

**BALSALL PARISH NEIGHBOURHOOD DEVELOPMENT PLAN
2018 - 2033**

**The Report of the Independent Examiner to Solihull Metropolitan Borough
Council on the Balsall Parish Neighbourhood Development Plan**

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17th December 2019**

Summary

I was appointed by Solihull Metropolitan Borough Council, in agreement with the Balsall Parish Council, in October 2019 to undertake the Independent Examination of the Balsall Parish Neighbourhood Development Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 24th November 2019.

The Neighbourhood Development Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Balsall Parish Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, largely rural character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Solihull Metropolitan Borough Council Local Plan 2013.

Subject to a series of recommended modifications set out in this Report I have concluded that the Balsall Parish Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Balsall Parish Neighbourhood Development Plan 2018 - 2033. The Plan was submitted to Solihull Metropolitan Borough Council by Balsall Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Development Plan.

Neighbourhood Development Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018 (and updated in February 2019).

This report assesses whether the Balsall Parish Neighbourhood Development Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Balsall Parish Neighbourhood Development Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Balsall Parish Neighbourhood Development Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Development Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Development Plan meets the legislative and procedural requirements. I was appointed by Solihull Metropolitan Borough Council, in agreement with Balsall Parish Council, to conduct the examination of the Balsall Parish Neighbourhood Development Plan and to report my findings. I am independent of both Solihull Metropolitan Borough Council and Balsall Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Balsall Parish Neighbourhood Development Plan is submitted to a referendum; or
- the Balsall Parish Neighbourhood Development Plan should proceed to referendum as modified (based on my recommendations); or
- the Balsall Parish Neighbourhood Development Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Development Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Development Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Balsall Parish Neighbourhood Development Plan (April 2019) as submitted
- Balsall Parish Neighbourhood Development Plan Basic Conditions Statement (April 2019)
- Balsall Parish Neighbourhood Development Plan Consultation Statement (March 2019)
- Balsall Parish Neighbourhood Development Plan Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report (December 2018)
- Content at: www.balsallparishcouncil.gov.uk/neighbourhood-development-plan/
- Content at: www.solihull.gov.uk/resident/planning/appealsenforcement/planmaking/neighbourhoodplanning
- Representations made to the Regulation 16 public consultation on the Balsall Parish Neighbourhood Development Plan
- Solihull Metropolitan Borough Council Local Plan 2013
- Solihull Metropolitan Borough Draft Local Plan Supplementary Consultation (January 2019)
- National Planning Policy Framework (NPPF) (2012 & 2019)
- Neighbourhood Development Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 24th November 2019. I looked at the Balsall Parish and Balsall Common. I also viewed the Temple Balsall Conservation Area and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Development Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Balsall Parish Neighbourhood Development Plan could be examined without the need for a public hearing and I advised Solihull Metropolitan Borough Council accordingly. The Qualifying Body has helpfully responded to my enquiries so that I may have a thorough understanding of the thinking behind the Plan, and the correspondence has been shown on the Solihull Metropolitan Borough Council Neighbourhood Development Planning website for the Balsall Parish Neighbourhood Development Plan.

Balsall Parish Neighbourhood Area

A map showing the boundary of the Balsall Parish Neighbourhood Area has been provided within the Neighbourhood Development Plan. Further to an application made by Balsall Parish Council, Solihull Metropolitan Borough Council approved the designation of the

Neighbourhood Area on 18th July 2017. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Development Planning (General) Regulations 2012, the qualifying body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Development Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Development Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Development Plan [or Order].” (Reference ID: 41-047-20140306)

I note that a Neighbourhood Development Plan Committee was formed with the task of progressing and ensuring wide involvement in the Neighbourhood Plan; helpfully it met in public on a quarterly basis. A new digital approach to communication was coupled with the existing traditional methods utilised by Balsall Parish Council (e.g. notice board updates within the Parish, Parish Council Meetings, and notices within The Bugle (local quarterly community magazine) and The Communicator (email newsflash produced by the Balsall Common Residents Association)) and maintained throughout the plan making process. In addition, Balsall Common Library housed a display explaining the purpose and benefits of a Neighbourhood Development Plan for the community and held reference copies of the Plan during the consultation periods.

A Community Engagement and Involvement Plan was created using the model provided by Locality. An interesting infographic to explain the purpose of a Neighbourhood Development Plan was created and shared and featured in numerous publications throughout the progressing of the Neighbourhood Plan. I also note that since its launch in September 2017 the Parish Council Facebook site has secured 633 followers who received regular updates regarding the Neighbourhood Development Plan.

In 2017, in consultation with Stratford-on-Avon District Council, a Household Questionnaire and a Business Survey were created to establish the thoughts and opinions of residents and local businesses in order to build a sound evidence base which would eventually be utilised to arrive at Plan policies relevant to the issues identified. Results from the Household Questionnaire, the Business Survey and a Village Centre Working Group were exhibited at a two-day results' exhibition in April 2018. As well as an on-line video, 10 banners and 100 posters were placed at strategic points within the local area to encourage attendance to the event. Residents were again provided with an opportunity to feedback upon the exhibition evidence including through focus groups. An analysis of feedback forms was conducted by F.A.T. Research on behalf of the Parish Council.

A representation queried the “flawed” nature of the data presented for analysis for or from the Exhibition held in April 2018. The Qualifying Body has pointed out that the data collation and analyses was undertaken independently of the Parish Council and, having examined the matter, the Qualifying Body is satisfied that these independent bodies undertook their work with accuracy. Since the data informs Policy rather than determines it I conclude, for the purposes of the Examination, that this aspect of the consultative process was conducted satisfactorily.

Extensive publicity was repeated for the Regulation 14 Pre-Submission NDP Draft Plan consultation which ran from 10th December 2018 to 25th January 2019. The Plan document was accessible throughout the consultation period via the Parish Council website with links to the supporting evidence signposted. In addition, hard copies of the Plan were available for the public to view at Balsall Common Library and via the Clerk at the Parish Council office. All statutory and other consultees were contacted.

A representation commented: "Section 2 on Process Overview speaks of the council engaging with the public but this was markedly lacking in the rural areas. For example few posters reminding residents to complete their Household Questionnaires in 2017 were put up in the rural parish. Indeed there were NO posters displayed at Meer End until it was pointed out to the council that these residents formed part of Balsall Parish." I believe that these comments illustrate that the Qualifying Body was attentive to community feedback and I appreciate that it was more challenging to reach all of the rural parts of an extensive Parish whereas 'word of mouth' is more helpful in the built-up parts. It is evident that the Qualifying Body did make significant efforts to extend the channels of communication that existed pre-Plan.

I am therefore satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Development Planning Regulation 16, was undertaken by Solihull Metropolitan Borough Council from Thursday 13th June until Friday 26th July 2019. I have been passed a significant number of representations – 41 in total – which is too many list here but a summary schedule has been included alongside the details of the Plan on the Solihull MBC Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Development Plan

The Balsall Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Development Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan with the following vision for 2033: “Providing homes for all in a parish distinguished by well-designed and high-quality constructed homes within the rural setting of countryside typical of the local Arden landscape. To meet the needs of an increasing population and to promote a safe, healthy and active community by protecting the countryside and enhancing the built-up area with sufficient infrastructure and facilities. Ensure Balsall parish is a location where local businesses thrive and to foster a sense of community creating a welcoming core within the village centre of Balsall Common (Balsall parish).” The Plan document is well presented with a distinctive infographic and a combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has not overextended the potential subject matter and the coverage of that.

The wording of some content & Policies is not always as well-expressed as one might wish, but that is not uncommon in a community-prepared planning document and something that can readily be addressed. It is an expectation of Neighbourhood Development Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306). It is evident that the Qualifying Body understands and has addressed the requirement for sustainable development.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to some amendment, proportionate and sustainable. The Plan sets out the community needs it will meet whilst identifying and safeguarding Balsall Parish’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency and care, with input as required and support from Solihull Metropolitan Borough Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” (NPPF para 16). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Development Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in

December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to the first four of these requirements in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. The Strategic Environmental Assessment (SEA) screening exercise undertaken by Solihull Metropolitan Borough Council on behalf of Balsall Parish NDP (December 2018) concluded that the policies in the Balsall Parish NDP are likely to be in general conformity with the strategic policies of the adopted Development Plan. It is therefore unlikely that there will be any significant environmental effects arising from the Neighbourhood Plan that were not covered in the Sustainability Appraisal /SEA of the Solihull Local Plan and the Gypsy and Traveller Site Allocations Plan. I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Development Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Development Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Development Plan must specify the period during which it is to have effect. I note that there is a reference to the Plan dates 2018 – 2033 prominently and helpfully on the front cover. The “Submission Version” label on the title page can now be dispensed with and I suggest that the 2018 – 2033 dates replace “Submission Version April 2019” in the footer for each page.

Recommendation 1:

Remove the “Submission Version” label on the front cover and amend the page footers to read: ‘Balsall Parish Neighbourhood Development Plan 2018 – 2033’.

Table of Contents

The Table of Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report. I note that the Table shows a section “6.6 Community Aspirations” but the pages there indexed are spread throughout the “Policies” section within the Plan. Planning Practice Guidance says: “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex” (Paragraph: 004

Reference ID: 41-004-20170728). There is some indication within the representations that the presentation of the Aspirations has led to confusion, in particular about what the implementation of the Plan might entail eg the design of the shopping area and the development of a by-pass. The Qualifying Body agreed that the content referenced in section 6.6 should be brought together as the Guidance suggests.

Throughout the Plan content footnote references are appropriately included to provide source references. However, it is not always clear how the referenced documents can be accessed. I note that many documents have helpfully been gathered within an evidence page on the Parish Council website but this is not itself referenced within the Plan. The Qualifying Body has agreed that it would be sufficient for improved references to be within footnotes and the sections headed "Reference Documents" (which generally add no further detail) discarded.

Recommendation 2:

2.1 Review the "Table of Contents" pages once the text has been amended to accommodate the recommendations from this Report.

2.2 Remove section 6.6 and create an Annex or Appendix where all the 6.6 indexed content is brought together under the title: 'Community Aspirations beyond the scope of the Neighbourhood Development Plan'.

2.3 Review and improve the footnote references within the Plan to ensure that it is clear (with a hyperlink where possible) how documents can be accessed; because of the likelihood of duplication, remove the sections headed "Reference Documents".

**1. Introduction and Background
Neighbourhood Plan Area**

The history of the designation of the Neighbourhood Area included within this section has proved controversial with some Regulation 16 consultees. The Qualifying Body agreed with my assessment that the Plan need not include other than the details of the Area to which the Submission Plan relates, whilst perhaps acknowledging that a Berkswell Neighbourhood Plan now exists.

Recommendation 3:

3.1 Delete paragraphs 1.5 – 1.7 and replace with: 'On 11th February 2017 an application was made to SMBC for the designation of the Balsall Parish Neighbourhood Area'.

3.2 Add at the end of a renumbered paragraph 1.8: 'The Berkswell Neighbourhood Plan was 'made' by SMBC in 2019 and is now part of the Local Development Plan'.

