



The Planning Inspectorate

Report to Walsall Council

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Date: 22 November 2018

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Walsall Site Allocation Document

The Plan was submitted for examination on 7 June 2017

The examination hearings were held between 5 and 21 September 2017

File Ref: PINS/V4630/429/2

Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
BCCS	Black Country Core Strategy
CIL	Community Infrastructure Levy
DtC	Duty to Co-operate
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
WAAP	Walsall Town Centre Area Action Plan
SAD	Walsall Site Allocation Document
UDP	Walsall Unitary Development Plan

Non-Technical Summary

This report concludes that the Walsall Site Allocation Document provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Walsall Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Revised housing and employment figures and sites;
- Rewording policies to ensure they are positively prepared and consistent with the NPPF; and
- Amending or deleting policies and explanatory text to guide development.

Introduction

1. This report contains my assessment of the Walsall Site Allocation Document in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 Framework.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Walsall Site Allocation Document, submitted in June 2017 is the basis for my examination. It is the same document as was published for consultation in November 2016.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs, which included proposed modifications following the Pre-Submission Consultation (November 2016). The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the SAD Policies Map.
6. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the SAD. Furthermore, it is necessary in the interests of clarity to delete all references in the plan relating to the 'SAD Publication Policies Map' and replace them with 'Policies Map' (**MM1**).

Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. There is a duty to co-operate on strategic matters that cross administrative boundaries. The Council has engaged with its neighbours as a precautionary measure given the shared Black Country Core Strategy (BCCS). The Council's approach is set out in the Walsall Site Allocation Document (SAD) and Walsall Town Centre Area Action Plan (WAAP) Duty to Cooperate Overview (CE2). Overall, I am satisfied that there are no outstanding strategic cross border issues.

Assessment of Soundness

Background

8. The SAD has been prepared in the context of the BCCS, a document prepared jointly by Dudley, Sandwell and Walsall Metropolitan Borough Councils and Wolverhampton City Council. The BCCS provides the strategic planning policy background for the matters contained within the SAD, and it is not necessary to address those matters further in my examination.
9. The SAD will form part of the suite of plans comprising the BCCS, Walsall Unitary Development Plan (UDP) and, when adopted, the Walsall Town Centre Area Action Plan (WAAP). The SAD, in turn, will replace some of the saved UDP policies and will be used as necessary to assess development proposals within the Plan area. Main submission document 4 (MS4) provides a list of those saved UDP policies which will be superseded by the SAD. Therefore, it is necessary to add the list of superseded UDP Policies to the SAD as an appendix and reference it within the plan's explanatory text (**MM2, MM107**).

Main Issues

10. Taking account of all the representations, the 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. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Is the Site Allocation Document consistent with, and does it positively promote, the vision, objectives and spatial policies contained in the Black Country Core Strategy; is its relationship with the Core Strategy sound and is its overall approach consistent with national policy?

11. Walsall as a Borough has a range of settlements each with their own unique character. Each of these settlements is linked by the Borough's natural and industrial heritage. The SAD seeks to direct development and growth across the Borough by identifying the most appropriate and sustainable sites. To achieve this, the Plan, primarily a land allocation document, identifies amongst other things sites for the delivery of housing, employment, mineral extraction and waste infrastructure. The plan also includes economic and environmental policies that seek to support the enhancement of the built and natural

environment and the improvement of movement in and around the Borough. These objectives are fully compliant with the BCCS.

12. There is broad local support for the Plan's vision and objectives, which are based on an understanding of community needs and aspirations gained through extensive public consultation and engagement. This is explored in the SAD and WAAP Preferred Options Consultation Report (CE5) which demonstrates how the Council has reached its preferred options for the vision and aims of the plan. There is a flexible approach across the allocated sites to balance the provision of available and deliverable development land for housing and employment and the necessary infrastructure that supports it, alongside providing the necessary protection for Walsall's built and natural environment. Therefore, to reflect the latest available evidence and to ensure clarity and precision it is necessary to update Table 2.1 Assets and Constraints, and Walsall's Local Plan Policies to reflect modifications elsewhere in the plan including the addition of Registered Common Land as a constraint (**MM1, MM2, MM3, MM4, MM5, MM6, MM7**). These modifications ensure that the plan is positive and effective.
13. Overall, and subject to the Main Modifications identified, the Plan before me is positive and flexible, and it promotes and encourages economic development and environmental improvement throughout the Plan period consistent with the aims of the BCCS and the NPPF.

