



**Walsall Council**

**Community Infrastructure Levy:  
Draft Charging Schedule**

**Schedule of Representations**

**Consultation Period**

**7th March – 3rd May 2016**

**Formal Representations**

UR 115 – UR 3539

Plus Late Response UR 2274

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From: [REDACTED]  
Sent: 03 May 2016 14:48  
To: planningpolicy  
Subject: Publication Draft Town Centre AAP and CIL Charging Schedule - Consultation  
Attachments: PPL on behalf of NP - Draft CIL Repsonse Form.pdf; PPL on behalf of NP -  
Publication AAP Repsonse Form.pdf

Dear Sir,

On behalf of our client Norton & Proffitt Developments Ltd, please find attached our completed response forms for the Publication Draft Town Centre AAP and CIL Charging Schedule.

Please could you acknowledge receipt of this email.

Kind regards,

[REDACTED] - Assistant Planner

4 Mill Pool, Nash Lane, Belbroughton, Worcestershire, DY9 9AF

[REDACTED]  
[www.planningprospects.co.uk](http://www.planningprospects.co.uk)

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No. 881 2273 23.

## Community Infrastructure Levy Draft Charging Schedule Response Form

If you do wish to make comments on the Draft CIL Charging Schedule please complete the sections below. Comments should cover succinctly all the information, evidence and supporting information necessary to support or justify the comment and the suggested change.

All comments must be submitted in writing **by 5pm Tuesday 3<sup>rd</sup> May 2016** either by post to:

Planning Policy, Environment and Economy, 2<sup>nd</sup> Floor Civic Centre, Darwall Street, Walsall, WS1 1DG, or by email to: [PlanningPolicy@Walsall.gov.uk](mailto:PlanningPolicy@Walsall.gov.uk).

Please note that late representations will not be accepted. The CIL regulations require that any representations must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential. They will be attributed to source and made available as public documents.

<b>Your Details</b>	
Name	██████████
Organisation (where relevant)	Planning Prospects Ltd (on behalf of Norton & Proffitt Developments Ltd)
Job Title (where relevant)	Director
Address (inc post code)	4 Mill Pool, Nash Lane, Belbroughton, Worcestershire, DY9 9AF
Telephone Number	██████████
Email Address	██
<b><i>Do you wish to be notified of any of the following? (please tick any that apply)</i></b>	
	<b>✓ or ✗</b>
That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008	✓
The publication of the recommendations of the examiner and the reasons for those recommendations	✓
The approval of the Charging Schedule by Walsall Council	✓
<b><i>Do you wish to be heard before the examiner?</i></b>	
I would like to request to be heard before the examiner at the CIL Examination	✓

**Q1. Do you have any comments to make on Walsall's Draft CIL Charging Schedule and supporting information? Please provide evidence to support your comments.**

Land identified as TC03, TC25 and TC26 in the emerging Walsall Town Centre Area Action Plan effectively relates to a single urban block, defined by Upper Hall Lane, Lower Hall Lane, George Street and High Street. Its development is being led by a single developer. However, whilst TC03 (the northern part of this land) falls into CIL Charging Zone 5, TC25 and TC26 (the southern part) falls into CIL Charging Zone 3.

We previously commented that this is difficult to justify considering that all parts of this site represent challenging, inner urban locations that are also difficult to separate in market, land value and development cost terms. We therefore consider that this land in its entirety should be included within Zone 5, and not exposed to the additional charge that a Zone 3 designation would convey. The boundaries of the CIL Charging Zones should be amended so that TC03, TC25 and TC26 are all included within Charging Zone 5.

We previously commented that the £5 / sq m nominal charge for residential development should be removed throughout the charging schedule. However, this charge remains in place in the 'Publication Draft' CIL Charging Schedule.

We remain of the view that the inclusion of the nominal charge may put delivery at risk, and make development unviable. We wish to reiterate that there is no evidence to support this charge; indeed, conversely, the evidence points to CIL not being realistically viable in certain instances. The CIL rates recommended in the "Walsall Site Allocation, CIL Deliverability and Viability Study" prepared for the Council by DTZ and published in September 2015 (Table 1) did not include the nominal charge. We therefore consider that the nominal charge should be removed unless can be stood up with sound evidence directly.

The Council's response to our earlier representations on these points simply fail to address them. The zoning point is addressed by referring to difficulties with postcode geography, but this is clearly capable of being remedied at a local level where anomalies arise. The nominal charge point is not addressed, beyond saying the money is needed, and the issue can be explored through the examination. No evidence is presented to support it.

**Thank you for completing the questionnaire.**

From: [REDACTED]  
Sent: 03 May 2016 14:50  
To: planningpolicy  
Subject: Publication Draft SAD and CIL Charging Schedule - Consultation  
Attachments: PPL on behalf of SMD - Draft CIL Repsonse Form.pdf; PPL on behalf of SMD -  
Publication SAD response form.pdf

Dear Sir,

On behalf of our client St Modwen Developments Ltd, please find attached our completed response forms for the Publication Draft Site Allocations Document and CIL Charging Schedule.

Please could you acknowledge receipt of this email.

Kind regards,

[REDACTED] Assistant Planner

4 Mill Pool, Nash Lane, Belbroughton, Worcestershire, DY9 9AF

[REDACTED]  
[www.planningprospects.co.uk](http://www.planningprospects.co.uk)

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<b>Your Details</b>	
Name	██████████
Organisation (where relevant)	Planning Prospects Ltd (on behalf of St Modwen Developments Ltd)
Job Title (where relevant)	Director
Address (inc post code)	4 Mill Pool, Nash Lane, Belbroughton, Worcestershire, DY9 9AF
Telephone Number	██████████
Email Address	██
<b>Do you wish to be notified of any of the following? (please tick any that apply)</b>	
	<b>✓ or ✗</b>
That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008	✓
The publication of the recommendations of the examiner and the reasons for those recommendations	✓
The approval of the Charging Schedule by Walsall Council	✓
<b>Do you wish to be heard before the examiner?</b>	
I would like to request to be heard before the examiner at the CIL Examination	✓

**Q1. Do you have any comments to make on Walsall's Draft CIL Charging Schedule and supporting information? Please provide evidence to support your comments.**

We previously made representations to the Preliminary Draft CIL Charging Schedule stating that further work and consultation on the Charging Schedule should wait until the issues surrounding the fundamentals of the housing supply and demand are resolved within the Site Allocations Document (SAD).

