspector, the strategy of relying on a Green Belt being undertaken "by 2023" is unjustified. By simply maintaining the review later in the plan period (as is the current strategy), there will be a significant risk that current and short-term unmet housing need will continue to go

unabated until after the Green Belt Review has taken place. Such a strategy is unsustainable when compared to undertaking a review prior to adoption of the plan.

Effective:

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In order to be considered effective, a plan "should be deliverable over its period and based on joint work on cross-boundary strategic priorities" (Paragraph 182 of the Framework).

What is important to note is that firstly the plan is not based on joint work on a strategic cross-boundary issue (the provision of housing). This is acknowledged in the BDP (paragraph 1.14) in that it states such cross-boundary work is on-going. At this basic level, the plan is not effective.

Also given the fact that the plan is not justified by virtue of failing to meet objectively assessed housing needs (see paragraphs above), substantial uncertainty exists over its deliverability. The Green Belt review may only be complete 7 years before the plan's expiration. With the SWDP Inspector stating significant shortcomings in the SHMA and an undefined level of Birmingham's housing needs to be allocated within Bromsgrove District Council's administrative boundary, significant uncertainty exists as to whether this level of growth can be delivered in the final 7 years of the plan.

BDP 4  
54/2

Consistent with National Policy:

In order to be consistent with national policy, an emerging plan must be in compliance with the general policies of the Framework. Firstly, as already identified, the plan fails to provide sufficient housing. Accordingly at this overarching level, the BDP fails to comply with paragraph 7 of the Framework which defines the social role of sustainable development as "providing the supply of housing required to meet the needs of present and future generations".

On the basis that the BDP has yet to accurately define its housing requirement (BDP paragraph 1.14), the plan cannot be consistent with the Framework's requirement that Local Planning Authorities should have a clear understanding of their housing needs (paragraph 159).

BDP 4  
54/2

Concern is also raised in light of the Framework's requirements of paragraph 157. By virtue of the BDP only planning up until a Green Belt review is undertaken; the plan is not consistent with paragraph 157's second bullet-point.

Focusing upon the issue of the Green Belt review, and in light of the above comments on housing numbers, significant concern is raised over the BDP's compliance with section 9 of the Framework; particularly paragraphs 79, 80 and 85.

The BDP defines the boundaries of the Green Belt within Bromsgrove District Council's administrative boundary and paragraph 85 of the Framework provides clear guidance in this regard. As already highlighted, a more justified strategy is to undertake a Green Belt review at this stage. The second bullet-point to paragraph 85 is very pertinent to the BDP in that it states Local Planning Authorities should "not include land which it is unnecessary to keep permanently open". No justification is provided within the BDP as to why the 91% of the Council's administrative boundary needs to be kept permanently open.

A good example of the point made above is Belbroughton which is washed-over by Green Belt designation. Paragraph 80 of the Framework provides guidance as to the 5 purposes that the Green Belt serves. Outlined below is analysis of Belbroughton against the 5 key tests;

- Unrestricted sprawl of a large built-up area: Belbroughton is not a large built-up area but rather it is an important rural settlement that meets the needs of its local community and rural hinterland. Due to its sustainability features, the settlement is well poised to accommodate a proportionate level of growth.
- Prevent neighbouring towns merging: Approximately 2.6km west of Belbroughton is the settlement of Hackman's Gate. Approximately 1.2km north of Belbroughton is the settlement of Holy Cross. Approximately 1.4km south of Belbroughton is the settlement of Drayton. No settlement is present to the east of Belbroughton until east of the A491. On this basis a proportionate extension to Belbroughton would not result in the coalescence of two settlements.



- Safeguard the countryside from encroachment: Paragraph 86 expands on this issue by highlighting that this is applicable where a settlement makes an important contribution to the openness of the Green Belt. If the countryside needs to be protected for another reason (e.g. agricultural land classification) then there are other mechanisms to achieve this. However in examining the land around Belbroughton, it is important to note that the land is interspersed with residential and agricultural properties. Accordingly the openness of the land that needs protecting is not present.
- Preserve the special character of a settlement: It is noted that Belbroughton does contain a conservation area; however it is the heritage policies that provide adequate protection rather than the need for the land to be washed over by Green Belt.
- Assist Urban Regeneration: Although able to play a positive role in contributing to sustainable development, urban regeneration is not a panacea to meeting all housing need. By solely focusing growth within an urban context then this strategy would fail to meet the housing needs of rural communities which would have an adverse effect upon such communities' key day to day services. In this context the housing needs of Belbroughton, or other rural communities, are ignored. Furthermore, given the substantial rural nature of the district, it is inappropriate to seek to move all those in housing need in rural locations to an urban environment and away from their existing support network.

BDP 2  
54/3  
Notwithstanding the above, concern is raised over the consistency of BDP2 with national policy. BDP2.4 highlights that outside expansion sites to Bromsgrove and other large settlements, residential growth will be restricted to that which meets defined affordable housing needs unless the development is within the settlement boundary.

Firstly the settlement boundaries are too restrictive for growth. By again using Belbroughton as an example, the significant impact of the restrictive boundaries is highlighted. The settlement boundary of Belbroughton contained within the BDP mirrors that contained within the adopted Local Plan. Given that the original adopted Local Plan was agreed by Council in 1990. The plan period for the BDP expires in 2030. Accordingly settlements such as Belbroughton will not have been able to grow to allow new family formation for at least 40 years. Belbroughton is one of many settlements facing the same restrictive problems.