Issue 2 – Are the site allocations for housing consistent with the Core Strategy and national policy, are site allocations deliverable and has the plan been positively prepared in these respects?

Homes for Our Communities

14. Policy HOU1 of the BCCS requires the provision of at least 11,973 new homes in Walsall over the plan period 2006 -2026. At the time of the examination hearings the latest available evidence was that 6,608 homes had been completed up to 1 April 2017, with a further 400 under construction. As such, chapter 3 of the SAD 'Homes for Our Communities' contains 4 policies which relate to allocating land for new housing, development of other land for housing, affordable housing and housing for people with special needs and allocating land for Gypsies and Travellers and Travelling Showpeople. The aim of the policies is to deliver sustainable, inclusive and mixed communities. The policies are generally positively worded supporting proposals for new homes on appropriate sites.
15. Policy HC1 of the SAD allocates sites with a capacity of more than 10 dwellings for new housing across the Borough. The sites identified within the policy provide capacity for approximately 3,150 new dwellings. In the interests of clarity and to demonstrate consistency with the BCCS housing requirement, it is necessary to update the policy's explanatory text to take into account the most up to date housing completion figures (**MM8, MM9, MM10, MM11, MM22, MM23**). Modifications are also required in the interests of clarity and consistency to delete sites that have already been completed or are under construction or where the status of the site has changed in line with the latest available evidence (**MM12, and MM13**). A number of sites that were identified as having potential to meet the identified needs of the travelling

community within Policy HC1 are no longer deliverable due to issues relating to viability and availability (HO27, HO29, HO62, HO157a and HO157c). Therefore, in the interests of ensuring the plan is effective, modifications are necessary to delete the references to Gypsies and Travellers and Travelling Showpeople for these sites (**MM14, MM15**). Modifications are also necessary to ensure that Table HC1 accurately identifies site specific constraints, estimated site capacities and any previous relevant planning history for each site (**MM16, MM17, MM18, MM19, MM20, MM21**). These modifications are required to ensure that the Plan is both effective and positive.

16. Policy HC3 of the SAD sets out the Council's approach to securing the delivery of affordable housing and housing for people with special needs. On the whole the policy is positively worded supporting proposals for new homes to meet the BCCS requirement for affordable housing whilst seeking to direct housing for people with special needs to sites with good access to facilities and public transport. However, in the interests of clarity and to ensure the policy is effective modifications are required to the explanatory text to ensure it is linked to Policies HOU2 and HOU3 of the BCCS (**MM23, MM24**).
17. Policy HC4 of the SAD seeks to meet the identified needs of the travelling community and to allocate adequate sites for the plan period. The Council's Gypsies, Travellers and Travelling Showpeople Background Paper, May 2017, provides a detailed summary of the range of studies undertaken in accordance with National Planning Policy for Traveller Sites (PPTS). Furthermore, due to material changes to site availability and deliverability the Council has produced a position paper (Exam 12), which sets out the most up to date position in relation to site availability for the travelling community.
18. Based on all of the available evidence it is clear that some of the identified Gypsies and Traveller sites within the plan are no longer available or deliverable. These sites are HO27 (Goscote Lodge Crescent), HO29 (Goscote Copper Works) and HO62 (Former Metal Casements). It is also necessary to delete sites GT5 (Cartbridge Lane) and GT6 (34-38 Gould Firm Lane) from the plan as these sites are located within the Green Belt and have occupancy restrictions. Moreover, an additional site has been brought forward HO14b (adj. No1 Croft Street, Willenhall). Modifications are therefore necessary to reflect these changes and ensure that the plan is effective (**MM25, MM26, MM27, MM28, MM31, MM32, MM34, MM35, MM36**). Similarly, sites HO157a (Former AUTOCRAFT) and HO157c (Jubilee House) that were identified within the plan to meet the needs of Travelling Showpeople are also no longer available or deliverable. Modifications are therefore necessary to reflect these changes and ensure that the plan is effective (**MM29, MM30, MM31, MM32**).
19. Consequently, whilst Policy HC4 safeguards existing sites and provides criteria to deliver suitable sites that might come forward, it only allocates 16 pitches for Gypsies and Travellers resulting in a total of 49 permanent and unrestricted pitches (6.7 year supply) and 9 additional plots for Travelling Showpeople, which would only equate to a 3.75 year supply. Therefore the SAD would fail to provide for the full need of the Gypsies and Travellers and Travelling Showpeople over the period of the plan. Therefore, it will be necessary to implement an early review of the plan (within 18 months of adoption) in relation to provision for Gypsies and Travellers and Travelling

