



The Planning Inspectorate

Report to Wolverhampton City Council

by Pete Drew BSc (Hons), Dip TP (Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 24 June 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE BILSTON CORRIDOR AREA ACTION
PLAN INCLUDING BILSTON NEIGHBOURHOOD PLAN 2013 - 2026**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 15 November 2013

File Ref: PINS/D4635/LDF001488

Abbreviations Used in this Report

AAP	Area Action Plan
AMR	Annual Monitoring Report
BC AAP	Bilston Corridor Area Action Plan including Bilston Neighbourhood Plan 2013 - 2026
CS	Black Country Core Strategy, adopted February 2011
DPD	Development Plan Document
dph	dwelling per hectare
EIG	Black Country Environmental Infrastructure Guidance
HRA	Habitats Regulations Assessment
ha	hectares
LDS	Local Development Scheme
RC	Regeneration Corridor
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SPD	Bilston Urban Village Supplementary Planning Document, adopted in August 2013
SRC AAP	Stafford Road Corridor Area Action Plan
the Act	The Planning and Compulsory Purchase Act 2004 (as amended)
the Council	Wolverhampton City Council
the Framework	National Planning Policy Framework
the Guidance	the Planning Practice Guidance, published on 6 March 2014
the Regulations	the Town & Country Planning (Local Planning) (England) Regulations 2012

Non-Technical Summary

This report concludes that the *Bilston Corridor Area Action Plan including Bilston Neighbourhood Plan 2013 - 2026* is sound and provides an appropriate basis for the planning of the area over this period. The Council has sufficient evidence to support the Plan and can show that it has a reasonable chance of being delivered.

Nearly all of the modifications were proposed by the Council in response to points that were raised during the course of the examination. I have recommended their inclusion after full consideration of the representations from other parties on these issues. They do not alter the thrust of the Council's overall strategy.

Ten Main Modifications are needed to meet legal and statutory requirements. These can be summarised as:

- amendments to Policy BC1, Figure 2 and the supporting text to update the Plan in respect of housing commitments and allocations;
- an amendment to Policy BC8 to introduce a viability and feasibility clause in respect of the requirement for open space; and
- changes to the area designations in Part Three to update the Plan in respect of housing commitments and allocations.

Introduction

1. This report contains my assessment of the *Bilston Corridor Area Action Plan including Bilston Neighbourhood Plan 2013 - 2026* [BC] AAP in terms of Section 20(5) of the Act. It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The Framework makes clear in paragraph 182 that to be sound, a DPD should be positively prepared, justified, effective and consistent with national policy.
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 basis for the examination is the Publication Report, dated August 2013, which was the basis upon which consultation has taken place.
3. I have taken account of the minor modifications proposed in response to the representations received at publication stage, which have been put forward by the Council, in preparing this report. I am content for the Council to make any further minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption. Amongst other things clarification is required to make clear that, although the BC AAP is in part titled a Neighbourhood Plan, it is not a Neighbourhood Plan as set out in the Neighbourhood Planning (General) Regulations 2012. Subject to the factual clarification that has been proposed, which makes the status of the document clear, there is no need to change the title of the AAP. Although I have reviewed the minor modifications proposed, none of them go to the soundness of the Plan and so it is unnecessary for me to comment further upon them.
4. My report deals with the Main Modifications that are needed to make the BC AAP sound and legally compliant, which are set out in the Appendix to this report and identified in bold [**MM**] in the report. A schedule of the proposed Main Modifications identified during the examination process, which was conducted on the basis of written representations, together with the proposed minor modifications, have been subject to public consultation. I have taken account of the consultation responses in coming to my findings in this report.
5. The National Planning Practice Guidance [the Guidance] was introduced on 6 March 2014. The Guidance consolidates previous guidance, including the 'beta' mode version, which is largely the same as that subsequently issued. Consequently I did not consider it necessary to seek views on the implications of the Guidance on the soundness of the AAP as I considered that not doing so would not prejudice any interested party.

