



## Solihull MBC Local Plan

### Publication Stage Representation Form

**Name of the Local Plan to which this representation relates:**

Solihull

**Please return to [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk) or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14<sup>th</sup> December 23:59**

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

## Part A

### 1. Personal Details\*

### 2. Agent's Details (if applicable)

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable)*

*boxes below but complete the full contact details of the agent in 2.*

Title

Mr

First Name

Richard

Last Name

Wilson

Job Title

Parish Clerk

(where relevant)

Organisation

**Berkswell Parish Council**

**(where relevant)**

Address Line 1

**PO Box 6379**

Line 2

**Coventry**

Line 3

Line 4

Post Code

**CV6 9LP**

Telephone Number

**07801 042623**

E-mail Address

[clerk@berkswellparishcouncil.org.uk](mailto:clerk@berkswellparishcouncil.org.uk)

(where relevant)

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## Part B – Please use a separate sheet for each representation

|   |  |                          |            |              |            |
|---|--|--------------------------|------------|--------------|------------|
| Name or organisation:   |  | Berkswell Parish Council |            |              |            |
| 3. To which part of the Local Plan does this representation relate? |  |                          |            |              |            |
| Paragraph   |  | Policy                   | BC1 to BC6 | Policies map | BC1 to BC6 |

Do you consider the Local Plan is:

4.1 Legally compliant Yes  No

4.2 Sound **Strong support with reservations** Yes  No

4.3 Complies with the duty to cooperate Yes  No

Please tick appropriate box

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.  
If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

### Statement of qualified support for the Concept Plan policy BC1 and illustrative master plan BC1 and the other concept plans.

1. Berkswell Parish Council does not support the removal of land from the Green Belt at Barrett's Farm. However, it is highly supportive of the Concept Plan policy BC1 and illustrative master plan BC1 with two modifications proposed by Berkswell PC in later parts of this submission.
2. The Council's support is based on the comprehensive nature of the Concept Plan for the site which reflects most of the appropriate parts of the Berkswell NDP. In particular, placing public open space between existing and new housing to encourage social mixing between existing and new residents, the preservation of areas of ecological interest together with the commitment to enhance the natural environment on the site, providing vehicular access only from the new relief road and Waste Lane and the expectation that the various land owners will work together to deliver the vision within the concept plan.
3. It is also important to the Council, given the very significant reduction in the width of the Meriden gap caused by the allocation of BC1 for development, that the Green corridor to be created on Waste Lane by providing public open space on one side and designating land on the other as Local Green Space is delivered.
4. Our later submission proposes minor two changes to improve the Concept Plan to a position of "soundness" without reducing proposed housing numbers.
5. The Council also strongly supports the concept plans for sites in Balsall Common. Our community is vibrant with many organisations providing "social glue," one manifestation of which is low crime levels. The Solihull Plan will expand Balsall Common by around 60%. The layout and design of the new developments and their effective integration into the current built environment provided by the concept plans, as currently written, will ensure that our community has a better chance of remaining a good place to live and raise children.

## Part B – Please use a separate sheet for each representation

|  |  |                                 |     |              |     |
|--|--|---------------------------------|-----|--------------|-----|
| <b>Name or organisation:</b>   |  | <b>Berkswell Parish Council</b> |     |              |     |
| <b>3. To which part of the Local Plan does this representation relate?</b> |  |                                 |     |              |     |
| Paragraph  |  | Policy                          | BC1 | Policies map | BC1 |

Do you consider the Local Plan is:

- 4.1 Legally compliant                      Yes                       No
- 4.2 Sound                                      Yes                       No
- 4.3 Complies with the duty to        Yes                       No   
cooperate

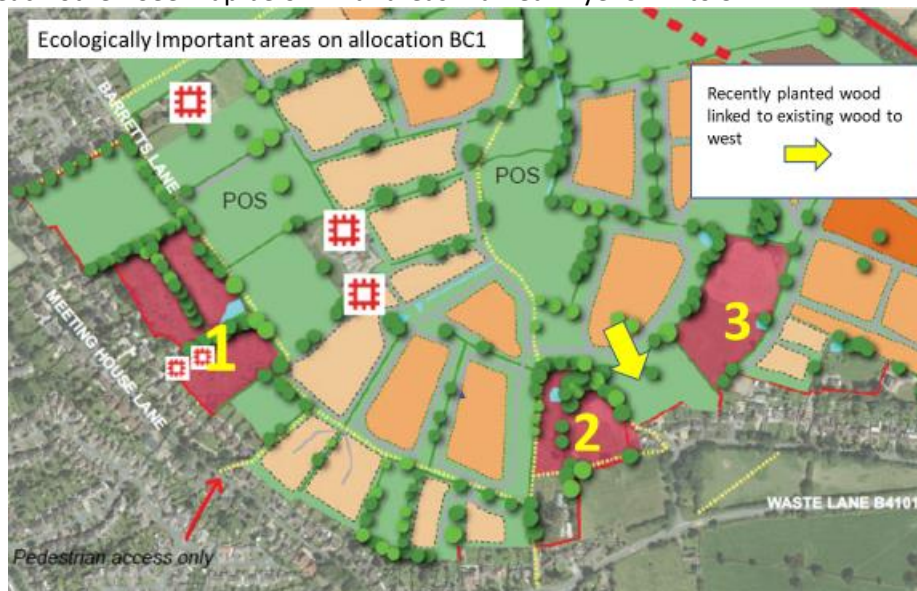
Please tick appropriate box

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

### Objection Justification

1. The Council considers that the plan is unsound for BC1 for two reasons; the lack of interconnectivity for wildlife between ecological areas and environmental noise both can be easily rectified without any loss of housing.
2. This “objection” relates to the lack of interconnectivity of those ecological areas.
3. There are three key areas of ecological value on allocation 3 and Berkswell Council is pleased to see that the Illustrative Concept Master Plan retains them.
4. However, the council is concerned that the 3 areas are isolated both from the countryside and from each other. See map below with areas marked in yellow 1 to 3.



5. isolated patches of ecologically important land without connection is contrary to paragraph 301 of the plan which states;- *“The Government recognises the need for “more, bigger and joined” habitats to address fragmentation, degradation and the consequent decline in biodiversity. The eco system services provided by a healthy well-functioning natural environment are essential for sustainable economic growth and tackling the causes and effects of climate change. The economic and social benefits of protecting our Natural Capital far outweigh the cost of their protection.”*
6. Policy P9 paragraph 4iii states - *“In order that development proposals are adaptive and resilient to climate change, measures will include ....(iii) **Integrated green infrastructure, such as SUDs, green spaces and corridors, retaining and planting trees, green roofs & walls, landscaping and rain gardens.*** (Bolding by Berkswell Council)
7. Policy P10 paragraph 8 requires *“Development to demonstrate how it will secure a net gain in biodiversity of at least 10% compared to the pre-development baseline.”*
8. The Council commissioned advice from ecological consultants RSK Biocensus<sup>1</sup>. In summary their advice was
  - 8.1. The 3 ecological sites shown on the SMBC Concept masterplan have biodiversity value and are of high ecological importance at the site
  - 8.2. The 3 sites should be connected because *“without such a buffer and corridor the habitats become isolated and more prone to loss, and the movement of animals or dispersal of plants between them will be less likely to occur.”*<sup>2</sup>
  - 8.3. A proposed width of 6.5 metres as the minimum appropriate for this type of habitat feature<sup>3</sup>
  - 8.4. Recommendations are also given for planting and maintenance with suitable mixed species to retain and enhance the current hedgerow species thereby providing both a “commuting corridor” for wildlife and high quantities of berries particularly in the winter months to attract flocks of birds to the site.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

