



Historic England

WEST MIDLANDS

Walsall Council
Email Response

Our ref: 1515/1549/1548/1547
Telephone: [REDACTED]
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26 October 2015

Dear Sir, Madam,

Re: Walsall Site Allocations Local Plan and Walsall Area Action Plan consultations

Thank you for consulting Historic England on the above consultation document. We have the following comments:

Walsall Site Allocations Local Plan (Preferred Options)

We support the inclusion of a partial objective for the historic environment on page 10 of the Site Allocations Plan. We would recommend however, that the objective does not only relate to the built historic environment but also refers to the wider historic landscape including historic landscapes, archaeology etc. We would recommend separating the clauses and having one for the historic environment and one for design.

At this time our comments relate to the policy framework, evidence base and assessment process. We would like to meet with the Council to discuss site specific issues as have not had the capacity to comment in detail at this time.

Policy HC1 discusses the potential housing land allocations for Walsall. We acknowledge that the Plan is seeking to allocate sites for 2,032 homes. We would welcome receiving all of the information for the proposed allocations and an understanding of how the harm to the historic environment has been assessed. Historic England has produced draft advice for Council's when preparing Site Allocations Plans which is due to be adopted shortly. I attach a link below for your information which sets out how sites can be assessed to ensure that they are compliant with the National Planning Policy Framework (NPPF).

<https://content.historicengland.org.uk/content/docs/guidance/site-allocations-local-plans-consultation-draft.pdf>

If you have any specific questions about the draft Site Allocations Advice Note please contact us and we would be happy to assist.

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There is no reference within the policy justification text to the potential impact of the proposed housing allocations on environmental considerations such as the historic environment nor is there any reference to evidence base documents that are relevant for the historic environment within paragraph 3.2.2. The Council needs to be justified that the Plan complies with Section 12 of the NPPF and we would welcome a meeting to discuss all of the sites proposed for allocation at this stage to assess what evidence base has been used and whether there are any gaps or outstanding concerns. Such available evidence is the Historic Environment Record, Conservation Area Appraisals and Management Plans, National Listing, Heritage at Risk Register, Local List, Historic Characterisation, Heritage Impact Assessment, SEA, Local conservation and archaeology staff etc.

The same comments above also apply to Policy HC4, when allocating sites for accommodation for Gypsy, Traveller and Travelling Showpeople Needs there needs to be a consideration of the impact on the historic environment.

Additionally, the comments that we have raised and concerns noted for Policy HC1 are relevant to Policies IND1, IND2, IND4 and IND5. There is no reference to the historic environment and any potential impacts for any of the proposed sites, nor is there a reference to the historic environment within the evidence base, so it is not clear what assessment has been undertaken. It may be that the appropriate assessment work is available and if so, we would recommend that if there are certain issues for specific sites that these are reflected within the Site Allocations Plan.

Policy SLC2 identifies a number of potential development opportunity sites between pages 58 and 61 yet there is no reference to how any of these development opportunity sites may impact upon the historic environment or a reference to any relevant historic environment evidence base within paragraph 5.3.2. As referenced above the Council needs to ensure that the Plan is compliant with Section 12 of the NPPF and we would welcome a meeting to discuss the approach taken in assessing and identifying the sites prior to the Pre-Submission consultation anticipated early 2016.

We note the inclusion of SAD Policy ENV4: Canals and support the reference to the historic environment within this policy. However, we would recommend that the wording is amended to 'protect, conserve and where possible enhance the significance of heritage assets and their setting along the canal network, including surviving canal side buildings, structures and features of heritage value' or similar wording.

We welcome the inclusion of a specific section on the historic environment, beginning on page 93 yet raise issues later in this representation about why it focusses on development in conservation areas only.

We would recommend the inclusion of non-designated archaeology within the list referenced in the third paragraph below paragraph 7.3.

SAD Policy EN5: Development in Conservation Areas should seek to protect, conserve and where possible, enhance the significance of conservation areas including their setting. We would recommend that the wording of clause a) is replaced as above rather than the Council determining whether development 'preserves or enhances'. Additionally, paragraph 137 of the NPPF



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recommends authorities to consider development opportunities that 'better reveal the significance of conservation areas' which could be included within the policy text. The policy wording for clause a) i-iv) is currently unclear as to what the Council's intentions are relating to development within a Conservation Area.