Compliance with the Duty to Co-operate

6. Section 20 (5) (c) of the Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the Act in relation to the Plan's preparation. The Statement of Cooperation in respect of the BC AAP sets out the steps that the Council has taken to consult neighbouring local authorities and other public bodies as set out in Part 2 of the Regulations at each stage, from issues and options, through to publication. I appreciate that some of the bodies were not constituted until part-way through the plan

preparation period and so plainly could not be consulted at the initial stages. I accept that the Council has engaged with the prescribed bodies throughout the Plan preparation process and has liaised with regard to cross-border issues. This is perhaps best illustrated by the most recent discussions that have taken place with Natural England in order to reach agreement with regard to a revised HRA in respect of the impact of the development proposed in the Plan on Cannock Chase. In these circumstances I am satisfied that the duty to co-operate, imposed by section 33A of the Act, has been complied with.

Assessment of Soundness

Preamble

7. The BC AAP has been prepared in the context of the CS, which was prepared jointly by the Council with Dudley, Sandwell and Walsall Metropolitan Borough Councils. The CS provides the strategic planning policy background for the matters contained within the AAP, and it is not necessary to address those strategic matters in examining the AAP. Although the CS has proven to be somewhat aspirational in its housing numbers for this RC, it is reasonable for the Council to rely on the CS to provide a sound evidence base for the AAP.
8. Amongst other things the examination tests the BC AAP for consistency with national policy, as set out in paragraph 15 of the Framework, which requires all plans to reflect the presumption in favour of sustainable development, so that it is clear that development which is sustainable can be approved without delay. However, as the Framework has been in place for almost 2 years there is no need to require the inclusion of a model policy in the BC AAP because I consider the presumption has been embedded in the plan making exercise.
9. This examination is one of two concurrent examinations that have been taking place in respect of AAPs within different parts of the City. The second AAP is the Stafford Road Corridor [SRC] AAP, which was also submitted for examination on 15 November 2013. There are some common issues that go to the question of soundness, in respect of housing and environmental infrastructure, which are dealt with in my substantive reasoning below.
10. This part of the report deals with the soundness requirements; whether the BC AAP has been positively prepared, is justified, effective and consistent with national policy. It makes clear why any changes are recommended to address potential unsoundness in regard to the specific soundness requirements. However the report is not structured around soundness requirement headings but is sub-divided into the main issues upon which the soundness of the AAP depends.

Main Issues

11. Taking account of all of the representations and written evidence I have identified four main issues upon which the soundness of the Plan depends.

Issue 1: Vision for the Bilston Corridor

Does the AAP present an appropriate spatial vision for the area?

12. The BC AAP has a clear vision for this RC, which lies between the vibrant City

Centre to the north-west and the south-eastern quarter of the City, focussed on the town of Bilston. The vision anticipates that by 2026 there will be major new residential areas on poor quality surplus industrial land, which will be characterised by high quality design that protects and enhances historic character and local distinctiveness. The vision is that these new communities will be served by a sustainable transport network, focussed on the Metro route and the canal corridor.

13. The vision anticipates that by 2026 the retained employment areas within the AAP, including the high quality industrial hub at Loxdale, will be safeguarded to meet local employment needs and provide high quality job opportunities. A programme of improvements will enhance the area's image and attract new investment. The AAP's key development outputs include approximately 60 ha of employment land that will be targeted for investment, including through redevelopment, and approximately 1,400 new homes on new development sites in addition to approximately 1,100 homes on sites that are already committed within the AAP area. The vision anticipates that services and infrastructure, including transport, community facilities, environmental projects and the public realm, will be identified and planned for. The vision says Bilston Town Centre will also be improved and strengthened.
14. There appears to be broad local support for this vision, which is based on an understanding of community needs and aspirations, as evidenced by the limited number of objections that have been lodged in respect of the published report. The observations of the Bilston Neighbourhood Action Plan Group are worthy of citation insofar as the Chair said: "*The group were involved in a real and concrete way in the preparation of the final plan. The work has received widespread community exposure and support and...was warmly received and approved by the Local Neighbourhood Partnership meeting...*" [Source of quote: Letter received by the Council on 30 September 2013, Rep No 4]. The high level of engagement and consensus achieved on the way the area should be developed weighs in favour of the vision expressed in the submitted AAP.
15. I conclude that the vision is appropriate, soundly based and clearly defined.

