

Midland Metro

4.5

Development Planning Policy

4.5.1 Introduction

The Wednesbury to Brierley Hill scheme runs through the administrative areas of two local authorities: Sandwell MBC and Dudley MBC. Consequently, the north eastern part of the scheme from Midland Metro Line 1 at Wednesbury to Birmingham New Road (near Castle Hill Industrial Estate) is covered by the Sandwell Unitary Development Plan (UDP) and the south western part of the scheme from Birmingham New Road to the terminus in Brierley Hill by the Dudley UDP. The boundary between Sandwell MBC and Dudley MBC is illustrated in *Figure 1.1*.

The following planning policy documents have been reviewed:

- the Inspector's Report on objections to the Sandwell Unitary Development Plan Review (February 2002);
- the Revised Deposit Draft Unitary Development Plan for the Metropolitan Borough of Sandwell (March 2001);
- the First Deposit Draft Unitary Development Plan for the Metropolitan Borough of Sandwell (July 2000);
- the Revised Deposit Draft Unitary Development Plan for the Metropolitan Borough of Dudley (February 2002);
- the First Deposit Draft Unitary Development Plan for the Metropolitan Borough of Dudley (June 2000);
- Draft Supplementary Planning Guidance for Nature Conservation (Dudley MBC), February 2000; and
- the West Midlands Local Transport Plan 2000, July 2000

The UDP for Sandwell was adopted in January 1995. This is currently under review and a Revised Deposit Plan was published in March 2001, following the First Deposit in July 2000. An Inspectors Report was published in February 2002 following the Public Inquiry into objections. The Sandwell UDP is the relevant development plan for the sections of the Wednesbury to Brierley Hill route from Midland Metro Line 1 to Birmingham New Road.

The Dudley UDP was adopted in November 1993. As part of the review of this document, a Deposit Draft UDP was published in June 2000, with a revised Deposit Draft issued in February 2002. This UDP is relevant to the sections of the proposed scheme from Birmingham New Road to the terminus at Brierley Hill.

Relevant development plan policies are also discussed in relation to each of the environmental topics discussed in the remained of the ES.

4.5.2 The Inspector's Report on Objections to the Sandwell Unitary Development Plan Review (February 2002)

The Inspector's Report contains a number of changes to the First Deposit Draft of relevance to the Wednesbury to Brierley Hill scheme. There are slight changes to the text of policies T1, OS7, NC4 and NC7. Policy T17 has been updated to reflect the changes in PPG13 with regard to Transport Assessment.

4.5.3 The Revised Deposit Draft Unitary Development Plan for the Metropolitan Borough of Sandwell, March 2001

Although the Sandwell Revised Deposit Draft has not yet been formally adopted by the Council, it is being used for the purpose of making development control decisions. The Revised Deposit contains a number of strategic objectives and general policies that support integrated public transport and the promotion of light rail schemes.

A principal aim of the Revised Deposit Draft is to reduce the need to travel, particularly by car, by integrating transport and the pattern of land use. This will reduce the environmental impact of car use and ensure members of the community without access to a car are not discriminated against. This is particularly important in the Borough of Sandwell, which has an ageing population and relatively low car ownership levels. Policies T1, T4 and T6 support the idea of better integration between different modes of travel. Policy T3 discusses public transport accessibility and location.

Policy T13 promotes the development of local park and ride sites at Metro stops. The introduction of park and ride and other improved interchange facilities will help to further facilitate accessibility and mobility opportunities. As well as the park and ride facilities there will be integration with existing Line 1 services, rail and bus services at Dudley Port and other bus services close to most Midland Metro stops. Policy T17 mentions the need for Transport Assessments (TAs) in support of planning applications for transport development.

There are also a number of other, more specific, policies that relate to the Wednesbury to Brierley Hill scheme. Policies NC1 to NC8 discuss nature conservation in the context of new development, the conservation network, Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs), Sites of Local Importance for Nature Conservation (SLINCs), Wildlife Corridors, habitats, species and access to open space, respectively.

