

Our Place Our Plan

A Neighbourhood Plan for the Tettenhall Wards 2014-2016

Tettenhall Neighbourhood Plan

Examination Version

A Report to Wolverhampton City Council of the Examination into the Tettenhall Neighbourhood Plan

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

Jeremy Edge BSc (Hons) FRICS MRTPI
Edge Planning & Development LLP

May 2014

Contents	Page
1.0 Introduction	3
2.0 Role of the Independent Examiner	4
3.0 Consideration of the Basic Conditions	4
4.0 Regard to the National Planning Policy Framework	5
5.0 Contribution to Sustainable Development	6
6.0 Conformity with the Strategic Policies for the local area	7
7.0 Conformity with European Union Obligations	7
8.0 Background Documents	9
9.0 Public Consultation	10
10.0 Tettenhall Neighbourhood Plan – Policies	11
11.0 Policies - Jobs, economy and community facilities	11
12.0 Policies - Housing and Development	19
13.0 Policies - Conservation, Environment and Open Spaces	22
14.0 Policies - Traffic and Transport	35
15.0 The Plan – Other Matters	44
16.0 Recommendations	44
17.0 Summary	45

Appendix 1

Written Ministerial Statement, Communities Minister,
the Right Honourable Stephen Williams MP Building Regulations,
13th March 2014

1.0 Introduction

- 1.1 Neighbourhood Planning is an approach to planning which provides communities with power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Tettenhall Neighbourhood Plan, referred to as the Plan.
- 1.2 The Plan has been prepared by a volunteer Steering Group established in early 2011, comprising local residents and members of Tettenhall District Community Council, (TDCC), the local community partnership comprising the two Tettenhall Wards of Tettenhall Regis and Tettenhall Wightwick. The Tettenhall Neighbourhood Forum is the relevant qualifying body, formally established in December 2012.
- 1.3 The Plan area extends to some 870 ha, located to the west of Wolverhampton; the two wards are relatively homogenous and affluent with a resident population of 22,783. The area is characterised as having higher incomes, lower unemployment and with a larger proportion of the population working in professions compared with other parts of Wolverhampton. It also has the highest concentration of retired resident within the City.
- 1.4 The Plan explains that the reason for promoting the neighbourhood plan for Tettenhall is to enable the local community to exercise greater control in relation to land use planning matters, encouraging economic growth, providing new homes, protecting local employment, conserving local heritage, and protecting Tettenhall's character and environment. The Plan seeks to help bring appropriate development to the area, whilst allowing residents greater influence over planning decisions through the Plan's policies which are grouped into the following four themes:
- Jobs, economy and community facilities
 - Housing and Development
 - Conservation, Environment and Open Spaces
 - Traffic and Transport
- 1.5 Having carried out the examination, for the reasons set out below and subject to all of the modifications indicated in the following sections of this examination report being accepted, I consider that the Plan would meet the basic conditions in terms of:
- having appropriate regard to national planning policy;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies in the development plan for the local area
 - being compatible with human rights requirements; and
 - being compatible with European Union obligations.
- 1.6 If the Plan were to become the subject of a referendum and achieve more than 50% of votes in favour, then the Plan would be "made". The Plan would then be used to guide and determine planning decisions in Tettenhall by Wolverhampton City Council.
- 1.7 I was appointed by Wolverhampton City Council with the agreement of TDCC to conduct the examination and provide this Report as an Independent Examiner on 17th February 2014.

2.0 Role of the Independent Examiner

2.1 My role as an Independent Examiner is set out in Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended) and is to make one of the following three recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan as modified should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

2.2 If recommending that the Plan proceeds to a Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Tettenhall Neighbourhood Plan area to which the Plan relates. I make my recommendation in relation to the extent of the Referendum Area at the end of this Report.

2.3 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.

3.0 Consideration of the Basic Conditions

3.1 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C(5)], sets out the requirements for Neighbourhood Plans to meet certain “*basic conditions*”, before they may come into force as follows:

- they must have appropriate regard for national policy;
- they must contribute towards the achievement of sustainable development;
- they must be in general conformity with the strategic policies of the development plan for the local area;
- they must be compatible with human rights requirements and
- they must be compatible with EU obligations.

3.2 I am satisfied that Tettenhall Neighbourhood Forum is a qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP) for the two wards comprising Tettenhall Regis and Tettenhall Wightwick as defined within the Plan.

3.3 I am also satisfied that the Tettenhall Neighbourhood Plan (the Plan), does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.

- 3.4 The Plan period is defined as being up to 2026, aligning the Plan with the Black Country Core Strategy, adopted on 3rd February 2011.
- 3.5 A Basic Conditions Statement (Appendix D) has been prepared by Tettenhall Neighbourhood Forum, with the support of officers of Wolverhampton City Council. This confirms that the Tettenhall Neighbourhood Plan does not make provision for any excluded development, such as national infrastructure.

4.0 Regard to the National Planning Policy Framework (NPPF)

- 4.1 The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning applications; and
 - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 4.2 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.
- 4.3 I am satisfied that the Plan has adequate regard to these policies in the National Planning Policy Framework (NPPF). In reaching this opinion I have been assisted by the comprehensive Basic Conditions Statement prepared in support of the draft Plan by the Tettenhall Neighbourhood Forum. This identifies nine of the thirteen principal objectives of the NPPF in delivering sustainable development. The four areas not explicitly covered in the Basic Conditions Statement within the NPPF relate to:
- 3) Supporting a prosperous rural economy (not relevant in the urban context of Tettenhall);
 - 5) Supporting high quality communications infrastructure;
 - 9) Protecting Green Belt Land;
 - 13) Facilitating the Sustainable use of Minerals (not relevant in the context of Tettenhall).
- 4.4 Concerning the need to support high quality communications infrastructure, this appears not to have been considered in relation to the relevant policies of the Plan in connection with need, but only perhaps obliquely in response to health issues. Nonetheless, Policy TNP17 Telecommunications Equipment, does expressly acknowledge the need to find

appropriate sites for telecommunications equipment and the policy itself seeks to provide an approach that distinguishes between sensitive and less sensitive sites in considering the positioning of such infrastructure. I am content that the Plan pays adequate regard to the NPPF requirements in relation to supporting high quality communications infrastructure.

- 4.5 In relation to the NPPF's policy "Promoting Sustainable Transport", the Basic Conditions Statement criticises the draft Policy TNP22 – Aldersley Road, on the grounds that it is not a land use planning matter, as it will not be used to determine planning applications. It would appear that this policy, like draft Policy TNP21 -The Rock Junction, are both sub-sets of draft Policy TNP20, covering anti – congestion measures. From the evidence base, there are genuine, if not acute difficulties at these locations and that it is a legitimate aim of the land use planning system to mitigate these existing problems which might be exacerbated through future physical development and / or land use change. For this reason I consider that to the extent that there may be a concern over the way in which this draft policy has been expressed, this can be resolved by revising the draft policy text. ,

5.0 Contribution to Sustainable Development

- 5.1 At paragraph 7, the NPPF defines the three dimensions to sustainable development as being, economic, social and environmental; the NPPF sets out the roles that the planning system is expected to perform in relation to each. The Basic Conditions Statement considered these three dimensions in relation to sustainability appraisal and the related consideration of options, in preparing this Statement in January 2013.
- 5.2 The draft Plan is in general conformity with the adopted Black Country Core Strategy which is relatively up to date and has been subject to its own sustainability appraisal incorporating Strategic Environmental Assessment. Development delivered through the Tettenhall Neighbourhood Plan, on a proper application of the Plan policies, should deliver sustainable development within Tettenhall. This statement is subject to my comment under "Other Matters" in section 15 concerning updating the Sustainability Appraisal in support of the Plan.
- 5.3 In order to contribute satisfactorily to the delivery of sustainable development during the neighbourhood plan period, it is axiomatic that the objectives and policies of the plan should be compatible with the delivery objectives set out in paragraphs 18-219 inclusive of the NPPF.
- 5.4 Overall, I consider that the draft Plan policies, subject in a number of cases to some modification, will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing whilst conserving the natural and historic environment within Tettenhall. The proposed modifications are explained in more detail in the following sections of this report.

6.0 Conformity with the Strategic Policies for the local area

- 6.1 The Statement of Basic Conditions (Appendix D), confirms that the Plan has been prepared in general conformity with the Wolverhampton Development Plan, which comprises the Black Country Core Strategy, adopted on 3rd February 2011 and the saved policies of the

UDP. Wolverhampton City Council considers that the whole of the Core Strategy should be regarded as strategic for the purposes of neighbourhood planning. This appears to be a realistic comment having regard to the structure of the Core Strategy where the first two and concluding chapters set out the main issues, outline the regional, sub-regional and local context, the vision, core spatial policies and delivery mechanisms, whilst Chapters 3-8 inclusive, provide a series of more detailed thematic policies, in order to achieve the Core Strategy vision.

- 6.2 The Statement of Basic Conditions assesses the Plan by reference to the four over-arching themes within the Plan, being:
- Jobs, economy and community facilities
 - Housing and Development
 - Conservation, Environment and Open Spaces
 - Traffic and Transport
- 6.3 The comparative analysis within the Basic Conditions Statement concerning the conformity of the draft Plan policies with the adopted Core Strategy policies, is comprehensive. Having regard to the “light touch” expected of neighbourhood plan examiners undertaking neighbourhood plan examinations, I am satisfied that the draft Plan policies (with proposed amendments) are in general conformity with the adopted Core Strategy, which comprises the strategic policies for land use planning purposes within the Tettenhall Neighbourhood Plan area.
- 6.4 A small point, but it should be noted that the cross referenced list of relevant strategic policies of the Core Strategy contained within the draft Plan at 7.3, Conservation, Environment and Open Spaces and also 7.4, Traffic and Transport, at pages 57 and 91 respectively have truncated Core Strategy policy references and will need to be revised, should the draft Plan proceed to referendum.
- 6.5 The saved policies of the Wolverhampton UDP, are identified in the Wolverhampton Local Development Framework, Local Development Scheme 2012 – 2015, October 2012, Appendix D. This does not include UDP Policy N1, Promotion of Nature Conservation. Accordingly all references to this Policy should be deleted from the Plan (see page 57).

7.0 Conformity with European Union Obligations

- 7.1 The Basic Conditions Statement explains that a Sustainability Appraisal Scoping Report was produced at the start of the neighbourhood plan process. This established the assessment methodology for the SA process. A Sustainability Appraisal of the Tettenhall Neighbourhood Plan Options then followed, prepared in January 2013; this was an integral part of the evolution of the neighbourhood plan.
- 7.2 The Tettenhall Neighbourhood Plan was subsequently the subject of a Sustainability Appraisal (SA), undertaken by Lepus Consulting in October 2013. This report was prepared in accordance with the SEA Directive (EU Directive 2001/42/EC). This appraised version six of the pre-submission Neighbourhood Plan for the Tettenhall Area 2014-2026, dated 15th May 2013. The report included an assessment of reasonable alternatives, as

required by the SEA Directive (2001/42/EC), during the preparation of the neighbourhood plan. The Sustainability Appraisal included prediction and evaluation of the likely significant effects and some mitigation measures were proposed.

