

Berkswell First Draft Plan - Informal Public Consultation

April 2018

Kirkwells Responses to Objections / Representations

1. Parish of St George and St Theresa, Dorridge

Objection to Meeting House Lane - Proposed Local Green Space Designation 1.

Point 1 - No demonstration of the visual, environmental or social benefits.

The justification for the Local Green Space designation is provided in Table of the Draft NDP (p32). This Table sets out the key points for the justification as required in the NPPF paragraph 77. There is no further requirement to demonstrate "visual, environmental or social benefits" over and above the criteria in the NPPF.

However, for the purposes of responding to these points, briefly, the space has:

- Visual benefits in that it contributes to the open appearance of the Green Belt as referred to various planning appeal statements.
- Environmental benefits in that it includes a number of mature trees and hedgerows. Its designation as a Local Green Space would protect the area from future development, allowing it to provide a valued green gap between the proposed extensive new development at Barratt's Farm and existing residential areas. If integrated into the development proposal it would be accessible as an open space to both existing and new residents.
- Social benefits - the site has a history of regular use as a recreation ground with a football playing pitch, and, although it is not used at the present time for football, its retention as an open space would offer opportunities for such uses again in the future. The area is also used informally by local residents for dog walking and general fresh air and exercise and therefore contributes to local health and wellbeing.

In addition to these points, a significant number of local residents submitted responses in support of the Local Green Space designation during the informal consultation on the First Draft Plan. Overall 846 (92% of respondents) supported designation the site as a Local Green Space and only 69 (8% of respondents) objected.

The objections/comments largely related to the fact that the land is privately owned by the Catholic Church, little used and ideal for a housing development / building a school or church. It is understood that the Church requested Parishioners to object to the proposed local Green Space on their website (see Blessed Robert Grissold listing of Parish Events on their web site http://www.brgparish.org.uk/parishlife/events/index.php?page_91342=11):

26.04.2018	Mass with the Sacrament of the Anointing of the Sick	Every last Thursday in the month there is an opportunity for those who are sick to partake of this sacrament. The practice of being anointed with oil as a powerful prayer for strengthening and healing dates back to the earliest Church. Scripture bears witness to this when it says: "Are there any who are sick among you? Let them send for the priests of the Church and let the priests pray over them, anointing them with oil in the name of the Lord; and the prayer of faith will save the sick persons, and the Lord will raise them up; and if they have committed any sins their sins will be forgiven them."
22.04.2018	Our Field & Berkswell Parish Council	Last week we asked you to reject Berkswell Parish Council's request (via their Neighbourhood Development Plan) to have the field designated as 'Local Green Space'. If you have not already done so, today being the last day for making a response to the proposal, please go onto their website www.berkswell.org . Thank you. For further information, please speak with Godfrey or Joe.
22.04.2018	The children's liturgy team are looking for new recruits	Whether you want to run a session or just sit in, your help will be greatly appreciated. All helpers need to complete safeguarding paperwork, which we can complete with you after Mass. Please see Kathryn Driffield or Monica Green if you are interested!

Point 2 - The name is Incorrect

The site is known locally as "Meeting House Lane Playing Field or Recreation Ground" (**Andrew - please check**). The area is noted as a "Playing Field" on the Ordnance Survey map base, and "Meeting House Lane Park" on Google Maps. The site has a lengthy history of use as a recreation ground - as detailed in the Background History paper which has been prepared as part of the evidence base for the NDP.

Public access is not a requirement for Local Green Space in the NPPF. However, there is a public footpath along the northern boundary of the site.

Point 3 - No evidence to demonstrate the beauty, historical significance, tranquility or richness of wildlife on the site.

Refer to Table 1 in the Draft NDP. The criteria in the NPPF require that a proposed Local Green Space is "demonstrably special". This does not have to include "beauty, historical significance, tranquility or richness of wildlife". It could however include "recreational value (including as a playing field)."

The site is considered as a recreational area in planning terms. The site is noted in Solihull Metropolitan Borough Council Playing Pitch Assessment, Oct 2012 in *Table 5.2: Key to map of football pitches* as Meeting House Lane Ref 173. In the response to the First Draft Plan from SMBC, it is noted that "*There is a potential issue here as the recreation ground in Meeting House Lane is included in the hatched area of DLP Site 1 Barratt's Farm, and it is understood the Church is looking at potential development. If the site is a playing pitch, or lapsed/disused pitch, it would need to be replaced if development were to take place to accord with the emerging Playing Pitch Strategy.*"

Point 4 - Request that PC recognise that dog walkers using the site only do so with the permission of the landowner Permission could be rescinded at any time.

The PC notes this. However public access is not a requirement for Local Green Space in the NPPF.

Point 5 The Site is Not a Recreational Area

Not accepted - see SMBC response in relation to Point 3 above.

Even if the site is a lapsed / disused pitch, it is protected under Adopted Local Plan **Policy P20 Provision for Open Space, Children's Play, Sport, Recreation and Leisure** which sets out:

a) Existing public open space, sports and recreational facilities:

The Council recognises the importance and multi-functional benefits of public open space, sports and recreational facilities within the Borough and will support the enhancement of existing facilities and open space. Loss of existing facilities through development will not be permitted where they are of value by to the local community for recreation, visual amenity, nature conservation or make an important contribution to the quality of the environment or network of green infrastructure, unless:

- i. it can be demonstrated that the open space or buildings are clearly surplus to requirements; or
- ii. the need or benefits of the development clearly outweigh the loss.

In such circumstances, the Council will require appropriate compensatory measures for the loss.

Enhancement of open space or buildings shall be in accordance with Policy P15 – Securing Design Quality and Policy P10 – Natural Environment.

