

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)

St Modwen Developments Ltd

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

Page:	Paragraph:	Policy: BDP 2
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 checked="" 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)

N/A

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)

N/A

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"/>

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This policy intends to sets out a Settlement Hierarchy, but may be better described as a housing delivery hierarchy, setting out a hierarchy of locations for the delivery of housing in Bromsgrove District.

Representations elsewhere explain that the Plan is unsound in respect of the Duty to Co-operate, the requirement for housing and meeting full objective needs, as well as its deferred proposals for a Green Belt review. These concerns point to the need to make greater provision within the Plan for more housing, including for unmet need from Birmingham which is most appropriately directed to the outer fringe of the main urban area of Birmingham, to the north of Bromsgrove District within the Green Belt. This must be reflected in the hierarchy within Policy BDP 2 as an appropriate location to accommodate unmet need from Birmingham.

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)

The hierarchy should reflect the need to accommodate some of the unmet need for housing from Birmingham in the outer urban fringe of the main urban area of Birmingham to the north of Bromsgrove District within the Green Belt.

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.


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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
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St Modwen have significant land and development interests in the District and the representations made on their behalf address a range of complex and interrelated issues. Participation at the Examination is necessary to ensure their position and views are properly explained and made.

Signature		Date: 11/11/2013
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The Plan proposes 7,000 dwellings for the period 2011 to 2030 of which 4,600 dwellings in the period 2011 – 2023 are outside the Green Belt and 2,400 dwellings in the period 2023 – 2030 are subject to a proposed Green Belt review. A further 3,400 dwellings to meet the housing needs of Redditch, which cannot be accommodated within the administrative boundary of Redditch Borough Council are also proposed.

The National Planning Policy Framework (NPPF) advises that LPA's should have a clear understanding of housing needs in their area. In so doing, paragraphs 47 and 159 requires that they should prepare a Strategic Housing Market Assessment to assess their full housing needs; ensure the Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.

Government policy is seeking to boost significantly the supply of housing (NPPF, paragraph 47). There are significant negative impacts which would result from adopting low levels of housing growth and these must be recognised, not least the significant impact on housing affordability. It is also essential that the level of housing growth mirrors aspirations for economic growth, to support the delivery of new economic development.

The proposed housing requirement which is suggested to provide for the full objectively assessed need for housing is based upon the Worcestershire SHMA by GVA and Edge Analytics dated February 2012. It is the same SHMA which has been used by the South Worcestershire Authorities in the Submission of the South Worcestershire Development Plan (SWDP) which has recently been the subject of an Examination and Interim Conclusions of the Inspector published (28/10/13). Within his Interim Conclusions the Inspector is highly critical of the Worcestershire SHMA by GVA and Edge Analytics. The Inspector found fundamental shortcomings in the SHMA making it unreliable and not a sound basis for the planning of housing provision particularly its re-calibration of household representative rates; out of date and unduly pessimistic job growth figures by Cambridge Econometrics dating from 2009; and the lack of convincing evidence to support increases in older people's economic participation rates.

The Inspector concludes "I consider that the Plan is not justified in relying on the February 2012 SHMA in particular Sensitivity Scenario 2 as a basis for its housing requirement" (Paragraph 25) and "I must ask the Councils to undertake some further analysis in order to derive an objective assessment of housing need over the Plan period".

The housing requirement of 7,000 dwellings is unsound on this same basis.

In addition to the above, a key legal compliance test and requirement under s33A of the Planning and Compulsory Purchase Act 2004 is that the Plan has been prepared in accordance with the Duty to Co-operate. It is essential that the Council has engaged constructively, actively and on an ongoing basis with neighbouring councils on the strategic matter of the number of houses proposed in the Plan; they must have had regard to the responses of those consulted; and sufficiently considered whether to enter into agreements on joint approaches to plan making and thereby maximising the effectiveness of its plan preparation. These are all requirements of s 33A of the Act. The Duty to Co-operate is reinforced by Paragraphs 17, 157 and 178 of the Framework, whereby neighbouring authorities should work jointly together and co-operate to address planning issues which cross administrative boundaries and on matters that are larger than local issues. Moreover in accordance with Paragraph 181 of the NPPF, LPAs are expected to demonstrate evidence of having effectively co-operated to plan for issues with cross boundary impacts when their Local Plans are submitted for examination. This co-operation should be continuous from engagement on initial thinking through to implementation.