- 7.3 The Basic Conditions Report concludes that the scoping report, options report and the final Sustainability Statement provides a thorough consideration of the sustainability of the draft Plan. I concur that the overall approach and methodology to assessing the Neighbourhood Plan's environmental, social and economic effects meets the legal requirements of the European Union's SEA Directive.
- 7.4 The SA report has also given consideration to the requirement of the Plan to be compatible with EU obligations concerning human rights, habitat protection and environmental impacts. The Statement of Basic Conditions explains that a Habitat Regulation Assessment (HRA) was also undertaken to ensure that the Neighbourhood Plan meets the EU obligations in this regard. The SA and HRA screening assessments were undertaken prior to the pre-submission consultation process.
- 7.5 The HRA report was prepared under the requirements of the Habitats Regulations 2010 to assess the effects of the land use planning proposals associated with the Tettenhall Neighbourhood Plan 2014-2026 and all policies in the draft Neighbourhood Plan were assessed. Of these, two policies were associated with potential effects at Cannock Chase SAC. These policies were:
- TNP2 Macrome Road Industrial Estate, and
 - TNP8 General Housing.
- 7.6 Macrome Road, (Policy TNP2), is outside the 15km zone from the Cannock Chase SAC; were the Macrome Road site to be developed for housing in the future in accordance with the Plan, it would be necessary to investigate the proposals in terms of the likely potential impacts on the SAC. Policy TNP2 allows for the possibility that further homes could be delivered on the 4.5 ha Macrome Road site, currently in employment use and within 16km of the SAC. The Examination version of Policy TNP2B has been amended to clarify that a project level Habitat Regulations Assessment would be required for any housing development, in the event that this was proposed during the life of the Plan.
- 7.7 Wolverhampton City Council's Proposed Changes to Tettenhall Neighbourhood Plan Habitats Regulations Assessment, (Lepus, June 2013) considered that there were two factors which are considered key to determining whether the new housing development proposed in the Tettenhall Neighbourhood Plan under Policy TNP8, would have a significant effect upon the Cannock Chase SAC. The first factor was the amount of development proposed and the degree of impact this might have on visitor pressure at Cannock Chase SAC. The second factor was the capacity of existing and proposed open space, to absorb additional recreational pressure generated by the new development.
- 7.8 All parts of the Tettenhall Neighbourhood Plan area fall outside 15km of Cannock Chase SAC. The Neighbourhood Plan is an area of very low housing growth and allocates only one site of 10 homes, with an allowance for 210 homes on small windfall sites over the Plan period, all within 16km and 21km of the Cannock Chase SAC. Furthermore the

analysis of likely visitors generated by the new housing proposed in the Plan area over the life of the Plan, would give rise to only an estimated 0.00009% increase in visitors to Cannock Chase.

- 7.9 Wolverhampton City Council's concluding remarks in its, Proposed Changes to Tettenhall Neighbourhood Plan Habitats Regulations Assessment, (Lepus, June 2013), were that in terms of the Cannock Chase SAC, recreational pressures from development anticipated in the Plan should be screened out of the process on the basis that there was no development proposed within a precautionary 15km zone. Also, the impact on Cannock Chase of development planned beyond the 15km zone, is likely to be negligible, and any additional recreational pressures arising from housing growth could easily be absorbed by existing open space networks. It was therefore considered that the new housing development proposed in the Tettenhall Neighbourhood Plan area would have no likely significant effects on Cannock Chase SAC, either alone or in combination, and could therefore be screened out for the purposes of the HRA.
- 7.10 Natural England accepted this advice and on 23rd January 2014 and confirmed that it agreed with Wolverhampton City Council's conclusion that on the basis of Tettenhall's location outside of the Cannock Chase SAC Zone of Influence and the small amount of growth and low recreation pressure generated by the Plan, the Plan proposals would not give rise to Likely Significant Effects on the Cannock Chase SAC.
- 7.11 Following the conclusions of the SA and HRA assessments, the Tettenhall Neighbourhood Plan is considered to be compatible with EU obligations and if made, will contribute to the achievement of Sustainable Development within the Plan area.
- 7.12 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Right Act 1998.

8.0 Background Documents

- 8.1 In examining the Tettenhall Neighbourhood Plan, I have considered the following documents in addition to the Examination Version of the Draft Plan:

National Planning Policy Framework (The Framework) (2011)

Town and Country Planning Act 1990 (as amended)

The Planning Act 2008

The Localism Act (2012)

The Neighbourhood Planning Regulations (2012)

Wolverhampton Unitary Development Plan, 2001-2011, Adopted June 2006

Wolverhampton Local Development Framework, Local Development Scheme 2012 – 2015, October 2012

Black Country Core Strategy, adopted February 2011

Open Spaces Strategy and Action Plan, Wolverhampton City Council, February 2014

Statement of Basic Conditions (Appendix D)

Consultation Statement, (Appendix C)

Public Consultation (Regulation 14) Report, May 2013

Environmental Assessment of Plans Regulations 2004

Code of Best Practice on Mobile Network Development in England 2013: Edition, Published: 24/07/13

Town & Country Planning (General Permitted Development) Order 1995 as amended

Town & Country Planning (Development Management Procedure) (England) Order 2010

Strategic Housing Land Availability Assessment (SHLAA) Final Report November 2013.

Wolverhampton City Council's Open Spaces Strategy and Action Plan, February 2014.

9.0 Public Consultation

- 9.1 Details relating to the public consultation undertaken in the preparation of the Tettenhall Neighbourhood Plan are summarised in the Consultation Statement, November 2013. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. The Neighbourhood Planning Regulations 2012 require a Consultation Statement to be submitted with the neighbourhood plan confirming the persons and bodies consulted about the proposed neighbourhood plan; explaining how they were consulted; summarising the main issues and concerns raised and how these matters have been considered within the proposed Plan. Such engagement with the community during plan-making has raised awareness and encouraged the community to understand and in some case query the draft policies as well as the plan's scope and limitations.
- 9.2 Effective consultation can create a sense of public ownership, achieve consensus and in the context of neighbourhood planning provide the confidence for support of the Plan. To fulfil the legal requirements of the Neighbourhood Planning regulations 2012, Section 15(2) sets out what a Consultation Statement should contain as follows:
- (a) details of the persons and bodies who were consulted about the proposed neighbourhood plan development;
 - (b) explain how they were consulted;
 - (c) summarise the main issues and concerns raised by the persons consulted;
 - (d) describe how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood plan.
- 9.3 In the case of the Tettenhall Neighbourhood Plan, the Consultation Statement confirms that the Tettenhall District Community Council (TDCC) as the designated Neighbourhood Forum, has involved residents, businesses, community groups and other stakeholders at

the key stages in the development of the Plan, being the consideration of issues; options development and appraisal; and pre-submission community-led consultation on the content of the draft Plan. It is evident that a greater level of consultation has been undertaken than the legislation requires and as the Consultation Statement makes plain, the consultation process has covered more ground than just land use planning issues.

9.4 The Consultation Statement charts the chronological progress of the consultation process from September 2011 from the induction meeting to the pre – submission consultation, which was extended from 31st October until 8th November 2013. The Consultation Statement further explains the publicity campaign, events, workshops, surveys and the use of social media to engage with the local community including business interests and developers.

9.5 The Consultation Statement includes at Appendix Z.2 a Response Matrix, providing feedback on the draft policies in the pre-submission draft plan. In addition I have been provided with the consultation responses submitted to the Borough Council in the consultation period up to 7th March 2014. I have taken these and a subsequent late response into consideration in considering the proposed policies in the Examination version of the Plan, as appropriate.

9.6 I am satisfied that the Statement of Consultation and its supporting documents comply with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

10.0 **Tettenhall Neighbourhood Plan – Policies**

10.1 I have considered the Tettenhall Neighbourhood Plan policies and set out below my comments, observations and recommendations. This assessment has been made following the main issues grouping into the four principal themes upon which the Plan is founded, comprising:

- Jobs, economy and community facilities
- Housing and Development
- Conservation, Environment and Open Spaces
- Traffic and Transport

10.2 As a general comment, the policy section of the Plan is generally straightforward to navigate and is user friendly.

11.0 **Policies - Jobs, economy and community facilities**

11.1 **Policy TNP1 Diverse Local Economy**

11.2 This policy is consistent with the Black Country Core Strategy Policy EMP1, which seeks to ensure that there is a sufficient stock of employment land to meet demand and support the growth and diversification of the economy. The Neighbourhood Plan Policy TNP1 'Diverse Local Economy', encourages such a diverse and healthy local economy by attracting business investment into the area. The policy is supported by those who responded to the

Examination draft Plan, including the Canal & River Trust, in relation to the support for the expansion of tourism and leisure development. Support for the retention of employment land, where this remains viable, is evident from the owners of Rothley Ltd and SBS Trailers, who own about 50% of the Macrome Road Industrial Estate, but who cite the problems of congestion associated with the densely developed estate with little parking. These owners have also expressed the view that access to the estate is becoming increasingly difficult for large vehicles.

- 11.3 The draft policy offers a pragmatic approach to supporting employment uses, when located in a sustainable location and which does not cause planning harm to the use of neighbouring properties. It is considered acceptable.
- 11.4 The final paragraph of the justification of this policy is inaccurate. I recommend that the justification to the draft policy should be revised to reflect the relevant Core Strategy policies as follows:

“Proposals will also need to meet the requirements of relevant strategic policies in the NPPF and Local Plan, such as those on Town Centre Uses (Policies CEN2 and CEN4-7) and Green Belt (Core Strategy CSP2, and UDP Saved Policy G2).”

- 11.5 This alteration is proposed because Core Strategy policies CEN1 and CEN3 relate to Strategic Centres (which are defined within Core Strategy Policy CEN2).

11.6 Policy TNP2 - Macrome Road Industrial Estate (Site Specific Proposal)

- 11.7 This site specific policy is framed in terms of supporting employment use at the Macrome Road Industrial Estate over the life of the Plan (Policy TNP2A), whilst at the same time recognising that this may not prove feasible and viable in the light of structural change in the economy. In the alternative that the employment use cannot be sustained in the future, there are two contingency policies, one which assumes that part or all of the site is to be redeveloped for housing (Policy TNP2B), the other, that the entire site is to be redeveloped for housing (Policy TNP2C).
- 11.8 The principal local concerns regarding this draft policy have been expressed, perhaps not surprisingly by the joint comments made by Rothley Ltd and SBS Trailers, who have indicated that they have interests in part of this estate. Their comment is that the text in Policy TNP2A is superfluous and contradictory in relation to the first sentence of the policy which states: *“Support will be given for the retention of the Macrome Road Industrial Estate for employment use over the Plan period”*. This simply records the policy intention. The policy recognises that over the life of the Plan to 2026, despite a preference to retain employment use, this may not be feasible; hence the contingency policy approach in the event that employment use failed to be viable.
- 11.9 I note that the further objections of Rothley Ltd and SBS Trailers, to the marketing period in draft policy, does not relate to the principle of evidencing lack of market demand but rather the length of the marketing period of 12 months. In my experience in connection with evidencing lack of demand for property to be sold for an existing use, 12 months would normally be the minimum period for a property to be freely exposed to the market. This would enable expressions of interest to be analysed and a conclusive assessment made, as ultimately it is not possible to prove a negative. However, it is reasonable to reach a judgement based on the evidence of an adequate marketing campaign over an appropriate

period. The suggestion of a 6 months period is too short in my assessment, but a year should prove sufficient to enable a judgement to be reached.

- 11.10 I do have some considerable sympathy with the suggestion that the land use planning system should not seek to dictate where land owners should relocate in the event that they chose to move their business. Whilst relocation for some business interest may be within Wolverhampton, this may not be practicable for all and might unreasonably fetter the discretion of businesses to choose a suitable location. For this reason I consider that this element of the draft policy should be deleted as follows:

~~“there are satisfactory arrangements in place for the relocation of existing occupiers in Wolverhampton;”~~

- 11.11 Opposition from Rothley Ltd and SBS Trailers to the provision of, “...*on-site provision of one area of at least 0.5 ha of recreational open space including a Local Equipped Play Area in a location accessible to existing and new residents, which should be completed and operational before the development is completed*”, has been raised on the grounds that there is no shortage of open space more widely within the Plan area. However, access to such open space needs to be in close proximity to the site if developed for residential use. This is outlined in the justification for the policy, providing either on site or off site open space and play facilities, proximity to which will be of importance to local residents in the event of residential redevelopment.
- 11.12 Draft policy TNP2C, relates to the local railway feasibility study in the event that the entire Macrome Road Industrial Estate is to be promoted for housing development. Concern has been raised by Rothley Ltd and SBS Trailers, to the length of time that might be taken to reach a conclusion, as to whether a rail station might be viable; and whether this would be entertained by the rail franchise operator at the time or the rail infrastructure provider. Over the life of the Plan to 2026, it is unrealistic to make assumptions about the preferences of the rail operating companies for the provision of a station at this location. However on the matter of viability, it should be possible to establish at the present time whether following site clearance, remediation, provision of new services to the site and redevelopment of the site for housing at an appropriate density, whether there is a likelihood that the surplus value from the site, having regard to other planning obligations, might generate a surplus. Having regard to the likely gross development value of the project, this would give credence, or otherwise to the suggestion that development of the Macrome Road Industrial Estate shall contribute to funding the development of a rail station in this location.
- 11.13 It is clear from the justification of this policy, that whilst some work has been undertaken in relation to the demand for this station, little assessment has yet been made in relation to the supply side of the equation. No detailed examination of the likely costs associated with the alterations that would be required for signalling, track works, ground works and constructing a simple station in this location having regard to the topography have been made. However preliminary work undertaken by Integrated Transport Planning in March 2013 commissioned by Wolverhampton City Council, suggested comparable station costs in the region of £6m- £6.8m and that the station buildings and car park could probably be incorporated within a footprint of £1,500 m², (see Appendix G (Technical Note 1)). There appears to be no clarity whether the rail operating companies would be prepared to invest in the provision of a station at this location. From the consultation responses, I note that Network Rail responded generally in relation to protection of the rail assets and did not

make any comment on this proposal. Similarly the Confederation of Passenger Transport in its submission failed to comment on this policy. A rail station at Tettenhall is not in any current strategic plans as was made clear in the consultation response in the Consultation Statement (Appendix C) at Appendix Z.2. Without the support of the rail infrastructure and operating companies, the process of obtaining details of the likely costs and an assessment of the subsidy that might be required by way of developer contributions, there may be little prospect of realising this ambition.

