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**BROMSGROVE DISTRICT COUNCIL**

**BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION  
VERSION 2011 - 2030**

Representations on behalf of  
**St Francis Group**

**Pegasus Group**

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## 1. INTRODUCTION

- 1.1 We are instructed by St Francis Group, to make representations on their behalf to the Bromsgrove District Plan Submission Version 2011 to 2030. St Francis Group own land at "Norton Lane, Wythall" and are promoting this land as suitable for residential development. In this regard evidence is provided to support St Francis Group case. This is in the form of a 'Background Document' (provided separately) which provides information about the specifics of the site and includes an Indicative Development Framework Plan showing one way in which the site could be developed. The site specific information demonstrates that the site is suitable, developable and deliverable. The representations evidence the reasons why we consider the Submission Version fails to plan for the delivery of the objectively assessed need for housing over the plan period 2011 to 2030. The Response Forms are provided at **Appendix 1**.
- 1.2 The representations are framed in the context of the requirement of the Bromsgrove District Plan (BDP) to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF), paragraph 182. For a plan to be sound it 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
- 1.3 Forming part of these formal representations, and accompanying this document (**Appendix 2**), is an Opinion from Mr Satnam Ghoongh, Counsel from No 5 Chambers, concerning the failure of the Council to comply with the legal requirements with regard to the Duty to Co-operate as set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).

## 2. DUTY TO CO-OPERATE: PARAGRAPHS 1.13 TO 1.16 (INCLUSIVE)

- 2.1 The Opinion from Mr Choongh sets out clearly our view that Bromsgrove District Council has failed to comply with the statutory Duty to Co-operate in the preparation of the BDP, and in particular with regard to meeting the unmet housing needs of Birmingham. Whilst we recognise that the Council has engaged with the Duty to Co-operate in the wording of text and policy contained in the BDP, it has not discharged its statutory duty in this regard by seeking to rely on an undertaking to carry out a review of the BDP, to include a Green Belt Review, sometime before 2023. It is our clear contention that postponing compliance with the Duty to Co-operate in dealing with the strategic matter of unmet housing need arising in Birmingham to an indeterminate point up to 2023 does not maximise the effectiveness of the preparation of the BDP and cannot therefore have discharged the Duty prior to its submission for examination.

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- 2.2 Purely in planning terms, dealing with the issue of the objectively assessed housing needs of Birmingham which cannot be met within its administrative boundaries, currently estimated at in excess of 30,000 dwellings up to 2031 (the plan period for the emerging Birmingham Development Plan) is the single most important strategic matter affecting the wider Birmingham city region. The profound effects of dealing with this unmet housing need in the wider Birmingham city region should be the focus for strategic planning efforts amongst those authorities affected and in the preparation of their development plans, as required by the statutory Duty to Co-operate. Successfully dealing with this matter through the preparation and adoption of sound development plans both in Birmingham itself and across the city region is essential for the growth prospects of the wider area, the strength and sustainability of economic recovery and the success of the city region as a driver of economic growth.
- 2.3 As we understand matters at the time of writing, it is highly likely that the submission for examination of the Bromsgrove District Plan will follow the publication in its final form of the National Planning Practice Guidance, initially circulated in draft in August 2013. Accordingly, we believe it would be both prudent and essential for the Council to take heed of the draft Guidance, especially in relation to the Duty to Co-operate.
- 2.4 Although this Guidance may be subject to change before finally being published, and we believe might subsequently be updated on a more regular basis than we have previously been used to with regard to Government Guidance, nevertheless the draft Guidance available now should be taken into account.
- 2.5 The draft Guidance makes clear that the legal duty placed on local planning authorities to engage constructively, actively and on an ongoing basis in the preparation of local plans is for the purpose of maximising the effectiveness of those plans in relation to strategic cross boundary matters. The Guidance goes on to say that Local Planning Authorities will need to bear in mind that the co-operation legally required of them should produce effective and deliverable policies on strategic cross boundary matters. In our view, this clearly lays to rest the mistaken interpretation of the legal Duty to Co-operate as being one related to process, with outcomes considered as being subject only to the soundness requirements of the Framework. It is clear that a proper interpretation of the legal duty contained in Section 33A means that the need to demonstrate outputs from the process which produce effective and deliverable policies on strategic matters forms part of the legal test.

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

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

- 2.7 The Guidance goes on to say:

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

- 2.8 The Guidance further reminds Councils that

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

- 2.9 It is clear that there is some contact between Bromsgrove and Birmingham Councils, and indeed both as members of the LEP are participating in the wider housing needs study. However, we could see no evidence to demonstrate that Birmingham or Bromsgrove have given any consideration, as required by Section 33A, to entering into agreements on joint approaches or preparing planning policies jointly.

- 2.10 The Guidance states:

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

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



- 2.12 We do not believe that agreement between respective local planning authorities as to the approach they will adopt in relation to the Duty to Co-operate can of itself provide evidence that the Duty has been discharged. It is not in the gift of local planning authorities to agree between themselves not to engage constructively in order to maximise the effectiveness of their plan preparation with regard to strategic matters, but defer such consideration to a point in the future and therefore conclude that they have discharged the Duty to Co-operate.
- 2.13 At examination of local plans, evidence must be produced such that the Inspector can conclude that the Duty has been met. In our view, the tactic of agreeing to defer consideration of a strategic matter which, in the case of the unmet housing need arising in Birmingham is so significant, cannot be evidence that the Duty to Co-operate has been discharged. Agreeing to a review at some unspecified point through some unknown mechanisms is not a reasonable interpretation of maximising the effectiveness of the preparation of local plans.
- 2.14 If the test of whether or not the Duty to Co-operate has been complied with is simply evidence that local planning authorities have agreed amongst themselves to defer consideration of the strategic matter of unmet housing needs to some unspecified point in the future, this has the effect of removing from Section 33A its meaning and purpose in relation to the future of strategic planning in a landscape without Regional Strategies or Structure Plans. Whilst it is recognised that the Framework clearly indicates that local planning authorities should move to adopt up to date development plans, this cannot absolve Councils of their statutory responsibilities with regard to the Duty to Co-operate. With the revocation of Regional Strategies, responsibility for strategic planning now rests with local planning authorities and the statutory Duty to Co-operate is in place to ensure they meet this responsibility in the preparation of their development plans.
- 2.15 Once adopted, there is no credible mechanism for compelling local planning authorities to undertake a review at any given time, or to address strategic matters which may be more clearly defined after adoption. The only sanction available to ensure that the statutory Duty to Co-operate is met is in the hands of Inspectors through the examination of development plans. Given the poor performance of local planning authorities historically in bringing forward local plans for adoption, allied to resource constraints which will inevitably affect their ability to undertake significant work in the future, it is entirely reasonable to consider that Councils may not move as swiftly as they suggest at present to review their adopted local plans in the near future. This is especially the case where Authorities may be facing politically sensitive and difficult decisions with regard to the allocation of greenfield and Green Belt land to meet housing needs arising in a neighbouring local planning authority.
- 2.16 It is our genuine concern that unless the nettle is grasped now and the strategic matter of the unmet housing needs arising in Birmingham is dealt with in the current round of development plan making, there is a very real risk that without any effective sanction and no clear processes which in

any way bind the relevant authorities, the development plan making process will fail to deliver strategic planning in relation to the wider Birmingham city region.

### 3. KEY CHALLENGES

#### Key Challenge 3

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

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

### 4. THE VISION

#### Paragraph 4.2

4.1 Section 4 sets out the vision for the District at 2030. Paragraph 4.2 of the Vision is that: "people from all sections of society will have been provided with access to homes, jobs and services". The BDP is not capable of delivering this vision to 2030. In terms of housing the policy approach of the Plan is to 'deliver' on housing need to 2023 only. It is proposed that an ill defined review process (see response to Policy BDP3 and BDP4) will address the delivery of housing post 2023 in the period to 2030. As such the BDP, as prepared, cannot deliver on a vision which states that all sections of society will have been provided with access to a home. At present the evidence base does not exist to demonstrate how or whether this will occur. It is therefore from the outset of the Plan that this fundamental difficulty occurs, namely the inability of the core policies contained within the Plan to

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cover the lifetime of it. This is in clear contradiction of the NPPF and is unsound. The Draft National Planning Practice Guidance (October, 2013) relating to Local Plans is of note in this regard in clearly stating that: "*The Local Plan should make clear **what** is intended to happen in the area over the life of the plan (my emphasis supplied), **where** and **when** this will occur and how it will be delivered*".

Paragraph 4.12

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

5. **STRATEGIC OBJECTIVES**

Objective SO4

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

Objective SO6

- 5.2 In general terms objective SO6 is supported in that it seeks to ensure that encouragement is given for travel using sustainable modes of transport. In this regard the Norton Lane, Wythall site (see Background Document) affords an opportunity to deliver a park and ride site to serve Wythall railway station consistent with the objective of the Local Plan to delivery sustainable transport solutions. The delivery of parking for the station has been a long standing policy objective of the Highway Authority.

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Indeed it is identified as a requirement of the Worcestershire Local Transport Plan 3 (LTP3) which covers the period 2006 to 2026.

## 6. BDP1 Policy Sustainable Development Principles

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- 6.1 We welcome the inclusion of a policy in accordance with the presumption in favour of sustainable development set out in the NPPF. No objection is therefore raised to Part BDP1.1 or BDP1.2 of the Policy. We have also noted BDP1.4, criteria A to J and have no significant concerns.
- 6.2 When referencing paragraph 14, footnote 9 of the NPPF, part BDP1.3 of the policy uses the phrase "*remaining land designated as Green Belt*". This phrase does not feature in footnote 9 of the NPPF and it is unclear what is meant by this. Land is either within the Green Belt or it is not at the point when applications are made and determined taking into account paragraph 14, NPPF. The reference here is unclear to the reader and ineffective. It does nothing to assist the decision maker in terms of how they should react to a development proposal. As such Section BDP1.3 of Policy BDP1 should be deleted.

