



Walsall Council

**Walsall Site Allocation Document
Publication Draft Plan
Schedule of Representations**

**Publication Stage Consultation
7th March – 3rd May 2016**

Formal Representations: Part 1

UR 115 – UR 2121

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Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Site Allocations Document - Policy HC1
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Not justified, inconsistent with National Policy
Comments (continue on a separate sheet if necessary)
<p>In our previous representations to the 'Preferred Options' document, we considered that an approach reliant on the remaining housing requirement derived from the Black Country Core Strategy and a series of site allocations was flawed. We remain of this view.</p> <p>The BCCS cannot be used to provide the full objectively assessed needs (OAN) for market and affordable housing in the housing market area as required by the NPPF and consistent with the approach outlined in the PPG. As the SAD relies on a housing requirement derived from this, it cannot be regarded as sound.</p> <p>We note that Policy HC1 now provides information on the planning status of each of the sites identified. However, it is still unclear if these sites are "deliverable" in the terms expressed by the NPPF. As such, it is not possible to conclude that there are sufficient sites allocated to meet the need (whatever it might be).</p> <p>The SAD remains silent on the need for the redistribution of Birmingham's surplus housing requirement. The recently published Inspector's Report to the Birmingham Development Plan (BDP) states that 37,900 homes cannot be accommodated within Birmingham City Council's boundaries. It relies on a collaborative approach and the Duty to Cooperate amongst LPA's in the Greater Birmingham HMA if this need is to be met, and hence engagement with the issue in Local Plans in authorities such as Walsall which follow the adoption of the BDP. We note that other sub-regional authorities, such as North Warwickshire, are beginning to grapple with this point. It is unacceptable that the SAD is silent on it.</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Site Allocations Document – Policy HC1
Suggested Modifications (continue on a separate sheet if necessary)
<p>As suggested in our previous representations to the 'Preferred Options', the Council should undertake an up to date assessment of need. They should reconcile this against deliverable supply. The outcome of this should be reflected in the SAD. The position with Birmingham should be explicitly acknowledged and a mechanism put in place to explain how it will be dealt with. This might include identifying further sites, and reviewing Green Belt boundaries. It should include a re-examination of previously rejected sites, including that proposed by St Modwen at Lichfield Road / York's Bridge, Pelsall.</p>

From: [REDACTED]
Sent: 03 May 2016 10:37
To: planningpolicy
Cc: [REDACTED]
Subject: Walsall Site Allocation Document Representations

Dear Sir or Madam,

I am the agent for the Potter's Clay and Coal Company Ltd., and wish to make representations on their behalf.

The Potter's Clay and Coal Company Ltd does not object in principle to the Publication Draft Plan. However, the Council is referred to the Black Country Core Strategy Public Inquiry at which the exceptionally high quality of Brownhills fireclays for ceramics, particularly studio pottery and hobby craft, was demonstrated. Whilst not repeating the evidence here, it is considered sufficient to note three critical points:

- 1 - The same seams worked at Birch Coppice also occur at Brownhills Common and York's Bridge.
- 2 - The Company recognises the environmental and nature conservation value of Brownhills Common and is therefore willing to exchange the existing permission for Brownhills Common (MP5) for an alternative area at York's Bridge.
- 3 - The fireclays extracted from the former Birch Coppice site are still being supplied to a very large number of clients both in the UK and world-wide from the Company's Swan Works, which is adjacent to the site.

The current rate of usage from the Birch Coppice stockpiles is confirmed to be in the region of 2,000te per annum, but this is in the context of a global market for the company which has seen an increase in sales in recent years. Therefore the existing stockpiles are expected to last for approximately 15 years, depending on sales demand.

It is accepted that a partner will be required to bring forward a new extraction site, and that this is likely to be a coal operator or brick manufacturer. Given the decline in the price of coal coupled with the forthcoming closure of many coal fired power stations, along with the economic recession which has resulted in the closure of many brickworks since 2008, it has proved impossible to find a partner during the current Plan period. For this reason the Company would prefer York's Bridge to remain designated as an Area of Search for fireclay. I can confirm that the geological evidence indicates that the eastern half of the site is likely to be more economically viable as the fireclays are closer to surface, thereby reducing the amount of overburden to be removed. A designated Area of Search in the eastern part of York's Bridge would also reduce the potential effects on environmentally designated sites associated with the canal. However, the 'enabling' inclusion in Policy M9 is welcomed.

I therefore wish to make it clear that my client still intends to work fireclays in Brownhills at some point in the future, and that whilst this may not be within the Plan period it may be that preparations for an application could start prior to 2026.

Best regards,

[REDACTED]
Director, Resource UK
International Clay Technology Association (ICTa) North Staffordshire Branch Past Chairman

[REDACTED]

WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

Document and reference(s) page / Policy HC1 – Housing Allocations policy / paragraph

Housing Allocation Reference H0181

Do you support or object to the plan? Support

Tests of soundness relevant to objections Justified, Effective, Consistent with National Policy

This representation is made on behalf of Dalriada Trustees. Dalriada Trustees are acting on behalf of the Trustees of Caparo 1998 Pension Scheme.

My client fully supports the housing allocation at 'Land at the Former Caparo Works, Walsall' (Housing Allocation Reference H0181).

My client's site is deliverable and could be developed in its entirety or brought forward in phases. The extent of my client's ownership is shown on the location plan included in appendix 1.

The proposed allocation is currently the subject of a planning application for up to 310 dwellings. This application was approved on 5th January 2012 subject to planning conditions and the signing of a Section 106 agreement. The application sought outline permission for up to 310 dwellings with all matters reserved for subsequent approval apart from access (11/14111/OL).

Positive discussions have been held with the Local Planning Authority about bringing this site forward for development and work is currently underway to update the supporting planning documents. There has been significant market interest in this site.

We would be pleased to attend the examination in support of the allocation.

SUGGESTED MODIFICATIONS

None

Document and reference(s) page / policy / paragraph / **Policy HC3 – Affordable Housing and Housing for People with Special Needs**

Do you support or object to the plan? **Support**
Tests of soundness relevant to objections **Justified, Effective, Consistent with National Policy**

This representation is made on behalf of Dalriada Trustees. Dalriada Trustees are acting on behalf of the Trustees of Caparo 1998 Pension Scheme.

My client fully supports Policy HC3 because it provides flexibility on the proportion of affordable housing required dependent on the circumstances of individual sites and where it is financially viable. This is considered to be the correct approach and will ensure that sites are not made financially unviable by having to provide affordable housing.

SUGGESTED MODIFICATIONS

None

WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

**Document and reference(s) page / Policy OS1 – Open Space, Recreation
policy / paragraph and Sports Facilities**

Do you support or object to the plan? Object

**Tests of soundness relevant to Justified, Effective, Consistent with
objections National Policy**

This representation is made on behalf of Dalriada Trustees. Dalriada Trustees are acting on behalf of the Trustees of Caparo 1998 Pension Scheme.

My client objects to the land immediately adjacent to the north west of the 'Land at Land at the Former Caparo Works, Walsall' (H0181) being designated as 'Open Space' under Policy OS1 – Open Space, Sport and Recreation. This land should be allocated for future development.

The site currently comprises of a former Municipal Golf Course. This use ceased over 10 years ago. There is an opportunity for this site to form part of larger allocation at H0181 and which can be brought forward on a phased basis. This would provide an opportunity to create a high quality residential development in a highly sustainable location.

As part of any future development there will be an opportunity for on-site open space to be provided and / or a financial contribution to be made to improve Reedswood Park. This will improve the quality of the existing open space provision within the area.

SUGGESTED MODIFICATIONS

Land to the north west of H0181 should not be designated under Policy OS1. This area should be allocated for future development under Policy HC1.

WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

Document and reference(s) page / Policy HC1 – Housing Allocations policy / paragraph

Housing Allocation Reference H0181

Do you support or object to the plan? Support

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SUGGESTED MODIFICATIONS

None

WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

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SUGGESTED MODIFICATIONS

Land to the north west of HO181 should not be designated under Policy OS1. This area should be allocated for future development under Policy HC1.

WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

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None

WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

Document and reference(s) page / Policy HC1 – Housing Allocations policy / paragraph

Housing Allocation Reference H0181

Do you support or object to the plan? Support

Tests of soundness relevant to objections Justified, Effective, Consistent with National Policy

This representation is made on behalf of Caparo Industries PLC (in administration) care of Price Waterhouse and Coopers (PWC).

My client fully supports the housing allocation at 'Land at the Former Caparo Works, Walsall' (Housing Allocation Reference H0181).

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Positive discussions have been held with the Local Planning Authority about bringing this site forward for development and work is currently underway to update the supporting planning documents. There has been significant market interest in this site.

David Matthew Hammond, Anthony Steven Barrell, Robert Jonathan Hunt and Ian David Green were appointed as Joint Administrators of Caparo Industries plc on 19 October 2015 to manage its affairs, business and property as its agents and without personal liability. David Matthew Hammond, Anthony Steven Barrell, Robert Jonathan Hunt and Ian David Green are licensed in the United Kingdom to act as insolvency practitioners by the Institute of Chartered Accountants in England and Wales.

The Joint Administrators are bound by the Insolvency Code of Ethics which can be found at: <https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics>

The Joint Administrators are Data Controllers of personal data as defined by the Data Protection Act 1998. PricewaterhouseCoopers LLP will act as Data Processor on their instructions. Personal data will be kept secure and processed only for matters relating to the Administration.

We would be pleased to attend the examination in support of the allocation.