We do not considered that these issues have been fully resolved in the Publication Draft SAD, for the reasons set out in the representations to that document. Therefore, it is not possible to comment on the extent to which the rates set out in the Preliminary Draft Charging Schedule are acceptable, or not.

**Thank you for completing the questionnaire.**

From: [REDACTED]  
 Sent: 08 March 2016 08:48  
 To: planningpolicy  
 Subject: Walsall - Planning 2026 - CIL

Walsall – Planning 2026  
 CIL

Thank you for the opportunity to provide feedback to the proposed consultation.

Network Rail is the public owner and operator of Britain's railway infrastructure, which includes the tracks, signals, tunnels, bridges, viaducts, level crossings and stations – the largest of which we also manage. All profits made by the company, including from commercial development, are reinvested directly back into the network.

Network Rail would comment as follows, for the attention of the LPA.

The document states:

Section 106

The NPPG recommends that it is good practice for charging authorities to publish details of the proposed use of Section 106 alongside the operation of CIL. The commissioned CIL viability study sets out that the use of Section 106 is likely to be scaled back to the following items of infrastructure post CIL adoption. This has been considered in more detail and updated to take account of comments received during the first stage of consultation and on-going discussions with infrastructure providers:

Continued use of S106

- Site specific highway improvements such as vehicle access, junction improvements and public transport improvements necessary to make the development acceptable;
- Site specific air quality mitigation measures;
- Site specific public art;
- Provision of affordable housing;
- Provision of site specific education facilities where required on-site such as to meet demand for a new school as part of a large development;
- Site specific improvements to, and the mitigation of adverse impacts on, the historic environment; and
- Site specific flood mitigation / resilience measures.

Infrastructure to be eligible from CIL funds

- Provision, improvement, replacement, operation or maintenance of strategic transport and highways infrastructure;
- Provision, improvement, replacement, operation or maintenance of strategic utilities infrastructure for employment sites outside the enterprise zone;
- Provision, improvement, replacement, operation or maintenance of education facilities;
- Provision, improvement, replacement, operation or maintenance of open Space and outdoor leisure;
- Provision, improvement, replacement, operation or maintenance of community hubs, heritage centre and other social / community related infrastructure;
- Provision, improvement, replacement, operation or maintenance of strategic flood resilience and mitigation infrastructure;
- Provision, improvement, replacement, operation or maintenance of strategic nature conservation and environmental infrastructure; and
- Provision, improvement, replacement, operation or maintenance of strategic public realm including the historic environment.



Consideration should be given to financial contributions from developers towards enhancements at railway station within the LPA area, which may be required as a result of increased footfall as a result of redevelopment / increased numbers of dwellings in the area. Financial contributions could be from CIL, S106 or unilateral undertaking. As Network Rail is a public body it is not reasonable to expect funding for railway infrastructure mitigation measures as a result of third party commercial developments.

Enhancements could include but not be limited to:

- \* Heated waiting shelters
- \* CCTV
- \* Customer Information Systems
- \* Help-Points
- \* Car Parking facilities
- \* Access for all

Developer contributions towards enhancements at railway stations should be viewed in the same way as contributions towards highways, or local infrastructure improvements. LPAs and developers are welcome to contact Network Rail prior to the submission of outline planning applications to determine if proposals could impact upon footfall at railway stations. If there is a potential for impact then a developer contribution towards any necessary enhancements should be included as part of the planning obligations.

Regards

[Redacted]  
 Town Planning Technician LNW  
 Network Rail  
 Town Planning Team LNW

[Redacted]  
 Square One  
 4 Travis Street  
 Manchester, M1 2NY

[Redacted]  
 [Redacted]

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## Community Infrastructure Levy Draft Charging Schedule Response Form

If you do wish to make comments on the Draft CIL Charging Schedule please complete the sections below. Comments should cover succinctly all the information, evidence and supporting information necessary to support or justify the comment and the suggested change.

All comments must be submitted in writing **by 5pm Tuesday 3<sup>rd</sup> May 2016** either by post to:

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Please note that late representations will not be accepted. The CIL regulations require that any representations must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential. They will be attributed to source and made available as public documents.

<b>Your Details</b>	
Name	██████████
Organisation (where relevant)	Lichfield District Council
Job Title (where relevant)	Development Executive – Spatial Policy and Delivery
Address (inc post code)	Development Services, Lichfield District Council, Frog Lane, Lichfield, Staffordshire. WS13 6YZ.
Telephone Number	██████████
Email Address	██
<b><i>Do you wish to be notified of any of the following? (please tick any that apply)</i></b>	
	<b>✓ or ✗</b>
That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008	Yes
The publication of the recommendations of the examiner and the reasons for those recommendations	Yes
The approval of the Charging Schedule by Walsall Council	Yes
<b><i>Do you wish to be heard before the examiner?</i></b>	
I would like to request to be heard before the examiner at the CIL Examination	No

### **Q1. Do you have any comments to make on Walsall's Draft CIL Charging Schedule and supporting information? Please provide evidence to support your comments.**

The instalment policy fails to take account of the need for mitigation to be in place prior to the occupation of the dwelling in order to prevent harm arising to the Cannock Chase SAC and will thus have an adverse impact upon the integrity of the Cannock Chase Special Area of Conservation.

Continued use of S106

This section does not refer to any Strategic Access Management and Monitoring Measures which will need to be secured from developments such as self-build housing, affordable housing and gypsy and traveller sites and will lead to an adverse effect upon the integrity of the Cannock Chase SAC.

**Thank you for completing the questionnaire.**

From: [REDACTED]  
Sent: 03 May 2016 10:50  
To: planningpolicy; planningpolicy  
Subject: Representations to CIL Draft Charging schedule and Walsall Town Centre Area action Plan  
Attachments: 8981 Walsall TC AAP April 2016.pdf; publication\_stage\_aap\_response\_form.pdf; April 2016 draft\_cil\_response\_form.pdf; 8981 HRW CIL Draft Charging Schedule.pdf

Importance: High

Dear Sir/Madam,

Please find attached letters of representation submitted on behalf of the Chief Constable of West Midlands Police in response to the current consultations on the CIL Draft Charging Schedule and the Walsall Town Centre Area Action Plan. Also attached are completed Response Forms.

We should be grateful if you would acknowledge receipt of these representations and ensure that it is submitted for consideration by the Examination Inspector.