## 7. BDP2 POLICY SETTLEMENT HIERARCHY POLICY

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- 7.1 The settlement hierarchy is largely supported as sound. The policy at parts BDP2.1, BDP.2.2, BDP2.3 and BDP2.4 list four facets of the hierarchy and importantly it does not say that sites within the four facets will come forward in the priority order that they are listed. Therefore all must be treated as having the same priority and this is an approach which we support as commensurate with the NPPF objective to boost supply. It avoids the potential for sites to be held back unnecessarily. This is particularly important in Bromsgrove District which has experienced difficulties in maintaining a 5 year supply of deliverable housing sites as required by the NPPF. As such the approach of the hierarchy is supported as sound. If anything further clarification in the supporting text that the hierarchy is not to be applied in priority order would be of benefit.
- 7.2 We do not object to directing development towards the edge of Bromsgrove town, albeit there has to be a question mark over how much further development the town can take after the three identified urban extension sites have been developed. The reference to development sites in or adjacent to large settlements is supported as sound in the context of the NPPF imperative to deliver development that is sustainable.



## 8. FUTURE HOUSING AND EMPLOYMENT GROWTH

- 8.1 Policy BDP3 and its attendant paragraphs contain a strategy for the delivery of housing that is not capable of accordance with the NPPF. It is not positively prepared, justified or effective. It is <sup>(a)</sup> unsound. The reasons for this are explored below.
- 8.2 The NPPF at paragraph 17 sets out a set of core land use planning principles that should underpin plan making as well as decision taking. One of these core principles is that planning should "*proactively drive and support*" the delivery of development including the homes that the country needs. This core principle of the NPPF requires "*every effort*" to be made within an area to objectively identify and then to meet housing needs. Authorities are charged with delivering a: "*clear strategy for allocating sufficient land which is suitable for development in their area*".
- 8.3 Paragraph 47 of the NPPF goes on to reflect this principle in terms of delivering housing. Paragraph 47 clearly sets out the importance which the Government attaches to the delivery of housing. Authorities are required to "*boost significantly the supply of housing*" and: "*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area....including identifying key sites which are critical to the delivery of the housing strategy over the plan period*". There are further indicators of the importance which the Government attaches to meeting housing requirements. The Housing and Growth Ministerial Statement (6<sup>th</sup> September, 2012) explains that the number one priority is to get the economy growing. It acknowledges that the need for new homes is acute and supply remains constrained. The statement stresses the need to get more homes built and to have a planning system that works proactively to support the growth the country needs.
- 8.4 Given the provisions of the NPPF there can be no doubt that a key function of the Local Plan making process is to plan to meet, in full the need for housing over the plan period. Policy BDP3 does not, in our view, achieve this. The strategy advocated in Policy BDP3 is as follows. An overall housing land provision target of 7,000 net additional dwellings is identified for the period 2011 to 2030. Within that overall target it is proposed that 4,600 dwellings are delivered by 2023 on land that is not currently located in the Green Belt. To this extent the Plan proposes a strategy for the delivery of housing to this point only - a period of only 9 years post adoption (assuming adoption in 2014). Between 2023 and 2030 the Council purport that there will be a requirement for a further 2,400 new dwellings to deliver the overall Plan target of 7,000 new dwellings. The Plan, as drafted, does not provide a strategy for the delivery of these houses on the basis that land will need to be released from the Green Belt to accommodate the housing and that a review of the Green Belt has not been undertaken at this stage. In short the delivery of housing in the period between 2023 and 2030 is being "put off" by the Authority. Our detailed views of this approach to Green Belt are dealt with in response to Policy BDP4.



- 8.5 It is clear from the above that Policy BDP3 advocates an approach to the delivery of housing that is the polar opposite to the requirements of the NPPF. It is not an approach which "proactively drives" the delivery of housing over the lifetime of the Plan. It is short term and seeks to avoid making decisions about delivery. It does not make "every effort" to meet the need for housing. In contrast it looks to delay the undertaking of a Green Belt Review now. In so doing the Plan does not provide a clear strategy for allocating sufficient land which is suitable for development in their area. As a strategy and approach to plan making it is unsound.
- 8.6 Moving away from the macro strategy issue it is also necessary to consider the evidence base upon which the 7,000 dwelling requirement figure 2011 to 2030 is proposed. Paragraph 159 of the NPPF states that authorities should have a clear understanding of housing needs in their area and should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. Notwithstanding the Birmingham factor discussed in other representations to this Plan, Paragraph 8.19 of the BDP informs us that the Authority has sought to prepare a joint SHMA with its neighbours in the County through the preparation of the Worcestershire Strategic Housing Market Assessment of February 2012. We are informed that the 7,000 requirement figure is derived from the outputs of this SHMA assessment. This is the key evidence base document underpinning the housing requirement.
- 8.7 The robustness of the SHMA has been subject to a degree of testing by the Inspector considering the South Worcestershire Development Plan (SWDP). The Interim Conclusions of the Inspector were published on the 28<sup>th</sup> October 2013. It must now be of concern to the District that the Inspector is critical of the SHMA. Indeed he states, in his covering letter that: *"My most important finding is that the modelling and analysis in the February 2012 SHMA do not provide a reliable basis for identifying the level of housing need in South Worcestershire over the plan period"*. The Councils of South Worcestershire are, in turn, being asked by the Inspector to undertake some further modelling and analysis in order to derive an objective assessment of housing need over the plan period. Given that this is the same SHMA with the same methodologies that is relied upon by Bromsgrove District it is imperative, before proceeding further, that the District assure themselves that the evidence base is robust and credible. If it is unsound to rely on it in South Worcestershire then the implication could well be that it is unsound to rely on it at Bromsgrove.
- 8.8 The District Council include, at paragraph 8.22, a table which seeks to demonstrate how the components of the proposed delivery to 2023 are made up. A number of sources of supply are identified including: completions 2011 to 2013, commitments, Bromsgrove Expansion Sites, Remaining Development Sites, Other SHLAA sites and windfall allowance. There is a concern about some of these sources of supply as evidenced below.
- 8.9 The plan identifies commitments at 1052 dwellings. This is made up of 99 dwellings under construction from across a total of 18 sites and 953 dwellings with planning permission from a total of 89 sites. The Council has applied no discounting to this commitment figure. This is said to be on the basis that the Authority has no evidence to suggest that the sites will not come forward within

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five years. This, in our view, is not a realistic assumption and, in reality it is likely that a proportion of the dwellings from sites with permission will not be delivered.

- 8.10 When calculating housing land supply in the current housing market, which is in a process of recovery, an appropriate level of discounting should be included in order to allow for: sites where permissions expire, circumstances where schemes are redesigned to lower densities to improve viability; sites which have planning permission for valuation purposes with no intention of being built, particularly small sites and circumstances where sites are uneconomic to develop and will not come forward until the housing market has fully recovered. It is therefore reasonable to allow for a 10% non implementation discount on sites with planning permission. This approach is supported by "Housing Land Availability", DOE Planning and Research Paper and has been supported by Inspectors in a number of recent appeal decisions.
- 8.11 To conclude it is important for the Authority to be robust in its delivery assumptions in order to be confident that there is sufficient supply to cover not only the five year but longer term period. Indeed this is particularly pressing with the strategy proposed by Bromsgrove District as they are only really seeking to deliver housing to a period of 9 years post adoption. If Bromsgrove are over optimistic in terms of their delivery assumptions then they may not have a supply to 2023 and they will not, given that the Borough is 90% Green Belt, have a resource of identified land or sites (given the failure to undertake the Green Belt Review now) to draw on to make good the break in delivery. Indeed other authorities have fallen foul by including unrealistic delivery assumptions within the Development Plan. In Newcastle under Lyme, the Borough are considering whether to prepare a new Local Plan (after only recently adopting a Joint Core Strategy) on the basis that insufficient sites are available to actually deliver the strategy. Further information is provided in response to Policy BDP4 on this point.
- 8.12 The Council approach to windfall is also confusing and would appear, at present, to be unsound. The plan suggests that windfall is included on the basis of delivering 30 dwellings per annum over the period 2014 to 2030 totalling 480 dwellings. The impression given in the source of supply table at paragraph 8.22 is, however, that all of these windfalls will be delivered by 2023 in order to support the 4,600 dwelling target to be achieved without recourse to the Green Belt. It is unclear why this windfall figure would not be 270 dwellings ie 2014 to 2023. Clarification on this issue is therefore required. Notwithstanding this issue, however, the NPPF is clear in paragraph 48 that the use of windfalls should only be in the first five years and then only if there is compelling evidence to support this. Clearly the Plan, in including a windfall allowance over the lifetime of it, is contrary to the NPPF. A windfall allowance over a five year period 2014 to 2019 would only give 150 windfalls and even these should only be included if compelling evidence can be demonstrated. We would suggest that no such evidence has been produced. To conclude we are in no way convinced that the evidence supports the approach to windfalls. At present this approach must be regarded as not justified and unsound.
- 8.13 In light of the above we consider Policy BDP3 and its attendant paragraphs to be fundamentally unsound. It is not positively prepared, will fail to meet objectively assessed housing requirements and is not effective. In addition the Plan is inconsistent with the NPPF. This is such a critical aspect of

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the Plan that the Plan needs to be substantially modified. As explored further in our response to Policy BDP4 in our view, there is a need to review the Green Belt now and identify a strategy which is capable, as far as possible, of identifying how development requirements to 2030 and beyond will be met.

