

Cabinet – 18 November 2009

Black Country Joint Core Strategy

Portfolio: Councillor Andrew, Deputy Leader and Regeneration

Service: Regeneration

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary of Report

- 1.1 This report seeks support for the Black Country Joint Core Strategy (JCS) for approval by Council, publication and submission to the Secretary of State.
- 1.2 When adopted, the JCS will form a key part of the statutory land use development plan for the Council's area. As well as providing the basis for decisions on planning applications, the JCS will also be a key document in future decisions on infrastructure and the Council's capital programme. The aim of the JCS is to deliver an increase in both jobs and housing for the borough of Walsall as well as the rest of the Black Country, to secure the regeneration and renaissance of the area, and to address its economic, transport, social infrastructure and environmental needs whilst reducing its carbon footprint and helping to tackle climate change.
- 1.3 The JCS will be a core document of the Local Development Framework and aims to show how the Council will deliver the aspirations of the Sustainable Community Strategy.
- 1.4 The broad thrust of the JCS is about achieving the regeneration of the existing urban area by recycling previously used land. This is in line with the policies of the Regional Spatial Strategy which aim to restrict development outside the Major Urban Areas.

2. Recommendations

- 2.1 That Cabinet approve the Joint Core Strategy as a basis for consultation in the publication stage of the production of the document, and refer it to Council for approval for submission to the Secretary of State.
- 2.2 That the Executive Director of Regeneration is delegated, in consultation with the portfolio holder, to approve any further amendments to the document as necessary prior to publication.

3. Background Information

- 3.1 Following the Planning and Compulsory Purchase Act 2004, the previous development plan system, including this Council's Unitary Development Plan, is gradually being replaced by a Local Development Framework (LDF). The LDF is intended to comprise a suite of Development Plan Documents (DPD's), of which the JCS will set the strategic framework. Future DPD's will provide more detailed policies, for example by allocating specific sites for development.
- 3.2 Preparation of the LDF is the legal responsibility of each local planning authority. However, in Autumn 2006 the four Black Country Authorities of Walsall, Dudley, Sandwell and Wolverhampton agreed to produce a Joint Core Strategy for the whole Black Country. This joint approach meant that a common set of strategic policies should be applied consistently across the four authorities. It has also offered economies by allowing the sharing of limited staff resources, particularly where specific expertise has been required for example in areas such as retail and waste policies, and sharing funding support from consultancy work.
- 3.3 A report on the Preferred Options for the JCS was considered by Cabinet in 2008. This approved the framework for the development of detailed policies.
- 3.4 The JCS sets out the land-use planning framework for the period to 2026. It is intended to be visionary and aims for huge transformational change, especially in respect of housing and employment land. It is therefore vital that careful consideration is given at this stage to the implications of the proposals and how they are to be achieved. The text of the draft JCS, including proposals that are specific to Walsall, is available on the Council's Committee Management Information System (CMIS) and is also available in the members' group rooms. A summary of the significant proposals and issues are attached in the **Appendix A**.
- 3.5 It is important to note that a significant amount of technical work remains to be completed. This work is needed to provide evidence to support the JCS when it is submitted to the Secretary of State for examination, and to ensure that the policies in the JCS are worded in a way that will achieve the objectives of the Strategy. The outcome of the technical work, as well as the decisions of both this Council and the other authorities, may require amendments to the detailed wording of the proposals. The recommendation of this report reflects this possibility. It should also be noted that the version of the JCS to be submitted to the Secretary of State will include plans and other illustrative material that is not yet available for printing.
- 3.6 A cross-party Members' Group has been established to brief Members in more detail about the proposals, to guide the technical work and to start to make the decisions associated with the proposed land use policies and geographical areas. The proposals in the JCS have also been considered by Regeneration Scrutiny and Performance Panel, most recently on 3 November 2009.

- 3.7 The formal public consultation period following publication is expected to last from 30 November 2009 to 15 January 2010. The JCS is to be considered by Council on 10 January 2010. Dependent on the outcome of this consultation period and the decisions of the four local authorities, the JCS will then be submitted to the Secretary of State.

4. Resource Considerations

4.1 Financial:

- 4.1.1 The cost of publication, submission to the Secretary of State and any necessary Examination in Public is covered by existing budgets. Publication and adoption of a JCS is one of the criteria that is used to assess the size of the Housing and Planning Delivery Grant that is payable to the Council.

- 4.1.2 The proposals in the JCS will have implications for infrastructure and the capital programmes of the Council, other partners and the private sector throughout the period of the plan up to 2026. An infrastructure and delivery plan is being prepared as part of the evidence base to support the JCS to indicate what infrastructure is likely to be required and how it might be delivered. Publication and adoption of the JCS does not itself commit the Council or other bodies to provide infrastructure. A broad objective of the JCS is to achieve the regeneration of the urban area in order to make the best use of the infrastructure such as transport links, schools and utilities that already exists in the area.

