



The Planning Inspectorate

Report to Walsall Council

by Jameson Bridgwater Dip TP MRTPI

an Inspector appointed by the Secretary of State

Date: 29 August 2018

Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

Report on the Examination of the Walsall Town Centre Area Action Plan

The Plan was submitted for examination on 7 June 2017

The examination hearings were held between 16 and 18 October 2017

File Ref: PINS/V4630/429/3

Abbreviations used in this report

AA	Appropriate Assessment
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 & Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
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 Town Centre Area Action Plan provides an appropriate basis for the planning of Walsall town centre, 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:

- Modify Policy AAPLE2 to reflect changes in the location and provision of cultural facilities identified within the Plan; and
- Modify Policies APPLV5 and AAPLV6 to refer directly to Walsall town centre in relation to heritage and design; and
- Modify supporting text to include a reference to the list of saved and superseded policies of the UDP and remove references to CIL to ensure clarity and deliverability; and
- Modify text to refer to 'policies map' to ensure consistency with the NPPF.

Introduction

1. This report contains my assessment of the Walsall Town Centre Area Action Plan (WAAP) 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 came into effect in July 2018. It includes a transitional provision in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework are applicable. Unless stated otherwise, references in this report are to the 2012 document.
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 Town Centre Area Action Plan, 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 hearing(s), 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 WAAP Submission 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 WAAP. Furthermore, it is necessary in the interests of clarity to delete all references in the plan relating to the 'WAAP 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 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 WAAP has been prepared in the context of the Black Country Core Strategy (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 WAAP, and it is not necessary to address those matters further in my examination.
9. The WAAP will form part of the suite of plans comprising the BCCS, Walsall Unitary Development Plan (UDP) and, when adopted, the Walsall Site Allocations Document (SAD). These plans, 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 WAAP. The list is provided as an appendix to the WAAP. As such it is necessary to add the list of Policies to WAAP as an appendix and reference it within the plan's explanatory text (**MM3**). This modification adds clarity and precision to the text ensuring that the plan is positive and effective.
10. Walsall town centre is the civic and historical centre of the Borough. The WAAP seeks to direct and inform development proposals in the town centre. The plan seeks to build on the town's distinct characteristics and improve the built and natural environment to improve accessibility. It also aims to create employment and learning opportunities along with encouraging people to live in the town centre.

Main Issues

11. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified a number of 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 Walsall Town Centre Area Action Plan consistent with, and does it positively promote, the visions, objectives and spatial policies contained in the Core Strategy; and is its overall approach consistent with national policy?

12. Walsall is a historic market town that provides a strong focus for civic life in the borough, providing for local shopping, education and leisure. In particular the Walsall Leather Museum and the Market make a contribution to tourism and heritage in the Black Country. As such, the town centre serves the needs of its local population and the wider area. The town centre is the key transport hub for the borough, providing links to the rest of the Black Country, Birmingham and Staffordshire. Therefore, the WAAP sets out a clear vision for the town centre, with the Council seeking to increase the vitality and viability of the town centre. These objectives are consistent with the BCCS.
13. 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 town centre uses (retail, commercial, transport and employment) alongside securing increased housing provision in and around the town centre. Furthermore, the plan's regeneration strategy clearly identifies St Matthew's Quarter, Walsall Gigaport and Walsall Waterfront as the 3 key areas of focus for inward investment in the town centre.
14. 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 in Walsall town centre throughout the Plan period consistent with the aims of the BCCS and the NPPF.

Issue 2 – Is the WAAP's office, retail and leisure space provision consistent with the Core Strategy and national policy, deliverable and has the plan been positively prepared in these respects?

15. The BCCS identifies Walsall town centre as one of the Black County's four Strategic Centres, the others being Brierley Hill, West Bromwich and Wolverhampton. Consequently, they provide the main focus for higher order sub-regional retail, office, leisure, cultural and service activities.
16. The Council commissioned the Walsall Town Centre Demand Study and Development Sites Assessment July 2015, known as the DTZ study (AED.1). This provides the most up to date evidence for office, retail and leisure floorspace requirements in Walsall. The DTZ study confirms that there have been significant changes in both office and retail markets since the preparation and adoption of the BCCS.