SUGGESTED MODIFICATIONS

None

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WALSALL SITE ALLOCATION DOCUMENT PUBLICATION STAGE

Document and reference(s) page / policy / paragraph / **Policy HC3 – Affordable Housing and Housing for People with Special Needs**

Do you support or object to the plan? **Support**
Tests of soundness relevant to objections **Justified, Effective, Consistent with National Policy**

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Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
SAD Policy M1: Safeguarding of Mineral Resources
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Not Effective, not Justified, not in accordance with National Policy
Comments (continue on a separate sheet if necessary)
See separate sheets

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
SAD Policy M1: Safeguarding of Mineral Resources
Suggested Modifications (continue on a separate sheet if necessary)
See separate sheets

Walsall Site Allocation Document PO: Publication Version May 2016

Representations of the Mineral Products Association

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of The British Precast Concrete Federation (BPCF) and the British Association of Reinforcement (BAR), it has a growing membership of 480 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of GB cement production, 90% of aggregates production and 95% of asphalt and ready-mixed concrete production and 70% of precast concrete production. Each year the industry supplies £9 billion of materials and services to the £120 billion construction and other sectors. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

Given the NPPF's recognition of the economic and employment benefits of the extractive industries (paras 28 & 144) we should like to direct your attention to 'Making the Link', a document produced by the MPA to highlight the contribution that the sector makes to the economy. The document can be downloaded from the following website.

http://www.mineralproducts.org/documents/MPA_MTL_Document.pdf

SAD Policy M1: Safeguarding of Mineral Resources

The overall thrust of this policy and its explanation in the supporting text is defeatist in respect of mineral safeguarding and the effect is to play lip service to the concept enshrined in national policy and is moreover, unconvincing.

In particular, you have identified one amorphous MSA for all minerals which is not helpful to either the lpa or to developers in formulating plans and proposals. The more logical approach is to have separate MSAs for each mineral even if they overlap and that this is more consistent with national policy than the approach proposed.

NPPF para 143 bullet point 3 says that lpas should in making their plans define Minerals Safeguarding Areas (plural) and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be

worked; and define Minerals Consultation Areas (plural) based on these Minerals Safeguarding Areas (plural). A reasonable interpretation of this policy statement is that plural MSAs are envisaged.

Good practice guidance advises mpas to use the BGS datasets and maps based thereon for defining MSAs. Such datasets explicitly separate minerals into their separate types because the mineral type has distinctive implications for how safeguarding should be approached (e.g. extensive shallow sand and gravel should be treated differently to steeply dipping massive limestone deposits). This then forms the basis of detailed technical consultation in order to revise and refine the boundaries of areas to be safeguarded. If the whole of the plan area is to become one undifferentiated MSA and individual minerals are not specifically identified in the Plan then such consultation with the aggregates industry is pointless. Separate MSAs are necessary because the operational and technical and environmental effects of mineral working differ substantially between different mineral types. The guidance also specifically advises that the whole resource should be safeguarded. If the area of the sand and gravel deposit (for example) is not identified then this cannot be done. Furthermore, neither prospective developers nor development managers will be aware that there is any sand and gravel resource that needs protection because sand and gravel will not be shown on the Proposals and Policies Map or the Constraints Map, and the potential could easily be missed especially if another is the focus of study. Moreover, applicants cannot propose alternative locations for development that avoids mineral resource effects if the whole plan area is an MSA. Finally, the guidance gives advice on the methodology to follow (para 5.0.1) and on the two approaches to safeguarding in local plans (para 5.0.2). In each case the guidance assumes that multiple MSAs are involved; one for each mineral.

We also believe that your policy has been overly influenced by the principle of prior extraction and has not adequately considered proximal sterilisation. In other words, unless a mineral is considered feasible to prior extract, it is deemed unworthy of protection. We consider the default position for development proposed in an MSA (backed by national policy) is protection of the mineral, and justification for overturning national policy in respect of any individual development proposal is required based on evidence of the impact on mineral resources. If the Local Plan admits that such protection will not be forthcoming we cannot see how it can pass the test of soundness.

We also believe you have also erred in other respects; you have pre-judged the case for development in MSAs without evidence and have compromised (perhaps fatally) the ability to safeguard mineral in the Borough, you have proposed thresholds which national good

practice tells you to avoid, you assume that prior extraction can only take place in commercial quantities, you do not appear to have considered the potential for proximal sterilisation.

We consider that a mineral safeguarding regime in line with national policy and guidance would be as follows (and these are suggested as proposed changes),

- Identify MSAs based on individual minerals
- Add buffers to those boundaries identified and consult industry (including the trade associations) on revisions to the boundaries
- Consult other sources of information on past activity to exclude areas already worked for MSAs
- Make the default policy for development in MSAs, protection of the resource
- If the position adopted is that urban development has sterilised the resource, nevertheless include the edges of the urban areas because even small developments particularly on the edge of urban areas can sterilise adjacent mineral through proximal sterilisation as explained in the national guidance
- Remove the thresholds for mineral assessment and prior extraction which are not in accordance with good practice guidance, and which if continued may compromise the mineral resource
- Do not prejudge the merits of development over protecting the mineral resource without adequate evidence. We believe this is most certainly unsound and not based on evidence and in practice frustrates the intention of national policy.
- Do not make the assumption that prior extraction is unfeasible because no examples of proper extraction are available. This is because it has not been made a requirement in the past especially for aggregates.

It follows that we do not accept the conclusions of the Minerals Project exercise in respect of safeguarding.

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
SAD Publication Draft Plan Policies Map 2016, and Page 106, Para 7.6 Flood Risk
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Justified
Comments (continue on a separate sheet if necessary)
<p>Section 7.6 Flood Risk recognises that the Policies Map now provides a hybrid of the Environment Agency's national flood zones. Unlike previous versions of the SAD, the Policies Map now includes new areas of land that are identified as being within Flood Zones 2 and 3; these are additional to those identified by the Environment Agency in their Flood Map.</p> <p>The evidence base for identifying these additional areas of Flood Zones is unclear; the text suggests it as being "more detailed technical modelling of sections of Walsall's watercourses commissioned by the Council and produced in 2013." Section 7.6.2 "Evidence" identifies a document of this date titled: Preparatory Work for Walsall Local Flood Risk Management Strategy, JBA (2013) but this is not available for examination on the Local Plan Evidence web page – and as the title infers, it is preparatory work, not finalised. Likewise, an earlier document cited as "Walsall Council Preliminary Flood Risk Assessment (2011)" does not appear to provide any justification for, or evidence to justify, allocating additional land as Flood Zones 2 and 3 – again it is preliminary work, not finalised; and the more recent Black Country Local Flood Risk Management Strategy (2016) does not include evidence to justify allocating further areas of land within Flood Risk Zones 2 and 3.</p> <p>If the SAD is to include additional areas of land in Flood Zones 2 and 3, the evidence to justify their inclusion should be available and be robust. This is of particular relevance to our quarry void / landfill at Highfield South, which lies off the south side of the A461 between Shelfield and Walsall Wood. Here, the section of the of the quarry identified as Zone 3 has either been filled with waste or is in the process of being filled with waste; consequently, much of the Zone 3 allocation is already above adjoining land levels and so will not be at risk of flooding. The Zone 3 allocation is not justified. The areas of the quarry identified as being within Zone 2 are either side slopes to the quarry void or within an area currently being filled with waste - where ground levels are continuing to rise to</p>

be above adjoining land levels and so, again, not at risk of flooding. The allocation of these Flood Zones within the quarry void/landfill area at Highfield South is clearly not appropriate, is not justified and should be deleted from the SAD.

Furthermore, as part of the landfill operation, the site has been the subject of a full Hydrological Risk Assessment which did not identify any risk of flooding of the site; if there were a risk the Environmental Permit would not have been issued. If the Environment Agency now considered the landfill operation within the quarry void were at risk from flooding, they would require mitigation measures to be implemented. They have not so required, despite having fully reviewed and re-issued the Environmental Permit for the operation as recently as September 2015.

It is therefore suggested that the additional Flood Zones identified on the SAD **Policies Map should be removed at least until the "preliminary" and "preparatory"** work relating to Flood Zones has been finalised and any additional Flood Zone allocations can be fully justified (and affected land owners provided with the opportunity to comment), at which time any additional allocations can be included within the Environment Agency's Flood Map.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
SAD Publication Draft Plan 2016, Policies Map and Page 106, Para 7.6 Flood Risk
Suggested Modifications (continue on a separate sheet if necessary)
<p>Delete Hybrid Map of Flood Plains (i.e. any additional Flood Zones) and revert to the published Environment Agency Flood Map.</p> <p>Specifically delete the Zone 2 and Zone 3 Flood Zone allocations within the quarry void / landfill area at Highfield South.</p> <p>Amend text in Section 7.6 to note that Flood Zones are being re-examined and when the work is finalised any additional Flood Zones identified will be consulted upon and subsequently (subject to any consequential amendments) added to the Environment Agency's Flood Map.</p>

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
SAD Publication Draft Plan 2016, Page 137, Policy W2 (Table of Strategic Waste Sites)
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Justified
Comments (continue on a separate sheet if necessary)
<p>Sad policy W2: Existing Waste Management Sites.</p> <p>The Table of Strategic Waste Sites identified Policy W2 shows the Highfield South landfill site (WS 10) as having an "Estimated Maximum Annual Throughput Capacity" of 110,000 tonnes per annum (tpa). This figure is not justified by factual evidence.</p> <p>Taking the last few years of inputs at the Highfield South site, at no time have annual inputs been as low as 110,000 tpa.</p> <p>Even during the last two calendar years, i.e. since the ending of the Walsall domestic waste contract in 2013, the site has averaged 120,000 tonnes per annum of waste inputs.</p> <p>In addition, the site now benefits from a new contract for the disposal of up to 11,000 tpa of residual waste from the house household waste recycling centres within Walsall.</p> <p>As a consequence, the estimated maximum annual throughput capacity is now nearer 130,000 tpa, not the 110,000 tpa suggested in the Table.</p> <p>The above information is supplied for greater accuracy and to properly reflect the situation at Highfield South. The current figure of 110,000 is not justified by the evidence.</p> <p>(If the figure of 110,000 tpa is based upon using the Environment Agency's waste data interrogator, then the information is incorrect - either it has been inputted incorrectly or it has been misinterpreted in collecting data from the interrogator. The 120,000 tpa average inputs over the last two years are our own weighbridge records - these are the returns we make on a quarterly basis to the Environment Agency. Returns for the last few years can be supplied if required.)</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
SAD Publication Draft Plan 2016, Page 137, Policy W2 (Table of Strategic Waste Sites)
Suggested Modifications (continue on a separate sheet if necessary)
This can be accommodated in the SAD Table of Strategic Waste Sites simply by amending the stated figure of 110,000 to 130,000tpa.