4.2 Legal:

- 4.2.1 Once adopted, the JCS will form part of the development plan for the Borough under the Planning and Compulsory Purchase Act 2004. Decisions on planning applications and other matters under the Act will then have to be taken in accordance with the policies of the JCS unless material considerations indicate otherwise.

4.3 Staffing:

- 4.3.1 The preparation of the JCS has already taken up a significant amount of staff time and it is anticipated that further staff resources will be required for the Examination in Public that is likely to be required following submission to the Secretary of State. Work on the JCS is led by officers in the Regeneration Strategy Team working in partnership with staff in the other Black Country authorities. It should be noted that the Team has recently lost key members and this work has to be balanced with providing support for other statutory tasks, in particular providing evidence to defend the Council's decisions on planning appeals, that have strict time limits. The need to carry out these other tasks could impact on the ability of the Council to proceed with the JCS in a timely manner.

5. Citizen impact

The JCS is intended to ensure that sufficient land is provided for housing, employment and other community needs, and that this land is secured in the most appropriate locations with adequate infrastructure such as schools and transport links. The JCS also aims to protect environmental assets and safeguard residents from the potential adverse impact of developments such as waste treatment and mineral extraction.

6. Community Safety

The policies of the JCS are intended to enhance the economic and physical prosperity of the area. Specific policies are proposed relating to design quality, including measures to reduce crime.

7. Environmental Impact

A key objective of the JCS is to enhance the environmental quality of the Black Country and to safeguard existing environmental assets. The regeneration of the area aims to maximise the re-use of brownfield land. The draft policies have been subject to sustainability appraisal.

8. Performance and Risk Management Issues

8.1 Risk:

8.1.1 There is a risk that the policies of the JCS are found unsound following the Examination in Public. This would result in the need to repeat all or part of the preparation process. If the JCS is adopted, there is a risk that the policies may not achieve the urban renaissance they propose. In particular, the housing numbers and amounts of new and improved employment land proposed may prove to be undeliverable, and existing employment may be lost. Unsuitable policies may also result in other significant adverse impact on the environment of the area, and the quality of life of residents.

8.1.2 The limited staff resources mean that the delivery of the JCS poses a significant challenge in the limited time available.

8.2 Performance Management:

8.2.1 The preparation of the JCS is being managed by a steering group containing representatives from each Black Country Authority, the Government Office for the West Midlands and the Black Country Consortium. The Steering Group reports to the Black Country Joint Advisory Group, which consists of Portfolio Holders from each authority.

Each policy of the JCS includes indicators that will allow monitoring to take place, once the JCS is adopted, that will show whether the objectives of the JCS are being achieved. The extent of performance against these indicators will be included in the Annual Monitoring Report. The long lifespan of the JCS means that the policies are required to take account of uncertainty, for example changes in the economic situation that will affect the ability to deliver the housing numbers that are proposed.

9. Equality implications

The JCS is aiming to secure an improved physical environment, additional homes and an increase in employment opportunities for all residents. The preparation of the JCS has included a consultation process that has aimed to ensure that the needs and aspirations of all sections of the community are taken into account. The draft JCS has been subject to an Equality Impact Assessment.

10. Consultation

- 10.1 To date, the JCS has been prepared in accordance with the approach to community involvement as set out in the Council's adopted Statement of Community Involvement. Representations were received from over 180 interested parties at the Issues and Options, and Preferred Options, stages. The Publication stage is intended to allow further representations to be made.
- 10.2 The background documents to be published with the JCS will include a summary of comments in response to the representations received to date. One of the purposes of the Examination in Public that is likely to follow the submission to the Secretary of State will be for the Inspector to review these representations together with any that are made at the formal Publication Stage.

Background Papers

Black Country Joint Core Strategy Draft for Publication

Supporting Technical Documents

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9 November 2009



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Appendix A

The full text of the draft JCS is available on the Council's Committee Management Information System (CMIS) and is also available in the members' group rooms. The policies are listed under the following headings.

- The Vision of the Black Country in 2026 and how this will be delivered (The Spatial Strategy and Delivery)
- Housing (Creating Sustainable Communities)
- The Economy, Employment and Centres
- Transportation and Accessibility
- Environmental Infrastructure
- Waste and Minerals

The key objectives for each heading are set out below. As noted above, a significant amount of technical work remains to be completed to support any examination in public and to ensure the policies are worded in a way that will secure these objectives. A summary of some of the key policies together is set out below. This summary includes the major issues to be addressed both through the remaining technical work and also through the implementation of the policies in the future. This is not a comprehensive list but is a highlight of some of the issues that are being addressed in the final draft of the Strategy.