Office

17. The Plan is seeking notably less office space than the target figure of 220,000 sqm contained in Policy CEN3 of the BCCS. However, given the change in the economic climate that has occurred since 2009, the evidence justifies the more prudent approach that is now proposed. Policy AAPB1 of the Plan is seeking to provide 73,000 sqm of new office space within the town centre with a primary focus on sites identified in the Gigaport area (Policy AAPINV3). This is further supported by a combination of site specific allocations and criteria-based policies that would promote and encourage such development in a

flexible and positive manner. Therefore, I conclude that evidence demonstrates that the plan's approach is proportionate and reasonable and the amount of office space within Walsall town centre now sought is sound.

Retail

18. With regard to retail provision, Walsall falls within the first 'strategic centres' tier identified in the hierarchy of centres in the Black Country; this is set out in BCCS Policy CEN2. Walsall town centre is allocated 85,000 sqm (gross) comparison retail floorspace in BCCS Policy CE3. However, it is clear from the evidence that there have been significant changes in the retail market since the preparation and adoption of the BCCS. In particular there is a significant reduction in demand for retail floorspace. This is reflective of retailing trends in the UK where retailing is in a period of transition due to changes in shopping patterns, including the significant rise in online shopping and fewer shopping trips.
19. Therefore, whilst lower than previous BCCS allocations, the proposed 6,000 sqm (gross) comparison retail floorspace and 1,500 sqm (gross) of convenience retail floorspace which would predominantly be focused in the Primary Shopping Area would maintain and support the regeneration strategy advocated for Walsall as a Strategic Centre in the BCCS. This would also further support Walsall Market that is located at the heart of the Primary Shopping Area and makes a significant contribution to the vitality of the town centre. I therefore conclude that the retail provision and allocations as set out in the WAAP are realistic and deliverable providing certainty and confidence to the market. Consequently, based on all of the available evidence, there is a reasonable prospect that the retail provision identified within the WAAP can be delivered within the plan period. Having reached the conclusions above, retail policies are broadly consistent with the BCCS and the aims of the NPPF in particular paragraph 23.

Leisure

20. A Place for Leisure. There are 4 policies in this chapter covering new leisure development, sport and cultural facilities, hotel, conference and banqueting, and Walsall canal. All are generally positively prepared and would promote social interaction and enhance the quality of life in the town centre. Modification (**MM4**) amends Policy AAPLE2 (Sport and Cultural Facilities) to reflect a change in the location of the Local History and Archive Centre and the aspirations for the Walsall Leather Museum. This modification adds clarity and precision to the text ensuring that the plan is positive and effective.
21. Having reached the conclusions above I consider that the Plan's provision for office, retail and leisure space is consistent with the BCCS and national policy and will therefore be effective, subject to the recommended modifications. The office, retail and leisure policies are therefore sound.

Issue 3 – Is the WAAP's housing provision consistent with the Core Strategy and national policy, deliverable and has the plan been positively prepared in these respects?

22. The NPPF in Paragraph 23 recognises the important role of residential development in supporting the vitality of centres. In this respect the WAAP

seeks to promote and encourage residential development in and around Walsall town centre.

23. Policy APPLV1 seeks to ensure that residential development is directed towards appropriate sites and seeks to maximise opportunities to introduce residential development in underused buildings and upper floors. The plan also sets out flexible policies that seek to ensure that residents and visitors of the town centre have the necessary services and facilities within a high quality environment.
24. This approach is consistent with Policies HOU1 and HOU2 of the BCCS. As such, the WAAP, 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).
25. The Plan's approach to housing delivery in the town centre is consistent with the BCCS and will help to ensure that the supply of housing is boosted in Walsall town centre. This is in accordance with national policy and therefore the WAAP housing policies are sound.

Issue 4 – Do the Plan's Transport, Movement and Accessibility Policies positively promote the spatial vision and objectives for Walsall and are they justified and deliverable?