- 11.14 An important consideration under this policy will be to establish the views of the rail infrastructure and operating companies at the earliest opportunity in order that the site is not sterilised by indecision and uncertainty.
- 11.15 In relation to the last sentence of this draft policy, the inference on the matter of soft landscaping, is that this should be provided along the whole length of the railway land boundary. This may not be possible, as for example in the case of phased development, which is also contemplated by the policy. Accordingly I recommend that the policy be amended to avoid ambiguity as follows:

Where any employment or housing development takes place on land adjoining the railway there will be a requirement to provide a soft landscaping of ecological value along the whole of the boundary to the railway line **where the development of the entire site is proposed**, to create and maintain existing ecological networks. **Where phased development is proposed such soft landscaping should be provided along the railway boundary comprised within the subject development phase, consistent with providing an integrated landscaped boundary along the entire length of the boundary on completion of the redevelopment of the whole site.**

- 11.16 Although this policy is aspirational in its intent, over the life of the Plan, a viable solution may emerge through collaboration between the stakeholders that might deliver the phased development, which the policy envisages.

11.17 Policy TNP3 Commercial Centres and the Retail Offer

- 11.18 This policy was supported during consultation as is evident from the responses in the Consultation Statement, Appendix C. However, one respondent thought that the marketing period in the event of retail properties being vacant, before a change of use could be considered should be extended from 6 to 12 months.

- 11.19 I agree that in striking the correct balance, 6 months should prove sufficient, particularly in district centres which can often exhibit signs of fragility and where there is a need to provide quickly, active frontages to safeguard the coherence of these centres. I consider that this policy is acceptable and appropriately justified.

11.20 Policy TNP4 - Community Facilities and Buildings

- 11.21 This policy was supported during the Pre-submission Consultation by various parties and in the Examination draft Consultation by the Victorian Society. The policy reflects community interest in the built environment and those buildings which might in future be nominated as

Community Assets of Value. The policy reflects Core Strategy Policy C3 and together with the community involvement contained within Policy TNP 7 is acceptable.

- 11.22 There is a typographical error in the final sentence of the Examination draft Plan which should read,

“Proposals for the loss or redevelopment or change of use of these sites and premises will be determined against saved UDP Policy C3.”

- 11.23 There is a further typographical error in the policy Justification, which should read:

“Justification

The area has strength in depth in terms of active community groups and organisations. Current community meeting places are well used and sometimes over-subscribed, eg. Tettenhall Institute, St Columba’s Church Hall, the Newman Centre, Christ Church Jubilee Room”

11.24 Policy TNP5 Public Houses

- 11.25 This policy which was subject to minor amendment following the Pre-Submission consultation, attracted no consultation responses during the Examination version consultation period. This policy accords generally with the guidance in the NPPF at paragraph 70, in requiring local planning authorities to “plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.” It goes on to say that LPAs must “guard against unnecessary loss of valued facilities where this would reduce the community's ability to meet its day-to-day needs” and “ensure that established facilities and services....are retained for the benefit of the community”.

- 11.26 The marketing test approach appears a prudent and an objective means of testing whether there is market demand sufficient to support public house use in case where changes of use or redevelopment for other purposes is proposed. However the terms of the test described in the policy appears to be too onerous. It is not clear why an owner should necessarily be obliged to market the pub at a price agreed with the Council, or why the Valuation Office Agency (District Valuer) should be solely responsible for providing independent valuation advice as to the value of the pub. Indeed if the property is to be marketed either as a pub or as another type of community use, the value of either of the two uses, whichever is the lower, should provide guidance as to the acceptability of offers, if interest for these uses is identified in the market. Accordingly, I recommend that the policy text at 1a) should be revised as follows:

Policy TNP5 Public Houses

Proposals to redevelop or change the use of existing public houses will be resisted unless evidence has been provided to satisfy the following criteria:

“-1a) the public house has been marketed, for at least the previous 12 months, as a public house free of tie and restrictive covenant (to a particular brewery) and for alternative use as another type of community facility, with an agency **agreed with the Council, which specialises in the sale of pubs,** at a price ~~agreed with the Council~~ following an independent professional valuation, undertaken by the District Valuer, **or other agency with experience and expertise of property values for public houses and community uses within the Plan area,** (paid for by the developer), and there has been no interest in the building **for such uses;** ~~as a public house, or other community facility;”~~

and

-1b) all reasonable efforts have been made to retain the facility (including all diversification options explored (and evidence supplied to illustrate this) but it has been shown that it would not be economically viable to retain the building or site for its existing or any other A or D1 class use.

Or

-2) Its loss would not damage the availability of the local commercial or community facilities that provide for day to day needs in the local area. Planning applications must be accompanied by evidence that the community has been consulted as per TNP7 Consultation and Community Involvement.

11.27 I consider that subject to the proposed amendments that Policy TNP5 is otherwise acceptable.

11.28 The final sentence of the policy justification requires alteration where incomplete; for clarity. I suggest that this is amended to read;

“Existing policy relating to pubs and community facilities is set out in the UDP policy C3. ~~but it the community felt more detailed guidance is required.~~ “

11.29 **Policy TNP6 - Wolverhampton Environment Centre (WEC) (Site Specific Proposal)**

11.30 This policy was revised following suggested amendments during the Pre-Submission consultation. The revised policy, which seeks to guide the future use of the Wolverhampton Environment Centre (WEC) at Finchfield, attracted no consultation responses at the Examination version consultation stage. I am content that this policy should prove to be satisfactory for development control purposes.

11.31 **Policy TNP7 - Community Involvement and Consultation**

11.32 The objective of Policy TNP7 is to encourage local community consultation in planning matters. This policy has evolved following a concern of members of the TDCC that the current level of consultation carried out by Wolverhampton City Council is insufficient for certain issues, which are identified in the policy text. In particular Policy TNP7 has been drafted to seek a greater level of community consultation into proposals for site specific proposals at;

- Macrome Road;
- Wolverhampton Environment Centre;

- Penk Rise; and
- Tettenhall Wood Special School site.

11.33 Each of these sites has a site specific policy to guide future development.

11.34 In addition, the policy would apply to planning applications for particular forms of development, regarded by the community as being particularly sensitive, as listed within the policy. For development control purposes it will be necessary to carefully define those development proposals which would require the community engagement and consultation covered by this policy. In this regard and to avoid any ambiguity as to what constitutes major development, further definition is required, since “major development” is not clear within the policy. Accordingly, it is suggested that the policy be amended using the definition of major development in the Town & Country Planning (Development Management Procedure) (England) Order 2010, as abridged for neighbourhood planning purposes as follows:

Policy TNP7 Community Involvement and Consultation

Community consultation to ascertain local views about development proposals shall be carried out for all site specific proposals included in this Plan, before any planning application is submitted. TDCC, the designated Neighbourhood Forum for the Plan will be notified by the applicant about the proposed development at the earliest opportunity.

Site specific proposals apply to:

TNP2 Macrome Road

TNP6 Wolverhampton Environment Centre

TNP9 Penk Rise

TNP10 Tettenhall Wood Special School site

Planning applications shall be accompanied by a Report of Community Involvement for all these allocated sites and in relation to any of the following:

- any other major planning applications for development in the Plan area comprising:

- (a) the provision of dwellinghouses where —*
- (i) the number of dwellinghouses to be provided is 10 or more; or*
- (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (a)(i);*
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
- (e) development carried out on a site having an area of 1 hectare or more;*

~~- any other major planning applications residential and non-residential, in the Plan area;~~
 - the siting of Telecommunications Equipment (where a planning application is required);

- applications which result in the loss of public houses or community facilities or any publicly owned asset;
- applications which affect community assets, buildings, sites and features listed under policy TNP4;
- applications which involve a change of use in any of the six local commercial centres: Tettenhall Village; Tettenhall Wood; Finchfield; Castlecroft; Compton; Aldersley

The Report of Community Involvement must include:

- an explanation of how the consultation was designed to reach an appropriate cross-section of local people given the area and type of development proposed;

a demonstration that a variety of methods were used to engage local people e.g. through face to face, postal and online communications;

- a record of the views expressed in the consultation;
- an explanation of how the proposals have responded to local people's views.
- evidence of how access needs have been taken into consideration and how they have responded to local people's views on this.

11.35 In relation to the Pre-Submission consultation, the draft policy was amended to reflect feedback at that stage. Objection was raised by Mono Consultants Limited on behalf of their clients, the Mobile Operators Association. Their case is that their members undertake pre application consultation in accordance with their Code of Best Practice, the results of their consultation being recorded in a standardised template comprised in Appendix E of the Code¹ which then forms part of a planning application. The template can be found in section 8 of the Code to assist mobile operators through the planning application process. Stage 2a relating to the selection of new sites and 2b relating to upgrades of existing sites, set out what is required in relation to consultation with the local planning authority and the consultation strategy. The processes are identical. The Code states that "meaningful pre-application consultation" is highly valuable and should be seen as a two-way partnership process between the operator and the local planning authority and, if conducted in this way, it can lead to a more efficient process and better outcomes for all involved.

11.36 Concerning the identification of a consultation strategy, where this is required, the Code sets out the following process to be followed:

- Identify:
 - o Who to consult;
 - o How to consult.
- Record strategy in Consultation Plan.

¹ Code of Best Practice on Mobile Network Development in England 2013: Edition Published: 24/07/13

Offer pre-application meeting:

- Discuss merits of preferred site and other options.
- Discuss design options.

Agree to pre-application meeting as appropriate

- 11.37 It would appear that in the event that the Plan were to be made, Policy TNP7 would simply define what will be required of the consultation in accordance with the process recommended by the Code. To that extent it would assist in providing a clear framework as to what will be expected for relevant planning applications in Tettenhall. Assuming that the mobile operators subscribe to this code of best practice in preparing planning proposals, the requirements of Policy TNP7 should assist this process within Tettenhall.
- 11.38 In response to the MOA's consultation response, I consider that draft Policy TNP7 is not incompatible with the Town & Country Planning (General Permitted Development) Order 1995 as amended. Policy TNP7 would not operate to consider the merits of a land use planning proposal but rather the **process** undertaken in consulting with the community prior to a planning application being prepared and submitted to the local planning authority.
- 11.39 Subject to the amendments recommended above, I consider that the proposed policy would be appropriate for development control purposes.

12.0 Policies - Housing and Development

12.1 Policy TNP8 – General Housing

- 12.2 The aim of this policy is to detail how the housing target for the Plan area will be met over the Plan period to 2026.
- 12.3 The Wolverhampton Strategic Housing Land Availability Assessment (SHLAA) (2013) identifies the potential to deliver 390 new homes in the Plan area up to 2026 with around 185 of this potential on committed sites with planning permission including the major commitment housing sites set out in Policy TNP8. The SHLAA also assumes that 195 homes will be delivered on small windfall sites (of 14 homes or less). This is in line with the levels of delivery in the Plan area.
- 12.4 The evidence base for the expected supply of new housing is therefore up to date.
- 12.5 The statement in the Plan, “Up to 315 new homes” should be changed to “up to 390 new homes”, to accord with the SHLAA.
- 12.6 I would recommend that a minor amendment to the policy to the effect that the consideration given to the impact of housing proposals should be considered in relation to adopted local Plan Documents. The policy should therefore read:

“.....-proposals do not adversely impact on other **adopted** policies within this Plan and Local Plan Documents, particularly those that relate to density, character, environment, traffic and transport, design quality and sustainable buildings”.....

