

## Appendix 12a - Options Rejected

### Options rejected because they are not “reasonable”

The options the Council has identified have been subjected to a “reasonableness test,” using the criteria listed in Table A3 below. These criteria are based on those recommended in “Local development frameworks: Guidance on options generation and appraisal” produced by the Planning Advisory Service in 2009.

The table below lists the options identified during the preparation of the Issues & Options consultation paper, which the Council has rejected because they are not considered “reasonable.” The reasons they are not considered “reasonable” are explained. These options have not been subjected to sustainability appraisal (SA).

Option Reference	SAD Topic Area	Brief Description of Option	Summary of why it is not “Reasonable”	“Reasonableness Test” Checklist References (Table A12)
General	All Topics	Insufficient land is allocated to deliver the BCCS spatial strategy and requirements	This would be contrary to the RSS and to planning policy already adopted by the Council, and would undermine the strategy and aspirations for the Black Country as a whole. It would also be contrary to the objectives of the SAD.	<b>GEN1, GEN9, GEN10</b>
Housing Option 4	Housing	No land is allocated for new housing.	This would not accord with local or national planning policy on housing. Failure to make provision for delivery of new homes is also likely to cause further pressure on existing housing stock, impacting on the well-being of local communities from overcrowding and reduced access to housing.	<b>GEN1, GEN8, GEN10, DIS7, DIS8</b>

Option Reference	SAD Topic Area	Brief Description of Option	Summary of why it is not "Reasonable"	"Reasonableness Test" Checklist References (Table A12)
Housing Option 5	Housing	No land is allocated for Gypsy and Travellers sites.	This would not accord with local or national planning policy on provision for gypsies and travellers. Failure to make adequate provision for delivery of new sites is also likely to impact on the well-being of gypsy and traveller communities and disadvantage these communities compared to other groups.	<b>GEN1, GEN8, EX6, DIS7, DIS8</b>
Land for Industry Option 5	Land for Industry	No land is allocated for industry.	This would not accord with local or national planning policy on provision for economic growth. It is also likely to lead to the further economic decline of the borough as it will not be able to compete for investment with other areas that have land for industry. This is also likely to significantly increase social problems related to poor economic performance, such as unemployment, poverty, deprivation and poor health.	<b>GEN1, GEN8, GEN9, GEN10, GEN11, DIS6, DIS7, DIS8</b>

Option Reference	SAD Topic Area	Brief Description of Option	Summary of why it is not "Reasonable"	"Reasonableness Test" Checklist References (Table A12)
Open Space Option 4	Open Space, Leisure and Community Facilities	No land is allocated for open space protection.	This would not accord with local or national planning policy and would leave open space vulnerable to pressure for development with other land-uses such as housing and employment land and would impact on objectives to improve access to walking, cycling and healthy outdoor recreation for local communities, particularly in areas of deficiency. Without an adequate, multi-functional network of open space, there will also be fewer opportunities to improve biodiversity, protect local amenity and the quality of local landscapes and townscapes, manage surface water to reduce the risk of flooding, or adapt to other potential effects of climate change such as "heat island" effects.	<b>GEN1, GEN8, GEN10, DIS2, DIS3, DIS4, DIS7, DIS8, DIS9, DIS13</b>

Option Reference	SAD Topic Area	Brief Description of Option	Summary of why it is not "Reasonable"	"Reasonableness Test" Checklist References (Table A12)
Environmental Network Option 3	Environmental Network	Sites around the Borough that are important for biodiversity and geodiversity and are designated for protection outside of the planning system are not recognised and therefore not protected when allocating land for new development.	This would not accord with local or national policy (or European legislation regarding the Habitats Directive) and would be contrary to Walsall Council's work with the Birmingham and Black Country Sites Partnership and the Wildlife Trust in identifying sites for protection.	<b>GEN1, GEN8, GEN10, EX8, DIS2, DIS3, DIS4, DIS8, DIS9, DIS14</b>
Environmental Network Option 4	Environmental Network	The risk of flooding to new development and the impacts on flood risk elsewhere arising from new development are not considered when allocating land for new development.	This would not accord with local or national planning policy on applying the sequential approach and test to identifying land for new development away from areas at greatest risk from flooding.	<b>GEN1, GEN8, EX10, EX12, GEN10, DIS2, DIS3, DIS4, DIS8, DIS9, DIS14</b>