Showpeople. The review could take the form of a topic-specific development plan document or be undertaken as part of the ongoing review of the BCCS. It should ensure the allocation of sites as necessary to meet an up-to-date assessment of the projected needs for sites for Gypsies and Travellers and for Travelling Showpeople. Therefore, modification to the explanatory text is necessary to reflect the commitment to an early review for clarity and effectiveness (**MM33**).

20. Having reached the conclusions above, the SAD, a subsidiary plan which is intended to implement the BCCS, makes adequate provision to contribute towards delivering the BCCS's overall housing requirement of 11973 dwellings (net) for the Borough. This approach has been endorsed by the Courts (Gladman Development Limited v Wokingham Borough Council [2014] EWHC 2320 (Admin)) and (Oxted Residential Ltd v Tandridge District Council [2016] EWCA Civ 414). As such, the SAD is consistent with the BCCS and national policy and therefore, the plan with regard to the provision of land for housing is sound subject to the main modifications I have identified and a clear commitment to an early review in relation to provision for Gypsies and Travellers and Travelling Showpeople.

Issue 3 - Are the site allocations for employment consistent with the Core Strategy and national policy, are site allocations deliverable and has the plan been positively prepared in these respects?

21. Walsall has an extensive industrial legacy that contributes to the area's unique character. However, this industrial legacy also means that there are significant challenges in regenerating and reutilising former employment sites to bring them up to date to meet the needs of modern industrial and employment requirements. Therefore, Policy EMP1 of the BCCS seeks to manage the provision of employment land stock in Walsall over the plan period 2006 -2026, seeking to ensure that there is sufficient supply to meet the anticipated level of demand with a safety margin to cover risk. In preparing the SAD the Council have carried out an updated employment land review that provides the latest position in relation to the availability and suitability of industrial sites. As such, there are 5 policies within chapter 4 of the SAD 'Providing for Industrial Jobs and Prosperity'. These relate to safeguarding, allocating and releasing industrial land within Walsall. It is therefore necessary in the interests of clarity and precision to make modifications to the chapter's explanatory text to reflect the updated evidence base (**MM37**).
22. The evidence from the employment land review underpins the increase in the overall industrial and employment provision in the SAD for existing and potential strategic high quality and retained local quality land (694ha) above the requirement of the BCCS (611ha). I consider that based on the evidence the approach of the Council to allocating industrial land will allow greater flexibility and therefore will ensure that a range of employment sites are available to meet market demands. This will also ensure that there is a proportionate buffer to address risk, in particular those arising from industrial legacy issues. Moreover, the SAD also identifies sites that are no longer needed or suitable for industrial use and highlights them for suitable alternative uses. Therefore, the plan has been positively prepared in allocating sufficient land to meet the employment needs of the borough.