Issue 2: Delivering development

Does the AAP make adequate provision for residential development with reference to the housing targets of the Core Strategy?

16. Paragraph 2.3 of the AAP says that the CS, which relates to the same period up to 2026, identifies a target of 4,475 homes for the AAP area. CS Policy HOU1 says: "*Sufficient land will be provided to deliver at least 63,000 net new homes over the period 2006-2026...as detailed in Tables 5, 6 & 7...and Appendices 2 and 3*". Appendix 2 identifies RC 4 to be Bilston and contains a table entitled "*Indicative Land Use Figures*" that lists housing commitments to be 2,210 dwellings [as at April 2009] and 2,100 to be housing commitments based on 60 hectares [ha] at 35 dwellings per hectare [dph] gross.
17. The introduction to Appendix 2 makes clear: "*The delineation of boundaries within the diagrams and the figures provided are illustrative to give a broad indication of the scale of change. Detailed boundaries and exact figures will be defined in lower tier Development Plan Documents such as...Area Action*

Plans". Nevertheless the illustrative diagram [page 43] gives some indication of the thinking at that time insofar as it is annotated "*Aspirational Canalside Suburbs – around 2,810 family homes (980 of which committed)*". This is apart from other more specific housing annotations such as those relating to Bilston Urban Village and Ward Street which, to a greater or lesser extent, are in the process of being brought forward in the AAP.

18. I accept the Council's view that the key issue when preparing lower tier DPDs is to test the deliverability of the "*indicative*" targets. One of the key tests of soundness, in paragraph 182 of the Framework, is that the plan should be deliverable. However a DPD must also meet objectively assessed development and infrastructure requirements and, amongst other things, be consistent with national policy. In particular paragraph 47 of the Framework requires Local Planning Authorities to "*...boost significantly the supply of housing*".
19. It is clear that the AAP would not deliver the "*indicative*" targets contained in the CS. Figure 2 quantifies the total number of dwellings to be delivered in the AAP area to be approximately 2,600. This is materially below the indicative target of 4,475 homes referred to in paragraph 2.3 of the AAP, which, as outlined above, is derived from CS Policy HOU1.
20. The reasons for this shortfall are many and varied but the problems can be illustrated firstly by a site identified in the SHLAA '*Call for Sites*' as the former Midlands Electricity Board Depot. It extends to 2.8 hectares and it was said at that stage that it might be suitable for 120 houses. However the Council says it has been advised that the site is heavily contaminated and that remediation for development for housing is likely to be prohibitively expensive. In addition, a steel stockholding company that generates a significant amount of noise is located immediately to the north of the site, on the Central Trading Estate, which would place significant constraints on the housing capacity of the site, further affecting viability. The Central Trading Estate itself was also considered for housing use through the AAP process, but was considered to be undeliverable due to fragmented land ownership and ground condition issues. The Geo-Environmental Desktop Report concluded that the cost of remediation was "*high*", with an estimated remediation cost of over £1.15m per hectare. Given that the AAP would not deliver the "*indicative*" targets contained in the CS, it is no coincidence that the annotation on the CS illustrative diagram, which I have quoted at paragraph 17 above, would appear to be directed to the broad location of both of these sites.
21. The second illustration of the problem is "*Bilston Urban Village and adjoining area*", which the illustrative diagram in the CS identifies to be suitable for "*...around 1,500 homes for a mix of households (1,230 of which committed)*". Sites HC5 and H6 covering land at Bankfield Road and Greenway Road provide allocations totalling 310 homes. However the "MU3" area designation in the AAP says that the 43 ha site is suitable for a minimum of 500 new homes, which represents a density of less than 12 dph that is significantly below the assumption in the CS of 35 dph. Although the SPD, read in conjunction with the Wolverhampton SHLAA Final Report Update November 2013, provides the evidence base to increase this figure for MU3 to 625 homes, this still represents little more than 50 % of the indicative figure in the CS. However the SPD sets out the constraints to delivering a higher number of houses to include adverse ground conditions and contamination. Taken together the