## 9. BDP4 GREEN BELT

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

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

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

9.4 The suggestion proffered in paragraph 8.28 of the Plan is that the strategy of the Council to delay the Green Belt review is due to the "*urgency to have an adopted up to date District Plan*". This is not a credible or robust justification for the Council's approach. The Council has not demonstrated, to date, urgency in this Local Plan Review process. Paragraph 1.11 of the Plan demonstrates that the review process has been ongoing since 2005. The Council were certainly cognisant of the need to review the Green Belt to meet development requirements prior to and following the publication of the last consultation stage of the Local Plan. The Draft Core Strategy 2 consultation was published in January 2011, approaching two years ago and acknowledged the need to review the Green Belt. Certainly Pegasus Group at that time objected to the approach of putting off the Green Belt review and urged

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the District to undertake the process immediately in order that development requirements over the whole plan period could be met and that the risk of the Plan being found unsound could be avoided. Paragraph 8.37 of the BDP notes that through consultation feedback: "*a considerable amount of comments considered that the Council should do the Green Belt review now to ensure sufficient land is available for development*". The Council has simply made a decision to seek to avoid making the difficult, and often controversial decisions about releasing Green Belt land.

- 9.5 In our view this approach of the Council is inherently contrary to the spirit of the NPPF and is not consistent with it. It is a strategy which cannot be said to seek to meet the objectively assessed development requirements over the plan period as evidenced in our response both to this Policy (BDP4) and Policy BDP3 above. As such it is not positively prepared. For reasons explored below, we also consider that it is not an effective approach to plan making.
- 9.6 The mechanism for the plan to be delivered over the period to 2030 is not addressed within the Policy or its accompanying text. Paragraph 8.28 states that in advance of 2023 a Green Belt Review will be undertaken which will remove (emphasis supplied) sufficient land from the Green Belt to address the unmet housing needs over the plan period, address needs beyond 2030 and deal with cross boundary development needs of the conurbation in the plan period. Three crucial elements of the Local Plan Review. There is however a clear difficulty with this approach. A Green Belt Review is not able to remove land from the Green Belt.
- 9.7 A Green Belt Review is certainly an important evidence based document that can consider and make recommendations as to where the Green Belt could and should be rolled back. It is not, however, a Local Plan document and it is quite clear from the NPPF that it is the Local Plan which is the means by which Green Belt boundaries are amended. As a strategy therefore a commitment within this Plan to undertake a review of the Green Belt in order to meet needs over the plan period to 2030 is not a strategy which is capable of delivering on the objectively assessed development requirements. Accordingly it is not effective and is unsound.
- 9.8 Part BDP4.2 of the Plan, in contradiction of paragraph 8.28, is perhaps more accurate regarding what is intended by the Authority. Reference is made to a "Local Plan Review" being undertaken which will include the full review of the Green Belt and that this will occur in advance of 2023. At no place in the supporting text is reference made to a Local Plan Review. All other references imply that it is the Green Belt Review that will address the issue. We would agree with the Authority's reference at part BDP4.2 of the Policy that a Local Plan Review is the appropriate mechanism by which land can be released from the Green Belt. It is, indeed, for this reason that we are firm in our view that this should be undertaken now. This Plan is, afterall, a review of a Local Plan and one that purports to cover a period 2011 to 2030.
- 9.9 The reality is that the Council have not put forward a Plan which is deliverable over a period 2011 to 2030. It is a Plan which they consider is deliverable to 2023 only and one which would need to be immediately reviewed as, allowing for adoption in 2014, it would cover a period of no more than 9



years. Given that this Local Plan Review has been ongoing since 2005 it is unlikely that a further Review would be undertaken expediently. This places at considerable risk the ability of the District Council to have a Plan in place which looks to proactively address meeting development requirements. This provides no certainty for the development industry, is not consistent with national policy and is ineffective. It is a plan which will have a Green Belt which is: "only maintained in the short to medium term" (paragraph 8.28, Submission Local Plan). It is unsound. It is essential, in our view, to deal with the Green Belt review now and get a long term Plan in place which is robust and credible. It might mean delay now but it would avoid the inevitable further delay and uncertainty which would immediately follow as a further Review process is embarked upon.

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

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

## 10. POLICY BDP5B POLICY OTHER DEVELOPMENT SITES POLICY

10.1 In light of the representations submitted in respect of policies BDP3, BDP4 and BDP 5.A it is inevitable that land will need to be released from the Green Belt in locations outside of Bromsgrove town in order to meet the development requirements of the Plan to 2030. In accordance with the hierarchy outlined in Policy BDP2, the Council will need to consider the potential of locations within and adjoining the larger settlements through the Green Belt Review. This Review, as is clear from our representations, should be undertaken now as part of this Local Plan Review in order for the Plan to be found sound. In this regard land at Norton Lane, Wythall represents one such site where the Green Belt could be rolled back and allocated for housing to assist in meeting requirements. The



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reasons for this are outlined briefly below. Further information is provided in the Background Document provided separately.

10.2 The site at Norton lane, Wythall is available, suitable and deliverable for housing for the following reasons:

*(i) Available*

10.3 The site is owned by St Francis Group and it is their intention to develop the site for residential purposes. The site is therefore available.

*(ii) Suitable*

10.4 The site is suitable for development. It is located in a very sustainable location adjoining the existing urban edge of Wythall and can therefore take advantage of the surrounding infrastructure and a range of local facilities. This includes, in particular, the railway station. Indeed any residential allocation on this site could deliver a park and ride facility in association with the adjacent railway station. Moreover the site can access the station via the provision of a potential direct pedestrian link from the site to Norton Lane or requiring only an approximate 200 metre walk to the rail station via Norton Lane Bridge. The effect of this would be to encourage the use of sustainable means of transport rather than the reliance on long private car journeys. The site also benefits from good access to regular bus services.

10.5 The site also benefits from being within walking distance and cycling distance of Wythall's central shopping area which provides local amenities, including local shops and services including a Londis general store, pharmacy, doctor's surgery and dentist. Indeed there is a convenient and convivial direct pedestrian route to this central area along the adjacent Norton Lane and Station Road. Within cycling distance there are also a range of industrial estates including the Monkspath area within Solihull.

10.6 The site, irrespective of its current Green Belt designation, is visually well contained by surrounding landscape features. In terms of visual amenity, the experience of openness typically consists of short distance views across fields, a mature vegetation framework across an undulating landscape and occasional (residential) built form on the urban edge, as well as urban fringe activity including golf courses, electricity pylon lines and horse paddocks. Consequently in the vast majority of views, any development on this site can (as evidenced on the Illustrative Development Concept Plan contained in the Background Document) ensure that there are no significant effects on the openness of the Green Belt.

10.7 The site retains many attributes that provide good development potential. The illustrative Development Framework Plan, as described in the Background Document, is based on a landscape and visual appraisal of the site and its context, and responds to matters of local landscape resources,

character, visual amenity and broader (landscape) planning context within which the site lies. It is the case therefore that the site can be developed in such a way as there will be no significant adverse effects on the openness of the Green Belt.

10.8 In addition to the above the Background Document demonstrates that there are no technical difficulties with the development of the site in terms of ecology, transportation and access, flood risk and drainage, noise or land contamination.

10.9 Given therefore that there is a need to release land from the Green Belt to assist in delivering the objectively assessed need for housing, this site adjoining the urban edge of Wythall (largest settlement in the District after Bromsgrove) adjacent to the railway station could helpfully contribute to providing a mix of housing including family, market housing and affordable housing.

(iii) *Deliverable*

10,10 As demonstrated in the Background Document there are no known major physical or environmental constraints which could preclude development on this site. Development is therefore readily achievable and technically deliverable.

## 11. BDP6 POLICY INFRASTRUCTURE CONTRIBUTIONS

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

11.2 At present the evidence base does not demonstrate that the implications of the cumulative viability of policy costs that are set out in the Local Plan (Policy BDP8 Affordable Housing, Policy BDP6, Policy BDP12 Sustainable Communities, Policy BDP16 Sustainable Transport, Policy BDP19 High Quality Design, Policy BDP21 Natural Environment, Policy BDP23 Water Management, Policy BDP24 Green Infrastructure) have been assessed. In turn no conclusion can be drawn as to the viability and, in turn, delivery of the Plan as a whole. This is an omission from the evidence base which is contrary to the express requirement of paragraph 174 of the NPPF which states that Local Authorities should

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"*assess the likely cumulative impacts on development in their area..*" and that, as set out above: "*the cumulative impact of these standards and policies should not put implementation of the plan at serious risk*". It is also in contradiction of Paragraph 177 which is clear that: "*it is important that local planning authorities understand district wide development costs at the time Local Plans are drawn up*".

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

## 12. BDP7 POLICY HOUSING MIX AND DENSITY

- (16)
- 12.1 Part BDP7.1 of this Policy is concerned with housing mix. It is considered that this policy provision, as drafted is not justified and is unsound.
- 12.2 The suggestion is that all development proposals need to focus on delivering 2 and 3 bedroom properties. Although the term "focus on" is not defined and is therefore ambiguous in practice the implication is that on all sites the mix sought will be predominantly 2 and 3 bedroom properties. Whilst we do not dispute that it is appropriate for new housing to take into account identified housing need, by focusing generally on delivering 2 and 3 bed dwellings on all development proposals there could be a tendency to overlook the existing housing mix at the micro level. As such rather than expanding the housing mix in a particular location, new 2 and 3 bed dwellings could actually be adding to an existing supply of similar dwellings. Paragraphs 8.88 and 8.92 of the BDP reinforce the difficulty of having a policy which suggests a specific mix. The former acknowledges that the household needs within the District are varied with the latter acknowledging that there is likely to be a: "*sustained demand for family housing recognising that moderate and larger properties represent the aspiration for many households of different age groups*". Given this acknowledgement, a policy which skews provision to predominantly 2 and 3 bedroom properties is not justified.
- 12.3 There appears to be an acceptance in the Policy that on larger schemes a wider dwelling mix will be appropriate. No definition is provided as to when a scheme is considered to be large which is ambiguous. The reality, however, is that it is a geographical or locational requirement at a micro level as to appropriate mix as opposed to relating solely to the size of a scheme. In reality a policy on mix needs to be less definitive. It has to be sufficiently flexible to adapt to changing circumstances. Somewhat inevitably the information which has informed the mix at this point in time may quickly become out of date. What may be correct today may not be in 10 years time. We believe that the housing developers have a good understanding of the markets within which they operate, as ultimately they will only build what there is demand for within a given location. In light of these concerns the policy is too definitive, is not justified, is ineffective and unsound. Accordingly this policy should be redrafted to refer to any proposed housing mix on a new site taking into account existing housing types in the area and what the housing market is seeking at the time.