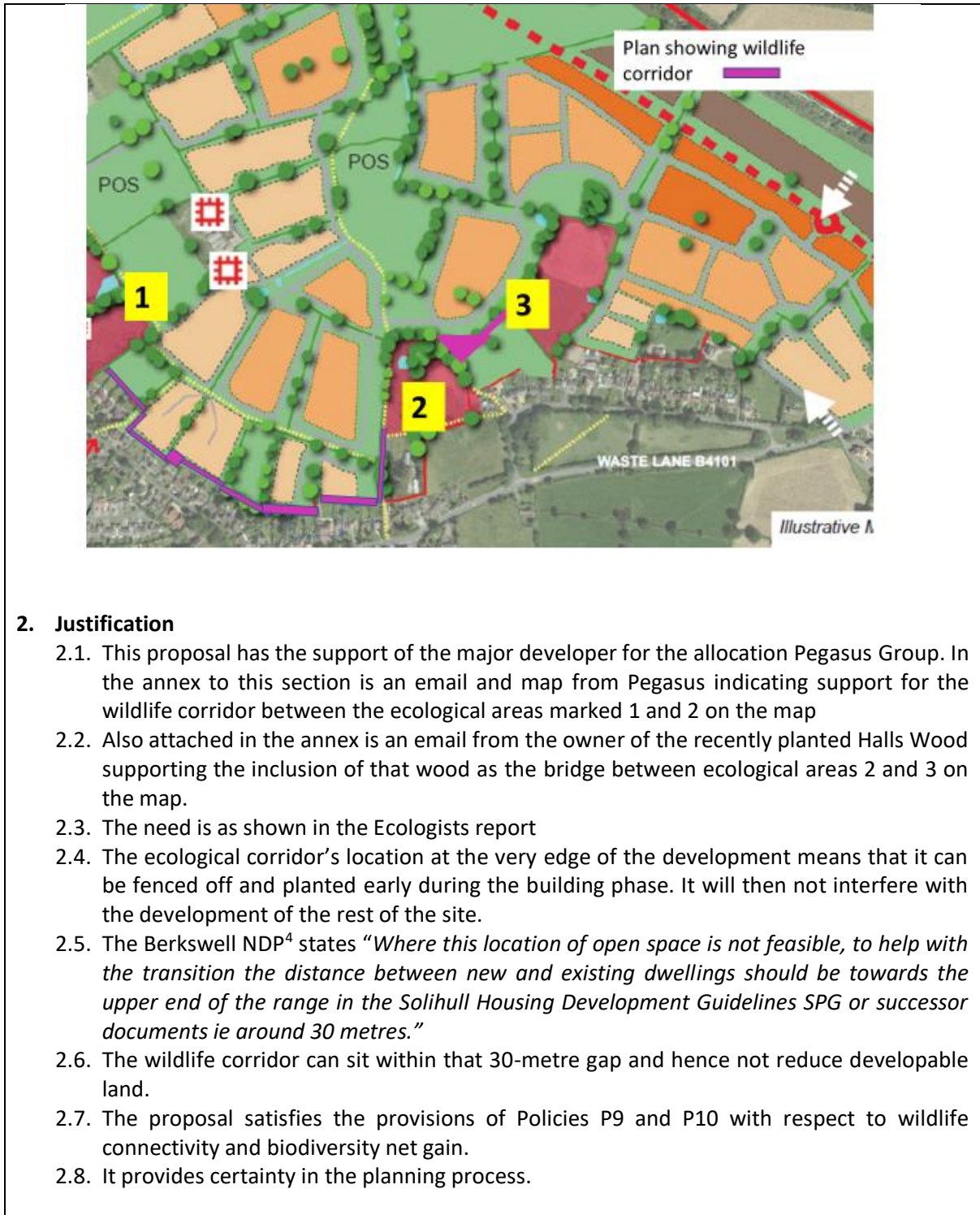
#### **Proposed Change**

1. It is proposed that two changes are made to the plan as follows
  - 1.1. Policy BC1 paragraph 2v is modified to read as follows, with additional wording shown in red *“Securing biodiversity net gain **including the linking of the 3 ecologically important areas with a wildlife corridor of at least 6.5 metres in width**”*
  - 1.2. The supporting Illustrative Concept Master Plan BC1: Barratt’s Farm is modified to show the position of that wildlife corridor as follows

<sup>1</sup> [Barratt's Farm Wildlife Corridor Management Plan | Berkswell Parish Council](#)

<sup>2</sup> Page 5 - paragraph 3 of section 1.2

<sup>3</sup> Page 5 last paragraph



## 2. Justification

- 2.1. This proposal has the support of the major developer for the allocation Pegasus Group. In the annex to this section is an email and map from Pegasus indicating support for the wildlife corridor between the ecological areas marked 1 and 2 on the map
- 2.2. Also attached in the annex is an email from the owner of the recently planted Halls Wood supporting the inclusion of that wood as the bridge between ecological areas 2 and 3 on the map.
- 2.3. The need is as shown in the Ecologists report
- 2.4. The ecological corridor's location at the very edge of the development means that it can be fenced off and planted early during the building phase. It will then not interfere with the development of the rest of the site.
- 2.5. The Berkswell NDP<sup>4</sup> states *"Where this location of open space is not feasible, to help with the transition the distance between new and existing dwellings should be towards the upper end of the range in the Solihull Housing Development Guidelines SPG or successor documents ie around 30 metres."*
- 2.6. The wildlife corridor can sit within that 30-metre gap and hence not reduce developable land.
- 2.7. The proposal satisfies the provisions of Policies P9 and P10 with respect to wildlife connectivity and biodiversity net gain.
- 2.8. It provides certainty in the planning process.

<sup>4</sup> <https://www.solihull.gov.uk/Portals/0/Planning/BNDP/Berkswell-Parish-Neighbourhood-Development-Plan-Referendum-Version.pdf>

## Annex showing landowners/developers support


### Pegasus Group - email

The 03/12/2020 11:50

**Jeremy Peachey** <jeremy.peachey@pegasusgroup.co.uk>  
Barrett's Farm, Balsall Common Draft Allocation Site BC1.

To: richarddrakeberkswellpc@yahoo.com; Burrow  
Cc: Katie Machin; Richard Brown; James Walch

**i** You forwarded this message on 04/12/2020 11:27.  
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

 BIR4651\_40 Sketch Layout of Wildlife Corridor.pdf  
6 MB

Richard/Andrew,

Further to our discussion via Zoom meeting on 10<sup>th</sup> November, we have reviewed the Parish Council's suggestion of an wildlife/ecological corridor towards the south-western boundaries of the Draft Allocation site, and are aware how passionate the community is regarding this initiative and its integration into the masterplan design principles. To that end, please find attached a sketch diagram that indicates the location of a (ca.) 6.5 metre wide wildlife/ecological corridor along the southern boundary of the Draft Allocation Site (BC1), to link up two areas of ecological interest (as identified by SMBC). I would emphasise that this drawing is simply a diagrammatic sketch at this stage, illustrating a principle, with supporting images to give a flavour of what could be achieved.

For clarification, is this akin to what you were thinking of?

Going forward, could this be an initiative also with areas of the POS (Public Open Space), that Berkswell PC may consider maintaining and managing?

We would be happy to engage with the PC and local community in terms of taking such an initiative forward, and indeed the ecological community is already tasked with looking at the potential for other ecological and wildlife corridors across the site in order to offer an enhanced biodiversity across the wider Draft Allocation Site as a whole, for the benefit of the local and wider community.

I understand you will be discussing this point this evening at a PC meeting, and as such we would welcome any feedback thereafter.

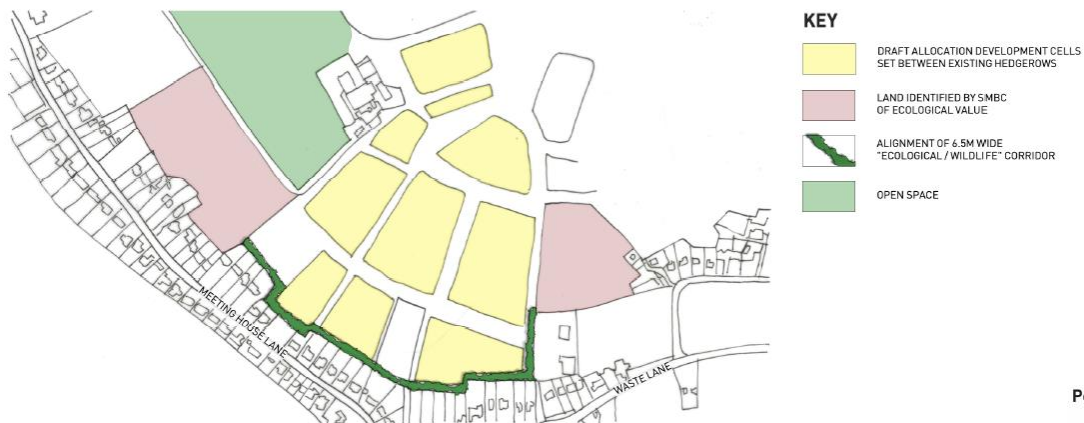
With best regards,

**Jeremy Peachey**  
Executive Director





**Pegasus Group**  
PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | HERITAGE  
Sutton Coldfield: 5 The Priory | Old London Road | Canwell | Sutton Coldfield | West Midlands | B75 5SH  
City Centre: Colmore Place | 39 Bennetts Hill | Birmingham | B2 5SN  
T 0121 308 9570 | E [jeremy.peachey@pegasusgroup.co.uk](mailto:jeremy.peachey@pegasusgroup.co.uk)



Examples of wildlife Corridors adjacent to residential development (for illustrative purposes only)



**KEY**

-  DRAFT ALLOCATION DEVELOPMENT CELLS SET BETWEEN EXISTING HEDGEROWS
-  LAND IDENTIFIED BY SMBC OF ECOLOGICAL VALUE
-  ALIGNMENT OF 6.5M WIDE "ECOLOGICAL / WILDLIFE" CORRIDOR
-  OPEN SPACE



PRELIMINARY - FOR ILLUSTRATIVE PURPOSES ONLY  
LAND AT STATION ROAD, BALSALL COMMON | SKETCH LAYOUT OF WILDLIFE CORRIDOR


PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | www.pegasusgroup.co.uk | TEAM/DRAWN BY: JT | APPROVED BY: JEP | DATE: 03/12/20 | SCALE: 1:-B A3 REV: | CLIENT: RICHARD BROWN |

Email of support from Mr and Mrs Burrow owners of Halls Wood

Wildlife Corridor - Message (HTML)

File Message Help Tell me what you want to do

Sat 05/12/2020 20:27

 Andrew and Birgit Burrow <andrewsburrow@gmail.com>  
Wildlife Corridor

To: Richard Wilson  
Cc: Richard Drake Berkswell PC

Richard Wilson  
Clerk to Berkswell Parish Council  
By email

Dear Richard,

We are writing to formally confirm that we own Halls Wood. This was planted over 4 years ago as an extension to the wood and ecological area to the west of our land. Our aim was to create something of value for the generations that follow. It is a mixed non-commercial plantation. We planted 450 trees of which only 10 have died. It is a mixed woodland comprising such species as oak, pine, larch, silver birch, rowan, aspen etc. It is not a big wood, perhaps a copse, and it likely that it will need to be thinned to half the original tree numbers in due course to allow full development of individual trees. We have not put our land forward for development and are very pleased to confirm that Hall's Wood can be included as a wildlife corridor to enhanced the Barratt's Farm upcoming development.

