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Black Country Joint Core Strategy

Stage 2: Infrastructure and Deliverability Study

Technical Note 3: Policy Context

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1 Policy Context

1.1 Local Development Frameworks

1.1.1 Introduction to Local Development Frameworks

The planning system has recently undergone significant change, intended to simplify the local planning process and promote a more flexible, positive approach to managing development. The new system also places more emphasis on community involvement in the planning process. A plan-led system operates in England, involving the preparation of plans by the Local Planning Authority that set out what can be built and where. Under the new planning system, Local Authorities are required to prepare a Local Development Framework (LDF) which is a folder of Local Development Documents (LDDs). These documents set out how the local area may change over the next few years. This new system of a flexible 'folder' of LDDs is intended to make plan preparation quicker and more responsive to changes in national/regional policy and local circumstances.¹

The key aims of the new planning system are²:

- Flexibility;
- Strengthening community and stakeholder involvement in the development of local communities;
- Front loading of key decisions in the preparation of plans;
- Sustainability Appraisal;
- Programme management; and
- Soundness – testing the plan against simple criteria to show it is 'fit for purpose'.

If these steps are all implemented to appropriate standards then the new system of LDFs will speed up the plan-making process and be more transparent to members of the public.

Under the new system of LDFs, there are two types of LDDs, these are³:

- Development Plan Documents; and
- Supplementary Planning Documents.

LDFs will also contain three other statutory documents, these are:

- A Statement of Community Involvement;
- An Annual Monitoring Report; and
- A Local Development Scheme Report.

¹ Department for Communities and Local Government (2008) 'Planning Policy Statement 12: Local Spatial Planning'

² Department for Communities and Local Government website: www.communities.gov.uk

³ Dudley Metropolitan Borough Council website: www.dudley.gov.uk

1.1.2 Sustainability Appraisals

Sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The Government has set out four aims for sustainable development in its strategy '*A Better Quality of Life: A Strategy for Sustainable Development in the UK*' (DETR⁴, 1999). These are:

- Social progress that recognises the needs of everyone;
- Effective protection of the environment;
- The prudent use of natural resources; and
- Maintenance of high and stable levels of economic growth and employment.

As part of the LDF and in accordance to s19(5) of the Planning and Compulsory Purchase Act 2004, Councils are required to produce a Sustainability Appraisal for LDDs such as Development Plan Documents, Area Action Plans and Supplementary Planning Documents. The purpose of the Sustainability Appraisal is to assess the social, environmental and economic effects of the strategies and policies in a LDD from the outset of the preparation process. This ensures that decisions are made that accord with sustainable development. To be effective, Sustainability Appraisals should be fully integrated into the plan-making process. It should be started as soon as a new or revised LDD is first considered and should provide input at each stage when decisions are taken. The areas that are covered by a Sustainability Appraisal include:

- Infrastructure Provision
- Utilities Infrastructure
- Integration of Transport and land-Use Policies
- Municipal Waste Management Strategies
- Hazardous Substances
- Climate Change: Impacts and Adaptation
- Air Quality

1.1.3 Development Plan Documents⁵

Development Plan Documents (DPDs) are part of the LDF. These documents include the following elements:

- A 'Core Strategy', setting out the long term vision for the area and the strategic policies required to deliver that vision.
- 'Area Action Plans' for key areas of change or conservation (where needed).

⁴ Department of the Environment, Transport and Regions

⁵ Department for Communities and Local Government (2008) '*Planning Policy Statement 12: Local Spatial Planning*'

- 'Site Specific Allocations of Land' for a variety of uses (such as housing and employment), including policies relating to the delivery of specific allocations.
- A 'Proposals Map', illustrating the geographical extent of the policies.

Area Action Plans

Area Action Plans (AAPs) are used to provide a planning framework for areas of change and conservation, with a focus on deliverability and implementation criteria.⁶ Authorities may set criteria in their Core Strategy for identifying locations and priorities for the preparation of the AAPs which aim to:⁷

- Deliver planned growth areas;
- Stimulate regeneration;
- Protect areas particularly sensitive to change;
- Resolve conflicting objectives in areas subject to development pressures; or
- Focus the delivery of area based regeneration initiatives.

