



The Planning  
Inspectorate

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# Report to Sandwell Metropolitan Borough Council

by Paul Crysell BSc MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 6 September 2012

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE SANDWELL SITE ALLOCATIONS AND DELIVERY AND THE WEST BROMWICH AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENTS**

Documents submitted for examination on 31 October 2011

Examination hearings held between 28 and 29 February 2012

File Refs: PINS/G4620/429/8 & PINS/G4620/429/7

## Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Core Strategy
DPD	Development Plan Document
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
MM	Main Modification
NPPF	National Planning Policy Framework
OA	Opportunity Area
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RC	Regeneration Corridor
RS	Regional Strategy
SA	Sustainability Appraisal
SAD DPD	Sandwell Site Allocations and Delivery Development Plan Document
SC	Strategic Centre
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
UDP	Unitary Development Plan
WBAAP	West Bromwich Area Action Plan

## **Non-Technical Summary**

This report concludes that the Sandwell Site Allocations and Delivery Development Plan Document and the West Bromwich Area Action Plan provide an appropriate basis for the future planning of the Borough providing a limited number of modifications are made. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plans. Most of the modifications were proposed by the LPA and I have recommended their inclusion after consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

### **Sandwell Site Allocations and Delivery DPD**

- Clarifying the timescale and process for the detailed identification of post 2021 housing allocations;
- Further explanation of the approach to be taken in the regeneration of employment areas;
- Recognition of the consequences of plan proposals on motorway junctions and need for a range of measures to offset increased traffic movements;
- Alterations to affordable housing and advertisement policies; and
- Inclusion of a new policy in favour of sustainable development.

### **West Bromwich Area Action Plan DPD**

- Clarification of support needed for the canal system and its role in furthering sustainable development;
- Revisions to the housing trajectory to accord with updates to the evidence base;
- Alterations to the car parking policy;
- Changes to plan objectives for the use of employment land to ensure consistency with the BCCS;
- Clarification of the transport strategy, the impact of development on motorway junctions and potential need for developer contributions;
- Reference to arrangements prior to the introduction of a CIL; and
- Inclusion of a new policy in favour of sustainable development.

## Introduction

1. This report contains my assessment of the Sandwell Site Allocations and Delivery Development Plan Document (SAD DPD) [K1]<sup>1</sup> and West Bromwich Area Action Plan (WBAAP) [L1] in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) (2004 Act). It considers whether the Plans are sound and whether they are compliant with the legal requirements. The National Planning Policy Framework<sup>2</sup> (NPPF) [C21] states that to be sound, a plan should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be sound plans. The basis for my examination is the submitted SAD DPD and WBAAP (October 2011) which are the same as the respective documents published for consultation in August 2011.
3. My report deals with the main modifications that are needed to make the Plans sound and legally compliant and they are identified in bold in the report **(MM)**. In accordance with section 20(7C) of the 2004 Act the Council requested<sup>3</sup> that I should make any modifications needed to rectify matters that make the Plans unsound/not legally compliant and thus incapable of being adopted (see para. 7 below).
4. The main modifications that go to soundness have been subject to public consultation and I have taken the consultation responses into account in writing this report.

## Assessment of Soundness

5. This report has regard to recent changes to the planning regime as a result of the Localism Act 2011 and the introduction of the National Planning Policy Framework; the latter replaces previous Planning Policy Guidance Notes and Planning Policy Statements.
6. The Localism Act received Royal Assent on 15 November 2011 and contains a number of provisions relevant to the production and examination of development plans. Section 110(3) introduces a duty for local authorities to cooperate on cross-boundary matters. This has been incorporated into the 2004 Act by the inclusion of sections 20(5)(c) and 33A as an additional element of the examination process. Both the SAD DPD and WBAAP were submitted before this legislative requirement came into effect and the duty to cooperate does not apply to either Plan.
7. Section 112 of the Localism Act makes a number of changes to sections 20 – 23 of the 2004 Act. These came into effect on 15 January 2012 prior to the completion of the examination process. An Inspector can no longer make recommendations for changes unless specifically requested to do so by the local planning authority (LPA). Such changes are referred to as Main Modifications

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<sup>1</sup> References in square parenthesis e.g. [K1] are to documents in the Examination Library

<sup>2</sup> NPPF-paragraph 182

<sup>3</sup> Letter from SMBC, 13 February 2012

and are limited to issues of soundness and legal compliance. Minor changes are now known as Additional Modifications but no longer are referred to in a report. The LPA is accountable for such changes when adopting the Plan.

8. The Council had previously published and consulted on proposed changes to the SAD DPD [K14] and WBAAP [L18] in October 2011. A small number of further changes were subsequently proposed to both plans to address outstanding issues identified by representors. A policy stating a presumption in favour of sustainable development has been included in the main modifications to both plans to ensure each is consistent with national policy and is therefore sound. The main modifications were published by the Council between 4 May and 26 June 2012 and I have taken the responses made to these into account. I recommend the changes required by the main modifications, as set out in the Appendices to this report, be made to the relevant plans.
9. The Government published 'Planning Policy for Traveller Sites' [C22] on 23 March and the 'National Planning Policy Framework' on 27 March 2012. An item was placed on the Council's website highlighting these documents and responses were invited from those wishing to comment on the implication of the documents on the SAD DPD and WBAAP. A six week period was allowed for responses (2 April – 14 May 2012) and I have taken these into account. I conclude that both the SAD DPD and WBAAP meet the requirements of the NPPF, including the requirement that they have been "positively prepared"<sup>4</sup> and the spatial implications of economic, social and environmental change referred to within them<sup>5</sup>. I am also satisfied that the Council has identified potential sites capable of meeting the needs of travellers in the SAD DPD.
10. Prior to finalising my report I was made aware of a newspaper article casting doubt on the suitability of a site allocated for housing purposes in the SAD DPD. I invited relevant parties for their views on the issues raised in the article and whether the site remained a reasonable option for future development. I have taken account of the responses received.
11. The remainder of this report is divided into two sections covering firstly, the SAD DPD and secondly, the WBAAP. Separate summary tables for legal compliance and appendices showing the main modifications are provided for each Plan.

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<sup>4</sup> Paragraph 182 of the NPPF

<sup>5</sup> NPPF-paragraph 154

## **SANDWELL SITE ALLOCATION AND DELIVERY DEVELOPMENT PLAN DOCUMENT**

### **Main Issues**

12. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified four main issues upon which the soundness of the Plan depends. Each issue is dealt with below having regard to the policies and sites which gave rise to questions over the soundness of the Plan.

