



# Report to Sandwell Metropolitan Borough Council

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for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE SMETHWICK AREA ACTION  
PLAN**

**DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 31 October 2007

Examination hearings held on 24 and 25 June 2008 at the Training and  
Development Centre, Parsonage Street, Oldbury

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## 1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
  - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and
  - (b) whether it is sound.
- 1.2 This report contains my assessment of the Smethwick Area Action Plan (AAP) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the AAP meets the requirements of the Act and Regulations. In particular, Regulation 13(5) states that '*where a DPD contains a policy that is intended to supersede another policy, it must state that fact and identify the superseded policy*'. However, the Council has made it clear that none of the 'saved' policies in the Sandwell Unitary Development Plan (UDP) are superseded by the Local Policies in the AAP. Appendix 1 to the Submission Document summarises the most important of the relevant UDP Policies. The document also contains a helpful plan (Plan 1) which shows the UDP allocations carried forward together with the sites to which the new Local Policies relate, and thus identifies where specific allocations in the UDP are changed by the AAP.
- 1.4 My role is also to consider the soundness of the submitted AAP against each of the tests of soundness set out in the original Planning Policy Statement 12: *Local Development Frameworks* (PPS 12), issued in 2004. Although this has now been superseded by the 2008 PPS12: *Local Spatial Frameworks*, for the avoidance of doubt, the Smethwick AAP will go on to adoption under the former procedure as set out in the transitional arrangements. References in this Report to PPS12 are therefore all to the 2004 version.
- 1.5 In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the tests of soundness in PPS12. None of these changes materially alter the substance of the overall plan and its policies nor do they undermine the sustainability appraisal and participatory processes already undertaken.
- 1.6 My report firstly considers the procedural tests, and then deals with the relevant matters and issues considered during the examination in terms of the tests of conformity, coherence, consistency and effectiveness. My overall conclusion is that the Smethwick Area Action Plan is sound, provided that it is changed in the ways

specified. The principal changes which are required are, in summary:

- a) Adding reference to the revised Community Strategy, the Sandwell Plan 2008;
- b) Adding milestones and greater detail to the AAP targets to allow for more sophisticated monitoring;
- c) Clarification of the use of Heritage Assessments.

The report sets out all the detailed changes required, including those suggested by the Council, to ensure that the plan meets all the tests of soundness.

## **2 Procedural Tests**

- 2.1 The Smethwick Area Action Plan is contained within the Council's Local Development Scheme, the updated version of which was approved in December 2007. There it is shown as having a submission date of October 2007 so test i of paragraph 4.24 of PPS12 is met.
- 2.2 The Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and was formally adopted by the Council before the examination hearings took place. It is evident from the documents submitted by the Council, including the Regulation 28 and 31 Statements, that the Council has met the requirements as set out in the Regulations. Test ii is therefore met.
- 2.3 Alongside the preparation of the DPD it is clear that the Council has carried out a parallel process of sustainability appraisal. I agree that, as a result of the scoping exercise carried out, there is no need for an Appropriate Assessment under the Habitats Directive and that the requirements of test iii have therefore been complied with.
- 2.4 Accordingly, I find that the procedural tests i, ii and iii have all been satisfied.

## **3 Conformity, Coherence, Consistency and Effectiveness Tests (tests iv - ix)**

- 3.1 This part of my report considers the soundness of the AAP in respect of the above tests. In the interests of brevity, I shall proceed on the presumption (set out at para. 4.24 of PPS 12) that the AAP is sound unless it is shown to be otherwise. In particular, I have seen no substantive evidence that the Plan has failed to take into account the Council's Community Strategy which, at the time the plan was prepared, was The Sandwell Plan 2006. This is referenced within the AAP and has clearly informed both the broad thrust of the AAP and a number of its specific proposals. However, it has subsequently been replaced by the Sandwell Plan 2008. Since the broad thrust of the replacement document mirrors its predecessor, I consider that the AAP can be altered to

accommodate the revised Community Strategy by the addition of additional text, largely as suggested by the Council, without affecting its overall structure. The change is set out as RC1. With this in place I am satisfied that the AAP would meet soundness test v.

