

[REDACTED]

From: [REDACTED]
Sent: 12 June 2017 17:19
To: [REDACTED]
Subject: RE: Walsall SAD - HE concerns

Dear [REDACTED]

Thank you for your email. I can confirm that the correspondence can be used for publication on the website as part of the SAD process.

However, I would like to clarify that the reason for suggesting the inclusion of enabling development text as part of Policy EN5, or a wholly new policy, is on the basis that we are aware that the Council feels strongly that something should be included in the SAD rather than Historic England considering it needs to be included in the SAD. Our suggestion is an attempt to satisfy the intentions of the Council and ourselves at this time.

I can confirm that our concerns remain with the enabling development text, in relation to the heritage assets, being included within a site allocation policy for Great Barr Hall as previously set out.

We look forward to receiving further information on the plan submission and continuing discussions ahead of the EIP.

Kind regards, [REDACTED]

From: [REDACTED]
Sent: 08 June 2017 12:54
To: [REDACTED]
Subject: RE: Walsall SAD - HE concerns

Dear [REDACTED]

Thank you for your email.

I will have to think very carefully about this –with colleagues. However, time will be limited as we have now submitted the SAD to the Secretary of State.

Your references to Policy EN5 are a bit of a surprise coming at this stage, although I recognise you're being helpful and the issues you raise might well apply beyond Great Barr Hall and Estate.

As far as Great Barr and Estate is concerned, I think your reference to it as an example in EN5 shows that you recognise the issue, so I wonder why we should be too worried about what might be described as semantics in referring to enabling development as part of an allocation.

As we have discussed, we are in a situation where there are irreconcilable issues.

- The hall is listed and the park is registered (and recorded as being at risk), the lakes need maintenance (including to prevent flood risks) and the area has value in terms of ecology.
- The restoration and continuing maintenance of the hall and the parkland (incl. the lakes) will need an input of money and then a continuing income stream. The site is in private ownership (having been split so the area at issue contains what would be seen only as liabilities in financial terms), there is no public money is available and the heritage assets and the landscape have been in decline over many years.
- The site is in Green Belt, and some local residents (and at least one local MP) are taking the view that this should take precedence over all other issues. It should be noted, however, that future development plan reviews will have to confront the likely limits on the ability to accommodate future growth within the

existing urban areas of the WM conurbation and a Green Belt Review might have to be contemplated at some stage.

It is possible to identify the extreme potential outcomes.

1. On one hand, it is unlikely (given the historic parkland setting and ecology issues, as well as Green Belt) that *carte blanche* for development would ever be justifiable. Even so, it will need to be recognised that private owners (either now or in the future), will generally tend to press for development to maximise their returns. Such development would need to be strictly controlled so that benefits (perhaps in terms of homes or jobs as well as restoration and maintenance) would not have unacceptable impacts in terms of Green Belt, the condition and setting of the heritage assets, ecology and/or other issues (such as traffic).
2. On the other hand, the expressed views of local residents (etc.) would seem to extend to the demolition or the ignoring of heritage assets to protect the Green Belt. However, that would leave the area without a use and without any income to ensure its management and maintenance. The residents seem to want some sort of public park but the site does not have rights of public access and there is no money for a public amenity.

It is the view of officers that the avoidance of the extremes requires a policy framework. Bearing in mind the limited size of the hall as well as its condition, this will need to recognise that some development will be needed to provide the necessary resources and that development in the footprint of the existing hall might not be sufficient. Unless off-site development could be achieved that would mean a need for enabling development.

In the circumstances officers consider it is important to be clear to the interested parties that enabling development does have to be contemplated. To do otherwise would seem likely to be seen by them as an acceptance that enabling development would not be appropriate, even though it would remain a possibility under national policy. In addition, explicit recognition of the issue enables the policy to set out what may and may not be supportable and identifies how the 'irreconcilables' might be balanced.

I will discuss further with colleagues and get back to you if we have any more to add. We will be happy to continue discussion, but the matter might have to be considered at an Examination hearing session.