Kind regards,

[REDACTED]

[REDACTED]  
Senior Planning Consultant  
[REDACTED]

Tyler Parkes, 66, Stratford Road, Shirley, Solihull, West Midlands B90 3LP

[REDACTED]  
info@tyler-parkes.co.uk

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## Community Infrastructure Levy Draft Charging Schedule Response Form

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<b>Your Details</b>	
Name	On behalf of the Chief Constable of West Midlands Police
Organisation (where relevant)	Agent: Tyler-Parkes Partnership
Job Title (where relevant)	
Address (inc post code)	66 Stratford Road, Shirley, Solihull, West Midlands B90 3LP
Telephone Number	██████████
Email Address	████████████████████
<b><i>Do you wish to be notified of any of the following? (please tick any that apply)</i></b>	
	✓ or ✗
That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008	Yes
The publication of the recommendations of the examiner and the reasons for those recommendations	Yes
The approval of the Charging Schedule by Walsall Council	Yes
<b><i>Do you wish to be heard before the examiner?</i></b>	
I would like to request to be heard before the examiner at the CIL Examination	No

**Q1. Do you have any comments to make on Walsall's Draft CIL Charging Schedule and supporting information? Please provide evidence to support your comments.**

Please refer to letter of representation submitted on behalf of the Chief Constable of West Midlands Police.

**Thank you for completing the questionnaire.**

▪  
**Planning and Architecture** | advice | applications | drawings

Our ref. 8981 HRW

Planning Policy Team  
Economy and Environment  
Walsall Council  
Civic Centre  
Darwall Street  
Walsall  
WS1 1DG

Emailed Only to: [planningpolicy@walsall.gov.uk](mailto:planningpolicy@walsall.gov.uk)

3<sup>rd</sup> May 2016

Dear Sir/Madam

## **Community Infrastructure Levy (CIL) Draft Charging Schedule: Formal Representations on behalf of the Chief Constable of West Midlands Police**

We act for the Chief Constable of the West Midlands Police (CCWMP) and are instructed to make representations on local development documents in respect of securing policy reference in such documents to matters including:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Design & Access Statements, or other relevant planning application documents;
- Promoting a safe and secure entertainment, leisure and evening economy;
- Ensuring the timely and effective engagement of the police and other emergency services to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on the CCWMP as a consequence of development proposals and growth;
- Ensuring the timely and effective engagement of the police and other

emergency services in the planning processes in relation to matters likely to affect crime and fear of crime; and

- Ensuring the timely and effective engagement of the police and other emergency services in relation to Counter-Terrorism matters. For example, Counter Terrorism Security Advisors can give appropriate advice concerning Vehicle-Borne Devices (VBD) mitigation and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).

The CCWMP clearly has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime. Crime and the fear of crime are material considerations throughout the development process and Section 17 of the Crime and Disorder Act 1998 should be paramount.

To this end, we confirm we have already made representations on behalf of CCWMP in respect of the Preliminary Draft CIL Charging Schedule. As explained in our earlier representations, the CCWMP would welcome the opportunity to become actively involved in the on-going infrastructure delivery policy strategy and he would be pleased to meet with you to discuss any of the matters raised in this letter of representation.

In light of this, and the continued need for community safety, the CCWMP would wish to make the representations set out in the following paragraphs:

The CCWMP **SUPPORTS** the decision not to include Police operational development within the list of uses eligible for CIL charges.

However, the CCWMP is a community and social infrastructure provider which should be eligible for receipt of funds raised through CIL. Contributions towards Police infrastructure fall within the broad definition of infrastructure for the purposes of Section 216 of the Planning Act 2008. The CCWMP therefore **OBJECTS** to the omission of the Police and Emergency Services, from the Infrastructure Delivery Plan (IDP) – submitted as evidence in support of the CIL Draft Charging Schedule.

The IDP is a supporting document to inform the need for, and allocation of, CIL revenue. The CIL Draft Charging Schedule is therefore **UN SOUND** as it is based on an IDP evidence document which is not effective as it will not meet national or local planning objectives in respect of safety and achieving sustainable settlements. The implementation of the CIL Charging Schedule has not been fully justified in this regard.

National and local planning policy, regulations and legal precedence recognise that the Police service is an infrastructure capable of receiving CIL.

The CCWMP wishes to emphasise that it is important for the Police to receive a proportion of CIL funds raised to contribute towards bridging the funding gap arising from the planned growth to ensure the standards of the Police Service are maintained to meet national and local strategic crime reduction objectives.

Due to ongoing financial and manpower constraints within West Midlands Police, as well as an internal review of the Police Estate, it has not been possible for detailed funding gap information to be provided. We recognise that it will not therefore be possible to include detailed information on the scale of financial contributions required from developers towards additional police infrastructure within the current CIL viability calculations. However, this does not undermine the fact that West Midlands Police are a legitimate recipient of CIL and Section 106 Agreement developer funding, and as such, reference should be made to Police Infrastructure in the IDP 'Use of S106' and 'Infrastructure to be eligible from CIL funds' sections within the IDP. This will ensure that at a future date, identified Police infrastructure can be added to the Regulation 123 List.

The CCWMP again formally request that enabling paragraphs are included within the IDP to ensure that the policy framework is in place for a detailed case to be made in the future, including in response to individual planning applications or redevelopment schemes. The suggested wording is set out below:

**'Emergency services represent a key form of social infrastructure, and it needs to be ensured that such provision is sufficient to support the population growth. The Council will engage with the emergency services in seeking to ensure that future infrastructure is delivered in the most appropriate locations.'**

**There is currently an internal review of the Police Estate and a review and consolidation of police facilities throughout the whole of the West Midlands. More detailed information on the direct implications of the planned growth within Walsall local authority area will therefore be available once these reviews have been completed. It is inevitable that development on the scale currently proposed in the Black Country Core Strategy and emerging Walsall Development Plan Documents would place a significant financial burden on the Chief Constable of West Midlands Police to retain and maintain an acceptable level of policing infrastructure with a consequent funding gap.'**

## Justification

In order to provide the social and community infrastructure necessary to fulfill the Walsall vision and growth objectives there will be a need for the CCWMP to receive financial contributions towards essential infrastructure from funds raised through CIL and Section 106 Agreements to bridge the funding gap. Provision of police stations and safety facilities are important in ensuring that the national and local strategic objectives of providing community facilities which help to create environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion are met.