26. The aim of the Transport, Movement and Accessibility Policies is to maximise the opportunities afforded by Walsall town centre as the most accessible location within the Borough. The policies seek to increase access to employment, education and training whilst underpinning the town centre's retail and leisure offer. The policies are arranged modally and seek to encourage the use of most sustainable modes of travel (walking, cycling, public transport), whilst making provision for the use of motor vehicles through improvements to the road network and a balanced approach to car parking.
27. With regard to public transport, Walsall town centre is served by a railway station and two bus interchanges namely St. Paul's and Bradford Place. These three interchanges provide connectivity both within and outside the Borough, and their effective operation underpins the economic sustainability of the town centre. The submitted evidence along with the representations at the hearing demonstrate that both St. Paul's and Bradford Place bus interchanges are operating at a level that is significantly above their design capacities. This therefore acts as a constraint on both existing and future economic activity within the town centre.
28. The identified capacity issues also have implications in relation to vehicular and pedestrian safety, particularly in relation to Bradford Place bus interchange. With limited scope to significantly expand the St. Paul's bus interchange due to the constrained nature of the site, Bradford Place is the only town centre site that has the potential to expand to meet the identified

need of the town centre; however this necessitates the use of land that is currently part of the Jerome Retail Park.

29. Policy AAPT3: Public Transport of the WAAP seeks to address these issues; setting out that the existing St. Pauls bus station will be enhanced to secure improvements in customer experience and safety, with Bradford Place delivering the necessary increase in passenger capacity. As such, whilst I acknowledge that the proposed expansion relies on land currently contained within the Jerome Retail Park, the evidence before me and what I heard during the examination hearings demonstrates that the expansion of Bradford Place bus interchange is necessary to increase public transport capacity to support economic growth within Walsall town centre and the Borough as a whole. Moreover, I consider that the project is deliverable and that any site specific issues can be adequately addressed during any subsequent planning application process.
30. In relation to rail travel, Policy AAPT3 makes provision for the expansion of Walsall railway station to facilitate the electrification of the Chase Line (Walsall to Rugeley Trent Valley), allowing a direct rail connection to the West Coast Main Line. The expansion will also enable the reintroduction of direct rail services to Wolverhampton, which are likely to include additional intermediate stops within the Borough. This increase in capacity will support economic growth within Walsall and the Borough as a whole.
31. Consequently, the Plan's approach to transport, movement and accessibility is sound and will help to ensure that there is increased access to employment, education and training whilst underpinning the town centre's retail and leisure offers.

Issue 5 – Are the WAAP's Heritage and Design Policies consistent with the Core Strategy and national policy, deliverable and has the plan been positively prepared in these respects?

32. WAAP Policies AAPLV5, AAPLV6 and AAPLV7 are primarily concerned with ensuring that development and the public realm reflects and enhances the locally distinctive and historic characteristics of Walsall town centre and does not set out to repeat BCCS or national policy. They provide a comprehensive and evidence based approach to Walsall's heritage and built environment. The policies are positively prepared and would enhance the quality of the built environment in the town centre. Modifications (**MM5, MM7**) amend Policies AAPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness) and AAPLV6 (Securing Good Design) to specifically relate to Walsall Town Centre. Modification (**MM6**) updates the supporting text and tables in Policies AAPLV5, AAPT5 and AAPINV6 to record the recent Grade II listing of 'The Drill Hall'. These modifications add clarity and precision to the text ensuring that the plan is positive and effective; consistent with the BCCS and national policy. As such, the Plan's Heritage and Design Policies are sound.

Monitoring and delivery

33. With regard to the delivery of supporting infrastructure, throughout the plan the WAAP references the use of the Community Infrastructure Levy (CIL) as a

mechanism to secure funding. However, the Council have not yet prepared a CIL charging schedule. Therefore Modification (**MM2**) deletes specific references to CIL and amends the text to allow a broader definition of developer contributions to be sought. This modification adds clarity and precision to the text ensuring that the plan is positive and effective in providing the necessary infrastructure to support the delivery of the plan.

34. 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. A full review of the WAAP during the plan period is not anticipated; although 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 WAAP as a consequence.

Public Sector Equality Duty

35. The policies of the plan make provision 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

36. My examination of the compliance of the Plan with the legal requirements is summarised below.
37. The Walsall Town Centre Area Action Plan has been prepared in accordance with the Council's Local Development Scheme (LDS) dated June 2017.
38. The Statement of Community Involvement (SCI) was adopted in February 2012. Consultation on the Local Plan and the MMs has complied with its requirements.
39. Sustainability Appraisal has been carried out and is adequate.
40. The Habitats Regulations AA Screening Report October 2016 sets out why AA is not necessary.
41. The Plan 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.
42. The Walsall Town Centre Area Action Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

43. 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 Town Centre Area Action Plan 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.