

# KDBH FORUM MEETING

28 January 2019



WORKING TOGETHER FOR THE FUTURE OF OUR VILLAGES

- **Welcome and Introduction**
- **Final KDBH Neighbourhood Plan (NP)**
- **NP Referendum 14 March 2019**
- **Solihull Local Plan Supplementary Consultation**
- **Next Steps**

# Final NP: Activity Since Last Meeting

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- Facilitator involvement to address concerns arising from Independent Examiner's (IE) report
  - in particular, we had identified 4 'red line' policies:
    - Housing Mix
    - Formal Education – Location of New Schools
    - Recreation, Leisure and Sport
    - Retention of Shops and Services
- SMBC Final Review and Decisions 22 January 2019
- Finalising the Plan for Referendum

- Facilitator appointed in November through ‘Locality’:  
**Dave Chetwyn**, MA, MRTPI, IHBC, FInstLM - MD of Urban Vision Enterprise CIC
- Facilitator’s Report end Nov 2018: see [kdbh-np.org](http://kdbh-np.org)
  - very helpful for all parties. Affirmed what changes and modifications the Council could make to the Plan within the scope of regulations
  - facilitation is not part of the statutory neighbourhood planning process - no legal status
  - although informal, SMBC has considered all suggestions ‘in the spirit of collaboration’

# Facilitator's Report Made Clear That...

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- Examiner's recommendations not binding. The Local Planning Authority (LPA) must determine whether the Plan meets Basic Conditions
- Each Examiner recommendation must be considered and responded to **individually**: it is not lawful to take a 'blanket view'
- If the Plan is capable of being modified to meet the Basic Conditions, then the (LPA) must make those modifications
- The LPA can only make such modifications that are necessary to meet the Basic Conditions

# Facilitator's Key Findings on Examiner Recommendations

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- Some policies recommended for deletion *“seek to address legitimate planning issues. Modification could be an alternative and may be a better fit to planning legislation”*
- Some proposed modifications may go beyond that necessary to meet basic conditions
- Two recommendations support development regardless of whether or not it meets policy requirements addressing sustainability measures. This does not fit well with National Planning legislation

# Facilitator's Key Findings on Examiner Recommendations

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The Report identifies instances where:

- recommended wording is ambiguous or unclear, ie. does not meet Basic Conditions
- it is unclear how a recommended policy change has been derived (lack of evidence)

**Of the Examiner's  
33 recommendations  
10 require changes**



## 5 minor amendments, notably to:

- add in more detailed maps indicating the precise boundaries of Local Green Spaces
- re-introduce alternative policy wording to bring back in at least some provision for charging of electric vehicles
- make definition of public access to new community facilities a requirement, not ‘if necessary’

## Five significant amendments include:

- 1. Housing Mix:** “..some of the recommended wording is not entirely clear and may be ambiguous. It would not therefore meet the basic conditions.” “amended /alternative wording can achieve the Examiner’s intended outcome and still meet basic conditions.”
- 2. Road Infrastructure:** Examiner’s recommendation not agreed. Rather than delete the policy, policy amended to bring it within the scope of land-use planning.

## Five significant amendments (cont)

- 3. Formal Education, Location of New Schools:** “The Examiner’s modified wording effectively provides double support for development. This is considered to be ambiguous and would not provide certainty for a decision maker, nor would it meet the basic conditions in terms of promoting sustainable development.”
- 4. Recreation Leisure and Sport:** As above.

## Five significant amendments (cont)

### **5. Retention of Shops and Services:**

“There is no justification for why a percentage threshold of 75% is used for Part A uses in Dorridge. This does not meet the basic conditions and reference to the 75% threshold should therefore be deleted.”

“The inclusion of additional text is also proposed in order that the policy is clear and unambiguous and that it can be interpreted positively and flexibly. This will ensure that the basic conditions are met...”

# Done! - this morning