### **Issue 1 – Whether the period covered by the SAD DPD is appropriate and consistent with national planning policy**

13. The Black Country Core Strategy (BCCS) [E4] was prepared by the local authorities of Dudley, Sandwell, Walsall and Wolverhampton and was adopted on 3 February 2011. The majority of development is directed to a number of regeneration corridors (RC) and centres in order to secure a 'transformational change' across the area during the plan period. This would enable the Black Country authorities to meet housing and employment requirements in a sustainable manner.
14. The BCCS acknowledges the Sandwell Plan 2008 [J4] sets out the priorities for the Borough to 2021 although its own vision for the Black Country extends to 2026. The Council's Local Development Scheme [EB1] confirms that preparation of the SAD DPD began in 2007 when a base date of 2006 was adopted for planning purposes in common with the BCCS. However, the end date of the SAD DPD does not accord with that of the BCCS which is 2026.
15. The Council's decision not to roll forward its Plan is partly explained by the difficulty it has faced in identifying longer term housing sites. Residential targets can only be met by redeveloping areas in employment use. The Council is not confident it can accurately gauge which sites will be needed after 2021 because of the 'unprecedented scale of change' envisaged in the BCCS. Consequently, it has adopted a cautionary approach and is reluctant to allocate specific employment sites for residential use in the longer-term when some of these may be required to support the local economy.
16. The Council sees its preferred end date for the plan period as reasonable. The Government Office for the West Midlands raised no objections to this during preparatory work on the Plan while the Planning Inspectorate has acknowledged that site finding over long time periods has proved difficult for many authorities [M2].
17. The NPPF suggests 15 years as a preferable time horizon for plan-making<sup>6</sup>. It requires councils to ensure there is on-going provision of a 5 year housing land supply but recognises that it may not always be possible to identify suitable locations 11 – 15 years ahead. Nevertheless, the relatively short timescale of the SAD DPD reduces the certainty sought by the development industry, a matter which is acknowledged in the Inspectors' Report on the BCCS [E6]. This is particularly important where long lead in times and considerable costs may

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<sup>6</sup> NPPF, paragraph 157

be incurred in restoring land.

18. Despite my concerns, the matter was raised by only one representor who felt that it did not warrant a finding of unsoundness. I agree, especially as the Council has included areas of potential long term housing on its Policies Map. Nonetheless, I found the chosen notation makes it difficult to identify these locations and overall there is a lack of clarity in relation to post 2021 planning which needs to be addressed.
19. While the NPPF allows for flexibility of the plan period I consider a modification **(MM1)** is necessary to explain when post 2021 housing sites will be identified in detail and how this will take place. The modification should acknowledge that a review of the BCCS strategy in 2016 (or other replacement plan) will trigger a subsequent review of the SAD DPD (or the incorporation of housing allocations in a replacement local plan) in order to effect a transition to post 2021 planning.

### **Issue 2 – Whether the plan is consistent with the Black Country Core Strategy and capable of fulfilling its objectives**

20. It is clear the policy initiatives in the SAD DPD reflect the strategic direction established in the BCCS because the SAD DPD looks to protect and create high quality employment land and release other land for housing purposes. The Plan identifies how the five regeneration corridors will be the main focus for change during the plan period. The emphasis on land uses in the corridors will vary according to the proximity of sites to key transport routes, the potential to attract investment and the scope for securing environmental improvements.
21. Providing high quality employment land close to the Black Country New Road, for example, would mean the Borough was in a better position to attract new investment. The cautionary approach of the Council in retaining employment land would ensure economic growth would not be undermined while uncertainty remained over the ultimate level of employment land required. Those parts of the Borough outside the corridors would also see some development although this would be on a more modest scale.
22. There was little criticism of the Plan's ambitions to deliver the visions and objectives of the BCCS. Despite recent economic difficulties there is no indication that this has unduly inhibited development or that current circumstances would prevent new schemes from coming forward. Instead, a number of respondents were more concerned that the absence of an adopted plan would undermine decision making and inhibit long term investment.
23. Subject to clarification of how the Council will provide for housing sites after 2021, I am satisfied that the SAD DPD is consistent with the strategy and objectives of the BCCS. It identifies land to meet various needs over the course of the plan period and includes policies to assist in the provision of essential infrastructure. It explains how the Council will deal with land which is affected by past activities and sets out policies to address specific issues. In my view, the SAD DPD puts in place a local strategy capable of delivering the ambitious regeneration programme of the BCCS.

### **Issue 3 – Whether the Council's approach to Regeneration Corridors and Site Specific Locations is clear and provides sufficient safeguards for**

## **existing uses**

24. Concerns were expressed that proposals to uplift or change the use of employment areas might not be deliverable or would jeopardise the future of long established companies. I consider these representations in more detail below.

### *Employment*

25. One of the main objectives of the BCCS is to provide a suitable mix of employment and housing by bringing redundant employment land and other brownfield sites back into use while exploiting the potential of existing transport routes to further sustainable development. In Sandwell Borough the re-use of employment areas provides the only realistic way to meet future housing needs but some respondents are concerned that this and the Council's ambitions to improve other employment areas will create uncertainty for the business community, hinder investment and undermine long-term plans. Ultimately, it is suggested, this could force businesses to move.
26. Such concerns should not be underestimated but equally they must be balanced against the broader objective of securing the physical and economic renaissance of the Borough. The possibility of some companies being affected by these changes cannot be ruled out but neither the BCCS nor the SAD DPD suggest well established, high quality enterprises will be disadvantaged or that an allocation represents an unconditional approval for that use.
27. This is clearly stated in paragraph 1.6 of the SAD DPD while policy DEL2 in the BCCS says that there may be scope for some businesses to remain in areas identified for housing growth. The Council confirmed at the hearings that it did not contemplate precipitate action being taken to enforce the relocation of existing businesses and thought the use of compulsory purchase powers was unlikely.
28. Similarly policies EMP2 and EMP4 of the BCCS identify B1 (b) (c), B2 and B8 [A9] uses as suitable for high quality employment areas and land designated in the SAD DPD as Employment Development Sites. This range of uses would be unlikely to disadvantage the majority of existing activities but allow the Council to pursue schemes to broaden the employment base and encourage further investment by uplifting the quality of selected employment areas.
29. One representor was concerned that the Council's approach did not provide sufficient flexibility regarding the loss of employment land to other purposes where this would enable adjoining land to be developed. It is difficult to address such matters through policy provisions and there is no evidence to show this is likely to be a significant problem. I agree with the Council that this is an issue best dealt with on a site-by-site basis.
30. I take a similar view in relation to policy EMP4 where the objective is to prevent new industrial development from having an adverse impact on sensitive uses. This is criticised for being one-dimensional because of its reference to the use of buffers as the only way of minimising the impact between land uses. I do not consider this is justified. The policy refers to various means of mitigation including separation by physical distance, the use of physical barriers and screening and there is no suggestion that other measures are excluded. The



respondent also suggests that wider economic and regeneration benefits may override the needs of nearby industrial occupiers. There may be instances where this could arise but these are likely to be limited. I consider the policy is sound and I see no justification for recommending changes.

31. I find there is no basis for concluding proposals in the SAD DPD are inconsistent with the objectives of the BCCS although I consider further wording proposed by the Council would help clarify how the SAD DPD gives expression to the strategic policy provisions in the BCCS on employment land **(MM2)**.
32. I also consider the linkage between the objectives of the two plans should be made clear so it is apparent that policy DEL2 of the BCCS provides the context against which specific proposals and allocations in the SAD DPD will be determined. During discussions the Council indicated it intended to identify this connection in the supporting text to policy H1 of the SAD DPD. I consider this modification is required in order to make the Plan sound **(MM3)**.