SPD and the SHLAA update provide robust evidence that the Bilston Urban Village area cannot provide the remaining 1,190 dwellings indicated in the CS but that the MU3 area can provide 625 units as compared with its stated minimum capacity of 500. Whereas Table 1 to the SHLAA update envisages 300 dwellings by 2019 and a further 325 dwellings by 2024, the Indicative Phasing on page 74 of the AAP works to a different time horizon and provides minimum figures for the periods up to 2016 and 2021. In that context, noting the timeframe of the AAP, I consider that it is reasonable and realistic that the balance should be scheduled over the remainder of the plan period.

Accordingly I recommend modification to Figure 2 and Part 3 of the AAP, so as to increase the minimum anticipated capacity of this MU3 to 625 dwellings and revise the indicative phasing [MM1].

22. In my concurrent examination of the SRC AAP there is also a shortfall against the indicative housing targets in the CS. The housing capacity on employment land in the Stafford Road and Bilston RCs is, in the Council's own words: "*...significantly less than originally estimated – a reduction of around 2370 homes*" [*my emphasis*, source of quote: page 3 of Council's response to Inspector's initial questions to the Council, 20 December 2013]. In that context I have considered whether there are any implications for this Plan arising from the scale of the shortfall in meeting the indicative CS targets.
23. Paragraph 154 of the Framework says plans should "*...be aspirational but realistic*". The CS was aspirational in identifying broad areas for development and applying density assumptions to arrive at the indicative land use figures. In preparing the AAP the Council has undertaken a detailed examination of those same areas and, as their capacity is now found to be less than 60 % of the indicative housing numbers for the RC as established in the CS, the AAP provision is realistic. In the light of this evidence, despite what is a significant shortfall in provision compared with what are only indicative figures in the CS, I consider that any wider implications do not need to be addressed in this AAP. The shortfall in both of these AAPs might trigger a review of the CS if it cannot be made up in other areas of the City. In these circumstances I conclude that the AAP makes adequate provision for residential development in this RC.

Is there a clear and robust evidence base to show that the Plan is capable of delivering the level of housing growth that is proposed?

24. Figure 2 shows that there is a healthy balance between commitments and allocations, such that I can be satisfied that housing land is both coming forward and suitably phased over the life of the Plan. My site inspections revealed that a number of the housing sites underpinning the global total in AAP Policy BC1 are currently being built out. The most significant change since the Plan was published appears to be the grant of planning permission on allocation "HOS1", called Thompson Avenue Open Space. The Council points out that this scheme for 120 dwellings, which is more than envisaged in the AAP, includes the first Council houses to be built in the City for many years. The Council has confirmed that it is appropriate to update Figure 2 and Part 3 of the AAP to reflect this change, and I recommend accordingly [MM2].
25. My inspections revealed that, apart from development on what could be said to be relatively straight forward sites, such as Thompson Avenue and a site at Greenock Crescent [HC4, now known as Monmore Gardens], development of

large previously-developed sites has also begun. These include the site at Ward Street [HC3], the indicative phasing for which envisages completion by 2021, and the development at Bankfield Road [HC5] the indicative phasing for which envisages completion by 2016. With specific regard to the Bankfield Road site, the Geo-Environmental Desktop Report reveals that the estimated remediation cost, in terms of both geotechnical and contamination issues, would be high [housing site 5 in the report extends to a gross area of 7 ha, which is slightly different to, but appears to include much of, the HC5 housing site]. The report identifies 12 mineshafts on parts of the site and says previous land uses were "Iron Works, Stamping Works, Engineering Works (vending machine), Railway sidings salt grit/storage, Iron Foundry, Zinc Extracting Works, Hollowware Works, Sheet Metal Works, scrap yard". On this basis it appears to be typical of the difficult previously-developed sites that the BC AAP seeks to bring forward and so the fact that it is being developed is reassuring. I regard this to be evidence that the BC AAP is not only bringing forward a healthy mix of sites that is enabling the delivery of sustainable development in accordance with the policies in the Framework, but that the housing allocations on previously-developed land in the area are realistic.

