

SOLIHULL METROPOLITAN BOROUGH COUNCIL
SOLIHULL LOCAL PLAN EXAMINATION
INITIAL QUESTIONS TO THE COUNCIL

1. Submission of Solihull Local Plan

The Solihull Local Plan was submitted to the Secretary of State on 14 September 2012, along with the main submission documents. The inspector is still awaiting some outstanding documents; these should be sent via the Planning Inspectorate/Programme Officer in both paper and electronic form as soon as possible. ***Can the Council confirm that all the documents and information included in the Local Development Regulations¹ have been submitted to the Secretary of State? Are there any outstanding documents, reports or studies to be submitted, and if so, what is the likely timetable for completion?*** The Programme Officer/Council will need to prepare an Examination Library, with a referenced list of the Submission Documents, Evidence Documents and other documents likely to be referred to. Paper copies of all documents in the Examination Library will be needed for the hearing sessions (including copies for the inspector, Programme Officer and Council).

All documents and information have been submitted with the exception of two documents:

Indoor Sports facilities & playing pitch assessment and strategy

Final checks are being undertaken on this work which was completed last month and updates the Green Spaces Strategy in respect of playing pitches as well as assessing indoor sports facilities. The strategy will support development led improvements to facilities but is mainly about access or qualitative improvements to existing facilities, and is not considered critical to the local plan. It is anticipated that the work can be forwarded in the next few days.

Level 2 strategic flood risk assessment of 4 housing sites

Work is in hand on site flood risk assessments to support development on housing sites 2, 4, 15 and 18, and is scheduled to be completed in the near future. This work is not considered to be critical for the local plan allocations given the existence of the level 1 strategic flood risk assessment and the detailed site issues involved. The current assessment is likely to be overtaken by work on site flood risk assessments by potential developers for sites 15 Aqueduct Road and 18 Griffin Lane, and should confirm the findings of modelling undertaken for sites 2 and 4 by North Solihull Partnership. This modelling report, the Chelmsley Wood Hydraulic Modelling Report, is included in the latest list of documents for the examination Library

2. Hearing sessions

The inspector understands the Council would prefer the hearing sessions of the examination to take place in December, before Christmas. However, this is a very optimistic timetable, given the amount of preparation necessary and the availability of the inspector. Unfortunately, the inspector is not available from 12 October – 2 November and from 3-7 & 14 December 2012, and w/c 17/12/12 is immediately before Christmas week. The inspector also understands that the Council wishes to prepare some background papers, which both the inspector and representors will need to assimilate. Consequently, it may be more appropriate for the hearing sessions to commence after Christmas in the New Year, possibly w/c 07, 14 & 21 January 2013. In view of the number and range of issues raised, the inspector suggests a period of at least eight sitting days for the hearing sessions. In addition, at least 6 weeks notice of the start of the hearing sessions is needed, including press advertisement². The inspector understands that the hearing sessions will be held in the Civic Centre at Solihull. A medium-sized meeting room with "U"-shaped table and rows of seats for observers would be suitable. The Programme Officer and Inspector will also

¹ Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg.22)

² Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg. 24)

need separate rooms. **Can the Council indicate the preference for dates of the hearing sessions?**

Taking on board the Inspectors views, concerns and availability, the Council would be content with the hearing sessions within the weeks commencing the 07, 14, 21 January 2013.

3. Pre-Hearing Meeting

Pre-Hearing Meetings (PHM) are not always held for Local Plan examinations. However, where complex or contentious issues are raised and/or large numbers of unrepresented people have raised objections, a PHM can be useful, in order to explain the examination process, along with procedural and administrative arrangements. If the Council wishes the inspector to hold a PHM before the hearing sessions open, at least four weeks notice is required. The likely date for a PHM would be w/c 19 or 26 November 2012. The venue should be large enough to accommodate the expected number of people. **Can the Council indicate whether they wish the inspector to hold a Pre-Hearing Meeting and indicate their preference for date of the PHM, including the venue?**

Taking on board the Inspectors views, the Council would be content with a Pre Hearing Meeting on 29 November 2012. The venue will be Solihull Library Studio

4. Representations

The inspector understands that representations were received from some 690 respondents on the Pre-Submission version of the Solihull Local Plan between 23 January – 5 March 2012. A further 19 responses were received after the deadline, which the Inspector understands the Council has accepted. The inspector now has copies of all the representations. **Copies of all representations should be available on the Council's web site in an electronic form.**

All responses received by the Council are being placed on the Council's web site including late and unreported representations and which where necessary can in the Council's view be resolved by way of additional modifications.