**RC1:** Insert a new paragraphs (6.22 and 6.23), with a sub-heading, to follow 6.21:

*Sandwell Plan 2008*

Since the AAP was submitted the Sandwell Partnership has undertaken a review of the Community Strategy and the Sandwell Plan 2008 has now been published. It recognises the importance of the links with Sandwell's Local Development Framework and particular emphasis is given to the Black Country Joint Core Strategy. In carrying out the review of the Sandwell Plan, linkages were established with the Sandwell Partnership and this has ensured that the approach adopted in the AAP is consistent with the Sandwell Plan 2008.

A key part of the Sandwell Plan 2008 is the vision for Sandwell which reads as follows:

Sandwell: Great People, Great Places, Great Prospects

- People will choose Sandwell for their home, their job and their leisure;
- An inspiring place, easy to get around, with quality homes, schools, shops and great places to go to;
- Sandwell will realise its abundant talent and potential through the success of businesses, schools and communities.

The Sandwell Plan 2008 sets out more specific priorities such as providing more affordable housing alongside the provision of more aspirational housing. The Windmill Eye area, one of the proposals of the AAP, is specifically mentioned as a priority for the Sandwell Plan 2008. Thus the AAP is consistent with its vision, strategy and priorities and will be a key part of ensuring its approach can be realised in the Smethwick area.

3.2 Having regard to the evidence before me and the discussions which took place at the examination hearing, I have come to the view that there are six main issues which affect my consideration of the AAP in respect of soundness tests iv and vi to ix and these are dealt with below.

***Issue (a) – Whether the Plan's adoption at this stage would prejudice the proper consideration of alternatives in the forthcoming Black Country Joint Core Strategy and is otherwise flexible enough to deal with changing circumstances (JCS).***

- 3.3 Government guidance on what an AAP should include is set out in PPS12 and its Companion Guide. Essentially, an AAP should be a spatial plan that draws together the plans and programmes of all relevant bodies and authorities to provide the land use planning framework for areas where significant change or conservation is contemplated. An AAP should identify the distribution of uses and their inter-relationships, including site specific allocations and a timetable for action. A key feature should be the focus on implementation.
- 3.4 The Smethwick Area Action Plan has been prepared in advance of the Black Country Joint Core Strategy (JCS). Regulation 13(6) of the Town and Country Planning (Local Development) Regulations 2004 requires that policies in a DPD must be in conformity with a core strategy (where one is adopted) or with relevant development plan policies. In this case the development plan comprises the West Midlands Regional Spatial Strategy (RSS), which is currently under review, and the Sandwell Unitary Development Plan (UDP) which was adopted in 2004. The approach taken by the Council is not recommended in PPS 12 but there is nothing to prevent adoption of the AAP provided that it is in conformity with the development plan. In addition, the West Midlands Regional Assembly has indicated that the DPD is in general conformity with the approved RSS.
- 3.5 The Council accepts that, ideally, the AAP should have followed on from the JCS. However, there are a number of opportunities in the plan area to achieve substantial improvements. These include the provision of an acute hospital at Grove Lane, continuation of regeneration at Windmill Eye and the replacement of a number of life-expired, under-used or non-conforming industrial uses with housing and mixed use development. Progress is already being made on these projects but without an up-to-date development plan there is a prospect that the achievement of important goals will be endangered. There are also a number of organisations involved in long term regeneration activities throughout the AAP area and the coordination of their activities is desirable. I judge that the plan provides a helpful mechanism in this regard and this seems to me to justify proceeding with the AAP in parallel with the JCS.
- 3.6 The Preferred Options Report of the JCS, published in March 2008, defines sixteen regeneration corridors. The AAP area falls within Regeneration Corridor 12 (RC12) based on Oldbury, West Bromwich and Smethwick itself. The regeneration proposals are intended to be based on improved employment and housing opportunities as well as providing environmental benefits. The area's relatively good accessibility makes it suitable for high density housing in a

sustainable location and the JCS therefore contains only one option for RC12. The JCS has been prepared in parallel with this AAP (and the emerging West Bromwich AAP) and the authorities concerned have ensured their compatibility. I find no conflict between the ambitions of the two DPDs.