AAPs addressing change should endeavour to provide a timetable for the implementation of the proposals and identify the allocation of land uses along with their inter-relationships. Where the focus of AAPs is on areas of conservation, the policies and proposals should be aiming to identify how the areas will be preserved or enhanced. They should also provide details of the areas where specific conservation measures and controls over development have been proposed.

AAPs can also be used to assist with taking compulsory purchase action or be the channel by which landowners and key agencies work together.

Site Specific Allocations of Land

These DPDs identify/allocate sites for specific or mixed uses for development, and the associated policies for their delivery.

Proposals Map

Proposals Maps will be used alongside Land Allocation DPDs to illustrate where development will occur and also the nature of that development, for example, housing and employment, etc.

⁶ The Planning Inspectorate (2005) *'Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents'*

⁷ Department for Communities and Local Government (2008) *'Planning Policy Statement 12: Local Spatial Planning'*

1.2 Black Country Local Authority Planning Documents

This technical note provides a focus on the DPDs that each of the Local Authorities within the Black Country is producing or has produced under their LDF. These documents will be produced ensuring conformity to the Black Country Joint Core Strategy (BCJCS) and the West Midlands Regional Spatial Strategy (RSS).

1.2.1 Planning Documents: Borough of Dudley

The following information on planning documents for the Borough of Dudley has been sourced from Dudley Metropolitan Borough Council's website (www.dudley.gov.uk), the Council's 'Local Development Scheme 2008' DPD, submitted in March 2008 and Council representatives.

Brierley Hill Area Action Plan

The AAP for Brierley Hill is currently being prepared following the designation of Brierley Hill as the strategic centre for the Borough of Dudley in January 2008. The AAP will help to guide the proposed regeneration of Brierley Hill up to at least 2012 which will include Merry Hill, the Waterfront and the High Street.

A six week consultation period on the Preferred Options document was undertaken in 2008. These responses are now being considered and will be used to formulate the final submission draft to the Secretary of State for independent examination. The AAP is scheduled for adoption in October 2009.

The role of the AAP will be to set out detailed policies for the Brierley Hill area reflecting the policy position set out in the RSS, emerging revisions to the RSS and the BCJCS.

Stourbridge Area Action Plan

Preliminary evidence gathering for the Stourbridge AAP, with both internal and external key stakeholders, has been completed in June 2008. The Council are now working towards the production of a draft Options document (Regulation 25) which is anticipated to be completed in February 2010 and will then be subject to consultation with key stakeholders. The purpose of the options document is to set out the issues and options for Stourbridge.

The AAP will provide a thorough plan to guide the location, design and layout of new development in Stourbridge Town Centre and the surrounding area. The AAP is expected to be adopted in April 2012 (subject to change) and conform to the RSS as well as the planning guidance that will be set out in the BCJCS.

Halesowen Area Action Plan

Work on the Halesowen AAP has now begun. The document will be produced in order to provide guidance on the location, design and layout of new development in Halesowen. The Option document (Regulation 25) is anticipated to be completed in June 2010, with the Examination in Public scheduled for October 2011 and adoption of the AAP in July 2012. This AAP will also conform to the RSS and BCJCS.

Development Strategy

The Dudley Development Strategy again will aim to conform to the RSS and BCJCS once produced, and establish detailed planning policies on existing and future housing and employment uses. Other issues that will be addressed under the Strategy include retailing outside town centres, green infrastructure, nature conservation and accessibility.

The Development Strategy is planned for adoption in December 2011 following Examination in Public in April 2011.

1.2.2 Planning Documents: Borough of Sandwell

The following information on planning documents for the Borough of Sandwell has been sourced from Sandwell Metropolitan Borough Council's website (www.sandwell.gov.uk), the Council's '*Local Development Scheme*' report, published in December 2007 and Council representatives.