26. Of the remaining housing sites one, Cable Street/Steelhouse Lane [HC1], comprises open, vacant land; it is said to have an expired outline planning permission for approximately 365 dwellings. It was however being promoted on this basis at the time of my inspection and represents an available site that has some prospect of a start being made by 2016, noting that phasing is only indicative. The Alexander Metals Open Space [HOS2] allocation would also appear to be technically available but, reflecting the difficulties and cost of removing the landfill, the indicative phasing, by 2021, is realistic. Smaller sites such as Taylor Road [HC2] are cleared and available for development.
27. Other significant housing, as opposed to mixed use sites, including Qualcast Road [H1], Delta Trading Estate [H2], Dixon Street [H3], Wolverhampton Street/Shale Street [H5] and Greenway Road [H6], are occupied by existing businesses. On this basis the indicative phasing, which is towards the end of the Plan period, would appear to be realistic. Amongst other things, the Land Interests Study demonstrates that there is a reasonable prospect of these sites coming forward for housing development within these timescales. Redevelopment of site H5, whilst fairly modest in terms of housing numbers, has the potential to significantly improve the environs of the site by virtue of the cessation of a significant source of noise in a residential neighbourhood. The Delivery Plan establishes that further work is necessary in respect of this site to establish if there are constraints to delivery in the long term and having regard to the benefits of redevelopment ideally this work would be prioritised.
28. The housing commitment at Highfields Road [HC6] has outline planning permission for "a maximum of" 12 flats and hence it forms part of the housing numbers in AAP Policy BC1. The site has a frontage onto part of the canal and otherwise adjoins an area allocated as open space [OS17] and so, at face value, such a form of development would appear to be realistic in this sort of position. However at the time of my inspection the site had a current planning application for 2 dormer bungalows. Without prejudice to the Council's consideration of that application, if it is correct in saying that flats "...may not be viable in this location at the present time" [Source of quote: response to Inspector's questions and issues for the Council raised by site visits 10 January

2013], that would have consequences for that, albeit very minor component, of the housing numbers. However because the outline planning permission for 12 dwellings has been granted, I consider that no change is required.

29. Nevertheless it raises the wider question about whether the assumptions regarding density, which are implicit to the calculations underpinning BC AAP Policy BC1 are robust. The first point to reiterate is that the Thompson Avenue development confirms that a higher density scheme was achieved on that site than was envisaged in the AAP. Page 58 of the AAP records that site to be 3 ha and so the density that was achieved would appear to be 40 dph. Second I have given reasons why the figure of 625 dwellings in Bilston Urban Village, which is higher than the 500 set out in the Plan, is realistic as it is based on a thorough appraisal by suitably qualified experts of the area's constraints. Third the Council state that the net density of the 2 large sites under construction in the AAP area, at Bankfield Road and Ward Street, are 39 dph and 43 dph, respectively. I agree that this compares well with the gross density assumption for housing allocations across the AAP area of 35 dph. It also compares favourably with the same density assumption that is used in Appendix 2 of the CS to calculate the indicative figures for RC4. For these reasons I am satisfied that the density assumptions that underpin the housing numbers in the AAP are reasonable and whilst the Highfields Road site might not deliver 12 units it is not indicative of a wider problem with the AAP.
30. Finally, turning to the mixed use sites apart from MU3 on which I have already commented, the allocation at Lower Walsall Street [MU1] is envisaged to have potential in the longer term; I agree. However redevelopment, in whole or in part, of the allocated area might be contingent on the success of the Qualcast Road [H1] allocation, which is realistically phased for the period up to 2026. In that context any new homes on this mixed use site within the plan period would be a bonus. Although this is a large allocated site of approximately 11.5 ha, the identification of no new homes in the table on page 57 of the AAP within the plan period is not unrealistic. The site's allocation is aspirational, in line with paragraph 154 of the Framework, but provides evidence of the AAP area's capacity to bring forward more housing than Policy BC1 identifies.
31. My site inspection revealed that land at Harrowby Road, to the south-east of the MU2 allocation [South of Oxford Street], which is in Walsall Metropolitan Borough Council's administrative area, is being redeveloped. Noting that the majority of the allocated land is in one ownership, the development of a large housing scheme on the adjacent land might be the catalyst that brings this mixed use site forward. Accordingly the indicative phasing, by 2021, would appear to be realistic and, given the scale of the adjacent housing scheme under construction, the number of homes, 20, should be eminently achievable.
32. This brief review of the Plan's housing commitments and allocations, including mixed use sites, reveal a clear and robust evidence base to show that the Plan is capable of delivering the level of housing growth that is proposed.