Secondly, concern is raised that settlements are only considered sustainable due to their size. This ignores the positive role that services play within the 'smaller' settlements. Without the ability to have proportionate growth within such settlements, then it is considered that the plan does not conform to policy 28 (bullet-point 4) of the Framework. This is on the basis that with an aging population, opportunities for young families to remain in such settlements will diminish thus decreasing the viability of these settlements to maintain local services.

Further to the above, it is considered that focusing open-market residential growth to just 6 settlements as currently set out in BDP2 then such a policy does not conform to paragraph 50 of the Framework. This is on the basis that the policy currently does not provide for the delivery of a wide choice of high quality homes; instead the policy seeks to limit and restrict opportunities for development. Alongside this, paragraph 55 states "*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*". With the reasons set out above, it is considered that BDP2 is in direct conflict with this statement.

BDP 3  
54/1  
Positively Prepared:

The Framework states that for a plan to be positively prepared then it "*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*".

As previously highlighted, Bromsgrove District Council has yet to calculate its requirements of meeting unmet housing requirements from neighbouring authorities. On this basis the plan cannot be considered to be positively prepared.

BDP 2  
54/3  
Further to the above, when analysing the PAS guidance on whether it has been positively prepared, it raises the question "*Has the LPA clearly identified what the issues are that the DPD is seeking to address?*". Paragraph 5.1 of the BDP outlines the strategic objectives. Objective SO3 states that the BDP will "*Support the vitality and viability of local centres and villages across the District*". As

outlined previously, it is considered that policy BDP2 does not allow for the achievement of this objective. Accordingly there is discord between this objective and the settlement strategy for the BDP. Again, on this basis the BDP is internally inconsistent and cannot be considered to be positively prepared.

Further to the above, the achievement of policy SO6 is not maximised. By allocating proportionate growth to settlements which contained key services, then the opportunity to secure a modal shift in transport can be achieved across the district.

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)

Positively prepared. Justified and Effective:

In order to be effective, the plan needs to be deliverable and, where necessary, based on cross-boundary co-operation. Accordingly it is considered necessary that prior to the advancement of the BDP, a detailed understanding is obtained as to the level of growth required within Bromsgrove District based on incorporating growth from neighbouring authorities. Without such information and a reliance on an inexact timeframe for a Green Belt Review, there is a real risk that housing need will continue to be unmet in the short-term.

Such a process will also ensure that the plan is justified. As highlighted, there are substantial shortcomings within the SHMA (as highlighted at the recent SWDP examination). This requires further work before Bromsgrove District Council can rely on its findings in determining their housing numbers.

Consistent with National Policy:

In order to ensure compliance with the relevant rural housing policies of the Framework then a more diverse development pattern should be included. The plan's rigid strategy only allows for growth within settlements that exceed an arbitrary population figure. Population size is not the sole guide to whether a settlement is sustainable but rather analysis should be undertaken of existing key day to services. Where a settlement contains such services, then it should be allocated a proportionate level of growth. This approach would provide greater opportunities for key services to remain viable through maintaining opportunities for their patronage. To appraise such settlements is not considered a significant exercise. Furthermore, given the rural nature of Bromsgrove District, the BDP should be subject to a form of rural proofing to ensure the soundness of the plan from a rural prospective. Such an approach has been adopted elsewhere within the West Midlands where there is a significant rural population (e.g. Herefordshire Council). Furthermore, such an approach will provide the opportunity to meet the necessary increase in housing numbers.

Significant work needs to be given to reviewing settlement boundaries. Given that existing boundaries have been in place for over 20 years, all rural settlements have been restricted from growth. This has placed significant constraints on maintaining the viability of key day to day services within these settlements. Given that the evidence base highlights an aging population during the plan period, then the settlement boundaries will need to re-examined to provide opportunity for new build development to provide smaller properties for either those wishing to downsize (due to family members moving and freeing up family sized accommodation) or for young families seeking to remain within their local village.

A Green Belt Review is also required to ensure compliance with the Framework. However the above rural settlement analysis would provide the most appropriate starting point. The analysis would identify which are the most sustainable locations for growth by virtue of the service provision. A Green Belt Review could then be undertaken around these sustainable settlements. This would provide the opportunity to quickly identify which sites are most appropriate for development purposes.

Conclusions:

At present the BDP is considered unsound; however through undertaking the following stages, it is considered that a robust and sound plan can be delivered;

BDP3

54/1

BDP2

54/3

- Completion of cross-boundary studies with Birmingham City Council
- Update the SHMA to accurately identify local housing need
- Rural settlement hierarchical analysis
- Green Belt Review based on the above

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


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

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

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

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

Due to the significance of the shortcomings of the BDP's housing growth numbers, it is considered necessary to participate at examination. Furthermore, due to the rigid structure of this consultation exercise, concern is raised that a number of important documents (e.g. the Sustainability Appraisal) cannot be discussed. It is considered that the proposed strategy does not positively contribute to the objective of achieving sustainable development and that significantly more sustainable alternatives (as highlighted above) are present. Such alternatives need to be examined against the objectives of the Sustainability Appraisal in a more detailed and coherent way and then analysed at examination.

Signature: 	Date: 11 <sup>th</sup> November 2013
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