

Briefing Note on SMBC Planning Matters – December 2023

National Planning Reform

In our previous update notes we highlighted the governments consultation on changes to the National Planning Policy Framework (NPPF), changes to the plan making system, national permitted development rights and changes to national planning fees.

An initial update to the NPPF was issued in September 2023 with the changes focusing on onshore wind development. This was linked to a [ministerial statement](#) on the same issue. A further update to the [NPPF](#) was issued on the 19th December with a minor update the following day. This responds to the wider consultation launched in December 2022. This is also supported by a [ministerial statement](#). Officers will be reviewing the content and possible implications of the updated NPPF over the coming weeks and I am happy to provide a further update in due course.

In the meantime, we have seen Royal Assent given to the Levelling Up and Regeneration Bill. This paves the way for secondary legislation around plan making; a further move towards National Development Management Policies; a replacement of the Duty to Cooperate; and a new Infrastructure Levy which would largely replace the existing approach to Section 106 agreements and CIL. We recently responded to a government consultation on changes to plan making, with the response endorsed at the [Cabinet Member meeting in October](#). We expect further government consultation on these matters and can provide updates on these in due course.

The increase in planning fees was confirmed by government in October and came into effect on the 6th December. The increase sees the cost of major applications rise by 35% and minor applications (including householders) by 25%. This is the first-time planning fees have been increased since January 2018. It also sees some other adjustments including the removal of the 'free go' where applications are withdrawn or refused and will see the introduction of more stringent performance monitoring of how local authorities determine applications. Applications that did not pay a fee before though will continue to be exempt from planning fees – this includes applications for works to protected trees and listed building consents for example. In addition, planning fees will now increase on an annual basis reflective of inflation. This is the first time this has happened, with the first inflationary increase due in April 2025. The new fees are set out on the Planning Portal with links included on our [website](#).

Local Plan Review

The Local Plan Review Examination continues to be paused subject to reviewing the updates to the NPPF.

It is important to note that whilst the Local Plan Review is currently paused, we are still receiving planning applications and general inquiries regarding sites proposed for allocation. We currently have 9 planning applications across 6 draft site allocations (at BC1, BC2, BC4, KN2, ME1 and HA2). We have had pre-application inquiries on most other sites.

As highlighted in the previous update note, a report was presented to the Portfolio holder for Climate Change and Planning on the [25th July](#) that identifies a clear and transparent approach to how we will assess these applications (this is not a new policy). This will require the demonstration of Very Special Circumstances (having regard to national and adopted local policy on Green Belt development) and the principles of Sustainable Development. This encourages a comprehensive approach and public engagement with developing a masterplan for the site.

Until such time as the Local Plan Review is adopted though, it should be stressed that the 2013 Local Plan remains in place and the Green Belt is unchanged.

Now the new NPPF has been published we expect to enter a period of discussion with the Inspectors to further understand the next steps. This may include an agreed agenda for additional hearing sessions and may lead to consultation on Main Modifications to the Plan. Should Main Modifications be proposed though this would also require the approval of full council.

All information regarding the Examination of the Local Plan Review can be found on the Council's website - [Solihull Local Plan - Examination in Public](#)

Biodiversity Net Gain (BNG)

On the 29th November DEFRA published the [next steps for Biodiversity Net Gain](#), including the release of new guidance; supporting documents and draft secondary legislation. In short though mandatory BNG, with a minimum requirement for 10% net gain will come into force for all major developments in January 2024 (exact date TBC) and for minor developments from April 2024 (exact date TBC). The new approach will not apply retrospectively though so any planning applications submitted before the commencement date will be considered against the existing adopted policy position. Whilst this doesn't require a minimum 10% net gain it does require a net gain in biodiversity.

To support the consideration of BNG through the planning process the draft National Planning Practice Guidance for BNG has been published here - [Draft biodiversity net gain planning practice guidance - GOV.UK \(www.gov.uk\)](#)

Homes England – New Homes Factsheets

On the 2nd November, Homes England published a series of what they call “New Homes Fact Sheets”. These are short notes which contain a series of key facts and figures on new homes and regeneration and have been created to support conversations with local communities.

They are intended to provide a fact-based resource to support effective communication around the context and processes of delivering new homes and regeneration. The development of the fact sheets series has involved consultation with local government officers, community groups and industry experts.

The fact sheets are available here – [New Homes Fact Sheet series: Guidance note - GOV.UK \(www.gov.uk\)](#) and include the following notes:

- Fact sheet 1: The need for homes.
- Fact sheet 2: How new homes are planned.
- Fact sheet 3: Transport and infrastructure services.
- Fact sheet 4: New homes and healthcare facilities.
- Fact sheet 5: New homes and school places.
- Fact sheet 6: The role of design and placemaking.
- Fact sheet 7: Homes and different land types.
- Fact sheet 8: Economic, social and environmental benefits.
- Fact sheet 9: What is affordable housing?
- Fact sheet 10: New homes in rural areas.

In general, we are continuing to see a high level of activity around the delivery of HS2 through the Borough. This includes schedule 17 submissions and pre-application planning enquiries and other associated submissions relating to highways, noise and drainage.

Many of these cases take a long period of time to determine as officers challenge aspects of design, noise mitigation and landscaping solutions etc.

We have recently received the Sch17 submission for the River Blythe viaduct and are actively working to determine a number of longer running submissions at Carol Green Underbridge and Park Lane Cutting. The long running submission at Burton Green tunnel is expected to be considered at Planning Committee in January.

Following the approval of the Balsall Common Viaduct in September, HS2 have been continuing to work with the Council, ward members and the parish councils to arrange further community engagement around the final design of the parapet walls/acoustic barriers and landscaping opportunities. We are expecting events to be held in January.