We would recommend that the Council considers clause b) i – iv) and ensures that it is compliant with the NPPF. Whilst parts of it are similar to the aspirations of the NPPF other parts of the clause are not and we would need some further justification or amendments to this policy wording.

Clause c) the term 'preserve' should be removed and replaced with 'protect'.

The evidence base in paragraph 7.9.2. refers to Conservation Areas, can the Council confirm if this relates to the 18 Conservation Area Management Plans and Appraisals and how these documents have informed the preparation of the Plan?

We note that there is only a policy seeking to manage development that may affect Conservation Areas yet no other heritage assets? Whilst we recognise that the adopted Black Country Core Strategy (2011) contains policies that consider the historic environment, it is not clear why there is only a policy for Conservation Areas within this Plan. We consider that the Plan would benefit from development management policies for other heritage assets such as listed buildings, locally listed buildings, historic landscape, archaeology etc. or that the Plan should contain a development management policy for the wider historic environment covering all heritage assets.

SAD Policy EN6: Highgate Brewery references the need to take into account government guidelines for the protection of listed buildings and development in conservation areas. However, if this development may have an impact upon heritage assets this should be considered at this stage to assess whether the principle of development is acceptable rather than left to the development management stage. What assessment work has been undertaken to assess the level of harm to heritage assets and their settings, which may be affected by this development? We would like to discuss this site in more detail with the Council before we are in a position to assess whether some policy wording amendments would be required and whether the site should be taken forward or not. It may require specific mitigation and development design guidelines above what is currently included within the Plan. The evidence base listed in paragraph 7.10.2 does not list a site assessment and we would require this.

SAD Policy EN7: Great Barr Hall and Estate references the need to take into account government guidelines for the protection of listed buildings and development in conservation areas/ registered parks and gardens etc. Great Barr Hall is a Grade II* listed building and harm to this asset should be 'wholly exceptional' (Paragraph 132 NPPF). If this proposed development may have an impact upon heritage assets this should be considered at this stage to assess whether the principle of development is acceptable rather than left to the development management stage. What assessment work has been undertaken to assess the level of harm to heritage assets and their settings, which may be affected by this development? We would like to discuss this site in more detail with the Council before we are in a position to assess whether some policy wording



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amendments would be required and whether the site should be taken forward or not. The evidence base listed in paragraph 7.11.2 does not list a site assessment and we would require this.

The Plan continues to discuss opportunities for waste and minerals development proposals yet there is minimal information available about the potential impact that new waste and minerals sites may have on the historic environment or what assessment has been undertaken to assess what impact there may be on the significance of heritage assets and their setting.

Whilst Historic England have no specific comments to raise on the targets for waste and minerals planning set out by the Council, we do need to be assured that the location of new facilities has been considered and any harm to the historic environment has been considered, avoided or outweighed. We have particular questions regarding SAD Policy W2, SAD Policy W3, SAD Policy W4, SAD Policy M1, SAD Policy M2, SAD Policy M3, SAD Policy M4, SAD Policy M5, SAD Policy M6, SAD Policy M7, SAD Policy M8, SAD Policy M9 and SAD Policy M10 and how the proposed new development/facilities and their impact on the historic environment have been considered.

Whilst we recognise in the case of minerals working that minerals are found where they are located we still have some concerns to ensure that the historic environment is not unduly harmed as a result of mineral extraction, especially below ground archaeology which may be of national importance but is not yet known, as one example.

We are also keen to see minerals working for locally distinctive building material and stone that can contribute to wider objectives of local distinctiveness and place making.

I attach a link below to Minerals Planning guidance that Historic England has produced to assist you in preparing the next iteration of this Site Allocations Plan.