From: [REDACTED]
Sent: 03 May 2016 09:17
To: [REDACTED]
Subject: Re: Walsall Site Allocation Document

Follow Up Flag: Follow up
Flag Status: Flagged

Dear [REDACTED]

It is unfortunate that the GTAA is no longer up-to-date and is not to be replaced with a robust new assessment of need. However, we understand the reason for a delay.

In regard to the two documents which are of interest to us, I make the following comments.

Walsall Gypsy and Traveller Accommodation Assessment Revision February 2016
It is not clear how the assumptions producing lower figures in rows 8 and 14 in the table on page 10 have been derived. These assumptions reduce the requirement for pitches and we are concerned that this will lead to under-provision.

Walsall Site Allocation Document – Gypsies, Travellers and Travelling Showpeople -
Draft Site Assessment Matrix

I have no criticism of the methodology for producing the matrix. However, I am unable to comment on how it has been applied as I have insufficient knowledge of the sites.

The suggestion that “changes since the accommodation need assessment was made in 2008, especially in current and emerging Government policy, mean that the current need for sites is also likely to be less” is disputed. It is too early to make such an assumption.

Some of the traveller sites identified have a total capacity of up to 40. This is far too large. Sites should not exceed 15 pitches. Applying this limit will significantly reduce the potential availability. The recognition of this in point 1 on page 4 is supported.

Regards,
[REDACTED]
NFGLG

Sent from Outlook

From: [REDACTED]
Sent: 26 April 2016 10:44
To: [REDACTED]
Subject: RE: Walsall Site Allocation Document

Dear [REDACTED]

Further to my email below of 16 March 2016, I note that we do not yet appear to have received a response from you or the National Federation of Gypsy Liaison Groups.

The consultation period for the Site Allocation Document concludes at 5pm on Tuesday 3rd May 2016 and we are anxious to hear from you. We would be happy to discuss any issues of concern if you feel

this would be beneficial.

[REDACTED]
 Planning Policy Team
 Economy & Environment
 Walsall Council
 Civic Centre
 Darwall Street
 Walsall
 WS1 1DG
 Telephone [REDACTED]
 [REDACTED]

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From: [REDACTED]
 Sent: 16 March 2016 12:49
 To: [REDACTED]
 Subject: Walsall Site Allocation Document

Dear [REDACTED]

You should recently have received notification of the Publication stage of Walsall's Site Allocation Document. I am writing to draw your attention to two additional documents that we have prepared in support of the Document.

The first is a draft revised Gypsy and Traveller Accommodation Assessment. You have commented previously that a new GTAA is urgently required. We recognise your concerns, however you will be aware that national policy and legislation is currently in a state of flux (for example, the Government has only this week published draft guidance on the periodical review of housing needs relating to caravans and houseboats). In order to avoid further delay in the allocation and actual provision of additional sites, we consider the most pressing need is to proceed with the adoption of the Site Allocation Document. We are expecting to commence the review of the Black Country Core Strategy later this year that will include a comprehensive review of all housing needs, including those for gypsies and travellers. The draft therefore mainly seeks to provide a summary of current and emerging legislation and guidance, and the possible implications of the latest known demographic data, rather than being a full assessment of need.

The second is an assessment matrix that shows how we have selected which of the large number of potential new sites that we identified at the previous stage would be most suitable for allocation for travellers.

These two documents can be viewed on the "evidence" page of our web site under the Housing section at
http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_plans/evidence.htm
 (the direct links are
http://cms.walsall.gov.uk/walsall_gtaa_revision_2016_draft_for_consultation.pdf and
http://cms.walsall.gov.uk/gypsy_and_traveller_site_assessment_matrix.pdf)

We will welcome comments from you, both about these two documents and the Publication draft of the Site Allocation Document itself. It would be especially helpful if you are able to suggest any revised wording that would provide a positive improvement to the Document that will ensure the needs of travellers are met whilst at the same time safeguarding the other objectives of the Document.

[REDACTED]
Planning Policy Team
Economy & Environment
Walsall Council
Civic Centre
Darwall Street
Walsall
WS1 1DG
Telephone [REDACTED]
[REDACTED]

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The Coal Authority

Walsall Site Allocations (Publication)

Consultation Deadline – 3 May 2016

Contact Details

Planning and Local Authority Liaison Department
 The Coal Authority
 200 Lichfield Lane
 Berry Hill
 MANSFIELD
 Nottinghamshire
 NG18 4RG

Planning Email: [REDACTED]

Planning Enquiries: [REDACTED]

Person Making Comments

[REDACTED] *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIQB, MInstLM, MCMI, MRTPI*
 Consultant Planning Advisor to The Coal Authority

Date of Response

28 April 2016

Background on The Coal Authority

The Coal Authority is a Non-Departmental Public Body sponsored by the Department of Energy and Climate Change (DECC). The Coal Authority was established by Parliament in 1994 to: undertake specific statutory responsibilities associated with the licensing of coal mining operations in Britain; handle subsidence claims which are not the responsibility of licensed coalmine operators; deal with property and historic liability issues; and provide information on coal mining.

The main areas of planning interest to the Coal Authority in terms of policy making relate to:

- the safeguarding of coal in accordance with the advice contained in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales;
- the establishment of a suitable policy framework for energy minerals including hydrocarbons in accordance with the advice contained in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales; and
- ensuring that future development is undertaken safely and reduces the future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining in accordance with the advice in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales.

As The Coal Authority owns the coal and coal mine entries on behalf of the state, if a development is to intersect the ground then specific written permission of The Coal Authority may be required.

Background on Coal Mining Issues in Walsall

Surface Coal Resources, Development and Prior Extraction

As you will be aware, the Walsall area contains coal resources which are capable of extraction by surface mining operations. These resources cover an area amounting to approximately 52.83% of the Plan area.

The Coal Authority is keen to ensure that coal resources are not unnecessarily sterilised by new development. Where this may be the case, The Coal Authority would be seeking prior extraction of the coal. Prior extraction of coal also has the benefit of removing any potential land instability problems in the process.

Coal Mining Legacy

As you will also be aware, the plan area has been subjected to coal mining which will have left a legacy. Whilst most past mining is generally benign in nature, potential public safety and stability problems can be triggered and uncovered by development activities.

Problems can include collapses of mine entries and shallow coal mine workings, emissions of mine gases, incidents of spontaneous combustion, and the discharge of water from abandoned coal mines. These surface hazards can be found in any coal mining area, particularly where coal exists near to the surface, including existing residential areas.

Within the Plan area there are approximately 3,869 recorded mine entries and around 83 coal mining related hazards have been reported to The Coal Authority. A range of other mining legacy features are present, in total The Coal Authority High Risk Development Area covers approximately 34.41% of the Council area.

Mine entries may be located in built up areas, often under buildings where the owners and occupiers have no knowledge of their presence unless they have received a mining report during the property transaction. Mine entries can also be present in open space and areas of green infrastructure, potentially just under the surface of grassed areas. Mine entries and mining legacy matters should be considered by Planning Authorities to ensure that site allocations and other policies and programmes will not lead to future public safety hazards. No development should take place over mine entries even when treated.

Although mining legacy occurs as a result of mineral workings, it is important that new development recognises the problems and how they can be positively addressed. However, it is important to note that land instability and mining legacy is not always a complete constraint on new development; rather it can be argued that because mining legacy matters have been addressed the new development is safe, stable and sustainable.

Specific Comments on The Walsall Site Allocations

The specific comments and/or changes which The Coal Authority would like to make or see in relation to the above document are:

Representation No.1

Site/Policy/Paragraph/Proposal – Policy M1 (Safeguarding of Mineral Resources)

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	X	X	X	✓

Objection – The Coal Authority continues to consider that the statement made in the Policy regarding prior extraction being rarely feasible in Walsall is not justified. The supporting text could

be retained however criterion c) undermines the principle of mineral safeguarding and prior extraction set out in criteria a) and b).

This would in our view render the Site Allocations Plan out of general conformity to the Black Country Core Strategy and to the NPPF paragraphs 143 and 144. If this criterion is retained we consider the policy is unsound.

Change Requested – The Site Allocations Policy M1 should be amended as follows:

“Non-Mineral Development within the MSA

b) In the MSA where there is a proposal for non-mineral development that meets or exceeds the thresholds identified in BCCS Policy MIN1, applicants will be expected to consider the feasibility of extracting any minerals present in advance of the development (‘prior extraction’).

c) It is recognised that in Walsall prior extraction of the above minerals will rarely be feasible on small, previously developed urban sites. Subject to the other policies of Walsall’s Local Plan, the Council will therefore support non mineral developments within the MSA where it can be demonstrated that this is the case, such as in the situations described in BCCS Policy MIN1.”

Reason – In order to meet the requirements of paragraphs 143 and 144 of the NPPF

Representation No.2

Site/Policy/Paragraph/Proposal – Policy M9 Coal and Fireclay Extraction

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports this Policy

Representation No.3

Site/Policy/Paragraph/Proposal – Policy M10 Energy Minerals – Unconventional Hydrocarbons

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority would support the general approach for unconventional hydrocarbons to be assessed against National Planning Policy and other relevant development plan policies in the case of Walsall.

Representation No. 3

Site/Policy/Paragraph/Proposal –Policy Omission (Unstable Land)

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	X	X	X	✓

Objection – A significant proportion of the built up area within the Walsall Metropolitan Borough Council area is located within the defined ‘Development High Risk Area’ prescribed by The Coal Authority. This defines the areas of mining legacy features that pose a risk to new development from ground instability.

The SAD recognises this within paragraph 2.3.1 which is welcomed; however this does not contain a relevant policy.

As indicated in our previous response to the Site Allocation Document Issues and Options and Preferred Options consultation stages, The Coal Authority considers that the issue of mining legacy is a locally distinctive issue and is of a scale that should be addressed through an appropriate development management policy in this DPD. Land instability arising from mining legacy covers 34.41% of the plan area. This is a very significant proportion of the plan area and is therefore an issue which covers more of the Borough than issues such as Ancient Woodland or Flood Risk that have been given policy content.

