

Appendix 3: 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	AAP Topic Area	Brief Description of Option	Summary of why it is not “Reasonable”	“Reasonableness Test” Checklist References (Table A12)
Location of New Retail Option 4	A place for Shopping	No provision is made in the AAP for additional retail floorspace.	This would have serious implications on the centre’s ability to deliver the ambitious targets set for retail development. Walsall needs to deliver major retail investment in order to maintain and improve its market share against competition from centres such as Birmingham and Wolverhampton. A strategy for retail growth that offers opportunities in a phased and flexible way is the only way to ensure the	GEN1 and GEN10

			health of Walsall.	
The Location of Major New Office Development Option 3	A place for Business	No provision is made in the AAP for additional office floorspace.	This would have serious implications on the centre's ability to deliver the ambitious targets set for office development. Walsall needs to deliver major office investment in order to attract new business and provide new jobs. Identifying land for new office floorspace is the only way to ensure the health of Walsall.	GEN1 and GEN10
Industrial Uses Option 4	A place for Business	All industrial land in the town centre is allocated for alternative uses without any process of ensuring the current occupiers have suitable premises to relocate	This would impact on the businesses and may result in the loss of employment in the Borough. It would be against the principles of BCCS policies especially DEL2.	GEN1 and GEN10

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

Part A: “Reasonableness” Criteria - All Options	
General Criteria	
Reference	Criteria and Reasons for Rejecting Options
GEN1	Implementation of the option would be contrary to the overall objectives of the plan.
GEN2	The option is insufficiently detailed to enable meaningful community involvement or assessment through SA and HRA.
GEN3	It is not a genuine option/ alternative to other options being considered.
GEN4	The necessary resources will not be available to deliver the option (considering the commitment of delivery partners).
GEN5	There will not be sufficient time within the plan period to implement the option.
GEN6	There is an unacceptable risk that the option will not be fully implemented.
GEN7	The option is not sufficiently flexible to accommodate changing circumstances.
GEN8	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), ¹ or other relevant national policies or strategies.
GEN9	The option is not in “general conformity” with the West Midlands Regional Spatial Strategy (WMRSS) ² - for example, it is not consistent with the overall spatial strategy for the region and the Black Country.
GEN10	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).
GEN11	The option would conflict with the delivery of the proposed “Enterprise Zone” in Darlaston and/ or with the objectives of the

¹ 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.

² 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.

	Darlaston Local Development Order (LDO) 2012 (see Part B criteria below for consideration of location-specific issues).
Part B: Additional “Reasonableness Criteria” - Locational/ Site Options Only	
Exclusionary Criteria	
Reference	Criteria and Reasons for Rejecting Options
EX1	Black Country Core Strategy (BCCS) 2011 – 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).
EX2	Walsall Unitary Development Plan (UDP) 2005 – 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).
EX3	Darlaston Local Development Order (LDO) 2012 – 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).
EX4	Infrastructure – 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.
EX5	Air Quality – the option is likely to generate significant increases in nitrogen dioxide (NO ₂) 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.
EX6	Equality – there is a risk that the option would cause unlawful direct or indirect discrimination against people with “protected characteristics” ³ (e.g. it would make it more difficult for such people to get access to key services than other people).
EX7	Green Belt – 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.

Reference	Criteria and Reasons for Rejecting Options
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³ The Equality Act 2010 defines “protected characteristics” as follows: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion and belief, and sexual orientation.

EX8	Biodiversity – 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	Cultural Heritage – 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	Flood Risk – 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	Groundwater Protection – 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	Pollution Control – 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.
Discretionary Criteria⁴	
DIS1	Air Quality – 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	Biodiversity & Geodiversity – 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.
Reference	Criteria and Reasons for Rejecting Options
DIS3	Climate Change – the option is likely to cause significant emissions of CO ₂ 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

⁴ 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.

	that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS4	Communities & Population – 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	Cultural Heritage - 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	Economy & Centres - 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	Equality & Diversity – the option is likely to have direct or indirect harmful effects on people with “protected characteristics” not considered under criterion EX6 above, ⁵ or there are potential risks to vulnerable groups that have not been properly assessed, which would rule it out as a “reasonable” option.
DIS8	Health & Well-Being – 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	Landscape & Townscape – 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	Material Resources – 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.

Reference	Criteria and Reasons for Rejecting Options
DIS11	Soil & Ground Conditions – the option is likely to present a risk of significant harm to soil or land quality (e.g. causing

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

	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	Renewable & Low Carbon Energy – 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	Transport & Accessibility – 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	Water Environment – 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.
Deliverability Criteria	
DEL1	Ownership – 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	Market Conditions/ Land Value – there are significant problems relating to land value and current market conditions that would rule it out as a “reasonable” option.
DEL3	Funding – 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	Planning History – 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	Access – 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	Utilities – 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	Site Size – 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	Other Deliverability Constraints – 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.