The Spatial Strategy (Policies CSP1 to 5)

Growth will be concentrated in the four Strategic Centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton, and in a series of Regeneration Corridors. In Walsall these corridors comprise RC5 Loxdale – Moxley, RC6 Wednesfield – Willenhall – Darlaston (shared with Wolverhampton), RC7 Bloxwich – Birchills – Bescot and RC15 Brownhills.

The Strategic Centres will be the focus of new shopping, office, leisure and cultural development, and mixed use developments with the majority of new homes built at high densities. The Regeneration Corridors will provide high quality employment land, new homes and retained local employment land. Many of the new homes will be provided on former employment land.

Delivery (Policies DEL1 and 2)

The objective of the strategy is to increase employment provision, with employment lost from declining local employment land replaced on new and upgraded high quality land.

Issues to be Addressed

The mechanism and timescale for delivering new employment land will need to be identified. Allowing housing to be built on employment land before adequate replacement has been provided will result in a loss of existing jobs and nowhere for new and expanding employers to be located. Careful phasing will therefore be required, and a robust stance taken in decisions on planning applications to avoid the premature loss of land that might be needed for future employment.

Creating Sustainable Communities (Policies HOU1 to 5)

Sufficient land will be provided for at least 63,000 new homes by 2026, nearly all of which will be built on previously developed land. This target is likely to require higher densities than have been achieved in many cases hitherto. Densities will be greater close to services such as shops, schools and employment. New schools and health facilities will be provided where required to support this growth.

A proportion of the new homes will be affordable, and targets are also set for the provision of accommodation for gypsies, travellers and travelling showpeople.

Issues to be Addressed

If developers are required to fund affordable housing, and infrastructure such as new schools, this may affect the viability of many proposals. Higher densities may be unpopular with both developers and residents.

The Economy, Employment and Centres (Policies EMP1 to 5 and CEN1 to 6)

Adequate new land will be provided for employment development, for both high quality strategic employment areas and locally based employment activity.

New shopping, leisure, cultural and office developments will be concentrated in the Strategic Centres, with small scale developments in the smaller district and local centres. There is no general need for out-of-centre development.

Issues to be Addressed

The development of land for employment uses is generally less attractive to investors than for other uses. In the Black Country, significant public sector intervention has often been required to delivery such land. Much of the area's potential employment land is fragmented and suffers from encroachment by other uses.

It is unclear that the local economy will be able to support the level of retail development proposed in the centres, and there remains pressure to allow out-of-centre developments.

Transportation and Accessibility (TRAN1 to 5)

Land needed for the implementation of priority transport projects will be safeguarded. Development proposals that are likely to have significant transport implications will not be granted planning permission unless they provide for all modes of transport including walking, cycling, public transport and car sharing. The movement of freight by sustainable modes such as rail and waterways will be encouraged, and a coherent cycle and walking network will be developed. Parking will be managed to influence the demand for travel and travel choices.

Issues to be Addressed

A major reason for favouring the major urban areas as a focus for new development is to make best use of the infrastructure, including that for transport, which already exists. However, delivery of major new transport schemes will be dependant on securing funding. A change in individual behaviour will be required to achieve greater use of sustainable modes of travel.

Environmental Infrastructure (ENV1 to 8)

Biodiversity and geodiversity will be protected and improved. Historic character and local distinctiveness will be protected and promoted. High quality design will be achieved, including implementation of national quality standards for streets and sustainable housing developments, and consideration of crime prevention. Canals will be safeguarded and used as a focus for future developments.

Developments will have regard to flood risk. Open space will be safeguarded and enhanced to improve the image and environmental quality of the Black Country. Major developments will need to incorporate renewable energy provision.

Issues to be Addressed

Incorporating sustainable design standards such as Building for Life and the Code for Sustainable Homes can add significantly to the cost of new development and affect viability, even if the aim is to reduce long-term costs. Some of these standards will eventually be introduced into the Building Regulations.

Waste (WM1 to 5)

The Black Country aims to achieve zero waste growth and “equivalent self sufficiency” in managing its waste by 2026, and to have a wider range of facilities including some we don’t currently have, such as for treating food waste and contaminated soils. New capacity will need to be identified to reprocess, recycle and recover waste to reduce reliance on landfill, and existing capacity will be protected from encroachment and changes of use. The strategy identifies strategic facilities in the Borough whose capacity will be protected, and sites where new facilities will be developed over the plan period (including the JPE proposal at Fryers Road, Bloxwich and Sandown Quarry). Aspirations to replace the North Walsall Depot and to develop a new Household Waste Recycling Centre in the Darlaston/ Willenhall area are also included. New developments will also be expected to show how they will manage their waste.