3.3 Delete paragraph 1.9 and amend and renumber paragraph 1.10 as: '1.7 The Balsall Parish Neighbourhood Area was designated by SMBC on 18th July 2017 and is illustrated as Figure 1.'

3.4 Renumber subsequent paragraphs accordingly.

Plan Period

Parts of this section are now out of date and other parts go beyond the scope of the sub-heading.

Recommendation 4:

4.1 Amend (the presently numbered) paragraph 1.15 by replacing "2013 – 2028" with '2011 – 2028' and replacing "will cover" with 'covers'.

4.2 Delete paragraphs 1.16 - 1.18 (including the related timeline) but carry forward the fourth sentence of paragraph 1.18 to the start of paragraph 1.19.

4.3 Amend paragraph 1.19 by taking in a new opening sentence as above, adding 'new' before "Solihull Local Plan", adding 'could' between "proposals" and "mean", and deleting the last sentence.

4.4 Amend paragraph 1.20 by replacing "policy on housing allocations will be determined by" with 'policies will be applicable to', deleting "on housing mix and design" and replacing "gathered through" with 'influenced by'.

The Plan Context

In December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017 and therefore this section needs updating.

Recommendation 5:

Reword the section under sub-heading "The Plan Context" as:

'The Balsall Parish Neighbourhood Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).'

2. Process Overview

There are a few drafting points to address within this section.

Recommendation 6:

Under the sub-heading "2. Process Overview":

6.1 In paragraph 2.2, second sentence, delete "Principal Authority"; in the third sentence replace "meets" with 'met'; in the fourth sentence replace "provides" with 'provided'.

6.2 In paragraph 2.10 show "WRCC" as 'Warwickshire Rural Community Council (WRCC)'

6.3 In paragraph 2.15 provide hyperlinked references and mention of the on-line Evidence Base held by Balsall Parish Council as a source for local evidence and reference documents.

3. Balsall Parish Today

The inclusion of 2 maps (Figs 2 & 3) related to the SMBC Character Assessment is unexplained and their value is diminished because the colour key conflicts between the two and neither shows the Neighbourhood Area boundary (or even the Meriden Ward). Whilst I appreciate that the latter may be technically difficult to include because the maps are derived from another document, it would seem that a single map, Figure 2, includes all the information required (including the source reference) and so it alone would be sufficient and less confusing.

The source for the data in paragraph 3.14 is undeclared. A representation comments: "Section 3, 'Employment', omits the small groupings of businesses on Table Oak Lane. Section 3, 'Community Facilities', is misleading when it states that Harry Williams, the author

of 'It's a Long Way to Tipperary', is buried in the cemetery grounds of St Mary's Church. It should say that he is buried in the cemetery run by the parish council at Temple Balsall." The Qualifying Body has acknowledged that these matters need correction.

Recommendation 7:

Under the heading "3. Balsall Parish Today":

7.1 Remove Figure 3 and amend the reference paragraph 3.3 accordingly.

7.2 Under the sub-heading "Employment":

7.2.1 Add a reference to Table Oak Lane to paragraph 3.8.

7.2.2 Add a source reference to paragraph 3.14.

7.3 Correct the reference in paragraph 3.26 to the location of the burial place of Harry Williams.

4. Character Appraisal

The Figure 4 map must be complete so that the extent of areas O, P, Q, R & S is defined. A number of errors or inaccuracies in the descriptive text and within the related Character Appraisal Appendix were identified within representations.

Recommendation 8:

Under the heading "4. Character Appraisal":

8.1 Replace Figure 4 with a larger scale map with an inset map for the Balsall Common area (and clarify the boundaries as necessary).

8.2 Under the sub-heading "Balsall Common" in paragraph 4.12 delete the contentious and unevicenced fifth and sixth sentences.

8.3 Under the sub-heading "Fen End and nr. Temple Balsall (P, O)":

8.3.1 Add 'R' to "P, O".

8.3.2 Move paragraph 4.15 to become a new paragraph 4.14 and amend the place references where appropriate.

8.3.3 Delete the sub-heading "Oakley (R) and amend references to Oakley as a "hamlet" throughout the Plan.

8.4 On page 23 (as well as pages 16 & 45) reword the references to "many" or "a high proportion" of farms in the Fen End, Meer End & Temple Balsall areas as "a number" of farms.

Within the Appendix "Character Appraisal":

8.5 Within the Character Zone A section under the sub-heading "Buildings":

8.5.1 Add a third sentence to the Character Assessment Zone A description: 'Two new estates flank an area of four detached properties set within extensive garden land and some semi woodland.'

8.5.2 Replace "Elysian Fields" with 'Elysian Gardens' throughout.

8.6 Within the Character Zone P section under the sub-heading "Landmarks" correct the wording error "Fen and Lodge" with 'Fen End Lodge'.

8.7 Within the Character Zone R section under the sub-heading "Landmarks" delete the references to "Balsall Cottage Farmhouse and the barn at Balsall Cottage Farm".

8.8 The attachment which provides a schedule of Neighbourhood Area Listed Buildings, which is not fully incorporated within the Character Areas, is to be deleted (although an appropriate reference will be included in relation to Policy BE.6 – see below).

5. Our Vision, Our Aspiration

The possessive terms “our” and “we”, as used in this section, are potentially awkward words within a Plan that is about to go to community referendum so that it may become part of the Development Plan. As noted above, the Community Aspirations will be moved to an Annex or Appendix and therefore a retitling of this section has been proposed by the Qualifying Body. Also awkward is the use of subjective language in what needs to be an objective document – (para 5.16) “the time has come to alleviate this ubiquitous and oppressive hegemony”.

Recommendation 9:

In the section headed “5. Our Vision, Our Aspiration”:

9.1 Retitle the section as ‘5. Vision and Aims’.

9.2 At the beginning of paragraphs 5.2, 5.11 & 5.14 and within paragraphs 5.3, 5.4 & 5.7 replace “our” with ‘the’.

9.3 Within paragraphs 5.3 and 5.6 replace “we” with ‘the Parish Council’.

9.4 Within paragraph 5.16 delete “, but the time has come to alleviate this ubiquitous and oppressive hegemony”.

6. Policies

6.1 Future Housing Development

Strategic Objective

The use of the term “Strategic” Objective is awkward here as it suggests that the objective derives from (either the current or draft) Local Plan, which it does not. The Qualifying Body has agreed that the heading should be changed to ‘Objective’, here and wherever else it appears within the Policies section headings.

It is difficult to reconcile the future objective to “recognise the strategic housing site allocations identified within the Solihull Local Plan (when adopted)” with the current objective to define Built-Up Area Boundaries since these will become out of date as soon as the Local Plan is implemented. It has been confirmed by the Qualifying Body that the built-up area boundary should follow the Green Belt boundary and therefore the boundary suggested for Oakley is no longer applicable. As the built-up area is the area excluded from the Green Belt it does not need to be otherwise “defined” (and this avoids the lack of clarity with mapping that has been evident). The Qualifying Body has suggested a rewording of the Strategic Objective section which I have slightly modified for clarity as below.

Recommendation 10:

10.1 Throughout the Policies section of the Plan replace the sub-heading “Strategic Objective” with ‘Objective’.

10.2 Reword the Strategic Objective for “6.1 Future Housing Development” as follows:
‘It is acknowledged that the area of Balsall Common (Balsall Parish) excluded from the Green Belt will be modified by the strategic housing site allocations identified in the Solihull Local Plan when adopted. The Housing Policies in this Neighbourhood Plan will therefore seek to achieve the following:

To ensure future housing developments successfully incorporate different open market and affordable housing types for all stages of life. To enhance walking and cycling infrastructure.

To ensure brownfield sites are appropriately developed and are in keeping with the local environment. To provide clear guidance upon garden infilling ensuring the practice is well-controlled and that future developments contribute positively to the Neighbourhood Area.'

Policy H.1: Built-Up Area Boundary

Policy H.2: Infill within the Built-Up Area Boundary

Policy H.4: Use of Garden Land

The Qualifying Body has agreed with my observation that Policies H1, H2 and H4 all relate to the Balsall Common settlement and significant clarity would be gained by bringing the three Policies and their wording together as a revised Policy H1.

Recommendation 11:

11.1 Merge Policies H.1, H.2 and H.4 as follows:

'Policy H1: Residential Development within Balsall Common (where within Balsall Parish) Proposals for infill residential development within the parts of Balsall Common excluded from the Green Belt will be supported provided they:

- a) Positively contribute to the character of the village with reference to the Character Assessment (see Appendix to this Plan); and*
- b) Are in proportion to the size of the site and designed to respect the context and amenity of neighbouring properties as well as the wider settlement; and*
- c) Apply the design and character principles in Policy BE.2 [as renumbered below]; and*
- d) Have an appropriate access and off-road parking; and*
- e) Do not conflict with other relevant policies in this Plan.*

Proposals that relate to garden land will be required to demonstrate that they will:

- f) Preserve or maintain the character of the area including in particular the mature garden landscape retaining mature trees wherever possible; and*
- g) Not introduce an inappropriate form of development and have regard for the characteristic open space between dwellings; and*
- h) Not significantly and demonstrably harm the amenity of the host dwelling(s) and neighbouring properties.'*

11.2 Delete Figures 5 & 6.

11.3 Merge the Explanations for Policies H.1, H.2 and H.4 as follows:

11.3.1 Delete paragraphs 6.1.1 – 6.1.4 and move paragraph 6.1.5 to after 6.1.19; renumber the remaining paragraphs accordingly.

11.3.2 In paragraph 6.1.19 replace "compromising" with 'comprising' and delete "back" at the beginning of the third sentence.

As amended Policy H.1 meets the Basic Conditions.

Policy H.3: Use of Brownfield Land in the Green Belt

All of the queries regarding this Policy raised by me and in representations relate to compatibility with the NPPF restrictions on development within the Green Belt. There is no value in merely replicating the relevant parts of the NPPF but any variance to the NPPF policies would have to be justified. And despite the implication in paragraph 6.1.18, Solihull MBC must have regard to the same restrictions. Accordingly, whilst I can see that the Policy wishes to encourage the reuse of previously developed land to avoid unnecessarily losing countryside, there is nothing evidently local about this Policy. Having reached this conclusion I then looked at Policy BE.1 which, after clarification by the Qualifying Body, has also been confirmed as relating to the Green Belt, is also said to relate to housing and other appropriate uses, but it does have a particular local feature when it refers to "historic

farmsteads and agricultural buildings” in the Balsall Parish Green Belt. Since Policy H.3 does not solely relate to housing (and yet it is the housing section) I conclude that it would be appropriate for Policy H.3 and Policy BE.1 to be merged since they both address the reuse of land or buildings.

Recommendation 12:

Move the content of Policy H.3 to be merged with Policy BE.1 (see later).

Policy H5: Affordable Housing

This Policy is apparently about financial mechanisms rather than a land use policy and the Qualifying Body has agreed that it should be moved to the Appendix or Annex of Community Aspirations.