The balancing pool at Ocker Hill is identified on Sandwell Revised Deposit Proposals Map as a Site of Local Importance for Nature Conservation under Policy NC4. In addition, the alignment crosses the Tame Valley Canal, the River Tame, the Walsall Canal and the Birmingham Canal, which are designated as Wildlife Corridors under Policy NC5. An additional SINC is also proposed for Great Bridge Canal Basins under Proposal Nat 24.

Policies OS1 to OS6 protect open space and discuss the open space network in the Borough, protection of open spaces, Green Belt, community open space, and sports facilities, respectively.

A small area of Community Open Space appears to the west of the Birmingham Canal, just off Park Lane East. A larger area is designated at Coneygre Leisure and Community Centre sports ground, which appears on the southeast side of the alignment after it passes over Sedgley Road East.

Policy OS2 states that the value of open spaces lies in their provision for sport or recreation, wildlife habitats, visual or other amenity and linkages to other areas of open space. Proposals that would result in the loss of open space, excluding temporary and interim open spaces will only be permitted when the wider community benefits outweigh the loss and if compensation is made.

Policy OS5 discusses Community Open Space and emphasises the need to improve and expand the current provision. Policy OS7 aims to safeguard the current provision of sports pitches by resisting their redevelopment.

There are also a number of Proposals in the Revised Deposit Draft relevant to the Wednesbury to Brierley Hill scheme. Residential proposals comprise:

- Ho47 - Tipton Gas Works, Alexandra Road;
- Ho48 - Horseley Heath, Alexandra Road and Lower Church Lane, Tipton;
- Ho50 – New Road/Horseley Heath, Great Bridge, Tipton;
- Ho51 – Eagle Lane, Great Bridge, Tipton;
- Ho52 – Mount Street, Great Bridge, Tipton;
- Ho58 - Park Lane West (South Staffs Water Depot), Tipton;
- Ho59 – Conegre Road (South Site), Tividale; and
- Ho60 – Peel Street Tipton.

There are several sites identified as Key Industrial Allocations in the Revised Deposit Draft. The allocated sites, as listed below, are at various stages of development:

- EE12 “Bagnall Street, Harvills Hawthorn, West Bromwich”;
- EE13 “Golds Hill Way/Black Country New Road, West Bromwich”;
- EE14 “Ocker Hill Power Station, Power Way, Tipton”;
- EE15 “Land East of the River Tame, Golds Hill Way, West Bromwich”;
- EE16 “Land off Billport Lane, Wednesbury”; and
- EE20 “Birmingham New Road, Tipton”.

Sandwell MBC is also considering an access in the vicinity of the Eagle Lane Industrial Estate via the construction of a new underbridge, to provide access to site EE15.

The Midland Metro is listed under Transport Proposals. The paragraph mentions that the business case for the extension from Wednesbury to Brierley Hill has been submitted and that the route follows a mothballed rail corridor.

The Wednesbury to Brierley Hill scheme will complement the public transport links to the town centre. A vacant piece of land on the south east of the alignment on Railway Street is allocated as a park and ride site under Proposal PR3. This site will serve the proposed stop to the south west of Horseley Road with vehicular access to the site from Horseley Road.

4.5.4 The First Deposit Draft Unitary Development Plan for the Metropolitan Borough of Sandwell, July 2000

The First Deposit Draft of the Sandwell UDP was produced as part of the review of the adopted UDP in July 2000. It contained a number of strategic objectives and general policies that support integrated public transport and the promotion of light rail schemes.

4.5.5 The Revised Deposit Draft Unitary Development Plan for the Metropolitan Borough of Dudley, February 2002

The Dudley Revised Deposit Draft has not yet been formally adopted by the Council. However, it is being used for the purpose of making development control decisions. The Revised Deposit Draft contains a number of changes to the First Deposit Draft of relevance to the Wednesbury to Brierley Hill scheme. Policy CR1 now labels Dudley and Brierley Hill as Strategic Town Centres. Policy BHTC11 is altered to reflect the repositioning of the tram stops from Round Oak to Canal Street and Level Street and Merry Hill to Embankment. Policies NC2 to NC9 have changed to Policies NC3 and NC10 respectively, in addition to new Policy NC1.

