

Late Responses and Duty to Co-operate Correspondence relating to the Pre-Submission Modifications Stage Consultation received from the Environment Agency (UR2658)

To meet statutory requirements, the council has been carrying out consultations in several stages. Each of these is for a set period. We have to set deadlines so as to be able to have the chance to consider the representations received and to move on to the next stage. Maintaining such deadlines should give people a fair chance to comment.

However, the Localism Act 2011 introduced a requirement – ‘The Duty to Co-operate’ – for local planning authorities and certain other public bodies “to engage constructively, actively and on an ongoing basis” in respect of plan-making, as well as a requirement for local planning authorities to have regard to the views of certain other bodies. See Section 110 of the Act: www.legislation.gov.uk/ukpga/2011/20/section/110. Details of the bodies to which the duty applies are set out in Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended: www.legislation.gov.uk/uksi/2012/767/regulation/4/made and www.legislation.gov.uk/uksi/2012/2613/regulation/2/made.

This means that Walsall Council continues to be in discussion and correspondence with ‘Duty to Co-operate bodies’ as necessary. Where correspondence received sets out a body’s position in respect of policy / allocation, or where it is directly relevant to the council’s response to representations then – with the agreement of the body concerned - the council will publish such correspondence here. This correspondence must be read in conjunction with other published correspondence and representations received from each respective Duty to Co-operate body.

Correspondence	Received	Page
Representation on the SAD	05/01/2017	2
Representation on the AAP	06/01/2017	5
Further correspondence on the AAP	17/02/2017	7
Representation on the CIL Reg123 List	06/01/2017	9

Walsall Metropolitan Borough Council
Regeneration Strategy
The Civic Centre
Darwall Street
Walsall
West Midlands
WS1 1DG

Our ref: UT/2006/000279/SL-
04/EW1-L01
Your ref: SAD Main Mods
Date: 5 January 2017

Dear Sir,

Walsall Site Allocations Document

Pre-Submission Modifications Plan

Thank you for consulting us on this document.

Overall, the Local Authority have worked closely with the Environment Agency to incorporate the vast majority of changes and further information suggested both in our response to the Publication Draft, and under the duty to co-operate since October 2015.

Site Allocations

As a general point, we are unsure why the abbreviation F2/3 has been used to indicate Flood Zones 2 and 3. We recommend the universally recognized abbreviation 'FZ' is used when referring to flood zones for clarity.

Policy HC1: Land allocated for New Housing Development

In relation to HO11 and HO16 we agree with the approach taken but would recommend 'flood relief' is inserted before culvert, just to avoid any potential uncertainty on the matter.

With regard to HO305 at Cricket Close, we support the site boundary amendment to exclude the areas of floodplain.

Policy EN1: Natural Environment Protection, Management and Enhancement

We would suggest that reference is still made to the parts of Policy ENV5, specifically in the Black Country Core Strategy, that are relevant in achieving the objectives of this policy within the supporting text, as not all of it is. These are points b) that suggest opening up culverts where feasible, c) reinstating natural channels and restoring the functional floodplain, (helping with wetland/habitat creation for example), and e) creating

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new green space.

Policy EN3: Flood Risk

There has been a significant amount of work and changes to this policy and supporting information in the intervening period between our previous formal consultation response and this draft. The policy and supporting text is generally an accurate representation and summary of the existing, and at times complex, picture of flood modelling and mapping within Walsall. The policy wording is suitable, however, we wish to make a couple of points on the supporting text.

On P123, it is stated 'it might be necessary to consider preventing development within a distance of the watercourse'. This seems too vague. We accept that the distance may vary depending on the depth and size of the culvert, therefore, we suggest that a recommendation for a site specific assessment to be undertaken where a culvert is in within the site boundary. This will establish any necessary easements and should be supplemented into the text.

On P124, it could be made a little clearer in terms of what is agreed between the two parties on the matter of the modelling data. We agree that the JBA model commissioned by the Local Authority is the most accurate information where the Environment Agency has not produced a detailed model or where there is no modelling at all; ie the majority of 'ordinary' or 'non main' watercourses. However, the JBA modelling does include amendments on the River Tame/Waddems and Bentley Flood Relief Culvert model. We would not agree that this is more accurate information than ours, but in the meantime, the 'defended' status is acceptable until a more accurate map is produced.

It should be noted that further detailed modelling is planned between the Environment Agency and Lead Local Food Authority for the River Tame and Waddems and Bentley Flood Relief Culvert in order to establish an accurate representation of the extent of flooding and the mechanisms involved in this particularly challenging area.