Recommendation 13:

Move Policy H.5 and its related Explanation, amended as required, to the Appendix or Annex of Community Aspirations.

Policy H.6: Housing Mix

Policy H.7: General and Specialist Accommodation

For clarity the Qualifying Body agreed with my suggestion that the overlapping Policies H.6 and H.7 should be merged and the wording simplified. A representation comments that “it [is] more appropriate for housing mix to be dealt with at Local Plan level, unless there is significantly better [and] proportionate local evidence and justification for an alternative approach. The questionnaire results undertaken in 2017 is [sic] not considered sufficiently reliable, to justify a housing mix different to the Local Plan.” The NPPF(para 13) expects that Neighbourhood Plans “should shape and direct development that is outside of [these] strategic policies” and therefore it is appropriate for this Plan to guide new development whilst acknowledging the limitations of snapshot data.

The local authority representation and others add that the Policy “Should make explicit reference to viability/feasibility, as viability testing will be required to ascertain whether the level of bungalow provision is feasible, and the higher proportion of 1-2 bedroom dwellings may not be feasible across all sites”. Particularly in relation to the provision of bungalows, no evidence has been provided to establish that, as a *requirement*, this is not onerous on developers; accordingly this should be a suggestion. Some very particular aspects of Policy H.7 were also not supported by objective evidence.

Recommendation 14:

14.1 Renumber and reword merged Policies H.6 and H.7 as follows:

‘Policy H.3: Housing Mix

Proposals for housing development should provide a mix of dwelling types and sizes which reflects the most up-to-date needs of the Parish and be informed by the Strategic Housing Market Assessment, Parish level surveys and housing needs surveys as well as any site-specific issues, including viability testing, and evidence of market circumstances.

The following is a guide to dwelling size needs at the date of the publication of the Plan:

<i>Market housing</i>			
<i>1 bed</i>	<i>2 bed</i>	<i>3 bed</i>	<i>4 Bed +</i>
<i>5-10%</i>	<i>30-40%</i>	<i>25-35%</i>	<i>25-35%</i>

<i>Affordable housing</i>			
<i>1 bed</i>	<i>2 bed</i>	<i>3 bed</i>	<i>4 Bed +</i>
<i>15-25%</i>	<i>30-40%</i>	<i>30-40%</i>	<i>5-15%</i>

Particularly on larger sites, some of the smaller dwelling sizes, both market and affordable, should be capable of meeting the needs of the elderly and downsizers and could be provided as bungalows and/or sheltered and extra-care housing.'

14.2 Merge the Explanation sections for Policies H.6 and H.7 as follows:

14.2.1 Move paragraph 6.1.34 to follow paragraph 6.1.26 and renumber accordingly.

14.2.2 Delete paragraphs 6.1.32 & 6.1.33 and 6.1.35 & 6.1.36.

As amended Policy H.3 meets the Basic Conditions.

Policy H.8: Walking and Cycling Infrastructure within Housing and Commercial Developments

Whilst I can see that it is entirely appropriate for a "walking and cycling" Policy to extend to both residential and commercial developments, this leaves Policy H.8 somewhat in the wrong place within the Plan document. The Qualifying Body agreed with my suggestion that the Policy would sit more appropriately within the Community section where Policy COM.4 covers the same subject. Accordingly I will deal with the wording of Policy COM.4 as merged with Policy H.8 later.

Recommendation 15:

Merge Policy H.8 with Policy COM.4.

6.2 Built Environment

Strategic Objective

As noted above, the term "strategic" should be dropped from this heading and all subsequent equivalent headings.

Policy BE.1: Conversion of Rural Buildings

I noted above that there is a significant overlap in purpose between Policy H.3 and Policy BE.1 - the title of the latter is misleading because it also in reality relates to the Green Belt.

The NPPF does not use the term "conversion" but rather "re-use"; conversion may entail the extension or alteration of a building which the NPPF would require (para 145) "does not result in disproportionate additions over and above the size of the original building". Re-use is also the subject of Policy H.3. Within Policy BE.1 it should not be assumed that all the uses quoted in the opening paragraph are "not inappropriate" within the Green Belt, even after having regard to the criteria a) – g). The local authority representation points out in particular that clause f) should recognise that not all ancillary development is appropriate in the Green Belt. Overall it is difficult to see why, having made the Policy compliant with the NPPF and Local Plan, there is much content that is particular to Balsall Parish. An exception might be the particular features addressed within criterion g). Accordingly the Policy wording should be simplified to avoid unnecessary and potentially confusing duplication with other national and local policies.

Recommendation 16:

16.1 Reword Policy BE.1, incorporating Policy H.3, as:

'Policy BE.1: Re-use of Buildings and Brownfield Land in the Green Belt

The reuse of existing buildings and brownfield land in the Green Belt to provide for new dwellings and other acceptable uses such as tourism is encouraged within the terms of policies set out in the NPPF and the Solihull Local Plan.

The re-use of sites comprising historic farmsteads and agricultural buildings should be sensitive to their distinctive character and form.'

16.2 Merge and renumber the Explanation paragraphs for Policies H.3 and BE.1 as follows:

16.2.1 Amend paragraph 6.1.15 by deleting the second sentence.

16.2.2 Delete paragraphs 6.1.16(a) – 6.1.18.

16.2.3 Delete paragraphs 6.2.3 and 6.2.4 since they are respectively a partial quotation from the NPPF and a repetition.

As amended Policy BE.1 meets the Basic Conditions.

Policy BE.2: Replacement Dwellings

It is difficult to see how Policy BE.2 might achieve what is said to be its purpose (para 6.2.5) to encourage “appropriate [dwelling] replacements”. Accordingly the Qualifying Body has agreed that the Policy should be deleted subject to criterion d) being incorporated within a merged Policy from BE.3 and BE.4 (see below).

Recommendation 17:

Delete Policy BE.2 and its Explanation.

Policy BE.3: Design

Policy BE.4: Responding to Local Character

Repetition of wording suggests there is significant overlap between Policies BE.3 and BE.4 and there is no evident purpose in separating out the two related Policies. The Qualifying Body agreed that the two should be merged with the title ‘Local Character and Design’. A number of representations argued that parts of the content were unnecessary or imprecise but I believe that with some rewording the merged Policy can meet the NPPF expectation (para 125) that “Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable”.

Recommendation 18:

18.1 Merge Policies BE.3 and BE.4 and retitle as follows:

‘Policy BE.2: Local Character and Design

Development proposals must demonstrate how scheme design has considered and addressed the factors listed a) to n) below, where applicable, as well as the relevant part(s) of Appendix 1 Character Assessment. Proposals should:

- a) Be compatible with the distinctive character at the location, respecting the local settlement pattern, building styles and materials;*
- b) Be of a density that is in keeping with the character of the surroundings and landscape;*
- c) Be of an appropriate scale so as not to dominate or adversely affect the amenity of neighbouring uses; feature buildings that are taller and that add interest and increase the efficient use of land can be considered in the village centre (Character Zone K) and where they are not adjacent to existing, lower dwellings or to boundaries with the open countryside;*
- d) Conserve or enhance heritage assets including listed buildings and their setting, and the designated Conservation Area;*
- e) Protect and where possible enhance landscape and biodiversity by incorporating high quality native landscaping, retaining or where necessary replacing hedges (it is preferable that hedges are provided rather than brick walls to enhance the existing green infrastructure);*
- f) Retain the rural feel of approaches to the village and older through routes within the built-up area with their hedges, trees and grass verges;*
- g) Respect, maintain and, so far as is reasonably practicable, enhance the green character of all residential roads especially where replacement frontage planting is necessary;*
- h) Be consistent with current landscape guidelines*;*

- i) Ensure key features of views to and from higher slopes, skylines and sweeping views across the landscape can continue to be enjoyed;*
- j) Have regard to their impact on tranquillity;*
- k) Not increase the risk of flooding, including that from surface water, within the village or exacerbate any foul drainage capacity issues;*
- l) Demonstrate how the design has been influenced by the need to plan positively to reduce crime and the fear of crime and how this will be achieved;*
- m) Demonstrate how the design has been influenced by the need for a positive impact on public health**;*
- n) Within the curtilage of existing dwelling houses, respect the character and appearance of the immediate Character Zone and consider and address impacts on the living conditions of nearby occupiers.'*

Footnotes:

** see [Warwickshire Landscapes Guidelines \(Arden\)](#), [Solihull Borough Landscape Character Assessment 2016](#) and successor documents.*

*** see Policy P18 Health and Wellbeing in the [Solihull Local Plan](#) and successor documents.*

18.2 Merge the Explanations for Policies BE.3 and BE4 by deleting paragraphs 6.2.11 – 6.2.18 since these are repeated in the subsequent paragraphs; renumber the paragraphs accordingly.

18.3 Add to paragraph 6.2.29: 'Solihull MBC has no plans currently to establish Design Review Panels.'

18.4 Amend paragraph 6.2.30 to replace "guide will ensure" with 'guide will help to ensure'.

18.5 Delete paragraph 6.2.31.

As amended Policy BE.2 meets the Basic Conditions.

Policy BE.5: Design Review Panels

This is an inappropriate Policy directed at Solihull MBC. The NPPF (para 129) makes clear the basis on which such review panels would feed into the planning decision process. Representations suggest that the threshold for review has been set too low. The local authority representation comments: "The Council has no plans currently to establish such a mechanism [Design Review Panels], and as the policy does not provide guidance for determining planning applications, this recommendation should be covered in the supporting text to Policy BE.3, rather than a policy itself." I suggested as an alternative that this issue might become a "Community Aspiration" for the Parish Council either to press further with the local authority or to set up independently but with the Council's blessing; the Qualifying Body agreed with my suggestion.

Recommendation 19:

Move the content of Policy BE.5, suitable amended, to the Community Aspirations section.

Policy BE.6: Heritage Assets

The Qualifying Body has suggested that this Policy be retitled as: 'Temple Balsall Conservation Area and Heritage Assets'. Representations suggest, and I agree, that national policy may be relied on, with less potential for confusion where differences of wording (eg "strictly controlled") are apparent but are unexplained. Rewording is therefore required to concentrate on the Balsall Parish issues.

Recommendation 20:

20.1 Reword Policy BE.6 as:

'Policy BE.3: Temple Balsall Conservation Area and Heritage Assets

The Temple Balsall Conservation Area, which includes significant relics of the Knights Templar and the Grade 1 Parish Church of St Mary's, is a major historic asset in the Balsall Parish. All heritage assets, whether or not designated and whether or not immediately visible, must be conserved in a manner appropriate to their significance to allow enjoyment of their contribution to the quality of life for this and future generations.'

20.2 A source needs to be added to Figure 7 – which now needs renumbering as Figure 4.

20.3 Amend paragraph 6.2.38 by deleting “All heritage assets are afforded statutory protection and” and deleting the second sentence.