Policy HE7 now mentions the Council's Strategy for Dudley's Canals and stresses the requirement for adherence to the proposals in the Strategy. Policy HE9 now places an increased emphasis on protecting Scheduled Ancient Monuments (SAMs).

4.5.6 The First Deposit Draft Unitary Development Plan for the Metropolitan Borough of Dudley, June 2000

The First Deposit Draft contains a number of strategic objectives and general policies that support integrated public transport and the promotion of light rail schemes.

Within the First Deposit Draft, the strategic objectives and Guiding Principles of the Adopted Plan have been developed and extended. There is a commitment to sustainable development, and the UDP seeks to play a more positive role in achieving wider social and economic objectives. The aim is to maintain and improve the accessibility and mobility opportunities for the entire community. This will deliver greater access to and choice of social and employment opportunities for those living and working in the Borough and surrounding area. In line with the First Deposit Draft emphasis on sustainability measures, Policy AM1 discusses the need to provide attractive and sustainable alternatives to car travel in the form of public transport.

Policy AM6 is related specifically to the Wednesbury to Brierley Hill scheme and seeks to protect the alignment from development. The Policy recognises the potential for the scheme to maximise the opportunities for economic revitalisation and urban regeneration and enhance the accessibility to industrial, retail and commercial areas.

Policy AM9 supports the idea of better integration between different modes of travel, including new bus and Metro facilities and new park and ride schemes.

There are also a number of other, more specific, policies that relate to the Wednesbury to Brierley Hill scheme. Policy S4 aims to protect and conserve heritage assets and lists the boroughs assets in five categories.

The development of the scheme will provide easier access to Key Development Sites in Central Employment Zones, as defined under Policy UR1, such as Brierley Hill, as well as to shopping and commercial centres, encouraging economic growth and regeneration. Policy UR2 considers the

Cloughton Development Site to be of strategic importance and is regarded as a potential site for office and light industrial development.

The Dudley Guest Hospital and former Dudley Freightliner Depot sites lie within the Tipton Road Development Area, which is allocated for housing in the First Deposit Draft. Policy UR3 encourages the development of housing and leisure uses in this location.

The Wednesbury to Brierley Hill scheme is flanked by industrial development on both sides in the vicinity of Thornleigh Trading Estate. Both sides are within the Harts Hill Regeneration and Development Area under Policy UR4.

The scheme will serve the town centres of Dudley and Brierley Hill, which have suffered some decline and increased traffic congestion. Revitalising town centres is one of the First Deposit Draft key objectives and improved access by public transport will make a significant contribution to achieving that policy objective. The Wednesbury to Brierley Hill route will assist in protecting the vitality and viability of these town centres in accordance with Policy CR1, which lists the Brierley Hill as a Sub-Regional Town Centre.

The Wednesbury to Brierley Hill scheme will also compliment the Urban Quarters Strategy in Dudley Town Centre. The First Deposit Draft also states that the scheme will play a key role in raising the profile of Dudley town centre and improving accessibility into and out of the town centre.

A number of the First Deposit Draft proposals for commercial and industrial development, tourism opportunities and accessibility, will be facilitated in their implementation by the Wednesbury to Brierley Hill scheme under Policies UR5, BHTC1, BHTC11, DTC 1, DTC 2, EE1, EE2 and EE5. The scheme is consistent with these objectives as it will link up with major traffic generators both existing and proposed.

Policy BHTC1 through to BHTC7 set out the strategic role of Brierley Hill town centre. These policies seek to make the town centre more accessible by public transport, connect the urban quarters and make the area a focus for social, economic and environmental regeneration. As the town centre lies within the Central Employment Zone and is a recognised retail centre, business and retail uses are promoted. New leisure, housing and community uses also form part of the strategy.

Policy BHTC10 outlines proposals for public spaces at several locations in Brierley Hill, including Station Square and Round Oak Circus. The scheme crosses Dudley Canal on a new bridge to the east of the Round Oak Rail Depot and adjacent to the canal side plateau. Policy BHTC11 promotes public transport and improved accessibility in Brierley Hill through the implementation of the Wednesbury to Brierley Hill scheme and integration with other forms of transport.