The National Planning Policy Framework (NPPF), March 2012, paragraph 156 sets out the strategic priorities for local planning authorities, including, ‘the provision of health, security, community and cultural infrastructure...’ Security is therefore a national strategic planning objective for local authorities.

The Police emergency service is not dissimilar to many Council services in that it receives funding from a number of sources, however, as with other infrastructure providers, this is not sufficient to respond effectively to the level of growth proposed. In order to ensure the continued provision of an appropriate level of infrastructure by the CCWMP the identified funding gap will need to be ‘plugged’ by developer contributions, primarily gathered through the CIL.

There are many examples elsewhere in the country where planning authorities have included the Police within S106 agreements to receive developer contributions. For example in Thames Valley and Leicestershire developer funding has been secured for the police authority with sums of monies obtained ranging from £5,000 (for an extension to a business centre) to £660,000 (where a Sustainable Urban Extension was proposed).

There have been a significant number of recent appeal decisions relating to police contributions which reinforce the legal basis for requiring contributions towards Police infrastructure. For example, in consideration of an appeal relating to land North of Wood Street, Ashby-de-la-Zouche, February 2016, for 605 dwellings, including a 60 unit extra care unit, primary school, health centre, community hall, retail use and open space, the Inspector made the following comments:

*‘...The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town...the contribution is thus fairly and reasonably related in scale and kind of development and is directly related to the development. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contribution to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure Levy Regulations 2010...’*

Planning Inspectors have clearly demonstrated support for the principle that contributions towards Police infrastructure satisfies the NPPF, paragraph 204, test which states that, ‘...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.’ As well as meeting the CIL Regulation requirements for eligible infrastructure.

This illustrates that it is legally appropriate for police infrastructure to be funded in part from developer revenue, both through S106 agreements and CIL. It is important therefore that Police infrastructure is identified in the IDP to enable them to form part of



a future Regulation 123 List once the internal property services reorganisation has been finalised.

The CCWMP formally requests that Police infrastructure be included in the IDP which Walsall Council will base their current and future Regulation 123 Lists to comply with national and local planning policy strategic objectives. The CCWMP clearly has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime and helping to create environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Police Stations and safety facilities are strategically important community facilities which help to create environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, policy aims contained in the NPPF (paragraphs 58 and 69).

As well as national planning policy support for contributions towards Police infrastructure, there is also local planning policy support for the need to provide for appropriate levels of infrastructure. The Black Country Core Strategy, adopted February 2011, highlights the fact that the provision of appropriate infrastructure in a timely manner underpins the whole transformational and regeneration strategy. Policy DEL1 'Infrastructure Provision' sets out the strategic policy requirements for the four Black Country local authority areas, Sandwell, Dudley, Walsall and Wolverhampton, in respect of ensuring appropriate levels of and funding for infrastructure needs arising from the scale of growth proposed in the Core Strategy.

The policy states that, 'All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area' and that this will be 'secured through planning obligations, the Community Infrastructure Levy, planning conditions or other relevant means or mechanisms' The Policy Justification text for DEL1 explains that '*The scale of growth proposed in the Core Strategy will have significant impacts on the local environment and the capacity of a range of infrastructure and facilities. Without appropriate investment, future development will be neither sustainable nor acceptable...*' The definition of infrastructure in this context is wide, '*including... locally specified requirements, such as crime prevention measures...*'

It is clear therefore that it is unsound for reference to Police infrastructure to be omitted from the IDP submitted in support of the CIL. The CCWMP therefore raises objection to the IDP which does not effectively support the principles of the NPPF and local planning policies in respect of security and crime prevention sustainable communities' objectives.

We should be grateful if you would acknowledge receipt of this letter of representation and ensure that it is presented for consideration by the Examination Inspector.

Yours faithfully,

[Redacted]  
Senior Planning Consultant  
[Redacted]



Walsall Council Planning Policy Team  
Environment and Economy  
2<sup>nd</sup> Floor Civic Centre  
Darwall Street  
Walsall  
WS1 1DG

Date: 3 May 2016  
Our Ref: JD M5\0507-11

By email only:  
[planningpolicy@walsall.gov.uk](mailto:planningpolicy@walsall.gov.uk)

Dear Sir or Madam

**RE: CONSULTATION ON THE WALSALL COUNCIL COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE AND THE SITE ALLOCATION PUBLICATION DRAFT PLAN**

We represent the **West Midlands HARP Planning Consortium** which includes all the leading Housing Association Registered Providers (HARPs) across the West Midlands. Our clients' principal concern is to optimise the provision of affordable housing and to ensure the evolution and preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the region. As significant developers and investors in local people, HARPs are well placed to contribute to local plan objectives and act as long term partners in the community.

## **SITE ALLOCATION PUBLICATION DRAFT PLAN**

### **Policy HC2**

It is disappointing that despite our concerns raised in the previous representation on the Site Allocations Preferred Options Document, Ai) of **Policy HC2** still acts to resist the provision of housing on previously developed sites if the site "*allocated or safeguarded for other uses in this Plan*".

As previously advised, we encourage the Council to consider the wording and inclusion of paragraph 22 of the NPPF which asserts that:

*"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

Employment land has not been designated in perpetuity so if suitable and more practical uses are available we suggest that the Council takes this into consideration, via a more flexible policy; this will ensure that the Site Allocations Plan is in accordance with national policy and therefore passes the tests it will be assessed against in order to be found 'sound' at examination.

### **Policy HC3**

We are also disappointed to find that the Council has ignored our comments regarding this policy in the previous representation on the Site Allocations Options Document consultation.

The caveat that schemes are required to be at locations that enjoy good public transport access is problematic and based upon assumptions which are unjustified. Most extra care schemes restrict entry to those in need of care. Research shows that more than 50% will have serious mobility issues. Walking distance for many residents might be 20 or 30 metres, perhaps even less.

The point of many extra care schemes means they provide a selection of the day to day facilities on site that many older people need. Many also provide communal transport to services. Appeal decisions have accepted that extra care developments (in the C2 Use Class) have a very different transport profile to general housing (even when that housing is restricted by age). C2 extra care development should not be bound by such a stringent criteria, which will be extremely limiting on where such developments can take place and appears to be more stringent than that being applied to general housing with no justification.

This caveat should be removed.