Sandwell's Local Development Scheme came into effect in March 2008 (originally submitted to the Government Office for the West Midlands in December 2007) and sets out the Council's programme for the production of planning documents for the LDF up to 2011. The planning documents that have been identified under Sandwell's LDF include:

- The Black Country Joint Core Strategy;
- Area Actions Plans for Smethwick, Tipton and West Bromwich; and
- Topic Development Plan Documents: Delivery and Site Allocations; and Planning Obligations.

Smethwick Area Action Plan

This AAP focuses on the North Smethwick Canalside and Windmill Eye areas of Smethwick and was adopted in October 2008. The four main roles identified for the Smethwick AAP are to:

- Extend the Canalside housing along the north of the Birmingham Mainline canal;
- Bring forward additional sites for both residential and industrial development;
- Address access issues; and
- Provide a framework for a phased programme of redevelopment in the area to assist the Housing Market Renewal Area (HMRA).

Tipton Area Action Plan

The Tipton AAP was adopted in September 2008. The role of the AAP is to review land uses in the Owen Street, Alexandra Road and Bloomfield Road area, where there is pressure for development arising from a number of issues. The AAP seeks to balance the needs of existing residential and business communities with the need for regeneration.

West Bromwich Area Action Plan

Significant growth and investment in West Bromwich is anticipated over the next 10 to 15 years in order to develop the role of the town as a strategic centre for growth within the region and sub-region. The role of the West Bromwich AAP will be to help deliver a number of major proposals that have already been planned for West Bromwich and bring about significant change in the town centre, along with identifying investment opportunities for the wider area.

The Preferred Options document for the West Bromwich AAP has been produced and identifies a number of key elements, these being:

- *“A preferred boundary for an expanded commercial core for town centre uses, such as retail, leisure and cultural uses;*
- *A consolidated Primary Shopping Area to accommodate 65,000 sq m of additional floorspace (including existing commitments) up to 2026;*
- *Significant opportunities to deliver new high quality employment opportunities centred around a new office sector;*
- *Significant new housing opportunities to promote town centre living and through the transfer of poor quality employment land over to housing;*
- *Emphasis on changing the perception of the area through raising standards in design and public realm; and*
- *A balanced transportation strategy that promotes walking, cycling and public transport and provides the necessary improvements to infrastructure to deliver the level of growth identified.”*

Delivery and Site Allocations Development Plan Document

Development sites for various uses will be identified and allocated in this document with the possible inclusion of policies relating to the delivery of specific sites. Criteria on land accessibility, suitability and availability will form the basis of the assessments used to identify sites for development within Sandwell. All sites will also be assessed against sustainability criteria. Sufficient sites will be identified to meet the Borough’s requirements for the:

- *“Provision of housing of the right quantity, quality, type, tenure and cost to meet the needs and aspirations of the Borough’s existing and future population*
- *Promotion of a range of centres which provide for the shopping, leisure, cultural, service, social and community needs of the Borough’s residents*
- *Achievement of a greater diversity of employment by securing the development of key sites capable of attracting significant investment into the Borough*
- *Provision of other areas for open space, social, leisure and recreational facilities”*

The Issues and Options stage (Regulation 25) for this planning document was completed in September 2008 and consultation on the proposed options has been scheduled for September 2010. The planning document is also subject to submission to the Secretary of State and Examination in Public; however, these dates are yet to be confirmed along with the final adoption date of the planning document.

1.2.3 Planning Documents: Borough of Walsall

The following information provided on Walsall's planning documents has been sourced from Walsall Metropolitan Borough Council's website (www.walsall.gov.uk), the Council's *'Local Development Scheme'* report which was published in February 2008 and Council representatives.

Area Action Plans⁸

Work is currently underway on an AAP for the Willenhall regeneration area, including Willenhall South and parts of the Short Heath ward. The draft plan 'Willenhall: the plan, the Vision' was approved by Walsall Council's cabinet in April 2009 and sets out a vision that sees Willenhall radically repositioning itself over the next 15 to 20 years. Essentially, the vision sees the AAP area shifting from being primarily an industrial area to becoming an area of mainly housing with integrated small businesses, retail and other uses. Specific objectives of the emerging AAP therefore include:

- Delivering up to 3,000 new homes, potentially on areas of current employment land at Ashmore Lake and Willenhall Business Park.
- Delivering up to 3,000 new jobs.
- Creating a vibrant town centre with improved cultural facilities and preserving and restoring the towns heritage.
- Investing in new schools, health facilities and a train service (with a new station).