Further, in order to be positively prepared, the plan should meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring Authorities. It is essential that the Duty to Co-operate is undertaken diligently and effectively through the entire preparation of the Plan. This is of principal importance given the absence of a Regional Spatial Strategy which previously provide that cross Authority consideration of growth and infrastructure needs. Bromsgrove District Council has seven neighbouring LPAs namely Redditch Borough Council, Stratford upon Avon, Wyre Forest and Wychavon District Councils, Dudley and Solihull Metropolitan Borough Councils and Birmingham City Council. The evidence supporting the Plan including the 'Statement of Compliance with Duty to Co-operate', dated September 2013 show little in terms of clear evidence of the Duty to Cooperate, other than with Redditch.

Of particular concern is the real likelihood of additional unmet need arising from Birmingham which will need to be accommodated in Bromsgrove District. Birmingham City Council's most recent objective assessment of housing need indicates a requirement for between 80,000 to 105,000 new homes over its revised plan period 2011-2031 with only sufficient land (including windfalls) within in its own administrative area to accommodate 43,000 new homes. As a minimum, there is an unmet need of 37,000 dwellings. The Bromsgrove District Plan recognises this issue but does not in any way deal with the requirement. Birmingham City Council are leading on the production of an housing study on their housing requirement and implications for adjoining Authorities which will be completed in the new year – this is an essential piece of evidence which needs to inform the Bromsgrove Plan and its requirement for housing and to demonstrate that the Duty to Cooperate has been met.

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)

The Local Plan must demonstrate that the full objective need for housing is proposed including unmet requirements from Birmingham as required within the NPPF and the Duty to Cooperate.

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

Yes:

No:

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

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St Modwen Developments Ltd

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

Page:	Paragraph:	Policy: BDP 4
Policies Map:	Other document:	

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The vast majority of Bromsgrove District is designated Green Belt. The Council acknowledges that only 4,600 dwellings out of its housing requirement figure of 7,000 dwellings can be accommodated on land outside the Green Belt. Therefore a Green Belt review for the remaining 2,400 dwellings to be accommodated on former Green Belt land in the Plan period 2023 – 2030 is proposed. The approach taken is suggested because of the "urgency to have an adopted up to date District Plan" (para 8,28).

The approach is unsound. This proposed deferment of the review of the Green Belt until later in the Plan period is inconsistent with the NPPF. It is an approach which has been found to be unsound in respect of a number of Authorities where Green Belt is a significant planning issue, eg City of York and Bath and North East Somerset. The preparation of a Local Plan is the most appropriate time to review the Green Belt as Green Belt boundaries are intended to have permanence in the long term in order to endure beyond the Plan period (Paragraphs 83 and 84 of the NPPF).

The role of the Green Belt is critical to the Plan and its strategy. It will need to be reviewed in order to accommodate needs and therefore the Local Plan does not provide for needs for the full plan period. The review of the Green Belt is going to be even more critical as clear evidence is now pointing to a greater need for housing and an unsound SHMA (see representations on housing requirement and comments of the South Worcestershire Development Plan Inspector on the Soundness of the Worcestershire SHMA), as well as significant unmet need for additional housing from Birmingham.

In undertaking such a review land south of Groveley Lane at Longbridge (see attached Plan SMD 1) should be removed from the Green Belt and identified for new housing development. It represents a sustainable location for growth, particularly suited to accommodate some of the unmet needs for additional growth from Birmingham highlighted elsewhere in our representations. Such an approach would generally be consistent with housing growth at Longbridge on the former MG Rover site, which given its location was specifically identified as being suited to meeting the growth needs of the main urban area of Birmingham, given its urban fringe location.