We will be making a formal submission to the Examination to request that this happens and that Hall's Wood is marked as an area of ecological significance, which it will become.

Yours sincerely,

Birgit and Andrew Burrow  
Field Cottage  
Old Waste Lane  
Balsall Common  
CV7 7RY



## Part B – Please use a separate sheet for each representation

|   |  |                          |     |              |  |
|---|--|--------------------------|-----|--------------|--|
| Name or organisation:   |  | Berkswell Parish Council |     |              |  |
| 3. To which part of the Local Plan does this representation relate? |  |                          |     |              |  |
| Paragraph   |  | Policy                   | BC1 | Policies map |  |

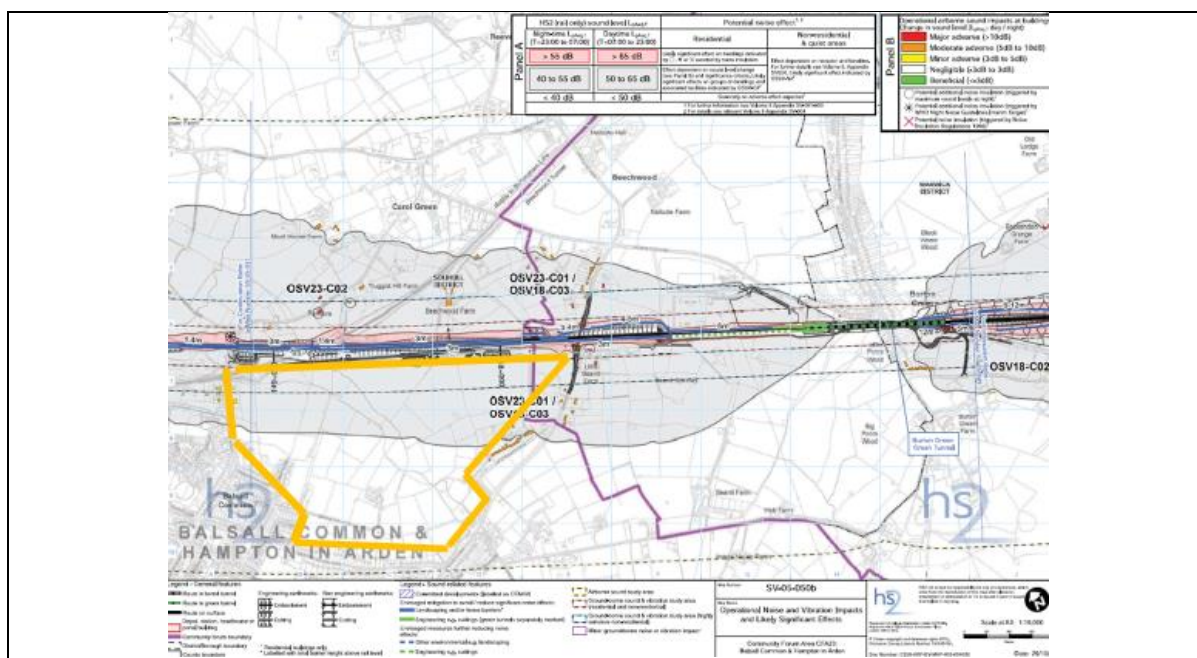
Do you consider the Local Plan is:

- 4.1 Legally compliant                      Yes                       No
- 4.2 Sound                                      Yes                       No
- 4.3 Complies with the duty to      Yes                       No

cooperate

Please tick appropriate box

|  |
|--|
| <p>5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.<br/>If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.</p>   |
| <p><b>Objection Justification</b></p> <ol style="list-style-type: none"> <li>1. The Council considers that the plan is unsound for BC1 for two reasons that can be easily rectified without any loss of housing; environmental noise and wildlife connectivity.</li> <li>2. This submission is only about environmental noise impact on the site which will be badly impacted from noise from HS2</li> <li>3. A total of 3 sites (BC1, BC3 and site 43) all suffer from environmental noise that will require mitigation. This same case has been made with reference to two other sites with appropriate submission plan paragraph numbers. The Council apologise for its repetition but such repetition is a consequence of the plan examination process dictating comments by policy/paragraph number.</li> <li>4. HS2 will run on the long north eastern side of the site. The noise modelling provided by HS2 Ltd in the environmental statement shows that about one half of the site will be affected. See map below where the site boundaries in dark yellow have been superimposed on the HS2 noise map.</li> </ol> |



5. The NPPF makes specific reference to the Noise Policy for England.<sup>5</sup> This policy requires mitigation for the effects of noise for all development which exceeds the lower observable adverse impact level. (LOAEL)
6. The grey area on the HS2 Ltd noise map represents areas where the sound levels will exceed the LOAEL. Consequently mitigation will be required within that area when housing is developed.
7. The Noise Policy for England does not detail specific numerical LOAEL or other numerical targets nor how to achieve them.
8. Building Regulations Approved Document E is the main reference document which relates to the insulation of buildings against airborne and structure borne noise. To quote the summary on page 1 of the regulation. *“The document provides guidance on sound proofing, including the transmission of sounds between walls, ceilings, windows and floors. It covers unwanted sound travel within different areas of a building, including common areas within schools and buildings containing flats, and in-between connecting buildings<sup>6</sup>.”*
9. Therefore, there is no guidance within Building Regulations for the control/mitigation of noise levels injurious to health from environmental noise.
10. The NPPF<sup>7</sup> requires *“Planning policies and decisions.....(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving significant adverse impacts on health and the quality of life”.*
11. Solihull Council does not have a policy or design guidance on the mitigation of environmental noise as opposed to noise generated within a building.
12. Other planning authorities do have such policies to guide development. They typically refer to BS8233:2014 - Guidance on sound insulation and noise reduction for buildings or its successor standard.
13. Manchester provides a good example with specific reference to BS8233 on page 12 stating *“BS8233 Provides design guidelines for appropriate internal acoustic environments within buildings according to their function. It deals with control of noise from outside the building, noise from plant and services within it, and room acoustics for non-critical situations”.*<sup>8</sup>

<sup>5</sup> Footnote at the bottom of page 52 of the NPPF

<sup>6</sup> [https://www.planningportal.co.uk/info/200135/approved\\_documents/67/part\\_e\\_-\\_resistance\\_to\\_the\\_passage\\_of\\_sound](https://www.planningportal.co.uk/info/200135/approved_documents/67/part_e_-_resistance_to_the_passage_of_sound)

<sup>7</sup> Paragraph 180 of NPPF

<sup>8</sup> [https://www.manchester.gov.uk/download/downloads/id/23747/noise\\_and\\_planning\\_guidance.pdf](https://www.manchester.gov.uk/download/downloads/id/23747/noise_and_planning_guidance.pdf)

14. Attached in the appendix to this case is an email from consultants Max Fordham confirming that BS8233 is the appropriate standard that should be followed for developments impacted by transport noise. In addition to being experts in this field, the email gives a link to the Association of Noise Consultants' recently published the 'Acoustics, Ventilation and Overheating Residential Design Guide'. That justifies the use of BS8233 and provides practical advice to planners.
15. The absence of a standard within Building Regulations or an SMBC Policy renders void the protections for residents required by the NPPF and Noise Policy for England.
16. As such this site (and others) should not be included in the Plan as it is currently drafted because the allocation etc is not underpinned by the appropriate technical policy for the mitigation of noise levels harmful to health.
17. Berkswell PC believe that there is a simple remedy to resolve the noise issue to make the plan sound which is given in answer to question 6 in the next section

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

#### **Proposed change**

1.1. Policy BC1 – Barratt's Farm should be modified as follows

***Homes built on this site in areas which are affected by environmental noise as defined by British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings) or its successor standard should be constructed to meet the requirements of that standard or its successors.***

1.2. Justification

The site is noise impacted and requires the application of noise mitigation and Solihull Council does not currently have a policy. BS8233 is used by other Councils such as Manchester to provide planning norms to achieve suitable mitigation. Its inclusion in the site policy will aid development and is recommended by experts Max Fordham.

# Appendix

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## **Andrew and Birgit Burrow**

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**From:** I.Shaw@maxfordham.com  
**Sent:** 22 November 2020 22:05  
**To:** Andrew Burrow  
**Subject:** Acoustic Advice

Dear Andrew,

Thank you for your request for advice, we confirm that if a house is to be built within an area impacted by transport noise from new or proposed railways lines or roads, or other sources of noise, then it should be designed to be fit for purpose. We recommend that this fitness for purpose is met by achieving the conditions set out in the most recent version of BS8233. This will assist with providing accommodation that is fit for purpose for both daily living and for healthy sleep patterns whilst also maintaining adequate levels of purge ventilation in order to meet the requirement of Building Regulations Part F and Part L for provision of adequate fresh air and to prevent overheating.