Detailed comments on the recommended modifications

33. There are a number of modifications to the Plan that I recommend be made in order to achieve soundness, which are listed in the Appendix. I have tried to keep it simple by using the next available number, e.g. in the case of MM2 by

renumbering the proposed change "HC2", although I acknowledge that as a result this takes this commitment out of numerical sequence. I recommend a consequential change to the numbering of HOS2 [**MM3**].

34. In its response to the Inspector's questions and issues for the Council raised by site visits, dated 10 January 2013, the Council referred, in its answer to point 4, to "...amending the housing commitment figures provided throughout the AAP document accordingly". As part of the updates that I recommend to the tables in Part Three of the Plan, in addition to the additional dwellings that the Council has permitted at Thompson Avenue, there is a sound basis for increasing the "MU3" allocation to a minimum of 625, based on the adopted SPD. All of these changes need to be reflected in the supporting text [**MM4**], Figure 2 [**MM5**] and leads me to recommend that the figure in Policy BC1 is increased from 2,600 to a minimum of 2,740 net additional homes [**MM6**]. For the avoidance of doubt the breakdown in paragraph 2.4 needs to add up to the total in Figure 2. The first figure [1155] increases as a result of the adding up error on page 74 [12 not 10] and the extra 20 units at Thompson Avenue and the last one [285] increases as a result of the extra 125 at Bilston Village. Although the total commitments in modified Figure 2 exceeds what is said to be delivered by 2016 I note, by way of example, that HC3 is classified as a Housing Commitment even though 350 are phased for delivery after 2016.
35. The Council's statement might also suggest that it sought to add in the quoted housing figures for sites B1, B2 and B3 on the table at page 86 of the Plan. These are stated to be: 33, 64 and 22, respectively. However, whilst I shall recommend that such information be inserted in the final column of that table [**MM7, MM8, MM9**], not just for site B2 as suggested by the Council, it would not be appropriate to follow this through as commitments and/or allocations in the AAP at any other point because the Council wants flexibility. That was the preferred option, which received support through the consultation process from, amongst others, the Bilston Neighbourhood Action Plan Group. On this basis my recommendations merely reflect the information that the Council has provided for each site. However inserting it in the table in the AAP in this way gives the reader, such as a potential purchaser or developer, an indication, presently absent from the AAP, of the potential for redevelopment of these sites. This is further evidence of the AAP area's capacity to bring forward more housing than that which is stated in Policy BC1 and Figure 2 of the AAP.