In addition to the above, the Policy should also allow for the conversion and adaptation of existing buildings within the Green Belt to alternative uses which should not be seen as inappropriate development under BD4.4 (see paragraph 90 of the NPPF).

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The Review of the Green Belt should be undertaken now but in the context of a full understanding of a sound evidence of full objective needs for housing in a sound SHMA, as well as unmet needs from adjoining Authorities.

Reference to the conversion and adaptation of existing buildings on the Green Belt to alternative uses should be noted as not inappropriate development.

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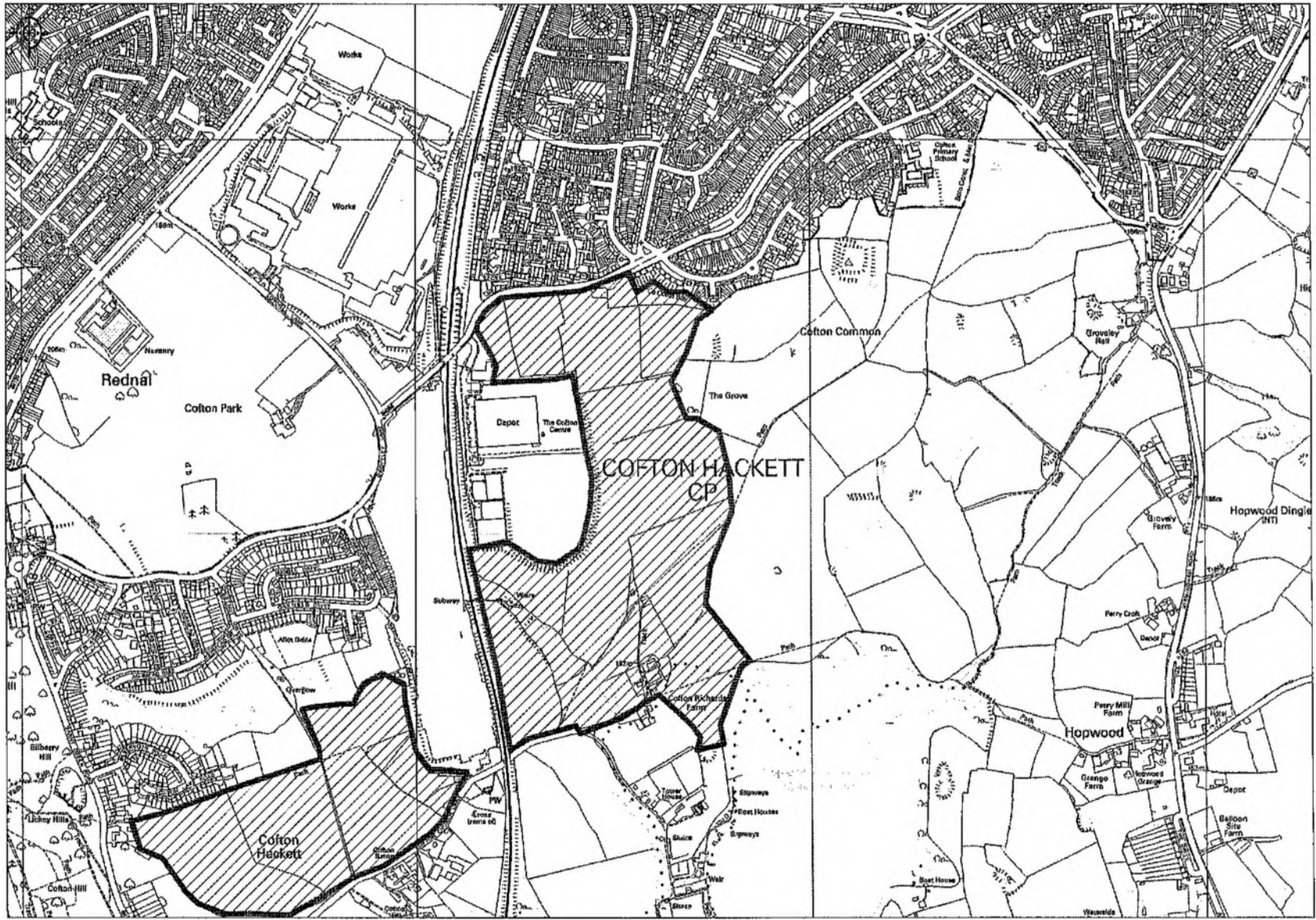
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Name or Organisation (see Note 8 para 4.1)