### *Housing*

33. Local planning authorities are required to maintain a 5 year housing land supply in accordance with paragraph 47 of the NPPF. It is also necessary to identify a supply of developable sites or broad locations for years 6 – 10 and, where possible, for years 11 -15. I have previously commented on the latter in relation to housing sites in the SAD DPD post 2021 (see Issue 1).
34. The Council has undertaken a Strategic Housing Land Availability Assessment (SHLAA) [EB6] updated to October 2011. This shows sufficient land is available and capable of meeting the housing target of the BCCS in the period to 2021. Despite a shortfall in completions in the last three years sites have been identified to make good this deficiency so that the Council is able to demonstrate it has a five year land supply and provide the additional 5% buffer required by the NPPF.
35. Details of housing land supply are set out in Table 2 to policy H1. In calculating numbers the Council has applied a blanket discount of 25% to site capacities in case sites do not come forward during the plan period. This level of discount is generous but one which I consider is necessary to build sufficient flexibility into the Plan and offset losses which could be experienced if difficulties arise and prevent some allocations from being fully exploited.
36. Policy H1 also provides scope for ancillary uses in residential allocations. One respondent felt this undermined the soundness of the Plan but I do not agree. Ancillary uses will need to be justified, required to address a shortage of facilities and capable of integration into the area.
37. Paragraph 48 of the NPPF confirms that windfall housing can form part of a council's five-year housing land provision if there is evidence to show they have come forward in the past. The SHLAA provides details of completions on small sites since 2000/01 and shows an average of 124 dwellings have been built each year. However, the SAD DPD only includes an allowance for windfall sites in the latter part of the plan period because the policy was drafted under former guidance (PPS3) [C4] which limited contributions from this source.
38. This means that windfall sites could make a further modest but useful

contribution to the housing supply in the Borough adding to the flexibility provided by discounted site capacities. It is clear from the SHLAA that virtually all allocations will be on previously developed land (98%) which will exceed the BCCS target of 95%. The stance adopted in policy H2 also suggests that windfall schemes are more likely to be on previously developed rather than greenfield land.

39. Policy H3 establishes the Council's position on affordable housing. This was seen as superfluous by some parties because it adds little to policy HOU3 of the BCCS. The Council has suggested some modest changes to reflect the need to take housing type and tenure into account. Doing so would ensure the policy accorded with the NPPF while recognising the Council's Housing Needs and Demands Study [EB5] will be a primary source of evidence in calculating provision. Subject to the modifications proposed **(MM4)**, I consider the policy should be retained.
40. The Environment Agency (EA) identified problems associated with a small number of housing sites because of the potential risk of flooding (H8.8 and H9.4). Prior to the hearings, it acknowledged new information had overcome its earlier concerns in most cases. Nevertheless, it maintained its objection to the proposed use of H9.3 (Rattlechain) because of fears that contamination made it unlikely the site could be reused.
41. The Rattlechain Landfill Area is the site of former brick clay workings which created two main pits. One of these in the western part of the site has been used for the disposal of liquid waste and contains a lagoon. This area extends to 5.7 ha. and is owned by Rhodia UK Ltd. To the east a larger area of 9 ha. is in the ownership of Denver Ltd. and has also been used for waste disposal.
42. Doubts about the suitability of Rattlechain for housing purposes have been raised by a local resident who has investigated cases of wildfowl deaths at the lagoon. Tests indicate birds have ingested white phosphorus, a highly toxic material and one of the known substances contained in the lagoon sludge. The proximity of the site did not, however, prevent housing being allowed on adjacent land following an appeal in 2005<sup>7</sup>. Nevertheless, concern has been expressed that attempts to remediate the lagoon and surrounding area could pose a risk to nearby residents.
43. Information on the type and amount of materials tipped on the Rattlechain site is not complete. Further work is required to understand the risks associated with its re-use, the most suitable methods of remediation and how structural loads can be supported. The Rhodia lagoon is the most difficult and challenging part of the Rattlechain site to restore but it has been suggested that both parts of the area could be developed in parallel using surplus foundry sand from the Denver site to reclaim and raise levels in the lagoon area.
44. The feasibility of doing so has, however, been questioned by Rhodia. It believes removal of the waste material in the lagoon is possible but technically difficult and too costly for it to contemplate. Its ambitions are limited to isolating the waste from wildlife by means of a geotextile barrier covered by a

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<sup>7</sup> APP/G4620/A/04/1145641

layer of imported sand. This would neither stabilise the sludge nor allow infilling. Instead Rhodia would retain the lagoon as a water feature but says that the lagoon should not have public access (i.e. not be the community space associated with the wider development) because the barrier requires protection from potential vandalism and excess wear and tear and the lagoon will continue to be fenced off.

45. Mintworth Transport, promoting the Rattlechain site on behalf of Denver Limited, accepts there are numerous detailed technical issues to be addressed but is confident that the site can be redeveloped for housing purposes. The EA accepts this is possible in principle because remediation of waste disposal sites has proved possible in Sandwell and elsewhere.
46. Nevertheless, doubt remains on the part of the EA as to the approach to be taken to the lagoon. It has concerns regarding the effectiveness and longevity of a cap to seal off toxic sludges from surface exposure and questions the desirability of leaving waste materials in-situ because of the potential long-term risk to off-site receptors through the migration or leaching of pollutants into the underlying aquifer and nearby River Tame
47. The BCCS Inspectors' Report acknowledged the strong support for the RCs because of the certainty this gave to potential investors [E6, paragraph 216]. It was to be left to subsequent DPDs to provide the detail on how individual RCs were to be developed although the Rattlechain area is specifically referred to in paragraph 9.6 of the BCCS as one of a series of allocations suitable for market and affordable housing.
48. The identification of the Rattlechain site in the SAD DPD is therefore consistent with the objective of the BCCS to replace obsolete employment land and make use of the transport links in RC9 to create attractive residential environments. However, the technical challenges mean remediation could prove to be financially prohibitive or technically impossible and I have serious doubts that the full potential of this site can be realised before 2021. However, a failure to redevelop the site during the plan period would not be detrimental to the Council's overall housing targets because of its conservative approach to site capacity and I do not regard this as a reason for deleting the allocation.
49. A recent study by the Health Protection Agency (HPA) has found there to be no significant risk to human health for those living near the lagoon or using the footpaths in the vicinity. Even so residents will be concerned that disturbing the materials may have unforeseen consequences although it will be necessary to demonstrate to the regulatory authorities that adequate safeguards are in place before redevelopment can commence. The HPA says that further monitoring and risk assessment would be advisable if works are undertaken at the lagoon including the substantial movement of soil or sediment.
50. I do not consider the allocation of the Rattlechain site is a matter which affects the soundness of the Plan. Instead, its potential use for housing purposes would provide the landowners with sufficient certainty to warrant further investigation into ways to restore it. This seems to me to be the most likely means of addressing the legacy of many decades of waste disposal.
51. The BCCS sets out indicative targets for traveller pitches based on the findings of the Black Country Gypsy and Traveller Accommodation Needs Assessment

[EB7]. A site in RC16 (Area 16.7 – Batmans Hill Road/Purdy Road/Brierley Lane) is allocated as an extension to the permanent traveller site while the Council has identified a number of new sites at Cradley Heath which is the preferred location for Travelling Showpeople in Sandwell (RC13 - Areas 13.2, 13.4 and 13.5). The requirement for transit pitches across the Black Country is low (10 – 12) and the Council intends to use the criteria set out in policy HOU4 of the BCCS and the national guidance in assessing proposals via the development management process. I am satisfied the Council's approach is capable of meeting the identified needs and is consistent with the requirements of the new guidance.