20.4 In paragraph 6.2.39 delete the second sentence beginning “We recognise...”.

20.5 In paragraph 6.2.40 delete the second sentence.

As amended Policy BE.3 meets the Basic Conditions.

Policy BE.7: Renewable Energy

This is another Policy where reliance on national Policy could be regarded as sufficient. However as the community has indicated a wish to show support for a greener approach a slightly amended Policy would meet the Basic Conditions requirements.

Recommendation 21:

21.1 Amend Policy BE.7 as follows

21.1.1 Renumber the Policy as BE.4.

21.1.2 Delete the second paragraph.

21.1.3 In the third paragraph add 'proposals' after “development”.

21.2 Replace paragraph 6.4.42 (sic) with '6.2.42 One of the elements of the Spatial Strategy included in the Solihull Local Plan is: “Enabling a low carbon future, by promoting the Borough as a location for green business, ensuring that new development minimises greenhouse gas emissions, and embracing initiatives aimed at improving energy efficiency and affordable warmth in existing buildings, whilst contributing to resilience against the adverse effects of climate change.”

21.4 Delete paragraph 6.2.43.

As amended Policy BE.4 meets the Basic Conditions.

Policy BE.8: Highway Safety

This is another Policy where the issues raised in representations are almost exclusively about divergence from national policy because the Policy is largely repeating it in different words. Rather than attempt to replicate the breadth and meaning of national policy, Policy BE.8 (renumbered) should be simplified and that approach has been agreed by the Qualifying Body.

Recommendation 22:

Reword Policy BE.8 as:

'Policy BE.5: Highway Safety

Development proposals should allow for appropriate measures, including sufficient off-street parking, to ensure highway safety, particularly for pedestrians, motor scooters and cyclists.'

As amended Policy BE.5 meets the Basic Conditions.

Policy BE.9: Local Parking Standards

The NPPF says (para 102) "patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places" and (para 105) "If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles". The NPPF therefore indicates the way that it is appropriate for local circumstances to be taken into account. The local authority has commented: "the requirement for at least one off-road parking space per bedroom for one bedroom dwellings, two spaces for two/three bedroom dwellings and three spaces for four or more bedroom dwellings, is contrary to the Council's evidence based approach and may be in conflict with the NPPF". Further, the emerging Local Plan Policy P8 (Managing Travel Demand and Reducing Congestion) states that the Council will support development proposals which: "take an evidence-based approach to demonstrate appropriate car parking provision, taking account of location, trip rates and, where relevant, travel plan targets and forecast levels of car ownership".

Locally specific parking standards would therefore require a range of evidenced considerations – not least overall quality of design and viability - wider than that which has been applied in justification of the requirements set down in Policy BE.9. A criteria based approach will require that the prospective developer considers and addresses the full range of evidence. The walking and cycling content of Policy BE.9 are addressed with Policy COM.4.

Recommendation 23:

23.1 Reword Policy BE.9 as follows:

'Policy BE.6: Parking Provision

Development proposals must have appropriate regard for the higher levels of car ownership evident within the Balsall Parish Neighbourhood Area. Whilst suitable parking provision must be integral to the design of schemes, the number of off-street parking spaces for residents, employees and visitors should be justified and provided on the basis of an evidenced assessment of:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.'*

23.2 Amend the first sentence of paragraph 6.2.72 by deleting 2018 and adding ", amongst other factors," between "account" and "the availability".

23.3 Add to paragraph 6.2.73: 'This has led the Parish Council to conclude that there is a need for at least one off-road parking space for each one bedroom dwelling, at least two off-road parking places for each two and three bedroom dwelling and at least three off-road parking places for four or more bedroom dwellings (excluding garages but including car ports).'

As amended Policy BE.6 meets the Basic Conditions.

Policy BE.10: Flooding and Surface Water Drainage

The Solihull MBC Strategic Flood Risk Assessment (page 42) says that Balsall Common (which may not exactly equate with the Parish) is in Flood Zone 1 (“Land having a less than 1 in 1,000 annual probability of river or sea flooding”, The Environment Agency). The main justification for Policy BE.10 would therefore appear to be summed up by paragraph 6.2.76: “66% of respondents were concerned about the sewers and drainage as a result of further development...”; a “concern” may not equate with a real risk and subsequent paragraphs offer the policy reassurances provided within the NPPF. As there is no locally focussed content to Policy BE.10 and to avoid misleading about the range of content in higher level policies, Policy BE.10 should be deleted.

Recommendation 24:

Delete Policy BE.10 and the accompanying Explanation.

6.3 Economy

Policy ECON.1: Superfast Broadband

Although higher level policies, within and outside of land use planning, might be considered to be sufficient, there is some evidence provided of a local issue. A representation comments that flexibility is needed in the wording to allow for new technologies that will arrive over the Plan period and the Qualifying Body agreed that is the case.

Recommendation 25:

25.1 Reword Policy ECON.1 as:

*‘Policy ECON.1: Superfast Broadband and Electronic Communication Networks
All new residential and commercial development proposals will be expected to include the necessary infrastructure to allow for high speed connectivity.’*

25.2 For clarity amend paragraph 6.3.6 to read: ‘This Plan supports electronic communications networks using high quality digital infrastructure from a range of service providers and the prioritisation of full fibre connections to existing and new developments.’

As amended Policy ECON.1 meets the Basic Conditions.

Policy ECON.2: Home Working

National and local policies recognise the trend toward more home-based working. The ECON.2 Policy wording includes “flexible space adaptable to a home office” and “space and facilities to support home-working”; these phrases used together might appear to be somewhat contradictory and the Qualifying Body has proposed revised wording. A representation comments that “Page 73 does not include farming in the ‘home working’ section” but the Qualifying Body has responded that a farmhouse may include an office and is therefore included.

Recommendation 26:

26.1 Reword the content of Policy ECON.2 as:

‘Proposals for all new dwellings are encouraged to incorporate flexible space and facilities to support home-working and, where appropriate, infrastructure in accordance with ECON.1.’

26.2 Amend paragraph 6.3.14 by replacing “and to enable” with ‘which may enable’.

As amended Policy ECON.2 meets the Basic Conditions.

Policy ECON.3: Encouraging Local Business and Employment

The application of Policy ECON.3 as written would appear to have the potential to displace retail uses at the village centre which is probably not the intention and would conflict with

Local Plan Policy P19. A local authority representation notes the Policy “should include a clause making clear that proposals outside the built-up area will be subject to green belt policy”. The reference in the Policy to proposals being “assessed on their merits” is inappropriate since all planning proposals are assessed partly on that basis.

Recommendation 27:

27.1 Reword the content of Policy ECON.3 as:

“Proposals for new or expanded business premises will be supported where they contribute to the health and vitality of the retail centre (Character Assessment Zone K) and provided that they do not conflict with other policies in this Plan. Any proposals outside the built-up area will be subject to Green Belt policies.”

27.2 In paragraph 6.3.19 replace “though” with ‘thought’.

As amended Policy ECON.3 meets the Basic Conditions.

Policy ECON.4: Rural Tourism

The local authority representation says: “Policy ECON.4 seeks to protect existing leisure and tourism services and facilities. The policy supports proposals for new and improved provision, subject to green belt restrictions as well as other policies in the NDP, but should include an additional criterion to cover the sustainability/accessibility of the site.”

Recommendation 28:

Amend the wording of Policy ECON.4 as follows:

28.1 Amend the title by adding ‘and Leisure’.

28.2 Add to the first sentence: ‘and subject to the sustainability and accessibility of the site.’

28.3 Add ‘use of’ to criterion a) between “that the” and “site/premises”.

As amended Policy ECON.4 meets the Basic Conditions.

6.4 Community

Policy COM.1: Leisure Facilities

This “Policy” would seem to be a statement of intent on the part of the Parish Council; certainly the CIL commitment is beyond the scope of a land use policy. Although the original title indicated otherwise, Policy ECON.4 seeks to protect “land and premises currently associated with *leisure* or tourism”. Having regard to these issues the Qualifying Body has proposed that the content of Policy COM.1 should be added to the content of the Community Aspirations section.

Recommendation 29:

Move the content of Policy COM.1, suitably amended, to the Community Aspirations section and amend subsequent Policy numbering accordingly.

Policy COM.2: Formal Education Facilities

Although the purpose and support for this Policy is generally clear there are points where it lapses into negative phrasing which should be corrected.

Recommendation 30:

Amend the wording of Policy COM.2, renumbered as COM.1, as follows:

30.1 Delete the final sentence of paragraph 1.

30.2 Reword criterion b) as: ‘any impacts on local amenities have been assessed and addressed.’

30.3 *Reword criterion d) as: 'appropriate consideration is demonstrated for dual community use of the school buildings and their outdoor recreation facilities.'*

As amended Policy COM.1 meets the Basic Conditions.

Policy COM.3: Local Services

The NPPF (para 92) says that plans should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; [and] ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community”. However, the wording of this Policy lacks clarity on what “Local Services” in the title and “community facilities” as used in the Policy mean in practical terms. The Qualifying Body has proposed that the Policy should be retitled ‘Sport, Community and Recreation Facilities’.

Recommendation 31:

Amend the wording of Policy COM.3, renumbered as COM.2, as follows:

31.1 Retitle the Policy as ‘Sport, Community and Recreation Facilities’.

31.2 In the first sentence replace “community” with ‘sport, community and recreation’.

31.3 In the second and third sentences delete “community”.

31.4 Move the final sentence about the CIL financial mechanism to form a new paragraph 6.4.16 (subsequent paragraphs renumbered) worded as: ‘The Parish Council may use CIL funds available to it to provide new and/or enhanced facilities for the community.’

As amended Policy COM.2 meets the Basic Conditions.

Policy COM.4: Encouraging Walking and Cycling

Policy H.8 is to be merged with Policy COM.4 as there are significant overlaps. Paragraph 6.4.22 would (appropriately worded) seem to amount to more of a Community Aspiration than an “Explanation” for Policy COM.4.

Recommendation 32:

Amend the wording of Policy COM.4, renumbered as COM.3, as follows:

32.1 Use the first paragraph of Policy COM.4 as the first paragraph of the merged Policy.

32.2 Use the following as the second paragraph, adapted from the content of Policies H.8 and COM.4:

‘Development proposals for dwellings, non-residential buildings open to the public and buildings for employment use shall, as appropriate, demonstrate that the need for alternatives to journeys by car has been addressed by:

- a) assuring safe and free-flowing movement of pedestrians, cyclists and mobility scooters;*
- b) including facilities suitable for cycle storage;*
- c) incorporating continuous well-lit footpaths and cycle path or tracks reflecting appropriate standards which, where appropriate, make linkages with routes and rights of way to village centres, schools, busy destinations and the countryside;*
- d) delineating footpaths from the road surface and where practicable, from cycle paths/tracks; however, it shall be permissible for new shared footpaths/cycle ways to be provided if it can be demonstrated that there is no practicable alternative way of accommodating the needs of both cyclists and pedestrians for safe and free flowing movement;*

e) providing pedestrian crossings in key locations, such as close to schools, places of worship, community facilities, recreation facilities and shops, where agreed as acceptable to the Highway Authority.'