Paragraphs 109, 120, 121 and 166 of the NPPF require unstable land to be considered at both the plan making and development management stages. In the coalfield areas, LPAs are therefore seeking to include a suitable planning policy on unstable land either in their Core Strategies or other relevant DPD. The Coal Authority would object to the policy omission of a suitable policy framework in this DPD. The Black Country Core Strategy does not set out any suitable policy content on this area. Potential options for addressing this issue can be within a design policy or a policy addressing environmental constraints or similar.

Change Requested – The Site Allocations DPD should contain a policy that sets out a policy framework for addressing unstable land. The policy could read as follows:

“Proposals for development of land which may be unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land conditions must be carried out in accordance with the principles of best practice.”

Reason – The Site Allocations DPD fails to address land instability which is a locally distinctive issue in the plan area. The issue has the potential to affect the economic viability and deliverability of sites and section 45 of Planning Practice Guidance and paragraphs 109, 120, 121 and 166 of the NPPF requires the issue to be addressed in the Plan

CONCLUSION

The Coal Authority welcomes the opportunity to make these comments. We are, of course, willing to discuss the comments made above in further detail if desired and would be happy to negotiate alternative suitable wording to address any of our concerns. The Coal Authority would be happy to enter into discussions ahead of any examination hearing process to try and reach a negotiated position if this were considered helpful.

Thank you for your attention.

For and on behalf of

[Redacted] B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI
Chief Planner / Principal Manager

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Site Allocation Document Publication Plan March 2016, Pages 119-124, Policy SAD Policy EN7: Great Barr Hall and Estate and the former St. Margaret's Hospital
Do you support or object to the plan?
Object to Policy EN7
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Justified or consistent with national policy
Comments (continue on a separate sheet if necessary)
<p>We object to policy EN7 on the basis that it is not justified and not consistent with national policy.</p> <p>This policy has changed considerably from previous versions contained within the Issues and Options Stage 2013 and the Preferred Options Consultation 2015. Whilst appreciating the state of disrepair that Great Barr Hall is in there is no justification for this policy change. In previous versions of the policy enabling development was referred to at the very end of the policy. In the Publication version it is brought to the forefront of the policy and it is felt that this allows for inappropriate development in the green belt, something that previous versions of the policy did not. The policy states that development should:</p> <ul style="list-style-type: none"> ii .Take care to avoid causing any harm to the heritage assets and their settings. In the case of the Grade II* listed Great Barr Hall, any harm caused must be 'wholly exceptional' in line with the NPPF. iii. Be less prominent than key features of the built heritage and/ or historic landscape in order to minimise the impact upon their setting in line with the NPPF. iv. Limit the impact on sites of nature conservation and environmental value v. Complement and preserve the character of the estate. <p>It is Sandwell Council's view that any enabling development in this area will harm the setting of the heritage asset, in particular the important Registered Park and Garden that surrounds the Hall.</p> <p>Any enabling development will impact upon the openness of the green belt and be more prominent than the key features of the building, as at present the Hall itself is not visible from a wider area. The impact on nature conservation features of the estate would be measured from any proposal – although it is likely there would be an impact, and finally the character of the estate would be irrevocably altered if</p>

development was allowed.

The main focus of the policy seems to be to allow development within the Registered Park to its detriment in order to potentially allow the Hall to be saved; it is not felt that this is acceptable.

In considering the impact of any development it should be remembered that Sandwell is an almost entirely urban area completely surrounded by other metropolitan boroughs, with little Green Belt or urban fringe. Therefore the impact of development on the strategic gap between Walsall and Sandwell would be to the detriment of the residents and public of Sandwell, who would see no benefits from it.

To conclude, it is the council's opinion that this policy is contrary to the NPPF in that it allows for inappropriate development in the green belt and will harm the character of a historic registered park and garden. The council is also of the opinion that the policy does not justify why a registered park and garden should be harmed to enable a private commercial enterprise.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s)

page / policy / paragraph
Suggested Modifications (continue on a separate sheet if necessary)

Request to be notified

As part of the publication consultation you can a request to be notified of the next stages in the process. If you would like to be kept informed please select the relevant stages below:

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
SAD Policy EN4: Canals
Do you support or object to the plan?
Generally support, but Object to one part of the above policy
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Not Justified and Not Effective
Comments (continue on a separate sheet if necessary)
<p>SAD Policy EN4: Canals</p> <p>The Inland Waterways Association (IWA) welcomes the addition to this policy of support for the restoration of the Hatherton Canal, conditional on demonstration of an adequate water supply and avoidance of significant adverse impacts on the wider canal network, but objects to the requirement to prevent additional boat movements along the Cannock Extension Canal.</p> <p>IWA Lichfield Branch commented on the Preferred Options Site Allocation Document in September 2015 supporting Policy EN4: Canals for, inter alia, its encouragement of the provision of moorings and canal facilities, good design of canalside development, improved access, the retention of heritage features, towpath improvement contributions, and protection of canal restoration routes. These remain in the policy as items c) to g) and are fully supported.</p> <p>The Publication Plan re-drafting of the policy has added items a) and b) covering the Hatherton Canal Restoration project, for which support in principle is expressed in the text at 7.7.1.</p> <p>Item a) refers to the route on the Policies Map which is protected by item f).</p> <p>Item b) lists deliverability requirements including (i.) demonstration of an adequate water supply and (iii.) avoidance of significant adverse impacts on the existing canal network, both of which were in fact already covered by item g).</p> <p>Notwithstanding this unnecessary duplication, IWA accepts that the need for such technical work is a reasonable requirement.</p> <p>However, IWA is concerned that the requirement (ii.) for technical work to demonstrate that “additional boat movements along the Cannock Extension Canal SAC can be prevented” is unnecessary, potentially counter-productive and unenforceable, and therefore inappropriate, for the following reasons:</p> <ol style="list-style-type: none"> 1. The fundamental aims of the Hatherton Canal restoration project are to restore the canal as a public amenity and to re-link it to the northern Birmingham Canal Navigations as a through

route to help rejuvenate the existing canal network. The route was altered some years ago to avoid any direct impact on the Cannock Extension Canal. Reinstating this connection will encourage additional boat movements along the currently underused Wyrley & Essington, Walsall, Rushall and Tame Valley canals as part of several new through routes and rings, for their economic, recreational and environmental benefit. However, there is no reason to suppose that it will lead to any significant increase in boat movements along other canals not part of those through routes or rings such as the Cannock Extension Canal which will remain as a cul-de-sac.

2. The special interest of the Cannock Extension Canal SAC is floating water plantain which, unusually, is known to thrive following significant disturbance but is then readily out-competed by other more vigorous plants. A continuing low level of habitat disturbance is necessary to maintain its population, which has been provided over many years by boat movements on the canal. Being a dead end, the canal has limited attraction to passing boats and most of the traffic is by resident moored boats and those travelling to the boatyards at its northern end. However, one of the two boatyards has recently closed and it is more likely that boat movements will now reduce rather than increase. Such limited knowledge and research as exists about the particular habitat requirements of this species indicates that in this location insufficient boat movements, rather than too many, are a more likely threat to its abundance.

3. The responsibility for maintenance of the special interest of the SAC lies with its owners the Canal & River Trust (CRT), and not with Walsall Council or Lichfield & Hatherton Canals Restoration Trust. CRT is responsible for many SACs, SSSIs and SBIs along their waterway system and has the experience and specialist staff to balance their responsibilities for navigation and conservation. It has not considered it necessary to impose any numerical limits on boat movements on the Cannock Extension Canal or other waterways where this species is protected, such as the Rochdale or Huddersfield Narrow canals. The Cannock Extension Canal is not a natural environment but a man-made artificial waterway and its ecology is dependent on a balance of many factors including for example; water quality, siltation and dredging, natural succession and invasive species; and disturbance from boat movements is but one of these.

Therefore, the objective of (ii.) to prevent additional boat movements along the Cannock Extension Canal SAC is unnecessary, is potentially counter-productive and is unenforceable.

The inclusion of this inappropriate requirement is neither Justified nor Effective and makes the Policy Unsound.

IWA therefore objects to clause b) ii. of SAD Policy EN4: Canals which should be deleted.