- 3.7 The Council points out that the number of dwellings which the AAP proposals will create is taken into account in the JCS but I also note that the AAP covers only a small proportion of its area. Thus, even if the strategy of the JCS was subsequently to evolve in a way that is not envisaged in the AAP, the overall thrust of the JCS would not be materially threatened. In fact the initial indications are that the consultation on the preferred options will not result in any major change as far as the RC12 area is concerned.
- 3.8 The housing allocations in the AAP have been formulated in such a way as not to preclude a change to the envisaged density if, for example, the adopted JCS required additional dwellings. The programming of the allocations has potential for adjustment, subject to progress with relocation of existing occupiers, as has the level of contributions to infrastructure as set out under issues (b) and (c) below. The constraints on such changes are largely in terms of achieving a design which is appropriate for the context of individual sites and I am not convinced that this is an area where further additional flexibility could properly be included in the AAP. In addition, I am conscious that the forthcoming site allocations DPD will provide the Council with an opportunity to re-examine other potential sites in its area. Given the comparatively modest size of the AAP area, which comprises about 3% of the Borough as a whole, and the fact that relatively few specific allocations are proposed, I judge the plan to have sufficient capacity to adjust to changes resulting from the JCS or other external factors.
- 3.9 The Council is keen to encourage the existing regeneration initiatives and achieve progress on the ground. There are a number of overlapping initiatives which are programmed to run for most of the plan period. Evidence was produced at the hearing to establish the organisations' work in a co-ordinated way. For instance Regenco is negotiating on land acquisition where required and transferring it to the Council. There has previously been a requirement for Compulsory Purchase Orders under both planning and housing powers, such as those needed for the 'Brindley 1' site immediately north of the Birmingham Canal, and the existence of up-to-date statutory plans would be helpful to future land assembly programmes. I consider that this adds impetus to the need to adopt the AAP before the JCS is complete.
- 3.10 I conclude that the AAP would not prejudice the proper consideration of alternatives in the forthcoming Black Country Joint Core Strategy. No changes are required to enable to plan to meet tests iv, vi and ix in respect of this issue.

***Issue (b) – Whether the Plan will deliver a balanced range of new housing, including affordable housing***

- 3.11 Four of the Local Policies in the AAP are for mixed use schemes which include an element of redevelopment for residential purposes and a further Policy, Sme3, is for intervention to secure improved residential development at Windmill Eye. Much of the existing housing in the area is two-storey and medium density but there are pockets of much more densely developed housing, particularly in the eastern part of the Windmill Eye area. Where density is specified in the Policies it relates principally to their proximity to transport nodes so that Sme1, close to Rolfe Street Station, would be at 50 dwellings per hectare (dph) whilst Sme2 and Sme5, which are less well connected to current rail or bus services, would be at 40 dph. This seems to me to accord with the advice in paragraph 21 of Planning Policy Guidance Note 13 – *Transport* (PPG13), to make maximum use of the most accessible sites.
- 3.12 Smethwick is a densely developed inner urban area and as a consequence the plan provides no sites for lower density housing. Planning Policy Statement 3 – *Housing* (PPS3) promotes the concept of mixed communities with a variety of housing in terms of tenure, price and household mix. It is not reasonable, however, to expect all parts of the housing market to be addressed in a comparatively small plan area. The AAP sets out the opportunities for apartment development as well as family housing and also indicates locations with potential to take advantage of existing features such as open spaces and views over adjoining canals. I judge that the Plan goes as far as is reasonably practicable to reach the objectives in PPS3 aimed at creating mixed communities. In 2004 the Council adopted, following a consultation exercise, a supplementary planning guidance document which gives clear advice on the way in which it expects residential development to achieve a high standard of design. I am confident that the aims of national policy would be met by schemes which follow this guidance and that in the AAP.
- 3.13 For each of the Local Policies which include an element of residential development, the text indicates the quantum of affordable housing that is expected to be provided. The calculations are based on Policy H9 of the UDP and the Council's Supplementary Planning Document '*Affordable Housing*' which was adopted in May 2005 and essentially requires a 25% provision. The AAP is, however, inconsistent in that the 25% figure is included in all Local Policies except for Sme4 where it appears only in the supporting text. I consider that this Local Policy should be adapted to accord with the other residential schemes.
- 3.14 The AAP has been drafted in a way which is consistent with the Council's present policy base. The '*Affordable Housing*' SPD was prepared following an extensive housing needs and demand study conducted in 2002 and based on about 3,400 interviews. This data was cross checked against other data sources such as local

authority housing void levels and the SPD itself was the subject of extensive consultation. I have no reason to believe that the policy base requires material change at this stage.