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This policy relates to the provision of affordable housing and requires 40% of new housing on all sites and any site greater than 200 dwellings to be affordable and 30% on brownfield sites accommodating less than 200 dwellings. The policy includes reference to viability which through independent validation, can reduce the expected provision and this is welcomed. However the Plan is not clear in its supporting evidence why how the thresholds and levels have been justified. Large scale developments can have greater policy and infrastructure requirements which impact on viability. As too large scale brownfield development sites. Although there is an ability to provide viability information on a site by site basis, the policy thresholds and levels should still be justified that they are soundly based on evidence of viability of typical sites.

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Further justification is required to support the level of affordable housing though District.

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Whilst the inclusion of policy in relation to high quality design is not objected to, the policy needs to justify the specific local standards for building.

The NPPF includes guidance on meeting the challenge of climate change. It recognises that planning has a role to play in reducing greenhouse gas emissions. Paragraph 95 states specifically however with regard to setting local requirements for building sustainability that LPA's should do so in a way that it consistent with the Governments zero carbon building policy and "adopt nationally described standards".

In setting local standards that depart from the national approach, evidence must be produced to test its viability or implications for output. We see no consideration within the Local Plan evidence base for the effect on viability of the standards which are set out in the policy.

The requirements of Policy in relation to the Code for Sustainable Homes should therefore be deleted, and the national requirements through the Building Regulations should be enforced. The policy puts Bromsgrove at a competitive disadvantage nationally, with investment in new homes directed to alternative locations without the burden of construction standards which exceed the national requirements of the time.

For example, the cost review of the Code for Sustainable Homes published by the DCLG showed that the cost of building a 3 bedroom semi detached house on a small brownfield site (20 dwellings at 80 dph) to Code level 4 would be 5.3% higher than to Code level 3; for Code level 5 this increases to 24.6%, and for Code level 6 it increases to 36.8%.

Future changes to the Building Regulations will in effect enforce Code level 4 and upwards. In so doing, the Code will be wrapped up in the Building Regulations which are universally applied at the national level. The Building Regulations are a more logical and appropriate mechanism to control sustainable construction, and there is no need to replicate this in planning policy within the Local Plan, particularly in the circumstances here where the localised standards have not been justified, nor their implications on viability and ultimately delivery understood.

The same concerns apply to the Policy's approach to commercial schemes and the requirement to meet Breeam standards and more generally other building standards which are set out in other policies of the Plan. The Local Plan must test the viability implication of the combination of the range of additional development requirements in justification for the inclusion in the Plan (eg Policy BDP6 – Infrastructure Contributions (CIL); Policy BDP16 – Sustainable Transport (in particular financial contributions from developers); Policy BDP19 – High Quality Design (in particular Clauses c, d, h, m, o and s); Policy BDP22 – Climate Change; Policy BDP23 – Water Management (in particular Clauses b and g); Policy BDP24 – Green Infrastructure; Policy BDP25 – Health & Well Being ;

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)

Sustainable building standards are adequately covered by nationally imposed standards which are applied universally and therefore the requirements within the Local Plan should be deleted. If the Local Plan is to include a set standard then a specific rating should be set in policy and it should be fully justified with evidence to explain why the national standards are not appropriate for Bromsgrove and that the Local Plan has fully understood the implications on viability of development and its consequential implications for development delivery. The cumulative impact of various policy requirements needs to be justified through evidence of development viability.

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.

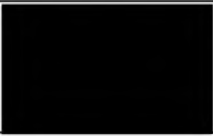
After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

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)

St Modwen have significant land and development interests in the District and the representations made on their behalf address a range of complex and interrelated issues. Participation at the Examination is necessary to ensure their position and views are properly explained and made.

Signature: 	Date: 11/11/2013
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