The Association of Noise Consultants have recently published the 'Acoustics, Ventilation and Overheating Residential Design Guide' which sets out how to achieve adequate conditions for provision of a healthy acoustic environment for the resident, our Head of Acoustics, Anthony Chilton, contributed to this document, it can be found here:

<https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2020/07/ANC-AVO-Residential-Design-Guide-January-2020-v1.1.pdf>

We regularly provide detailed advice contributing to either individual construction projects and planning applications, representing resident groups and providing expert advice and consultation to Planning authorities and publishers of design guides and would be happy to provide a quotation for our services. A typical daily rate for a senior member of our acoustics team would be £500/day.

Let me know if you have any further questions.

Kind Regards,

Iain

Iain Shaw BEng (Hons) MCIBSE  
Principal Engineer, Partner

Due to the ongoing outbreak of COVID-19, I am now working from home. I, and all of my colleagues, can be contacted on the normal office number below.

## **MAX FORDHAM**

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[@maxfordhamLLP](mailto:@maxfordhamLLP)

## Part B – Please use a separate sheet for each representation

|   |  |                                 |     |              |  |
|---|--|---------------------------------|-----|--------------|--|
| <b>Name or organisation:</b>  |  | <b>Berkswell Parish Council</b> |     |              |  |
| 3. To which part of the Local Plan does this representation relate? |  |                                 |     |              |  |
| Paragraph   |  | Policy                          | BC6 | Policies map |  |

Do you consider the Local Plan is:

- 4.1 Legally compliant                      Yes                                       No
- 4.2 Sound    Yes                                       No
- 4.3 Complies with the duty to              Yes                                       No

cooperate

Please tick appropriate box

|   |
|---|
| <p>5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.<br/>If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.</p>  |
| <p><b>Objection Justification</b></p> <ol style="list-style-type: none"> <li>1. Berkswell Parish Council strongly supports the development of site BC6 and its inclusion within the plan.</li> <li>2. This site has a capacity for 80 dwellings</li> <li>3. There are two main issues with relation to the development of this site – environmental noise and its need for a footway/cycleway link to a primary school. This submission addresses environmental noise</li> <li>4. The site is bounded by the west coast mainline on the west and the new HS2 line on the east. As such it will be impacted significantly by noise.</li> </ol> |

**C6: Lavender Hall Farm**

The map shows an aerial view of the Lavender Hall Farm area. A blue line represents the 'Route of HS2' and a red line represents the 'West Coast mainline'. A red arrow points to a location on the West Coast mainline. The map includes a legend with the following items:

- Future Access (grey line)
- Road (grey line)
- Listed building (red dashed box)
- Footpath (yellow dashed line)
- Medium-density housing (orange rectangle)
- Low density housing (light orange rectangle)
- Public Open Space (green rectangle)

Other labels on the map include 'Lavender Hall Farm', 'Pedestrian link to train station and village centre', and 'Acoustic Masterplan'.

5. A total of 3 sites (BC1, BC3 and site 43) all suffer from environmental noise that will require mitigation. This same case has been made with reference to two other sites with appropriate submission plan paragraph numbers. The Council apologise for its repetition but such repetition is a consequence of the plan examination process dictating comments by policy/paragraph number.
6. The NPPF makes specific reference to the Noise Policy for England.<sup>9</sup> This policy requires mitigation for the effects of noise for all development which exceeds the lower observable adverse impact level. (LOAEL)
7. The Noise Policy for England does not detail specific numerical LOAEL or other numerical targets nor how to achieve them.
8. Building Regulations Approved Document E is the main reference document which relates to the insulation of buildings against airborne and structure borne noise. To quote the summary on page 1 of the regulation. *“The document provides guidance on sound proofing, including the transmission of sounds between walls, ceilings, windows and floors. It covers unwanted sound travel within different areas of a building, including common areas within schools and buildings containing flats, and in-between connecting buildings<sup>10</sup>.”*
9. Therefore, there is no guidance within Building Regulations for the control/mitigation of noise levels injurious to health from environmental noise.
10. The NPPF<sup>11</sup> requires *“Planning policies and decisions.....(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving significant adverse impacts on health and the quality of life”*.
11. Solihull Council does not have a policy or design guidance on the mitigation of environmental noise as opposed to noise generated within a building.
12. Other planning authorities do have such policies to guide development. They typically refer to BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.
13. Manchester provides a good example with specific reference to BS8233 on page 12 stating *“BS8233 Provides design guidelines for appropriate internal acoustic environments within*

<sup>9</sup> Footnote at the bottom of page 52 of the NPPF

<sup>10</sup> [https://www.planningportal.co.uk/info/200135/approved\\_documents/67/part\\_e\\_-\\_resistance\\_to\\_the\\_passage\\_of\\_sound](https://www.planningportal.co.uk/info/200135/approved_documents/67/part_e_-_resistance_to_the_passage_of_sound)

<sup>11</sup> Paragraph 180 of NPPF

*buildings according to their function. It deals with control of noise from outside the building, noise from plant and services within it, and room acoustics for non-critical situations".*<sup>12</sup>

14. Attached in the appendix to this case is an email from consultants Max Fordham confirming that BS8233 is the appropriate standard that should be followed for developments impacted by transport noise. In addition to being experts in this field, the email gives a link to the Association of Noise Consultants have recently published the 'Acoustics, Ventilation and Overheating Residential Design Guide'. That gives justifies the use of BS8233 and provides practical advice to planners.
15. The absence of a standard within Building Regulations or an SMBC Policy renders void the protections for residents required by the NPPF and Noise Policy for England.
16. As such this site (and others) should not be included as the Plan as is it currently drafted because the allocation etc is not underpinned by the appropriate technical policy for the mitigation of noise levels harmful to health.
17. Berkswell PC believe that there is a simple remedy to resolve the noise issue

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

#### **Proposed change**

1. Policy BC6 – Lavender Hall Farm should be modified as follows
  - 1.1. Homes built on this site in areas which are affected by environmental noise as defined by British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings) or its successor standard should be constructed to meet the requirements of that standard or its successors.**
2. Justification
  - 2.1. The site is noise impacted and requires the application of noise mitigation and Solihull Council do not have a policy. BS8233 is used by other Councils such as Manchester to provide planning norms to achieve suitable mitigation and its inclusion in the site policy will aid development. It is recommended by experts Max Fordham.

<sup>12</sup> [https://www.manchester.gov.uk/download/downloads/id/23747/noise\\_and\\_planning\\_guidance.pdf](https://www.manchester.gov.uk/download/downloads/id/23747/noise_and_planning_guidance.pdf)

## Appendix

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### **Andrew and Birgit Burrow**

---

**From:** I.Shaw@maxfordham.com  
**Sent:** 22 November 2020 22:05  
**To:** Andrew Burrow  
**Subject:** Acoustic Advice

Dear Andrew,

Thank you for your request for advice, we confirm that if a house is to be built within an area impacted by transport noise from new or proposed railways lines or roads, or other sources of noise, then it should be designed to be fit for purpose. We recommend that this fitness for purpose is met by achieving the conditions set out in the most recent version of BS8233. This will assist with providing accommodation that is fit for purpose for both daily living and for healthy sleep patterns whilst also maintaining adequate levels of purge ventilation in order to meet the requirement of Building Regulations Part F and Part L for provision of adequate fresh air and to prevent overheating.

The Association of Noise Consultants have recently published the 'Acoustics, Ventilation and Overheating Residential Design Guide' which sets out how to achieve adequate conditions for provision of a healthy acoustic environment for the resident, our Head of Acoustics, Anthony Chilton, contributed to this document, it can be found here:

<https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2020/07/ANC-AVO-Residential-Design-Guide-January-2020-v1.1.pdf>

We regularly provide detailed advice contributing to either individual construction projects and planning applications, representing resident groups and providing expert advice and consultation to Planning authorities and publishers of design guides and would be happy to provide a quotation for our services. A typical daily rate for a senior member of our acoustics team would be £500/day.

Let me know if you have any further questions.

Kind Regards,

Iain

Iain Shaw BEng (Hons) MCIBSE  
Principal Engineer, Partner

Due to the ongoing outbreak of COVID-19, I am now working from home. I, and all of my colleagues, can be contacted on the normal office number below.