52. The Council confirmed it proposed to correct a mapping error [Q21] in relation to a housing allocation at H9.5 (Coneygre). This has no implications for the soundness of the Plan but the landowner accepted it would mean the area which has outline planning permission was properly acknowledged [N15]. The LPA also corrected an error in its housing trajectory [Q10] which failed to reflect the changes to site capacities advertised in the Proposed Changes to the Publication SAD DPD [K14]. The trajectory should be corrected as part of the consequential changes made to the Plan.

#### **Issue 4 – Whether the SAD DPD adequately addresses the need for improvements to the strategic road network.**

53. The Highways Agency (HA) expressed concerns that development proposals in both the SAD DPD and WBAAP could adversely affect the motorway network, particularly junctions 1 and 2 of the M5 and 9 and 10 of the M6. I address the HA concerns in relation to Junction 1 in my report on the WBAAP. Junction 10 is situated outside the Borough although some traffic with origins or destinations in parts of Sandwell Borough will use it.
54. The HA believes schemes in RC8 (Hill Top) and 12 (Oldbury/West Bromwich/Smethwick) will be the main source of additional traffic putting pressure on the junction capacity of the M5. It says this should be acknowledged in the SAD DPD so that it is understood that improvements to the junctions are likely to require contributions to mitigate the impact of increased movements. Plans by the Council to introduce a Community Infrastructure Levy are welcomed but are unlikely to be in place before 2014.
55. The Council has responded by proposing additional wording is inserted in the SAD DPD. The change would highlight the importance of the motorway system to the economy of the area identified by the Black Country Local Enterprise Partnership and emphasise the key transport policies in the BCCS. The need to secure funding for improvements to junctions and promoting more sustainable modes of transport is also consistent with the West Midlands Local Transport Plan (LTP3) [EB25].
56. The HA has confirmed that reference to travel plan measures including the role of Centro, would reinforce the importance that should be given to proposals to minimise the impact of additional traffic. The proposed modifications would clarify and acknowledge the role of various agencies as well as the development industry in addressing deficiencies in the strategic highway network. I consider these changes are necessary to make the Plan sound and should be taken forward as a main modification **(MM5)**.

### ***Other matters***

57. A number of representations cited the Council's failure to amplify policies or include ones which were not consistent with national planning policy or those in the BCCS. I share the Council's view that there is no need to repeat policies in other documents. Consequently, the absence of a direct reference in policy EOS5 to protect the natural environment or refer to the UK Biodiversity Action Plan (BAP) priority habitats of ancient and natural woodlands does not undermine the SAD DPD. These are matters which are adequately covered in policies ENV1 and CSP3 of the BCCS.
58. For similar reasons, I am satisfied that policy EOS4 on Community Open Space is acceptable and I do not consider the absence of a policy to protect playing fields as suggested by Sport England means the Plan is unsound. The SAD DPD includes a number of policies to improve various categories of open space in accordance with the objectives of policy ENV6 of the BCCS. The latter also emphasises the need to preserve, enhance and expand provision in line with the specific needs of each constituent authority.
59. The Cradley Raising Aid Saving Heathens (CRASH) is a supporters group originally formed in 1995 to save the Cradley Heath Speedway Stadium. The stadium was eventually redeveloped and the group has been looking for a suitable replacement ever since. The SAD DPD makes no provision for a site or the possibility of sharing an existing facility. CRASH believes the Plan is unsound because it has not addressed this requirement or made provision for visitor attractions and sport and recreational facilities consistent with policies EMP6 and ENV6 of the BCCS.
60. The Inspectors reporting on the BCCS commented on the absence of evidence to justify provision of a new speedway track but also felt policy EMP6 gave sufficient support for a range of spectator sports stadia. I see no reason to disagree with these views. I recognise the considerable difficulties of finding a suitable site to accommodate this particular use but the Council has indicated it is willing to work with the group to look at possible sites. The absence of a policy or specific allocation does not prevent a scheme from coming forward and I am not persuaded that the various parts of the NPPF to which CRASH refers indicate the Plan is fatally flawed.
61. A substantial area of land adjacent to Oldbury Town Centre, referred to as 'The Junction', has been identified in the Plan as suitable for a mix of retail and leisure uses. The developers are concerned the SAD DPD fails to reflect the significance of the retail component which they believe should be included as an allocation in the Town Centre sections of the Plan. I do not consider this is necessary as the principal uses are referred to in paragraphs 14.28 and 14.73 of the Plan and further emphasis is unnecessary.
62. Representations by the same party have been made to policies TRAN3 (car parking), EOS7 (floodlighting, synthetic turf pitches and multi-use games areas) and DC6 (land affected by contaminants etc). Policy TRAN3 is based on standards identified in previous national guidance (PPG13) [C13] and both the policy wording and paragraph 6.7 should be adjusted to reflect this although it is not a matter which affects the soundness of the Plan. Amongst other things

policy EOS7 requires that regard is had for the impact of new facilities on the living conditions of nearby residents. I see no reasons for altering this policy. Similarly, I am satisfied that policy DC6 would not be unduly restrictive because remediation standards are linked to those commensurate with the proposed after-use.

- 63. Policy DM2 repeats the Council's position in relation to poster panels found in the Sandwell UDP. This implies the Council would restrict advertisement hoardings in certain locations which would be contrary to the Advertisement Regulations (Circular 03/2007) [B3]. Control of advertisements is restricted to the interests of amenity and public safety although development plan policies can be helpful in setting out an authority's stance and can be a material consideration when determining proposals. Nevertheless, policy DM2 would not accord with the Regulations and I recommend it should be modified in accordance with **MM6**.
- 64. It is suggested that land in the vicinity of the Hawthorns belonging to West Bromwich Albion Football Club could contribute to regeneration objectives were mixed-use development to be allowed. The Council has not chosen to allocate land around the stadium and says proposals would be considered against relevant policies in the SAD DPD. I do not consider this to be unreasonable.
- 65. The principle of sustainability forms a central theme running through the NPPF and is given particular significance by the government. The Council therefore intends to include a policy making it clear that proposals which accord with sustainability principles will be approved wherever possible. In view of the importance attached to this issue I consider it should be treated as a main modification (**MM7**).
- 66. English Heritage considers the sustainability policy should specifically refer to the BCCS. This is not necessary because, if relevant, Core Strategy policies will be material considerations and will need to be taken into account in decision-making.