## **DRAFT COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

### **Nominal Charge**

Although the viability study has shown that CIL is not viable in a number of contexts, the Council have set a CIL charge of £5 per square metre rather than £0, stating:

*“£5 per sq m nominal charge. This approach has been taken by other charging authorities and supported by examiners because it is accepted that such a low charge out of overall development costs would not render the overall development to be unviable and undeliverable”* [Our emphasis]

This is a misrepresentation of the advice given at paragraph 10.4 of the viability study in which it is stated *“we believe there is a case that it would be unlikely to put delivery at risk. However, it is not possible to substantiate this in economic viability terms”* (emphasis added).

Whilst this fee may seem nominal, as CIL is non negotiable, this threatens the future delivery of affordable housing across the region due to the fact that should this nominal CIL charge render a scheme unviable, it is more than likely that in order to ensure schemes are viable the affordable housing element of the S106 will be renegotiated. This nominal charge should be removed and replaced with a £0 charge.

### **Affordable Housing Assessment**

Despite our concerns raised in our previous representation on the Preliminary Draft Charging Schedule, we are disappointed that whilst the viability study correctly identifies the affordable housing target of 25%, it still assesses viability against an assumption that 100% of the offer will be affordable rent. As stated previously, Policy HOU3 of the Black Country Core Strategy states that the tenure will be worked out on a site by site basis. The CIL viability study should assess the impact a range of affordable housing tenures would have on the Charging Schedule, not just that of affordable rent.

On 9<sup>th</sup> November 2015 Brandon Lewis, Minister for Housing and Planning, wrote to all Local Planning Authority Chief Planning Officers. The letter asked them to take a more flexible and pragmatic approach to negotiations on tenure mix of affordable housing in response to Registered Provider reviews of existing financial commitments following the Budget 2015 announcement of reductions in social rents in the four years from 2016-17. With this uncertainty, the Minister noted that there was a risk that schemes will not be built out at previously anticipated rates.

As such, it was noted in the letter that it may be necessary for changes such as tenure mix on individual schemes in order to avoid delays in homes coming forward. The letter encourages local authorities to *“respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability”*. The letter specifically asks that local authorities expedite negotiations where simple adjustments to tenure mix are proposed, without the need for full open book viability appraisals.

Within this context, it is very likely that a mix of tenures will be sought and required on future schemes in order for Registered Providers to find ways of addressing the reduced funding. It is therefore inappropriate for the viability study to assess schemes against the assumed provision of 100 affordable rent.

## Instalments Policy

We support the Council's introduction of an instalments policy as having to pay large sums upfront means that developers will need to take on more debt so pay higher rates of interest. This in turn will affect cash flow and therefore site development viability. We would suggest however, that rather than setting a number of days from commencement, payment of the final instalment should be linked to the occupation of development. This would increase the viability of sites and ensure development continued to be brought forward even in difficult economic conditions.

## Discretionary Social Housing Relief

We note that the Council have stated that it is not considering any discretionary relief at this time. However, we believe that it would be appropriate for the Council to offer such relief in light of the severe need for affordable housing which has been identified in the region; such relief could play an important part in ensuring the provision of affordable housing is maximised over the plan period. Delivery of low cost homes for sale, secured as affordable in perpetuity, is proving a valuable delivery mechanism for many RPs working across the region, enabling affordable housing to be delivered at nil grant and outside S106 delivery mechanisms.

We encourage the Council to recognise the value of discretionary social housing relief and apply it to the region. Should the Council not seek to introduce this discretionary relief, the decision must be evidence based, with a viability assessment of this particular housing type, and the implications of CIL on its delivery across the Plan area.

It is evident that in some instances, a cross-subsidy mechanism would be required to bring forward land for development; the market housing required for this should be the minimum to make the development viable. However, if CIL is required to be paid on the market element of a scheme, this may significantly alter the number of market units required to bring the development forward. This results in the perverse situation of requiring additional market housing to pay CIL, on a scheme being brought forward principally for the delivery of affordable housing. We strongly urge the Council to consider including the discretionary social housing relief which can offer an alternative delivery method, whereby that tenure can be used to subsidise other affordable tenures.

The above comments are intended to be constructive. We would like to be kept informed of this Community Infrastructure Levy's progress and consulted on further stages; please ensure that the **West Midland HARP Planning Consortium** are retained on the consultation database, with **Tetlow King Planning** listed as their agents.

Yours faithfully

[Redacted Signature]

**SENIOR PLANNER**

For and On Behalf Of  
TETLOW KING PLANNING

[Redacted Line]

**Cc:** Accord Housing Association  
Bromford Housing Group  
Midland Heart Limited  
Walsall Housing Group  
Waterloo Housing Association Ltd

[Redacted] – Housing Department

## Community Infrastructure Levy Draft Charging Schedule Response Form

If you do wish to make comments on the Draft CIL Charging Schedule please complete the sections below. Comments should cover succinctly all the information, evidence and supporting information necessary to support or justify the comment and the suggested change.

All comments must be submitted in writing **by 5pm Tuesday 3<sup>rd</sup> May 2016** either by post to:

Planning Policy, Environment and Economy, 2<sup>nd</sup> Floor Civic Centre, Darwall Street, Walsall, WS1 1DG, or by email to: [PlanningPolicy@Walsall.gov.uk](mailto:PlanningPolicy@Walsall.gov.uk).

Please note that late representations will not be accepted. The CIL regulations require that any representations must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential. They will be attributed to source and made available as public documents.

<b>Your Details</b>	
Name	██████████
Organisation (where relevant)	Sport England
Job Title (where relevant)	Principal Planning Manager – Northern Hub
Address (inc post code)	SportPark, 3 Oakwood Drive, Loughborough LE11 3QF
Telephone Number	██████████
Email Address	██████████
<b><i>Do you wish to be notified of any of the following? (please tick any that apply)</i></b>	
	✓ or ✗
That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008	✓
The publication of the recommendations of the examiner and the reasons for those recommendations	✓
The approval of the Charging Schedule by Walsall Council	✓
<b><i>Do you wish to be heard before the examiner?</i></b>	
I would like to request to be heard before the examiner at the CIL Examination	

**Q1. Do you have any comments to make on Walsall's Draft CIL Charging Schedule and supporting information? Please provide evidence to support your comments.**

Sport England has no comments to make.
--

**Thank you for completing the questionnaire.**



## WEST MIDLANDS OFFICE

[REDACTED]  
Walsall Council  
The Civic Centre  
Darwall Street  
Walsall  
WS1 1DG

[REDACTED]  
Our ref: PL00017282

3 May 2016

Dear [REDACTED]

RE: Walsall CIL charging schedule and Regulation 123 list

Thank you for the consultation on the publication version of the above documents. You may recall that Historic England submitted comments in relation to the previous iteration of the documents at a later date due to a misunderstanding in relation to the previous consultation.