- 3.15 I acknowledge that PPS3 has changed the definition of affordable housing since the SPD and UDP were prepared but the extent to which this has impacted on the dynamics of the viability of the Council's strategy is not yet clear. This will need to be monitored and the target altered if necessary. To date, however, there is evidence from the Annual Monitoring Reports that the policy has been successful over a number of years in achieving provision of affordable housing and I consider this a sound basis for carrying the present arrangements forward. Further, the text of the AAP makes it clear that the numerical requirement is to be viewed as a starting point for negotiations. Whilst this reduces certainty to some extent, I judge it to be a practical response to allocations on brownfield sites which have unknown ground conditions. I conclude that the plan provides sufficient certainty to developers about their obligations.
- 3.16 I am satisfied that the AAP will deliver a balanced range of new housing, including affordable housing. In this respect the Plan satisfies soundness tests vii and viii and the only change required is to ensure that Sme4 is consistent with the other Local Policies.

**RC2:** Local Policy Sme4: At the end of paragraph 10 insert an additional sentence: *'Affordable housing will be required based upon adopted policy up to a level of 25%'*.

***Issue (c) – Whether the Plan includes sufficiently clear guidance to developers on the requirement to provide infrastructure in connection with new development.***

- 3.17 For each of the residential allocations in the AAP the text includes an indication of the infrastructure improvements which the Council considers necessary to enable the proposal to proceed. These refer to open space and play space provision, educational facilities, sports provision and transport. Specific calculations for each site are not, however, included in the plan. The Council is preparing a 'Planning Obligations Supplementary Planning Document' (POSPD) but this is not expected to be adopted before July 2009. It is therefore necessary to consider whether the plan provides sufficient certainty for developers to be able to assess the viability of each site.
- 3.18 So far as open space and play space are concerned, a basis for provision is set out in UDP Policy DC9 and I consider that this constitutes adequate outline guidance in advance of the pending POSPD. I have come to the view that, in the comparatively short period between the adoption of the AAP and the completion of the



forthcoming POSPD, the plan gives enough information to allow an estimate of the costs to a developer to be made.

- 3.19 Each of the allocations with a residential component is expected to include a contribution to educational facilities, particularly in respect of primary school places, which are at a premium locally. An established formula calibrated with regard to dwelling size, population data, existing provision and DfES multipliers has been used by the Council for some time and is similar to that used in other authorities. I do not consider that it would be helpful to amend the plan to include specific figures as the actual requirement would vary, particularly in respect of the number and type of dwellings proposed. I judge the information in the plan to be sufficient.
- 3.20 Representations were made that evidence in the AAP concerning provision of sports facilities in the area is inadequate and that more specific requirements for developer contributions should be included. In particular reference was made to the Sandwell Playing Pitch Strategy, completed in October 2007 and the Black Country Sports Facilities Strategy, which remains incomplete. However, neither of these documents was available when the AAP was submitted. The Council has no previous experience of requesting developer contributions to sports facilities but a mechanism exists in the form of Sport England's 'Sports Facilities Calculator'. The Council intends to integrate this model into its forthcoming POSPD.
- 3.21 The Council has calculated a guideline figure for each of the residential allocations. However, it seems to me that such guidelines are relatively meaningless since much depends on the nature of the development proposed. As neither of the strategies in preparation relate specifically to the AAP area, and the 2003 Sandwell Swimming Strategy is acknowledged to be somewhat out of date and thus of limited reliability, proceeding with the proposed allocations at this stage would not prejudice subsequent requests for contributions.
- 3.22 Because of their size and location on the existing network, no significant improvements to the highways and transportation network would arise from the allocations. Nevertheless it is reasonable to assume that the some of the Local Policies will result in additional transport requirements and that developer contributions would be appropriate, as is commonly found elsewhere. I agree with the Highways Agency that the AAP is not especially clear on this point and the Council accept that the addition to the text of Section 8 suggested by the Highways Agency is required.
- 3.23 Subject to the change set out below, I am satisfied that the Plan will provide clear guidance to developers on the requirement to provide infrastructure in connection with new development and will meet soundness tests vii and viii

- 3.24 The following change is needed to make the AAP sound in respect of this issue:

**RC3:** Paragraph 8.15: Add additional sentence at the end: *'Where required, contributions towards sustainable travel infrastructure and services will be secured through S106 Agreements and implemented through Travel Plans.'*

