

To Inspectors Kevin Ward and K Ford
c/o Programme Officer



**ECONOMY & INFRASTRUCTURE
DIRECTORATE**

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By email only.

Please ask for: Gary Palmer

Date: 14th February 2024

Dear sir/madam

SOLIHULL LOCAL PLAN EXAMINATION

1. Thank you for your letter dated 11th January 2024 regarding the above.
2. Firstly, the Council recognises the benefits to be achieved by having an adopted plan in place and the Government's desire for local plan coverage. It is the best way to address balancing the housing and economic needs the Borough faces, whilst giving long term protection to the strategically important and unique Meriden Gap, which makes an important contribution to the Green Belt, and its wider biodiversity value. An adopted plan gives certainty, avoids speculative applications and appeals, and would be in the best long-term interests of the Borough.
3. Secondly, throughout the Local Plan process, the council has sought to seek a pragmatic solution to get in place an early Local Plan. The borough has consistently delivered on housing and recognises the importance it has in economic growth, the social importance of housing and the borough's important place in the economic framework of the West Midlands
4. The Council does recognise that the transitional arrangements in paragraph 230 of the updated NPPF indicate that plans such as the Solihull Local Plan should be examined under the previous version of the Framework.
5. Thus, the direct consequence of this is clear. However, the Council believes that the situation is more nuanced as there are significant indirect consequences of this change in policy that do have a bearing on the examination of the Solihull Local Plan.
6. In that respect, it is our understanding that the Council has a number of options at this stage, these include:
 - a. Continue with the examination of the plan and seek to make amendments to deal with the issues you have previously identified, i.e. follow a process to identify additional allocations to deal with the shortfall in the supply at the NEC. Inevitably, these additional allocations will be sites in the Green Belt.

- b. Withdraw the plan and seek to prepare a fresh version of a plan that could be published after 19th March 2024 that would then be examined under the new Framework in accordance with the last sentence of paragraph 230¹.
 - c. Continue with the examination of the plan without any further allocations.
7. Whilst option (a) would enable the examination of the plan to be completed under the terms of the previous Framework, it does not reflect the clear direction of travel that adopted national planning policy is now following. As such, it does not give the Council the opportunity of taking into account the new flexibilities to plan-making that are included in the updated NPPF.
8. Option (b) does need to be considered as a realistic fallback option since it would relate to a course of action to use national policy already set out in an up-to-date, approved Framework, not simply relying on a draft policy, or some potential future change to national policy, that may or may not be confirmed.
9. The consequences under option (b) would, in the Council's view, allow the preparation of a plan that would not, for example, need to allocate additional Green Belt sites and still be consistent with national planning policy. Of course, this option would significantly delay the adoption of a plan for the Borough and further delay our ability to support sustainable housing and economic development both for the Borough and wider Market Area. This was something we highlighted to you in our previous correspondence in 2022 when seeking to find an alternative and pragmatic way to achieve a quicker adoption of the Plan.
10. In that respect, Option (c) might well be a reasonable and pragmatic approach that could result in an adopted plan in a relatively short period of time; on the basis that having an adopted plan in place would be preferable than having no plan at all. It is the Council's view that the new NPPF does have relevance to the examination of the current plan since the fallback position of withdrawing the plan and pursuing a new plan under the amended NPPF remains open to the Council. Of course, pursuing this option does run the risk of having the plan found unsound, and the Council acknowledge this risk. However, the Council believes that this is a preferable course of action than option (a) which the Council considers untenable in the context of the amended NPPF and overarching direction of travel in the national planning system.
11. The Council has noted that the Secretary of State (SoS) has recently intervened in the preparation of a local plan at 4 LPAs². The interventions have presently taken the form of directions preventing the relevant Council from withdrawing their plan. It may be argued that if the SoS were to take a similar stance in relation to Solihull's plan that the Council's option to withdraw the plan would not be an available option. However, if the plan were to be found unsound under option (c) then it is difficult to see an alternative that would not result in the plan having to be withdrawn. In that context, the Council believes the circumstances of its current Local Plan review is materially different to the circumstances presented in those 4 cases.
12. The Council believes that the updated NPPF is a material change in circumstances that not only has an impact on plan-making in the Borough, but it also warrants a re-evaluation of the current position that the examination has reached. The Council

¹ Under anticipated transitional arrangements for the new plan making system, this new plan would need to be submitted for examination by 30th June 2025 to enable it to be examined under the current plan-making arrangements.

² Spelthorne BC (14/09/23), Erewash BC (30/11/23), West Berkshire C (19/12/23) and Mole Valley DC (29/01/24).

recognises that other stakeholders will also have views on the relevance of the amended NPPF to plan-making in the Borough and the merits of continuing with the examination.

13. Therefore, the Council requests that the Inspectors make provision for **all** interested parties to make representations on this issue. This will enable stakeholders to make representations on the approach that ought to be taken; including site promoters who may see the merits of getting this plan adopted³, and others who may wish to argue that the examination ought to consider a more fundamental approach to Green Belt land release.
14. Clearly the options outlined above have far reaching consequences for the Council beyond the narrower scope of the examination. Nevertheless, for the reasons set out above, the Council believes they are material to the examination and ought to be taken into account.
15. The Council recognises that following an appropriate period for representations to be submitted, that additional hearings may be necessary. The Council favours this reasonable and pragmatic approach that will allow all interested parties to make representations on this important matter and it invites the Inspectors to allow the examination to proceed on this basis.

Yours sincerely



Gary Palmer
Group Manager – Policy & Engagement
Growth & Development

³ With no additional Green Belt allocations.