Option Reference	SAD Topic Area	Brief Description of Option	Summary of why it is not "Reasonable"	"Reasonableness Test" Checklist References (Table A12)
Waste Option 1d	Waste Management	No local waste management targets in support of meeting the targets identified in the BCCS and Waste Framework Directive.	This would be contrary to national and local policy on waste management. Waste arising in Walsall would continue to be exported to other areas for recycling, composting and energy recovery as it is less likely that facilities would be developed in the borough. This would impact on other areas and indirectly on local highway networks as waste would have further to travel. Opportunities to develop facilities in Walsall to use organic wastes to generate renewable energy are also less likely to be realised.	<b>GEN1, GEN8, GEN10, DIS10, DIS12, DIS13</b>
Minerals Option 1d	Minerals	No mineral safeguarding area (MSA) is defined.	This would be contrary to national and local policy on the safeguarding of mineral resources of potential local and national importance. Opportunities to safeguard minerals through "prior extraction" are more likely to be missed, because there would be no clearly defined MSA to show people where resources could be found in Walsall, leading to sterilisation and waste of resources.	<b>GEN1, GEN8, GEN10, EX1, DIS10</b>

Option Reference	SAD Topic Area	Brief Description of Option	Summary of why it is not "Reasonable"	"Reasonableness Test" Checklist References (Table A12)
Minerals Option 2	Minerals	No land is identified for potential mineral extraction.	This would be contrary to national and local policy on making adequate provision for the production of raw materials needed to support economic growth. It would also mean that Walsall was entirely reliant on imports of sand and gravel and brick clay from other areas, with consequential impacts on the local highway network as well as potential effects on air quality and on the amenity of communities living along the haulage routes.	<b>GEN1, GEN8, GEN10, EX1, DIS1, DIS4, DIS6, DIS10, DIS13</b>

**Table A12: The “Reasonableness Test” – Checklist of Criteria and Reasons for Rejecting Options**

<b>Part A: “Reasonableness” Criteria - All Options</b>	
<b>General Criteria</b>	
<b>Reference</b>	<b>Criteria and Reasons for Rejecting Options</b>
<b>GEN1</b>	Implementation of the option would be contrary to the overall objectives of the plan.
<b>GEN2</b>	The option is insufficiently detailed to enable meaningful community involvement or assessment through SA and HRA.
<b>GEN3</b>	It is not a genuine option/ alternative to other options being considered.
<b>GEN4</b>	The necessary resources will not be available to deliver the option (considering the commitment of delivery partners).
<b>GEN5</b>	There will not be sufficient time within the plan period to implement the option.
<b>GEN6</b>	There is an unacceptable risk that the option will not be fully implemented.
<b>GEN7</b>	The option is not sufficiently flexible to accommodate changing circumstances.
<b>GEN8</b>	The option would conflict with national policy guidance, such as the National Planning Policy Framework (NPPF), planning policy statements (PPSs) and mineral planning guidance still in place (MPGs), <sup>1</sup> or other relevant national policies or strategies.
<b>GEN9</b>	The option is not in “general conformity” with the West Midlands Regional Spatial Strategy (WMRSS) <sup>2</sup> - for example, it is not consistent with the overall spatial strategy for the region and the Black Country.
<b>GEN10</b>	The option would conflict with the overall vision, sustainability principles and spatial objectives of the Black Country Core Strategy (BCCS), and would conflict with delivery of the spatial strategy (see Part B criteria below for consideration of location-specific issues).
<b>GEN11</b>	The option would conflict with the delivery of the proposed “Enterprise Zone” in Darlaston and/ or with the objectives of the Darlaston Local Development Order (LDO) 2012 (see Part B criteria below for consideration of location-specific issues).

<sup>1</sup> In March 2012, the National Planning Policy Framework (NPPF) replaced all former national planning policy guidance notes and statements except for PPS10: Planning for Sustainable Waste Management and several mineral planning guidance notes.

<sup>2</sup> There are provisions in the Localism Act 2011 to revoke all regional spatial strategies, but until these are brought into effect, the West Midlands Regional Spatial Strategy is still part of the development plan for Walsall, and proposals in development plan documents are required to be in general conformity with it.