32.3 Whilst merging and renumbering the two Explanation sections:

32.3.1 Remove duplications.

32.3.2 Replace the second sentence of paragraph 6.1.37 with: 'The countryside is easily accessed from every location and this is extensively used for walking, including dog walking, and cycling.'

32.3.3 Quotations from the NPPF should be shown without editing and within quotation marks.

32.3.4 Fully reference the Local Cycling and Walking Infrastructure Plans mentioned in paragraph 6.1.42.

32.3.5 Remove paragraph 6.4.22 (if wished move this to the Community Aspirations section).

As amended Policy COM.3 meets the Basic Conditions.

Policy COM.5: Allotments

There would appear to be some policy duplication arising from the first paragraph of the Policy since this would protect the Holly Lane Allotments which are also proposed as a Local Green Space under Policy NE.3. However, slightly reworded the Policy would provide a protection for new allotments created under the second part of the Policy, which would then justify its inclusion.

The local authority representation supports the inclusion of the Policy and notes that "...it could seek a net increase in provision in the Neighbourhood Area, given that the emerging evidence indicates a shortage of plots."

Recommendation 33:

33.1 Reword the first paragraph of Policy COM.5, renumbered as COM.4, as follows: 'Development proposals that would result in the partial or complete loss of an allotment will only be supported if it can be demonstrated that there would be an improvement to the existing provision or a net increase in provision suitably located elsewhere.'

33.2 To be positively expressed criterion a) within the Policy should be reworded as: 'a) Impacts on the landscape, heritage assets and the character of the area have been assessed and addressed;'

As amended Policy COM.4 meets the Basic Conditions.

6.5 Natural Environment

Objective

The Qualifying Body agreed with the local authority representation that "The Strategic Objective for the Natural Environment has been widened to include grasslands, but could specifically reference woodlands in addition to trees."

Recommendation 34:

Add 'woodlands,' to the 6.5 Natural Environment Objective between "existing trees," and "hedgerows".

Policy NE.1: Green Infrastructure

Affording protection for the natural environment is a significant feature of both the NPPF (section 15) and the Solihull Local Plan (Policy P10).

The Qualifying Body agreed with the local authority comments in their representation: “The policy references the two veteran trees in the Neighbourhood Area which must be retained, although the addition of ‘known’ as a prefix would allow for recording of other specimens”.

I note that there isn’t a reference provided for the use of/justification for the quantum of new planting. A representation comments that an arbitrary requirement relating to parking spaces or floorspace would be inappropriate for larger schemes where high quality landscaping would be expected and required. The Qualifying Body provided some rewording.

As with Policy P14 within the Solihull Borough Local Plan, a Policy can recognise guidance contained within non-planning documents – the British Standard – without noting the source within the Policy (not least because the reference may change over time); the lengthy wording of the BS reference is in any event confusing and is detail that should sit within the “Explanation”.

It is difficult to see what evidence might justify paragraph 3 of the Policy and the last paragraph is inappropriate as planning law will define what may be secured through conditions and legal agreements. The Qualifying Body agreed that these paragraphs should be deleted.

Recommendation 35:

35.1 Amend Policy NE.1 as follows:

35.1.1 In paragraph 1 add ‘ecologically’ between “quality and” and “sensitive”.

35.1.2 Delete the third sentence of paragraph 2 (if wished include a fully referenced mention of the British Standard in the Explanation section).

35.1.3 Delete paragraphs 3 and 6.

35.1.4 In the second sentence of paragraph 4 add ‘known’ between “two” and “veteran”.

35.1.5 Reword paragraph 5 as:

‘Additional new trees should be planted in accordance with SMBC standards, with adequate space both below and above ground for the trees to grow to maturity with an appropriate care regime.’

35.2 Amend the Explanation section as follows:

35.2.1 Provide full references for the Landscape document(s) mentioned in paragraph 6.5.1.

35.2.2 Within paragraph 6.5.6 show quoted words within quotation marks and add the following introduction (with a reference):

‘Government guidance on ‘What planning authorities should consider for developments affecting ancient woodland, ancient trees and veteran trees’ says:’

35.2.3 Delete paragraph 6.5.7 as there is no ancient woodland within the Neighbourhood Area.

35.2.4 Ensure that the quote from the NPPF is not edited and is shown within quotation marks.

As amended Policy NE.1 meets the Basic Conditions.

Policy NE.2: Blue Infrastructure

I note that the Environment Agency representation welcomes “the recognition of the importance of green and blue infrastructure”. However, much of the content of Policy NE.2 is the “Explanation” or justification for a neighbourhood level Policy whereas, as the Qualifying Body has agreed, paragraph 6.5.12 provides the kernel of a Neighbourhood Area specific Policy.

Recommendation 36:

Reword Policy NE.2 as:

‘Development proposals should, where appropriate, protect the quality of the water in the River Blythe and its tributaries and, in particular, safeguard the River’s SSSI and the floodplain meadows that incorporate the Temple Balsall Nature Reserve, as well as the other water habitats across the Neighbourhood Area. Wherever possible, development should assist the reinstatement of the natural floodplain and the de-culverting of watercourses.’

As amended Policy NE.2 meets the Basic Conditions.

Policy NE.3: Designated Local Green Spaces

As noted in the Explanation (paragraph 6.5.17), Local Green Spaces can only be designated if they accord with the NPPF criteria (para 100) as further explained within the related Planning Guidance. Comprehensive evidence that addresses the NPPF criteria (and more) has been provided in support of the designation of the spaces identified. Contrary to what is said in the opening words of the Policy, it is not the purpose of Local Green Space designation to “ensure a suitable quantum and quality of amenity space”.

The expectation in the Planning Guidance is that “if land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Ref: 37-011-20140306). One representation raises a particular concern that “the proposed designation of land forming LGS.5 ‘Grange Park’ within the NDP is neither necessary nor justified. The Parish will be aware through previous representations ...that the land is the subject of a S106 planning obligation that requires it to be maintained as open space in perpetuity. Its designation would not override this obligation nor increase the protective status of this land.” However, the Planning Guidance says: “New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance (Paragraph: 012 Reference ID: 37-012-20140306). As the proposed LGS.5 meets the designation criteria and the designation is not incompatible with the purpose of the S106 Agreement I conclude that the Local Green Space designation is appropriate.

Another representation doubts the “particular importance” of some spaces: “Tidmarsh Close Green No 6 (fig 9 page 91) is a small tract of land that one suspects would have been difficult to build on so it was left open, it is also boggy in winter and can flood. The pond on Kemps Green Road and green No8 (fig 9 page 91) is hardly a major feature it is heavily screened by tress [sic] and the supposed green nearby is merely an extended grass verge. Likewise Yew Tree Green No7 (fig 9 page 91) is certainly green but not in itself a feature. These spaces assist in breaking up the otherwise monotonous features of a housing estate and have a small value in this respect.” However it is evident that a similar incidental space is of particular importance to the small community of Oakley and the same consideration should be applicable to other, less nuclear communities within the Neighbourhood Area where the “village feel” is still identified as important. The local authority has added that evidence in the Local Green Space Assessment 2018 supports the designation. I therefore

conclude that these spaces meet the NPPF criteria. In the case of the Oakley spaces (LGS. 12 & 13) proposed for designation which are already protected by the Green Belt, Planning Guidance (Paragraph: 010 Reference ID: 37-010-20140306) says “One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.” Accordingly the Oakley designations are appropriate. The same Green Belt consideration is applicable to others of the sites proposed for designation.

A potentially more contentious issue is whether LGS.1 Holly Lane Playing Fields and LGS.2 Holly Lane Allotments have regard for the NPPF expectation (para 99) that “Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services”. These two spaces are within the bounds of the Frog Lane proposed housing site included within the Solihull Local Plan Review Draft Concept Masterplans (January 2019). However the Masterplan makes it clear that “Neither [the Holly Lane Playing Fields] nor the allotments and listed building are proposed for redevelopment”. Accordingly the local authority has raised no objection to the proposed designations, commenting that “allotments were specifically included in the typologies of green space in the Green Spaces Strategy 2006, which informed the Local Plan”.

Accordingly I conclude that all the proposed Local Green Spaces meet the designation criteria. However there are a number of related adjustments to be made to the Policy and the related maps and Explanation text.

Recommendation 37:

37.1 Within Policy NE.3:

37.1.1 Amend the opening sentence to:

‘The areas listed below and identified on the maps (figures 5 to 8 [as amended]) that follow are designated as Local Green Spaces.’

37.1.2 For clarity, amend the sentence that immediately follows the list of spaces by deleting “be used to”.

37.1.3 Because it goes beyond the NPPF basis for protection (and partly duplicates the previous sentence), delete the last sentence of the Policy.

37.2 Within Figure 5 (as renumbered) identify LGS.2 which has been omitted; within Figures 6 – 8 (as renumbered) there is the opportunity, which should be taken, to enlarge the inset maps so that the boundary of each space is absolutely clear.

37.3 To avoid the potential for confusion, the Local Green Space Sites Assessment in the evidence base should also show the amended numbering of LGS 12 – 14 as used in the Submission Plan as well as noting the non-inclusion of LGS.11.

37.4 Delete paragraph 6.5.15 since it does not relate to the designation of Local Green Spaces; renumber subsequent paragraphs accordingly.

As amended Policy NE.3 meets the Basic Conditions.

Policy NE.4 Biodiversity

I have commented and the Qualifying Body has agreed that it would make Policy NE.4 more relevant to the Neighbourhood Area if paragraph 6.5.21 was incorporated within the Policy (in place of the last paragraph/sentence). In relation to this paragraph the local authority has

commented: "Paragraph 6.5.21 references the River Blythe Site of Special Scientific Interest (SSSI) and Local Wildlife Sites (LWS)".

Recommendation 38:

38.1 Amend the wording of Policy NE.4 as follows:

38.1.1 In the first sentence delete "and enhance" and add 'where possible,' between "biodiversity and" and "provide".

38.1.2 In paragraph b) replace "will be" with 'are'.

38.1.3 In paragraph f) delete "(such as by Schwegler)" but if wished a reference to an RSPB resource or similar might be included in the supporting text.

38.1.4 Delete the final sentence beginning "Development which..." and incorporate the content of paragraph 6.5.21 – avoid the use of duplicated numbering by using i), ii) or similar, and use capital letters for the term 'Local Wildlife Sites (LWS)'.

38.2 Amend the Explanation section by:

38.2.1 Adding a full reference to the Balsall Parish Neighbourhood Area Ecological Report.

38.2.2 Deleting paragraph 6.5.21 and renumbering subsequent paragraphs accordingly.

As amended Policy NE.4 meets the Basic Conditions.