## Assessment of Legal Compliance

- 67. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The SAD DPD is identified within the approved LDS dated March 2011 which sets out an expected adoption date of May 2012. The Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (October 2011) sets out why AA is not necessary.

National Policy	The SAD DPD complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The SAD DPD is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

- 68. The SAD DPD has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 69. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in Appendix A the Sandwell Site Allocations and Delivery DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

This report is accompanied by Appendix A containing the Main Modifications to the SAD DPD

## **WEST BROMWICH AREA ACTION PLAN DPD**

### **Background**

70. West Bromwich is the principal town centre in Sandwell Metropolitan Borough and one of four Strategic Centres in the Black Country. The Black Country Core Strategy (BCCS) [E4] says these centres are crucial to the future regeneration of each borough because of their role as hubs in the transport network. They are in the most sustainable locations and provide a wide range of services and facilities. While in need of regeneration they retain their economic importance with the potential to attract future investment.
71. The West Bromwich Area Action Plan (WBAAP) [L1] says the town compares badly with the other strategic centres. It is handicapped by the physical constraints of the road system and has limited shopping, commercial, recreational and leisure facilities. Coupled with a dated central area and poor environment, investment is needed to rejuvenate the town as a major centre.
72. The WBAAP sets out a number of objectives to promote growth and improve the attractiveness of West Bromwich. By 2026 it is envisaged the town will have been enhanced as a destination for comparison shopping and office uses and will support a more varied range of cultural, recreational and community facilities with commensurate improvements in the quality of the environment.

### **Main Issues**

73. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified three main issues upon which the soundness of the Plan depends. Each issue is dealt with below having regard to the policies and sites which gave rise to questions over the soundness of the Plan.

#### **Issue 1 – Are the core objectives for the WBAAP realistic and are the 'Opportunity Areas' well founded and deliverable in terms of the primary uses envisaged for each?**

74. The WBAAP puts forward an ambitious strategy for rejuvenating West Bromwich as a strategic centre and addressing structural and physical deficiencies. It identifies a number of 'Opportunity Areas' (OA) as a means of rationalising and focusing land uses on various land parcels in and around the central area. This is intended to help the Council secure a comprehensive range of facilities while improving the quality of the environment.
75. The BCCS is predicated on the strategic centres being well placed to provide additional office (B1(a)) floorspace to maintain investment in the local economy. Proposals in the WBAAP are consistent with policy CEN3 of the BCCS and focus office development in edge of centre locations in West Bromwich (OA2) and the area around Junction 1 of the M5 (OA4). The latter would take advantage of its accessible location even though it is regarded as a longer term objective. New development in the Eastern Gateway (OA3) which links these areas also provides an opportunity to transform an important gateway to the town centre.
76. There is little opposition to the Council's overall vision and programme although office use proposed for Opportunity Areas adjacent to the town centre was



regarded by some respondents as inappropriate in view of weak market conditions and an absence of demand. Evidence to the BCCS Examination [E6] suggested land costs and the locational benefits of West Bromwich are positive factors although it was understood that any significant increase in office provision would be more likely towards the end of the plan period, in common with other strategic centres.

77. Improvements in public transport and better linkages to the central area are themes repeated throughout the WBAAP. In conjunction with regeneration initiatives in the OAs the Plan seeks to transform the urban fabric by raising standards of design and materials. The intention is to secure an overall improvement in the quality and attractiveness of all parts of West Bromwich while conserving the historic core.
78. The WBAAP adheres to the principles set out in the BCCS [E4] anticipating considerable expansion in comparison shopping facilities. The central area will remain as the focus for retail uses (OA1). Areas immediately to the south of the town centre will be promoted for residential use, as identified previously in the Unitary Development Plan (UDP) [H4]. This will further the regenerative process which has begun to create a sustainable edge of centre community.
79. Outlying areas will contribute towards future housing needs including the canalside area on the western and southern fringes of the central area (OA7). Although previously safeguarded for employment use, it is now seen as a location more suited to meet the Borough's housing needs and act as a catalyst for rejuvenating the area. In particular there is an opportunity to improve access to the canal and increase the use of the towpath to create more sustainable routes to other areas, a benefit which British Waterways believes should be recognised in the Plan. I agree and concur with its view that the canal infrastructure may require financial support through planning obligations because of the extra liabilities and demands associated with waterside development. This should be acknowledged via a main modification to the WBAAP **(MM1)**.
80. The Carters Green/Greets Green area to the west of the centre (OA6) will remain in residential use with new housing being provided on unallocated sites and through redevelopment opportunities. One of the main aims for the residential quarter to the north of West Bromwich town centre (OA8) is to improve transport linkages including pedestrian routes to overcome the physical obstructions of the main road network.
81. The Lyng Industrial Estate to the south of the town centre has a mix of office, light and heavy industrial uses which separate residential areas to the east from redevelopment of the former Lyng housing estate to the west. Despite investment in some of the commercial units, the industrial estate is generally in poor condition. This undermines the quality of the immediate environment including the new building to house Sandwell College on the opposite side of the Metro line.
82. Proposals to expand housing provision into this area (OA5) were felt to be undeliverable by one representor. The Council recognises that the mix of uses and multiple land ownerships will make redevelopment a longer-term option. In the short term there is no suggestion that future ambitions for the area will impact on existing uses but the work being carried out to improve older parts of

L yng illustrates how the process can lead to an uplift in environmental quality and bring about the transformational change promoted in the BCCS.

### *Housing*

83. The WBAAP makes provision for 3,508 dwellings (net) during the plan period. This is comfortably in excess of the figure identified in the BCCS (2591) for Regeneration Corridor 8 which includes West Bromwich. The Council has modified its housing trajectory to reflect changes in site capacities which were previously omitted from the Plan. The revised trajectory shows the delivery of housing is less skewed than previously indicated with peak delivery anticipated in the middle part of the plan period (2015 – 2022). This is consistent with the views expressed in the BCCS which recognised that poor market conditions, economic uncertainty and lengthy lead in times would influence delivery.
84. It is important the WBAAP reflects the most recent evidence on housing provision and the revised trajectory should replace the earlier version in Appendix 9 of the Plan **(MM2)**.
85. To ensure consistency with the approach taken in the Sandwell Site Allocations and Delivery DPD the Council has proposed an additional paragraph be inserted at the end of policy WBP15 (Car Parking). This provides a more flexible approach to parking provision in residential schemes according to the type and location of development and would ensure the policy was consistent with the NPPF (paragraph 39). The latter acknowledges that car parking needs will vary between locations and land uses. The change is therefore necessary to make the Plan sound **(MM3)**.

### *Employment*

86. One of the objectives of the WBAAP is to protect employment areas outside the town centre, particularly where they have good links to the strategic road network. This is set out in the final bullet point to Objective 1 of the Plan but, as a respondent pointed out, does not fully accord with the BCCS which promotes the use of poor quality employment land to meet housing needs.
87. I agree that a clearer distinction should be drawn between the protection of existing and potential high quality employment land and the use of poor quality sites for other purposes if this is appropriate. During the hearings the Council agreed this was necessary and has proposed additional wording to reflect this. I endorse this change as a main modification to the Plan **(MM4)**.