Overall conclusion on the second main issue as to whether the Plan would deliver an adequate level of housing

36. The Plan's vision that by 2026 there will be major new residential areas on poor quality surplus industrial land in the BC AAP area is deliverable. Although the quantum of homes proposed would be materially less than the indicative housing numbers for this RC in the CS, I have given reasons why this is based on a realistic assessment of what housing is likely to come forward. There are no wider implications arising from the scale of the shortfall, alone or in combination with Stafford Road RC, which need to be addressed in the AAP. My detailed analysis of the housing commitments and allocations suggests that these are robust and deliverable within the lifetime of the BC AAP. I have also found some evidence that the Plan might bring forward more homes than the minimum number of net additional homes identified in BC AAP Policy BC1.

Issue 3: Delivering environmental infrastructure

Should Policy BC8 take account of viability and feasibility in requiring, amongst other things, new employment developments with a floor space of 1,000 m² or more to provide at least 10 % of the overall site area, up to half of which can be offset by a green roof, as open space?

37. In my concurrent examination of the SRC AAP, the Council has put forward a minor modification [ID11] in relation to the equivalent policy in that Plan to ensure that viability and feasibility are taken into account in requiring open space on employment developments of 1000 m² or more on high quality employment areas. I consider that such a clause is necessary in order to ensure this policy requirement is justified and consistent with national policy. Both plans share the same evidence base for this purpose, including the EIG. In these circumstances I recommend that the identical phrase be added to the equivalent limb of Policy BC8 [MM10].

Issue 4: Delivery, monitoring and review

Does the AAP include provisions for adequate and effective delivery, monitoring and review?

38. The proposed phasing is suitably indicative rather than fixed and could be altered should circumstances so dictate to assist delivery. As I have noted, some of the large housing sites are being developed and there is also available land that can be brought forward in order to meet changes in market demand.
39. The AAP Delivery Plan sets out how the implementation of the AAP will be supported through the delivery of necessary infrastructure. Allied to this, Figure 14 in Part Four of the AAP contains a list of key infrastructure required to deliver development and identifies the parties responsible for delivery and an indication of the level of investment. It has been suggested that Figure 14 should include reference to the delivery of community safety and security improvements, but no specific community safety and security infrastructure requirements within the AAP area, which would warrant inclusion in Figure 14, have been identified. Amongst other things I am advised that a purpose-built police station has recently been constructed in Bilston Town Centre, which is located close to most of the housing developments proposed in the AAP area.
40. The Council's AMR will constitute the main monitoring component and provide most of the necessary evidence on which to assess the success or failure of delivery, and what alternatives might realistically be pursued in the event of the latter. The AMR ensures that the effectiveness of the implementation of the AAP would be adequately monitored. Adopting the flexible approach in Part Four of the AAP ensures that contributions towards the cost of infrastructure might not be sought where this renders the development unviable. The same approach is set out in chapter 11 of the adopted SPD for Bilston Urban Village.
41. A full review of the AAP during the plan period, up to 2026, is not anticipated, although the monitoring regime should ensure that any risks to non-delivery are 'flagged up' and interventions made to alleviate risks if this proves to be necessary. Nevertheless, it is proposed to review the CS in 2016. Should there be a review of the spatial strategy at that stage consequential changes might need to be made to the BC AAP. This would need to be achieved by

updating the LDS and setting out a realistic timetable for review in the LDS.

42. For these reasons I conclude that the AAP includes provision for adequate and effective delivery, monitoring and review.

Assessment of Legal Compliance

43. My examination of the compliance of the AAP with the legal requirements is summarised in the table below. I conclude that the AAP meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The AAP is identified within the approved LDS dated November 2013 which sets out an expected adoption date of July 2014. The AAP's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The HRA, as agreed between the Council and Natural England in November 2013, confirms that the new housing development proposed in the AAP area will have no likely significant effects on Cannock Chase SAC, either alone or in combination, and so it can be screened out for the purposes of the HRA.
National Policy	The AAP complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The AAP complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The AAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

44. The AAP has a number of deficiencies in relation to 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 Act. These deficiencies have been explored in the main issues set out above.

45. I conclude that with the recommended Main Modifications set out in the Appendix, the Bilston Corridor Area Action Plan including Bilston Neighbourhood Plan 2013 - 2026 satisfies the requirements of Section 20(5) of the Act and meets the criteria for soundness in the Framework.