Land Allocations Development Plan Document

This document is due to be adopted in September 2012 and will identify/allocate suitable sites for a variety of uses in the Walsall area. These sites will be illustrated on a Proposals Map in order to show their spatial distribution within the Borough and help identify how the different land uses can complement one another. The different land uses the document considers includes housing, transport facilities, retail and warehousing and protected areas such as green belt or nature conservation areas.

Development Controls Development Plan Document

Planning applications submitted in the Borough will be assessed against the criteria based policies set out in this document. This document is scheduled for adoption in September 2012 and will also conform to the RSS and BCJCS.

1.2.4 Planning Documents: City of Wolverhampton

The following information provided on Wolverhampton's planning documents has been sourced from Wolverhampton City Council's website (www.wolverhampton.gov.uk) and the Council's *'Local Development Scheme 2008 – 2011'* report which was published in March 2008.

⁸ Source: Walsall Metropolitan Borough Council (September 2009)

Area Action Plans

There are three AAPs for Wolverhampton, these being:

- Wolverhampton City Centre
- Stafford Road Technology Corridor
- Bilston Corridor

These AAPs will provide a focus on investment and implementation of development for the areas identified and provide a framework to deliver the planned growth. The AAPs will also seek to prioritise investment within the city, stimulate regeneration and resolve conflicting land uses.

All three AAPs are scheduled for submission to the Secretary of State in January 2010 and adoption in March 2011.

Site Specific Allocations of Land

The role of this document is to allocate available, accessible and suitable sites in Wolverhampton for various uses including both mixed and individual uses. It will also take into account the policies relating to the delivery of specific allocations and sustainability objectives. The document is planned for adoption in December 2011.

1.3 Environmental Infrastructure Guidance

1.3.1 Eco-Towns Guidance

Rising global temperatures mainly reported to be as a result of human activity through emissions of key greenhouse gases (Carbon Dioxide (CO₂), Methane and Nitrous Oxide) are resulting in a changing climate. The Department for Food and Rural Affairs (DEFRA) have stated that...*“just over 7 billion tonnes of CO₂ is emitted globally each year through fossil fuel use, and an additional 1.6 billion tonnes are emitted by land use change, largely by deforestation.”*⁹

One of the Government’s responses to climate change has been the concept of eco-towns which will increase sustainable living and help towards addressing the housing shortage in the UK. The Department for Communities and Local Government (DCLG) document ‘*eco-towns – living a greener future: progress report*’ published in 2008 states that eco-towns will be:

- *“New settlements for between 5,000 and 15,000 families, with good links to existing towns*
- *Affordable – 30 to 50 per cent of the new homes will be affordable housing*
- *Zero carbon – promoting sustainable and healthy living for existing and future generations*

⁹ Source: DEFRA website: www.defra.gov.uk/environment/climatechange/about/index.htm

- *Equipped with schools, health services, a medium scale retail centre, business space and leisure facilities*
- *Attractive places – with large amounts of open, green space, and state-of-the-art building design*
- *Developed with the community for the community”*

Amongst the many benefits of eco-towns identified in this document, they will also provide the opportunity for transport and other infrastructure to be delivered through increases in land value and economies of scale.

1.3.2 Pressures on Environmental Infrastructure

The following information on environmental infrastructure has been sourced from the Environment Agency’s report *‘Hidden Infrastructure: The Pressures on Environmental Infrastructure’* which was published in 2007.

The Environment Agency has illustrated areas of infrastructure that are expected to experience future pressures in England and Wales. Environmental infrastructure that this report looks at includes water resources, wastewater, waste and flood protection.