12.7 Policy TNP9 – Penk Rise (Site Specific Proposal)

- 12.8 Policy TNP9 guides development and open space improvements on the Penk Rise site. The original version of this policy made provision for up to 14 homes on a small area in north eastern part of the site. It was proposed that Section 106 funds from the housing development would fund open space improvements to the rest of the site.
- 12.9 The Consultation Statement explains the background to this policy in that the Steering Group was advised early on in the neighbourhood planning process that Penk Rise was identified in the Strategic Housing Needs Assessment for the city as a potential site for the delivery of up to 125 homes and that the group should seriously consider how the site might contribute to housing growth in the area. During the initial issues consultation with the local community in early 2012, the original draft policy emerged. The community preference was for open space improvements, particularly play areas, but also that Penk Rise should not be developed. There was also a wish for more affordable homes for the elderly and young families in the area. The volume of issues raised about Penk Rise prompted the Steering Group to include a question directly related to development on the site. In the household survey of 1,000 homes carried out in summer of 2012, just over 50% of respondents did not want the site developed. However in the subsequent thematic workshops the Steering Group was advised that the only way open space improvements could be delivered was through developer contributions. Consideration was then given to a small housing scheme with the purpose of paying for open space improvements. The Steering Group was committed to ensuring that if there was a small amount of development, then the open space improvements would be made, and that the remainder of the site would be appropriately designated to afford it long term protection.
- 12.10 At about that time the Environment Agency and the Black Country Wildlife Trust offered to carry out the work to de-culvert the brook and improve drainage and the wetland area to the south of the site was upgraded from a SLINC to a SINC.
- 12.11 Of the residents at the public meeting the majority wanted the site left as it is and stated it was the proposal to build houses that was the main concern. Almost 50% of respondents, supported open space improvements and protection of the site without housing. The demand for play improvements for the under 8's, in the initial issues consultation was also high. Therefore the steering group amended the draft policy Plan to remove the allocation of the site for housing and to:
- Achieve designation of all of Penk Rise as Local Green Space;
 - provide open space improvements including deculverting the brook, protection of the nature conservation areas and upgrading the Under 8's play facilities.
 - The policy would allow for further consultation on any future delivery of facilities for older children.
- The justification for the policy explains that funding of the improvements will be provided by planning obligations from other development sites.
- 12.12 It is clear from the response to the Pre-Submission consultation that the possible development of this site was highly contentious, but there were no substantive comments regarding the policy during the Examination version consultation, following the policy amendment subsequent to the Pre-Submission consultation. During the Pre-Submission consultation, it was rumoured that a restrictive covenant would have precluded residential

development on the site. This was to be checked, but on the basis that no residential development is now envisaged, this issue is otiose.

- 12.13 There is a single typographical correction required to the policy in the first sentence as follows:

Policy TNP9 Penk Rise – Enhanced Protection and Open Space Improvements

The parts of the site falling outside of the SINC are to be designated as Local Green Space (NPPF paras 76-78), and protected from any future development other than the open space improvements listed below.

12.14 Policy TNP10 Tettenhall Wood Special School Site

- 12.15 Following Pre-Submission comments from Wolverhampton City Council, a requirement for a development brief to guide development of this site has been withdrawn from the policy. The Victorian Society has strongly supported the policy in relation to the retention of the original L shaped section of the Victorian School Building which fronts the highway and the building immediately parallel to the road including the refurbishment, repair and maintenance of the bell tower. The policy and justification need no alterations.

12.16 Policy TNP11 - Houses of Multiple Occupation

- 12.17 During the Pre-Submission consultation, Wolverhampton City Council noted that the Strategic Assessment report concluded that the Plan did not define what the policy means by '*over concentration*' and that the restrictions could mean that people affected would be unable to find a suitable home in Tettenhall. In addition WCC advised that HMOs are often demanded by certain socio-economic groups whereby restricting their supply could influence the equitability of the policy (See SA Objectives 6 and 9 on housing and equitability respectively). The policy has not been modified to define what might be considered to be an over concentration of HMOs and there is no evidence base to suggest what might be regarded as reasonable in order that it would not materially "change the character of the area or undermine the maintenance of a balanced and mixed local community". The justification of the policy indicates that the local residents identified that only around 3% of the housing stock should be HMOs. This appears to be a somewhat arbitrary assertion and it is not clear from the justification at what spatial scale this might be appropriate, if indeed it were accurate. Accordingly, I propose that this criterion should be removed from the policy. The policy would then read as follows:

Policy TNP11 Houses of Multiple Occupation

Planning permission to allow change of use to houses in multiple occupation (*sui generis*) will not be permitted except where development proposals shall demonstrate;

- The proposal would not harm the character and appearance of the building, adjacent buildings or local landscape, in the context of the Character Assessments for the Neighbourhood Plan area;
- The design, layout and intensity of the use of the building would not have an unacceptable impact on neighbouring residential amenities;

- Appropriate internal and external amenity space, refuse storage and car and bicycle parking shall be provided in a manner which is well integrated into the design of the development, without compromising the garden setting of larger houses;
- The proposal would not cause unacceptable traffic and transport problems;
- ~~The proposal would not result in an over concentration of HMOs in any one part of the two wards, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community.~~

13.0 Policies - Conservation, Environment and Open Spaces

13.1 Policy TNP12 - Historic Environment & Local Character

13.2 Policy TNP12 is arranged in four parts:

- Part A - New Development to Enhance and Respect Existing Local Character
- Part B – Protecting Locally Important Views
- Part C – Innovative Design
- Part D – Historic Environment

Each part is considered below:

13.3 Policy TNP12 Part A - New Development to Enhance and Respect Existing Local Character

13.4 Part A seeks to ensure that development protects, enhances and promotes the special qualities, historic character and local distinctiveness of Tettenhall in order to help maintain its cultural identity and strong sense of place.

13.5 This policy seeks to protect, enhance and promote the special qualities, historic character and local distinctiveness of Tettenhall in order to help maintain its cultural identity and sense of place and is supported by the Canal & River Trust and English Heritage. Indeed the characterisation and other analysis that has been carried out has been described as exemplary and forms a solid Historic Environment evidence base and clear context for the development and implementation of protective plan policies. The Victorian Society similarly welcomes the four parts of the policy.

13.6 I am concerned that the requirement for development proposals to enhance local character of the local area in every case, including alterations, extensions and changes of use, whilst being an ambition, may be difficult to achieve in practice. There may be occasions when proposals may be sustainable and otherwise acceptable, but which have a neutral effect on local character of the area and which may offer other community benefits which are desirable to achieve. In addition there may be cases where it is difficult to measure or assess whether a proposal enhances the existing local character. Much is likely to turn on the significance of the property and its setting in terms of local context. Having regard to the guidance in the NPPF at paragraphs 134 and 135, it is possible to conceive of situations where proposals may cause some planning harm yet overall be acceptable when weighing the merits and reaching a decision based on a balanced judgement. I am also concerned that controlling the colour of development may infringe permitted development

rights. In cases where there may be sound planning reasons to exert greater control, the community may wish to seek that the local planning authority restricts permitted development rights through the use of Article 4 directions. Accordingly and for these reasons, I propose that the policy should be amended as follows; this should not necessitate a change to the policy justification:

Policy TNP12 Part A - New Development to Enhance and Respect Existing Local Character

New development (including alterations, change of use and extensions) must ~~enhance,~~ respect and reinforce the established character as detailed in the Character Studies (**Appendix F**) by:

- Respecting its context;
- Taking into account the spacing between buildings; domestic gardens, (including the proportion of garden area to buildings); informal green and open spaces;
- Being of an appropriate height, density, mass and footprints;
- Being of compatible scale;
- Being of compatible use;
- Interpretation of local character and design details including windows;
- Using a choice of traditional materials ~~and colours~~ should complement the surrounding context.

13.7 Policy TNP12 PART B – Protecting Locally Important Views

13.8 This policy is supported by English Heritage and the Victorian Society.

13.9 To be compatible with NPPF guidance, whilst it will be important to consider and respect existing views, the NPPF is quite clear that in considering planning applications for buildings or infrastructure, local planning authorities should not refuse permission because of concerns about incompatibility with existing townscape, if those concerns are mitigated by good design. However where such concern relates to a designated heritage asset, the impact may be sufficient to adversely affect the setting and warrant a planning refusal; (see paragraph 65). Similarly, to always place significant weight on enhancing important views, may cause development, which may otherwise be considered acceptable, to be refused. For this reason I would recommend that the policy be relaxed in order to reflect national planning policy as indicated below:

Policy TNP12 PART B – Protecting Locally Important Views

Development should:

- respect the topography and should integrate with the general height of buildings;
- acknowledge the spacing between buildings;
- roofscape should reflect adjacent roofscapes of existing buildings.

Development should take account of ~~and seek to protect~~ ~~and enhance~~ important views, landmarks and local points in the area, ~~having regard to other policies in the Plan.~~

~~Developments which adversely affect important views will not be supported.~~

New development, where possible, should maximise opportunities to create new views.

Many views are highlighted in the Character Studies, some of which are shown here on **figure 21**. (A full list of views can be found at Appendix M)

13.10 The figure heading on page 63 of the Plan should read, “Figure 21 A selection of locally important views”. There would be no necessity to alter the policy justification.

13.11 Policy TNP12 PART C - Innovative design

13.12 This policy accords with the guidance on design in the NPPF and is supported by the Victorian Society and English Heritage and is acceptable.

13.13 Policy TNP12 PART D - Historic Environment

13.14 The aim of this policy is to ensure that new development respects the historic environment within the Plan area. It is supported by English Heritage and there were no local community objections to it.

13.15 Concern was raised on behalf of the Police and Crime Commissioner for West Midlands (PCCWM) in relation to the Examination version consultation of the Plan, concerning the significant problem of heritage crime in the area. The PCCWM recommended that the policy be altered to allow the use of alternative materials to replace building materials and artefacts stolen from heritage buildings, to reduce crime and fear of crime. Whilst this may offer a sensible option in respect of a number of buildings, in relation to conserving and repairing heritage assets affected by crime, the significance of the materials stolen is likely to influence the need for and the appropriateness of using alternative materials as opposed to replacing the fabric on a like for like basis. Accordingly, such decisions should be taken on a case by case basis, rather than giving what might be regarded as a blanket policy exemption. For this reason I would not support changing the policy as requested for sound development control purposes.

13.16 Overall, I consider that Policy TNP12 Part D is sufficiently targeted in relation existing locally listed buildings to be acceptable as a neighbourhood plan policy.

13.17 The figure reference is again incorrect and should be amended as indicated below:

Policy TNP12 PART D - Historic Environment

Proposed development immediately adjacent to or directly affecting heritage assets within the Neighbourhood Plan area must pay special regard to preserving or enhancing its setting and any special architectural or historic features of significance it possesses.

All development proposals should aim to sustain, reinforce and conserve the historic aspects and special character of the following locally distinctive elements of the area.

Heritage assets are defined in the NPPF and directly affected by policies ENV2 and ENV4 of the BCCS, (canals).

Local List

As part of the characterisation studies residents identified numerous buildings that might be added to the Local List.

The Local List will be reviewed and updated as early as possible within the lifetime of the Plan and developers should consult with the City Council Historic Conservation officer.

The recommendations are mapped at **figure 23**.

13.18 **Policy TNP13 Protect, enhance and extend designated nature conservation areas**

13.19 This draft policy attracted considerable attention during the Pre – Submission consultation and qualified support from the Environment Agency. Natural England has given general support to the Plan but has not raised specific policy related issues. The relevant Environment Agency’s comments relate to including channel enhancement to improve the biodiversity of the Smestow Brook. The proposal is justified by the risk that development may cause pollution of the brook which in turn may cause the waterbody not meeting its legal objectives under the Water Framework Directive. Similarly, I support the Environment Agency’s suggestion to include this “running water” to the list of key features in paragraph 2 at page 70 and that paragraph 3 at page 71 should be re-worded to read:
“.....this biodiversity is not confined to the designated sites and nature conservation areas and the Smestow Brook, but in the environment in the form of...”