5. Council's responses to representations

The inspector notes that the Council has summarised the representations in Document SLP:083, and has responded to the main points raised in the representations (Document SLP:084), including recommended changes to the draft Local Plan. **Has the Council publicised these responses and/or informed representors of its responses?**

The responses documents have been placed in the public domain, on the Council's Web site and representors have been informed

6. Meetings with other representors

Does the Council intend to have meetings with any representors with a view to resolving key areas of dispute and disagreement, and if so, what is the timetable for such meetings?

The Council does not intend having any further meetings with representors in areas of dispute/disagreement.

7. Proposed changes to the Submitted Local Plan

The inspector understands that the Council has made some amendments to the Pre-Submission Draft Local Plan, incorporating such changes into the Submission version of the Local Plan. He assumes that these changes have incorporated all the amendments recommended in Document SLP:084. **Does the Council envisage making any further changes to the submitted Local Plan, and would such changes require public consultation and further sustainability appraisal? Has the Council considered whether the plan**

properly reflects the presumption in favour of sustainable development, as set out in the model policy included on the PINS website?³

Further changes to the Submission Draft Local Plan are envisaged but these are few and of a minor nature that would not require public consultation or further sustainability appraisal.

In the opinion of the Council the whole Plan properly reflects the presumption in favour of sustainable development. The Council would however be prepared to add a policy indicating how the Plan reflects the presumption in favour of sustainable development. The changes it is considered would not require further public consultation

8. Key issues

The inspector notes the key issues identified by the Council in Document SLP:084. The inspector will prepare a list of the main Matters and Issues relating to the soundness of the Local Plan before the hearings commence. **It would be helpful if the Council could indicate whether there are any "showstoppers" raised in the representations which could lead to an early potential finding of fundamental unsoundness.**

In the Council's opinion there are no showstoppers

9. Main Modifications

Under the Localism Act, the 2004 Act (as amended) distinguishes between "Main Modifications" and "Additional Modifications". "Main Modifications" are changes needed to ensure the plan is sound and is capable of being adopted, and are limited to rectifying issues of legal compliance and/or soundness⁴. "Additional Modifications" are more minor changes which should not materially affect the policies set out in the plan, when taken together with the "Main Modifications". The local planning authority can make "Additional Modifications" at any time before adoption, which are not subject to consideration at the examination or recommendation by the inspector. However, the inspector cannot consider or recommend making "Main Modifications" unless specifically requested to do so by the local planning authority⁵. Without this request, his report will be confined to identifying any soundness or legal compliance failures and possibly recommending non-adoption of the plan. **The Council will therefore need to advise the Inspector whether they wish him to consider and recommend modifications under Section 20(7C) of the 2004 Act.**

If considered necessary the Council would wish the Inspector to consider and recommend modifications under Section 20(7C) of the 2004 Act

10. Hearings

The Inspector's Guidance Notes will outline the nature and scope of the hearing sessions. Please note that only those representors who seek some change to the plan can request an oral hearing. **It would be helpful to have a list of participants who wish to participate at the hearing sessions, along with the issues/policies they wish to discuss, as soon as possible.** The hearing sessions are similar to an EIP into a Structure Plan or RSS; the procedure is an inquisitorial process, with the inspector asking questions based on the Matters & Issues identified for Examination. There is no need for any legal representation, but lawyers can attend as a member of the team. **Has the Council decided whether they will be legally represented at the hearings? The Council should also ensure and confirm that the required notification and advertisement of the examination hearings is made at least six weeks before the start of the hearing sessions.**

The Council will have legal support to assist the Council's representatives and to assist in the efficient progress of the examination

³ <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

⁴ Revised s20(7B) of the Planning & Compulsory Purchase Act 2004

⁵ Revised s70(7C) of the Planning & Compulsory Purchase Act 2004

11. Future programme

The basic procedure is to set a date for the PHM (if required) and notify representors at least four weeks before of the date. Brief Guidance Notes on the examination process will be circulated by the Programme Officer in the next few weeks, along with the Matters & Issues for examination and draft programme for the hearings. The Council and representors will be invited to provide brief statements addressing the Inspector's Matters & Issues, to be submitted about 2-3 weeks before the hearings commence.