“‘Hidden infrastructure’ is the evidence that supports the Environment Agency’s policy paper, which presents our [the Environment Agency’s] new ideas to make sure growth in England and Wales is sustainable, and has the environmental services it needs. The principles apply everywhere, but are more urgent in areas that have or are expecting high levels of growth.”

Water Resources

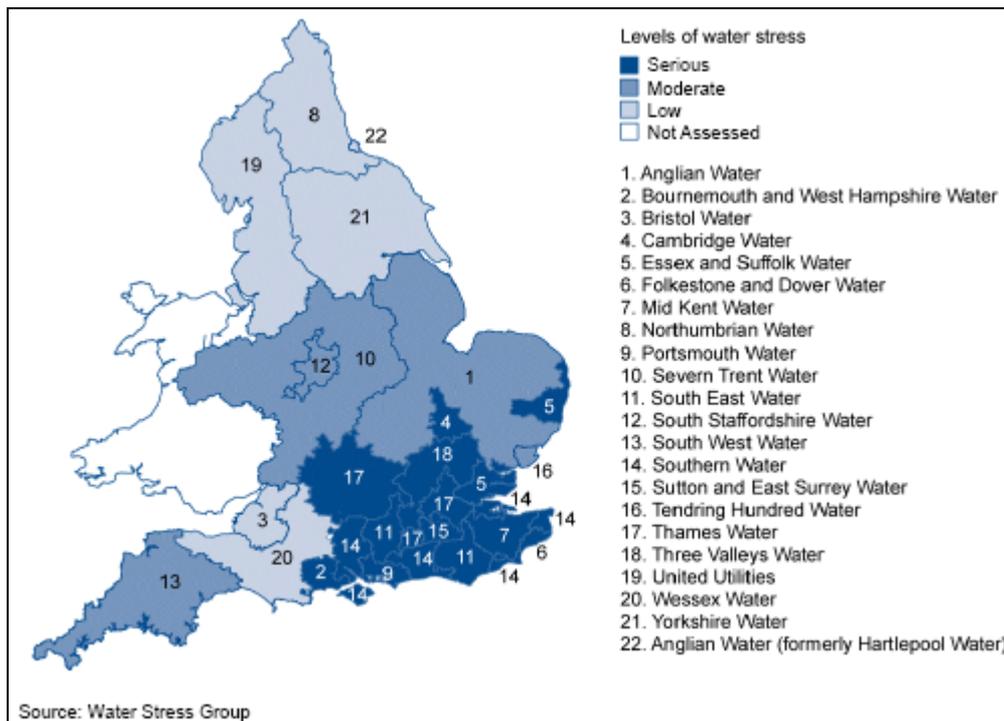
With the rate of house building in the UK set to increase, there is expected to be an increased demand generated for water supply that cannot be met by the current water resources. As well as people using even more water in the future, these problems are expected to be exacerbated by high leakage rates, climate change, and the condition of the water network. The current ‘predict and supply’ approach to water supply used in the past is not sustainable with the increased demand for water anticipated for the future. A twin track approach is needed, reducing the demand (i.e. metering) from new and existing housing at the same time as developing new water resources (small community scale systems).

Figure 1 illustrates areas of water stress in England and Wales. The Black Country sub-region has been flagged to currently have moderate levels of water stress, whereas the south east of England shows greater concern regarding water supply as it currently has serious levels of water stress.

Wastewater

There is currently not enough capacity in the sewerage network to cope with the increase in wastewater and surface run-off that is expected to be produced from an increase in households within the Black Country sub-region and nationally. Impacts from climate change also have the potential to exacerbate the constraints in capacity. In order to tackle this problem, mitigation methods need to be considered including reducing demand, increasing capacity and changing current approaches to wastewater treatment, e.g. by implementing sustainable urban drainage systems and smaller local sewage works.