### **Issue 2 – Whether the WBAAP makes suitable provision for the treatment of heritage assets.**

88. The Council has responded positively to the views of English Heritage and proposes to acknowledge the contribution of the historic heritage in supporting regeneration. More recently the Council has adopted a Supplementary Planning Document<sup>8</sup> [G12] which sets out how it will treat non-designated heritage assets of local importance.

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<sup>8</sup> Developing and Managing Local Lists, January 2012

89. The Victorian Society objects to the Council's proposal to remove parts of the High Street and Grange Road from the High Street, West Bromwich Conservation Area (CA). A review of the CA in 2007 [EB45] concluded that parts of it were in a poor state of repair or had been insensitively refurbished. This is well illustrated by the plethora of satellite dishes and inappropriate replacement windows and doors in Grange Road, for example, which seriously detracts from the otherwise consistent appearance of the terraced street scene.
90. The Council says the revised CA boundary will be easier to defend and protect but this means it will have to be more diligent in preventing the piecemeal changes which have occurred elsewhere from eroding the quality of the environment. Nevertheless, I am satisfied the policies in the BCCS and the WBAAP together with the NPPF and the Council's SPD afford adequate protection for the CA while providing a means of identifying and protecting other areas and buildings through local listing.

**Issue 3 – Whether the WBAAP adequately addresses the need for improvements to the strategic road network.**

91. Opportunity Area 4 adjacent to Junction 1 of the M5 is an important gateway into Sandwell Borough and West Bromwich Town Centre. The OA is accessible by car and served by a number of bus services and a Metro station. Its prominence and proximity to the motorway network makes it suitable for office development, as referred to in policy CEN3 of the BCCS and the Council believes it also has potential as a future business park.
92. The Highways Agency (HA) is concerned that further development will compromise the operational efficiency of the junction. It says there is insufficient clarity in the WBAAP to show how measures to extend the operational life of the junction would be delivered. In order to address these matters the Council has proposed changes to the Plan.
93. The revisions would clarify the likelihood of the motorway junction reaching capacity and the need for improvements identified in the BCCS while emphasising the four transport priorities identified by the Black Country Local Enterprise Partnership. Reference would also be included to the promotion of more sustainable modes of transport, consistent with objectives in the West Midlands Local Transport Plan (LTP3) [EB25]. The changes would refer to the need for funding and the role of stakeholders in contributing to the delivery of mitigation measures to minimise the consequences of development on the motorway system.
94. The Highways Agency is satisfied these changes would address its concerns. In isolation they may not be seen as significant because they do not alter the direction of the policy nor deflect the Council from its stated aim of improving accessibility. Taken as a whole, however, the need to address deficiencies in the strategic highway network is highly relevant to the successful implementation of the WBAAP. I therefore consider these changes are necessary to make the WBAAP sound and for this reason I have identified them as main modifications (**MM5, MM6, MM7**).

***Other Matters***

95. Part 1 of the WBAAP sets out the context within which the Plan has been

prepared. This includes the vision and strategy for the area and also highlights the Council's intention to introduce a Community Infrastructure Levy (CIL) by 2014. The Council is now proposing an additional paragraph should be included in the WBAAP to clarify the arrangements to be followed in the period before the CIL comes into effect. I endorse this proposal **(MM8)**.

- 96. The principle of sustainability forms a central theme running through the NPPF and is given particular significant by the government. The Council therefore intends to include a policy making it clear that proposals which accord with sustainability principles will be approved wherever possible. In view of the importance attached to this issue I consider it should be treated as a main modification **(MM9)**.
- 97. English Heritage considers the sustainability policy should specifically refer to other plans which influence the WBAAP, in particular the SAD DPD and BCCS. This is not necessary because, where relevant, they can be taken into account as material considerations. Furthermore, the intention is for local planning authorities to move towards a single local plan for their area making it likely that single documents will become the norm over time.
- 98. The Council intends to make a number of other changes to the Plan in response to representations and to assist in clarifying policy. These were advertised at the same time as the main modifications. While these revisions and additions to the Plan would improve it, none of these matters affect the soundness of the document.
- 99. In spite of difficult economic conditions it is evident that elements of the strategy are well advanced with improvements in retail provision, residential and new office developments under construction. It is to be expected that proposals for some OAs will take more time than others to implement but my overall view is that the Council's vision and strategy for the West Bromwich area is consistent with the objectives of the BCCS and is soundly based.

## Assessment of Legal Compliance

100. My examination of the compliance of the WBAAP DPD with the legal requirements is summarised in the table below. I conclude that the DPD meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Area Action Plan is identified within the approved LDS dated March 2011 which sets out an expected adoption date of July 2012. The Area Action Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.

Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (October 2011) sets out why AA is not necessary.
National Policy	The Area Action Plan complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Area Action Plan is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Area Action Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

- 101. The WBAAP has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 102. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in Appendices B and C the West Bromwich Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*P R Crysell*

INSPECTOR

This report is accompanied by Appendix B and Appendix C containing the Main Modifications to the WBAAP

## Appendix A – Main Modifications to Sandwell Site Allocations and Delivery DPD

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission DPD, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modifications to Sandwell Site Allocations & Delivery DPD
MM1	3-4	Introduction	<p>1.5 The SAD DPD is in conformity with <del>and delivers</del> the spatial strategy as set out in the adopted Black Country Core Strategy (BCCS), <del>which in turn is in conformity with the Regional Spatial Strategy (RSS).</del></p> <p>1.6 The BCCS is a strategy based on the concentration of development within regeneration corridors and centres. In particular the BCCS established the broad areas and quantity of housing growth and of employment land to be protected. <u>These represent the Council's long term 2026 view.</u> Except for the area covered by the West Bromwich Area Action Plan, the SAD DPD <u>provides the detailed land use allocations and designations within</u> these broad areas <u>up to 2021</u> to meet the Borough's housing and employment land requirements. However as other material considerations can affect the decision making process an allocation does not necessarily represent an unconditional approval for that use.</p> <p>1.7 <u>The long term residential sites indicated on the Policies Map accord with the BCCS broad areas and give an indication of where the post 2021 residential housing growth may emerge. The definition in detail of the post 2021 allocations will follow immediately after the review of the BCCS programmed for 2016.</u></p> <p>Change the subsequent paragraph numbers.</p> <p>N.B The long-term residential sites included on the Policies Map should be more clearly identified.</p>
MM2	17	Paras 4.1 to 4.8	<p>Amend paragraphs 4.1 to 4.7:</p> <p>4.1 The BCCS contains a number of <u>policies which are relevant to the economy and employment land, in particular:</u></p> <p>4.2 <u>Policy</u> DEL1 Manages the Balance between</p>