23. Policy IND1 – Existing High Quality Industry seeks to safeguard sites and areas for high quality industry. The site allocations are justified by the available evidence and are consistent with BCCS Policy EMP2 and national policy and will contribute to economic growth within Walsall. To ensure the policy is effective modifications are necessary to include the latest constraints, occupancy information along with corrections and clarifications of site names and areas (**MM38, MM39**). Policy IND2 – Potential High Quality Industry seeks to allocate and safeguard sites and areas that are capable of being developed for high quality industrial use in the medium to long term. This is consistent with BCCS Policies EMP 1 and EMP2 and national policy and will contribute to increasing capacity for economic growth within Walsall. Modifications are necessary in the interests of clarity and precision to update the assets, constraints, site names and site areas for the individual allocations (**MM40, MM41**). Furthermore, it is necessary to ensure that the plan is both positive and effective to move site IN98.2 (Former Railway Tavern, James Bridge, Darlaston) from Policy IND2 to Policy IND3 Vacant Retained Local Quality Industry, as this more accurately reflects the characteristics and deliverability of the site (**MM42, MM43**).
24. Policy IND3 – Retained Local Quality Industry seeks to allocate and safeguard sites and areas that meet the requirements of BCCS Policy EMP3 in particular the criteria set out in paragraph 4.14. These industrial sites are a significant component part of Walsall's economy and therefore it is necessary to ensure that they are retained for employment purposes. Modifications (**MM43, MM44**) are necessary in the interests of clarity and precision to update the assets, constraints, site names and site areas for the individual allocations.
25. Policy IND4 – Local Industry Consider for Release identifies local quality industry sites and areas that could be released for alternative uses including residential development, subject to the overall industrial land supply not falling below the requirements of BCCS Policy EMP3. The Council's approach is consistent with BCCS Policy DEL2 and national policy and will contribute to increasing the supply of housing and supporting economic growth within Walsall. Modifications (**MM45, MM46**) are necessary in the interests of clarity and precision to update the assets, constraints, occupation status, site names and areas for the individual allocations. Furthermore, given that the Council have allocated sufficient employment land for release it is not necessary for soundness to allocate additional sites within Policy IND4.
26. Policy IND5 – New Employment Opportunities seeks to allocate sites and areas that are capable of being developed for high quality industrial use due to their locational advantages. The purpose of this policy is to attract inward investment. This is consistent with BCCS Policy EMP2 and national policy and will contribute to increasing capacity for economic growth within Walsall. Modifications (**MM47, MM48**) are necessary in the interests of clarity and precision to update the explanatory text, assets, constraints and site areas for the individual allocations.
27. Having reached the conclusions above, the SAD employment land allocations make adequate provision to deliver the BCCS's requirements for the Borough. As such, the SAD is broadly consistent with the BCCS and national policy and

therefore, the plan with regard to the provision of land for employment land is sound subject to the main modifications I have identified.

Issue 4 – Whether the detailed policies and site allocations would positively implement the aims and objectives of the Black Country Core Strategy, and are soundly based?

28. The detailed policies are set out in topic based chapters covering local centres, open space, leisure and community facilities, environmental network, sustainable waste management, sustainable use of minerals and transport and infrastructure. This range of detailed policies in the SAD will positively promote the aims and objectives of the plan. Consistent with the NPPF, the overarching aim of the policies is to deliver sustainable development.

Open space, leisure and community facilities

29. The open space, leisure and community facilities chapter of the SAD contains 4 policies which relate to open space, sport and recreation, greenways, cemetery extension and the University of Wolverhampton, Walsall campus. The aim of the policies is to safeguard important components of Walsall's open space network and support the provision of leisure and community facilities. The policies are generally positively worded supporting proposals for leisure and community facilities on appropriate sites, whilst securing the borough's open space network. To make the policies effective, modifications (**MM49, MM50**) amend Policy OS1 to ensure that it relates to and accords with the criteria set out in BCCS Policy ENV6 and Policy LC1 of the UDP and the Technical Appendix.
30. Policy LC5 – Greenways seeks to create, safeguard and support the enhancement of leisure and recreational routes that are separate from the highway network to connect built up areas to open spaces. Modification (**MM51**) is necessary for clarity and to provide clear direction to the decision maker.
31. Policy LC11 – Land for Cemetery Extension, Bentley Lane. This reserves the site for a cemetery extension to meet the identified needs of the Borough. However, the site is located within the Green Belt and the use of the site as a cemetery required and secured planning permission for a change of use of the land. Therefore modifications (**MM52, MM53**) are necessary to ensure that the policy is consistent with the NPPF, and to provide clear direction to the decision maker.
32. Consequently, the Plan's approach to open space, leisure and community facilities is sound subject to the main modifications I have identified and will help to ensure that the recreational and community needs of Walsall are met.

Environmental network

33. The environmental network chapter of the SAD contains policies which relate to the green belt, management and enhancement of the natural environment, ancient woodland, flood risk, conservation areas, Highgate Brewery and Great Barr Hall and St. Margaret's Hospital. The aim of the policies is to protect or enhance the built and natural environment, including cultural and historic assets. The policies are generally positively worded supporting proposals for

appropriate development whilst boosting opportunities to improve the built and natural environment.