The First Draft Deposit identifies the distinct Urban Quarters of Brierley Hill in Policy FK1. These include High Street, Lower Brierley, Merry Hill and the Waterfront. The UDP seeks to improve transport links to and between these Urban Quarters. There are also a number of policies protecting Dudley town centre. Policy DTC1 aims to maintain and enhance safe and convenient pedestrian movement in the thoroughfare network in Dudley town centre and improve major entrances to the town centre at Castle Hill and Flood Street Roundabout.

Policy DTC2 (v) for Castle Hill seeks to improve access to the Castle and Dudley Zoo. The Wednesbury to Brierley Hill scheme will be integrated into the town centre environment to help achieve these objectives. The Policy also promotes the development of tourism/food and drink uses in the vicinity of The Broadway and Castle Hill. The First Deposit does not envisage large scale redevelopment on land between Bourne Street and Castle Hill, although business and residential development in this area is promoted by the Plan.

A site on Flood Street/King Street is identified as an opportunity site under Policy DTC2 (xii), with a potential mixed use development including a new food store and residential development integrated with public transport facilities including a provisional Midland Metro stop. Throughout this section of the route the Wednesbury to Brierley Hill scheme will run through the Central Employment Zone as defined in the First Deposit Draft. Within this designated area, the Dudley MBC wishes to encourage and support development that directly benefits local people. The Wednesbury to Brierley Hill scheme will run through the Dudley Central Employment Zone as defined in the First Deposit Draft. Within this designated area the Council wishes to encourage and support development that directly benefits local people. The First Deposit Draft states that the Wednesbury to Brierley Hill scheme will play a key role in raising the profile of Dudley town centre and improving accessibility into and out of the town centre.

The alignment passes through employment and industrial land subject to Policies EE1 and EE2. The route will pass by the key industrial development site at Grazebrook Industrial Park and smaller sites that make an important contribution to the local economy. Policy EE5 seeks to encourage growth in the tourism industry and identifies improving the accessibility to tourist activities as a means of achieving this growth.

Policies HE2, HE4, HE5, HE6, HE7 and HE9 protect the historic features of the Borough, focusing on Landscape Heritage Areas, Conservation Areas, buildings of local historic importance, listed buildings, canals, Scheduled Ancient Monuments (SAMs) and other sites of national importance, respectively. Castle Hill is designated a Special Landscape Heritage Area in Policy HE3, by virtue of its unique historical, geological, landscape and tourism value.

An opportunity site in the vicinity of Hall Street and Porter Street has been identified in the First Deposit Draft. The preferred uses for this site include residential, business, retail and leisure. The Wednesbury to Brierley Hill scheme will run close to the western boundary of the site.

Policy HE7 of the First Deposit Draft seeks to conserve and enhance the recreational, environmental, historic and nature conservation value of the canal network. The wider area around the canals on either side of the Parkhead Viaduct is identified as a Linear Open Space under Policy SO2.

Policy HE8 states that an assessment of the impact of new development on sites of historic interest will be required. Policy HE9 stresses that SAMs and other sites of national importance should remain intact and their setting preserved.

Policies NC1 to NC9 protect the natural features of the Borough, focusing on a range of wildlife and geological features of value. Policy NC1 states that *"the Council is committed to the protection and enhancement of biodiversity"* through contributing to Biodiversity Action Plan targets for habitats and species identified in the UK and Birmingham and Black Country Biodiversity Action Plan and through sympathetic management of features important for wildlife.

Policies NC2 and NC4 outline the protection for sites designated for their nature conservation value, including candidate Special Area of Conservation (cSAC), National Nature Reserves (NNRs), Sites of Special Scientific Interest (SSSI), Sites of Importance for Nature Conservation (SINC) and Local Nature Reserves (LNRs). Development that would directly or indirectly damage or adversely affect these areas will not be permitted. Policy NC3 discusses Sites of Importance for Nature Conservation (SINCs) and notes that development will not be permitted that harms the nature conservation value of these sites.