12.4 We welcome the inclusion of Policy BDP7.2.

### 13. BDP8 POLICY AFFORDABLE HOUSING

17 13.1 We broadly support Policy BDP8. It is acknowledged that the delivery of affordable housing is a key objective for the District Council. The use of the term "up to" at BDP8.1 of the Policy in respect of the percentage targets is important. Flexibility in this policy is necessary due to the boom and bust nature of the housing market and given that circumstances will change continually over the plan period. There should be flexibility on a scheme by scheme basis to ensure scheme viability. It is, in light of this, not appropriate to use the term "in exceptional circumstances" at BDP8.2. It is sufficient for the policy to acknowledge that where the applicant can demonstrate that the required target cannot be achieved then a lower level of provision will need to be negotiated. At present the wording goes beyond what is justified and is unsound.

18 13.2 The reference to Lifetime Home Standards at part BDP8.5 is noted. Given that this is a policy dealing with affordable housing only then it is assumed that the requirement for all homes to be Lifetime Home Standards is intended to relate to affordable housing only and not market housing. This should be made clear within the Policy. This is on the basis that, in respect of market housing, this is to be encouraged rather than insisted upon. Indeed it is noted that in the policy relating to the elderly (Policy BDP10) which is cross referenced the phrase used in relation to the delivery of Lifetime Home Standards is that it will be "actively encouraged". In short it does not appear to be a requirement in terms of Policy BDP10. There is an inconsistency here that the BDP needs to address. We support the term actively encouraged used in Policy BDP10 in respect of market housing on the basis that the standards are discretionary and whilst a number of house builders do meet them voluntarily they should not be compulsory through planning policy.

### 14. BDP16 POLICY SUSTAINABLE TRANSPORT

19 14.1 We broadly support Policy BDP16 and, in particular, the recognition that support will be offered to the improvement of car parking and cycling provision at stations. As set out in the Background Document accompanying these representations the site at Norton Lane, Wythall could deliver a park and ride facility in association with the adjacent railway station. Moreover the Norton Lane site can access the station via the provision of a potential direct pedestrian link from the site to Norton Lane requiring only an approximate 200 metre walk to the rail station via Norton Lane Bridge. It is also possible to provide a direct link to the new extended railway platform from the site. The effect of this would be to encourage the use of sustainable means of transport rather than the reliance on long private car journeys. The provision of improved car parking for Wythall railway station is a long standing policy objective of the Highway Authority and is identified as a requirement in the LTP3. The delivery of car parking on this site would be very much consistent with the objective of Policy BDP16 to deliver sustainable transport solutions.



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**15. BDP19 POLICY HIGH QUALITY DESIGN**

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

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15.2 Part (a) of the policy places a requirement on developers to follow relevant guidance and procedure to achieve good design. Although we do not object to this as unsound we consider it does little to assist the decision maker in terms of how they react to a development proposal in practice. Objection is however raised to part (c) of the Policy which seeks to "ensure" that residential development achieves the highest standard of Building for Life. This is far too prescriptive and goes beyond what is justified. Building for Life is not a mandatory requirement that is placed on developers. It is voluntary only. There is no justification for Bromsgrove to apply it as mandatory. Criterion (c) is therefore unsound and should be deleted.

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

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



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

## 16. BDP20 POLICY MANAGING THE HISTORIC ENVIRONMENT

- 16.1 It is undoubtedly the case that the NPPF, as set out in its provisions at paragraphs 126 to 141, seeks to conserve and enhance the historic environment. We therefore support the inclusion of a policy which seeks to conserve and enhance the historic environment of the District in principle. In practice, however, we can find little or no support in the NPPF to justify the way in which Policy BDP20 has been drafted. The Policy is very prescriptive and implies a level of protection that offers no clear distinction between heritage assets which are 'designated' and those which are not. The NPPF is very clear, in paragraph 1.26 that heritage assets should be conserved "*in a manner appropriate to their significance*". Paragraph 132 tells us that the more important the heritage asset then the greater the weight of conserving that asset should be. This distinction is, at best blurred and at worst not included at all within Policy BDP20. No real distinction appears to be made between heritage assets that are designated, non designated heritage assets, the historic landscape, designated landscapes and historic transport networks. This approach is not justified and is unsound.

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

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

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**17. BDP21 POLICY NATURAL ENVIRONMENT**

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

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**18. BDP22 POLICY CLIMATE CHANGE**

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

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 4	Paragraph: 1.13 TO 1.16	Policy:
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

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

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)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

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)

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

Signature

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 11	Paragraph: 3.1	Policy: KEY CHALLENGE 3
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:



Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<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)

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

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

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

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

Signature

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 14	Paragraph: 5.1	Policy: OBJECTIVE S04
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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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)

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

Signature

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 14	Paragraph: 5.1	Policy: OBJECTIVE S06
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input 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)

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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)

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

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

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

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

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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No, I do not wish to participate at the oral examination	<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)

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

Signature:



Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 12	Paragraph: 4.2	Policy: THE VISION
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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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"/>

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

Signature

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 13	Paragraph: 4.12	Policy: THE VISION
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:



Do you consider the BDP is **unsound** because it is not:

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

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

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7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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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"/>

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

Signature:  Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 17	Paragraph:	Policy: BPP1/PART BDP1.3
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature		Date: 11/11/2013
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**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 19	Paragraph:	Policy: BDP2
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:



Do you consider the BDP is **unsound** because it is not:

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

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

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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature  Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 21/22	Paragraph: 8.18 TO 8.27	Policy: BDP3
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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

Signature

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 23 TO 25	Paragraph: 8.28 TO 8.39	Policy: BDP4
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

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

Yes:  No:



Do you consider the BDP is **unsound** because it is not:

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

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

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Signature

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 34	Paragraph:	Policy: BDP5B
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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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)

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

Signature  Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 47	Paragraph:	Policy: BDP6
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input 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)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes: <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)

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

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

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

Signature

Date: 11/11/2013



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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 49	Paragraph:	Policy: BDP7/PART BDP7.1
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<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 type="checkbox"/>

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

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7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature  Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 52	Paragraph:	Policy: BDP8/PARTS BDP 8.1 AND BDP8.5
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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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"/>

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

Signature: 

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 73	Paragraph:	Policy: BDP16
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input 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)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

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

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

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

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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 94 TO 95	Paragraph:	Policy: BDP19
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
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THE REPRESENTATIONS HIGHLIGHT SIGNIFICANT CONCERNS RELATING TO THE SOUNDNESS OF THE PLAN AS A WHOLE WHICH NEED TO BE EXPLORED THROUGH THE ORAL PART OF THE EXAMINATION.

Signature: 

Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 98 TO 100	Paragraph:	Policy: BDP20
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
-------------------------------	------------------------------

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

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

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

Do you consider the BDP is **unsound** because it is not:

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

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

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

Signature

Date: 11/11/2013



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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 103	Paragraph:	Policy: BDP21
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
-------------------------------	------------------------------

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

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

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

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)

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

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

Signature:  Date: 11/11/2013

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

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

PEGASUS GROUP FOR ST FRANCIS GROUP

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

Page: 107	Paragraph:	Policy: BDP22
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:  No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

Yes:  No:

Do you consider the BDP is **unsound** because it is not:

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

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

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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

*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)

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

Signature  Date: 11/11/2013





# Land off Norton Lane, Wythall



## BACKGROUND DOCUMENT

NOVEMBER 2013

Prepared by Pegasus Planning Group on behalf of St Francis Group





# Land off Norton Lane, Wythall

## BACKGROUND DOCUMENT

November 2013

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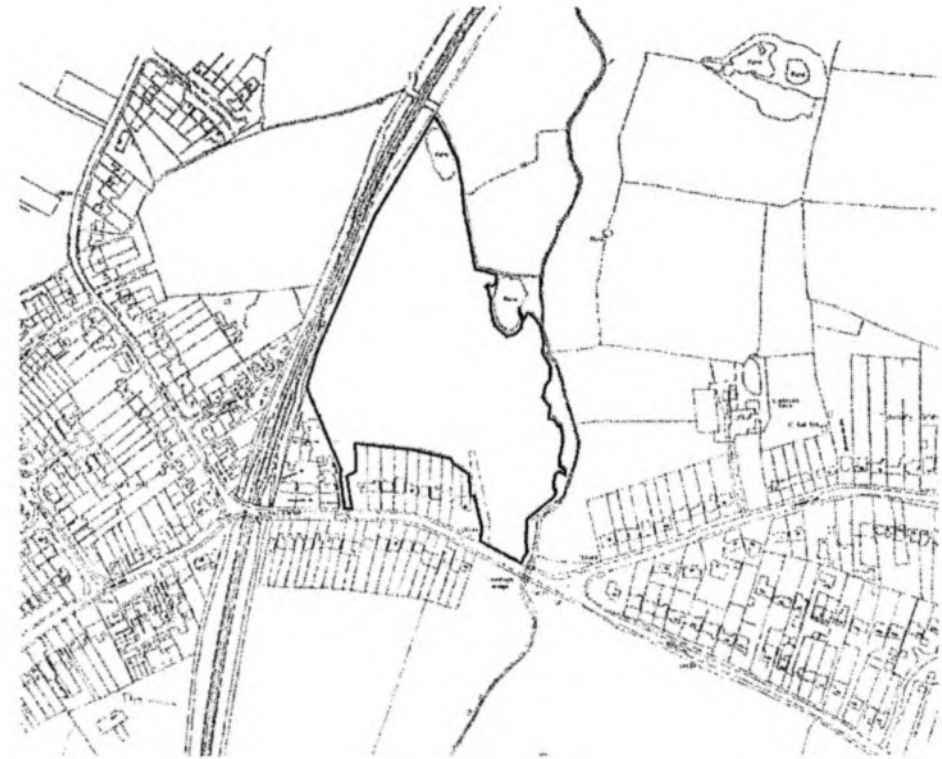
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# 1 INTRODUCTION