Pete Drew

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Appendix – Main Modifications that the Inspector considers are needed to make the AAP sound

The modifications below are expressed either by specifying the modification in "quotes", making clear which is the before and after text, or in the conventional form of ~~strike through~~ for deletions and underlining for additions of text.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Main Modification No.	Policy/Paragraph/Page	Change
MM1	Area Designation for Bilston Neighbourhood Plan Area [Pages 74 and 77].	Replace "500 (minimum)" with "625 (minimum)" in column 6 under title "New homes" and add "125 by 2026" after the existing entries in column 8 "Indicative Phasing". Adjust total number of new homes from "945" to "1072" [P. 77].
MM2	Table entitled "Area Designation" for East Park Character Area [Pages 58 and 59], together with "Figure 10. East Park Character Area" [P. 55].	Replace "HOS1" with "HC7" in column 3 under title "Area Ref"; "Housing on Open Space" with "Housing Commitment" in column 4 under title "Type"; and "100" with "120" in column 6 under title "New homes" in table on P. 58, together with consequential change to label on Figure 10 on P. 55 [Replace "HOS1" with "HC7"]. Adjust total number of new homes from "1010" to "1030" [P. 59].
MM3	Table entitled "Area Designation" for Bilston Neighbourhood Plan Area [P 75] together with "Figure 12. Bilston Neighbourhood Plan Character Area" [P. 71].	Replace "HOS2" with "HOS1" in column 3 under title "Area Ref", together with consequential change to label on Figure 12 [Replace "HOS2" with "HOS1"].
MM4	Paragraph 2.4 [P 14].	Replace the first and third figures in the final sentence of this paragraph with "1177" [homes by 2016] and "410" [homes by 2026], respectively, with no change to the second figure "1160" [homes by 2021].

MM5	Figure 2 "Housing Commitments and Allocations by Character Area" [P 14].	Replace the figures in row 2 "East Park" with "485", "545" and "1030", respectively, the figures in row 4 "Bilston Neighbourhood Plan" with "182", "890" and "1072", respectively, and the figures in row 5 "AAP Total" with "1277", "1470" and "2747" respectively. Summarised in table below.
MM6	Policy BC1 "Delivering Sustainable Levels of Housing" [P 14].	Replace the only figure in the policy "2,600" with "2,740".
MM7	Bilston Town Centre sites within Bilston Neighbourhood Plan Area, row labelled "B1" and entitled "Former Bilston Leisure Centre" [P 86].	Replace "Marketed for Town Centre Uses" with "Marketed for Town Centre Uses; the site has the potential for a minimum of 33 dwellings" in column 5 under title "Further Information".
MM8	Bilston Town Centre sites within Bilston Neighbourhood Plan Area, row labelled "B2" and entitled "Land at Mount Pleasant" [P 86].	Replace "Development brief/part planning permission" with "Development brief/ part housing commitment for 64 homes" in column 5 under title "Further Information".
MM9	Bilston Town Centre sites within Bilston Neighbourhood Plan Area, row labelled "B3" and entitled "The Orchard" [P 86].	Replace "Draft Masterplan to be updated" with "Draft Masterplan to be updated; the site has the potential for a minimum of 22 homes" in column 5 under title "Further Information".
MM10	Policy BC8 "Delivering Environmental Infrastructure at the Local Level" [P 37].	Add the following phrase to the end of the penultimate sentence of the fourth paragraph [open space] of the policy "unless it can be demonstrated that it is not viable or feasible to do so".

Revised Figure 2 set out below as referred to in MM5 above.

Character Area	Commitments	Allocations	Total
East Park	365 485	645 545	1010 1030
Ettingshall	610	35	645
Bilston Neighbourhood Plan	180 182	765 890	945 1072
AAP Total	1155 1277	1445 1470	2600 2747

Figure 2: Housing Commitments and Allocations by Character Area