34. The submitted plan includes two policies that seek to define and properly assess the effect of development on the Green Belt (GB1 and GB2). Policy GB2 contained criteria relating to amongst other things design, landscaping, scale, grouping and the use of appropriate materials. However, whilst these are matters that need to be carefully considered by the decision maker, the introduction of additional criteria in the context of assessing the impact of development on the Green Belt would mean that Policy GB2 as submitted is not consistent with the NPPF. Moreover, the effect of a proposal on the character and appearance of an area is adequately addressed within saved Policies ENV32 and ENV33 of the UDP. Therefore, it is necessary for consistency with the NPPF to delete Policy GB2 and modify Policy GB1 and its explanatory text to provide a single green belt policy that is consistent with the NPPF (**MM5, MM54, MM55, MM56, MM57, MM58**). These modifications mean that the policy is positively worded and provides clear direction for the decision maker.
35. Policy EN1 - Natural Environment Protection, Management and Enhancement seeks to protect, manage and enhance Walsall's nature conservation sites and features. Beyond Walsall's boundary, part of Cannock Chase is a Special Area of Conservation (SAC). Natural England and various local authorities have defined a 15km SAC 'zone of influence' which extends into Walsall and across a number of adjoining local planning authority areas (Stafford, East Staffordshire, Wolverhampton, Cannock Chase and Lichfield). To ensure that the SAC is given the necessary protection the councils in the area have had to consider a cooperative approach to assess development proposals and to provide mitigation where necessary. In relation to the Cannock Chase SAC the approach is based upon an 8km zone, within which mitigation measures are sought. As such, modifications (**MM59, MM60**) are required to provide clear direction with regard to the necessary information required to allow the Council to discharge their duty as a competent authority in relation to Habitats Regulations Assessment.
36. Policy EN3 - Flood Risk directs development to areas with the lowest risk and seeks to mitigate the effects of flooding. At the examination hearings detailed discussions were held between waste operators, the Council and the Environment Agency to ensure flood risk in relation to future minor development at existing mineral and waste sites is assessed proportionately in line with evidence of risk. To address this modification (**MM61**) is necessary to ensure that the plan is justified and effective in relation to existing mineral and waste management sites under Section 73 of the Town and Country Planning Act 1990 (as amended).
37. The purpose of Policy EN4 – Canals is to protect, enhance and promote the canal network in Walsall as a focus for future development. The policy also seeks to safeguard the indicative route of the Hatherton Branch Canal restoration project consistent with Policy ENV4 of the BCCS. However, the policy as drafted does not provide the scope for an assessment of the likely effects of a future restoration project to consider all potentially relevant issues in ensuring appropriate protection of European protected sites, in particular the Cannock Extension Canal SAC, making the policy unsound. Further clarity

is also required in relation to the potential mineral workings sites at Brownhills Common and Yorks Bridge; as such the policy is unsound. Therefore, modifications (**MM62, MM63, MM64, MM65**) provide greater clarity about identifying the issues to be addressed in respect of biodiversity, the assessment of likely significant effects and the consideration of alternatives to effectively assess new development (including where necessary at the project stage), and to develop mitigation measures in accordance with the Habitats Regulations¹.

38. Policy EN5 – Development in Conservation Areas seeks to ensure that development preserves or enhances the significance of conservation areas. Modification (**MM66**) relates to significance, harm and balancing public benefits; having regard to guidance; preserve 'or' enhance. The modification makes the policies effective and consistent with the NPPF. Highgate Brewery is a Grade II Listed Building, located within the Highgate Conservation Area; the site is currently vacant. Policy EN6 – Highgate Brewery seeks to provide guidance for the appropriate re-use of the site and ensure that the heritage asset is afforded adequate protection. Modification (**MM67**) is necessary to ensure that the wording of the policy is consistent with the NPPF and provides clear direction to the decision maker.
39. Great Barr Hall and Registered Park and Garden are located within the Green Belt. It is the largest example of a landscaped park and hall in the Black Country. As such, there was significant local interest with regard to its management and a desire to see both Great Barr Hall and the Registered Park and Garden restored as heritage assets. Policy EN7 - Great Barr Hall and Estate and the former St Margaret's Hospital seeks to ensure that the Grade II Listed Building and Registered Park and Garden are safeguarded as heritage assets and encourages their preservation, enhancement and improvement. The policy also sets out criteria in relation to assessing any proposed enabling development that is necessary for the restoration and maintenance of the heritage assets. To ensure that the policy is informed by the latest available evidence and identifies significant features of the estate, modifications (**MM68, MM69, MM70, MM76, MM77, MM78, MM81**) amend the explanatory text, assets and update and amend constraints to ensure that the plan is consistent, effective and provides clear direction to the decision maker. Modifications (**MM71, MM72, MM73, MM74, MM75**) are necessary to provide clear direction to the decision maker, ensuring that the policy criteria are effective, including the protection of the best and most versatile agricultural land and the long-term retention and restoration of the hall and chapel. Modifications (**MM79, MM80, MM82**) are necessary for clarity to reflect the change in listed status of Great Barr Hall from II* to II.
40. Having reached the conclusions above, the Plan's approach to Walsall's environmental network is sound subject to the main modifications I have identified. The Plan will support the protection and improvement of the built and natural environment in Walsall.