This background document relates to the site known as Land at Norton Lane, Wythall and is submitted on behalf of the St Francis Group who have a controlling interest over the land. The site is identified as BDC59 in the Strategic Housing Land Availability Assessment (July 2013). The purpose of this document is to provide background information to support the representations that are being made by Pegasus Group on behalf of St Francis Group to the Proposed Submission Version of the Bromsgrove District Plan (2011 – 2030). This document serves to reinforce the suitability of the site and, in turn, its soundness as a strategic allocation within the District Plan.

St Francis Group are promoting the development of the site for a mix of market and affordable residential dwellings, open space, site access and associated infrastructure. The development of the site will also enable the delivery of approximately 50 car parking spaces for use by Wythall railway station including a new pedestrian link from the proposed station car park to Norton Lane. The delivery of parking for the station has been a long standing policy objective of the Highway Authority. Indeed it is identified as a requirement of the Worcestershire Local Transport Plan 3 (LTP3) which covers the period 2006 to 2026.



Site Location

## 2 SITE DESCRIPTION & CONTEXT

### The Site

The site extends to approximately 4.72 hectares, the previous use of the site was a quarry and subsequently a tip that is still to be remediated.

The site is void of any vegetation infrastructure apart from that along the site boundaries. There is a pond, linear in shape and surrounded by mature vegetation, located at the northern end of the site. In terms of topography the levels across the site generally reflect the former use of the site for extraction and fall from the west down to the east.

There are no public footpaths crossing the site and the only other site feature of relevance is the bell mouth adjacent to the southern (Norton Lane) boundary, where kerbings have been implemented which were associated with the recreation/leisure planning consent on the site.

The site boundaries are shown edged in red on the adjacent image.

### Surrounding context

The site is located directly on the north eastern residential edge of Wythall which currently has a population of approximately 11,460 (2011 Census). Wythall is described as a 'linear' settlement which is located approximately 4km south west of Shirley town centre and 12km south of Birmingham City Centre. The site lies approximately 3km north east of junction 3 of the M42 motorway and the A435 Alcester Road that provides links to Birmingham City Centre and the southern suburbs.

A residential development known as 'The Cornfields' has recently been constructed on land to the west of the site, just beyond the railway line. This comprises 76 no. residential units, open space and landscaping and effectively extends the residential land use and character of the existing settlement further to the north. This development increases the integration of the site with the village settlement.





The central shopping area of Wythall is within walking distance of the centre of the site. The village centre contains a variety of shops and other facilities including a doctors surgery, a dentist, a pharmacy, 6 Churches, a library, a community centre, 2 post offices and 3 pubs. There are 2 primary schools, 1 high school and several pre-school nurseries within the local area. There is a convenient and convivial direct pedestrian route to the village centre along Norton lane and Station Road. In the wider area, within cycling distance, there are a range of employment opportunities particularly within the industrial estates in the Monkspath area of Solihull. Employment can also be found at the Sainsburys and other shops located at Maypole, approximately 4km from the site.

The site is extremely well placed to access Wythall rail services. The development of the site has the potential to provide a pedestrian link from the site direct to Norton lane which would mean that the walk to the rail station via North Lane Bridge would be approximately 200 metres. It is also possible to provide a direct link to the new extended railway platform from the site. Further details of rail services are set out in Section 8 of this document.

The site also has good access to a regular bus service linking the site to Kings Heath, Solihull and Birmingham at regular intervals throughout the day. Further details of bus services are set out in Section 8 of this document.

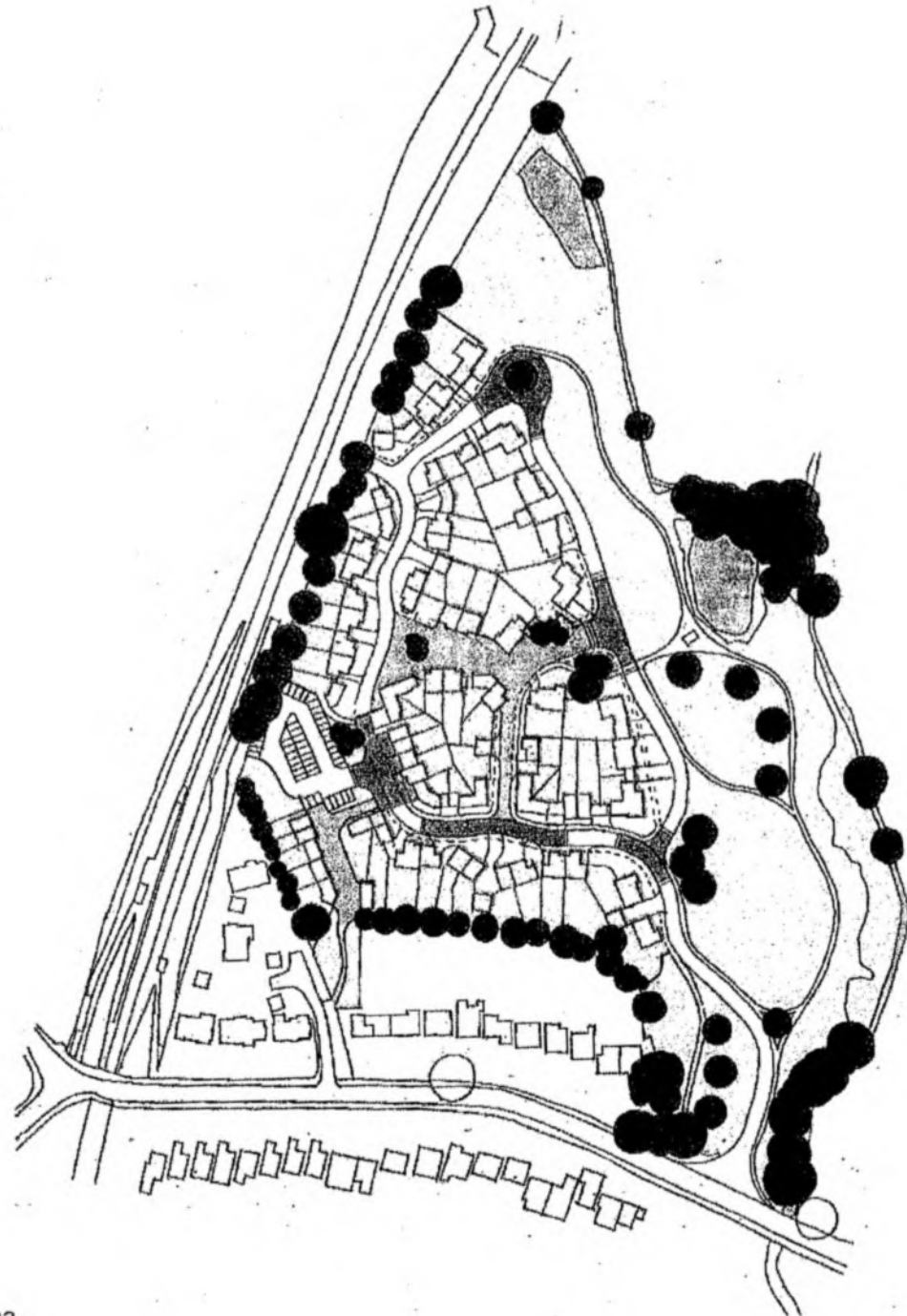
#### Planning History

The site and additional land was granted permission in July 1990 for:

***“Change of use from tipping site to recreational/leisure facility”***

The permission is for a complex of indoor and outdoor leisure facilities for horse riding, tennis, fishing, squash, indoor cricket, ice/roller skating and snooker. Subsequent to the grant of permission work was commenced on the construction

of the access to the site. It is therefore the case that this planning permission remains extant and could be fully implemented at any time. The principle of development of the site has therefore been previously recognised through the grant of this permission.



Band at Norton Lane, Wytha

Background Document | Land at Norton Lane, Wyth511

### 3 MASTERPLANNING & DESIGN CONCEPT

The constraints and opportunities associated with the site provide a useful tool to help shape the design of the evolving development proposals. These are discussed below.