<b>Part B: Additional “Reasonableness Criteria” - Locational/ Site Options Only</b>	
<b>Exclusionary Criteria</b>	
<b>Reference</b>	<b>Criteria and Reasons for Rejecting Options</b>
<b>EX1</b>	<b>Black Country Core Strategy (BCCS) 2011</b> – the option would conflict with the BCCS spatial strategy and land use policy (e.g. it is not within the “growth network” or any other location identified for development on a Key Diagram, the proposed land use does not correspond to the type of development proposed in this area, or is not consistent with related BCCS policies).
<b>EX2</b>	<b>Walsall Unitary Development Plan (UDP) 2005</b> – the option would conflict with a UDP site allocation policy and land use policy (e.g. the proposed land use or development does not accord with the land use that the site or area is allocated for on the adopted Proposals Map or Town Centre Inset Map, or is not consistent with related “saved” UDP policies).
<b>EX3</b>	<b>Darlaston Local Development Order (LDO) 2012</b> – the option would conflict with the land uses proposed or permitted in the LDO area/ Subzones A and B (e.g. the proposed land use is not for an employment or waste management related use).
<b>EX4</b>	<b>Infrastructure</b> – the option would conflict with or compromise delivery of key infrastructure projects identified in the National Infrastructure Plan, the BCCS, the UDP, the West Midlands Local Transport Plan 3 (Making the Connections) or another relevant infrastructure plan.
<b>EX5</b>	<b>Air Quality</b> – the option is likely to generate significant increases in nitrogen dioxide (NO <sub>2</sub> ) emissions within the M6 Corridor, in the Town Centre, and in other parts of the borough where air quality monitoring indicates that limit values are being exceeded.
<b>EX6</b>	<b>Equality</b> – there is a risk that the option would cause unlawful direct or indirect discrimination against people with “protected characteristics” <sup>3</sup> (e.g. it would make it more difficult for such people to get access to key services than other people).
<b>EX7</b>	<b>Green Belt</b> – the option would involve “inappropriate” development in the Green Belt, and it has not been demonstrated that there are “very special circumstances” which would outweigh the harm caused if the development was allowed, or that there are “exceptional circumstances” justifying the release of the land from the Green Belt.

<sup>3</sup> The Equality Act 2010 defines “protected characteristics” as follows: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion and belief, and sexual orientation.



Reference	Criteria and Reasons for Rejecting Options
EX8	<b>Biodiversity</b> – the option would affect a site of international, national or sub-national importance for biodiversity (e.g. SAC, SSSI, NNR or SINC), and/ or would affect a protected species, and no assessment has been carried out in accordance with the Habitats Regulations, NPPF and BCCS Policy ENV1 demonstrating that the impacts (with or without mitigation) would not cause unacceptable harm.
EX9	<b>Cultural Heritage</b> – the option would affect a heritage asset of national or international importance (e.g. Scheduled Monument, listed building, registered park or garden, Black Country Heritage E (HERS) site of potential national importance), and no assessment has been carried out in accordance with the NPPF, BCCS Policy ENV2 and UDP Policies ENV25, ENV27 and ENV30, demonstrating that the impacts (with or without mitigation) would not cause unacceptable harm.
EX10	<b>Flood Risk</b> – the option would involve development within a Flood Zone 2 or 3 identified in the Black Country SFRA, and no risk assessment has been carried out in accordance with the NPPF, NPPF Technical Guidance, BCCS Policy ENV5, and UDP Policy ENV40, demonstrating that the risks (with or without mitigation) of flooding are acceptable.
EX11	<b>Groundwater Protection</b> – the option would involve development within a Source Protection Zone (SPZ) 1, and no risk assessment has been carried out in accordance with BCCS Policy ENV5 and UDP Policy ENV40, demonstrating that the risks to groundwater (with or without mitigation) are acceptable.
EX12	<b>Pollution Control</b> – the option is likely to present a risk to human health and the environment (e.g. from pollution, notifiable installations or other identified hazards), and no risk assessment has been carried out in accordance with the NPPF and UDP Policy ENV14, demonstrating that the risks to health and the environment (with or without mitigation) are acceptable.
<b>Discretionary Criteria<sup>4</sup></b>	
DIS1	<b>Air Quality</b> – the option would have unacceptable impacts on air quality from harmful emissions into the atmosphere, or there are potential risks that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS2	<b>Biodiversity &amp; Geodiversity</b> – the option would cause loss or destruction of a SLINC or other biodiversity and geodiversity sites of local importance, or there are potential risks to a SLINC that have not been properly assessed, which would rule it out as a “reasonable” option.