- 3.25 ***Issue (d) – Whether the site at Grove Lane (Sme4) is the most appropriate location for the proposed hospital and associated development***
- 3.26 Local Policy Sme4 is an allocation on the east side of the plan area which includes areas for residential development, for mixed use (which would also include some residential) and a zone for B1 uses. Its core element, however, is a site for a new acute hospital at Grove Lane. The area is at present in a largely degraded condition and is characterised by a number of vacant or under-used industrial premises. There is no dispute that redevelopment is required.
- 3.27 The allocation was introduced after the 'Issues and Options' stage of the preparation of the AAP, and the plan therefore only contains limited information about the way in which the site was selected. This was because the process by which the Sandwell and West Birmingham Hospitals NHS Trust (the Trust) sought to identify a site was proceeding in parallel with the preparation of the AAP. Thus, while the relevant public authorities were cooperating fully on the hospital proposal, it is fair to say that the consultation process on the AAP itself did not set out the alternatives as clearly as would have been ideal.
- 3.28 At the hearing evidence was submitted on behalf of the Trust which set out the extensive process by which the Grove Lane site had been selected. The hospital is required to replace existing facilities to the east in the City Hospital in Birmingham and to the north-west at the present Sandwell General Hospital, and it therefore needs to be somewhere reasonably accessible to both existing sites. From an initial long list, a short list was prepared for further investigation. Grove Lane did not feature on this initial shortlist, principally because a site in the adjacent Windmill Eye area (the subject now of Local Policy Sme3) was included. The Council's assessment of the housing needs in Windmill Eye together with the outcome of the extensive public consultation which was carried out, led the authorities to the view that Grove Lane was the optimum site. No evidence was produced to suggest that any alternative site would be materially better.
- 3.29 The hospital would directly employ about 4,400 people although these would largely be relocated from the existing sites. Nevertheless, evidence was produced that about 220 new jobs would be indirectly created by the scheme, together with about 442 induced jobs. Taken together with the economic stimulus provided

by the construction activity itself, which would be likely to continue for several years, there would be appreciable economic benefits. I am also conscious of the social advantages of the provision of modern and well located health facilities and the environmental benefits of replacing the existing derelict buildings in a planned way. Whilst the accessibility of the site by public transport at present is somewhat restricted, I accept that relatively modest diversions of existing bus routes would significantly improve the position and the Council indicated that the bus operators were willing in principle to consider this step. Overall, I am satisfied that the proposal would be of significant benefit to the AAP area and accords with the emerging JCS.

- 3.30 The hospital is to be provided through the government's Private Finance Initiative (PFI) and an outline planning application was submitted to the Council in April 2008. The Trust made it clear at the hearing that inclusion of the hospital proposal in the AAP would carry advantages in the progression of the PFI process itself and in assembling the necessary land, which is not at present in NHS ownership. I accept that hospital provision through PFIs is a well established mechanism and is at least as likely to result in the achievement of the hospital project as any other method.
- 3.31 Nevertheless, I have given consideration to a suggested additional local policy, referred to by its proponents as Sme4A, which was intended to provide an alternative scheme if the hospital proposal did not materialise. This would include up to 616 units of residential accommodation in houses and apartments, 50,000m<sup>2</sup> of Class B1 and associated uses together with small retail and showroom facilities, leisure bars and restaurants.
- 3.32 To the extent that it would provide a greater quantity of the types of development (other than the hospital) already envisaged there could be no fundamental objection to the concept of the development. Indeed, I accept that the grouping of apartments around a restored length of canal, the Cape Arm, might make better use of the available water frontage than the proposed hospital. However, I have reservations about the scale of development proposed and I am not convinced that the preponderance of apartments would be practical. No marketing information was submitted to justify this element, and it seems to me that the leisure uses might also be difficult to establish except in the longer term. Against this, I have to weigh the increased likelihood of the hospital, with its associated benefits to the area, coming to pass if it forms part of a properly planned allocation.
- 3.33 It seems to me that the provision of a 'fall back' scenario would in itself tend to undermine the Council's prime objective and that little would be gained that could not be achieved in a revision of the AAP in years to come if the hospital project did not proceed. For that reason I judge that there is no merit in the inclusion of a Local Policy for the provision of an alternative form of development. I therefore find the plan sound in respect to the inclusion of Local

Policy Sme4 and that it meets soundness tests iv and vii. No changes are required in respect of this issue.