Figure 1: Water Stress Areas (under consultation)



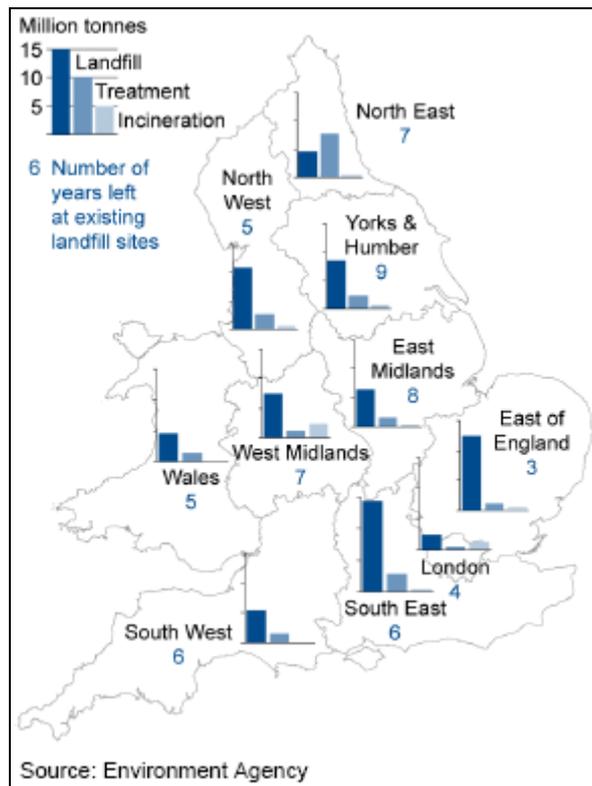
Note: Stress is calculated using measures of household demand (a function of both per capita consumption and population) and environmental stress (a product of both relative availability of water and pressure on the environment).

Waste

There are already capacity constraints present in waste management infrastructure in England and Wales with problems set to be more pronounced in those areas that are expecting major growth. Too much municipal and industrial waste is being generated and not enough is being done to re-use or recycle it which in turn is putting a strain on waste management facilities such as landfill sites. Figure 2 illustrates waste treatment and disposal by region during 2004/05.

More needs to be done to improve public perception of waste management facilities and generate support for them. Equally important is the need for political support as planning approval is not often granted or is delayed for new waste management facilities.

Figure 2: Waste Treatment and Disposal by Region 2004/05



Flood Protection

Development in floodplains puts both new and existing properties at risk. Any new flood risk management infrastructure could make existing communities elsewhere more likely to flood. Climate change is a major factor in flood risk especially as it is projected to increase in the UK.

Making use of existing resources such as brownfield sites for new developments will reduce the need to build on floodplains and hence the need to build more flood defences. This will also significantly reduce the amount of water damage occurring to properties through flooding.

New engineering projects forecast to cost between £22 and £75 billion by the 2080s will be needed to address and reduce the risks of river and coastal flooding. Buildings will also need to be made flood resistant and more sustainable drainage systems implemented in order to cope with increases in water levels.

1.3.3 Checklist West Midlands

Checklist West Midlands¹⁰ is a new online tool which has been developed for sustainable developments and helps a development achieve best practice sustainable development. The tool draws together economic, social and environmental issues from national and regional guidance such as the RSS.

“It enables users to assess to what extent a development site proposal will deliver on the different aspects of sustainability. The Checklist covers regionally specific sustainability and planning issues, emphasising those of higher priority. It can also be adapted to reflect locally significant concerns.

The Checklist has been developed by West Midlands Regional Assembly, Advantage West Midlands with the help of the Building Research Establishment, and support of the Department of Local Communities and Local Government, WWF, West Midlands Building Technology Cluster, West Midlands Regional Planning Officers Group, and Sustainability West Midlands.”

The checklist has been designed to be used by the public and private sector at the design and planning stages of a new development. Sustainability outputs are obtained by filling in a questionnaire which looks at the following eight categories, each of which has a number of sub-categories within them:

- Climate Change and Energy
- Community
- Place Making
- Buildings
- Transport and Movement
- Ecology
- Resources
- Business

A report is generated following completion of the questionnaire which shows how the project rates against each of the sustainability categories listed above.

¹⁰ Source: Checklist West Midlands website: www.checklistwestmidlands.co.uk