Policy NE.5: Minimising Pollution

As a representation notes, Policy NE.5 lacks clarity on what "unacceptable" levels of pollution for the Neighbourhood Area would be. In relation to air pollution paragraph 6.5.27 quotes the NPPF but no evidence is provided to suggest that there are existing Air Quality Management Areas or Clean Air Zones; the local authority has subsequently advised that at the present time there are no proposals for Air Quality Management Areas in the Neighbourhood Area. In relation to water pollution no specific mention of it is included within the Policy or the "Explanation" text (although the Environment Agency representation commented on the subject in relation to the redevelopment of brownfield land).

In relation to noise pollution it is established that the Neighbourhood Area is affected by aircraft noise (although Figure 13 on page 100 lacks a key and a source). I note that the NPPF (para 180) says that "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment" and that paragraph further references the "Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)"; this in turn notes (para 2.9): "Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments." It would therefore seem inappropriate for evidence to be gathered, limits to be defined or relevant mitigation measures to be identified at a Neighbourhood Area level; the Airport issues are not exclusive to Balsall Parish. Having said that, I am aware that the Policy wording was agreed with Birmingham Airport and the wording itself has not been disputed by Solihull MBC. My concern is that I doubt that such evidence as is provided to support the noise aspects of this Policy is "proportionate" to the "complex" issues involved. The Local Planning Authority (in conjunction with other affected areas) can better assess relevant limits within the context of the Airport Master Plan and the "complex issue [which] at times requires complex solutions".

Accordingly I suggested revised wording for Policy NE.5 which the Qualifying Body has agreed.

Recommendation 39:

39.1 Reword Policy NE.5 as:

'Where appropriate, development proposals will be required to demonstrate how measures to address and mitigate as necessary the impact of air, noise and water pollution have been considered. Appropriate instances will include but not be limited to proposals that:

- i) are within the scope of the SMBC Clean Air Strategy (when adopted);*
- ii) relate to a site currently or formerly with land-use(s) which have the potential to have caused contamination of the underlying soils and groundwater;*
- iii) sit within the Birmingham Airport Noise Preferential Route corridors either side of the Standard Instrument Departure (SID) or below the arrival flight paths.'*

39.2 Provide a key and source reference for Figure 9 (as amended).

As amended Policy NE.5 meets the Basic Conditions.

Appendix 1: Character Assessment

Recommendations on this were included at '4. Character Assessment' above.

Other matters raised in representations

Some representations have suggested additional or expanded content that the Plan might include. However, given that the Neighbourhood Development Plan sits within the development plan documents as a whole, keeping content pertinent to Balsall Parish identified priorities is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Development Plan addresses only the "development and use of land". Even within this restriction there is no obligation on Neighbourhood Development Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

Some representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive. I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Balsall Parish Neighbourhood Development Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Development Plan to have a sustainability appraisal. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report carried out by Solihull Metropolitan Borough Council for the Balsall Parish Neighbourhood Development Plan (December 2018) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Solihull Metropolitan Borough Council

determined that “the policies in the Balsall Parish NDP are likely to be in general conformity with the strategic policies of the adopted Development Plan. It is therefore unlikely that there will be any significant environmental effects arising from the Balsall Parish NDP that were not covered in the Sustainability Appraisal / SEA of the Solihull Local Plan and the Gypsy and Traveller Site Allocations Plan. It is therefore concluded that the Balsall Parish NDP does not require a full SEA to be undertaken” and “it is also concluded that the Balsall Parish NDP does not require a full HRA to be undertaken.” In making this determination, the Borough Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public bodies who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory bodies or the Local Planning Authority, I can confirm that the Screening undertaken was appropriate and proportionate and confirm that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Balsall Parish Neighbourhood Development Plan confirms that the Neighbourhood Plan “has had regard to the fundamental rights and freedoms under the European Convention on Human Rights and complies with the Human Rights Act 1998” No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Balsall Parish Neighbourhood Development Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Balsall Parish Neighbourhood Development Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Solihull Metropolitan Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Balsall Parish Neighbourhood Development Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I note that during the evidence gathering phase of the plan-making questionnaires were sent to the households in "the Balsall Common area within the Berkswell Parish" because of their proximity to the village facilities in the Balsall Parish; however, these residents will already have had a vote in the referendum for the Berkswell Neighbourhood Development Plan and there would be no clear justification for giving them voting rights in another Neighbourhood Plan referendum. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Solihull Metropolitan Borough Council on 18th July 2017.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	Remove the “Submission Version” label on the front cover and amend the page footers to read: ‘Balsall Parish Neighbourhood Development Plan 2018 – 2033’.	For clarity
2	<p>2.1 Review the “Table of Contents” pages once the text has been amended to accommodate the recommendations from this Report.</p> <p>2.2 Remove section 6.6 and create an Annex or Appendix where all the 6.6 indexed content is brought together under the title: ‘Community Aspirations beyond the scope of the Neighbourhood Development Plan’.</p> <p>2.3 Review and improve the footnote references within the Plan to ensure that it is clear (with a hyperlink where possible) how documents can be accessed; because of the likelihood of duplication, remove the sections headed “Reference Documents”.</p>	For clarity and accuracy
3	<p>3.1 Delete paragraphs 1.5 – 1.7 and replace with: ‘On 11th February 2017 an application was made to SMBC for the designation of the Balsall Parish Neighbourhood Area’.</p> <p>3.2 Add at the end of a renumbered paragraph 1.8: ‘The Berkswell Neighbourhood Plan was ‘made’ by SMBC in 2019 and is now part of the Local Development Plan’.</p> <p>3.3 Delete paragraph 1.9 and amend and renumber paragraph 1.10 as: ‘1.7 The Balsall Parish Neighbourhood Area was designated by SMBC on 18th July 2017 and is illustrated as Figure 1.’</p> <p>3.4 Renumber subsequent paragraphs accordingly.</p>	For clarity
4	<p>4.1 Amend (the presently numbered) paragraph 1.15 by replacing “2013 – 2028” with ‘2011 – 2028’ and replacing “will cover” with ‘covers’.</p> <p>4.2 Delete paragraphs 1.16 - 1.18 (including the related timeline) but carry forward the fourth sentence of paragraph 1.18 to the start of paragraph 1.19.</p> <p>4.3 Amend paragraph 1.19 by taking in a new opening sentence as above, adding ‘new’ before “Solihull Local Plan”, adding ‘could’ between “proposals” and “mean”, and deleting the last sentence.</p> <p>4.4 Amend paragraph 1.20 by replacing “policy on housing allocations will be determined by” with ‘policies will be applicable to’, deleting “on housing mix and design” and replacing “gathered through” with ‘influenced by’.</p>	For clarity and accuracy
5	Reword the section under sub-heading “The Plan Context” as:	For

	<p>'The Balsall Parish Neighbourhood Plan must:</p> <ul style="list-style-type: none"> • have regard to national policies and advice contained in guidance issued by the Secretary of State; • contribute to the achievement of sustainable development; • be in general conformity with the strategic policies of the development plan for the area; • be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; • not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).' 	correction
6	<p>Under the sub-heading "2. Process Overview":</p> <p>6.1 In paragraph 2.2, second sentence, delete "Principal Authority"; in the third sentence replace "meets" with 'met'; in the fourth sentence replace "provides" with 'provided'.</p> <p>6.2 In paragraph 2.10 show "WRCC" as 'Warwickshire Rural Community Council (WRCC)'.</p> <p>6.3 In paragraph 2.15 provide hyperlinked references and mention of the on-line Evidence Base held by Balsall Parish Council as a source for local evidence and reference documents.</p>	For clarity
7	<p>Under the heading "3. Balsall Parish Today":</p> <p>7.1 Remove Figure 3 and amend the reference paragraph 3.3 accordingly.</p> <p>7.2 Under the sub-heading "Employment":</p> <p>7.2.1 Add a reference to Table Oak Lane to paragraph 3.8.</p> <p>7.2.2 Add a source reference to paragraph 3.14.</p> <p>7.3 Correct the reference in paragraph 3.26 to the location of the burial place of Harry Williams.</p>	For clarity and accuracy
8	<p>Under the heading "4. Character Appraisal":</p> <p>8.1 Replace Figure 4 with a larger scale map with an inset map for the Balsall Common area (and clarify the boundaries as necessary).</p> <p>8.2 Under the sub-heading "Balsall Common" in paragraph 4.12 delete the contentious and unevidenced fifth and sixth sentences.</p> <p>8.3 Under the sub-heading "Fen End and nr. Temple Balsall (P, O)":</p> <p>8.3.1 Add 'R' to "P, O".</p> <p>8.3.2 Move paragraph 4.15 to become a new paragraph 4.14 and amend the place references where appropriate.</p> <p>8.3.3 Delete the sub-heading "Oakley (R) and amend references to Oakley as a "hamlet" throughout the Plan.</p> <p>8.4 On page 23 (as well as pages 16 & 45) reword the references to "many" or "a high proportion" of farms in the Fen End, Meer End & Temple Balsall areas as "a number" of farms.</p>	For clarity and correction

	<p>Within the Appendix “Character Appraisal”: 8.5 Within the Character Zone A section under the sub-heading “Buildings”: 8.5.1 Add a third sentence to the Character Assessment Zone A description: ‘Two new estates flank an area of four detached properties set within extensive garden land and some semi woodland.’</p> <p> 8.5.2 Replace “Elysian Fields” with ‘Elysian Gardens’ throughout.</p> <p>8.6 Within the Character Zone P section under the sub-heading “Landmarks” correct the wording error “Fen and Lodge” with ‘Fen End Lodge’.</p> <p>8.7 Within the Character Zone R section under the sub-heading “Landmarks” delete the references to “Balsall Cottage Farmhouse and the barn at Balsall Cottage Farm”.</p> <p>8.8 The attachment which provides a schedule of Neighbourhood Area Listed Buildings, which is not fully incorporated within the Character Areas, is to be deleted (although an appropriate reference will be included in relation to Policy BE.6 – see below).</p>	
9	<p>In the section headed “5. Our Vision, Our Aspiration”: 9.1 Retitle the section as ‘5. Vision and Aims’.</p> <p>9.2 At the beginning of paragraphs 5.2, 5.11 & 5.14 and within paragraphs 5.3, 5.4 & 5.7 replace “our” with ‘the’.</p> <p>9.3 Within paragraphs 5.3 and 5.6 replace “we” with ‘the Parish Council’.</p> <p>9.4 Within paragraph 5.16 delete “, but the time has come to alleviate this ubiquitous and oppressive hegemony”.</p>	For clarity
10	<p>10.1 Throughout the Policies section of the Plan replace the sub-heading “Strategic Objective” with ‘Objective’.</p> <p>10.2 Reword the Strategic Objective for “6.1 Future Housing Development” as follows: ‘It is acknowledged that the area of Balsall Common (Balsall Parish) excluded from the Green Belt will be modified by the strategic housing site allocations identified in the Solihull Local Plan when adopted. The Housing Policies in this Neighbourhood Plan will therefore seek to achieve the following: To ensure future housing developments successfully incorporate different open market and affordable housing types for all stages of life. To enhance walking and cycling infrastructure. To ensure brownfield sites are appropriately developed and are in keeping with the local environment. To provide clear guidance upon garden infilling ensuring the practice is well-controlled and that future developments contribute positively to the Neighbourhood Area.’</p>	For clarity and accuracy