#### Opportunities

- Opportunity to establish a new community which has convenient access to local services and facilities and sources of employment as well as being within easy walking distance of Wythall railway station and frequent bus services to Kings Heath, Solihull and Birmingham.
- The ability to deliver much needed additional car parking in close proximity to Wythall railway station, along with a new pedestrian linkage along Norton Lane from the site, encouraging more sustainable methods of transport.
- A good relationship with the existing urban edge of Wythall and the ability to integrate further through the enhancement of pedestrian links between the two, with access to improved open space provision.
- A high degree of visual enclosure offered to the site generally by both the local landscape character and the existing urban area of Wythall.
- The opportunity to enhance and improve the existing landscape infrastructure, consistent with local landscape character.
- A unique opportunity to provide a dynamic area of open space adjacent to the River Cole, alongside the amenity value offered by the River Cole itself and adjacent ponds.
- Opportunities to integrate existing public routes near the site through the development in a comprehensive open space strategy which could provide increased public access into and across the site.
- A planting strategy that complements the existing landform, enhances the legibility of the area and establishes habitats for wildlife; and

- Potential for a number of opportunities with respect to a net biodiversity gain as a result of a development of the site.

#### Constraints

- The Green Belt status of the site
- Potential visual exposure to areas immediately to the west and north.
- The presence of existing residential development to the southern boundary.
- The site retains limited vegetation infrastructure, with the exception of that along part of its eastern boundary, the River Cole corridor.
- The retention of existing landscape, including trees and hedgerows, to the boundaries, particularly those of ecological interest, along with the provision of appropriate development free buffers to areas of ecological interest.
- The presence of the River Cole to the eastern boundary and associated flood attenuation measures.
- Noise and vibration associated with the railway line located adjacent to the western boundary.

These constraints and opportunities have provided the design parameters for the Development Framework Plan shown opposite, providing the basis on which the disposition of development across the site has been able to evolve, enabling spaces to be defined, whether this be for residential, landscape or essential infrastructure.



### Potential Proposed Development/Design

The Development Framework Plan shows the possible disposition of uses across the site. It establishes the potential for the following:

- Residential development to be focused away from the River Cole which flows alongside the eastern parameters;
- Provision has been made to accommodate 50 car parking spaces for use by Wythall railway station adjacent to the western boundary of the site with a new pedestrian link provided south to Norton Lane. This provision is supported in principle by Worcestershire County Council as Highway Authority, Centro, Network Rail and the current service operator;
- Provision of substantial park type area of public open space proposed along the eastern part of the site adjacent to the River Cole, including parkland and informal and formal play space.

This plan is illustrative in nature and will continue to evolve, however it is anticipated that the site could successfully accommodate a mix of residential dwellings with a generous area of open space, as well as other carefully planned green infrastructure. In addition, the site has the ability to deliver a much needed car park for Wythall railway station. The structure of the Development Framework Plan aims to integrate the planning, environmental and transport objectives and these are discussed further within this document.

In overview the illustrative Masterplan seeks to address the following key issues:

#### Extent of Development

The extent of any proposed development at Land at Norton Lane will be defined by natural landscape in the form of the existing river and mature vegetation along the river corridor and the eastern parameters of the site.

The western boundary of the site is defined by the alignment of the Birmingham to

Stratford railway line, which lies at a lower level than adjacent site levels towards the southern end, gradually rising to become flush with the site, before sitting on an embankment above the site towards the northern end of the boundary.

Existing built development is adjacent to both the southeast and southern boundaries of the site, with Wythall railway station to the southeast and residential dwellings which sit to the north of Norton Lane located to the south of the site. Built development can therefore be successfully located close to these boundaries so that it represents an extension to an existing urban area, rather than an isolated pocket of built development.

There is a very well defined pattern of small fields and paddocks surrounding the site, notably to the northeast and west of the site, where the scale of the fields and the numerous mature hedgerows with large trees, enclose the landscape, with a number of short distance views across individual fields, as opposed to mid or long distance vistas.

Careful consideration has been paid to the gap between Wythall and Tidbury Green and the retention of the scale and perception of the gap through considered landscape design. The Development Framework Plan shows the development set away from the eastern parameters of the site to maintain the north south gap between neighbouring settlements. This approach has enabled the potential for a substantial park type public open space to be developed alongside the existing river and ponds which define the site's eastern boundary, to create both active and passive recreation areas.

#### Relationship with Existing Built Form in Wythall

The design of the proposal will seek to integrate with the existing built form in Wythall through the consideration of land use location, new building orientation, pedestrian linkages, highway linkages and appropriate separation between proposed and existing buildings.

As well as integrating in a physical sense with Wythall, any new development will be designed to be able to integrate in a functional sense through the provision of new public facilities. For example, the provision of easy access to a community green space adjacent to the River Cole, providing a 'river' walk, encompassing various

forms of recreational activity for different age groups.

The green space will not only maintain and create a defensible gap or area of open space between the development and the green belt but will also provide sufficient open space provision in accordance with national guidelines.

It is also considered that the proposed car parking provision should be situated in close proximity to Wythall railway station, located to the southwest of the site; with the provision of new pedestrian link to Norton Lane to make this feasible and potentially a direct link to the new extended railway platforms.

In terms of housing mix the development will provide a large variety of different dwelling types and sizes. There will, in addition, be an affordable housing component at a level to be agreed with the Bromsgrove District Council.

#### Provision of Rail Car Parking

The adopted Bromsgrove Development Plan has considerable emphasis on the need to deliver sustainable development. Part of this is the long standing, yet unrealised, policy commitment to the provision of a park and ride site to serve Wythall railway station. This Development Plan desire is one shared by the County Council as Highway Authority and the Wythall Community.

The current lack of parking at the station is a significant problem both locally and in the wider area. At present commuters park in surrounding residential streets due to insufficient car parking and drop off facilities at the station.

Worcestershire County Council has been seeking to resolve this issue for a number of years without success. In April 2006 an assessment of "The options for the provision of a station car park" was undertaken by the County Council. This assessment considered all of the potential available locations for accommodating car parking for the station. This included the land on the western side of the railway line subject to a designation as Area of Development Restraint. The County Council concluded that this latter site, and a number of others, were simply too remote from the station to be fit for purpose.

The County Council concluded that the site the subject of this Background



Document was the best placed to deliver the park and ride. This was on the basis that it was located on the same side of Norton Lane as the station and that the users of the car park would not have to cross Norton lane to access the rail services. The County Council concluded that having the car park access closer to the station would also make it easier for drivers to find, use and understand, which is considered important in building driver confidence and then generating patronage of the car park once it has been constructed.

The objective of the County and District to deliver a park and ride for the station is one shared by the community. The Wythall Community Plan (2005-2011) sets out the community proposal to support the provision of a car park for Wythall station.

In light of the above this site is uniquely placed to deliver, as part of the proposals, the much needed car parking for Wythall station providing the best opportunity to park and walk consistent with sustainable practice to encourage public transport use.



## 4 LANDSCAPE CONTEXT

The site is defined along its southern boundary by the rear gardens to residential units fronting onto Norton Lane; the eastern boundary by the tree lined River Cole; and along its western boundary by the alignment of the Birmingham to Stratford railway line, which lies at a lower level than adjacent site levels towards the southern end, gradually rising to become flush with the site, before sitting on an embankment above the site towards the northern end. Beyond the railway line there is a recently constructed residential development of 76 no. dwellings.

Existing vegetation is located to the perimeter and primarily along the River Cole located on the eastern site boundary including Ash, Hawthorn, Goat Willow (*Salix caprea*), Alder (*Alnus glutinosa*), Oak and Sycamore (*Acer pseudoplatanus*). Trees along the southern boundary adjacent to Norton Lane are generally Ash.

There are two existing ponds, one within the site and the other falling outside the site adjacent to the eastern boundary. The pond which falls within the site is located at the northern end of the site and is linear in shape and surrounded by mature vegetation, mostly willow. The second pond which falls outside the site is located approximately halfway up the eastern boundary adjacent to the River Cole. It is oval in shape and supports a series of naturally regenerating marginal and aquatic plant mixes.

The local landscape character, the Arden pastures, within which the site sits, is not in this instance afforded any form of statutory planning protection in landscape and visual terms. Its key characteristics are well represented on and around the site. The landscape and visual amenity of this landscape has directly informed the development proposals, and the landscape strategy has built on this character. It is considered that there will be no significant effects on the amenity of the landscape character in the area, and hence no detrimental effect on the openness of the Green Belt in this context.

The site is visually well contained by surrounding landscape features. In terms of visual amenity, the experience of openness here typically consists of short distance views across fields, a mature vegetation framework across an undulating landscape with occasional built form on the urban edge, as well as urban fringe actively including golf courses, electricity pylon lines and horse paddocks.

Consequently, in the vast majority of views development of the site is not likely to have any significant effects on the openness of the Green Belt. With regard to openness in respect of short distance views, there are likely to be some changes, to the balance of built and non built form, but in areas where these elements are already part of the visual context.

With regards the impact that the development of the site would have against the five purposes of including land in the Green Belt, the following assessment can be made:

Green Belt Purpose	Comment
Check unrestricted sprawl of large built up area	The development proposal is based on a landscape and visually led approach which delivers a development envelope that pays particular attention to the openness of the Green Belt to ensure that "unrestricted sprawl" is avoided.
Preventing neighbouring towns from merging into one another	Careful consideration has been paid to the gap between Wythall and Tidbury Green, and the retention of the scale and perception of the gap through considered landscape design.
To assist in safeguarding the countryside from encroachment.	The proposed development exhibits a good relationship with the urban edge of Wythall. This, coupled with the high degree of visual enclosure of the site means that encroachment into the countryside is avoided.  The proposed development has good scope for the delivery of a landscape infrastructure framework which can enhance biodiversity and the recreational assets of the area.
To preserve the setting and special character of historic towns	The development proposal has no impact on the setting and special character of a historic town.
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	The development proposal, through the reclamation of a former tip, does recycle land.