Policy EN4: Canals

Regarding point b) of the policy, The Lichfield Canal Water Supply Study undertaken by ESI on behalf of Lichfield and Hatherton Canals Trust, has recently been reviewed by our water resources specialist. The study is inconclusive in terms of whether water can be made available for the canal, with particular issues identified further towards the Lichfield end. Some sources have been ruled out, and further work in respect of other sources (ie the Coal Authority and Canals and Rivers Trust) have been recommended. We are therefore of the opinion that the policy wording reflects a good balance between the potential opportunities and the present difficulties.

Policy W3: New Waste Management Development- Waste Treatment and Transfer

Thank you for the inclusion of our recommended paragraph on Fire Hazards in relation to management plans to minimize the risk of fire, this is an important aspect of tackling the increasing problem of waste fires.

Regarding the allocations of sites, we welcome and support the removal of the Former Mckechnies site on Aldridge Road due to the unsuitability of the location for the proposed use.

Please contact me on the details supplied below if you have any further questions.

Yours faithfully

[Redacted]

Planning Specialist

[Redacted]

[Redacted]

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Our ref: UT/2006/000279/AP-
05/SB1-L01
Your ref: 1261
Date: 06 January 2017

Dear Sir,

**Walsall Town Centre Area Action Plan Pre-Submission Modifications
Consultation**

Thank you for consulting us on the above document.

The Environment Agency are satisfied with the changes made to AAPLE4 Walsall Canal and Policy AAPLV8 Environmental Infrastructure, and the accompanying supporting text.

In relation to the supporting text of Policy AAPINV7 a) Potential Site Constraints-Flood Risk, we do not agree with the paragraph 'Overall as the chance of a blockage or capacity being exceeded is extremely low an early warning system is considered the best solution to managing flood risk in the centre.' The overall chance of blockage may be low, but as part of the town centre is in Flood Zone 2, the risk of the capacity being exceeded cannot be low. If this was the case, an early warning system would not need to be needed. At present, the Environment Agency is looking to install a system and fund it ourselves this year. Therefore, the early warning system can also be deleted from the CIL123 list.

Yours faithfully


Planning Specialist


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From: [REDACTED]
Sent: 17 February 2017 10:33
To: [REDACTED]
Subject: RE: Town Centre AAP Publication Draft

Thanks for sending this through [REDACTED],

Having reviewed your response I propose the following amendments to the Policy Justification for INV7 which I would welcome your feedback on: (new text red, deleted text crossed out)

Overall ~~as~~ the chance of a blockage **is low but there is some possibility of the** ~~er-~~capacity being exceeded, ~~is extremely low-~~an early warning system is **therefore** considered the best solution to managing flood risk in the centre.

I should say now that as a result of the Housing White Paper we are looking to suspend work on CIL to await the Governments proposed changes in the Autumn statement. We will however be publishing a summary of the CIL representations and I will ensure your response about removing the Early Warning System from the 123 list is included.

Finally as part of the evidence supporting the AAP we have a 'Infrastructure and Delivery' document that sets out how the Council will deliver the proposals in the plans. Unless you object I will use this consultation response to update this document to say that the Environment Agency has said it will be installing an Early Warning System and that this is likely to be in 2017/2018.

Many Thanks for your help

[REDACTED]

[REDACTED]
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[REDACTED]

[REDACTED]

Website: www.walsall.gov.uk

From: [REDACTED]
Sent: 17 February 2017 14:23
To: [REDACTED]
Subject: RE: Town Centre AAP Publication Draft

[REDACTED]

Yes that is fine, and with reference to your subsequent email, i'd say your summary amounts to a similar classification as medium to low and therefore I'm happy if you don't amend that part.

I have no objections to your approach in relation to the Infrastructure and Delivery Plan.

Regards,

[REDACTED]

[REDACTED]
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Our ref: UT/2006/000279/OR-
01/PO2-L01
Your ref: CIL123 Main Mods
Date: 06 January 2017

Dear Sir,

Draft Regulation 123 List Community Infrastructure Levy (CIL)

Pre-Submission Modifications Consultation Stage

Thank you for consulting us on this document.

The proposals for the Ford Brook Early Warning System under the heading 'Flood Management' is no longer needed, as the Environment Agency is undertaking the development of this scheme at the present time.

We have no further comments to make on this document.

Yours faithfully


Planning Specialist