11	<p>11.1 Merge Policies H.1, H.2 and H.4 as follows: ‘Policy H1: Residential Development within Balsall Common (where within Balsall Parish) Proposals for infill residential development within the parts of Balsall Common excluded from the Green Belt will be supported provided they: a) Positively contribute to the character of the village with reference to the Character Assessment (see Appendix to this Plan); and b) Are in proportion to the size of the site and designed to respect the context and amenity of neighbouring properties as well as the wider settlement; and c) Apply the design and character principles in Policy BE.2 [as renumbered below]; and d) Have an appropriate access and off-road parking; and e) Do not conflict with other relevant policies in this Plan.</p> <p>Proposals that relate to garden land will be required to demonstrate that they will: f) Preserve or maintain the character of the area including in particular the mature garden landscape retaining mature trees wherever possible; and g) Not introduce an inappropriate form of development and have regard for the characteristic open space between dwellings; and h) Not significantly and demonstrably harm the amenity of the host dwelling(s) and neighbouring properties.’</p> <p>11.2 Delete Figures 5 & 6.</p> <p>11.3 Merge the Explanations for Policies H.1, H.2 and H.4 as follows: 11.3.1 Delete paragraphs 6.1.1 – 6.1.4 and move paragraph 6.1.5 to after 6.1.19; renumber the remaining paragraphs accordingly.</p> <p>11.3.2 In paragraph 6.1.19 replace “compromising” with ‘comprising’ and delete “back” at the beginning of the third sentence.</p>	For clarity and to meet Basic Condition 1
12	Move the content of Policy H.3 to be merged with Policy BE.1 (see later).	For clarity
13	Move Policy H.5 and its related Explanation, amended as required, to the Appendix or Annex of Community Aspirations.	For clarity and to meet Basic Condition 1
14	<p>14.1 Renumber and reword merged Policies H.6 and H.7 as follows: ‘Policy H.3: Housing Mix Proposals for housing development should provide a mix of dwelling types and sizes which reflects the most up-to-date needs of the Parish and be informed by the Strategic Housing Market Assessment, Parish level surveys and housing needs surveys as well as any site-specific issues, including viability testing, and evidence of market circumstances.</p>	For clarity and correction and to meet Basic Condition 1

	<p>The following is a guide to dwelling size needs at the date of the publication of the Plan:</p> <table border="1" data-bbox="280 259 933 367"> <tr> <th colspan="4">Market housing</th> </tr> <tr> <td>1 bed</td> <td>2 bed</td> <td>3 bed</td> <td>4 Bed +</td> </tr> <tr> <td>5-10%</td> <td>30-40%</td> <td>25-35%</td> <td>25-35%</td> </tr> </table> <table border="1" data-bbox="280 400 933 508"> <tr> <th colspan="4">Affordable housing</th> </tr> <tr> <td>1 bed</td> <td>2 bed</td> <td>3 bed</td> <td>4 Bed +</td> </tr> <tr> <td>15-25%</td> <td>30-40%</td> <td>30-40%</td> <td>5-15%</td> </tr> </table> <p>Particularly on larger sites, some of the smaller dwelling sizes, both market and affordable, should be capable of meeting the needs of the elderly and downsizers and could be provided as bungalows and/or sheltered and extra-care housing.'</p> <p>14.2 Merge the Explanation sections for Policies H.6 and H.7 as follows:</p> <p>14.2.1 Move paragraph 6.1.34 to follow paragraph 6.1.26 and renumber accordingly.</p> <p>14.2.2 Delete paragraphs 6.1.32 & 6.1.33 and 6.1.35 & 6.1.36.</p>	Market housing				1 bed	2 bed	3 bed	4 Bed +	5-10%	30-40%	25-35%	25-35%	Affordable housing				1 bed	2 bed	3 bed	4 Bed +	15-25%	30-40%	30-40%	5-15%	
Market housing																										
1 bed	2 bed	3 bed	4 Bed +																							
5-10%	30-40%	25-35%	25-35%																							
Affordable housing																										
1 bed	2 bed	3 bed	4 Bed +																							
15-25%	30-40%	30-40%	5-15%																							
15	Merge Policy H.8 with Policy COM.4.	For clarity and to meet Basic Condition 1																								
16	<p>16.1 Reword Policy BE.1, incorporating Policy H.3, as: 'Policy BE.1: Re-use of Buildings and Brownfield Land in the Green Belt The reuse of existing buildings and brownfield land in the Green Belt to provide for new dwellings and other acceptable uses such as tourism is encouraged within the terms of policies set out in the NPPF and the Solihull Local Plan.</p> <p>The re-use of sites comprising historic farmsteads and agricultural buildings should be sensitive to their distinctive character and form.'</p> <p>16.2 Merge and renumber the Explanation paragraphs for Policies H.3 and BE.1 as follows:</p> <p>16.2.1 Amend paragraph 6.1.15 by deleting the second sentence.</p> <p>16.2.2 Delete paragraphs 6.1.16(a) – 6.1.18.</p> <p>16.2.3 Delete paragraphs 6.2.3 and 6.2.4 since they are respectively a partial quotation from the NPPF and a repetition.</p>	For clarity and correction and to meet Basic Condition 1																								
17	Delete Policy BE.2 and its Explanation.	To meet Basic Condition 1																								
18	18.1 Merge Policies BE.3 and BE.4 and retitle as follows: 'Policy BE.2: Local Character and Design	For clarity and																								

<p>Development proposals must demonstrate how scheme design has considered and addressed the factors listed a) to n) below, where applicable, as well as the relevant part(s) of Appendix 1 Character Assessment. Proposals should:</p> <p>a) Be compatible with the distinctive character at the location, respecting the local settlement pattern, building styles and materials;</p> <p>b) Be of a density that is in keeping with the character of the surroundings and landscape;</p> <p>c) Be of an appropriate scale so as not to dominate or adversely affect the amenity of neighbouring uses; feature buildings that are taller and that add interest and increase the efficient use of land can be considered in the village centre (Character Zone K) and where they are not adjacent to existing, lower dwellings or to boundaries with the open countryside;</p> <p>d) Conserve or enhance heritage assets including listed buildings and their setting, and the designated Conservation Area;</p> <p>e) Protect and where possible enhance landscape and biodiversity by incorporating high quality native landscaping, retaining or where necessary replacing hedges (it is preferable that hedges are provided rather than brick walls to enhance the existing green infrastructure);</p> <p>f) Retain the rural feel of approaches to the village and older through routes within the built-up area with their hedges, trees and grass verges;</p> <p>g) Respect, maintain and, so far as is reasonably practicable, enhance the green character of all residential roads especially where replacement frontage planting is necessary;</p> <p>h) Be consistent with current landscape guidelines*;</p> <p>i) Ensure key features of views to and from higher slopes, skylines and sweeping views across the landscape can continue to be enjoyed;</p> <p>j) Have regard to their impact on tranquillity;</p> <p>k) Not increase the risk of flooding, including that from surface water, within the village or exacerbate any foul drainage capacity issues;</p> <p>l) Demonstrate how the design has been influenced by the need to plan positively to reduce crime and the fear of crime and how this will be achieved;</p> <p>m) Demonstrate how the design has been influenced by the need for a positive impact on public health**;</p> <p>n) Within the curtilage of existing dwelling houses, respect the character and appearance of the immediate Character Zone and consider and address impacts on the living conditions of nearby occupiers.'</p> <p>Footnotes: * see Warwickshire Landscapes Guidelines (Arden), Solihull Borough Landscape Character Assessment 2016 and successor documents.</p> <p>** see Policy P18 Health and Wellbeing in the Solihull Local Plan and successor documents.</p> <p>18.2 Merge the Explanations for Policies BE.3 and BE4 by deleting paragraphs 6.2.11 – 6.2.18 since these are repeated in the subsequent paragraphs; renumber the paragraphs accordingly.</p> <p>18.3 Add to paragraph 6.2.29: 'Solihull MBC has no plans currently to establish Design Review Panels.'</p>	<p>correction and to meet Basic Condition 1</p>
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	<p>18.4 Amend paragraph 6.2.30 to replace “guide will ensure” with ‘guide will help to ensure’.</p> <p>18.5 Delete paragraph 6.2.31.</p>	
19	<p>Move the content of Policy BE.5, suitable amended, to the Community Aspirations section.</p>	<p>To meet Basic Condition 1</p>
20	<p>20.1 Reword Policy BE.6 as: ‘Policy BE.3: Temple Balsall Conservation Area and Heritage Assets The Temple Balsall Conservation Area, which includes significant relics of the Knights Templar and the Grade 1 Parish Church of St Mary’s, is a major historic asset in the Balsall Parish. All heritage assets, whether or not designated and whether or not immediately visible, must be conserved in a manner appropriate to their significance to allow enjoyment of their contribution to the quality of life for this and future generations.’</p> <p>20.2 A source needs to be added to Figure 7 – which now needs renumbering as Figure 4.</p> <p>20.3 Amend paragraph 6.2.38 by deleting “All heritage assets are afforded statutory protection and” and deleting the second sentence.</p> <p>20.4 In paragraph 6.2.39 delete the second sentence beginning “We recognise...”.</p> <p>20.5 In paragraph 6.2.40 delete the second sentence.</p>	<p>For clarity and to meet Basic Condition 1</p>
21	<p>21.1 Amend Policy BE.7 as follows</p> <p>21.1.1 Renumber the Policy as BE.4.</p> <p>21.1.2 Delete the second paragraph.</p> <p>21.1.3 In the third paragraph add ‘proposals’ after “development”.</p> <p>21.2 Replace paragraph 6.4.42 (sic) with ‘6.2.42 One of the elements of the Spatial Strategy included in the Solihull Local Plan is: “Enabling a low carbon future, by promoting the Borough as a location for green business, ensuring that new development minimises greenhouse gas emissions, and embracing initiatives aimed at improving energy efficiency and affordable warmth in existing buildings, whilst contributing to resilience against the adverse effects of climate change.”</p> <p>21.4 Delete paragraph 6.2.43.</p>	<p>For clarity and correction and to meet Basic Condition 1</p>
22	<p>Reword Policy BE.8 as: ‘Policy BE.5: Highway Safety Development proposals should allow for appropriate measures, including sufficient off-street parking, to ensure highway safety,</p>	<p>For clarity and to meet Basic Condition 1</p>

	particularly for pedestrians, motor scooters and cyclists.’	
23	<p>23.1 Reword Policy BE.9 as follows: ‘Policy BE.6: Parking Provision Development proposals must have appropriate regard for the higher levels of car ownership evident within the Balsall Parish Neighbourhood Area. Whilst suitable parking provision must be integral to the design of schemes, the number of off-street parking spaces for residents, employees and visitors should be justified and provided on the basis of an evidenced assessment of: a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.’</p> <p>23.2 Amend the first sentence of paragraph 6.2.72 by deleting 2018 and adding “,amongst other factors,” between “account” and “the availability”.</p> <p>23.3 Add to paragraph 6.2.73: ‘This has led the Parish Council to conclude that there is a need for at least one off-road parking space for each one bedroom dwelling, at least two off-road parking places for each two and three bedroom dwelling and at least three off- road parking places for four or more bedroom dwellings (excluding garages but including car ports).’</p>	For clarity and to meet Basic Conditions 1 & 3
24	Delete Policy BE.10 and the accompanying Explanation.	To meet Basic Condition 1
25	<p>25.1 Reword Policy ECON.1 as: ‘Policy ECON.1: Superfast Broadband and Electronic Communication Networks All new residential and commercial development proposals will be expected to include the necessary infrastructure to allow for high speed connectivity.’</p> <p>25.2 For clarity amend paragraph 6.3.6 to read: ‘This Plan supports electronic communications networks using high quality digital infrastructure from a range of service providers and the prioritisation of full fibre connections to existing and new developments.’</p>	For clarity and to meet Basic Condition 1
26	<p>26.1 Reword the content of Policy ECON.2 as: ‘Proposals for all new dwellings are encouraged to incorporate flexible space and facilities to support home-working and, where appropriate, infrastructure in accordance with ECON.1.’</p> <p>26.2 Amend paragraph 6.3.14 by replacing “and to enable” with ‘which may enable’.</p>	For clarity and to meet Basic Condition 1
27	27.1 Reword the content of Policy ECON.3 as: “Proposals for new or expanded business premises will be supported	For clarity and