***Issue (e) – Whether there is sufficient evidence to justify the inclusion of the residential allocation (Sme3) at Windmill Eye.***

- 3.34 Local Policy Sme3 covers a large area in which the condition of both public and private sector housing has been giving rise to concern. It is within the area covered by both the HMRA Pathfinder initiative and Regenco. Significant areas of cleared land already exist, following the demolition of three tower blocks and other housing, and there are further clearances planned. Sandwell College has some buildings on the western side of the area which will become redundant in a few years time and will add to the reserve of publicly owned vacant sites, although with a constraint in the form of a listed building which should remain.
- 3.35 A comprehensive Housing Needs Survey of the Borough as a whole was carried out in 2002. Whilst this is not fully up-to-date, it seems to me to have been conducted with a sound methodology and forms a good basis for further work. The Council is now working up a Housing Product Study for the Windmill Eye area which will refine the information on housing needs as well as updating data on housing condition. This has led in turn to the preparation of a feasibility study which deals with the financial implications of the proposals for the Sme3 area. In formulating the Preferred Options in the AAP the Council established that a phased programme of clearance and development would be needed to achieve the amount of housing required and this was not subject to any representations to the contrary. It is reasonable to assume, therefore, that the approach has community support.
- 3.36 Whilst the area does not have the air of dereliction that pervades some of the life-expired industrial areas elsewhere in Smethwick, I accept the Council's assertion, based on the housing surveys, that the quality of much of the stock is generally poor. At the hearing the Council advised that the police have concerns about the area and that there was evidence that social problems have worsened over the years.
- 3.37 The present extent of cleared land would make it possible to proceed with redevelopment on a piecemeal basis and the UDP includes a number of specific allocations. However, to achieve the relocation of existing residents without undue disturbance and to ensure that the input of the regeneration initiatives is satisfactorily coordinated, a master plan approach is highly desirable. The Council is already taking steps to prepare such a plan and, whilst not all of the information is yet available to enable its formulation, I am satisfied that Local Policy Sme3 is necessary to allow this exercise to take place.

- 3.38 I therefore find the plan sound in this regard and that it meets soundness tests vi and vii. No changes are required in respect of this issue.

***Issue (f) – Whether the mechanisms in the Plan for implementation and monitoring are sufficiently clear and detailed.***

- 3.39 A coherent strategy for implementation is a key aspect of a DPD and soundness test viii has to be met. Section 10 of the Submission Document lists committed schemes which have a bearing on the AAP's strategy and identifies the principal parties to each of the allocations together with an indicative time frame. It also provides a series of indicators derived from the 27 national core output indicators and from the Council's own local indicators. Progress with the current UDP is already subject to review in the Council's Annual Monitoring Report (AMR) and it is intended to carry this procedure forward for the AAP. In addition, the plan includes tables for each of its strategic objectives showing how the indicators are related to AAP targets.
- 3.40 This approach seems to me to conform to the national guidance in 'Local Development Framework Monitoring: Good Practice Guide'. However I share the view of the GOWM that some of the AAP targets could be better defined, with a series of milestones throughout the plan period as well as including an indication of the ultimate goal in more detail. The Council accepts this and has suggested a more specific range of targets, essentially split into three time periods, which will provide more detail for the AMR. It has also drafted additional text for paragraph 3.6 of the AAP, replacing the last sentence, which clarifies this approach. I agree that this is necessary and I recommend that this is incorporated as RC4.
- 3.41 A number of existing businesses would be displaced by schemes in the Local Policies and I had some concerns about the extent to which their relocation might prove a constraint on implementation within the Plan's timescales. At the hearing, however, the Council set out the steps which were being taken to secure new locations for Atlas Metals and Thandi Coaches, affected by Sme5, and Dunns metal processing business adjoining the Sme8 site. I was also advised of the progress with land at Anne Road which appears to offer practical opportunities for the transfer of metal processing businesses, including a rail transport link. I am confident that the measures which are already being put in place would enable the relevant Local Policies to proceed.
- 3.42 I acknowledge that the replacement of existing businesses with residential development on the Sme5 site at Cranford Street might be viewed as a constraint on the operations of firms which remain on adjacent sites. These include some metal manufacturing enterprises with the potential to create noise and other nuisance. However, the Local Policy clearly sets out the mechanism by which the proposed B1 uses would form a buffer at the potentially

vulnerable margin of the site and I do not, therefore, consider this to be an insurmountable factor which would prevent the implementation of Sme5.