The Council supports the principle of designating land as Local Green Space. Where designation would be appropriate, necessary and where the open space meets the criteria outlined in national guidance, the Council will support designation of Local Green Spaces in neighbourhood plans.

In terms of the history of the site and parish Council involvement, please refer to the detailed Background History paper.

The site is part of the Proposed Development Site at Barrett's Farm

Accepted.

However, the site could form an important local open space within the strategic site. In fact the proposed designation is supported by the neighbouring landowner / developer - see submission from Greenlight Developments. This sets out that "Greenlight would like to support the Berkswell NDP in its proposed designation of the recreation ground adjacent to the Catholic Church, Meeting House Lane, Balsall Common as a Local Green Space - the NDP Steering Committee will note that Greenlight's Vision Document identifies this land as a recreation ground in any event".

If the site was included within the development schemes for Barrett's Farm as an open space / recreation area its future management and maintenance should be secured through developer contributions and obligations.

Overall, the landowner's objections are noted, but it is recommended that in view of the evidence for widespread local support for designating the site as a Local Green Space, it should be retained in the Draft NDP.

2. Greenlight Submission

Comments in Relation to Proposed Housing Site on land Adjoining Barrett's Lane and Properties along Meeting House Lane

Point 1 - The NDP cannot be prepared to be in general conformity with the adopted Local Plan because the Borough is left without an adopted housing requirement.

This is incorrect. NDPs are required to be prepared to be in general conformity with the strategic policies in the Local Plan (para 84, NPPF) and to have regard to the evidence base supporting the emerging Local Plan.

Planning Practice Guidance sets out:

"Can a neighbourhood plan come forward before an up-to-date Local Plan is in place?"

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the [basic condition](#). Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, [up-to-date housing needs evidence](#) is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan
- the emerging Local Plan
- the adopted development plan

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative

delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.

Paragraph: 009 Reference ID: 41-009-20160211

Revision date: 11 02 2016 See [previous version](#)".

The Adopted Local Plan 2013 includes a suite of planning policies apart from housing which are relevant to the Draft NDP for Berkswell.

Furthermore, Green Belt Review is a strategic matter and NDPs cannot take land out of the Green Belt or include Site Allocations within the existing Green Belt. Paragraph 83 in the NPPF sets out that "Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan."

The NDP cannot therefore allocate a site which is currently in the Green Belt, but it can provide a range of local planning policies to guide development in the neighbourhood area across the plan period.

Point 2 - Timescales

The landowner / developer has made incorrect assumptions about the proposed timescales for the NDP. The Plan is at an advanced stage of preparation already. It is proposed to publish the Draft Plan for formal, Regulation 14 public consultation in summer 2018 and to submit the Plan to SMBC in Autumn 2018. All being well the examination and referendum will take place in late 2018 / early 2019.

Following the proposed timescale for the Solihull LPR would unduly delay progress on the NDP. The PC consider that sufficient flexibility is provided in the NDP to enable it to go forward ahead of the new emerging Local Plan. Following the adoption of the emerging new Local Plan the PC may wish to review the NDP to ensure it remains up to date and relevant.

Point 3 - Proposed Site Allocation

See response to Point 1 above. The NDP cannot allocate a site in the existing Green Belt. This can only be done through the Local Plan Review. However the PC will continue to work with developers and landowners to help ensure development proposals are suitable and meet the objectives and planning policy criteria in the Draft NDP.

Point 4 - Support for Proposed Local Green Space at Meeting House Lane.

Noted and welcomed.

3. Richard Brown Planning Ltd on behalf of Colchurch Properties Ltd and Landowners of Barratt's Farm

Comments in Relation to Proposed Site

Point 1 - Site Overview and History

Noted.

Point 2 - Response to NDP

- **Support for Vision and Objectives** - noted.
- **Draft Policy B1 - Support** - noted.
- **Emerging masterplan** - noted and welcomed. Draft Policy B1 provides a suitable and detailed planning framework for the emerging masterplan and addresses such matters as access from main roads (see Criterion 2 e.), retention of trees and hedgerows (Criterion 3 a.) accessibility (Criterion 2 g.), provision of open space between existing and proposed new homes (Criterion 2 i.) and housing mix (Criterion 5).

In addition other policies in the NDP provide further detail for proposed developments including B3 which protects local landscape character B9 which aims to protect and improve accessibility for all.

Point 3 - Continued engagement with the Parish Council - welcomed and supported.

4. SMBC Response - Off Street Parking Standards

Point - Is it realistic / in line with the NPPF?

Response - Draft Policy B8 was prepared following consideration of informal advice from SMBC. The standards are relatively high, but evidence for these standards, including the relatively high levels of car and vehicle ownership in the area, together with significant local concerns about existing on street parking in the area are provided in the supporting text. The residents' responses to the First Draft Plan included a large number of comments (88) relating to concerns about parking in the area.

The standard in the policy is pre-fixed by the words "where possible". This provides appropriate flexibility.

The land owner / developers who have commented on the draft plan have not objected to the standard.

Overall, Kirkwells recommend retaining the standard at this stage and reviewing it after consideration of representations made at formal Regulation 14 consultation stage. Examiners have responded inconsistently to parking standards in NDPs - they were retained in Barford NDP Policy B13 (https://www.warwickdc.gov.uk/downloads/file/3474/barford_neighbourhood_plan_-_final_version_-_july_2016). In other NDPs Examiners have considered them to be prescriptive / technical. Therefore if you retain them, even in the Submission Plan, the Examiner will take their own view and if they decide to, will recommend deletion of that part of the Policy.