<sup>4</sup> As advised in “Local development frameworks: Guidance on options generation and appraisal” (2009) by the Planning Advisory Service, these are based on the sustainability criteria that form the basis of the Sustainability Appraisal Framework – see Sustainability Appraisal Scoping Report.

Reference	Criteria and Reasons for Rejecting Options
DIS3	<b>Climate Change</b> – the option is likely to cause significant emissions of CO <sub>2</sub> or other greenhouse gases, would impact on the borough's ability to adapt to the effects of climate change, or there are potential risks to climate change mitigation/ adaptation that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS4	<b>Communities &amp; Population</b> – the option is likely to have direct or indirect harmful effects on the amenity of local communities and neighbourhood areas, or there are potential risks to amenity that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS5	<b>Cultural Heritage</b> - the option is likely to have direct or indirect harmful effects on undesignated heritage assets or there are potential risks to cultural heritage from harm to such assets that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS6	<b>Economy &amp; Centres</b> - the option is likely to have direct or indirect harmful effects on the local economy (e.g. loss of industrial land, closure of businesses, loss of jobs, failure to provide infrastructure and raw materials needed to support economic growth, impacts on a Local Centre), or there are potential risks to the local economy that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS7	<b>Equality &amp; Diversity</b> – the option is likely to have direct or indirect harmful effects on people with “protected characteristics” not considered under criterion EX6 above, <sup>5</sup> or there are potential risks to vulnerable groups that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS8	<b>Health &amp; Well-Being</b> – the option is likely to have direct or indirect effects on health and well-being, or on the provision of health and social care, or there are potential risks to health and well-being that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS9	<b>Landscape &amp; Townscape</b> – the option is likely to have harmful effects on the quality of landscapes and townscapes of local importance, or there are potential risks to the quality of local landscapes and townscapes that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS10	<b>Material Resources</b> – the option is likely to produce or consume material resources in unsustainable ways (e.g. affect mineral production, rely on other areas to provide raw materials, needlessly sterilise mineral resources, dispose of waste to landfill when better options are available), which would rule it out as a “reasonable” option.

<sup>5</sup> The Equality Act 2010 defines “protected characteristics” as follows: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion and belief, and sexual orientation.

Reference	Criteria and Reasons for Rejecting Options
DIS11	<b>Soil &amp; Ground Conditions</b> – the option is likely to present a risk of significant harm to soil or land quality (e.g. causing dereliction), or there are potential risks from instability, contamination, pollution that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS12	<b>Renewable &amp; Low Carbon Energy</b> – the option is likely to have significant effects on energy generating infrastructure, energy supply, or energy consumption that would rule it out as a “reasonable” option.
DIS13	<b>Transport &amp; Accessibility</b> – the option is likely to have significant adverse impacts on existing transport networks, or access to key facilities and services, that would rule it out as a “reasonable” option.
DIS14	<b>Water Environment</b> – the option is likely to cause significant harm to the water environment (e.g. water supply, flood risk pollution), or there are potential risks that have not been properly assessed, which would rule it out as a “reasonable” option.
<b>Deliverability Criteria</b>	
DEL1	<b>Ownership</b> – there are significant ownership constraints to delivery of the option (e.g. multiple ownership, need for land assembly, owner unwilling to dispose of land) that would rule it out as a “reasonable” option.
DEL2	<b>Market Conditions/ Land Value</b> – there are significant problems relating to land value and current market conditions that would rule it out as a “reasonable” option.
DEL3	<b>Funding</b> – there are serious doubts about the funding of the land use or development proposed, which would make delivery so uncertain as to rule it out as a “reasonable” option.
DEL4	<b>Planning History</b> – the option relates to a site or area where the previous planning history (e.g. lawful uses previously refused) suggests that the proposed land use is not appropriate, and should be ruled out as a “reasonable” option.
DEL5	<b>Access</b> – the option relates to a site or area that has major access constraints (e.g. no access, access difficult or costly to provide), that would rule it out as a “reasonable” option.
DEL6	<b>Utilities</b> – the option relates to a site or area lacking water, sewerage, electricity and/ or gas services, and there are significant barriers to connection of these services, which would rule it out as a “reasonable” option.
DEL7	<b>Site Size</b> – the option relates to a site that is too small or constrained to accommodate the proposed development, to the extent that it should be ruled out as a “reasonable” option.
DEL8	<b>Other Deliverability Constraints</b> – the option relates to a site that has other significant constraints likely to prevent it from being developed, to the extent that it should be ruled out as a “reasonable” option.



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