13.20 The split infinitive should be corrected in the fourth paragraph of this policy. I therefore recommend that the draft policy should be revised as follows:

Policy TNP13 Protect, enhance and extend designated nature conservation areas

Over the lifetime of the Neighbourhood Plan biodiversity assets and ecological networks will be protected and the awareness of the areas’ biodiversity assets will be strengthened.

Proposed development immediately adjacent to or affecting a designated area of biodiversity importance will not be permitted if it will result in any harm to the biodiversity value of the site in accordance with the Black Country Core Strategy (BCCS) ENV1.

Adequate information must be submitted with planning applications for proposals which may affect any designated site or important habitat, species or geological feature to ensure that the likely impact of the proposals can be fully assessed. Without this there will be a presumption against granting permission.

All appropriate development proposals should ~~positively~~ contribute **positively** towards the biodiversity (protected species and priority species and habitats) and geodiversity of the whole Plan area e.g. by linking in to the ecological network, providing appropriate landscaping, and providing wildlife friendly features in new gardens and open spaces.

Any new development within 10 m of the boundary of the Smestow Valley Nature Reserve will not be permitted if it will result in any harm to the distinctive character, setting, special quality or biodiversity of the LNR. In particular it should not result in an unacceptable loss of mature trees or inhibit the growth of trees.

The channel of the Smestow Brook shall be improved and enhanced to create a more natural feature and the marginal habitats shall be enhanced in line with the requirement of the Severn Basin Management Plan. Any development which poses a risk of pollution to the Smestow Brook and therefore may result in the waterbody not meeting its legal objectives under the Water Framework Directive shall not be permitted.

Measures which contribute to the delivery of the recently adopted Smestow Valley Management Plan will be supported so long as they do not contradict other policies within this Plan.

- 13.21 I propose that the text in the Plan at page 70, should be amended as follows as indicated above:

*“The LNR, SINCs & SLINCs cover almost 117 hectares within the Plan area. A number of these have been resurveyed, with recommendations to increase the size of their boundaries and change management structures. These recommendations are supported by this Plan. The most significant of these sites is the 51 hectare Smestow Valley Nature Reserve, Wolverhampton's only LNR, which follows the course of the Smestow Brook and the Staffordshire and Worcestershire Canal. The main habitats on the site are; **running water**, woodland, scrub, grassland and tall herb which support a number of protected species, i.e. water vole, great crested newt, various bat species and several species of wetland birds.”*

- 13.22 I also propose that the text in the Plan at page 71, be amended to read:

*The area covered by the Plan is rich in biodiversity and is highly valued by local residents. Of the respondents to the household survey 92% were concerned about the loss of habitats for wildlife; and 91% were concerned about the loss of green space and open areas. This diversity is not confined to designated sites and nature conservation areas **and the Smestow Brook**, but in the urban environment in the form of hedgerows, open green spaces, verges, domestic gardens, ponds, pools and areas of open water, churchyards, sports fields, roadside trees and pathways which define the character of the area and enhance the quality of life of the inhabitants. This biodiversity must be acknowledged and protected by this Plan and taken account of by developers to ensure minimal disturbance or loss. Guidance on the considerations which will be applied to developments is contained in BCCS policy ENV1 and NPPF paragraph 118.*

- 13.23 **Policy TNP14 PART A - Identify new sites and protect and improve existing open spaces**

- 13.24 The objective of protecting and improving the quality of open space within the Plan area, was generally supported strongly during the Pre – Submission consultation. The local benefit of this policy will be to protect open land which does not profit from Green Belt designation or Black Country Core Strategy policy. It is noted that the Canal & River Trust has suggested that improvements to the canal system should also be funded from planning obligations. To the extent that elements of the canal system within the Plan area were to be included in the ambit of this policy, there could be a case for developer contributions being made available for such improvements, but this is not currently the position.

13.25 Since preparing the Pre-Examination Plan, Wolverhampton City Council has finalised the updated Open Spaces Strategy and Action Plan (Appendix O) which identified the open space improvement requirements within the Neighbourhood Plan area. These are now be found at The open space improvement requirements within the Neighbourhood Plan area are identified in Wolverhampton City Council's Open Spaces Strategy and Action Plan, February 2014, (pages 52-55). The policy therefore requires amendment to reflect the up to date position as identified below.

13.26 These suggested alterations are identified in the revised policy text below:

Policy TNP14 PART A - Identify new sites and protect and improve existing open spaces

There is a general presumption against development on open spaces unless identified in this Plan as providing clear community benefits.

a) Protect existing open spaces:

Development immediately adjacent to or affecting the open spaces identified as green in **figure 25** for 'protection' that result in any harm to their character, setting, accessibility, appearance, general quality or amenity value will not be permitted unless the community will gain equivalent benefit from open space improvements or the provision of replacement open space.

b) Improve quality of existing open space sites:

The priority open spaces for improvement and enhancement are shown as purple in **figure 26** as 'improve quality'. These improvements will be funded from a combination of developer contributions and a range of other funding mechanisms. **The open space improvement requirements within the Neighbourhood Plan area are identified in Wolverhampton City Council's Open Spaces Strategy and Action Plan, February 2014, (pages 52-55).** ~~At the time of writing this Plan, Wolverhampton City Council is finalising the updated Open Spaces Strategy and Action Plan (listed at **Appendix O**) which identifies all open space improvement requirements within the Neighbourhood Plan area.~~

c) Provide new public open space:

In line with current open space standards, UDP policy and priorities set out in the Council's Open Space Strategy and Action Plan, new housing developments of ten homes or more, or less if part of a larger scheme, **shall**, ~~will be expected to~~ provide new public open space and play facilities for ~~the benefit of both new and existing~~ residents **and**, make a ~~reasonable~~ financial contribution to improve existing open space and play facilities in the local area, as set out under b) above.

Proposals for new residential development will be encouraged to create accessible links from development sites to the wider footpath network and green open spaces.

For the housing proposals set out in the site specific policies of this document, the open space and play requirements to serve new housing and appropriate compensation for loss of open space will be as follows:

-Macrome Road - requirements for open space, should part or all of the site come forward for housing during the life of the Plan.

-Penk Rise – open space improvements and protection for the site are laid out in Policy TNP9.

-WEC - the preferred option for the site includes site improvements which will create new public open space, see Policy TNP6

13.27 Policy TNP14 PART B – Allotments

13.28 This policy has not attracted comment in the Pre-Submission or Examination version consultations of the Plan. This policy is considered to be acceptable in relation to the five allotment sites in the Plan area.

13.29 Policy TNP15 Trees

13.30 This policy has the unqualified support of Natural England. The policy as drafted would give rise to various development control problems in practice. In order to operate the policy, Wolverhampton City Council as local planning authority, would need to be able to impose conditions on the grant of planning permission to enforce the policy requirements. Such conditions would need to be acceptable having regard to the six tests in paragraph 206 of the NPPF. These must all be satisfied each time a decision to grant planning permission is made. It would be unreasonable and disproportionate to impose a condition for the on-going stewardship of trees, forming part of a landscaping scheme, for an indefinite period. Equally it would be unreasonable and disproportionate to expect where a tree that is comprised within a landscape scheme, has reached the end of its natural life, or is lost through wind damage, to be replaced with a tree of similar size. Furthermore, in order for the policy to be enforceable, it may not be feasible or practicable for neighbouring land to be used for the planting of replacement trees due to ownership constraints.

13.31 Accordingly, in order to be acceptable for development control purposes, I consider that the policy will require amendment and I propose the amendments as set out below:

Policy TNP15 Trees

Landscaped schemes for new developments will be supported if landscaping proposals include native species as a first option, or if not appropriate, other species (such as exotics in the more formal landscape settings where there is evidence they were originally planted), which fit in with the character of the local area as detailed in the Character Studies.

Where ~~trees~~, approved as part of a landscape scheme, **trees** have to be removed as a result of:

- new development;
- or because of the health of a mature tree;
- or where a mature tree has reached the end of its natural life;
- or lost through wind damage;

Then, within a period of five years from the completion of the landscape scheme, such trees affected shall be replaced by replacement trees be required of a size and species compatible with the location, on the same site, or if practicable on a suitable site nearby. In the event that a practicable and suitable site nearby is available and proposed as a receptor site, this and the replacement trees shall be subject to agreement with the Local Authority in conjunction with the Neighbourhood Forum (and after the expiry of the Forum, Tettenhall District Community Council) for the Plan area, so long as there is no net loss of trees within the Plan area.

The replacement trees must shall be planted within 12 months of the removal/loss of the existing trees.

13.32 Policy TNP16 Sustainable Buildings

13.33 The aim of policy TNP16 is to ensure developments in the Tettenhall Neighbourhood Plan area achieve a high level of environmental sustainability in design, construction and use. It will be noted that there is some overlap with the “Planning for Sustainable Communities SPD”, May 2008, prepared by Wolverhampton City Council in terms of the objectives of this policy, although within the Plan, the policy would apply to all built development.

13.34 During the consultation relating to the Examination version of the Plan in early 2014, Wolverhampton City Council commented that the policy should include a requirement for development to include sustainable urban drainage systems (SuDs) with multiple benefits to maximise their benefits in line with Core Strategy Policy ENV5. I accept the Council’s suggestion that this should be incorporated in the policy and recommend that the proposed text shown in the suggested revised policy below should be accepted if the Plan is to be taken forward to referendum.

13.35 The Examination draft Plan refers to minimum space standards in the Homes and Communities Agency’s current space standards for affordable housing which are identified in the Plan as “*HQlv April 2008*.” This is said to comprise Appendix P to the Plan. In fact the document at Appendix P is “Building for Life 12”, (BfL12) published in 2012 by the Building for Life Partnership, the members of which were Cabe at the Design Council, Design for Homes and the Home Builders Federation, with the assistance of Nottingham Trent University. This document contains no housing space standards. Indeed at present there are currently no government approved space standards for either market or affordable housing development.

13.36 Between August and October 2013, DCLG undertook the “Housing Standards Review: Consultation”. In parallel with this consultation, the DCLG published “Housing Standards Review, Illustrative Technical Standards Developed by the Working Groups.” This identified three illustrative performance levels with related, illustrative space standards. These illustrative standards carry no material weight and will almost certainly be superseded shortly because on 13th March 2014, in a Written Ministerial Statement, Communities Minister, the Right Honourable Stephen Williams MP confirmed that new standards will be issued later this year. In particular the Statement advises:

“The consultation made clear the Government’s intention that planning authorities should only use the standards emerging from the review process. The Government

will issue a statement later this year when the new standards are published, which will explain how this policy will be implemented.”

13.37 Accordingly the reference to housing standards in Policy TNP16 may be deleted.

13.38 Concerning the Lifetime Homes Standard (revised 5th July 2010), this is generally higher than that required by Part M of the Building Regulations.

13.39 The Lifetime Homes Checklist referred to in draft Policy TNP16 is not to be found in the Pre Examination file comprising Appendix P.

13.40 The Written Ministerial Statement also includes the following comment:

“Setting requirements solely in Building Regulations will help to provide the certainty needed to ensure that home builders know what they need to do, and can deliver high quality new homes which meet local community’s needs. Implementing this approach will reduce over 100 standards to fewer than 10, and will provide significant cost savings for industry.”

13.41 In this context, it is probable that Lifetimes Homes will no longer have force or purpose in a town planning context. In the light of the further confusion in the preparation of this draft policy, I therefore propose that this policy component should also be deleted.

13.42 The Building for Life 12 criteria, which do appear in Appendix P to the Plan. include twelve questions against which housing proposals may be assessed under three headings which may be summarised as follows:

- to evaluate the extent to which the scheme might integrating into the neighbourhood;
- to create a place; and
- to provide access.

Although the questions posed may assist generally to consider scheme design, they are subjective and do not in themselves provide a sound basis against which a planning judgement should be made for assessing planning applications. For this reason this element of the draft policy should also be deleted.

13.43 In connection with secure cycle parking for commercial development, this element of the policy is adequately covered in the Black Country Core Strategy Policy TRAN4 which states:

“.....Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance, e.g. in close proximity of main front entrances for short stay visitors or under shelter for long stay visitors. The number of cycle parking spaces required will be determined by local standards in supplementary planning documents.”