- 3.43 Subject to the changes set out in Annex A, which are to the text in column 2 of the tables following paragraph 10.12 and to RC4 below, I am satisfied that the Plan will provide a sufficiently clear and detailed basis for implementation and monitoring are and will meet soundness test viii.

**RC4:** Paragraph 3.6: Add additional text to the end: *'The AAP has a timescale for the implementation of local policies and proposals up to 2021 once it is adopted. These developments will take place in a phased manner throughout the AAP period supported by the policies in this Plan and, where relevant, the saved policies of the UDP.'*

**RC5:** Amend tables following paragraph 10.12 to accord with Annex A to this report

#### 4 Other Matters

- 4.1 Concern was expressed in the representations about the way in which the AAP deals with climate change in general and also in its relationship to the proposed changes to the RSS. These changes are not yet finalised and, since the West Midlands Regional Assembly has found the AAP to be in general conformity with the current RSS, I am satisfied that the plan does not need to be changed in this regard.
- 4.2 Some parts of the plan area are potentially subject to flood risk. Flooding of open space at Black Patch Park would not, subject to appropriate arrangement of the facilities, be hazardous and this is the only substantial area which might be affected. Areas at the margins of some of the allocated sites represent only small proportions of each site and I am confident that layout and design could accommodate this without creating undue risk to life or property. The Environment Agency is satisfied with the outcome of the Strategic Flood Risk Assessment as it affects the plan area. Given that individual Flood Risk Assessments are to be prepared for each allocation, I do not consider that the AAP needs to be modified in respect of flooding matters.
- 4.3 There is a programme of Heritage Assessments under way which will help to inform decisions to be taken on areas and buildings of historic significance where they are affected by the policies in the AAP. I agree with the Council that the plan would have greater clarity if appropriate references were inserted. RCs 6 and 7 below set these out.
- 4.4 There was some criticism of the extent to which the plan includes references to the present policy framework and the extent to which,

particularly in Section 6, other documents are referred to. The Council, however, wishes to make the AAP legible as a free-standing document and I have some sympathy with that view as it needs to be easily interpreted by a wide range of users. Since the whole of the text of the submission document is contained within 56 pages I do not consider its length to be excessive.

- 4.5 My only reservation about the otherwise clear and cohesive presentation of the AAP concerns the plans as the quality of their reproduction in the document is not ideal. The Council has recently made improvements to its digital mapping facilities which should enable the Adopted AAP to be more illustrated with greater clarity. Plan 2 sets the AAP area in its wider context and, in response to representations, the Council has produced a revised version including helpful further detail. I consider this would add appreciably to the ease with which the AAP can be interpreted and I recommend (RC8) that it is incorporated.
- 4.6 The following changes are recommended in respect of the above matters:

**RC6:** Insert an additional sentence at the end of para 8.31: *'A programme of Heritage Assessments is being carried out by Urban Living, based on the model briefs produced by English Heritage, aimed at providing further guidance on detailed proposals in the AAP' ;*

**RC7:** Insert an additional sentence at the end of the penultimate paragraph of the Supplementary Information following Local Policy Sme3 (following the words: *'Housing Product Study'*): *'A Heritage Assessment of the Cape Hill area has been carried out by Urban Living, based on the model briefs produced by English Heritage, aimed at providing further guidance on the impact of the Local Policy on the historic environment'.*

**RC8:** Insert the revised version of Plan 2 as suggested by the Council (Annex C)

## 5 Minor Changes

- 5.1 The Council wishes to make 7 minor changes to the submitted DPD in order to clarify or correct parts of the text. These changes do not address key aspects of soundness, but I endorse them on a general basis in the interests of clarity and accuracy. They are shown in Annex B. These changes do not include corrections to misspellings and typographical errors. For the avoidance of doubt, these and any other errors relating to matters of fact should be corrected following the check of the report by the Council.

## 6 Overall Conclusions

- 6.1 I conclude that, with the amendments I recommend, the Smethwick Area Action Plan satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.