12. Programme Officer

The inspector is already in contact with the Programme Officer, Melanie Owen-Roberts. The Council's team will need to work closely with Ms Owen-Roberts in making the arrangements for the examination and hearing sessions. If the Council (or any representor) has any queries about the processes or procedures for the examination, they should not hesitate to contact the Programme Officer.

13. Web site

The Programme Officer will need a dedicated web-page on the Council's web site for the Examination, to include her contact details, the name of the inspector, the date/venue for the hearings/PHM, examination library and list of core documents, copies of the representations, and any material produced by the Council, representors, inspector and Programme Officer. **Can the Council confirm that such a web-page will be set up as soon as practicable?**

A dedicated Local Plan Examination web page has been set up for the Programme Officer to include the above details, other relevant information and progress on the Examination.

14. Database

The inspector understands that the Programme Officer now has a copy of the Council's database of representations, with all relevant details of the representations and representors. A key element is an indication of which representors have made representations on each policy/paragraph of the Local Plan, together with a list of those who request an oral hearing. The Programme Officer will need to produce a schedule of the representors, indicating who wishes for an oral hearing/written representations on a policy-by-policy basis. The database should only include those who have made representations on the Pre-Submission version of the Local Plan, rather than earlier in the plan-preparation process. **It is also helpful for the inspector to have a "frozen" electronic copy of the database.**

Frozen database to be provided to the Inspector

15. Sustainability Appraisal

The inspector notes the various documents on sustainability appraisal included with the submission documents. **Can the Council confirm that the Sustainability Appraisal reports fully appraise all the various alternative options and clearly indicate why the preferred option was chosen, including any necessary mitigation measures, and the reasons for rejecting other reasonable alternatives.**

Yes. Sustainability Appraisal has been carried out throughout the process and preparation of the Local Plan– The Issues and Options stage (Challenges & Choices), The Emerging Core Strategy and The Draft Local Plan.

The Challenges and Choices Sustainability Appraisal assessed the 3 growth options (SLP009 Chapter 5) indicating their strengths and weaknesses.

Appraisal of alternative sites was undertaken through the SHLAA process, as set out in the Emerging Core Strategy Sustainability Appraisal (SLP007 Chapter 7)

The Draft Local Plan Sustainability Appraisal sets out the alternatives considered for the spatial strategy, policies and site allocations (SLP004 paragraph 5.3.1 to 5.3.15 and table 5.4). It includes an explanation how the preferred option was chosen under the alternatives at the end of each policy section, and under the site allocations area assessments.

The alternatives considered for the changes in the submission document are set out in Table 3.2 and in the section on alternatives under each policy of the Sustainability Appraisal Addendum (SLP002)

16. Appropriate Assessment under the Habitat Regulations

Can the Council confirm whether there are any outstanding issues relating to the Appropriate Assessment under the Habitat Regulations and Screening Report and other reports raised by relevant bodies, including Natural England?

The Council can confirm no outstanding issues. A copy of the letter from Natural England is attached indicating that it is satisfied with the conclusions in the Further Screening Report and advising that no further consideration through the HRA is required.

17. Strategic Flood Risk Assessment

Can the Council confirm whether there are any outstanding issues relating to the Strategic Flood Risk Assessment, and that the approach has been agreed with the Environment Agency?

Please see Q1above for detailed response

18. Self-Assessment of Soundness

Can the Council confirm whether it has undertaken a Self-Assessment of Legal Compliance and Soundness of the Local Plan, including the NPPF, using the PAS Soundness toolkits?⁶ Can the Council confirm that the submitted plan is both legally compliant and sound, and that there are no failings in the legal/procedural requirements or shortcomings in terms of soundness?

A Self Assessment of Legal compliance and soundness of the draft Local Plan including the NPPF has been undertaken and in the opinion of the Council having undertaken this process the submitted plan is legally compliant and sound and there are no failings in the legal and procedural requirements.