### **MAX FORDHAM**

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## Part B – Please use a separate sheet for each representation

|   |  |                                 |     |              |  |
|---|--|---------------------------------|-----|--------------|--|
| <b>Name or organisation:</b>  |  | <b>Berkswell Parish Council</b> |     |              |  |
| 3. To which part of the Local Plan does this representation relate? |  |                                 |     |              |  |
| Paragraph   |  | Policy                          | BC6 | Policies map |  |

Do you consider the Local Plan is:

- 4.1 Legally compliant                      Yes                       No   
 4.2 Sound                                      Yes                       No   
 4.3 Complies with the duty to      Yes                       No   
 cooperate

Please tick appropriate box

|  |
|--|
| <p>5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.<br/>         If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.</p>  |
| <p><b>Objection justification</b></p> <ol style="list-style-type: none"> <li>Berkswell Parish Council strongly supports the development of site BC6 and its inclusion within the plan.</li> <li>This site has a capacity for 80 dwellings</li> <li>There are two main issues with relation to the development of this site – environmental noise and its need for a footway/cycleway link to a primary school. This submission addresses the later issue</li> <li><b>School access</b> <ol style="list-style-type: none"> <li>The closest school to this site is Berkswell CofE primary school in Berkswell village which is 0.6 miles away and within normal walking distance if a suitable pavement was provided.</li> <li>In the absence of a pavement Berkswell School can only be reached safely by car which is contrary to the cycling and walking strategy<sup>13</sup> and the plan policies P7 and P8 which support the strategy.</li> </ol> </li> </ol> |
| <p>6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.</p>   |
| <p><b>Proposed Change</b></p> <ol style="list-style-type: none"> <li>Policy paragraph 3 should be modified by the inclusion of the following wording as 3vi</li> </ol>   |

<sup>13</sup> Page 82 of the submission plan

***“Financial contribution to the creation of a pavement/cycleway to Berkswell School.”***

**2. Justification**

- 2.1. As an allocated site it can contribute to the infrastructure necessary to allow sustainable access to primary school education for new residents.
- 2.2. It will also facilitate cycling and walking option to the other activities that are provided in Berkswell village such as scouts and brownies, the church, public house and the activities run at the village hall (Reading Rooms)

## Part B – Please use a separate sheet for each representation

|   |           |                          |  |              |  |
|---|-----------|--------------------------|--|--------------|--|
| Name or organisation:   |           | Berkswell Parish Council |  |              |  |
| 3. To which part of the Local Plan does this representation relate? |           |                          |  |              |  |
| Paragraph   | 225 & 226 | Policy                   |  | Policies map |  |

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes  No
- 4.2 Sound Yes  No
- 4.3 Complies with the duty to cooperate Yes  No

Please tick appropriate box

|  |
|--|
| <p>5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.<br/>If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.</p>   |
| <p><b>Objection Justification</b></p> <ol style="list-style-type: none"> <li>Berkswell Parish Council supports the development of site 43 – land adjacent to Old Lodge Farm, Kenilworth Road and asks that it be included within the table of allocated sites.</li> <li>This site has a capacity for 40 homes as described in paragraph 538 of the submission plan and is 1.36 hectares in size<sup>14</sup>. The NPPF defines small sites as those below 1 hectare<sup>15</sup>. This site is above that threshold.</li> <li>Paragraph 538 of the submission plan states <i>“The principle as to whether development would be allowed on this site to be established through the planning application process.”</i> The site having been removed from Green Belt meets the requirements for sustainable development and can be expected to be developed to meet the housing need. .</li> <li>There are two main issues with relation to the development of this site – access to a play area and environmental noise mitigation.</li> <li>The site is separated from play areas by the relief road proposed in paragraph 527 of the plan. As such access to a play area is made difficult.</li> <li>By far the closest school to this site is Berkswell CofE primary school in Berkswell village. This is reached via a lane without a pavement and is not possible to access the school except by car which is contrary to the cycling and walking strategy<sup>16</sup> and the plan policies P7 and P8 which support it.</li> <li>The site is also bounded by the A452/relief road and the West Coast mainline.</li> </ol> |

<sup>14</sup> Solihull site assessments <https://www.solihull.gov.uk/Portals/0/Planning/LPR/Site%20Assessment2.pdf>

<sup>15</sup> Paragraph 68 of NPPF

<sup>16</sup> Page 82 of the submission plan

|                   |                                   |                           |  |
|-------------------|-----------------------------------|---------------------------|--|
| Site Reference    | <input type="text" value="43"/>   | Site Name                 | <input type="text" value="Land adjacent to Old Lodge Farm"/> |
| Gross Area (Ha)   | <input type="text" value="1.36"/> | Ward                      | <input type="text" value="Meriden"/>                         |
| Capacity (SHELAA) | <input type="text" value="40"/>   | Parish                    | <input type="text" value="Berkswell"/>                       |
| Green Belt        | <input type="text" value="100"/>  | Greenfield/<br>Brownfield | <input type="text" value="Greenfield"/>                      |

8. As such it will be impacted significantly by noise.

9. A total of 3 sites (BC1, BC3 and site 43) all suffer from environmental noise that will require mitigation. This same case has been made with reference to two other sites with appropriate submission plan paragraph numbers. The Council apologise for its repetition but such repetition is a consequence of the plan examination process dictating comments by policy/paragraph number.

10. The NPPF makes specific reference to the Noise Policy for England.<sup>17</sup> This policy requires mitigation for the effects of noise for all development which exceeds the lower observable adverse impact level. (LOAEL)

11. The Noise Policy for England does not detail specific numerical LOAEL or other numerical targets nor how to achieve them.

12. Building Regulations Approved Document E is the main reference document which relates to the insulation of buildings against airborne and structure borne noise. To quote the summary on page 1 of the regulation. *“The document provides guidance on sound proofing, including the transmission of sounds between walls, ceilings, windows and floors. It covers unwanted sound travel within different areas of a building, including common areas within schools and buildings containing flats, and in-between connecting buildings<sup>18</sup>.”*

13. Therefore, there is no guidance within Building Regulations for the control/mitigation of noise levels injurious to health from environmental noise.

14. The NPPF<sup>19</sup> requires *“Planning policies and decisions……(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving significant adverse impacts on health and the quality of life”*.

15. Solihull Council does not currently have a policy or design guidance on the mitigation of environmental noise as opposed to noise generated within a building.

<sup>17</sup> Footnote at the bottom of page 52 of the NPPF

<sup>18</sup> [https://www.planningportal.co.uk/info/200135/approved\\_documents/67/part\\_e\\_-\\_resistance\\_to\\_the\\_passage\\_of\\_sound](https://www.planningportal.co.uk/info/200135/approved_documents/67/part_e_-_resistance_to_the_passage_of_sound)

<sup>19</sup> Paragraph 180 of NPPF

16. Other planning authorities do have such policies to guide development. They typically refer to BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.
17. Manchester provides a good example with specific reference to BS8233 in its planning guidance.<sup>20</sup> *“BS8233 Provides design guidelines for appropriate internal acoustic environments within buildings according to their function. It deals with control of noise from outside the building, noise from plant and services within it, and room acoustics for non-critical situations”.*
18. Attached in the appendix to this case is an email from consultants Max Fordham confirming that BS8233 is the appropriate standard that should be followed for developments impacted by transport noise. In addition to being experts in this field, the email gives a link to the Association of Noise Consultants have recently published the 'Acoustics, Ventilation and Overheating Residential Design Guide'. That gives justifies the use of BS8233 and provides practical advice to planners.
19. The absence of a standard within Building Regulations or an SMBC Policy renders void the protections for residents required by the NPPF and Noise Policy for England.
20. As such this site (and others) should not be included as the Plan as is it currently drafted because the allocation etc is not underpinned by the appropriate technical policy for the mitigation of noise levels harmful to health.
21. Berkswell PC believe that there is a simple remedy to resolve this issue for this site (and the other sites close to HS2 or the West Coast Mainline) shown in the answer to question 6 below.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

### **Proposed Change**

1. The table of allocated sites in paragraph 226 should be modified to include this site with a site area of 1.4 hectares and a capacity of 40 homes. The windfall housing supply should be reduced accordingly in table in paragraph 225
2. A new policy “BC7 – Old Lodge Farm”, should be created with the following wording
  - 2.1. The site is allocated for 40 dwellings
  - 2.2. *Homes built on this site in areas which are affected by environmental noise as defined by British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings) or its successor standard should be constructed to meet the requirements of that standard or its successors.*
  - 2.3. Likely infrastructure requirements will include
    - 2.3.1. Provision of public open space, including a doorstep play area, with a contribution to Lavender Hall Park
    - 2.3.2. Enhancement of the public right of way network, including new walking and cycling route connecting to the wider network and Berkswell School
3. **Justification**
  - 3.1. The inclusion of this site within the allocation enhances the deliverability of the plan
  - 3.2. The site is noise impacted and requires the application of noise mitigation and Solihull Council do not have a policy. BS8233 is used by other Councils such as Manchester to provide planning norms to achieve suitable mitigation and its inclusion in the site policy will aid development and is recommended by experts Max Fordham.

<sup>20</sup> [https://www.manchester.gov.uk/download/downloads/id/23747/noise\\_and\\_planning\\_guidance.pdf](https://www.manchester.gov.uk/download/downloads/id/23747/noise_and_planning_guidance.pdf)

- 3.3. As an allocated site it can contribute in a similar way to local infrastructure as other sites within Balsall Common including the nearby BC6 -Lavender Hall Farm.
- 3.4. The provision of a local play area overcomes the issue of the site being separated from Lavender Hall Park by the relief road/A452.
- 3.5. The contribution to a cycleway/pavement to Berkswell supports the cycling and walking strategy by providing access to Berkswell School, the church, the scouts and brownies, the activities undertaken in the village hall (Reading Rooms) and the pub.

## Appendix

### **Andrew and Birgit Burrow**

---

**From:** I.Shaw@maxfordham.com  
**Sent:** 22 November 2020 22:05  
**To:** Andrew Burrow  
**Subject:** Acoustic Advice

Dear Andrew,

Thank you for your request for advice, we confirm that if a house is to be built within an area impacted by transport noise from new or proposed railways lines or roads, or other sources of noise, then it should be designed to be fit for purpose. We recommend that this fitness for purpose is met by achieving the conditions set out in the most recent version of BS8233. This will assist with providing accommodation that is fit for purpose for both daily living and for healthy sleep patterns whilst also maintaining adequate levels of purge ventilation in order to meet the requirement of Building Regulations Part F and Part L for provision of adequate fresh air and to prevent overheating.