13.44 Furthermore, Core Strategy transport policies, TRAN1, TRAN2 and TRAN3 each provide encouragement for sustainable modes of transport, expressly including cycling.

13.45 Accordingly, I recommend that this policy be amended as follows:

Policy TNP16 Sustainable Buildings

-Developers should demonstrate at the community consultation stage (see Policy TNP7) how their development will achieve a high level of environmental sustainability in terms of its design, construction and operation. **Proposals which We will welcome developers who are seeking to achieve low or zero carbon emission schemes and which offer the use of have given thought to using renewable energy sources shall be encouraged.**

- Proposals for development shall incorporate SuDs techniques that will reduce flood risk and improve water quality. New developments shall increase tree cover and consider the use of green roofs.

- New development should be of high quality, bespoke design, with architectural detailing and boundary treatments which **complement** the surrounding area in line with Policy TNP12 Historic Environment and Local Character.

Housing

All new build housing should:

~~-be built to at least the minimum space standard requirements of the latest Homes and Communities Agency that apply to affordable housing. The schedule at Appendix P specifies the current space standards required (HQlv4 April 2008). Planning application drawings should demonstrate how furniture can be accommodated in habitable rooms.~~

~~-should meet Lifetime Homes Standards to ensure that new homes are adaptable to the changing requirements of occupiers in future years. The developer will be required to submit a complete Lifetime Homes checklist as at Appendix P to evidence that they have complied with these standards.~~

~~-should achieve a score of 75% green and no red against Building For Life 12 (or the equivalent standards in future years) The developer will be required to assess the proposal against Building For Life 12 criteria and demonstrate that this requirement has been met. (The criteria can be found at www.designcouncil.org.uk see Appendix P).~~

—provide each new house with adequate external cycle storage, rainwater butts and compost bins to enable residents to achieve a greener lifestyle. The use of greywater and rainwater recycling facilities will be encouraged.

Commercial Development

~~-New commercial development should provide secure cycle parking so that people can cycle to work.~~

13.46 In relation to the recommended alteration to Policy TNP16, it is suggested that the justification for the policy be amended as follows:

“Justification

The survey carried out by MEL identified that residents were concerned about the environmental impact of new development. 47% of residents said it was extremely important that environmentally friendly materials should be used in the construction of new buildings with a further 39% saying this was important. 50% of residents said that it was extremely important that new properties should have high levels of energy efficiency (38%: important). 59% of residents feel it is extremely important that new developments do not increase the risk of flooding (34%: important).

The Neighbourhood Plan area covers the more affluent parts of the city with a majority of aspirational housing that will be occupied by professional A and B households. It is an area of high value properties where additional investment in environmental measures and space/design standards will not impact so greatly on the financial viability of a development scheme as it does in other parts of the city. As energy costs rise and people learn more about the impact that the built environment and lifestyles has, on both the local biodiversity and global climate change, the aspirational homeowners moving to the Neighbourhood Plan area will be seeking more innovation in their homes that minimises this impact. ~~We also want to ensure our new homes provide sufficient space for furniture and the daily activities of residents both now and in the future to meet their changing needs. We therefore want to apply the same standards required by the Homes and Communities Agency for new affordable housing, to all new residential developments which will include meeting the Building for Life and Lifetime Homes standard.~~

~~By requiring developers to implement these standards we will be ensuring that the new homes built in the NP area are of the highest quality for the West Midlands area and attract new people into the city.”~~

13.47 Policy TNP17 Telecommunications Equipment

- 13.48 The Plan’s objective for Policy TNP17 is to provide guidance for the provision and siting of environmentally sensitive telecommunications apparatus through distinguishing between what the Plan considers to be sensitive and less sensitive locations. During the Examination version of the Plan detailed concerns were submitted on behalf of the Mobile Operator’s Associations (MOA) advisers, Mono Consultants Ltd. This response on behalf of MOA, expressed the view that the draft Plan was unduly negative and contrary to the support for telecommunications equipment in the NPPF, in relation to the statement; “*No Telephone Masts at Sensitive Sites*”.
- 13.49 The observations of the MOA draw on the guidance of the NPPF at paragraph 44 and the traffic light model and consultation strategy of the Code of Best Practice, 2013². The MOA’s objection to Policy TNP17 is essentially that by restricting the siting of telecommunications equipment within sensitive areas identified in the Plan, the policy could adversely affect network coverage and thereby inhibit the government’s objective of promoting high quality communications equipment to support sustainable economic growth. To assist, the MOA has proffered an alternative policy.

² op cit

- 13.50 By reference to paragraph 44 of the NPPF, the guidance is clear that local planning authorities should not impose a ban on the new telecommunications development in certain areas. Notwithstanding the real concerns of the local community, the planning system is unable to support draft Policy TNP17
- 13.51 To the extent that the Qualifying Body wishes to further control telecommunication development within the Plan area, the draft policy suggested on behalf of the MOA in their consultants representations dated 6th March 2014 may offer an appropriate alternative. I consider that this is within my scope to consider on the basis of the intention of the Qualifying Body to control the development of telecommunications equipment within the Plan area. I consider that subject to further amendment, this policy formulation as set out below would be acceptable:

“Planning permission for proposals for telecommunication equipment shall not be permitted unless the following criteria are met:

- 1) The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character, or appearance of the surrounding area;
- 2) If on a building, the proposed apparatus and associated structures shall be sited and designed to minimise impact on the external appearance of the host building;
- 3) If proposing a new mast, it should be demonstrated that the applicant has explored the opportunity of erecting the mast on existing buildings, masts or other structures. Such evidence shall accompany any application made to the local planning authority;
- 4) If proposing development in a sensitive area, the development shall not have an unacceptable effect upon areas of ecological interest, landscape importance, archaeological sites, conservation areas, or buildings of architectural or historic interest.

When considering applications for telecommunications development, the local planning authority shall have regard to the operational requirements of the telecommunications networks and the technical limitations of that technology”

- 13.52 Accordingly, I recommend that the Examination version draft policy be deleted together with the justification from the Plan. In the alternative that the Qualifying Body wishes to substitute the Examination version Policy TNP17 with the revised formulation above, I consider that this should be acceptable in relation to meeting the Basic Condition. Were this recommendation to be accepted, then the justification for the policy should be altered to read:

Justification

There is a recognition that in the digital age there is a need to find appropriate sites for telecommunications equipment. However the sensitive areas identified in point 4 of the policy are in keeping with the primary aim to protect the character of the Plan area as detailed in the Character studies. This issue was the subject of much discussion at public consultation events and workshops to the extent that residents

were asked a specific question in the household survey. 78% of respondents were concerned about the erection of telephone masts in their neighbourhoods. In addition they were asked about the breadth of community consultation required by companies looking to locate telephone masts in their neighbourhood before submitting a planning application to the Council. The results demonstrated that two thirds of respondents wanted consultation of at least the wider neighbourhood if not the whole area. This is over and above the localised consultation currently carried out by companies and demonstrates the strength of feeling of local residents on the siting of such equipment and affords a motive for the company to engage with the local community about other more suitable locations for their equipment, at the earliest opportunity.

13.53 Policy TNP18 Light Pollution

13.54 The aim of this policy is to provide guidance to developers regarding external lighting proposals in order to reduce negative impacts of light pollution, whilst potentially saving energy and expense. There were two responses at the Pre-Submission consultation, one being from the Canal & River Trust which resulted in an amendment concerning conserving biodiversity within the canal corridors. The second related to concerns from pollution caused from street lighting. The Canal & River Trust (CRT) made further comments regarding this policy relating to the examination version of the Plan. The CRT welcomed the policy whereby applicants are encouraged to submit details of lighting schemes, including light scatter diagrams that will accurately predict the performance of lighting schemes as part of planning applications, in order to demonstrate that the proposals are appropriate. Wolverhampton City Council in its consultation response to the Examination version of the draft Plan has recommended that the second bullet point in the draft policy be amended to include river corridors and I agree that this proposed amendment would be beneficial for the purpose of development control and reducing harm from light pollution in these habitats. Subject to this proposed amendment, I would recommend that this draft policy is acceptable. I consider no amendment is needed to the policy justification.

Policy TNP18 Light Pollution

Where planning permission is required for an external lighting scheme or where external lighting is required as part of a development proposal, applications will only be supported where:

- the lighting scheme will not exceed that which is required for the satisfactory undertaking of the task involved;
- glare and spillage is minimised through good design, particularly on the edge of residential areas, adjacent to highways, canals, **rivers**, nature reserves or other environmentally sensitive settings;
- illuminance is appropriate to the surroundings and character of the areas as a whole, taking account of the Historic Landscape Character studies for the Plan area
- the lighting is positioned and directed to minimise the impact on the surroundings
- and there is no significant adverse impact on sites of nature conservation and other sites of biodiversity, such as the canal network, or the general enjoyment of the local night sky.

Applicants are encouraged to submit details of lighting schemes, including light scatter diagrams that will accurately predict the performance of the scheme, as part of the

planning application in order to demonstrate that the proposed scheme is appropriate in terms of its purpose in its particular setting.

Consideration should be given by the Planning Authority to apply a condition to any planning approvals to allow the local planning authority to monitor the development and enforce the condition if necessary.

14.0 **Policies - Traffic and Transport**

14.1 As a general note, the textual references in the introduction to this section of the Plan have become corrupted in relation to the relevant strategic policies in the Black Country Core Strategy and saved policies of the Unitary Development Plan. These require correcting at page 91.

14.2 **Policy TNP19 To Promote Road Safety**

14.3 The intention to enhance road safety within Tettenhall and overcome existing traffic and transport difficulties is understood. However the Plan policies must consider land use planning issues. Where development proposals are likely to generate highway safety and capacity issues, there would be a legitimate locus for the Plan to mitigate potential impacts on the road network and having regard to safety and enhancing sustainable transport options. As drafted, Policy TNP19 seeks road safety improvements over the life of the Plan which appear to be independent from land use planning considerations. I consider to be effective as a policy, it should be re-drafted to link the impact of development to the safety and capacity measures sought. The evidence base which identifies the highway safety issues and mitigation measures appears to have been satisfactorily compiled on the basis of professional advice from ITP, but the policy needs to relate these to appropriate proposals that are brought forward over the life of the Plan.

14.4 The revised draft policy suggested below, may meet the expectations of the Neighbourhood Forum and Tettenhall District Community Council and is suggested as a means to provide a workable policy. It should also be noted that the Core Strategy already includes Policy TRAN2 which seeks to manage the transport impacts of new development and goes a considerable way to meet highway safety issues.

14.5 I therefore recommend the revised policy be accepted. If the revised policy is accepted, there would be no need to change the policy justification.

Policy TNP19 To Promote Road Safety

Planning permission will not be granted in the Tettenhall wards for development proposals that are likely to have a significant effect on traffic safety, unless they are accompanied by proposals demonstrating how they impact on road safety; and where relevant the locations identified on figures 30 and 31, comprising safety improvements and proposed 20 mph speed limit zones respectively.

Development proposals shall identify appropriate measures to mitigate adverse effects on highway safety including, as appropriate the site specific improvements identified in figure 29.

Any road safety measures should have due regard for the character of the surrounding area as defined in the Character Studies at **Appendix F** to this Plan.

14.6 In the alternative, I recommend that Policy TNP19 be withdrawn from the Plan.

14.7 **Policy TNP20 Anti-Congestion Measures**

14.8 This policy which intends to reduce congestion, attracted concern from Wolverhampton City Council and South Staffordshire District Council (SSDC) during the Pre-Submission Consultation on the basis that the draft Plan sought contributions for mitigation measures from development in South Staffordshire. This would not be acceptable in meeting the Basic Conditions test. In the Examination version of the Plan, SSDC reminded the City Council that the Plan should not bind authorities outside the area of its control.

14.9 I agree with the proposed alterations to the Plan text proffered by SSDC, although these do not relate to Policy TNP20 itself. I therefore recommend the following alterations to the Justification of the policy:

“Justification.....

“New developments should not be looked at in isolation, but for their potential combined impact, and consideration given to the potential redistribution of traffic from the main roads (eg A41) on to minor roads (eg Hordern Road and Lowlands Ave) to avoid increased congestion on the A41. ~~In such circumstances the relevant Local Authority would be expected to work with Wolverhampton City Council to take relevant remedial actions.~~ This Neighbourhood Plan cannot include policy proposals for development outside of the Plan area.”