Following the appeal decision to approve the lorry route along Waste Lane/Kelsey Lane in Balsall Common, the mitigation measures for the highway have now been approved and installed. Due to the nature of the works though it's unlikely that lorry movements will increase significantly on this route until the spring. At the same time though we have seen an upturn in the use of Hallmeadow Road as a lorry route following the new access at Station Road. We also understand HS2 are working with Network Rail through January to increase access over the West Coast Mainline which could further reduce lorry movements around the Waste Lane area.

Major Development Update

The following cases provide some examples of major applications we are currently working through at the moment.

- Land at draft Allocation KN2, Knowle – We have now received 2 applications covering the northern and southern parts of the site. Both remain under assessment by officers. The northern part of the site was submitted in February 2023 ([PL/2023/00222/MAJFDW](#)) for the development of a new care village, whilst the more recent application was submitted in November ([PL/2023/02294/PPOL](#)) and is for up to 450 homes on the southern area of the site. Whilst the applicants have indicated a desire for a decision in advance of the Local Plan Review being adopted, they are continuing to work positively with officers. There has also been renewed discussions around the development of a comprehensive masterplan that considers the opportunity to redevelop the Arden Academy – as required under the draft Local Plan Review.
- Local Plan Review Sites in Balsall Common - draft allocations BC1 (Barrett's Farm), BC2 (Frog Lane) and BC4 (Pheasant Oak Farm) – we have now received 5 applications across these 3 sites, all of which remain under assessment by officers. The applications include the following:
 - Barrett's Farm - [PL/2023/01520/PPOL](#) - Proposal for 970 homes, primary school, local centre, relief road (Phase 2) and associated infrastructure.
 - Land Off Oxhays Close (part of the wider BC1 site) - [PL/2023/00963/PPFL](#) - Proposal for 90 extra care units and a 62 bedroom care home with supporting infrastructure.

- Frog Lane - [PL/2023/02248/PPOL](#) - Proposal for up to 110 homes and associated infrastructure.
- Pheasant Oak Farm - [PL/2023/02214/PPOL](#) - Proposal for up to 250 homes and associated infrastructure on approximately 85% of the site area.
- Pheasant Oak Farm - [PL/2023/02281/PPOL](#) - Proposal for up to 18 dwellings and associated infrastructure on approximately 15% of the site area.
- Oak Farm, Hampton Lane, Catherine de Barnes (draft allocation HA2) - [PL/2023/01173/PPOL](#) – an application has been received for a residential development of up to 95 dwellings with associated infrastructure. After some initial consultation we understand a revised scheme will be submitted early in the new year for further consideration.
- Former Arran Medical Centre, Mull Croft, Smiths Wood - [PL/2022/01274/PPFL](#) – This is a proposal to create 14 apartments and was considered at planning committee in January 2023, with an agreement to approve subject to a Section 106 agreement being signed. Since then, economic pressures have made it difficult for the proposed s106 to be signed and the applicant has now submitted new viability evidence with a view to removing the original contributions. This is due to be presented back to Planning Committee in January.

In addition to live applications, we also continue to consider pre-application inquiries on a range of proposals. This is a chargeable service and one many developers use to support the preparation of formal applications. In such cases, officers will base advice on Neighbourhood Development Plans, existing policy, and national policy. Where relevant, draft policy in the form of the Local Plan Review will also be highlighted. As part of the pre-application process many developers also undertake community engagement. This is strongly encouraged through national guidance to help ensure community views and comments can be worked into a formal planning application up front. It is not a process the Local Planning Authority gets involved in or supports and is managed directly by an applicant.

Planning based Cabinet reports

1. Supplementary Planning Documents (SPD's) – a report is being presented to the Cabinet Member meeting on the 24th January to provide an update on the teams work on SPD's. This was deferred from the meeting initially planned for the [19th December](#). This will include a short scoping note on each planned SPD and an update on the Councils plans to publish these for formal consultation as the Local Plan Review progresses.
2. Natural Capital Investment Strategy (NCIS) – The NCIS, which is referenced within the most recent Council Plan presents an opportunity for the Council to consider and assess the capital value of ecology and biodiversity assets across the Borough. Following endorsement of the draft by the [Cabinet Member in October](#), we are expecting to consult on the draft in the new year.
3. A report updating on the current planning position around Battery Storage proposals and Renewable energy schemes will be presented to the Cabinet Member on the 24th January. This will update on current planning applications and proposals as well as the national and local policy position that will inform decision making.

4. An Update to the Infrastructure Funding Statement and Brownfield Land Register are to be published in the new year and will be presented to respective Cabinet meetings in January and February.
5. Neighbourhood CIL (NCIL) – Following the recent closure of the bidding rounds for the latest NCIL pots the team are now working to assess the bids received. A report is expected to be presented to the Cabinet Member and Scrutiny Board in January.

Future Training Opportunities

As part of our work with Planning Committee we will continue to put together training opportunities on specific areas of planning that may be of interest to members and support the decision-making process. If members would like to request any areas of specific training on planning matters, please let us know. We are happy to extend these opportunities to non-committee members. Our next session is diarised for the 31st January and will focus on Biodiversity Net Gain.

For Parish Councils and Neighbourhood Groups, we would also be happy to provide training sessions on specific areas of planning if this would be useful. To maximise benefit there is an opportunity to coordinate such options through the Solihull Area Committee – so please let us know if there is anything specific you would like us to focus on.

Lastly, on behalf of the Councils Planning Services can I take this opportunity to wish you a very happy Christmas and a fabulous New Year.

Mark Andrews MRTPI
Head of Planning, Design and Engagement Services
Economy & Infrastructure Directorate
Solihull Metropolitan Borough Council | Council House | Manor Square | Solihull | B91 3QB
Tel: 0121 704 6638