The Association of Noise Consultants have recently published the 'Acoustics, Ventilation and Overheating Residential Design Guide' which sets out how to achieve adequate conditions for provision of a healthy acoustic environment for the resident, our Head of Acoustics, Anthony Chilton, contributed to this document, it can be found here:

<https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2020/07/ANC-AVO-Residential-Design-Guide-January-2020-v1.1.pdf>

We regularly provide detailed advice contributing to either individual construction projects and planning applications, representing resident groups and providing expert advice and consultation to Planning authorities and publishers of design guides and would be happy to provide a quotation for our services. A typical daily rate for a senior member of our acoustics team would be £500/day.

Let me know if you have any further questions.

Kind Regards,

Iain

Iain Shaw BEng (Hons) MCIBSE  
 Principal Engineer, Partner

Due to the ongoing outbreak of COVID-19, I am now working from home. I, and all of my colleagues, can be contacted on the normal office number below.

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## Part B – Please use a separate sheet for each representation

|   |  |                          |  |              |                     |
|---|--|--------------------------|--|--------------|---------------------|
| Name or organisation:   |  | Berkswell Parish Council |  |              |                     |
| 3. To which part of the Local Plan does this representation relate? |  |                          |  |              |                     |
| Paragraph   |  | Policy                   |  | Policies map | <b>This section</b> |

Do you consider the Local Plan is:

- 4.1 Legally compliant                      Yes                       No
- 4.2 Sound                                      Yes                       No
- 4.3 Complies with the duty to        Yes                       No   
cooperate

Please tick appropriate box

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

### Objection justification

1. Berkswell Parish Council very much supports continuation of a green corridor as you enter Balsall Common by car down Waste Lane
2. It is noted that the proposal to build on Barratt's Farm, allocation BC1, very significantly reduces the Green Belt gap between Coventry/Burton Green and Balsall Common. See map below.



3. This reduction in the Meriden Gap would, in all other circumstances, be contrary to the purposes on the Green Belt as defined in paragraph 134 a. to c. of the NPPF – *“to check the unrestricted sprawl of large built up areas, to prevent neighbouring towns merging into one another and to assist in the safeguarding of the countryside from encroachment.”*
4. It is also noted that the Local Plan for Coventry City Council provides for a change in the green belt boundary to the west of “their part” of Burton Green and Warwick District Council have authorised a significant increase in housing in their part of Burton Green at Burrow Hill and at the Broadwell Park home site, Together these have doubled the size of Burton Green.

5. The new line for HS2 also joins directly the built-up area of Burton Green with Balsall Common. As such it has a major impact on the openness of the Green Belt in this very narrow part of the Meriden Gap.
6. It is noted that the land on the south side of Waste Lane within BC4 (Pheasant Oak farm) is to be removed from the Green Belt and then set aside in the concept plan as Public Open Space.<sup>21</sup> See land marked **1** on the map below
7. It is noted that the land between Waste Lane and Old Waste Lane, marked **2 on the map below**, is to be removed from the Green Belt and then declared as public green space and thereby protected from development.



8. These two actions create a green entry into Balsall Common. The maintenance of green approaches to Balsall Common is very much supported by residents.
9. A survey<sup>22</sup> by our sister parish council, Balsall Parish, of the whole of Balsall Common asked residents' opinions on a range of subjects. The answer to the question "Any new development of land should protect the character of the parish - Keeping the approaches that have a rural feel" resulted in a 98% supportive response rate. Other questions in the survey yielded positive response rates as low as 10%<sup>23</sup>. Furthermore, the Balsall Common Village Plan-2009 similarly concluded that required principles of design for Balsall Common included the preservation of the rural approaches.<sup>24</sup>
10. However, Berkswell PC contends that this methodology for achieving the green approach to Balsall Common is inappropriate. To remove land from the Green Belt on the periphery of the settlement and then protect it as Local Green Space or Public open space to create a green entry to Balsall Common seems illogical.

<sup>21</sup> Solihull Local Plan Concept plans <https://www.solihull.gov.uk/Portals/0/Planning/LPR/SLPS-CMPs-Oct2020.pdf>

<sup>22</sup> Page 11 of Balsall Parish NDP residents' survey <https://berkswellparishcouncil.org.uk/projects/balsall-parish-council-neighbourhood-plan-household-questionnaire-1606219759>

<sup>23</sup> Page 12 of Balsall Parish NDP survey <https://berkswellparishcouncil.org.uk/projects/balsall-parish-council-neighbourhood-plan-household-questionnaire-1606219759>

<sup>24</sup> Page 14 Balsall Common village plan.

<https://berkswellparishcouncil.org.uk/sites/berkswellparishcouncil.org.uk/files/downloads/BC%20plan%202009.pdf>

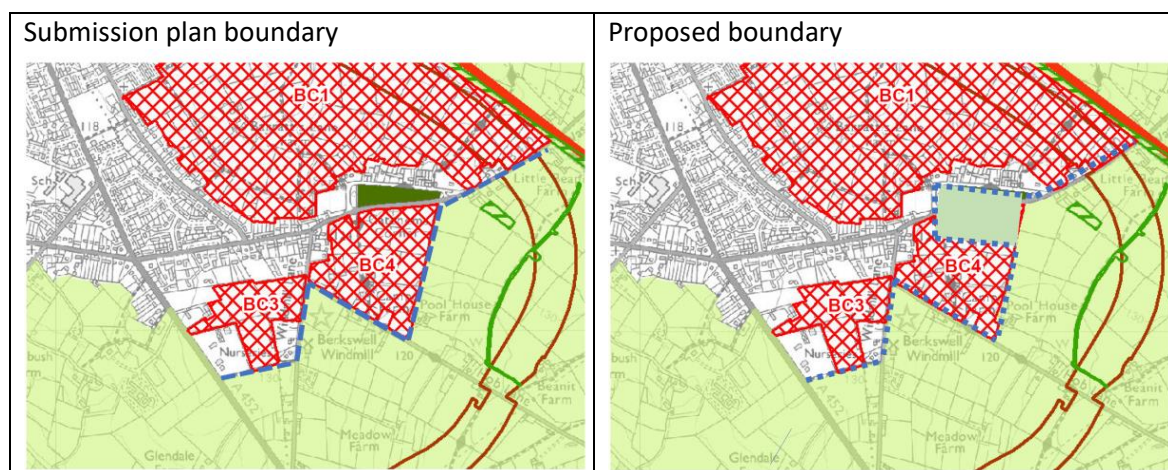


11. Paragraph 59 of the submission plans states *“The two factors outlined above represent a significant shift from the starting point of the 2013 plan and requires the spatial strategy to be looked at afresh. This is in the context that to deliver the level of growth envisaged, will require significant releases of land from the Green Belt.....**Nevertheless Solihull puts great value in the Green Belt and only sacrifices it if there is no other option**”* (bolding by Berkswell PC)
12. There is however another option in the particular area of Waste Lane. i.e. to leave these two pieces of land within the Green Belt. These two pieces of land are not to be built upon and as such make no contribution to providing the additional housing required by the plan.
13. Local Green Space has the same planning constraints as Green Belt so the land between Waste and Old Waste Lane would be similarly protected under either planning regime.
14. It is further noted that the Green Belt boundary around allocation BC4 (Pheasant Oak farm) has been tightly drawn to on its east following the proposed limit for the new housing,<sup>25</sup>

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

### Proposed Change

In order to make the plan sound and conform to the intention of paragraph 59 of the plan, the Green Belt in the proposed polices map should be redrawn as shown below.



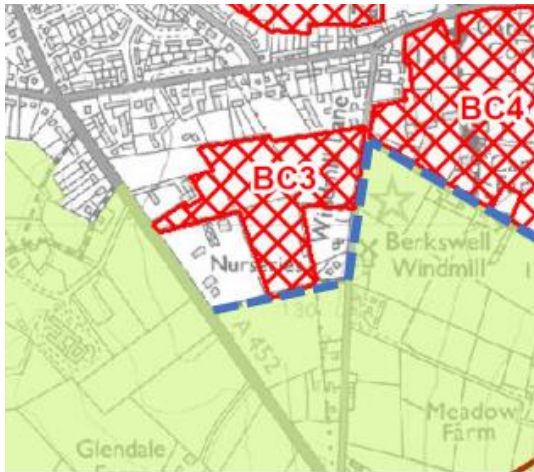
### Justification

1. This requested change maintains as much of the Green Belt within the sensitive Meriden gap without impacting the quantity of housing to be built
2. The proposed change avoids the need to take land out of Green Belt and then designate it as Local Green Space
3. To the north the retained Green Belt is Old Waste Lane and part of the west boundary is also Old Waste Lane. – a hard boundary.
4. To the south of this piece of retained Green Belt is the built-up area proposed for allocation BC4. This is the same approach as in the submission plan for the eastern boundary.