<https://www.historicengland.org.uk/images-books/publications/mineral-extraction-and-archaeology/>

<https://www.historicengland.org.uk/images-books/publications/mineral-extraction-and-historic-environment/>

We have similar comments regarding the transport policies, particularly amendments to the rail and highways network and would welcome assurances from the Council that the historic environment has been considered in this process and any proposed works do not have a harmful effect for the historic environment or the Council can justify that the public benefits outweigh any harm.

As referenced above Historic England welcomes the opportunity to meet with the Council and discuss the issues that we have raised within this representation, in an effort to ensure that there are no outstanding concerns at the Pre-Submission Stage, if possible.



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Walsall Area Action Plan (Preferred Options)

At this time our comments relate to the policy framework, evidence base and assessment process. We would like to meet with the Council to discuss site specific issues.

We support the reference to heritage within the 'Vision' on page 7.

We support the reference to the historic environment within objective 8 on page 8. We would recommend 'protect and conserve heritage assets and seek opportunities for their enhancement whilst delivering high quality design ...' or something similar to ensure that all heritage assets (designated and non-designated) are referenced and the terminology is compliant with the National Planning Policy Framework (NPPF).

We would recommend the inclusion of the term 'historic' within Policy AAP1: Walsall Town Centre Boundary b) 'It is important that all development within the centre is carefully integrated into the existing historic and urban fabric, both visually and ...' or something similar to reflect the importance of the historic environment and the need for new development to respect this.

We welcome to see the Walsall Town Centre Characterisation Study listed as part of the evidence base and are pleased to see that the Council has undertaken this piece of work, as we first suggested in our response in June 2013.

Policy AAPS2, at this time Historic England has not had the opportunity to assess the potential development sites highlighted and welcomes a meeting with the Council to discuss these in detail and assess if there is any harm to the historic environment. Within the accompanying tables on pages 17 and 18 there is no reference to the historic environment within the justification or whether the historic characterisation evidence base has informed the process. We consider that the evidence from this assessment and the Development Sites Assessment listed in the evidence base, should be included within the justification tables/text and where there are requirements to protect and conserve the historic environment/specific heritage assets/ avoidance and mitigation design principles, that these should be included within the Plan. This will ensure that there is no harm to the historic environment and will give developers certainty about what they may be expected to deliver prior to submitting a planning application.

We support the safeguarding of the Walsall market and the recognition of its role as a historic feature and its value in creating a sense of place. All new development will need to protect and conserve this historic feature and it would be helpful in information from the historic characterisation study were incorporated into the Plan to explain how it is a historic feature and how it can be protected and conserved in the future.

Policy AAPB1, at this time Historic England has not had the opportunity to assess the potential development sites highlighted and welcomes a meeting with the Council to discuss these in detail and assess if there is any harm to the historic environment. Within the accompanying tables on page 25 there is no reference to the historic environment within the justification or whether the historic characterisation evidence base has informed the process. We consider that the evidence



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from this assessment and the Development Sites Assessment listed in the evidence base, should be included within the justification tables/text and where there are requirements to protect and conserve the historic environment/specific heritage assets/ avoidance and mitigation design principles, that these should be included within the Plan. This will ensure that there is no harm to the historic environment and will give developers certainty about what they may be expected to deliver prior to submitting a planning application.

Policy AAPB2: Social Enterprise Zone, we are supportive of encouraging community and cultural uses and consider that a sentence could be included within the justification text to encourage the appropriate re-use of heritage assets for community and cultural uses, especially if there is any heritage at risk that could benefit from this. Additionally, it is worth recognising the historic environment as a cultural use.

Policy AAPB3 at this time Historic England has not had the opportunity to assess the potential development sites highlighted and welcomes a meeting with the Council to discuss these in detail and assess if there is any harm to the historic environment. Within the accompanying tables on pages 29/30 there is no reference to the historic environment within the justification or whether the historic characterisation evidence base has informed the process. We consider that the evidence from this assessment and the Development Sites Assessment listed in the evidence base, should be included within the justification tables/text and where there are requirements to protect and conserve the historic environment/specific heritage assets/ avoidance and mitigation design principles, that these should be included within the Plan. This will ensure that there is no harm to the historic environment and will give developers certainty about what they may be expected to deliver prior to submitting a planning application.