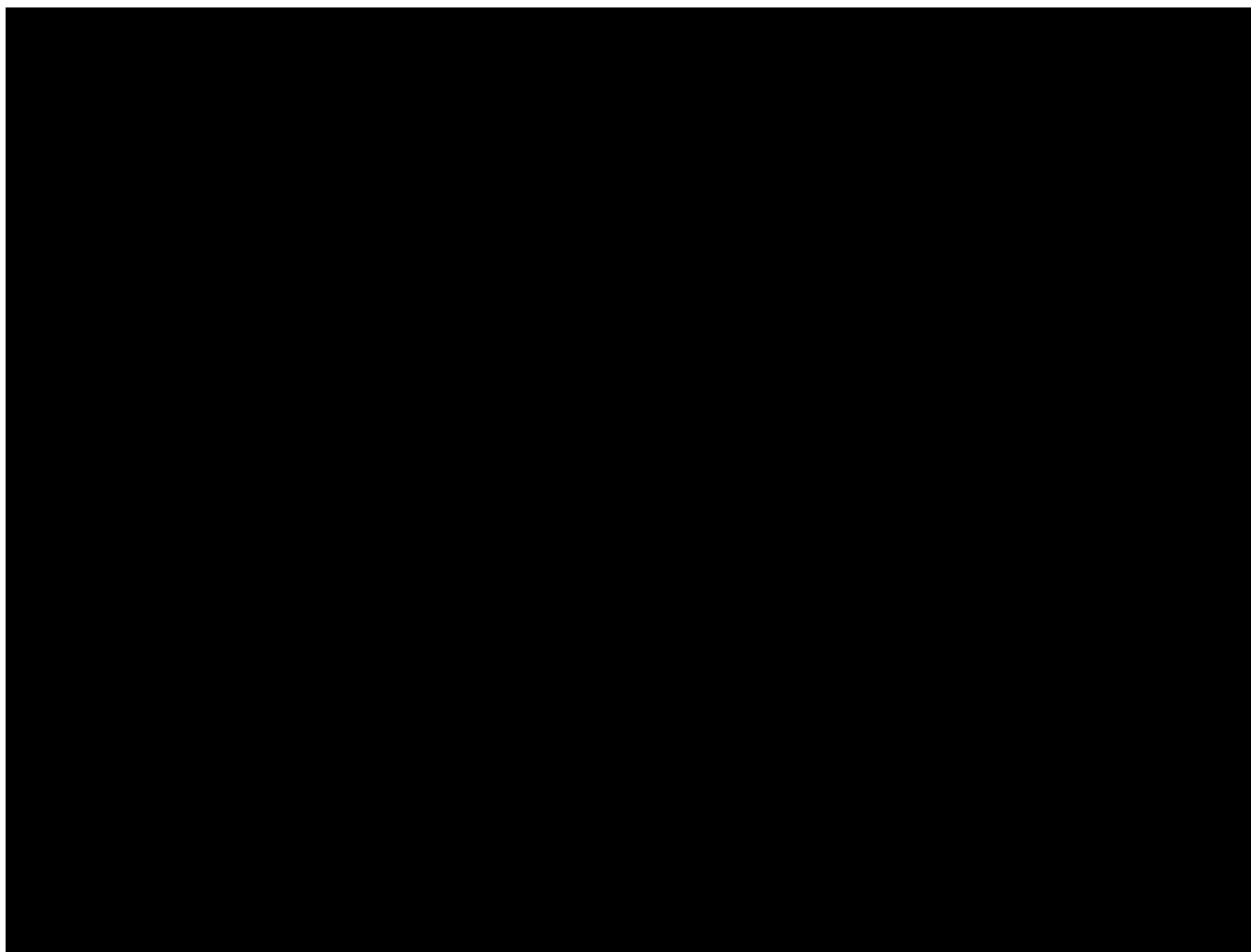
Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
SAD Policy EN4: Canals

Suggested Modifications (continue on a separate sheet if necessary)

Delete clause b) ii.



Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
M1
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)
Support additions (paragraphs d and e) to policy M1 to safeguard permitted and proposed mineral working areas.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
M1
Suggested Modifications (continue on a separate sheet if necessary)
<p>To assist in implementing the policy, consideration should be given to the way in which permitted mineral working sites and proposed areas for mineral working can be safeguarded from non-mineral development that could restrict mineral operations. For example, buffers could be defined on mapping around identified sites to clarify those areas where the policy needs to be applied. There should also be a requirement to maintain updated information about sites.</p>

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
M2
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
M2
Suggested Modifications (continue on a separate sheet if necessary)
<p>To assist in implementing the policy, consideration should be given to the way in which mineral infrastructure sites can be safeguarded from non-mineral development that could restrict operations within a site. For example, buffers could be defined on mapping around identified sites to clarify those areas where the policy needs to be applied. There should also be a requirement to maintain updated information about sites.</p>

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
9.5.4
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
9.5.4
Suggested Modifications (continue on a separate sheet if necessary)
<p>To improve the monitoring of clay provision to the works referred to under policy M6, the performance indicators should include monitoring of clay supplied from quarries outside Walsall. It is acknowledged that there may be a commercial confidentiality issue in implementing this monitoring but this is a matter that can be addressed by ongoing co-operation between the relevant mineral planning authorities and the industry.</p>

From: [REDACTED]
Sent: 02 May 2016 12:02
To: planningpolicy
Cc: [REDACTED]
Subject: FW: walsall site allocation document

Dear Sir/Madam.

I am attaching (below) comments on a number of the Walsall Site Allocation Policies on behalf Walsall Friends of the Earth. There is much we welcome in the Publication Draft, especially the continued emphasis on Urban Regeneration and we also acknowledge that some policies will be reviewed in more depth during the development of the next Core Strategy on which we will hope to comment in due course.

Yours sincerely

[REDACTED]

[REDACTED]

Walsall Friends of the Earth
01922 636601

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HC3. Specialist Housing

While the need for specialist housing with care provision is appropriate in locations close to Public Transport there is also a growing need for housing for the elderly (often over 55s) which does not involve care packages, that is to say, housing which is fully accessible with alarm systems, communal areas and a manager. There is little of this kind of accommodation in the Borough, although the recent Macarthy and Stone development on the ring road has been a welcome addition. This is a need which is challenging plan makers in many local authorities and we would like to see policy tailored to meeting this specific need. Unlike more intense care the requirement to be close to public transport is probably less and we would not like to see sites come forward for housing being precluded on those grounds alone.

UW1 University Campus at Gorway

We generally support this policy. However, the notes refer particularly to the openness of the campus in relation to the Broadway. We consider all the open space to be important. In particular the aspect of the trees facing Gorway Road and the open area adjacent to Highgate Avenue. We think these should be accorded equal status. The reference to 'surplus to requirement' in the policy is not clear enough about the amenity value of those areas not facing the Broadway.

GB2 Green Belt

We generally support this policy but it should refer specifically to access to a proposed site. Many proposals in Green Belt are in locations where access is poor. There may be a lack of public transport or adequate pavement for example.

EN1 Designated Nature Sites

(Note: Consistency of nomenclature is required in the document between ENV and EN references)

This is generally welcome but it is unclear how this will be applied to developments next to or close to nature sites. We would like to see a clearer statement that this will be applied not just to the sites themselves but to adjoining areas, especially given the potential impact of a number of proposals, such as open cast work, on designated sites identified in other policies in the plan.

EN5 Conservation Areas

We generally support this policy but it needs to take account of the critical role played by trees in the Conservation Area and state that the council will continue to protect them in line with the policies relating to natural environment and ancient woodland protection and require want them replaced if removal is deemed unavoidable.

EN7 Great Barr Hall

We generally support the need for the recent changes to the policy which strengthen the criteria in NPPF in relation to enabling development. However, we are concerned about the extent to which development proposals will achieve those goals and care will need to be taken to ensure that they are fully realised, especially where development might be piecemeal. We would prefer the words 'likely to' require, rather than 'will' require to allow opportunities for proposals which do not require enabling development to be considered.

M7 Minerals

We are concerned about the impact of proposals at Stubbers Green on designated sites. Rather than saying 'proposals should address the following issues' we believe the policy should be clearer that they will be refused if they do not adequately address those issues in line with EN1 (which we also suggest should be strengthened).

M8 Minerals

We believe a similar approach to our suggestion for M7 is required, particularly in relation to MP9 (Highfields North), that is to say refusal unless proposals adequately address the designated site issues in line with EN1 (which we also suggest should be strengthened).

M9 Minerals

We believe a similar approach to our suggestion for M7 is required, particularly in relation to MP5, (Brownhills Common), that is to say refusal unless proposals adequately address the designated site issues in line with EN1 (which we also suggest should be strengthened).

T4 Strategic Highway

The transport policies have largely been saved from the UDP. However, that predates NPPF and associated NPPG guidance. T4 (g) is thus rather out of date. One way to resolve this may be to reference the need to meet the three policy requirements of NPPF Para 32. The NPPG also suggests Travel Plans should be developed alongside proposals so a reference to these as well as to Transport Statements should be added.

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Paragraph 1.3 How the SAD relates to other planning documents
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
The plan is not positively prepared, justified, effective or consistent with national policy.
Comments (continue on a separate sheet if necessary)
<p>Whilst it is noted the plan considers it makes sufficient land for housing, employment and other significant land uses to meet the targets in the Black Country Core Strategy (BCCS) without the need to use land within the Green Belt. As a partner within the wider Birmingham Housing Market Area there is evidence that Birmingham will not be able to accommodate the whole of its new housing requirements for 2011 to 2031 within its administrative boundary and that some provision will need to be made in adjoining areas to help meet Birmingham's needs. The authorities within the Greater Birmingham Housing Market Area (GBHMA), including Lichfield and Walsall are working together to determine exactly how much new housing would need to be planned for across the HMA and how a distribution could be achieved in line with local authority capacities and potential supply of housing sites.</p> <p>As such the SAD needs to explain how it will effectively respond to any proposals with respect to the quantum and distribution of housing across the GBHMA.</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Paragraph 1.3 (Last para before paragraph 1.4)
Suggested Modifications (continue on a separate sheet if necessary)
After the phrase 'projections of housing growth' add the phrase 'within our wider housing market area'

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy HC1: Land Allocated for New Housing Development Policy HC2: Development of Other Land for Housing Policy HC3: Affordable Housing and Housing for People with Special Needs Policy HC4: Accommodation for Gypsies and Travellers and Travelling Showpeople Proposals Map Map 7.3 Natural Environment Designations
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Object as the policies are not justified, effective and/or consistent with national policy.
Comments (continue on a separate sheet if necessary)

The policies will have an adverse effect upon the integrity of the Cannock Chase Special Area of Conservation. (see response to Policy EN1)

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Suggested Modifications (continue on a separate sheet if necessary)
<p>A new policy should be added which identifies a zone of influence around Cannock Chase Special Area of Conservation. The policy should state that any new residential units and any development resulting in new visitors to Cannock Chase SAC will need to mitigate for its impact on Cannock Chase SAC.</p> <p>The zone of influence should be shown on the Proposals Map and Map 7.3 Natural Environment Designations</p>

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy EN1: Natural Environment Protection, Management and Enhancement Proposals Map Map 7.3 Environmental Network: Natural Environment
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Object as the policy is not justified, effective or consistent with national policy
Comments (continue on a separate sheet if necessary)
<p>The policy does not reflect the best scientific knowledge in the field and the evidence produced and accepted at Local Plan Examinations. Policy EN1 should be amended to recognise the 15km zone of influence (ZOI) which exists around Cannock Chase Special Area of Conservation and this should be shown on the Proposals Map and Map 7.3 Environmental Network: Natural Environment.</p> <p>There is a considerable body of evidence prepared by Footprint Ecology which concludes that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15 kilometre radius of the SAC will have an adverse impact upon its integrity, with a higher proportion of visitors (5/6) coming from within a 8km radius. Parts of Walsall Council area lie within 8km and therefore the 15km radius of the Cannock Chase SAC. The evidence prepared by Footprint Ecology has been accepted at Local Plan Examinations within Staffordshire, at the Examination of the Lichfield District Local Plan Strategy in 2013 and at the Modifications Hearing in 2014. Walsall Council chose to appear at the Examinations and challenge the evidence, however the evidence and approach of Lichfield District Council was found sound.</p> <p>In order to prevent harm arising to the SAC and facilitate development the Local Authorities impacted by this ZOI have formed the Cannock Chase SAC Partnership, and have prepared a schedule of Strategic Access Management Mitigation Measures (SAMMM), funded by developer contributions: Natural England attend the SAC Partnership and fully support this approach. The approach makes provision for developers who do not wish to pay the agreed contributions to deliver their own solutions in order to satisfy Natural England and the Habitat Regulations.</p>

The approach was also considered at the Lichfield Local Plan Examination in 2013 and the modifications hearing sessions in 2014, and subsequent Section 78 Appeals.