14.10 The policy proposal within the Plan to provide anti congestion measures again appears to be seeking to use the land use planning system to resolve long term traffic problems. In order to be acceptable, policies need to respond to land use planning and development issues. Planning permission for development will need to be controlled through planning conditions and possibly planning agreements to deliver the appropriate controls and community benefits envisaged by the policies. To comply with paragraph 206 of the NPPF, planning conditions need to be necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects. The anti-congestion measures that the Plan seeks to impose therefore need to be related to development proposals. With this in mind I have endeavoured to recast policy TNP20 in order that the policy might be applied in a development planning context with mitigation measures tied to development proposals. The use of sustainable travel plans offers a means by which congestion associated with new development might be ameliorated, linked to planning agreements which might enable contributions to be secured to implement the improvements identified by ITP, included in figure 29 of the Plan.

- 14.11 The policy includes two site specific policies relating to the Rock Junction (Policy TNP21) and Aldersley Road (the narrow section between Sandy Lane and Burland Avenue). These policies, where anti congestion measures are needed, have been re-cast to provide a framework to facilitate the collection of developer contributions to implement investigations and subsequently measures to reduce congestion again utilising developer contributions related to appropriate development proposals.

Policy TNP20 Anti-Congestion Measures

Planning permission shall not be granted for development which is likely to exacerbate congestion on the highway network. If development is likely to lead to increased traffic flows or congestion, then developers must take proportionate steps to mitigate the problems identified. Such mitigation may include the flexible use of traffic signals timing and new technologies to improve the flow of traffic at junctions, whilst considering the needs of pedestrians and cyclists.

In order to reduce travel demand by car, no residential development of 10 dwellings or more, or employment development of more than 500m² shall commence prior to the developer entering into a Green Travel Plan to provide measures to enhance accessibility for pedestrians, cyclists and promote public transport to local amenities and community facilities; to reduce the propensity for local residents to use private cars for local trips and include proportionate enforcement controls.

Planning permission for development on school sites which is likely to increase traffic levels within the Plan area shall not be permitted prior to the developer entering into a School Travel Plan designed to enhance accessibility for pedestrians, cyclists and promote public transport, whilst reducing the propensity for school trips by private cars and to include appropriate enforcement measures.

Development proposals shall contribute towards the implementation of the mitigation measures identified within the Plan at figure 29, through s106 agreements, s278 agreements under the Highways Act 1980 and through the Community Infrastructure Levy as appropriate.

The following locations have known issues or are considered likely to need addressing during the life of the Plan.

Transport Project TNP21 - The Rock Junction (Site Specific Proposal)

Planning permission for development which is likely to increase traffic congestion at the Rock Junction shall be refused unless appropriate contributions are made towards measures by WCC Highways Department to monitor traffic flows, maximise traffic capacity and, if appropriate, implement improvements such as altering signal timing and measures to increase the capacity and efficiency of the junction.

Transport Project TNP22 -Aldersley Road (narrow section between Sandy Lane and Burland Avenue) (Site Specific Proposal)

Planning permission for development which is likely to increase traffic congestion on Aldersley Road shall be refused unless appropriate contributions are made towards:

1) investigating the viability of reconfiguring the road by improving through-flow of traffic and pedestrian access and;

2) an assessment to transfer on-street parking to the field between Sandy Lane and Burland Avenue. Any such investigation shall take account of the fields' Protected Open Space status, its landscape biodiversity quality and its proximity to a geological site. Proposals to implement a parking scheme on this site shall include the use of permeable, sustainable materials to enhance the green space and mitigate the impact of any new development within the Plan area and reduce the risk of localised flooding.

Local residents shall be consulted with the results of each stage by the Neighbourhood Forum or Tettenhall District Community Council.

14.12 To the extent that these policy amendments were to be accepted, there would be no need to alter the policy justification.

14.13 These altered policies will I believe facilitate the intention of the Neighbourhood Forum in respect of these policies. As with Policy TNP19, the option would be to accept the recommendations above regarding these three policies or in the alternative that they be deleted.

14.14 Policy TNP23 Adequate and Appropriate Parking Measures

14.15 The Pre-Submission Consultation gave rise to one response relating to parking congestion near schools. A similar comment was received during the Examination version consultation and a further comment relating to parking congestion on Woodhouse Road, where the solution, if one is to be found, would probably be as a result of parking management consideration rather than through the application of town planning policy, related to new development.

14.16 Saved UDP Policy AIM12 provides current parking standards. The parking standards in AIM12, will continue to operate in Tettenhall NP area and Policy TNP23 will need to comply with this in order for the Plan to meet the Basic Conditions. UDP Policy AIM12 sets maximum levels of car parking and minimum levels of disabled car parking, motorcycle parking, cycle parking and service parking. It would therefore be feasible for the Plan to seek variations to these standards on an ad hoc or site specific basis within the constraints of AIM12. To avoid any confusion over parking standards within Tettenhall, it would be prudent to link Policy TNP23 with AIM12.

14.17 Draft Policy TNP23 strays from land use planning by considering existing parking problems without relating these to development proposals. The policy proposal for there to be a presumption against the loss of garages where sites are being redeveloped, could potentially cut across the maximum parking standard in AIM12 in many instances. Also the retention of garages, even in suburban locations, could give rise to a loss of efficiency in the use of urban land. However, I can well understand that this policy is driven by the concern over on-street parking and the problems that this can create where levels of car ownership are high. If this policy is to be retained, it should again be linked to the parking

standards in AIM12. Accordingly, I would recommend the following policy amendments as shown below.

Policy TNP23 Adequate and Appropriate Parking Measures

Subject to the provisions and parking standards in saved UDP Policy AIM12, all new developments should provide adequate parking for the needs of its residents with regard to relevant factors including design, local character, car ownership levels and available public transport provision.

Subject to the provisions and parking standards in saved UDP Policy AIM12, there is a presumption against the loss of garages where sites are being redeveloped unless it can be demonstrated that there will be no significant impact on parking in the area or that other adequate provision for the parking of vehicles is provided on site but not on public roads.

~~Where parking currently creates issues of accessibility, traffic, or detracts from local streetscape character, (for example, parking on grass verges and pavements), alternatives should be provided and restrictions implemented.~~

~~Steps must be taken to reduce the issues of parking around schools within or close to the Tettenhall district, and so WCC and TDCC will continue to work with schools to develop and implement appropriate measures (for example; travel plans, promotion of walking, and cycle training).~~

14.18 I propose that the policy justification is amended accordingly:

Justification

Although there is a high demand for parking, in particular at local centres as well as around schools, and a practical parking environment is important to support local businesses, the land use planning system, unless related to development proposals, is unable to be used to solve existing parking problems.

In general, the housing supply has adequate parking incorporated within driveways and garages however narrow roads and overcapacity do lead to parking on verges or pavements in some areas. Parking in inappropriate locations leads to difficult access by vehicles and pedestrians and detracts from the character of the local area. The pressure for new development also threatens the local streetscape and parking must be considered an integral, sustainable and necessary part of all new development. However, the Plan acknowledges that its policies must accord with the adopted development plan policies and the extent to which parking policy can be altered will be constrained by such policy.

Local businesses must also be considered and where development proposals are being prepared as appropriate parking must be available to continue attracting customers to the area, but it is acknowledged that proposals must comply with the controls in UDP Policy AIM12.

14.19 Policy TNP24 Walkability Part A general

- 14.20 This policy was generally strongly supported during the Pre – Submission consultation, but few comments were received as a consequence of the Examination version consultation earlier this year. The policy seeks to improve accessibility by walking throughout the Tettenhall wards. The rationale for the policy and the evidence base from the ITP survey and analysis in Technical Note 1 provides the rationale for the policy, which is related to development proposals within Tettenhall.
- 14.21 The draft policy anticipates that “significant new development” will contribute to the improvements and enhancements within the Plan area, but without defining the thresholds. For clarity it is necessary to identify the proposals that will be expected to make “walkability” contributions. In the absence of evidence to the contrary and so as not to burden small developments, I propose that significant development in the Tettenhall context would be development of 10 dwellings or more, or employment development of 500 m² or greater.
- 14.22 It would not be appropriate for the Plan to seek improvements beyond the Plan boundary and again to ensure that there is no ambiguity, the policy should clarify the point to avoid an expectation that improvements might be expected, for example into South Staffordshire.
- 14.23 The use of s106 contributions to enhance and improve the towpaths of the waterways and canal in Tettenhall was strongly supported by local residents. In order to apply s106 monies to towpath improvements, the planning proposals for development would need to comply with the National Planning Policy Framework (NPPF) Policy Tests and legal tests in regulation 122 and 123 of the Community Infrastructure Regulations 2010. The tests are contained in the National Planning Policy Framework (NPPF) and are set out below:
- "203. *Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*
204. *Planning obligations should only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development."*

14.24 Accordingly, I propose the following amendment to Policy TNP24 as follows:

Policy TNP24 Walkability Part A general

In the Tettenhall wards all significant proposals for development being for 10 dwellings or more, or greater than 500m² of employment development shall, for reasons of promoting sustainable development in the wards of Tettenhall, be expected to contribute towards the general and site specific walkability measures, directly related to such proposals.

The walkability measures shall comprise:

-Provision of adequate crossing points (pelican crossing, puffin crossing, zebra crossing, refuges etc) throughout the district in particular across major roads such as Tettenhall

Road, Henwood Road or Aldersley Road, Pendeford Avenue, and also in particular at centres such as near shops, schools, residential homes, parks and other prime locations, (see **figure 29** in Policy TNP20).

-Provision of 20 mph speed limits in the vicinity of schools to improve safety of children travelling to school on foot. Recommended 20 mph zones around schools are shown in **figure 31** on page 94. Operating times of the speed limits will be investigated further at the point of implementation for each site.

-Waiting times for pedestrians at crossings should be revised to reduce the time it takes for the lights to change in locations where a delay is of no benefit or consequence to traffic.

-Roads which lack pavements must be investigated and solutions provided whereby pedestrians, wheelchair users and vehicles, including bicycles, are equally safe on the road. For example through road markings, street lighting, or convex mirrors. In addition, further development should avoid creating roads without pavements, unless specifically designed for safety and to slow traffic.

-On narrow roads without pavements, if it is not feasible or desirable due to local character, to install a proper footway on at least one side, by building adjacent paths or highway markings or else by implementing speed reduction measures such as 20 mph limits.

PART B Site Specific

Direct access should be provided for pedestrians and wheelchair users, in particular where the route is currently either risky or circuitous. Footpath infrastructure improvements should be provided in the following locations (Shown on map **figure 36**) subject to further feasibility studies and consultation with residents and land owners and in ways which suit the character of the site:

1. Between Castlecroft Road and the Old Railway Path by improving the access down from the bridge on to the path;
2. Between the Bridgnorth Road/Windmill Lane at Wightwick and the canal to improve access to the towpath on the east side of Windmill Lane;
3. Between Henwood Road/College View Road and the old railway near Meccano bridge to upgrade the link path;
4. Between Meadow View (old bridge side) and the Old Railway Path to make a more convenient and direct access between the two sections of Meadow View;
5. Between the Wightwick Mill Lock and Bridgnorth Road to allow pedestrian access on to the towpath from the road and to create a better network of paths (*road safety issue will need to be investigated*);
6. Between Aldersley Road and the south entrance to Aldersley Stadium by upgrading the old lane under the old railway bridge;
7. Between Aldersley Road and Dunstall Water Bridge by upgrading and addressing drainage problems;
8. Between Woodfield Heights and College Road by upgrading the steps to make them safer.

Continuous and walkable routes along existing corridors should be enhanced and promoted, such as the Staffordshire and Worcester Canal and the South Staffordshire

Railway Walk. Access to these routes shall be improved at local nodes to provide adequate entrances and exits. In addition, the creation of new walkable routes should be investigated. ~~All 'walkable' routes should preferably be continuous beyond the Tettenhall Neighbourhood Plan boundary.~~

The use of developer contributions for waterways and canal towpath improvements where appropriate, would be supported where it does not conflict with other infrastructure improvements identified in this Plan.