We support the inclusion of Policy AAPLE2 and the recognition of the importance of cultural facilities including ones specifically of benefit for the historic environment such as clause c.

Policy AAPLE3, as above we have not assessed any proposed development sites at this time but we would expect that the Council includes references to the historic environment where the evidence base has shown this to be a consideration. The historic characterisation study has not been listed as an evidence base for the site based policies yet there is a significant amount of information available within this assessment that should inform the selection of sites and the design principles that may be appropriate.

We support the recognition of the historic asset that is Walsall Canal, however, we would recommend a specific clause within Policy AAPLE4 that recognises the need for new development to protect and conserve heritage assets and historic features of the canal and seek opportunities for enhancement. Clause b touches on this but we do not consider that it is detailed or clear enough as it currently stands. We would also recommend including some further information about the historic nature of the Canal and the Canal Conservation Area and how this feature should be protected and conserved, within the justification text.

Policy AAPLV1 at this time Historic England has not had the opportunity to assess the potential development sites highlighted and welcomes a meeting with the Council to discuss these in detail



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and assess if there is any harm to the historic environment. Within the accompanying tables on page 45 there is no reference to the historic environment within the justification or whether the historic characterisation evidence base has informed the process. We consider that the evidence from this assessment and the Development Sites Assessment listed in the evidence base, should be included within the justification tables/text and where there are requirements to protect and conserve the historic environment/specific heritage assets/ avoidance and mitigation design principles, that these should be included within the Plan. This will ensure that there is no harm to the historic environment and will give developers certainty about what they may be expected to deliver prior to submitting a planning application. This is also important as the policy recommends high density accommodation, however, there may be examples when heritage assets will be negatively affected through high density development and this needs to be considered before sites are allocated.

Policy AAPLV2 does not reference any evidence base from the historic characterisation work undertaken by the Council so it is not clear as to whether there could be any impacts for the historic environment. We recommend that the Council assess this and if necessary include a clause within the policy to protect and conserve heritage assets and the historic character of the area.

Policy AAPLV5, we support the inclusion of a policy for the historic environment within the Plan. Where sites are proposed within the AAP that may affect heritage assets or areas of high sensitivity to change, the Council needs to provide the evidence base to justify their inclusion within the Plan and how these will be protected and conserved. As we have already stated in this response, it is not clear from the material within the AAP whether this has been done or whether there will be any harm to the historic environment.

We recommend clause c) is amended to include the term 'sensitive' re-use of those buildings ... Clause d) iv) any recording should be undertaken by an appropriate professional and there should be a commitment to including the results of the Wolverhampton and Walsall Historic Environment Record. Additionally, we recommend a clause that where there is archaeological potential then the development will be required to undertake a desk based archaeological assessment, and where necessary a field based survey, by a qualified professional.

We welcome the justification text on pages 55 and 56 and the Characterisation Study that the Council has undergone to inform the AAP. We would recommend that this is expanded within the wider AAP to justify the inclusion of development sites and to ensure that there is no harm to the historic environment. We support the evidence base but consider that it may need to be more carefully applied to demonstrate that the Plan is justified and informed by appropriate evidence base.

We support the inclusion of Figure 6.2 within the Plan and consider a visual aid is a useful tool.

The Heritage at Risk Register is referenced within page 56, which we support, however are there any opportunities within the Plan area to reduce heritage at risk that could be incorporated into the Plan?



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Policy AAPLV6 what is the justification for proposals of 4 storeys or more in height needing to demonstrate there will be no adverse effect on views or Conservation Areas? Can the Council be satisfied that no adverse effects can occur with development under 4 storeys?

We support the inclusion of landmark buildings and the Council's reference to the Characterisation Study within this policy. We support the inclusion of Figure 6.3 within the Plan and consider a visual aid is a useful tool.

We support the inclusion of a policy aimed at enhancing the public realm (Policy AAPLV7). We would recommend a clause respecting the historic character of the public realm and for new development and public realm works to respect the historic character of Walsall Town Centre.

Policy AAP4 where there is the need for new road improvements to serve new development, the impact for the historic environment should be fully tested to ensure that the new infrastructure required does not have a harmful impact on the historic environment.