Issues to be Addressed

Waste management proposals are frequently controversial yet are an essential part of our infrastructure. It is therefore important to have robust policies which steer these facilities to the most appropriate places (such as employment land), and require them to be located and designed in a way that minimises their impact. We also need to encourage facilities we currently lack so that waste produced in the Borough can be managed locally rather than having to transport it elsewhere, which is an added cost to local businesses.

Minerals (MIN1 to 5)

The Black Country will aim to make most sustainable use of mineral resources (which are finite) such as encouraging re-use and recycling of aggregates. Mineral resources will be protected from other development that would needlessly sterilise it by defining a mineral safeguarding area where potentially valuable minerals are present – this covers almost the whole of the Black Country - and by a safeguarding policy, which will require very large developments to consider how they will protect minerals. Aggregate production must be planned for in line with the regional apportionments (which are now under review), and long-term supplies of brick clay

must be made available to local brickworks where feasible, in accordance with national policy guidance.

Issues to be Addressed

Walsall has important mineral resources, notably Etruria Marl, a high-quality clay used for brick manufacturing, and sand and gravel. The brick clay provides an important resource for local manufacturers although in some cases supplies are running low and new sources need to be found. Sand and gravel production is also very limited with only two active quarries and little scope to increase production in the short-term. The Borough also has extensive coal resources in the Brownhills area and the potential for working at Brownhills Common/ "Yorks Bridge" needs to be addressed. The Council needs to decide where mineral extraction should take place in the Borough in the future, to maintain supplies and at the same time minimise potentially harmful effects on the environment and local communities. To steer mineral working towards the most appropriate locations, "Areas of Search" for Etruria Marl extraction and sand and gravel extraction are proposed – these are based on the mineral safeguarding areas I, II and III defined in the UDP.

Monitoring Framework

All the policies of the JCS include indicators that will be measured on an annual basis to show the extent to which the objectives of the strategy are being achieved. Where targets are not being met, it will be necessary to identify measures either to ensure that performance improves or the Strategy is reviewed as appropriate .

Proposals for Specific Centres and Regeneration Corridors in Walsall

Detailed proposals are made for each corridor under the headings listed above.

CORRIDOR 5 (Loxdale – Moxley)

Opportunity to make use of the good access provided by the Black Country Route and Spine Road to attract high quality employment. Residential development in Moxley.

Issues to be Addressed

As mentioned above, attracting high quality employment is likely to require public intervention.

CORRIDOR 6 (Darlaston – Willenhall – Wednesfield)

Significant change is proposed in the Willenhall area, with over 2000 new dwellings to be provided on former employment land, notably at Ashmore Lake, good quality residential and green spaces to add to the historic character of central Willenhall, and high quality employment land provided in Darlaston.

Issues to be Addressed

This corridor highlights in a microcosm the difficulty that is faced by the entire Black Country, in phasing the release of employment land for housing without losing existing jobs and the investment that has already been made by existing employers. The work such as by agencies such as Walsall Regeneration Company in bringing forward employment land in Darlaston will need to continue.

Darlaston Green is currently proposed to remain as a local centre, continuing the designation from the UDP. However, the emerging Black Country Centres Study, which is the evidence base for the centres policies, notes that the small size and lack of space for expansion means that it no longer meets the definition of a local centre in national planning policy guidance and recommends that it loses this status. The current parade of shops would however remain.

CORRIDOR 7 (Bloxwich – Birchills – Bescot)

Currently an area with high levels of deprivation, particularly at the southern end, but with the canal, railway and A34 road providing the opportunity to create new attractive canalside residential communities with access via a high volume public transport network to local industrial jobs in the centre of Walsall, as well as Wolverhampton and Birmingham. Regeneration that is already taking place is noted, including the Manor Hospital. Proposals for the current Council depot site at Norfolk Place and the civic amenity site at Fryers Road are referred to under Waste policies above.

Issues to be Addressed

The corridor contains a significant amount of local employment land that is to be retained.

CORRIDOR 15 (Brownhills)

Significant new housing development is proposed, including proposals by Walsall Housing Group and the redevelopment of current employment land.

Issues to be Addressed

The WHG proposals will only involve the development of former housing land and much of the employment land is currently allocated as core employment land in the Unitary Development Plan. Council officers are currently preparing for a public inquiry against the decision of the Council to refuse planning permission to redevelop part of Brownhills Business Park for housing.

This corridor has been included because of the need to provide sufficient land for new housing to meet the targets in the JCS and the Regional Spatial Strategy. However, there is currently sufficient land with planning permission and allocated in the existing UDP to meet requirements for the next 10 years or so. The core employment land is therefore unlikely to be needed for housing until the end of the plan period.