¹ Court of Justice of the European Union (CJEU) judgment (People Over Wind & Sweetman v Coillte Teoranta Ref - C-323/17 - 12 April 2018)

Sustainable waste management

41. The sustainable waste management chapter of the SAD contains 4 policies which relate to future waste management requirements, existing waste management sites, new waste management development – waste treatment, transfer and disposal. The aim of the policies is to ensure that Walsall's waste management infrastructure maximises opportunities to re-use recycle and recover waste ensuring that any residual waste is disposed of responsibly. The policies are generally positively worded supporting proposals for waste infrastructure on appropriate sites.
42. Policy W1 – Future Waste Management Requirements seeks to ensure that sufficient waste management infrastructure can be provided to meet the needs of Walsall. The evidence demonstrates that since the adoption of the BCCS there have been net changes in the overall requirements for waste capacity in the borough. Modifications (**MM83, MM84, MM85, MM86**) are necessary to ensure consistency with the latest available evidence and update the waste infrastructure requirements within the policy and the supporting policy justification for clarity and effectiveness. Policy W2 – Existing Waste Management Sites identifies and seeks to safeguard the most important waste sites in Walsall consistent with Policy WM2 of the BCCS. In the interests of clarity and to ensure that the plan is effective modification (**MM87**) updates assets and constraints in relation to existing waste management sites identified within the policy.
43. BCCS Policies WM3 and WM4 sets out the locational strategy for the provision of new waste management facilities. Policies W3 – New Waste Management Development – Waste Treatment and Transfer and W4 – New Waste Management Development – Waste Disposal seek to identify potentially suitable sites to meet the identified waste management needs of Walsall. Modifications (**MM7, MM42, MM43, MM88, MM89, MM90, MM91, MM92, MM93**) are necessary to delete the reference to Site IN98.2 Former Railway Tavern from Potential Waste Site WP11 to reflect the constraints affecting the site (Flood Zone 3) and to update site specific assets, constraints, policy references and notes to ensure consistency across the plan. These modifications ensure that the policies are both justified and effective.
44. Therefore, having reached the conclusions above, the Plan's approach to Walsall's sustainable waste management is sound subject to the main modifications I have identified. The Plan makes best use of opportunities to re-use recycle and recover waste ensuring that any residual waste is disposed of responsibly in accordance with the strategy set out in the BCCS.

Sustainable use of minerals

45. The sustainable use of minerals chapter of the SAD contains 10 policies which relate to safeguarding mineral resources and infrastructure, secondary and recycled aggregates, sand and gravel extraction, brickworks, brick clay extraction, coal and fireclay extraction and unconventional hydrocarbons. The aim of the policies is to safeguard mineral resources and infrastructure and provide detailed guidance for mineral extraction. The policies are generally positively worded supporting proposals for mineral extraction on appropriate

sites whilst ensuring proposals do not have unacceptable impacts on the environment or local communities.