Policy AAP5, Historic England has not as this time had the opportunity to assess the impact of new sites for car parking. The Council must be able to demonstrate that it has considered the impact to the historic environment and whether there are any avoidance or mitigation measures that should be included per specific site. For example, multi storey car parking may be inappropriate in certain locations if it will impact on the views to and from heritage assets or would be out of character within a Conservation Area or its setting ... Can the Council justify the inclusion of these sites and that these tests have been met?

Policies AAP12 to AAP15 look at policy approaches for different areas of the Town Centre. We are supportive of this approach and note that Policy AAP12 includes a clause for the historic environment which we are supportive of, however we recommend that the wording is amended from 'All development within the area will be expected to have consideration of' to 'All development within the area will be expected to protect, conserve and where possible, enhance heritage assets including the Conservation Areas ...'. There may be development proposals identified within this area that could have an effect for the historic environment and it is not clear from the information within the AAP whether this has been fully assessed. We have referenced this concern elsewhere in our representation and look forward to working with the Council to discuss this issue. We would support the inclusion of heritage assets in Figure 8.1 or a separate figure detailing the Characterisation information.

Policy AAP13 Walsall Gigaport has no reference to the historic environment. Is the Council satisfied that there are no impacts for heritage assets as a result of these development proposals listed in tables on pages 95/96? We would support the inclusion of heritage assets in Figure 8.2 or a separate figure detailing the Characterisation information.

Policy AAP14 Walsall Waterfront has no reference to the historic environment within the policy clauses, even though the historic canal frontage is regarded as a key feature. Is the Council satisfied that there are no impacts for heritage assets as a result of these development proposals listed in



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tables on pages 101/102? We would support the inclusion of heritage assets in Figure 8.3 or a separate figure detailing the Characterisation information.

Policy AAP15 Park Street Shopping Core references the historic environment within clause b which we support. However, we would recommend that the clause is clearer and relates to all heritage assets that could be affected and the need for development proposals to protect, conserve and where possible enhance, heritage assets. Is the Council satisfied that there are no impacts for heritage assets as a result of the development proposals listed in the table on page 106? We would support the inclusion of heritage assets in Figure 8.4 or a separate figure detailing the Characterisation information.

Policy AAP16 at this time Historic England has not had the opportunity to assess the potential development sites highlighted and welcomes a meeting with the Council to discuss these in detail and assess if there is any harm to the historic environment. Within the accompanying tables on pages 110 to 113 there is no reference to the historic environment within the justification or whether the historic characterisation evidence base has informed the process. We consider that the evidence from this assessment and the Development Sites Assessment listed in the evidence base, should be included within the justification tables/text and where there are requirements to protect and conserve the historic environment/specific heritage assets/ avoidance and mitigation design principles, that these should be included within the Plan. This will ensure that there is no harm to the historic environment and will give developers certainty about what they may be expected to deliver prior to submitting a planning application. This is also important as the policy recommends high density accommodation, however, there may be examples when heritage assets will be negatively affected through high density development and this needs to be considered before sites are allocated.

Policy AAP17 briefly refers to Mineral Safeguarding Areas. Have these been identified by the Council and if so, have they been assessed for their potential impact on the historic environment? Most notably the impact on potential archaeological remains? There is no reference to the historic environment within the justification text for this policy clause. Historic England would welcome further information on this topic.

Strategic Environmental Assessment

Historic England has produced specific guidance to assist Local Authorities in preparing Strategic Environmental Assessment/Sustainability Appraisal in respect of the historic environment. I attach a link to the guidance document below:

<https://www.historicengland.org.uk/images-books/publications/strategic-environmental-assessment-sustainability-appraisal-historic-environment/>



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Historic England would welcome a meeting with Walsall Council to discuss these Local Plans before the Pre-Submission version is produced. We would like to offer assistance in the process and to ensure that there are no outstanding concerns for the historic environment. [REDACTED]

[REDACTED]

[REDACTED] I look forward to working with you again next year.

Kind regards

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Historic Environment Planning Adviser (West Midlands)



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