	<p>where they contribute to the health and vitality of the retail centre (Character Assessment Zone K) and provided that they do not conflict with other policies in this Plan. Any proposals outside the built-up area will be subject to Green Belt policies.”</p> <p>27.2 In paragraph 6.3.19 replace “though” with ‘thought’.</p>	<p>correction and to meet Basic Condition 1</p>
28	<p>Amend the wording of Policy ECON.4 as follows:</p> <p>28.1 Amend the title by adding ‘and Leisure’.</p> <p>28.2 Add to the first sentence: ‘and subject to the sustainability and accessibility of the site.’</p> <p>28.3 Add ‘use of’ to criterion a) between “that the” and “site/premises”.</p>	<p>For clarity and correction and to meet Basic Condition 1</p>
29	<p>Move the content of Policy COM.1, suitably amended, to the Community Aspirations section and amend subsequent Policy numbering accordingly.</p>	<p>To meet Basic Condition 1</p>
30	<p>Amend the wording of Policy COM.2, renumbered as COM.1, as follows:</p> <p>30.1 Delete the final sentence of paragraph 1.</p> <p>30.2 Reword criterion b) as: ‘any impacts on local amenities have been assessed and addressed.’</p> <p>30.3 Reword criterion d) as: ‘appropriate consideration is demonstrated for dual community use of the school buildings and their outdoor recreation facilities.’</p>	<p>For clarity and to meet Basic Condition 1</p>
31	<p>Amend the wording of Policy COM.3, renumbered as COM.2, as follows:</p> <p>31.1 Retitle the Policy as ‘Sport, Community and Recreation Facilities’.</p> <p>31.2 In the first sentence replace “community” with ‘sport, community and recreation’.</p> <p>31.3 In the second and third sentences delete “community”.</p> <p>31.4 Move the final sentence about the CIL financial mechanism to form a new paragraph 6.4.16 (subsequent paragraphs renumbered) worded as: ‘The Parish Council may use CIL funds available to it to provide new and/or enhanced facilities for the community.’</p>	<p>For clarity and correction and to meet Basic Condition 1</p>
32	<p>Amend the wording of Policy COM.4, renumbered as COM.3, as follows:</p> <p>32.1 Use the first paragraph of Policy COM.4 as the first paragraph of the merged Policy.</p> <p>32.2 Use the following as the second paragraph, adapted from the content of Policies H.8 and COM.4: ‘Development proposals for dwellings, non-residential buildings open to the public and buildings for employment use shall, as appropriate, demonstrate that the need for alternatives to journeys by car has been</p>	<p>For clarity and correction and to meet Basic Condition 1</p>

	<p>addressed by:</p> <p>a) assuring safe and free-flowing movement of pedestrians, cyclists and mobility scooters;</p> <p>b) including facilities suitable for cycle storage;</p> <p>c) incorporating continuous well-lit footpaths and cycle path or tracks reflecting appropriate standards which, where appropriate, make linkages with routes and rights of way to village centres, schools, busy destinations and the countryside;</p> <p>d) delineating footpaths from the road surface and where practicable, from cycle paths/tracks; however, it shall be permissible for new shared footpaths/cycle ways to be provided if it can be demonstrated that there is no practicable alternative way of accommodating the needs of both cyclists and pedestrians for safe and free flowing movement;</p> <p>e) providing pedestrian crossings in key locations, such as close to schools, places of worship, community facilities, recreation facilities and shops, where agreed as acceptable to the Highway Authority.'</p> <p>32.3 Whilst merging and renumbering the two Explanation sections:</p> <p>32.3.1 Remove duplications.</p> <p>32.3.2 Replace the second sentence of paragraph 6.1.37 with: 'The countryside is easily accessed from every location and this is extensively used for walking, including dog walking, and cycling.'</p> <p>32.3.3 Quotations from the NPPF should be shown without editing and within quotation marks.</p> <p>32.3.4 Fully reference the Local Cycling and Walking Infrastructure Plans mentioned in paragraph 6.1.42.</p> <p>32.3.5 Remove paragraph 6.4.22 (if wished move this to the Community Aspirations section).</p>	
33	<p>33.1 Reword the first paragraph of Policy COM.5, renumbered as COM.4, as follows: 'Development proposals that would result in the partial or complete loss of an allotment will only be supported if it can be demonstrated that there would be an improvement to the existing provision or a net increase in provision suitably located elsewhere.'</p> <p>33.2 To be positively expressed criterion a) within the Policy should be reworded as: 'a) Impacts on the landscape, heritage assets and the character of the area have been assessed and addressed;'</p>	For clarity and to meet Basic Condition 1
34	Add 'woodlands,' to the 6.5 Natural Environment Objective between "existing trees," and "hedgerows".	For clarity
35	<p>35.1 Amend Policy NE.1 as follows:</p> <p>35.1.1 In paragraph 1 add 'ecologically' between "quality and" and "sensitive".</p>	For clarity and to meet Basic Condition 1

	<p>35.1.2 Delete the third sentence of paragraph 2 (if wished include a fully referenced mention of the British Standard in the Explanation section).</p> <p>35.1.3 Delete paragraphs 3 and 6.</p> <p>35.1.4 In the second sentence of paragraph 4 add ‘known’ between “two” and “veteran”.</p> <p>35.1.5 Reword paragraph 5 as: ‘Additional new trees should be planted in accordance with SMBC standards, with adequate space both below and above ground for the trees to grow to maturity with an appropriate care regime.’</p> <p>35.2 Amend the Explanation section as follows: 35.2.1 Provide full references for the Landscape document(s) mentioned in paragraph 6.5.1.</p> <p>35.2.2 Within paragraph 6.5.6 show quoted words within quotation marks and add the following introduction (with a reference): ‘Government guidance on ‘What planning authorities should consider for developments affecting ancient woodland, ancient trees and veteran trees’ says:’</p> <p>35.2.3 Delete paragraph 6.5.7 as there is no ancient woodland within the Neighbourhood Area.</p> <p>35.2.4 Ensure that the quote from the NPPF is not edited and is shown within quotation marks.</p>	
36	<p>Reword Policy NE.2 as: ‘Development proposals should, where appropriate, protect the quality of the water in the River Blythe and its tributaries and, in particular, safeguard the River’s SSSI and the floodplain meadows that incorporate the Temple Balsall Nature Reserve, as well as the other water habitats across the Neighbourhood Area. Wherever possible, development should assist the reinstatement of the natural floodplain and the de-culverting of watercourses.’</p>	For clarity and to meet Basic Condition 1
37	<p>37.1 Within Policy NE.3: 37.1.1 Amend the opening sentence to: ‘The areas listed below and identified on the maps (figures 5 to 8 [as amended]) that follow are designated as Local Green Spaces.’</p> <p>37.1.2 For clarity, amend the sentence that immediately follows the list of spaces by deleting “be used to”.</p> <p>37.1.3 Because it goes beyond the NPPF basis for protection (and partly duplicates the previous sentence), delete the last sentence of the Policy.</p> <p>37.2 Within Figure 5 (as renumbered) identify LGS.2 which has been</p>	For clarity and correction and to meet Basic Condition 1

	<p>omitted; within Figures 6 – 8 (as renumbered) there is the opportunity, which should be taken, to enlarge the inset maps so that the boundary of each space is absolutely clear.</p> <p>37.3 To avoid the potential for confusion, the Local Green Space Sites Assessment in the evidence base should also show the amended numbering of LGS 12 – 14 as used in the Submission Plan as well as noting the non-inclusion of LGS.11.</p> <p>37.4 Delete paragraph 6.5.15 since it does not relate to the designation of Local Green Spaces; renumber subsequent paragraphs accordingly.</p>	
38	<p>38.1 Amend the wording of Policy NE.4 as follows:</p> <p>38.1.1 In the first sentence delete “and enhance” and add ‘,where possible,’ between “biodiversity and” and “provide”.</p> <p>38.1.2 In paragraph b) replace “will be” with ‘are’.</p> <p>38.1.3 In paragraph f) delete “(such as by Schwegler)” but if wished a reference to an RSPB resource or similar might be included in the supporting text.</p> <p>38.1.4 Delete the final sentence beginning “Development which...” and incorporate the content of paragraph 6.5.21 – avoid the use of duplicated numbering by using i), ii) or similar, and use capital letters for the term ‘Local Wildlife Sites (LWS)’.</p> <p>38.2 Amend the Explanation section by:</p> <p>38.2.1 Adding a full reference to the Balsall Parish Neighbourhood Area Ecological Report.</p> <p>38.2.2 Deleting paragraph 6.5.21 and renumbering subsequent paragraphs accordingly.</p>	For clarity and to meet Basic Condition 1
39	<p>39.1 Reword Policy NE.5 as:</p> <p>‘Where appropriate, development proposals will be required to demonstrate how measures to address and mitigate as necessary the impact of air, noise and water pollution have been considered. Appropriate instances will include but not be limited to proposals that:</p> <ul style="list-style-type: none"> i) are within the scope of the SMBC Clean Air Strategy (when adopted); ii) relate to a site currently or formerly with land-use(s) which have the potential to have caused contamination of the underlying soils and groundwater; iii) sit within the Birmingham Airport Noise Preferential Route corridors either side of the Standard Instrument Departure (SID) or below the arrival flight paths.’ <p>39.2 Provide a key and source reference for Figure 9 (as amended).</p>	For clarity and correction and to meet Basic Condition 1