Having considered the current iteration Historic England welcomes the new references which have been made to the historic environment and heritage assets within both the charging schedule and the Regulation 123 list, and has no further comment to make on the documents at this publication stage of the process.

I hope this information is of use to you at this time. Please do not hesitate to contact me should you have any queries.

Yours sincerely,

[REDACTED]

[REDACTED]  
Historic Environment Planning Adviser

[REDACTED]



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG

Telephone 0121 625 6870  
HistoricEngland.org.uk



From: [REDACTED]  
Sent: 22 March 2016 10:54  
To: planningpolicy  
Subject: Re: Planning 2026: Have Your Say - Event Invitation

No comment xx

Sent from my iPhone



Planning Policy Team  
Regeneration and Development  
Economy and Environment Directorate  
Walsall Council  
Darwall Street  
Walsall  
WS1 1DG

Our Ref: HD/CIL CHARGESC  
Telephone: [REDACTED]  
E-mail: [REDACTED]  
Date: 3 May 2016

**Re: Walsall Draft CIL Charging Schedule Consultation (2016)**

Dear Sir/Madam

Thank you for inviting comments on the Walsall Draft CIL Charging Schedule 2016 Consultation. The comments in this letter represent the views of the West Midlands Integrated Transport Authority (WMITA) and Centro who act as the Passenger Transport Executive (PTE) for the West Midlands.

We welcome the opportunity to respond to this publication consultation, given the strategic importance of Walsall and the key role it plays in delivering the growth agenda, meeting future economic and housing demand and in attracting and retaining investment. It is vital therefore that Walsall is able to provide the necessary infrastructure and high quality transport links across Walsall and beyond.

Overall, the Draft CIL Charging Schedule 2016 is supported, setting out an approach for growth and development underpinned by a sustainable transport system in accord with the ITA's strategic transport plan "Movement for Growth". The ITA also welcome the positive partnership working with Walsall MBC to develop further the sustainable transport approach of the plan, necessary for Walsall to successfully accommodate the scale of new development planned to support its future growth and prosperity.

**Coordination with other Plans and Policies**

The Schemes we have outlined below, additional to those in the Regulation 123 List are schemes included in the Strategic Transport Plan for the West Midlands Metropolitan Area "Movement for Growth" covering a twenty year time period (<http://wmita.org.uk/strategy-and-publications.aspx>). This document sets out the overarching transport strategy for the West Midlands Metropolitan area covering a metropolitan tier with a metropolitan rail and rapid transit network, key route network and metropolitan strategic cycle network.

Based on our strategy, we request the additional schemes are also included in the Walsall Draft CIL Charging Schedule and Regulation 123 List:

**Town Centre**

- Walsall Town Centre Public Transport Interchange (linking Walsall’s Bus station, railway station and Bradford Place)

**Rapid Transit**

- A34 Walsall Road SPRINT/Rapid Transit Corridor (estimated at £40m)
- Walsall to Wolverhampton Rapid Transit corridor with intermediate stations at Willenhall and James Bridge

**Greenways/Cycling/Walking**

- Measures to support the emerging Black Country Walking and Cycling Strategy and the wider Metropolitan Cycle Network / West Midlands Cycle Charter

**Delivering the CIL**

The ITA and Centro would like to further reiterate its support for the partnership approach that has been taken in addressing the strategic transport needs of the Draft CIL Charging Schedule / Regulation 123 List and the wider regional area.

In the meantime, we would appreciate it if you could continue to keep us informed of the progress of the document and of any significant planning and transportation proposals that emerge as a result of this process. If you have any queries or require any additional information please do not hesitate to contact me.

Yours faithfully,

[Redacted signature]

**SENIOR POLICY OFFICER – ECONOMIC DEVELOPMENT AND SOCIAL COHESION**



Our ref: Walsall Planning 2026  
Your ref Walsall Planning 2026:

Planning, Monitoring and Delivery Officer  
Walsall Council  
Via Email: [PlanningPolicy@walsall.gov.uk](mailto:PlanningPolicy@walsall.gov.uk)

██████████  
Asset Manager  
Network Delivery and Development  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN  
[www.highways.gov.uk](http://www.highways.gov.uk)

12 April 2015

Dear Sir / Madam,

**RE: PLANNING 2026: Main Modifications for Walsall Site Allocation Document (SAD), Town Centre Area Action Plan (AAP) and Community Infrastructure Levy Charging Schedule (CIL)**

Thank you for forwarding me details of the consultation dated 7 March 2016 on the above referenced Walsall Planning 2026 documents, which comprise the Site Allocation Document (SAD), Town Centre Area Action Plan (AAP) and Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule.

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provision of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN near to Walsall comprises the M6 Motorway and the A5 Trunk Road.

The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England welcomes the opportunity to provide the following comments on the Walsall ‘Planning 2026’ documents.

Where applicable, agreements made in response to comments on the draft consultation documents at a meeting between representatives of Walsall Council and Highways England meeting on 14 January 2016, have been incorporated in to the Main Modifications.

We continue to support an improvement scheme at M6 Junction 10 but recognise the current funding gap, which is considered within the CIL Charging Schedule. We believe this scheme is imperative in facilitating the future delivery of development within Walsall. Whilst we understand an improvement scheme at Junction 9 is currently an aspiration, and understand why it is not included within these documents, we believe that it may be required to facilitate future development which may, or may not, include the overspill of housing from Birmingham.

We welcome that the SAD recognises an aspiration to maintain a 25 metre buffer between development and the SRN to allow for future maintenance and any potential improvements. We also welcome that the SAD sets out the requirement for development to adhere to DfT Circular 02/2013 and the Design Manual for Roads and Bridges (DMRB) guidance and standards, where applicable.

If you have any questions regarding our response please do not hesitate to contact me.

Yours sincerely,

[Redacted signature]

[Redacted name]

NDD Midlands

[Redacted contact information]

CC

[Redacted email address]

[Redacted email address]

[Redacted email address]

## Community Infrastructure Levy Draft Charging Schedule Response Form

If you do wish to make comments on the Draft CIL Charging Schedule please complete the sections below. Comments should cover succinctly all the information, evidence and supporting information necessary to support or justify the comment and the suggested change.