46. Policy M2 – Safeguarding of Minerals Infrastructure identifies sites that should be safeguarded in addition to those identified with Policy MIN1 of the BCCS. The policy also provides additional guidance with regard the application of BCCS policy in Walsall. Modification (**MM94**) updates the site specific assets, constraints and notes to ensure the policy is justified and effective. Policy M6 – Brickworks – Future Supply Requirements supplements the guidance set out in Policy MIN3 of the BCCS identifying the issues that need to be taken into account when considering the supply of clay to brickworks. Modification (**MM95**) is necessary for effectiveness to update the policy to take into account the grant of planning permission for the expansion of Atlas Quarry that allows the quarry to supply Aldridge Brickworks. It further amends the policy in respect of Atlas Brickworks to include the word 'feasible' in relation to long term supply and replaces the reference from SAD Policy M8 to the correct SAD Policy M7.
47. Policy M7 – Brick Clay Extraction – Stubbers Green supplements the guidance set out in Policy MIN3 of the BCCS identifying the issues that need to be taken into account when considering new or amended applications within the Area of Search. Modifications (**MM96, MM104, MM105**) are necessary for effectiveness to update the policy to take into account the grant of planning permission for the expansion of Atlas Quarry that included potential minerals site MXP3 Recordon Land. Similarly, Policy M8 – Brick Clay Extraction – Other Areas provides further guidance in relation to Policy MIN3 of the BCCS identifying the issues that need to be taken into account when considering new or amended applications within the Area of Search. Modification (**MM97**) is necessary for effectiveness to update the policy to take into account the grant of planning permission to extend the end date of Highfields South Landfill to 31 December 2025. Modification (**MM98**) is necessary to ensure clarity and effectiveness in relation to the restoration of Jockey Fields SSSI in the event that the 'dormant' permission for Highfields North is implemented. Modifications (**MM99, MM100, MM101, MM102, MM103**) relate to consequential changes within the explanatory text and associated tables of Policy M6 – Brickworks – Future Supply Requirements relating to the updated Brick Clay supply position. The modifications are therefore necessary for clarity and effectiveness.
48. Having reached the conclusions above, the Plan's approach to Walsall's sustainable use of minerals is sound subject to the main modifications I have identified. Therefore the Plan safeguards mineral resources and infrastructure and provides detailed guidance for mineral extraction in accordance with the strategy set out in the BCCS.

Transport and infrastructure

49. The transport and infrastructure chapter of the SAD contains 4 policies which seek to promote sustainable transport. To make the policies effective, modifications (**MM4, MM106**) amend the chapter's explanatory text along with associated consequential changes to the supporting text relating to Objectives, Regeneration Corridors and Issues chapter of the SAD. These modifications ensure that the policies relate to and accord with the BCCS and

have clarity and precision to guide development. Therefore, the Plan's approach to transport and infrastructure is sound subject to the main modifications I have identified.

Monitoring and delivery

50. The Council's Annual Monitoring Report (SED.3) will monitor the performance of the Plan and provides most of the necessary evidence on which to assess the success or failure of delivery and what alternatives might reasonably be provided if necessary. Whilst a full review of the SAD during the plan period is not anticipated, it is necessary to carry out a partial review in relation to meeting the identified needs of Gypsies and Travellers and Travelling Showpeople, which should commence within 18 months of the adoption of the SAD. Furthermore, the monitoring regime should ensure that any risks to non-delivery are 'flagged up' and interventions made to alleviate risks should this prove necessary. Nevertheless, a review of the BCCS commenced in 2016 and an Issues and Options consultation has been undertaken between July and September 2017. Should strategic alterations be made to that document, the Council would need to review the LDS and SAD as a consequence.

Public Sector Equality Duty

51. The policies of the plan have due regard for people with disabilities and for other protected groups. The preparation of the plan and the examination has had due regard to its impacts on equality in accordance with the Public Sector Equality duty.

Assessment of Legal Compliance

52. My examination of the legal compliance of the Plan is summarised below.
53. The Walsall Site Allocation Document has been prepared in accordance with the Council's Local Development Scheme dated June 2017.
54. Consultation on the Walsall Site Allocation Document and the MMs was carried out in compliance with the Council's Statement of Community Involvement (February 2012).
55. Sustainability Appraisal has been carried out and is adequate.
56. The Habitats Regulations Assessment Report October 2016 sets out that the plan may have some negative impact which requires mitigation and that this mitigation has been secured through the plan as modified.
57. The Walsall Site Allocation Document includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
58. The Walsall Site Allocation Document complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

59. The Plan has a number of deficiencies in respect of soundness 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 2004 Act. These deficiencies have been explored in the main issues set out above.
60. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Walsall Site Allocation Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Jameson Bridgwater

Inspector

This report is accompanied by an Appendix containing the Main Modifications.