Ref	Page	Policy/ Paragraph	Main Modifications to Sandwell Site Allocations & Delivery DPD
			<p>Employment Land and Housing, and indicates how surplus employment land will be cautiously released to ensure sufficient stock is retained whilst providing for other land uses needs, particularly housing. <u>This policy has been the basis for identifying land for both housing and employment purposes within the SAD DPD.</u></p> <p>4.3 <u>Policy EMP1 Providing for Economic Growth and Jobs</u>, indicates the level of employment land that will need to be retained to protect jobs and support the economy. This provides the target figures for 2026 for the total <u>stock of employment land</u> which have been used to guide the <del>draft</del> SAD DPD allocations up to 2021.</p> <p>4.4 <u>Within this total stock, the BCCS defines four categories of land to be safeguarded for employment purposes and sets indicative targets for each. These land targets and the supply provided by the SAD DPD are indicated on SAD DPD Table 1 - Employment Land Supply. These areas are subject to the BCCS policies listed below:</u></p> <p>4.5 <u>Policy EMP2 Actual and Potential High Quality Strategic Employment Areas</u>, this is an aspirational policy which seeks to guide and encourage high quality development and redevelopment to those areas of the Borough with the most advantages for employment. <u>The SAD DPD has used this policy's definition to identify and allocate areas in order to achieve these aspirations. The policy encourages the uplift of employment areas, which could be through a range of improvements, including the development and growth of existing businesses. These areas are shown on the Policies Map.</u></p> <p>4.6 <u>Policy EMP 3 Local Quality Employment Areas</u>, which <u>provides for largely locally based employment. Using the policy's definition, the SAD DPD has identified these areas and these are shown on the Policies Map.</u></p> <p>4.7 <u>In addition BCCS Policy EMP4 seeks to maintain a supply of readily available land for employment uses which will form part of the total stock by setting targets for 2016 and 2026. As shown in Table 1, the SAD DPD allocates sufficient land for development or redevelopment for employment purposes to achieve the target for 2021. These sites and areas are shown on the Policies Map and subject to Policy SAD EMP1.</u></p>

Ref	Page	Policy/ Paragraph	Main Modifications to Sandwell Site Allocations & Delivery DPD
			<p><u>These are anticipated to come forward during the plan period to provide for new businesses and the growth of existing operations.</u></p> <p>4.8 <u>These employment land categories are also subject to the Policies SAD EMP 2 to 4 below:</u></p> <p>Renumber subsequent paragraphs accordingly: 4.9 – 4.12.</p>
MM3	12	Following para 3.9	<p>Add new <i>paragraph 3.10</i></p> <p><u>BCCS Policy DEL2 indicates how existing businesses within Housing Growth areas will be encouraged to relocate provided suitable sites and premises are available.</u></p> <p>(renumber subsequent paragraphs).</p>
MM4	14	H3	<p>SAD H3 – Affordable Housing. Amend policy to read - <u>The Council will expect the <del>proportion and size</del> <i>size, type and tenure</i> of future affordable housing to be in accordance with the information provided by the latest Housing Needs and Demands Study and any other information that the Council may collect with regard to housing need.</u></p> <p>Also add the following sentence:</p> <p><u>Smaller sites, which could reasonably be expected to form part of a larger site in future, will also need to take this policy into account.</u></p>
MM5	9	Insert new Transport Section after para. 2.17	<p>After Para 2.17 insert following text:</p> <p><b>Transport</b></p> <p><u>2.18 The Black Country Core Strategy Policy CSP5 sets out the Transport Strategy and the policy reflects strategic outcomes that include, amongst others:</u></p> <ul style="list-style-type: none"> <li>• <u>enabling expansion of Strategic Centres;</u></li> <li>• <u>providing communities with improved access to employment, residential services and other facilities and amenities, with travel choices that are attractive viable and sustainable;</u></li> <li>• <u>improving accessibility of employment sites to residential areas and providing reliable access for freight to the national motorway network; and,</u></li> <li>• <u>facilitating access to quality employment</u></li> </ul>



Ref	Page	Policy/ Paragraph	Main Modifications to Sandwell Site Allocations & Delivery DPD
			<p style="text-align: center;"><u>land.</u></p> <p><u>2.19</u> <u>The Black Country LEP has also identified its four transport priorities:</u></p> <ul style="list-style-type: none"> <li>• <u>access to Birmingham Airport;</u></li> <li>• <u>improvements to the motorways;</u></li> <li>• <u>reinstatement of Stourbridge to Walsall freight line;</u></li> <li>• <u>Black Country Network Improvements.</u></li> </ul> <p><u>These are reflected in the proposals within each of the regeneration corridors identified in this DPD.</u></p> <p><u>2.20</u> <u>Junctions 1 and 2 of the M5 are key Black Country priorities acknowledged by all four Local Authorities recognising their importance not only to the sub-region, but to the West Midlands and nationally. As such, they have also been identified as a priority for the LEP, as they are critical to delivering the Black Country Strategy for Growth and Competitiveness.</u></p> <p><u>2.21</u> <u>The successful achievement of these transport priorities will be dependent upon the identification of appropriate funding and delivery mechanisms. It will also be dependent on joint working between all stakeholders, including the Highways Agency, Centro, neighbouring authorities and the Black Country Local Enterprise Partnership in order to ensure the timely and effective delivery of the mitigation identified, linked to appropriate phases of development.</u></p> <p><u>2.22</u> <u>In relation to this, the Highways Agency has highlighted particular concerns in relation to for junctions 1 and 2 of the M5 where detailed modelling work by Mott MacDonald has identified that these junctions are likely to reach operational capacity during the early part of the plan period.</u></p> <p><u>2.23</u> <u>Black Country Core Strategy Policy TRAN2 sets out the requirements for new development to identify and demonstrate their travel and transportation impacts together with proposals for mitigation, with measures to promote and improve sustainable transport facilities being agreed through Travel Plans and similar</u></p>

Ref	Page	Policy/ Paragraph	Main Modifications to Sandwell Site Allocations & Delivery DPD
			<p><u>measures such as individualised travel planning. Within Sandwell the preparation of Transport Assessments (TA) and Travel Plans (TP) should be in accordance with the Council's adopted Supplementary Planning Guidance: <i>The Preparation of Transport Assessments and Travel Plans, DfT Circular 02/07, DfT 'Guidance on Transport Assessment and DfT Guidance 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process' (April 2009).</i></u></p> <p>2.24 <u>Policy DEL1 recognises that new development will only be permitted where all necessary provisions for the timely delivery of any necessary on and off site infrastructure is in place. In order to facilitate this, it also recognises that a broad range of funding mechanisms will need to be used including planning obligations, CIL, planning conditions and other available means. Administration of the process to identify schemes and funds will be led by the Council.</u></p> <p>2.25 <u>The Sandwell Local Development Scheme identifies that a Community Infrastructure Levy will be in place by 2014. It is envisaged that through this mechanism the level of future developer contributions will be arrived at, and the processes identified for how funds will be collated, managed and allocated towards specific infrastructure projects. In the interim, any requirements for necessary mitigation will be identified through individual TAs/TPs and will be the subject of appropriate planning conditions or through legal agreements in accordance with Sandwell's adopted Supplementary Planning Guidance: <i>Planning Obligations.</i></u></p>
MM6	51	DM2	<p>After first paragraph of policy DM2 which remains unchanged delete remaining text and replace with the following:</p> <p><u>"In general, advertisement hoardings will not be considered to be appropriate in wholly residential areas. Poster advertising may be appropriate in predominantly shopping and business parts of Conservation Areas and Areas of Townscape Value, though particular care will be needed in how they are accommodated."</u></p>