The Landscape and Visual Appraisal undertaken for the site concludes therefore that the site retains many attributes that provide good development potential. The proposed landscape strategy is based on a landscape and visual appraisal of the site and its context and responds to matters of local landscape resources, character, visual amenity and the broader (landscape) planning context within which the site lies. On balance it is therefore considered that there will be no significant effects on the openness of the Green Belt. On the basis of this landscape and visual appraisal therefore, development of the nature and scale proposed is considered to be acceptable.

## 5 ECOLOGY

Hillier Ecological Associates were commissioned by St Francis Group Ltd to undertake an ecological review of Land off Norton Lane.

The survey found evidence of badgers, albeit outside the parameters of the site, with an active single hole outlier sett on the railway embankment that abuts the site. The ecological review concludes that any redevelopment of the site minimal impact on the badger sett.

The habitat assessment concludes that the site does not meet the criteria as suitable reptile habitat and the trees within the site footprint came out as having a low probability of bat interest. In addition, no amphibians were recorded during the survey. The site is however considered a suitable habitat to support breeding birds.

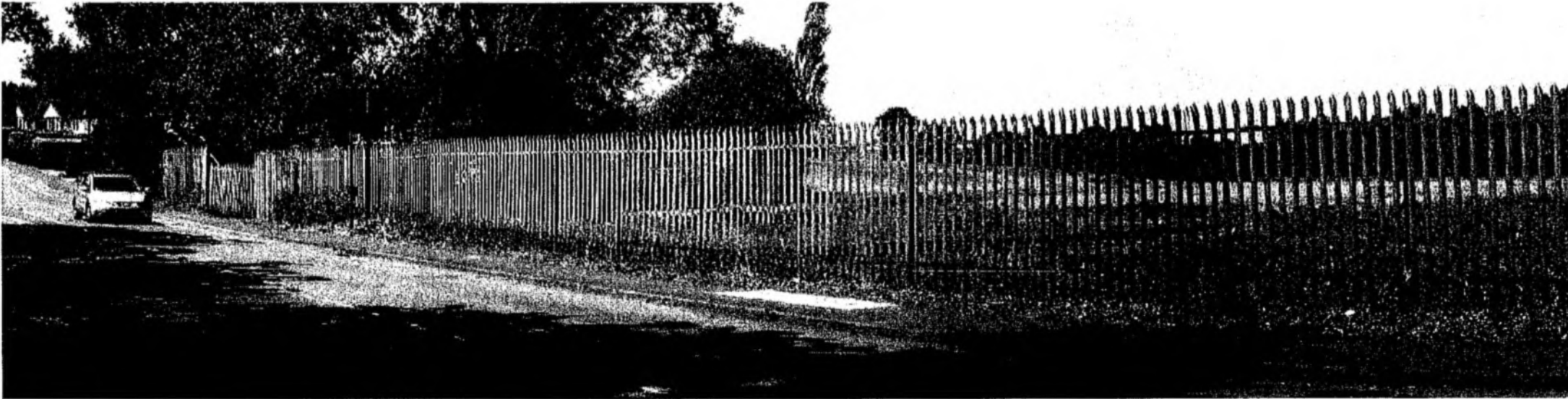
Overall the scoping survey concluded that the site was of insignificant ecological value.

There is therefore no evidence to suggest that the proposed allocation of the site for residential development would lead to any significant adverse effects on any known protected species or ecological features of value at a National, County or Local level. The survey work undertaken has not identified any overriding constraints to

the development of the site.

The development of the site presents the opportunity to deliver numerous ecological enhancements to the current ecological situation and provide benefits to the local biodiversity. The proposed development will aim to strengthen existing landscaping throughout the site, with the introduction of residential gardens, the parkland form of open space along the eastern parameters, as well as other planting throughout the site, to create a linked network of green infrastructure on site. This will provide the opportunity to enhance wildlife corridors and linkages to habitats within, and external to the site, in addition to providing amenity benefits.

Natural England have no objection to the development of this site.



## 6 FLOOD RISK & DRAINAGE

The River Cole runs alongside the eastern boundary of the site and flows in a northerly direction. A drainage ditch flows adjacent to the site's which intersects the River Cole at the site's eastern boundary. There is also a pond at the northern end of the site, as well as further pond located just beyond the eastern site boundary. The River Cole is classified by the EA as an ordinary watercourse.

The Flood Risk Assessment (FRA) undertaken for the site contains modelling work which establishes that the site is located wholly within Flood Zone 1 with an annual probability of flooding less than 1 in 1000 years.

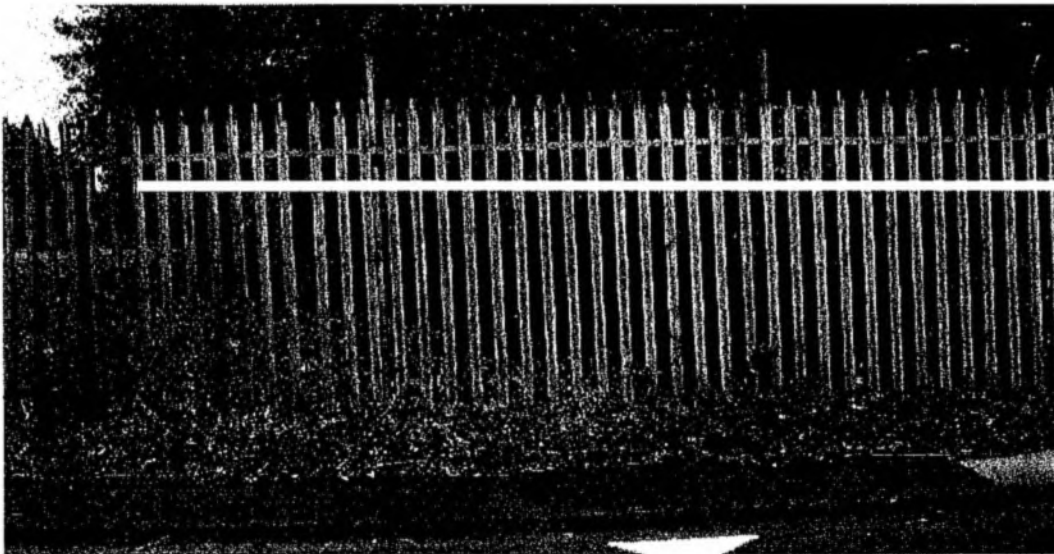
The site is currently believed to drain via surface water runoff following the topography of the land surface, which across the majority of the site is west to east towards the River Cole. Surface runoff from the north west corner of the site is likely to flow in a northerly direction toward the ditch at the site's eastern boundary. No underground sewers have been identified as crossing the site. There are no records of flooding that have affected the site.

Surface water arising from a developed site, should, as far as practicable, be managed to mimic the surface water flows arising from the site prior to the proposed development, while reducing flood risks to the site itself and elsewhere.

To reduce storm runoff on impermeable drainage areas, a range of techniques known as Sustainable Urban Drainage System (SUDS) can be utilised. These can be adopted to reduce peak flows and storm volumes and also improve water quality. The FRA identifies a number of SUDS techniques which could feasibly be utilised at the site, including utilising the pond to the north of the site to manage surface water runoff (balancing pond), along with the use of permeable pavements, non-infiltration swales and underground storage/oversized pipes, for example.

It has been demonstrated that the site could accommodate development without unacceptable impact and concludes that there are no risks of flooding and drainage issues will not preclude development.

The Environment Agency have no issues with the development of this site and Bromsgrove District Council have no concerns in relation to drainage.



Land at Norton Lane, Wythall | Background Document



## 7 NOISE ENVIRONMENT

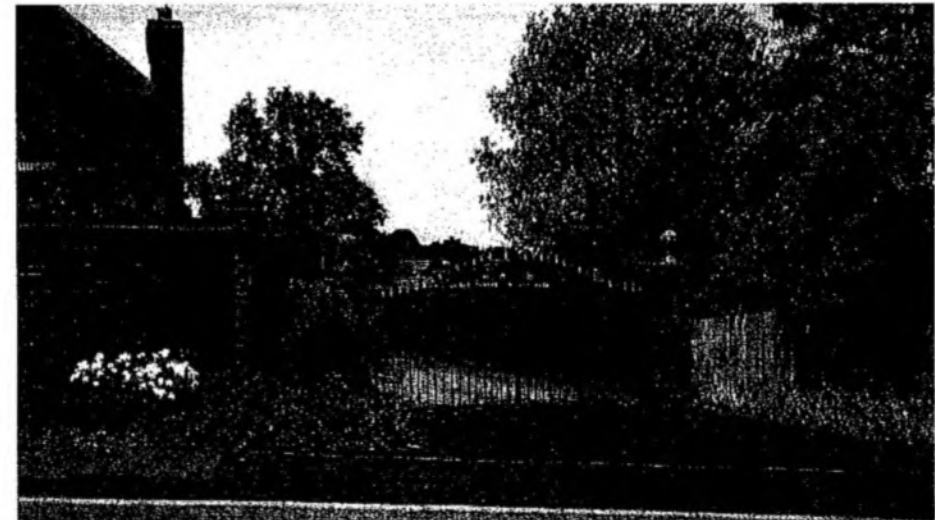
A Noise and Vibration Report has been prepared by Hoare Lea Consulting Engineers and indicates that the general noise climate across the site is determined by road traffic from the surrounding roads. Levels of noise do however reduce significantly across the site away from Norton Lane due to the distance from the road and screening effects.

The general ambient noise level is then punctuated by intermittent higher noise levels by train pass-by, albeit there are approximately two rail movements per hour during day time each lasting no more than 20 seconds. Train speeds are however low given the close proximity of Wythall train station, with most noise associated with rail-wheel interaction.

A noise assessment indicated that the majority of site falls into category NEC A, however near to the road and railway boundaries the levels increase to NEC B. Based on these external noise levels it is recommended that BS8233 internal noise levels can be achieved through the provision of appropriate standard thermal glazing and vents. These measures would enable the BS8233 'good' criteria to be achieved on all areas of the site.