<sup>25</sup> Solihull proposed policies map <https://www.solihull.gov.uk/Portals/0/Planning/LPR/Proposed-Policies-Map-Local-Plan-Review.pdf>

5. The NPPF<sup>26</sup> requires that planning authorities should “*plan to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation ; to retain and enhance landscapes .....*” In that context public open space can be situated within Green Belt.
6. The public open space for site allocation BC4 would remain in its proposed location but would merely be in Green Belt.
7. That is exactly the approach with allocation BC3 where the public open space is in the Green Belt. See maps below

Green Belt boundary at BC3



Public open space at BC3 beyond Green Belt boundary



<sup>26</sup> Paragraph 141 of the NPPF

## Part B – Please use a separate sheet for each representation

|   |     |                          |  |              |  |
|---|-----|--------------------------|--|--------------|--|
| Name or organisation:   |     | Berkswell Parish Council |  |              |  |
| 3. To which part of the Local Plan does this representation relate? |     |                          |  |              |  |
| Paragraph   | 539 | Policy                   |  | Policies map |  |

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes  No
- 4.2 Sound Yes  No
- 4.3 Complies with the duty to cooperate Yes  No

Please tick appropriate box

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

### Objection Justification

1. Berkswell Parish Council very much supports continuation of a green corridor as you enter Balsall Common by car down Waste Lane
2. The evidence used in this submission is very similar to that for Berkswell Council's case to retain the land between Waste and Old Waste Lanes within the Green Belt. The Council apologises for this repetition but because the policies involved are different one has to make two different cases rather than an either/or within the same submission impacting two policy areas.
3. It is noted that the proposal to build on Barratt's Farm, allocation BC1, very significantly reduces the Green Belt gap between Coventry/Burton Green and Balsall Common. See map below.



4. This reduction in the Meriden Gap would in all other circumstances be contrary to the purposes on the Green Belt as defined in paragraph 134 a. to c. of the NPPF – “to check the unrestricted sprawl of large built up areas, to prevent neighbouring towns merging into one another and to assist in the safeguarding of the countryside from encroachment.

5. It is noted that the Green Belt boundary around allocation BC4 (Pheasant Oak farm) has been tightly drawn to on its east<sup>27</sup>, thereby ensuring that the Green Belt gap with Burton Green with allocation BC4 does not represent a narrower gap than that between the BC1 allocation and Burton Green (shown as a red arrow red on the map).
6. It is also noted that the Local Plan for Coventry City Council provides for a change in the green belt boundary to the west of “their part” of Burton Green and Warwick District Council have authorised a significant increase in housing in their part of Burton Green at Burrow Hill and at Broadwell Park home site have doubled the size of Burton Green.
7. The new line for HS2 also joins directly the built-up area of Burton Green with Balsall Common. As such it has a major impact on the openness of the Green Belt in this very narrow part of the Meriden Gap.
8. Paragraph 141 NPPF requires local planning authorities having once redefined Green Belt boundaries *“positively enhance their beneficial use, such as looking for opportunities to access.....visual amenity and biodiversity”*
9. Paragraph 138 of the NPPF requires that when reviewing Green Belt boundaries strategic policy making authorities should *“also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land”*
10. A survey by our sister parish council, Balsall Parish, of the whole of Balsall Common asked residents’ opinions on a range of subjects. The answer to the question “Any new development of land should protect the character of the parish - Keeping the approaches that have a rural feel” resulted in a 98% supportive response rate<sup>28</sup>. Other questions in the survey yielded positive response rates as low as 10%<sup>29</sup>. Further more the Balsall Common village plan 2009 similarly concluded that required principles of design for Balsall Common included the preservation of the rural approaches.<sup>30</sup>
11. The designation of the land between Old Waste Lane and Waste Lane as LGS together with the Public open space on allocation BC4 creates a green corridor as you enter Balsall Common. This causes an apparent widening of the Green Belt gap between an enlarged Balsall Common and Burton Green/Coventry as people travel by road from Coventry/Burton Green to Balsall Common. A trick of the eye but of significant visual amenity hiding the new narrowness of the green belt/Meriden gap. See map below.<sup>31</sup>

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<sup>27</sup> Solihull Proposed policies map

<sup>28</sup> Page 11

<https://berkswellparishcouncil.org.uk/projects/balsall-parish-council-neighbourhood-plan-household-questionnaire-1606219759>

<sup>29</sup> The use of traditional building materials page 12.

<https://berkswellparishcouncil.org.uk/projects/balsall-parish-council-neighbourhood-plan-household-questionnaire-1606219759>

<sup>30</sup> Page 14 Balsall Common village plan.

<https://berkswellparishcouncil.org.uk/sites/berkswellparishcouncil.org.uk/files/downloads/BC%20plan%202009.pdf>

<sup>31</sup> A compilation of concept plans BC1 and BC4.



6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

#### **Proposed Change**

In order to make the plan sound this rationale needs to be added in summary to paragraph 539 in addition to the rationale created by SMBC. The following wording should be added to paragraph 539.

*“This area of land is critical to maintaining the apparent width of the Meriden Gap and maintaining the rural nature of the approach to Balsall Common from the Coventry/Burton Green direction”*

## Part B – Please use a separate sheet for each representation

|   |     |                          |  |              |  |
|---|-----|--------------------------|--|--------------|--|
| Name or organisation:   |     | Berkswell Parish Council |  |              |  |
| 3. To which part of the Local Plan does this representation relate? |     |                          |  |              |  |
| Paragraph   | 527 | Policy                   |  | Policies map |  |

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes  No
- 4.2 Sound Yes  No
- 4.3 Complies with the duty to cooperate Yes  No

Please tick appropriate box

|   |
|---|
| <p>5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.<br/>If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.</p>  |
| <p><b>Objection Justification</b></p> <ol style="list-style-type: none"> <li>Berkswell Council welcomes the proposal for a relief road because it will provide, together with the proposed Waste Lane entry, the dedicated means of vehicular access to the proposed housing allocation BC1 (Barratt's Farm). It will also maintain the viability of the community's roads within the settlement by ensuring that commuter traffic generated by new development is able to avoid travelling through the settlement. It will also direct some commuter/HGV traffic passing through Balsall Common on the A452 around the settlement allowing space on local roads for traffic generated by the new developments not on the relief road. It will also permit a redevelopment of the centre of Balsall Common to cater for the increased population.</li> <li>The NPPF<sup>32</sup> requires that "<i>strategic policies should set out an overall strategy for the pattern, scale and quality and make sufficient provision for... (b) infrastructure for transport</i>"</li> <li>The Parish council is concerned that whilst funding will be in place for the section from Waste Lane to Station Road, no funding is in place for the section from Waste lane to Meer End.</li> <li>Paragraph 527 states "grant funding opportunities that might be available through for instance, the WMCA"</li> <li>However, it is a matter of public record that the WMCA have already rejected a request to fund the relief road<sup>33</sup>. Whilst another application could no doubt be made this does not provide confidence.</li> </ol> |

<sup>32</sup> Paragraph 20 of the NPPF

<sup>33</sup> FOI response from WMCA 16 October 2020

6. The provision of a road from Waste Lane to Station Road and from there up the existing Hallmeadow Road to the A452 would provide only 60% of the total relief road and only 50% of the new piece from Station Road to Meer End. (the Hallmeadow Road section already exists)
7. The traffic lights at the Kelsey Lane/A452 junction at the south of Balsall Common currently provide a significant hold up for traffic entering from the south in the morning. Currently the tailbacks can amount to ½ mile, sometimes as far south as the A452/Windmill Lane junction. See photo below.



8. In the event that both sections of the relief road, the blue section and the red section on the map below, are not opened at the same time, “rat running” is inevitable down the Waste Lane/Windmill Lane route shown on the map as some vehicles attempt to avoid the centre of Balsall Common.



9. Windmill Lane is a country lane with some housing at its northern end. Much of that housing has no off-street parking and cars are parked on the road. See photo.



10. The issues surrounding the use of Windmill Lane and Waste Lane as a “rat run” because the southern end is not opened simultaneously with the Waste Lane/Station Road section are
- 10.1. Policy BC4 within the submission plan says one of the principles is “Safeguarding the rural character of Hob Lane, Waste Lane and Windmill Lane.”<sup>34</sup> Clearly allowing Windmill Lane to be used as a significant “unofficial” part of the Balsall Common relief road will not meet that policy objective given the risk of the volume of traffic concerned.

<sup>34</sup> Policy BC4 2ii



- 10.2. There are a significant number of homes on Windmill Lane. These are mainly, but not limited to, the two park home sites. Residents from these locations walk to the bus stop on Kelsey Lane down Windmill Lane which has, for most of its length, no pavement. These park homes by their nature tend to provide homes for those of limited means for whom public transport is essential.
- 10.3. The plan envisages 110 more homes exiting onto Windmill Lane from allocation BC3 adding to existing traffic
- 10.4. Turning right from Windmill Lane into Waste Lane is not safe because visibility is very restricted due to Waste Lane having a concave curvature at that point.



This car became fully visible at 43 metres from the centre line of Windmill Lane at the junction with Waste/Kelsey Lanes.

- 10.5. The Stopping Sight Distance<sup>35</sup> for 30 mph as 45 metres. Waste Lane has a just reduced from 40 mph to 30 mph at this point.

<sup>35</sup> Paragraph 7.1 of Manual for Streets

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

- 10.6. Going north on the A452 turning right into Windmill Lane, involves crossing oncoming traffic. Given the hidden dip on the road north of the Windmill Lane junction cars are not easy to see as you make that turn. See map



- 10.7. Going south turning left from Windmill Lane onto the A452 going south requires significant care. The angle of the junction (see map above) is such that being able to see traffic coming from your right whilst attempting to join the A452 going south is “challenging”.
11. For all of the above reasons allowing Windmill Lane to become part of an unofficial Balsall Common bypass would represent a public harm.
12. The Plan as written does not provide the certainty that all sections of the Relief Road will be opened together. As such the submission plan lacks the “sufficiency” test in paragraph 20 of the NPPF.
13. Consequently, Berkswell Parish Council consider the plan as currently drafted unsound.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

### **Proposed Change**

As explained above, Berkswell PC considers that the building of a Relief Road is critical to the soundness and deliverability of the plan in a way that meets the requirements of the NPPF.