Policy NC4 discusses Sites of Local Importance for Nature Conservation (SLINCs) and notes that development will be required to protect the sites and provide mitigation for the loss of any areas of the sites. Policies NC5 to NC9 relate to wildlife species, geological resources, temporary vacant sites, mature trees and urban forests, respectively.

Policy NC5 states that development within SLINCs will be required to “*protect areas of high ecological value in the design and layout of the proposal and provide appropriate mitigation for the loss of other areas of nature conservation value*”.

Policy NC6 relates to the protection of wildlife. It states that “*development will not normally be allowed if it would have an adverse effect on the habitat requirements of wildlife species that are specially protected by law, are rare and vulnerable in the Black Country and/or are the subject of a Species Action Plan in the UK or Local Biodiversity Action Plan*”.

Trees and woodland are afforded protection under Policies NC9 and NC10. The policies state that development that would adversely affect ancient woodland will not be permitted, with other woodland being protected and appropriate management encouraged. Where loss of mature trees is unavoidable, they should be replaced by the appropriate native species.

All canals in the Borough, and related open space, are designated as Wildlife Consultation Areas (WCAs) in the Adopted Unitary Development Plan under Policy 21. Policy DD10 on nature conservation and development states that the effects on wildlife and geological features should be considered for development proposals and that designated sites and protected species will receive special protection.

Separate Draft Supplementary Planning Guidance (SPG) has also been produced on nature conservation. This is described below in *Section 4.5.7*.

An Appendix on Nature Conservation Sites lists Castle Hill as a SINC and Birmingham, Dudley No 1 and Walsall Canals as SLINCs.

Policy LR5 seeks to protect existing playing fields from development. Change of use will be resisted unless the facility has been abandoned for 10 years, there is an excess of supply in the area or replacement facilities are provided. Policy LR6 protects against the loss of these facilities in the Borough through development.

Policies SO1 to SO7 relate to strategic open space. Policy SO2 protects areas of linear open space and prevents damage to their listed functions. The wider area around the canals on either side of the Parkhead Viaduct is identified as a Linear Open Space under Policy SO2. The Castle Hill Special Landscape and Heritage Area is also designated as linear open space under this policy.

Text in separate guidance on open space, sport and recreation provision (pages 486 to 496 of the UDP) also stresses the need to protect and enhance open space as well as sport and recreational facilities.

Public transport improvements are seen as integral to the regeneration of Brierley Hill town centre. The Brierley Hill/Merry Hill/Waterfront triangle was identified in the Brierley Hill Development Framework 1998 (ADF) as having the potential to be a new town centre of sub-regional importance. The main objectives of the ADF and the First Deposit Draft include:

- relieving traffic congestion in Merry Hill and on Brierley Hill High Street;
- improving the pedestrian environment;
- improving the convenience of access to public transport; and
- building on the success of the Waterfront by encouraging more high density, high quality mixed use developments along the Dudley Canal corridor.

4.5.7 Draft Supplementary Planning Guidance for Nature Conservation, Metropolitan Borough of Dudley, February 2000

This Supplementary Planning Guidance (SPG) was produced by Dudley MBC in February 2000 and advises developers on complying with policies on nature conservation in the UDP. It discusses the UDP policy advice on the protection of SLINC, wildlife species and nature conservation, reflected in policies NC4, NC5 and DD10. The SPG is reviewed in more detail in *Section 6.7*.

4.5.8 The West Midlands Local Transport Plan 2000 (WMLTP), July 2000

Local Authorities were issued with guidance on the preparation of Local Transport Plans (LTPs) in March 2000. Within this guidance, local authorities who are promoting light rail schemes are advised to employ complementary measures such as appropriate traffic management schemes to ensure the rapid transit system has priority over other road users.

The West Midlands LTP was prepared by the seven West Midlands local authorities (including Sandwell Metropolitan Borough Council and Dudley Metropolitan Borough Council), and the West Midlands Passenger Transport Authority. It was produced in July 2002 and covers the period 2001 to 2006.

The LTP acknowledges that the existing Midland Metro scheme provides “*a high quality accessible modern tram service between the centres of Birmingham and Wolverhampton, serving several local centres and employment areas en route and acting as a catalyst for regeneration in the corridor*” (para 40).