Both documents are now part of the Examination Library

19. Topic/Background Papers

The inspector understands that the Council wishes to prepare some Background Papers. Ideally, these should have been prepared before the plan was formally submitted, to provide further support/explanation for the submitted Local Plan. **Can the Council confirm what topics these Background Papers are likely to cover and indicate a timescale for preparation and publication?** Background/Topic Papers should be produced well before the hearings commence, but should be authorised by the inspector before preparation. In particular, the inspector will require a background/briefing paper to demonstrate that the Council has fully complied with the Duty to Co-operate (including full details of the process of engagement and co-operation and the bodies involved, along with the outcome of this process, including any agreements secured or areas of non-agreement). The inspector will also require a background paper outlining the Council's approach to undertaking an objective assessment of development and infrastructure requirements (including housing) and how these needs are to be fully met, in accordance with the National Planning Policy Framework (paras 14, 47, 156, 158-159, 178-182).

The Council is preparing background papers on the Duty to Co-operate, the Council's approach to undertaking an objective assessment of development and infrastructure requirements (including housing) requested by the Inspector though we may need to review matters following receipt of the Inspectors note on issues for examination.

⁶ [<http://www.pas.gov.uk/pas/core/page.do?pageId=109568 & 2118093>]

The Council's intention would be to produce the documents two weeks prior to the brief statements being submitted to the hearing referred to at paragraph 11 above.

20. Site-selection process

The inspector notes that the Local Plan includes several site-specific allocations for housing, employment, minerals and mixed-uses. He will expect the Council to be able to demonstrate, using material in the evidence base, the reasons for selecting these sites, and rejecting other alternatives, with a comparative assessment which includes all sites being promoted by representors. **Can the Council confirm that such information is available in the evidence base?**

Evidence is available within the Evidence Base but the Council would wish to add the individual site assessments which underpin the SHLAA.

21. Note-taking

In order for efficient progress to be made during the hearing sessions, the inspector would like the Council to provide a note-taker to record the main gist of the discussions. This is not intended as a verbatim record, but to record the key points/agreements/concessions made during the discussion. The note-taker can be a member of the Council's Planning Department (although not someone directly involved in the preparation of the Local Plan), other departments or an external person. For this purpose, they are an officer of the examination, working under the direction of the inspector. The Programme Officer can sometimes assist, but she cannot take notes all the time, since she will have other duties during the course of the hearing sessions. **Can the Council confirm that they will arrange for someone to take notes at the hearing sessions?**

The Council will arrange for someone to take notes at the hearing sessions

22. Guidance

The Council should be fully aware of the published guidance in the NPPF (March 2012) and on the PAS web-site⁷. PINS has also produced several guidance notes⁸, which they should be aware of, since these set out advice on the nature and process of examining local plans under the LDF regulations. **Can the Council confirm that they are fully aware of this guidance?**

The Council is aware of the guidance in the NPPF and on the PAS web site.

23. Procedure and experiences

The Council may wish to contact representatives of other local authorities to check feedback/experiences of the process and procedure of examining a Core Strategy/Local Plan. The inspector previously dealt with an earlier version of the Solihull UDP and is generally familiar with the area and the issues involved.

24. The inspector would like an initial response to these questions by 11 October 2012, if possible, by adding their responses on this document under the appropriate section. This will then become an examination document.

SJP. 02.10.12

Additional question

List of saved UDP policies superseded by the submitted Local Plan
The inspector notes that the submitted Local Plan does not include a list of those "saved" UDP policies which are being superseded by those in the

⁷ [<http://www.pas.gov.uk/pas/core/page.do?pageId=1>]

⁸ [<http://www.planningportal.gov.uk/planning/planningsystem/localplans#guidance>], including *Lessons Learned Examining Development Plan Documents* [PINS; June 2007] *Local Development Frameworks: Examining Development Plan Documents: Learning from Experience* [PINS; September 2009] *Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance* [PINS; February 2010] & *Procedure Guidance* [PINS; August 2009] *Local Development Frameworks – Procedural Advisory Note* [PINS; August 2009]

submitted Local Plan. The Local Planning Regulations^{[1][1]} state that, where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. The submitted Local Plan (¶ 1.1.5) confirms that the Local Plan will replace saved policies from the current development plan (the Solihull UDP; 2006). Can the Council confirm that all policies in the current development plan (Solihull UDP; 2006) will be superseded by policies in the submitted Solihull Local Plan?

Yes, the Council would confirm that all policies in the current development plan (Solihull UDP 2006) will be superseded by policies in the submitted Solihull Local Plan.

^{[1][1]} ***Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg. 8(5))***