Ref	Page	Policy/ Paragraph	Main Modifications to Sandwell Site Allocations & Delivery DPD
MM7		New	<p>Insert new Policy:  <u>National Planning Policy Framework - Presumption in favour of sustainable development</u>  <u>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u></p> <p><u>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</u></p> <p><u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</u></p> <ul style="list-style-type: none"> <li>o <u>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u></li> <li>o <u>Specific policies in that Framework indicate that development should be restricted.</u></li> </ul>

## Appendix B – Main Modifications to West Bromwich Area Action Plan DPD

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission DPD, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modifications to West Bromwich Area Action Plan
MM1	101	Opportunity Area 7: Canalside. para. 4.8.11	Additional wording to be inserted at end of paragraph 4.8.11 – <u>“Development opportunities adjacent to the canal will generate more usage of the towpaths contributing to sustainable communities. However this will also lead to increased liabilities and maintenance issues such as increased litter and discharging of surface water into the network. The Council will look to secure contributions to improve the canal infrastructure, towpaths and open space as part of the development proposal and to mitigate any other issues that may arise from the development.”</u>
MM2	165	Appendix B	Update housing trajectory to reflect changes in site capacities previously omitted (see Appendix B below).
MM3	53	WBP15: Car Parking	Insert text at the end of Policy – <u>“A flexible approach will be taken to car parking for new residential development. Reduced levels of car parking provision may be accepted, particularly in association with developments that are; within, or close to, the town centre core; close to quality public transport; where targeted at low car ownership groups; and where infill developments reflect local distinctiveness.”</u>
MM4	14	Objective 1: para. 2.31	Amend last bullet point to read – <u>“Protecting and promoting existing <i>and potential high quality</i> employment areas outside of the town centre which is accessed by good strategic highway links, <i>and only releasing poor quality sites for alternative uses where appropriate.</i>”</u>
MM5	37	Objective 4, Para. 3.71	Insert new paragraph at 3.71 – <u>“Core Strategy Policy CSP5 sets out the wider transport strategy for the Black Country and the policy reflects strategic outcomes that include, amongst others:</u>  <ul style="list-style-type: none"> <li>• <u>enabling expansion of Strategic Centres;</u></li> <li>• <u>providing communities with improved access to employment, residential services and other facilities and amenities, with travel choices that</u></li> </ul>

Ref	Page	Policy/ Paragraph	Main Modifications to West Bromwich Area Action Plan
			<p><u>are attractive viable and sustainable;</u></p> <ul style="list-style-type: none"> <li>• <u>improving accessibility of employment sites to residential areas and providing reliable access for freight to the national motorway network; and,</u></li> <li>• <u>facilitating access to quality employment land."</u></li> </ul> <p><u>Insert new paragraph at 3.72 "The Black Country LEP has also identified its four transport priorities:</u></p> <ul style="list-style-type: none"> <li>• <u>access to Birmingham Airport;</u></li> <li>• <u>improvements to the motorways;</u></li> <li>• <u>reinstatement of Stourbridge to Walsall freight line;</u></li> <li>• <u>Black Country Network Improvements.</u></li> </ul> <p><u>These are reflected in the proposals contained in this Area Action Plan."</u></p> <p><u>Insert new para at 3.74 "Black Country Core Strategy Policy TRAN2 sets out the requirements for new development to identify and demonstrate their travel and transportation impacts together with proposals for mitigation, with measures to promote and improve sustainable transport facilities being agreed through Travel Plans and similar measures such as individualised travel planning. Within Sandwell the preparation of Transport Assessments (TA) and Travel Plans (TP) should be in accordance with the Council's adopted Supplementary Planning Guidance: The Preparation of Transport Assessments and Travel Plans, DfT Circular 02/07, DfT 'Guidance on Transport Assessment and DfT Guidance 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process' (April 2009)."</u></p>
MM6	49	Para 3.106	<p><u>Insert new second sentence to paragraph 3.106 to read "...Junctions 1 and 2 of the M5. The Highways Agency has highlighted particular concerns in relation to the M5 junctions where detailed modelling work has identified they are likely to reach operational capacity during the early part of the plan period. This requirement....."</u></p>
MM7	49	After para 3.107 (to be renumbered as para 3.110)	<p><u>Insert additional paragraph at the end of the section to read "3.111 The successful achievement of the proposals outlined above will be dependent upon the identification of appropriate funding and delivery mechanisms. It will also be dependent on joint working between all stakeholders, including the Highways Agency, Centro, neighbouring authorities and the Black Country Local Enterprise Partnership in order to ensure the timely and effective delivery of the mitigation identified, linked to appropriate phases of development."</u></p>

Ref	Page	Policy/ Paragraph	Main Modifications to West Bromwich Area Action Plan
MM8	11	Community Infrastructure Levy Para. 2.20	<p>Insert additional paragraph after paragraph 2.20 - <u>"It is envisaged that through this mechanism the level of future developer contributions will be arrived at, and the processes identified for how funds will be collated, managed and allocated towards specific infrastructure projects. In the interim, any identified requirement for mitigation measures (for example through a Travel Plan/Transport Assessment) will be the subject of appropriate planning conditions or secured through legal agreements in accordance with Sandwell's adopted Supplementary Planning Guidance: Planning Obligations."</u></p>
MM9		New	<p>Insert new Policy: <u>National Planning Policy Framework - Presumption in favour of sustainable development</u> <u>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u> <u>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</u> <u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</u></p> <ul style="list-style-type: none"> <li>o <u>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u></li> <li>o <u>Specific policies in that Framework indicate that development should be restricted.</u></li> </ul>

## Appendix C – Changes to Housing Trajectory of West Bromwich Area Action Plan DPD (see MM2 above).

### Housing Trajectory

It is anticipated that approximately 3508 net dwellings can be developed within the West Bromwich AAP area to 2026. The housing trajectory below shows significant delivery during the medium term (2015-2022), reflecting current market conditions whilst more modest delivery is indicated for the longer term. The surge in 2016/17 is due to sites commencing in the previous 2 years such as those within the Greets Green area, as well as other sites coming forward following remediation such as Brandon Way and Swan Lane. Further completions on the Lyng development will also occur around this time. In the subsequent years, there will be a steady flow of completions occurring. A second surge is anticipated in 2021/21 when further sites commence development following relocations and clearance. Again, these are mainly the larger sites off Brandon Way and Oldbury Road. Actual delivery will depend on prevailing conditions in future years and may result in a more even trajectory.

#### Annual Net Housing Completions

<i>Year</i>	<i>Net Completions</i>
2011/12	83
2012/13	85
2013/14	151
2014/15	204
2015/16	340
2016/17	503
2017/18	362
2018/19	180
2019/20	130
2020/21	349
2021/22	317
2022/23	218
2023/24	218
2024/25	215
2025/26	153
<b>Total</b>	<b>3508</b>

\* includes committed sites, i.e. those already with planning permission

### West Bromwich Area Action Plan Housing Trajectory

