

### Closing submissions of the Council

1. There were two round table sessions of the inquiry which discussed two aspects of the Appellant's case.
2. One was on Housing Land Supply and the other on Affordable Housing.

#### **Land Supply**

3. It is no mystery that Sandwell will potentially fall about 18000 houses short of its objectively assessed housing need by the time that the emerging local plan goes to consultation.
4. The Council is exploring every avenue because one thing is certain, those 18000 homes won't materialise from nowhere.
5. That doesn't mean that by 2041 a solution won't be found to that problem.
6. The growth of Sandwell is a geographically limited borough where much of the borough is taken up by existing uses and buildings and also arterial trunk roads, such as the M6 and M5. The trunk roads are mentioned not only for their land take but also for the pollution which emanates therefrom.
7. This includes particulate matter between 2.5 microgrammes and 10 microgrammes. These particulates come from the brake pads and tyres of cars and they have been known to have a deleterious effect on the lungs of the individuals who breath them in. The advent of the electric car won't stop them either.
8. Fortunately, the particulates don't travel far.
9. Sir, you firstly heard the Council's and the Appellants opening arguments. Then you heard much from the local residents who will be affected by this development. They had many complaints, some more relevant to the development than others.
10. I was particularly interested in the mention of Deer being seen on the Site. You will recall that I revisited this in my questions of Mr Austin and he confirmed that it would be possible to see them.
11. In respect of housing supply, I respectfully submit that the Inspector at the EIP will have to grapple with that wider problem and not having the gift of a crystal ball, I can't tell what is going to happen.
12. Yours is a much more localised issue sir. My friend spent a long time instilling into Will Stevens that he knew of no sites to develop on for housing, How would he? He's a development management planner and not a policy planner. I blame myself for raising the question of a sequential test.
13. Mr Shirm contributed to the round table session, he confirmed the actions contained within the 2023 Housing Delivery Test Action Plan that a Placed Based Housing Strategy that will allow the council to access funds from central government. He also confirmed that much of the funding would go towards developing homes which had already been mainly allocated for housing.
14. The Council has agreed with the Appellant that local housing need should be calculated using the governments standard method and that the Council is seeking to adopt a new local plan. Thus much of the appellants predictions after the adoption of the emerging plan would not be reliable. The emerging local plan attracts no weight by agreement. The plan acknowledges nonetheless that it's required to produce over 29,000 dwellings by 2041 and the 2022 SHLAA only identified a potential supply in the next period to 2041 of 10,686 dwellings. It's not good enough sir but ways must be found to redress the balance.
15. Mr Shirm addressed with you sir on how the Council is engaged in Duty to Cooperate discussions to addresshow needs would be met from other authorities in the market area.

The Council is also looking to bring more policies into effect which will affect the density of housing. Sandwell Council is part of the Birmingham and Black Country working group in respect of any unmet needs arising from the emerging Sandwell Local Plan.

16. It seems that the Black Country has a mutual problem in respect of meeting unmet need. It's been agreed with the Appellant that under provision of housing has been serious and significant.
17. There is a clear and compelling need for homes in Sandwell and it must weigh heavily in the balancing exercise which you undertake sir. The council doesn't give as much weight to the merits of the appeal site as the appellant, which Mr Armfield recognised as a medium sized site in its deliverability size. The appellant may own the site but they aren't a developer. It must be marketed with the benefit of the planning permission which the appellants are hoping for before it can be brought to the Council for detailed planning permission (after said detail has been worked out by the successful bidder), as accepted by Mr Armfield. Whilst a single developer can develop a site quickly, they won't be able to start on this site for some time yet because the Secretary of State has many decisions to issue before the site could possibly be marketed; and certainly not before the inquiry into the new local plan is at least underway. The Council, of course, accepts that the larger the site, the more slowly it develops generally.
18. You may recall, sir, that whilst promoting this Green Belt site, Mr Armfield was also objecting to other sites and thus, potentially, exacerbating the problems which Sandwell face.
19. In any event, you heard from Mr Stevens that the right houses must be built on the right sites and that is an important point sir.
20. Because no-one at Sandwell has the benefit of a crystal ball and simply because of the fact that it will soon be entering into Regulation 19 consultation on its first emerging local plan for over 10 years, the Council gives problems relating to the general supply of housing no more than great weight despite previous failures.