As I advised above, the Council has now submitted the SAD (and the AAP) to the Planning Inspectorate. You will receive a formal notification shortly. As part of our submission we have to provide a log of our discussions under the Duty to Cooperate and I have referred to this correspondence in that log. Given the Duty, can I take it that you would have no objection to the publication of this correspondence on the Council's website? I will be grateful if you can let me know.

Regards,

[Redacted]
Planning Policy Manager
Regeneration and Development
Economy & Environment Directorate
Walsall Council
Civic Centre, Darwall Street, Walsall WS1 1DG

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From: [Redacted]
Sent: 19 May 2017 20:39
To: [Redacted]
Cc: [Redacted]
[Redacted]
Subject: Walsall SAD - HE concerns

Dear [REDACTED]

Further to our emails earlier this week, a potential way to address the issues of concern to HE would be as follows:

Policy EN5: Historic Environment

A) Conservation Areas (keep text as proposed in latest mods)

Then introduce an additional section

B) Enabling Development

Proposals for Enabling Development necessary to ensure the future of a heritage asset which would be otherwise contrary to the policies of the Development Plan or contrary to national policy will be carefully assessed against the policy statement and guidance provided by Historic England, or any superseding advice. (Optional addition would relate to local criteria such as...) In addition, to the criteria embodied in the national statement, in considering the extent to which the benefit of an Enabling Development proposals outweighs a departure from the Development Plan or national policy, the following local criteria will also be used to inform the decision making process:

(Examples could be as follows)

The Enabling Development proposed can be accommodated without material harm to the character of Great Barr Registered Park and Garden, and landscapes identified as being of local value (include any other particular spaces etc);

Enabling Development proposed at or within villages is well related to the village form, character and landscape setting;

That Enabling Development proposals are:

- ***Based upon an up-to-date conservation management plan for the assets in their ownership, and a heritage impact assessment where the asset impacts on other heritage assets or setting, aligned with an up to date business plan; and,***
- ***Prioritised to address the needs of those assets identified as being at greatest risk unless it can be demonstrated and agreed that the Enabling Development proposals secures the future of a significant asset in conjunction with income generating development that would in turn support a reduction in conservation deficit;***

Affordable housing contributions will be negotiated as part of residential Enabling Development schemes on sites which would trigger the application of Policy XXX. Consideration will be given to varying the form of contributions sought though Policy XXX so as not to prejudice the heritage benefits of the Enabling Development proposal and will be informed by an up to date viability report which has been tested by an independent valuer at the cost of the developer/applicant or their representative.

Justification text could set out, in addition to the Conservation Area issue, that the BCJCS does not address enabling development and it is, therefore, considered prudent to include it as part of a Historic Environment policy in relation to Walsall MBC site allocations to provide for potential investment to the area. Heritage at Risk could be highlighted to emphasise this aspect and Great Barr could be mentioned along with other sites at risk. The requirements of a heritage impact assessment could also be set out here and we could develop suitable wording for this if considered appropriate to the text of the SAD.

If the Council was agreeable to this approach, it would mean that the enabling development text could be removed from Policy EN7 which is the issue HE has issue with – the dichotomy of allocating a site on the basis of Enabling Development undermines the allocation and the principles of Enabling Development in a

heritage sense as previously advised and discussed. The remaining revised text would retain the thrust of the policy for the site and what would be expected of a developer. If a developer then put forward that Enabling Development in a heritage sense was the way forward they would have to meet the requirements of Policy EN5 too. Having the separation of this from the main EN7 policy may assist with the EA issues too since they could be built in to any business plan/viability report too.

[REDACTED]
[REDACTED] If you would like to meet to discuss things further or discuss by phone just let me know. I realise that this will involve additional work in relation to additional/rearranging text within the different sections but it would address our objection and I would be happy to go through things with [REDACTED] and yourself to iron anything out with a view to putting any revised text forward within a Statement of Common Ground ahead of the EIP.

Kind regards, [REDACTED]

[REDACTED]
Historic Environment Planning Adviser (East Midlands and West Midlands)

Historic England
[REDACTED]

[REDACTED]

[REDACTED]

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