

**Meeting of the Cabinet – 18<sup>th</sup> November 2009**

**Report of the Director of the Urban Environment**

**Publication of the Brierley Hill Area Action Plan for Public Consultation and Submission**

**Purpose of Report**

1. To approve the Brierley Hill Area Action Plan as a basis for consultation in the publication stage of the production of the document and to further recommend to full council that the plan should be submitted to the Secretary of State for Examination.
2. To seek delegated powers for the Director of the Urban Environment in consultation with the Leader and the Cabinet Member for Economic Regeneration to approve any further minor amendments arising to the document prior to its publication and/or its submission.

**Background**

2. The revised West Midlands Regional Spatial Strategy (Phase 1 revision) adopted in January 2008 designated Brierley Hill as the Strategic Town Centre for Dudley Borough, including Merry Hill, the Waterfront and Brierley Hill High Street.
3. The comprehensive regeneration of the centre is dependant on the delivery of significant retail growth. Policy PA11A of the West Midlands Regional Spatial Strategy carefully conditions future growth at Brierley Hill. It requires that three conditions be met before new retail floorspace becomes operational and the doors are opened to shoppers. Those conditions are that the Metro or an equivalent has been implemented and that the Joint Core Strategy and an Area Action Plan for Brierley Hill have been adopted.
4. The Area Action Plan is being prepared in parallel with the Joint Core Strategy for the Black Country and has also been informed by the vast amount of work previously undertaken including the Black Country Study and the various documents produced by the Brierley Hill Regeneration Partnership.
5. There is a statutory process that the Council must go through in order to produce the Area Action Plan. Early in 2007 evidence was gathered about the area and issues identified that the Area Action Plan should respond to. Cabinet approval was given in June 2007 for public consultation on the different potential options

for the strategy. The results from that consultation informed the choice of preferred options which received Cabinet approval in February 2008 for public consultation. The representations received identified a need for some further policy development which was made available for comments in March 2009.

6. On the basis of that public consultation, the final draft of the Area Action Plan has now been prepared. The Area Action Plan contains a vision for the future of Brierley Hill to 2026, objectives to achieve that vision and a strategy to guide development and allocate sites. The Area Action Plan prioritises retail development at Merry Hill as the catalyst for the wider regeneration of the town centre. Provision is also made for new retail development on the High Street together with supporting town centre uses (homes, education, leisure and office uses). The strategy sets out a plan for improved accessibility which includes new streets, public spaces and public transport interchanges. These proposals consider the historic environment and character of Brierley Hill and maximise opportunities for new green infrastructure including wildlife corridors.
7. The Area Action Plan seeks to be flexible enough to ensure that development proposals are encouraged to come forward, yet robust enough to ensure that development helps deliver the key elements of the spatial vision for the area.
8. Prior to formal submission this document must be published for six weeks , along with the accompanying Sustainability Appraisal.. At this stage representations may only challenge the 'soundness' of the plan. At the end of the consultation, if it is believed that the plan is sound, it must be submitted to the Secretary of State for independent examination before progressing to adoption. Before the plan is submitted to the Secretary of State its approval is required to be ratified by Full Council.
9. When adopted, the Brierley Hill Area Action Plan will form part of Dudley's statutory planning framework, the 'Local Development Framework', which will gradually replace the Unitary Development Plan 2005 and be the starting point for making decisions on planning applications.

### **Finance**

10. The production of the Brierley Hill Area Action Plan will be funded from Dudley Council's existing budgets and resources dedicated to the production of Development Plan Documents and other such statutory planning documents.

### **Law**

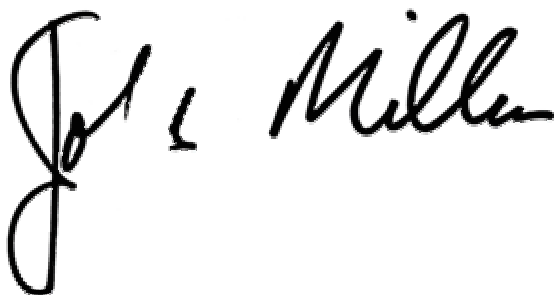
11. The production of an Area Action Plan for Brierley Hill is a condition for delivering retail-led regeneration as set out in the Regional Spatial Strategy. Furthermore, as a Development Plan Document, its production is in accordance with the Planning and Compulsory Purchase Act 2004 and must be in accordance with its regulations.
12. In addition, Section 2 of the Local Government Act 2000, allows the Council to do anything that it considers is likely to promote or improve the economic or environmental well-being of the area.

### **Equality Impact**

13. The proposals take into account the Council's Equal Opportunities Policy.
14. The Brierley Hill Area Action Plan will set the planning framework for the development of the Brierley Hill area to 2026. The Area Action Plan will seek to ensure that sufficient homes, shops and employment, community and recreational facilities are planned and provided for in that time to meet the needs of the people in the area. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

### **Recommendation**

15. That the Cabinet agrees that Brierley Hill Area Action Plan is approved in order that the document can be published and recommends to Full Council that the document should be submitted to the Secretary of State for Examination.
16. It is recommended that the Director of the urban Environment, in consultation with the Leader of the Council and Cabinet Member for Economic Regeneration, be authorised to agree any minor changes to the document prior to submission to the Secretary of State.



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**J. B. Millar**  
**Director of the Urban Environment**

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### **List of Background Papers**

Brierley Hill Area Action Plan Publication Document (November 2009) – available in Members Room

Planning and Compulsory Purchase Act 2004  
<http://www.opsi.gov.uk/acts/acts2004/20040005.htm>

The West Midlands Regional Spatial Strategy  
[http://www.wmra.gov.uk/Planning\\_and\\_Regional\\_Spatial\\_Strategy/Regional\\_Spatial\\_Strategy/Regional\\_Spatial\\_Strategy\\_\(RSS\).aspx#Jan2008](http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/Regional_Spatial_Strategy/Regional_Spatial_Strategy_(RSS).aspx#Jan2008)

Black Country Study  
<http://www.blackcountryconsortium.co.uk/page.asp?PageRef=10>