#### **Affordable Housing**

21. The Inquiry held a short session last Wednesday on affordable housing and I believe it was the conclusion that despite Sandwell managing to achieve its figures in many cases, this is still a highly relevant topic and very great weight should be afforded in your eventual decision to those 22 additional affordable homes.
22. However, the method of deliverability on this site will be unknown until the detailed planning stage with the current exception of the ministerial statement requiring 25% of said affordable housing should be first homes; should that statement survive the new government long enough for a detailed planning application to come in.
23. Affordable Housing is most relevant considering that the Council has a significant waiting list for its council housing. There are approximately 16000 people on said list and the council runs a choice-based lettings scheme.
24. There is a significant demand for housing in Great Barr and you received the number of lettings to persons on the waiting list last week.
25. However, it should be recognised that Great Barr isn't just popular because of family connections, as it has few workplaces compared to the greater Birmingham conurbation. In fact, it has a very suburban quality to it and a seeming over provision of green space. That is because it contains one of Sandwell's only two areas of Green Belt, the other area being West Bromwich and it has its fair share of green spaces within its area, unlike Yew Tree, which the Council shares with Walsall.

26. Affordable Housing must be given at least great weight in your decision sir. However, the Council would argue that the relatively thin sliver of Green Belt which sits within Great Barr is worth protecting in the alternative.

#### **The Country Park**

27. Thus one wonders why a Country Park has to be created as part of this application. Do the appellants want to spend a lot of money on its creation or will the bill fall on the service charges that the residents of the 60 affordable and 90 market housing will have to bear? Whoever eventually builds what has been specified in the S.106 agreement won't, by Mr Holliday's admission, be compliant with the Equality Act 2010 and even David Austin may have difficulty pushing his baby buggy uphill on mown paths.
28. I won't comment further on the Country Park because we simply don't know what it will look like (with the exception of the play park negotiated in the S.106 agreement) but whatever it contains, ecological benefits and new hedgerows, it won't have a better contribution to the green belt than that which currently exists and I trust Ms Bolger's evidence to that effect. What is clear is that the Appellants started off totting this as a public attraction and Mr Holliday stated that access would be much more localised and that the park would be more low key.

#### **Landscape**

29. Indeed sir, the council prefer Ms Bolger's evidence all round to that compared to Mr Holliday. That isn't because she is appointed by them solely. When I asked Ms Bolger to describe the openness of the Green Belt in landscape terms, she rose to the task so eloquently. I had never met Ms Bolger before Tuesday and the longest conversation I had had with her office was in arranging site access. She referred to the LUC study sir. She stated that their methodology of assessment of Green Belt was tried and tested and used country wide. She recognised that almost 5 hectares of green belt would be encroached upon by the Housing alone when taking into account the associated infrastructure. It would also have no readily defined boundary because even if it were to be based on the hedges around the fields, they were still irregular in pattern. I personally submit to you sir that each development in the green belt must have a defensible boundary with a "thou shall not pass" aspect to it.
30. Perhaps most importantly, she described the historic field pattern. She stated that the historic study had recognised the pre-existing field pattern as a rare example of its kind. Yes, others may exist but why lose one?
31. Oh yes, to feed the great God of housing. You will remember sir the lengthy questioning of Mr Stevens on the vexed question of alternative land available for housing. He couldn't field an answer. Is that all so the appellant can build up to 150 houses in the green belt over 5 hectares of land and using up another 20 hectares of land which they promise to keep as a country park whilst achieving their 20% BNG contribution and disguising their balancing pond as a suitable replacement for two natural field ponds and more planting in terms of biodiversity?
32. Sir, this is too high a price to be asked of land take. Green Belt land, once built upon cannot be put back to its previous state. Not just land take but valuable land take. Green belt land take. The Council, in reason 1 for the refusal, clearly gave the protection of this Green Belt land the greatest weight. Sir, I encourage you to refuse this appeal in your recommendation to the Secretary of State. That concludes the Council's case.