It is accepted that Walsall do not have to adopt the approach of the local authorities which form the SAC Partnership, however there is no evidence of any measures which avoid or mitigate the adverse impacts identified by the latest and best scientific knowledge in the field and thus the Plan will lead to an adverse impact upon the integrity of the Cannock Chase SAC.

In addition whilst the explanatory text and the policy within the Black Country Core Strategy seek to safeguard, protect, manage and enhance Walsall's nature conservation designations Policy EN1 excludes the Cannock Chase SAC from the list as it is not within the District nor is it referred to in para 7.4.1, footnote 13. As such whilst within the explanatory text the Cannock Chase SAC is referred to, the policy and plan do not safeguard the Cannock Chase SAC.

As the plan proposes to increase the number of dwellings within the 15km radius of the Cannock Chase SAC, the policy and plan do not provide the necessary information to prospective developers to be aware of the potential harm which could arise from their development nor does it provide certainty of any measures or actions which can be delivered which prevent harm arising from the increase in visitors to the Cannock Chase SAC from the new developments proposed within Walsall Council's area.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
EN1: Natural Environment Protection, Management and Enhancement Proposals Map Map 7.3 Environmental Network: Natural Environment
Suggested Modifications (continue on a separate sheet if necessary)
<p>The policy should be amended to include reference to the Cannock Chase SAC.</p> <p>The plan should set out how the impact arising from new developments within the 15km zone of influence of the Cannock Chase SAC and which are within Walsall's area can demonstrate appropriate and proportionate measures to mitigate for its impacts both for the known levels of development and those currently unknown within the plan period, such as windfall sites and other types of development from which harm could arise.</p> <p>The proposals map and Map 7.3 should reflect the 15km zone of influence</p>

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy EN4: Canals
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy M4 Sand and Gravel Extraction – Birch Lane MXA1: Birch Lane Area of Search c) iii)
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy M5 Sand and Gravel Extraction – Branton Hill MXA2: Branton Hill Area of Search d) i)
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy MP5 Brownhills Common sub para xi)
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy T3 The Rail Network (saved and updated from the UDP)
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

BEACON ACTION GROUP

Resisting insensitive development in the Green Belt

To [REDACTED]
Planning Policy Directorate
The Civic Centre
Darwall Street
Walsall
WS1 1DG

27 April 2016

PLANNING AND
ENVIRONMENT
29 APR 2016
RECEIVED

Dear [REDACTED]

Re: Site Allocations Document - Consultation 2016

We were extremely concerned to learn that we had not been notified about the consultation on the Site Allocations Document (SAD) in 2015 and only received the information from a third party two weeks ago. Beacon Action Group has been on the Council's list of consultees for over 25 years and is well known by the Planning Team. Following notification of the planning application in December 2013, regarding Great Barr Hall, the Chairman has been in regular contact both in person and by email with members of the Planning Team and had a meeting with Alison Ives as recently as 4th March this year..

The failure by the Council to send notification of the SAD consultation to us has made it extremely difficult for the Group and as a result we have been unable to fully evaluate the Site Allocation Document in detail and therefore wish to have this recorded in the final document.

Can you please confirm that the failure by Walsall Council to notify Beacon Action Group when commencing the first and subsequent consultation exercises will be recorded in the final version of the SAD, and provide to us the reasons for not being included in the consultation process?

As a result of the limited time, available our comments are restricted to policy EN7 Great Barr Hall and the Listed Historical Parkland.

The policy statement in EN7, Great Barr Hall and Estate, has been significantly changed from what was contained in policy ENV8 in the Unitary Development Plan (UDP). We object to this, as we consider that these changes will now allow inappropriate development to take place in the Great Barr Hall Estate and Green Belt whereas the former versions offered some protection. Another concern is that these changes may pave the way for further development in other areas of Green Belt in the borough.

The restoration of the Great Barr Hall Estate included in the UDP as policy ENV 8, made no mention of enabling development. The Council's objective being to safeguard the special character of the estate and secure its enhancement through

careful control of development and change of use was to be commended. However, EN7 now focuses predominantly on the use of enabling development as the funding solution for the restoration of Great Barr Hall. Whilst this may be an option and form part of a solution, the previous policy aspirations should remain, as enabling development is probably the least desirable solution and should only be considered after all other suitable options have been exhausted.

In support of reducing the suggested enabling development statement the following should be noted:

The infrastructure situated within historic parkland comprises of existing high voltage pylons which are currently being upgraded from 270,000v to 400,000v. These are managed by Western Power, who secured access across the listed parkland for future maintenance at a cost of £2.25million in 2005. Additionally, South Staffordshire Water Company also owns and maintains a 36-inch underground water main serving Barr Beacon reservoir. We contend that this will considerably reduce the value and profit margins of any proposed enabling development.

Great Barr Hall has been allowed to deteriorate since it was vacated in 1978 and is now in a state of near collapse with nothing remaining of any historical value. As a result of questions raised by Valerie Vaz, Member of Parliament for Walsall South, regarding the current condition of Great Barr Hall, Historic England decided to review the listing in February this year. With consultation taking place in March, their recommendations are awaited. We consider EN7 should record this fact and include the Historic England report if published in time.

Furthermore, any enabling development will inevitably result in the destruction of the Listed Parkland. Should enabling development be allowed it is also reasonably foreseeable that estimated costs, including a large contingency, will be difficult to ascertain due to the dereliction and unforeseen problems with the building. Consequently, once building work has commenced, financial reviews, will almost certainly lead to the requests by the developer for additional funding through more enabling development. This would be difficult to resist and for this reason enabling development should be the least desirable solution. We refer particularly to SAD EN7 b) which implies the Hall is the main heritage asset, which is not correct, and allows for destruction of the Listed Parkland, which is unacceptable.

The character and setting of Great Barr Hall is totally dependent upon the Listed Parkland. This has been recognised in previous decisions by the Council and Planning Inspector at the 2004 Public Inquiry and robustly accepted that a coordinated approach is necessary when considering the future of this sensitive site. The Policy should therefore reflect this and provide equal weighting to both the Hall and registered parkland in line with the National Planning policy Framework (NPPF), which refers to the protection of green belts in paragraphs 79, 80 and 88. At present the policy EN7 does not reflect this, focusing solely on Great Barr Hall.

The Listed Historic Parkland is mainly intact due to being undisturbed for many years and the continued use by local farmers of the prime quality agricultural land situated within it, has helped to maintain and secure its status. As a result of this, it will require minimal investment to restore in comparison with the huge cost of the proposed restoration/rebuilding of Great Barr Hall. More importantly, it is of far greater importance historically, and due to its location makes an enormous contribution to the benefit of the local community within the boundaries of Walsall, Sandwell and Birmingham, being within the Sandwell Valley Green Belt Green Wedge. Consequently, it should be afforded more prominence in the Policy than is currently stated.

The Planning Conditions following the Public Inquiry regarding access to the Great Barr Hall estate stated that there should be, *'No access to the development site for motor vehicles except emergency service vehicles, shall be made to the site other than from the improved access onto Queslett Road.'* We note that the current clause has weakened this condition and further clarification regarding controlled access to the site from Chapel Lane is required.

The Policy seeks to ensure a coordinated approach to the management and development of the Great Barr Hall Estate and former St Margaret's Hospital site in order to give adequate weight to the heritage assets, nature conservation sites and their setting as a whole. The document should clarify how this can be achieved when residents of Netherhall have unfettered access to the parkland and yet the owners of Great Barr Hall have on record in their planning application that they propose a gated development with restricted public access.

We note and support the inclusion of the UDP and Black Country Core Strategy (BCCS) ENV2 *'the reuse of those buildings of special architectural or historic interest'* which must include Great Barr Hall.

Development of the heritage asset must fully comply with ENV2 and this should be given greater prominence and take precedence over the statements in policy EN7.

I trust you will give serious consideration to the above and amend policy EN7 accordingly.

Yours sincerely


Chairman Beacon Action Group

Beaconactiongroup.wordpress.com. 