The Council requests that the wording of paragraph 527 is amended to have the following sentence added at the end.

*“It is planned that the Relief Road will be delivered as a single entity within the same time frame to connect Meer End with Station Road. In that way a continuous relief road will be completed in a single event without compromising local lanes”*

This change will help to ensure that the relief road is completed as a single project thereby avoiding the risks associated with only the stretch between Waste Land and Station Road being opened.

## Part B – Please use a separate sheet for each representation

|   |     |                                 |  |              |  |
|---|-----|---------------------------------|--|--------------|--|
| <b>Name or organisation:</b>  |     | <b>Berkswell Parish Council</b> |  |              |  |
| 3. To which part of the Local Plan does this representation relate? |     |                                 |  |              |  |
| Paragraph   | 226 | Policy                          |  | Policies map |  |

Do you consider the Local Plan is:

4.1 Legally compliant Yes  No

4.2 Sound Yes  No

4.3 Complies with the duty to cooperate Yes  No

Please tick appropriate box

|  |
|--|
| <p>5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.<br/>If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.</p> <p>Berkswell Parish Council welcomes the plan to build a new primary school in Balsall Common as part of the Solihull Plan. However, the Council is concerned that the phasing of primary school educational places is not consistent with the housing phasing.</p> <ol style="list-style-type: none"> <li>1. The Education Authority (Solihull Borough Council) have a statutory duty to plan for and provide school places for all children (Section 14 of the 1996 Education Act).</li> <li>2. The NPPF<sup>36</sup> requires that <i>“strategic policies should set out an overall strategy for the pattern, scale and quality and make sufficient provision for... (c) .community facilities (such as health, education and cultural infrastructure)”</i></li> <li>3. Paragraph 226 of the Submission plan provides for the phasing of allocated sites within Balsall Common. Including site SLP 19 from the 2013 plan there are 1683 homes on allocated sites within the plan.</li> <li>4. The parishes of Balsall Common and Berkswell have also historically provided significant homes in addition to those on allocated sites. In the period since the 2013 Plan, for financial years 2014-15 to 2019-20 inclusive 164 homes have been completed not on allocated sites. That is 27 per year or over a 15-year plan period a projection of 405. Of those 69 are already predicted in paragraph 538 of the draft plan.<sup>37</sup></li> <li>5. It is likely therefore, that in addition to the 1683 homes on allocated sites, there will be around 300 to 400 additional homes giving a likely Balsall Common new homes projection over the plan period of around 2000.</li> <li>6. The phasing of homes in phase 1 is as follows from paragraph 226</li> </ol> |
|--|

<sup>36</sup> Paragraph 20 of the NPPF

<sup>37</sup> FOI response from SMBC 20<sup>th</sup> October 2020

| Site Number  | Name                   | Housing capacity to be delivered in phase 1 |
|--|------------------------|---|
| BC2  | Frog Lane              | 110   |
| BC3  | Windmill Lane          | 120   |
| BC5  | Trevallion Stud (part) | 200 across phases 1 and 2                   |
| Housing on non-allocated sites (5 years at 27 homes) |                        | 135   |
| <b>Total</b>   |                        | <b>365 to 565</b>                           |

## 7. School Capacity and current utilisation

- 7.1. There are currently 3 primary schools locally
- 7.1.1. Balsall Common Primary school,
- 7.1.2. Berkswell CofE primary school
- 7.1.3. Lady Katherine Leveson CofE primary school at Temple Balsall.
- 7.2. Both Temple Balsall and Berkswell Schools are almost totally car dependent being 2.9 and 1.6 miles respectively from the centre of Balsall Common, down country lanes without pavements. There are very few children within walking distance of the schools.
- 7.3. Whilst there may be some small theoretical capacity from time to time at Berkswell and Balsall Common schools, there is no effective spare capacity. There have been 9 and 20 children respectively turned away from the schools in the last 12 months.<sup>38</sup>
- 7.4. Temple Balsall School currently has a maximum capacity of 196 pupils and a current role of 125 giving theoretical vacancies of 71.<sup>39</sup>
- 7.5. Utilising maximum school capacity is not easy to achieve. There can be a mismatch of when a child of a particular age needs a place and when such a place in a particular year is available. It would be fair to say that unused capacity, that is capable to delivery in practice in our area, is around 70 places.
8. Solihull plans on the basis of 4 pupils per year group per hundred houses.<sup>40</sup> Therefore, the number of school places required in the first 5 years of the draft plan is as follows<sup>41</sup>

| Additional pupil places required by new homes under various phasing scenarios |     | Pupils per year group | Total primary age pupils |
|---|-----|-----------------------|--------------------------|
| With full development of Trevallion Stud (BC5) in phase 1                     | 565 | 22.6                  | 158                      |
| With <u>no development</u> of Trevallion stud (BC5) in phase 1                | 365 | 14.6                  | 102                      |

9. There is therefore a mismatch between the housing planned for phase 1 and the local supply of primary school places. With no homes built on BC5 during phase 1 there is a shortage of 30 primary places rising to a shortage of 86 places if BC5 is fully developed. Whilst some of that might be accommodated by reducing the catchment area of the schools and therefore reducing demand from out of area children, SMBC have not shown how such an approach can practically create places in the short term without recourse to refusing continuing attendance by current out of area pupils which is probably unlawful and morally wrong.

<sup>38</sup> FOI response from SMBC 15<sup>th</sup> October 2020

<sup>39</sup> FOI response from SMBC dated 15<sup>th</sup> October 2020

<sup>40</sup> Solihull School organisation plan 2019 paragraph 3.4

<sup>41</sup> Paragraph 226 Solihull submission plan

10. Additional places are available, beyond the capacity at Lady Katherine's school, only once the proposed new school is operational.
11. This issue will escalate if housing is provided during phase 2 of the Plan unless the new school is available at the beginning of phase 2.
12. Sending children to other schools within the Borough, Warwickshire or Coventry is not sustainable because it requires road travel to alternative schools. The school at Meriden is 4 miles distant and the school at Hampton is 5-miles away.
13. Within this context the rural east of which Balsall Common forms a major part, has a very high car dependency with 70% of residents using a car for their daily needs versus 50% for the Borough average according to the Solihull Connected Transport Strategy Report.<sup>42</sup>

It is the contention of Berkswell Council that the educational policy does not make sufficient provision, as required by the NPPF, for primary school provision during phase 1 of the housing allocation.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.

#### **Proposed Change**

1. The Trevallion stud site (BC5) should not be allocated to phase 1 of the plan in paragraph 226 but allocated to phase 2.
2. The commitment to a new primary school in paragraph 531 and policy BC1 should provide that construction of the new primary school should commence early in phase 1 of the plan

These actions will leave a theoretical shortage of 30 places during phase 1 of the plan but that is probably within the margin of prediction error.

As an alternative sites BC2 and BC3 could be re-scheduled into the second allocation phasing leaving only site BC5 to be developed in phase 1. That will eliminate the fully projected shortage of primary school places during the first phase of the housing plan by reducing house building in that phase to 200 homes down from a maximum of 565 to 200

On balance Berkswell Council favours the first option because allocation BC5 is in the very north of Balsall Common remote from the existing 3-form entry Balsall Common primary school and Lady Katherine's primary school with its approx. 70 vacant places.

These actions will ensure that the authority better meets its duty under the 1996 Education Act and the NPPF and thereby ensure that development is sustainable and not unduly reliant on additional motor vehicle journeys and therefore becomes sound.

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<sup>42</sup> Solihull Connected Transport Strategy page 41

## Part B – Please use a separate sheet for each representation

|   |     |                                 |  |              |  |
|---|-----|---------------------------------|--|--------------|--|
| <b>Name or organisation:</b>  |     | <b>Berkswell Parish Council</b> |  |              |  |
| 4. To which part of the Local Plan does this representation relate? |     |                                 |  |              |  |
| Paragraph   | 528 | Policy                          |  | Policies map |  |

Do you consider the Local Plan is:

- 4.1 Legally compliant                      Yes     No   
 4.2 Sound    Yes     No   
 4.3 Complies with the duty to cooperate      Yes     No

Please tick appropriate box

|   |
|---|
| <p>5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.<br/>         If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.</p>   |
| <p>The Council welcomes the commitment within the plan to create a village centre master plan. However, residents want more than a plan because with a 60% increase in the population of Balsall Common. The centre needs to be actually improved to cope with the increased population. A minority of the centre falls within Berkswell Parish with the majority with our sister parish Balsall. Rather than repeat the case made by Balsall PC, it is requested that the Examiner notes Berkswell PCs support for the case made by Balsall PC and their proposed wording change to paragraph 528.</p> |
| <p>6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or 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.</p>                                    |
|   |

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The parish council have not objected to the increase in housing in Balsall Common, albeit the Council and many of our residents do not support the loss of Green Belt at this narrowest point of the Meiden Gap.

However, we believe that the plan, with the small modifications we have suggested, offers an opportunity for Balsall Common to grow whilst retaining its desirability as a place to live for existing and new residents.

We would like to explain that overview to the Examiner both in support of the Berkswell Council's suggested modifications and in defence of the plan as written.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in

hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

Richard Wilson

Date:

11/12/20