The LTP discusses the current situation in the region and notes a number of existing transport problems, including congestion on road and rail networks, unnecessary traffic passing through local centres and unreliable bus services. A detailed description of these problems can be found in Appendix 3 of the LTP. The 20-year vision for the region is for a “*thriving, sustainable, vibrant and safe community with town, city and local centres that are attractive and where businesses can develop and grow*”.

The key LTP local transport objectives for the region are economic revitalisation, social inclusion, more sustainable patterns of development and growth, safety and health and modal integration. The Wednesbury to Brierley Hill scheme will contribute to all of these aims.

Although the LTP represents a five-year plan, a 20-year preferred strategy was developed from the vision. In terms of alternative strategies, the LTP notes that a predominantly metro-based strategy would have the potential to reduce car reliance, stimulate regeneration and reduce social exclusion. The LTP concludes that a strategy based solely on one mode of transport would not be successful in achieving the objectives of the LTP. Development of a range of modes of transport would therefore be more successful in achieving the objectives of the LTP.

One of the elements in the preferred strategy is expansion of the Midland Metro into a network of lines. The LTP states that this expansion will “*initially concentrate on supporting the regeneration areas starting from the existing Metro Line One at Wednesbury, via Dudley Town Centre to*

Merry Hill and Brierley Hill and also from Metro Line One at SnowHill Station in Birmingham City Centre via New Street Station to Edgbaston Shopping Centre". The LTP views these expansion routes as a key element toward the social and economic development of the conurbation and they will provide an acceptable alternative to the private car.

With regard to policy implementation, the LTP states that the Midland Metro schemes will:

- help to move people around the large urban areas;
- provide a spine through the regeneration regions;
- help to upgrade the integrated public transport network;
- encourage transfer from the car;
- constitute a safe and low pollution form of transport; and
- improve integration with other active modes of walking and cycling.

Appendix 13 of the LTP contains the Light Rapid Transit Strategy. The strategy discusses the present situation and historical context of the proposed network, followed by the role of light rail in the West Midlands public transport network. The results of consultation on the 20-year preferred strategy are presented and the Strategy itself is then outlined, including sections on alternative modes for the two most imminent extensions (ie Birmingham City Centre Extension and Wednesbury to Brierley Hill). Future routes are discussed and finally the targets for the Metro expansion, which mirror the local transport objectives for the region, are described.

Appendix 22 of the LTP discusses air quality, noise and climatic change. A target to achieve Air Quality Strategy standards will be aided by the Wednesbury to Brierley Hill scheme.

Appendix 36 discusses the 18 transport corridors and nine centres in the LTP region. The Wednesbury to Brierley Hill scheme falls within Corridor N (Walsall - Wednesbury - Great Bridge - Tipton - Dudley - Brierley Hill -Stourbridge - Kidderminster) and Centres 3 and 4 (Dudley and Brierley Hill).

Access to public transport will be improved in corridor N as a result of the Wednesbury to Brierley Hill scheme and the scheme will link a number of regeneration sites and the Dudley Metropolitan Borough Council designated Dudley Employment Zone to other areas.

Centre 3 (Dudley) will benefit from a modal shift away from car use, producing consequential improvements in safety, air quality and the general shopping environment. Centre 4 (Brierley Hill) will benefit from a metro/bus rail integrated interchange at Round Oak, as well as the general benefits outlined for Dudley.

Appendix 36 also reiterates other benefits such as providing a real alternative to road travel and modal shift, linkage of communities and heavy rail routes and the potential for park and ride provision.

Appendix 37 presents an Appraisal Summary Table (AST) for the Wednesbury to Brierley Hill scheme. It notes the benefits, costs, problems of the scheme and provides a broad assessment of five objectives (environment, safety, economy, accessibility and integration) based on a scale from major benefit to major disbenefit, in accordance with the governments approach to multi modal studies.

The first Annual Progress Report on the LTP was produced in August 2001. The Report notes a commitment to the Wednesbury to Brierley Hill Extension scheme and that the government has confirmed the scheme's eligibility for funding.

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