*B J Juniper*

INSPECTOR



## Annex A

### Revised Targets for Tables following Paragraph 10.12

| <b>Indicator (Core/Local Reference)</b>  | <b>AAP Target</b>   |
|--|---|
| Projected net additional dwellings up to 2020 (C2a(iii))   | 2006-2010 = 0;<br>2011-2015 = 600 within sites Sme1, Sme2, Sme3 and Sme5;<br>2016-2021 = 865 within sites Sme1, Sme2, Sme3, Sme4 and Sme5.  |
| Percentage of new dwellings completed at:<br>(i) less than 30 dwellings per hectare (dph)<br>(ii) between 30 and 50 dph<br>(iii) above 50 dph.<br>(C2c)                                      | 1015 units @ 40 dph within sites Sme1, Sme2, Sme3 and Sme5 in 2011-2015;<br>250 units @ 40dph within sites Sme1, Sme2, Sme3, Sme4 and Sme5 in 2016-2021;<br>150 units at 50 dph within sites Sme1, Sme3, Sme4 and Sme5, in 2016-2021. |
| Affordable housing completions (C2d)   | 366 units by 2020. (2006-2010 = 0; 2011-2015 = 150 within sites Sme1, Sme2, Sme3 and Sme5; 2016-2021 = 216 within sites Sme1, Sme2, Sme3, Sme4 and Sme5).   |
| Amount of new residential development within 30 minute public transport time of a GP; a hospital; a primary school; a secondary school; areas of employment; and a major retail centre (C3b) | 100%. All AAP sites (1465 units) are within the relevant public transport times, and will be developed by 2021.   |
| Amount of employment land lost to residential development (C1f).   | Existing employment land converted to residential = 24 hectares. 21.8 ha. (Sme1, Sme2 and Sme5) in 2011-2015; 2,2 ha. (Sme4) in 2016-2021.  |
| Amount of floorspace developed for employment by type, in employment or regeneration areas (m <sup>2</sup> ) (C1b)   | 30,000 m <sup>2</sup> :<br>2011 – 2015 – 12,000 m <sup>2</sup> ;<br>2016 – 2021 – 18,000 m <sup>2</sup> .   |
| Amount of land (ha) granted planning permission away from open space use (L32)   | 0 ha. No open space land to be lost in the AAP area up to 2021  |
| Proportion of eligible housing sites providing community open space (L3).  | 100%. The eligible sites will contribute open space as follows.<br>2011 – 2015 – 4.35ha<br>2016 – 2021 – 0.52ha<br>Sme1, Sme2, Sme3, Sme4 and Sme5  |
| Number of listed buildings demolished (L50).   | 0. No listed building to be lost in the AAP area up to 2021.  |

|  |  |
|--|--|
| Bus network coverage (L)   | 0. No loss of routes serving the Smethwick AAP in plan period to 2021. Increased routes by 25%.      |
| Proportion of new development providing cycle parking (L23).                   | 100%. All new residential sites will provide cycle parking to at least the levels in the adopted SPD |
| Percentage of listed buildings converted and/or re-used within development (L) | 100%. All listed buildings will be re-used and/or converted by 2021                                  |

## Annex B

### Schedule of Minor Changes

Page references are to the Submission Document

**MC1:** Delete all of paragraph 8.20 (to reflect changed circumstances regarding LTP funding since the submission of the AAP).

**MC2:** Insert an additional sentence at the end of paragraph 8.54: '*There will also be a need to ensure good linkages to the wider area, including the facilities offered by Birmingham City, by all modes of transport.*' (to ensure coordination with the adjacent authority).

**MC3:** Insert an additional sentence at the end of paragraph 8.56: '*Cross boundary working with Birmingham City and Urban Living will ensure that sufficient contributions are received for social infrastructure to support the new communities being created within the Birmingham and Sandwell Pathfinder area.*' (to ensure coordination with the adjacent authority).

**MC4:** Local Policy Sme4, column 2, paragraph 3, line 7 (p.38): insert after '*the vitality of 'this centre or*' (to clarify the applicability of the retail element of the Policy).

**MC5:** Delete last paragraph of Local Policy Sme4 at the foot of column 2 of p38 (included in error and no longer relevant following discussions with the Highways Agency).

**MC6:** Insert an additional paragraph at the end of column 2 on p40: '*Consultation with Birmingham City Council for the regeneration of this area will be necessary given the close proximity of the boundary and the scale of development propose, particularly as Molliett Street Open Space will contribute to the amenity in the provision of new housing in the area.*' (to ensure coordination with the adjacent authority).

**MC7:** In the text under the heading 'Vehicular Movement Strategy', following Local Policy Sme4 (p.46) delete '*the companion guide to DB32, Places Streets and Movement*' and insert '*the Manual for Streets*' (to accord with present government guidance).