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph		
S.A.D. Publication Draft Plan, 3.2 Allocating Land For new Housing, Page, 27 item HO72 Festival Avenue proposed 24 houses.		
Do you support or object to the plan?		
No to the proposal for this area of land.		
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)		
Comments (continue on a separate sheet if necessary)		
<p>We have family history at the boundary of the H072 Festival Avenue site dating back to 1917. This site is one of the last remaining historical open spaces of the area which has been in constant use by local residents over the centuries for leisure activities. We feel that due to the site levels and access problems this site should be permanently returned to public open space as it is much safer for public use than the highly toxic Moxley Tip.</p> <p>The site shares a boundary with properties in Festival Avenue, Moxley Road and Church Street and has a public right of way access from Moxley Road to Church Street but the land has always been used on a frequent basis as a shorter route pathway from homes in the area to Church Street/Moxley Road by taking a diagonal path across the site.</p> <p>Working in conjunction with Moxley Project Reference group to regenerate Moxley, DTZ produced a number of documents which are available at this link. http://cms.walsall.gov.uk/index/regeneration/regeneration_places/regeneration_transforming_walsall_district/regeneration_moxley.htm</p> <p>Within the document titled Moxley Regeneration Framework Section 2 (PDF 1.5MB) page 14, paragraph 2.20 states</p> <p style="padding-left: 40px;">‘The Moxley Infants School site is part of the Moxley Biodiversity Wildlife Corridor’.</p> <p>The site is also listed as being protected under LC1 conditions of the Walsall Unitary Development Plan. PDF file copies of the documents making up this plan are available at the following link. http://cms.walsall.gov.uk/index/environment/planning/planning_policy/unitary_development_plan/udp_documents.htm</p> <p>The relevant LC1 conditions can be found in file ch08 leisure_community_needs page 168, Urban Open Spaces</p> <p>We firmly believe that the site gives provision and accessibility to the following items under LC1 conditions for the reasons given in the table and further details below.</p>		
Ref	LC1 Conditions	Comments
II	Providing for sport and recreation, both formal and informal	The space has always been used for sport and recreation over the years by residents of all ages, including groups from All Saint's Church.
III	Providing for children's play	Over the years many children have used the site for play and continue to do so.
V	Defining community boundaries	The space is used locally as defining the boundary between Moxley and Darlaston
VI	Accommodating greenways and other	The public right of way and a diagonal use of the site are used by both pedestrians

	pedestrian and cycle routes.	and cyclists as access to nearby roads, homes and industrial sites.
VIII	Contributing to biodiversity	The site contributes to biodiversity due to the onsite trees providing nest sites, food and shelter for birds and other wildlife.
IX	Contributing to the urban forest	Although only a few the trees also contribute to the urban forest.
X	Contributing to visual amenity	The open space adds to the visual amenity of the area providing a welcome break from a bricks and mortar view.

At the time of the PRG report as far as we are aware no consultation was advertised and no one from around the site was asked to make comments. What happens to the site affects the residents who share a boundary more than it affects anyone living in the Moxley estates. As boundary residents the site contributes greatly to our visual amenity and to the visual amenity of all of the other residents and business around the site. It also gives us personally, the opportunity to take an interest in the birds and other wildlife visiting the site. Through this interest we have discovered that as part of the Moxley biodiversity wildlife corridor the H072 Festival Avenue site supports a large number of the local wild bird population for nesting and feeding. Birds have returned annually to their nests in the mature trees on site for many years and there are also birds of prey using the site. Sparrow hawks, kestrels, buzzards, blue tit, great tit, green finch, gold finch, dunnock, wren, sparrow, black bird, thrush, woodpigeon, collared dove, magpie, crow are all frequently using the site and occasionally seen are a variety of gulls, woodpecker, duck, heron. Other wildlife seen on site are grey squirrel, fox and very occasionally bats have been seen flying around the site.

The space and that currently occupied by the houses of Festival Avenue originally had two pools, known locally as Moxley Razzervoy (reservoir). In the 1940s the eastern part of the site and one of the pools was used for building the properties in Festival Avenue. The houses which share the eastern boundary have always had a rear pedestrian access to the site. The remaining pool dried up and the empty hole was used as a waste tip by Frost & Sons (Galverniser's) Moxley until their closure. During that time the open space was still used for leisure activities, dog walking, children playing and it was also the site of the annual communal bonfire night with many families gathering around the fire. In the 1970s, the council took on the area as educational land for Moxley Infants School as a replacement for their sports field which occupied land between the old school building and the church, when the last of the school development took place. The site was levelled and grassed and was used occasionally by the school as a sports field. The site was and still is used by members of the local community for leisure activities, sport, play and dog walking. Currently during snow fall the banked area of the site is used by a number of families for sledging. This is the only suitable site in the area for this purpose.

Following the 2012 Approved Premises proposal and local protest the field was then included with the school site to make it more advantageous for selling to developers. The development brief for the site states there was concern over the public right of way, difference in land levels, a petroleum hydrocarbon hotspot. We also pointed out to the council in our response to this document that there would be sewer access problems to the nearest road due to the access levels. We also informed council (Mr. Rob. Andrews) of the rear access to the Festival Avenue houses on the eastern boundary of the site, something planning department were completely unaware of at that time, and which Mr. Andrews agreed would could also create a problem for redevelopment. Three bids were received but following no further interest the field was removed from sale and we were verbally informed by Mr. R. Andrews that the field would remain as open space. The site occupied by the school buildings has been sold and is now a haulage yard. We have expressed the need to upgrade the site and this has now been fenced on the boundary of Festival Avenue and bollards have been added to the public right of way to prevent vehicular access, a litter bin and warning signage regarding horses and dog fouling has been added.

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Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
S.A.D. Publication Draft Plan, 3.2 Allocating Land For new Housing, Page, 27 item H072 Festival Avenue proposed 24 houses
Suggested Modifications (continue on a separate sheet if necessary)
Please return this particular area of land designated as H072 in the table to Open Space and community recreational land.

From: [REDACTED]
Sent: 03 May 2016 14:24
To: planningpolicy
Subject: Planning 2026: Response from Phoenix Consortium - ID 1308
Attachments: SAD - Ph Con response -11.15.pdf

Good afternoon [REDACTED]

Apologies that this response to your invitation to comment on the final draft of the Council's Site Allocation Document has been delayed but having studied the document it seems clear the Council's proposed site allocation in Northgate remains essentially the same as that contained in previous drafts of the document. In the circumstances as the Council's proposals remain the same so does the response of the Phoenix Consortium which I represent.

For completeness I attach a copy of the Phoenix Consortium's response to the previous consultation which response was sent to your colleague Mike Brereton on 2nd November last year which please treat as the Consortium's response to the current consultation.

I understand the Public Examination of the Council Site Allocation Document is presently scheduled to take place later this year. I will be grateful if you will please keep me advised as to the date of and venue for the Examination .

Kind regards

[REDACTED]
Phoenix Consortium
ID 1308

On 22 March 2016 at 10:51, planningpolicy <planningpolicy@walsall.gov.uk> wrote:

Dear Sir / Madam,

Planning 2026: Have Your Say

You should have already received an email from Walsall Planning Policy notifying you of the third stage of consultation on Walsall Site Allocation Document, Walsall Town Centre Area Action Plan and Draft Charging Schedule' for the Community Infrastructure Levy. This consultation runs for 8 weeks, starting on Monday 7th March 2016 and ending on Tuesday 3rd May 2016. This is the 'publication stage' of consultation and the Council is publishing the plans in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. If you did not receive this initial email please let us know and we can resend you a copy.

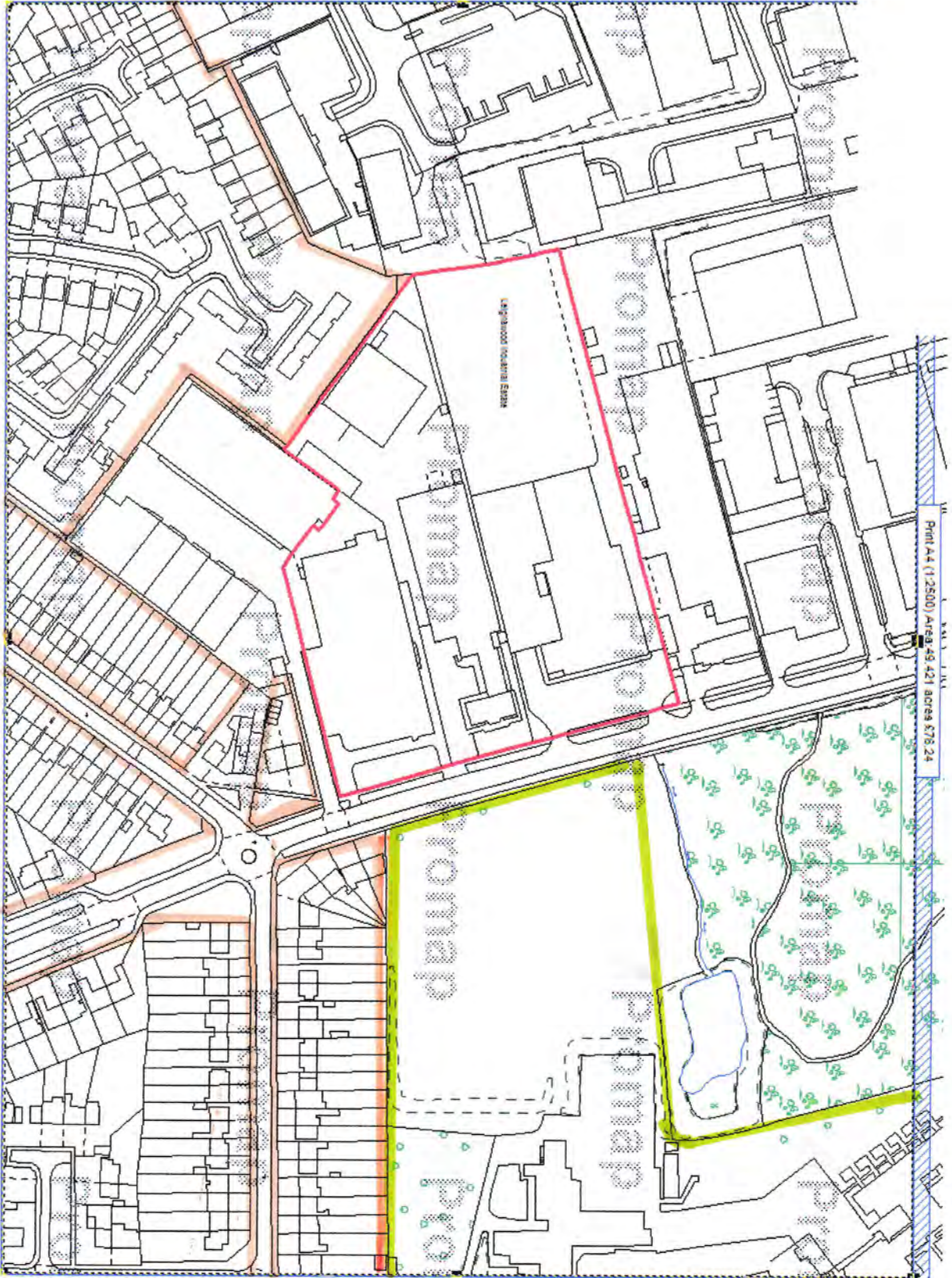
We would like to invite you to our main consultation event on Thursday 7th April 2016 at the Council House where you can come and discuss the plans with us. There is no need to book on to this event, please just come along at a time that suits you between 1pm and 7pm. Details of other consultation events are available on our website