All comments must be submitted in writing **by 5pm Tuesday 3<sup>rd</sup> May 2016** either by post to:

Planning Policy, Environment and Economy, 2<sup>nd</sup> Floor Civic Centre, Darwall Street, Walsall, WS1 1DG, or by email to: [PlanningPolicy@Walsall.gov.uk](mailto:PlanningPolicy@Walsall.gov.uk).

Please note that late representations will not be accepted. The CIL regulations require that any representations must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential. They will be attributed to source and made available as public documents.

<b>Your Details</b>	
Name	██████████
Organisation (where relevant)	Woodland Trust
Job Title (where relevant)	Lead Government Affairs Officer - Local
Address (inc post code)	Kempton Way, Grantham NG31 6LL
Telephone Number	██████████
Email Address	██
<b><i>Do you wish to be notified of any of the following? (please tick any that apply)</i></b>	
	✓ or ✗
That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008	Yes
The publication of the recommendations of the examiner and the reasons for those recommendations	Yes
The approval of the Charging Schedule by Walsall Council	Yes
<b><i>Do you wish to be heard before the examiner?</i></b>	
I would like to request to be heard before the examiner at the CIL Examination	No

**Q1. Do you have any comments to make on Walsall's Draft CIL Charging Schedule and supporting information? Please provide evidence to support your comments.**

<b>Draft Regulation 123 List</b>
<p>Although we are pleased to see a 'Borough wide replacement tree programme' in the 'Urban Open Space/Recreation' section, we would like to see the Regulation 123 List include specific provision to plant more trees and increase tree cover as part of developer obligation delivery of natural green space and green infrastructure, rather than simply replacement.</p> <p>The CIL regulations cite the definition of infrastructure in the <b>Planning Act 2008</b>, section 216, specifying that 'open spaces' and 'flood defences' are eligible items for CIL.</p> <p>The <b>National Policy Planning Framework</b> clearly states: '<i>Local planning authorities should:.....set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and</i></p>

**Thank you for completing the questionnaire.**

There may also be opportunities to use trees and woodland as a delivery tool added for the 'Flood Risk Management' section – see **Appendix A – Trees for Flood Risk Management** below for further information.

As examples of how other local authorities have dealt with the inclusion of green infrastructure and woodland in developer obligation policy, the **Bristol City Council Adopted Core Strategy June 2011** states -

Policy BCS9

*Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.*

Policy BCS11

*Development and infrastructure provision will be coordinated to ensure that growth in the city is supported by the provision of infrastructure, services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy.*

*Development will provide, or contribute towards the provision of:*

*n Measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of planning obligations;*

*n Infrastructure, facilities and services required to support growth, which will be secured through a Community Infrastructure Levy (CIL) for Bristol.*

*Planning obligations may be sought from any development, irrespective of size, that has an impact requiring mitigation. Contributions through CIL will be required in accordance with the appropriate regulations.*

**Chichester District Council – Community Infrastructure Levy : Charging Schedule – adopted Feb 2016** sets out -

**Regulation 123 List**

**Green Infrastructure**

Green Infrastructure (including landscaping, planting and woodland creation and improvements and upgrades and additions to the Public Rights of Way Network) other than site-specific requirements

**North Somerset Council – Development Contributions SPD – July 2015 consultation draft states -**

Woodland Areas -

- dominated by trees.
- Providing space for recreational activities.
- Contributing to landscape quality.
- Acting as an area for wildlife conservation.

**West Oxfordshire District Council  
Community Infrastructure Levy (CIL)  
Statement of modifications (Aug 2015)**

Amend text to include reference to 'Trees and Woodland' under the heading 'Green Infrastructure'.

## Shropshire Council: Site Allocations and Management of Development (SAMDev) Plan - Adoption Dec 2015

### MD2 Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including.

i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets

iv. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.

### Lichfield District Council: draft Developers Contribution SPD Jan 2016

#### Appendix C - Draft Regulation 123 List

Improvements to the public realm and local environment. This includes access to green space and improvements to landscapes and habitats including the following:.....

- Local Nature Reserves
- Woodland and hedgerow projects

**We would therefore like to see an amendment to the Draft Regulation 123 List in the Urban Open Space/Recreation section to read – “Borough wide replacement tree AND WOODLAND CREATION programme”. The funding gap sum should be increased to £50,000.**

**We would also like to see a row added into the Flood Management section to read – “Natural Flood Risk Management Measures including tree planting” with a £20,000 funding gap sum proposed.**

### **Appendix A – Trees for Flood Risk Management**

The Woodland Trust believes that trees and woodlands can deliver a major contribution to resolving a range of water management issues, particularly those resulting from climate change like flooding and the water quality implications caused by extreme weather events. They offer opportunities to make positive water use change whilst also contributing to other objectives, such as biodiversity, timber & green infrastructure - see the Woodland Trust publication **Woodland actions for biodiversity and their role in water management** (pdf) -

<https://www.woodlandtrust.org.uk/mediafile/100263208/rr-wt-71014-woodland-actions-for-biodiversity-and-their-role-in-water-management.pdf?cb=001108c3a78944299140a996b2cd7ee8>.

In addition, a joint Environment Agency/Forestry Commission publication **Woodland for Water: Woodland measures for meeting Water Framework objectives** states clearly that: ‘There is strong evidence to support woodland creation in appropriate locations to achieve water management and water quality objectives’ (Environment Agency, July 2011- <http://www.forestry.gov.uk/fr/woodlandforwater>).

The Government's **Independent Panel on Forestry** (Defra, Final Report, July 2012) has emphasised these benefits by stating that:

*'One of the many benefits of woods and trees is their ability to help us respond to a changing climate, better enabling us to adapt to future temperature increases. We know that trees, in the right places, help us to adapt to climate change by reducing surface water flooding; reducing ambient temperature through direct shade and evapo-transpiration; and by reducing building heating and air-conditioning demands. A landscape with more trees will also help increase the resilience of our rural areas, by reducing soil erosion and soil moisture loss. Improving the condition of existing woodlands, and the creation of a more resilient ecological network of associated habitats, will help wildlife adapt to climate change and other pressures'*. This has been endorsed by the response in the **Government Forestry Policy Statement** (Defra Jan 2013) with the key objective (p.23) *'Work with other organisations and initiatives to support the further development of markets in forest carbon and other ecosystem services such as water and biodiversity'*, together with a Cumbria case study (p.22 - SCaMP) on water benefits from woodland creation.