In terms of vibrations, the survey demonstrates that in relation to criteria for BS6472 assessment the level of ground borne vibration during train pass-by are unlikely to be intrusive and therefore no associated mitigation measures are considered necessary.

There are therefore no planning concerns in relation to any associated noise and vibrations. This is an agreed position with Bromsgrove District Council's Environmental Health Officer.



## 8 TRANSPORTATION & ACCESSIBILITY

The site at Wythall is ideally situated to offer sustainable transport options for both the existing residents and those from the new development. The site is located directly on the north eastern residential edge of Wythall, located approximately 12km south of Birmingham City Centre and 3km north of the M42 motorway.

Norton Lane is predominately a residential road providing access to numerous private properties. The route is a single carriageway along its entire route which links the A435 Becketts Roundabout to the west with areas including Eastwood and the B4102 to the east. The site has frontage direct onto Norton Lane to the west of Lawbrook Bridge that accommodates the River Cole. To the east of this bridge there is access to the nearby areas of Tidbury Green and Dickens Heath. A number of local destinations such as Hollywood and Whitlocks End can be accessed to the north of Wythall. The local road network in Wythall is subject to a speed limit of 30mph with street lighting and footways to both sides of the carriageway.

Access to the site can be obtained from Norton Lane on the southern boundary of the site. A bell mouth and kerbings have been implemented which were associated with an earlier recreation/leisure planning consent at the site and will be utilised as part of the sites proposed residential redevelopment. The existing junction and surrounding roads have the capacity to accommodate forecast traffic flows associated with the scale of residential development proposed at the site. This is an agreed position with Worcestershire County Council as Highway Authority.

### Vehicular and Pedestrian Access

The central shopping area of Wythall is within walking distance, located approximately 650 metres from the centre of the site. The area includes a range of shops and services including a general store, pharmacy, a doctors surgery and a dentist practice. There is a convenient and convivial direct pedestrian route to this central area along the adjacent Norton Lane and Station Road.

In the wider area within cycling distance there are a range of industrial estates including in the Monkspath area of Solihull. Employment can also be found at the Sainsbury and other shops contained at Maypole approximately 3.8km from the site.

### Rail and Bus Provision

The site is well placed to access Wythall rail services with the potential for a direct pedestrian link from the site to Norton Lane which would mean that the walk to

the railway station via North Lane Bridge would be approximately 200 metres. The journey time by rail between Wythall and Stratford-upon-Avon is approximately 20 minutes with a 32 minute travel time between Wythall and Birmingham. Services to both locations run frequently (approximately every 30 minutes or less) in the morning and evening peak periods.

The site benefits from good access to a regular bus service. The 69 service uses the route of Station Road to the junction of Norton Lane operating every 30 minutes, which links Wythall and Kings heath. The nearest bus stop for this service is located approximately 300 metres from the site. There are also further bus services linking to Solihull and Birmingham (Services 175 & 177) which are accessible.

The residential redevelopment of land at Norton Lane is uniquely placed to deliver much needed car parking at Wythall station. The need for additional car parking to serve Wythall Railway Station has long been recognised by both the District Council in their Development Plan, along with the County Council's Highway Authority and Wythall community, through the Wythall Community Plan. Worcestershire County Council have indeed been seeking to resolve this issue for a number of years but with no success. As part of a thorough assessment of all the potential locations for accommodating car parking for the station it was concluded that Land at Norton Lane was best placed to deliver a park and ride scheme for Wythall Railway Station. The site is located in close proximity to the Railway Station and on the same side of Norton Lane and therefore users of the station would not have to cross Norton Lane to access the rail services.

The need for a car park at the station is apparent locally and for the wider area, with parking in surrounding roads providing insufficient parking and drop off points. There is the opportunity as part of the proposed residential development to provide a park and walk scheme delivering the much needed car parking for Wythall station consistent with sustainable practice to encourage public transport use. The location for the park and ride is supported by Worcestershire County Council and Centro.

In addition, there are no sustainable highways reasons why planning permission should not be withheld for the residential development and station car park at Land at Norton Lane, Wythall.

## 9 GEOTECHNICAL ISSUES & LAND CONTAMINATION

An assessment of the land contamination and geotechnical issues in respect of the proposed development at Land at Norton Lane has been carried out as part of a Phase 1 Desk Study.

A review of historical maps from 1882 to 1994 illustrates that until the 1930s the site was occupied by agricultural land. It was subsequently developed as a sand and gravel quarry in the 1930s which was abandoned and infilled by 1994. The site has remained as undeveloped, overgrown land since that date.

The Preliminary Ground Investigation has shown the thickness of Made Ground within the backfilled quarry to be around 6.5 metres at the majority of the site, with the potential for thicker deposits across other parts of the site. The Made Ground is shown to consist predominantly of clay which varies in consistency from very soft to very stiff. Other materials such as gravel, brick, concrete, wood and wire were also found to be present within the clay matrix along with occasional boulders and concrete.

Made Ground especially where it is deep or of variable thickness can possess poor and variable settlement and bearing capacity characteristics. Such materials, especially where cohesive and soft in consistency, can exhibit variable and load independent settlement characteristics when subject to groundwater recharge or inundation. Structures constructed on site where Made Ground is present may require deep footings, raft type foundations or preliminary ground improvement measures.

The Made Ground deposits may potentially contain contaminants that were already present when the material was imported to the site. Further contamination of the site is however unlikely to have taken place as it has remained dormant and

unused since it was infilled.

The site is located in an area that is predominantly occupied by residential and agricultural land uses. Consequently, background groundwater quality in the area would generally be expected to be good. Potential sources of groundwater contamination at the site include leachate generated from the Made Ground within the former quarry, although this would not be expected to be significant as no significantly elevated contamination has been previously measured within the Made Ground.

It is possible that some ground gases associated with on-site Made Ground are still being generated, with concentrations of methane and carbon dioxide exceeding that measured during preliminary site investigations in 1999. Carbon dioxide is likely to be the principle ground gas; however, the presence of methane gas within the Made Ground is also potentially likely. The survey concludes that Radon gas protection measures are unlikely however to be required for any new development constructed at the site.

The assessment of ground conditions at the site has identified a number of potential geo-environmental and geotechnical considerations that are typical of brownfield sites, however it has concluded that these can be remediated in terms of contamination and geotechnically, using standard industry practices in order to facilitate residential and parkland development. These investigations have therefore demonstrated that there is no land contamination or geotechnical issues that would preclude development on the site. This is an agreed position with the Council's Environmental Health Officer and the Environment Agency.



## 10 CONCLUSIONS

This document relates to the site at Land at Norton Lane, Wythall and promotes its residential development and is submitted on behalf of St Francis Group who have controlling interest over the land.

St Francis Group are promoting the site for 65 residential dwellings, an area of open space, access and associated infrastructure, along with the delivery of approximately 50 car parking spaces in association with the Wythall railway station. A Development Framework Plan demonstrating how these proposals could successfully be developed has been provided and discussed in Chapter 3 of this Background Document.

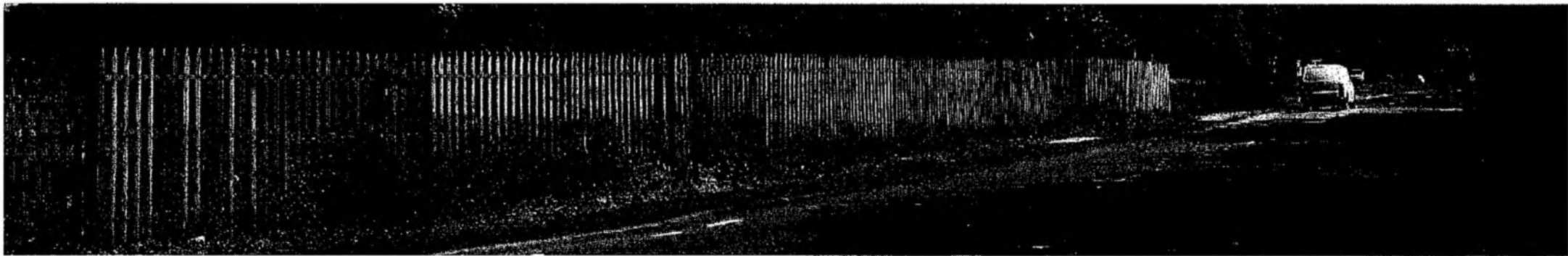
The purpose of this document has been to provide background information to assist the Council in their evidence gathering stage of the Core Strategy production and serves to demonstrate the suitability and deliverability of the site and, in turn, its soundness as a strategic allocation within the Bromsgrove District Plan.

This document provides a composite assessment of the suitability of Land at Norton Lane for development, giving consideration to any potential environmental constraints including those in relation to ecology, landscape and visual, transportation and accessibility, flood risk and drainage and land contamination.

This Background Document has demonstrated that the site occupies the site of a former tip that is yet to be reclaimed. It therefore constitutes previously developed land. It is also located adjoining an urban area of a reasonable size and provides ready access to a range of services and facilities as well as offering significant public transport accessibility advantages, particularly rail. The site therefore has high sustainability credentials and is appropriate for residential development.

In addition, the site is uniquely placed to deliver, as part of the proposals, the much needed car parking for Wythall railway station providing the best opportunity to park and walk consistent with sustainable practice to encourage public transport use. This is a very special circumstance in favour of permitting the development of this site.

The Background Document has therefore demonstrated there are no overriding environmental or planning issues that would preclude the principle of residential development in this location and provides a sound basis upon which the Council are respectfully requested to allocate the site within the emerging Bromsgrove District Plan.





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