14.25 The justification for the policy would not require amendment.

14.26 Policy TNP25 Improve public transport accessibility, viability and use

14.27 The purpose of this policy is to promote the accessibility and use of public transport by improving and extending facilities. However, it does not relate statements within it to proposed land use change and development, which in turn, might give rise to impacts that could justify public transport mitigation and intervention. By contrast, the Core Strategy has a highly developed set of transport related planning policies which aim to enhance public transport, walking and cycling in the Black Country and should secure public transport enhancement over the life of the Core Strategy.

14.28 Furthermore, the proposals to connect cycle routes to the city centre could be achieved by way of the cycling infrastructure policy, Policy TNP26.

14.29 In relation to contributing to research into the potential for a new rail station at Macrome Road, this should be achieved through the operation of Policy TNP2.

14.30 Accordingly, In the light of the uncertainty regarding how draft policy TNP25 might be altered to comply with the intentions of the Qualifying Body, I recommend that this draft policy and justification should be withdrawn.

14.31 Policy TNP26 To promote safe cycling and improve the local cycling infrastructure

14.32 The draft policy to promote safe cycling and improve cycling infrastructure linked to development in the Plan area is sustainable and supported through consultation.

14.33 Amendment is needed to the schedule of identified cycling infrastructure improvements in figure 38 at page 109. As pointed out by the Canal & River Trust's consultation response to the Examination version of the Plan, references to enhancements beyond the Plan area should be deleted. This would include the alteration below to the improvement sought along the towpath in the vicinity of Oxley Moor Road as outlined below:

No'	Location	Safe Cycling recommendation
1.	Castlecroft Road to Tettenhall Old Station along the old railway	Improve existing infrastructure including path surfaces and all-ability access to create an all-weather path suitable for pedestrians, wheelchair users, buggies and cyclists forming a West Wolverhampton traffic free route (south section). Measures to consider include better access at Castlecroft Road, Compton Road, Alpine Way and College Close, and a link to Smestow School.
2.	Old Bridge to Oxley Moor Road and the i54 along the Staffs-Worcester Canal towpath	Improve existing infrastructure including all-weather path surfaces and all-ability access to create a path suitable for pedestrians, wheelchair users, buggies and cyclists forming a West Wolverhampton traffic free route (north section) within the Plan area Measures to consider include better access at Meadow View and Dunstall Water Bridge / Aldersley Road. N.b. The Canal and towpath are owned by Canal & River Trust.

14.34 I also propose the amendments below for significant development proposals to help deliver the objectives of the Plan, as appropriate, through new development in the Tettenhall wards. The evidence to support the policy and the recommended amendments are provided in the ITP reports commissioned to survey, analyse and propose solutions to ameliorate traffic problems in the Plan area. If the amended policy were to form part of the Plan, the policy justification would not need amendment.

Policy TNP26 To promote safe cycling and improve the local cycling infrastructure

Development proposals for ~~Any~~ significant new development (**10 or more dwellings**) in the Plan area ~~shall should~~ demonstrate how it contributes to improving the traffic free route, (using the canal and the old railway path), across western Wolverhampton or other cycle path spurs which connect this route and national cycle route 81 (see **figure 40 below**) or to local amenities such as Aldersley High School or Aldersley Stadium.

Development proposals for significant new development (**comprising 10 or more dwellings or 500 m² employment development**) in the Plan area ~~shall should~~ contribute to improved road safety **measures to improve education and information about cycle routes and safety** and ~~safe cycling infrastructure by creating on a new cycle infrastructure and~~ cycle parking. ~~and advanced stop lines where safe to do so and where it is not against the character of the area.~~

~~The Plan will support measures to improve education and information about cycle routes and safety.~~

15.0 The Plan – Other Matters

15.1 The Environment Agency's consultation response dated 7th March 2014, identifies that the Sustainability Appraisal (SA), prepared by LEPUS Consulting, (October 2013) states:

“6.12.3 The two watercourses *within or near to the NP* area are the Staffordshire and Worcestershire Canal and Smestow Brook. Both of these water bodies are currently classified as of 'moderate' ecological quality and 'good' chemical quality. Care should be taken to improve the water quality of all watercourses in the NP area in order to meet the target of all watercourses to reach 'good' water quality status by 2015 (as required by the Water Framework Directive).”

15.2 The Environment Agency correctly states that these watercourses flow through the neighbourhood plan area and consequently the SA should be updated to reflect this and the implications on the proposals in the Plan for the improvement of these watercourses, under the EU's Water Framework Directive. It is not clear to me that such a review would give rise to any consequential change to the SA carried out in relation to the Plan, but I believe this is not likely to give rise to any matters that would alter the conclusions that I have reached concerning my remit in the examination of this Plan.

16.0 Recommendations

16.1 *Modifications to meet the basic conditions*

16.2 For the reasons set out above and subject to all of the modifications indicated in the preceding sections of this examination report, I consider that the plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plan for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

16.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that modifications specified in this report are made to the draft Neighbourhood Plan and that the draft Tettenhall Neighbourhood Plan as modified, is submitted to a referendum.

16.4 *Referendum Area*

16.5 It is the independent examiner's role to consider the referendum area appropriate in the event that the Qualifying Body wishes to proceed to the referendum stage.

16.6 In the event that the Qualifying Body wishes to proceed to the referendum stage with this Plan, I do not consider that the referendum area should extend beyond the Plan Area, comprising the two wards of Tettenhall Regis and Tettenhall Wightwick.

17.0 Summary

- 17.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out below the summary of my findings below.
- 17.2 I am satisfied that the Tettenhall Neighbourhood Forum is the qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP) for the wards of Tettenhall Regis and Tettenhall Wightwick. In relation to the Neighbourhood Area covered by the Tettenhall Neighbourhood Plan, I am satisfied that this is appropriate to be designated as a neighbourhood area and note that it was designated Wolverhampton City Council on 20th December 2012.
- 17.3 I am also satisfied that the Tettenhall Neighbourhood Plan does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 17.4 The Plan period is defined as being up to 2026, aligning the Plan with the Black County Core Strategy, adopted in February 2011. The Basic Conditions Statement confirms that the Tettenhall Neighbourhood Plan does not make provision for any excluded development such as national infrastructure.
- 17.5 I am satisfied that the draft Tettenhall Neighbourhood Plan has adequate regard to the policies in the National Planning Policy Framework (NPPF). Overall, I consider that the Tettenhall Neighbourhood Plan policies, subject in a number of cases to modification, will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing whilst conserving the natural and historic environment within the wards of Tettenhall Regis and Tettenhall Wightwick. The proposed modifications are explained in more detail in this report.
- 17.6 The Tettenhall Neighbourhood Plan aims and policies generally reflect, subject to some modification, the key objectives as set out in the relevant strategic Core Strategy Policies EMP1, EMP3, EMP6, ENV2, ENV3, ENV6, ENV7, HOU1, HOU2, HOU3, CEN5, CEN6, DEL2, CSP3, CSP4, CSP5, TRAN1, TRAN2, TRAN4 and TRAN5.
- 17.7 The Basic Conditions Statement confirms that the Tettenhall Neighbourhood Plan has been subject to Sustainability Appraisal and that the principles of sustainable development, as defined within the NPPF have been considered throughout the preparation of the Plan. Furthermore, the requirements of EU, SEA Directive 2001/42/EC whereby reasonable alternatives should be considered, have been applied in the evaluation options in the SA process. The final draft Plan was also subject to Sustainability Appraisal, following the earlier Scoping Report and Options Appraisal. The Basic Conditions Statement confirms that the legal requirements of the EU's SEA Directive have been met.
- 17.8 Furthermore, a Habitat Regulation Assessment (HRA) was undertaken to ensure that the Neighbourhood Plan meets the EU obligations. The HRA report was prepared under the requirements of the Habitats Regulations 2010 to assess the effects of the land use planning proposals associated with the Tettenhall Neighbourhood Plan 2014-2026.
- 17.9 The conclusion of the SA and HRA assessments confirmed that the Tettenhall Neighbourhood Plan is considered to be compatible with EU obligations and will contribute

to the achievement of Sustainable Development and further concluded that the Neighbourhood Plan would have no likely significant effects on the environment or European Sites.

- 17.10 The Basic Conditions Statement has confirmed that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Right Act 1998.
- 17.11 As to public consultation, the process and management of the community consultation has been exemplary and I am confident that the Consultation Statement and the supporting evidence, outlining the terms of reference and actions of the Steering Group, the web-site, the thematic workshops, Princes' Foundation support, leading to the options appraisal, and pre-submission consultation following the drafting of the initial polices fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.
- 17.12 I conclude that the Plan meets the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990
- 17.13 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Plan and that the draft Tettenhall Neighbourhood Plan is submitted to a referendum.

Jeremy Edge BSc FRICS MRTPI

17th May 2014

Appendix 1

Written Ministerial Statement,
Communities Minister, the Right Honourable Stephen Williams MP

Building Regulations

13th March 2014

WRITTEN MINISTERIAL STATEMENT

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

Building Regulations

Parliamentary Under Secretary of State for Communities and Local Government (Stephen Williams): New homes need to be high quality, accessible and sustainable. To achieve this, the Government is today setting out a roadmap delivering a radically simplified system for setting standards in the design and construction of new homes by the end of this Parliament. This represents the outcome of a significant and ambitious drive to reduce the regulatory burden on the housing industry, and will save money and time for industry and authorities. The roadmap will involve consolidating essential requirements in to a national framework centered on the Building Regulations, reducing substantially the number of technical standards applying to the construction of new homes.

These changes will hugely improve the situation for all involved in this sector, by rationalising and simplifying the many overlapping and confusing standards currently in operation. We are also able to do this whilst improving quality, safeguarding environmental protections, and protections for disabled people. We consulted on the Housing Standards Review proposals in the second half of last year, which set out proposals to rationalise the proliferation of housing related standards, guidance and codes above those required by Building Regulations. The Government is today also publishing the summary analysis of the responses to the 2013 Housing Standards Review consultation.

Taking account of the responses to the consultation, an outcome of the housing and construction red tape challenge, the Government has decided that the most sensible way forward is for any necessary technical standards as far as possible to be consolidated into the Building Regulations and the accompanying Approved Documents, and to make significant progress on this over the rest of this Parliament. A note is being placed in the Library of the House, setting out how the Government intends to proceed with each of the standards examined in the consultation

The Government recognises that it is not always possible or desirable to require a single national standard for all new development, and that local discretion is in some circumstances sensible. To facilitate this, the consultation proposed the introduction of new powers in the Building Act which would enable different levels of performance where these were necessary to meet certain local circumstances. These requirements would be triggered by conditions set in a Local Plan, subject to the normal plan making process of evidencing need and testing viability. So today I can announce we are introducing measures to ensure that the system includes new flexibility to respond to local circumstances where needed.

There are significant benefits to this arrangement. Building Regulations apply nationally across England and provide a clear and consistent set of requirements for home builders to meet, and for building control bodies to apply. Checking compliance will in the future be undertaken through building control, removing the current maze of compliance regimes and systems and reducing costs not only to developers but to local authorities. The Government will work with local authority building control bodies and Approved Inspectors on putting this approach into practice.

Setting requirements solely in Building Regulations will help to provide the certainty needed to ensure that home builders know what they need to do, and can deliver high quality new homes which meet local community's needs. Implementing this approach will reduce over 100 standards to fewer than 10, and will provide significant cost savings for industry.

The Government will press ahead with the work to consolidate necessary standards into the Regulations during this Parliament. Draft regulations and technical standards will be published in the summer, with necessary statutory regulations and supporting approved documents coming into force at the turn of the year. The Government has also today tabled amendments to the Deregulation Bill currently before the House, to make necessary changes to existing legislation to enable this approach.

The consultation made clear the Government's intention that planning authorities should only use the standards emerging from the review process. The Government will issue a statement later this year when the new standards are published, which will explain how this policy will be implemented.

This means that many of the requirements of the Code for Sustainable Homes will be consolidated into Building Regulations, which would require substantial changes to the content of the current Code, as well as a reconsideration of its role. In the light of this, the Government thinks that the current Code will need to be wound down to coincide with the changes incorporating the new standards coming into force. The Government will make further announcements on the transitional arrangements, and the handling of legacy developments being built out to current Code requirements. The Government is also interested in hearing from industry as to the value of elements of the Code being taken forward on a voluntary basis.