Woodland can help adaptation strategies cope with the high profile threats to water quality and volume resulting from climate change. The Forestry Commission's publication, **The Case for Trees in development and the urban environment** (Forestry Commission, July 2010), explains how: 'the capacity of trees to attenuate water flow reduces the impact of heavy rain and floods and can improve the effectiveness of Sustainable Urban Drainage Systems'.

Trees can reduce the likelihood of surface water flooding in urban situations, when rain water overwhelms the local drainage system, by regulating the rate at which rainfall reaches the ground and contributes to run off. Slowing the flow increases the possibility of infiltration and the ability of engineered drains to take away any excess water. This is particularly the case with large crowned trees. Research by the University of Manchester has shown that increasing tree cover in urban areas by 10 % reduces surface water run-off by almost 6%. (Using green infrastructure to alleviate flood risk, Sustainable Cities - [www.sustainablecities.org.uk/water/surface-water/using-gi/](http://www.sustainablecities.org.uk/water/surface-water/using-gi/)).

The Woodland Trust has produced a policy paper illustrating the benefits of trees for urban flooding – **Trees in Our Towns – the role of trees and woods in managing urban water quality and quantity** (<https://www.woodlandtrust.org.uk/mediafile/100083915/Trees-in-our-towns.pdf>).

In rural areas too, integrating trees into farming systems can improve water quality and help mitigate flooding, while also supporting production, as set out in the Woodland Trust's paper **Planting Trees to Protect Water – The role of trees and woods on farms in managing water quality and quantity** - <https://www.woodlandtrust.org.uk/publications/2012/08/planting-trees-to-protect-water/>.

A good illustration of the role of trees delivering water outcomes in rural situations is the **Pontbren Project**, a farmer led approach to sustainable land management in the uplands which discovered that tree planting had unexpected benefits in reducing water run-off from improved grassland – see report <https://www.woodlandtrust.org.uk/publications/2013/02/the-pontbren-project/>. The **Government Forestry Policy Statement** (Defra Jan 2013, p.22) provides a good example of United Utilities planting 700 hectares of woodland in Cumbria to benefit water quality in their SCaMP project.

The Woodland Trust has carried out a number of partnership riparian planting projects across the country, particularly along the Rivers Frome & Piddle in Dorset. Examples of using trees for flood mitigation can be found in our WoodWise publication - <https://www.woodlandtrust.org.uk/mediafile/100091022/9-Wood-Wise-Winter-2013.pdf>.

The Government's new agri-environment Countryside Stewardship scheme specifically targets woodland creation towards water benefits and it is therefore likely that this will represent a new funding resource for flood mitigation. The National Flood Forum too (<http://www.nationalfloodforum.org.uk/about-us/>) is supporting community action for flooding that can link in to community tree planting schemes.

Good examples of local plan policy on woodland and flooding are –

#### **Herefordshire Local Plan Core Strategy 2011-31; adopted October 2015**

*"5.3.54 Land management practices can also play a vital role in managing flood risk and water quality at a local level; for example, the creation and restoration of wetlands and woodlands can reduce the level of flooding, and in some cases remove the risk of local flooding altogether. These practices also improve water quality in addition to*



*producing wider environmental benefits, including encouraging an increase in wildlife species and habitats and reducing carbon”.*

**Stroud District Local Plan - Adopted November 2015 Delivery Policy ES4 - Water resources, quality and flood risk**

*“New development in areas with known ground and surface water flooding issues will seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate.*

*Development will:*

*5. Use the natural environment including woods and trees to deliver sustainable water issue solutions”.*

For further information please contact:

**[REDACTED]**  
**Lead Government Affairs Officer - Local**  
**Woodland Trust**  
**Jayrise**  
**Butcombe**  
**Bristol BS40 7UT**  
**Tel/Fax: [REDACTED]**

**[REDACTED]**

## Community Infrastructure Levy Draft Charging Schedule Response Form

If you do wish to make comments on the Draft CIL Charging Schedule please complete the sections below. Comments should cover succinctly all the information, evidence and supporting information necessary to support or justify the comment and the suggested change.

All comments must be submitted in writing **by 5pm Tuesday 3<sup>rd</sup> May 2016** either by post to:

Planning Policy, Environment and Economy, 2<sup>nd</sup> Floor Civic Centre, Darwall Street, Walsall, WS1 1DG, or by email to: [PlanningPolicy@Walsall.gov.uk](mailto:PlanningPolicy@Walsall.gov.uk).

Please note that late representations will not be accepted. The CIL regulations require that any representations must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential. They will be attributed to source and made available as public documents.

<b>Your Details</b>	
Name	██████████
Organisation (where relevant)	Canal & River Trust
Job Title (where relevant)	Area Planner (West Midlands)
Address (inc post code)	Peel's Wharf, Lichfield Street, Fazeley, Tamworth B78 3QZ
Telephone Number	██████████
Email Address	██
<b>Do you wish to be notified of any of the following? (please tick any that apply)</b>	
	✓ or ✗
That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008	✓
The publication of the recommendations of the examiner and the reasons for those recommendations	✓
The approval of the Charging Schedule by Walsall Council	✓
<b>Do you wish to be heard before the examiner?</b>	
I would like to request to be heard before the examiner at the CIL Examination	✗

**Q1. Do you have any comments to make on Walsall's Draft CIL Charging Schedule and supporting information? Please provide evidence to support your comments.**

The Trust has previously identified strategic canal improvement / maintenance projects and these have been included within the 123 list. The Trust therefore has no further comments to make.

**Thank you for completing the questionnaire.**

# Late Responses

**Walsall Council as a Duty-to-Cooperate body is required to take into account the representations made by other Duty-to-Cooperate bodies within and outside of the formal consultation period. Consequently the following representations have been included within the schedule of representations despite having been received after the closing date of the consultation.**

Date: 05 May 2016  
Our ref: 180807 SM 050516 CIL  
Your ref: [Click here to enter text.](#)



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

████████████████████  
**BY EMAIL ONLY**

Dear ██████

**Planning consultation: Walsall Council Preliminary Charging Schedule – Community Infrastructure Levy (CIL) – Publication Draft – and Regulation 123 List (2016)**

Thank you for your consultation on the above.

You will recall Natural England (NE) responded to the Draft CIL last October. We have no other specific comments to make in respect of these documents.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Yours sincerely

████████████████████  
Lead Adviser – North Mercia