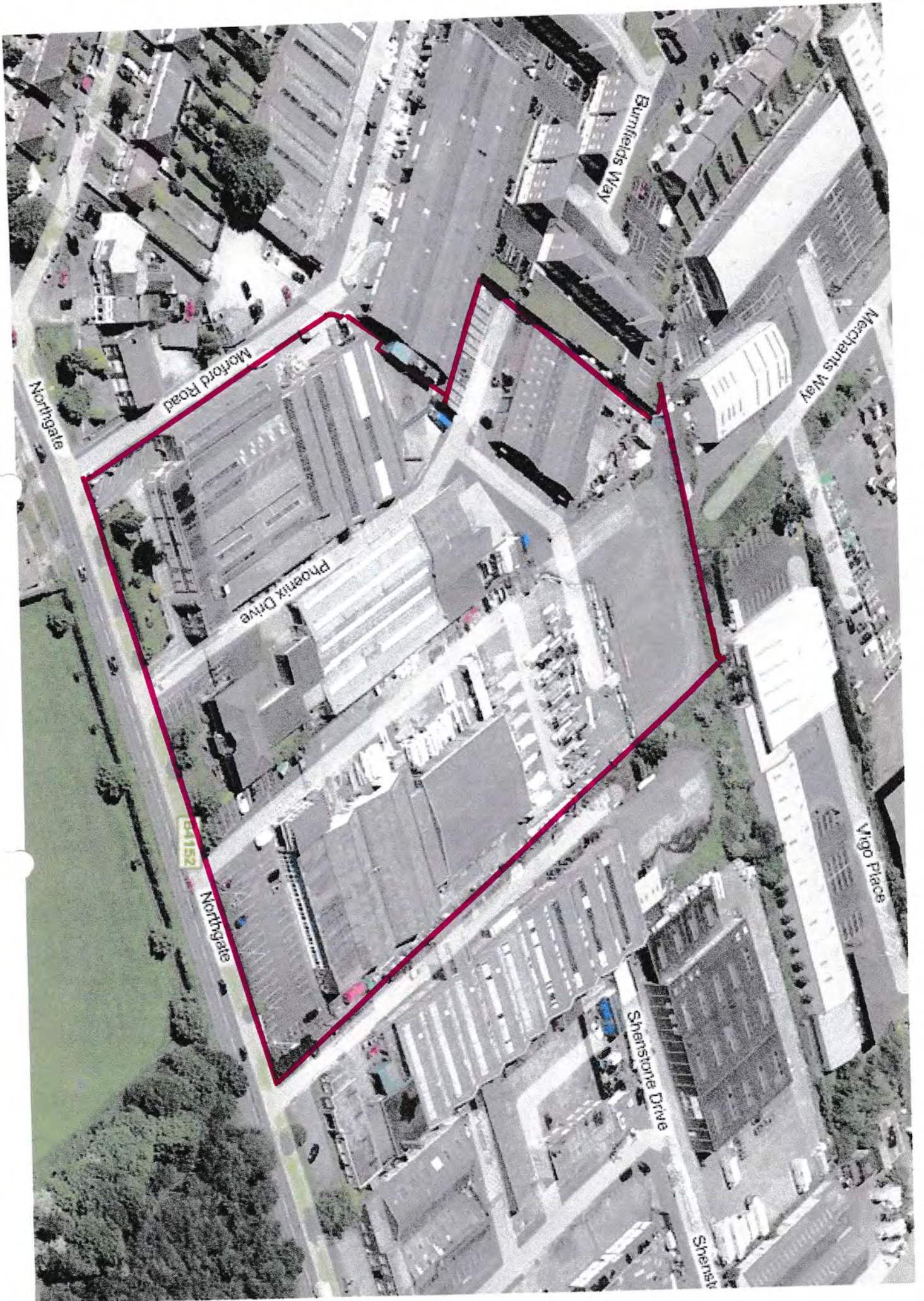
WALSALL SITE ALLOCATION DOCUMENT
RESPONSE OF THE PHOENIX CONSORTIUM

ID 1308

1. The Phoenix Consortium comprises Phoenix 1872 Limited, Cooke Brothers Limited, Trinity Investments and Phoenix Developments all of Phoenix Drive, Northgate, Aldridge WS9 8TL who collectively are the owners and/or occupiers of the land and buildings at Northgate, Aldridge ("the Site ") shown edged in red on the plan and aerial photograph attached to the paper "Have Your Say" response.
2. The Site comprises buildings presently used primarily for manufacturing as well as warehousing and distribution but also includes the Little Rascals Children's Day Nursery at Print House, Northgate. Although the Site adjoins existing industrial uses to the north and in part to the south and west, it also adjoins more sensitive uses being in part, directly adjacent to housing to the south and west including three storey apartment blocks, whilst also fronting onto Northgate with housing and school playing fields to the opposite side of the highway.
3. The proposed designation of the Site (Ref: IN9.9) in the SAD is "Retained Local Quality Industry" with proposed Policy IND3 specifically prohibiting non-industrial uses. It appears that by BCCS policy EMP3, in addition to the existing industry and warehouse use, the Site is considered suitable for quasi-industrial uses such as scrap metal, waste collection and recycling. However the reality is that the proximity of housing, school playing fields and other non-industrial uses to the southern, western and eastern boundaries of the Site will potentially limit the range of permitted uses under IND3 that might be carried on at the Site in the future by reason of restrictions relating to hours of operation and/or vehicle movements, noise emission levels, external lighting etc.
4. The Consortium presently considers that a more appropriate designation of use for the site will be that envisaged by draft Policy IND4 being "Local industry Consider for release" which use classification would allow greater flexibility in determining future employment generating and other uses of the site.
5. Following the helpful presentations held by Council Officers last month the Consortium has begun seeking professional advice and is intending to consult with its neighbours with regard to some of the issues raised by the draft SAD and possible future uses of the Site. The Consortium expects to complete such consultation by the end of the year in order that it might engage more fully in the next stage of Council Consultation which it understands will take place in or about February of next year. This will also enable it to take part in the subsequent Public Examination of the Walsall Site Allocation Document.

If clarification is required of any of the comments contained within this response please contact me on [REDACTED] or by [REDACTED]







Walsall Council Planning Policy Team
Environment and Economy
2nd 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

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 9th 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




SENIOR PLANNER

For and On Behalf Of
TETLOW KING PLANNING



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

 Housing Department

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
P88 Section 6.5 - Community and Indoor Sports Facilities
Do you support or object to the plan?
Support
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)
<p>Sport England is pleased to see its comments on the previous version of the Walsall Site Allocation Document Preferred Options – September 2015 regarding the need for evidence to support new sports facilities.</p> <p>As you are aware Sport England is currently working with Walsall MBC in producing a new playing pitch strategy and has provided funding towards the leisure centres at Bloxwich and Oak Park. Sport England believe it important to continue to work close with the authority to ensure that any new facilities should be planned, and improvements prioritised where they are shown to be needed, through a robust assessment.</p> <p>Sport England also welcomes the recognition that the private sector can have in providing gyms and health clubs.</p>

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocation Document Publication Draft Plan March 2016 Site Reference:GT6 Chapter Titles:3b/HC4: Accommodation for Gypsies Travellers & Travelling Showpeople Page No: 40-52
Do you support or object to the plan?
I object to the plan with regard to the site reference above and with reference to the comments detailed below
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Effective; Consistent with national policy; Positively prepared , justified
Comments (continue on a separate sheet if necessary)
<u>SAD Publication Plan is not consistent with national policy or positively prepared with respect to Green Belt site reference GT6 34-38 Gould Firm Lane</u> The plan and response to representations suggest difficulty identifying suitable additional traveller sites comprises exceptional circumstances, meaning sites such as 34-38 Gould Firm Lane (small sites for single families) should be made permanent. However, Department for Communities and Local Government Planning policy for traveller sites dated August 2015and House of Commons Briefing Paper no 00934 5 Jan 2016 Green Belt 23 Traveller site issues by Louise Smith (quoted here) states: '.. that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt. The Secretary of State wishes to re-emphasise this policy point to both local planning authorities and planning inspectors as a material consideration in their planning decisions..... The government's planning policy is clear that both temporary and permanent traveller sites are inappropriate development in the green belt.' This states that unmet need is unlikely to comprise exceptional circumstances and to do so could be seen as misuse of the exceptional circumstances clause. In addition, the following is applicable: Planning Policy for traveller sites August 2015 (PPTS 2015) '...paragraph 25 of the 2012 policy stated that the lack of an up to date five-year supply of deliverable sites should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. This has been replaced by paragraph 27 of the 2015 policy which now adds that the exception is where the proposal is on land designated as Green Belt or other protected areas.' <u>SAD Publication Plan is not effective with respect to Green Belt site reference GT6 34-38 Gould Firm Lane</u> The above site is the subject of planning permissions that are both temporary and personal to the current occupiers as imposed by the Secretary of State for the Environment in 1992 . The current occupiers are the owners of the land and will have the final say in this matter. The SAD Publication Plan may therefore be undeliverable if the current occupiers do not agree with the plan. In order to transform the site from temporary to permanent, planning permission would need

to be sought to remove Condition 2 which restricted occupation of the site temporarily to the current occupiers. If this was achieved, and the site became a permanent traveller site as SAD Publication Plan seeks to do, it would call in to question the suitability of the current occupiers to remain on the site as they have occupied the site since 4 June 1992 and **House of Commons Briefing Paper no 07005, 4 January 2016 Gypsies and travellers planning provisions** indicates that:

‘Change of definition

The Government has changed the definition of “traveller” for planning related purposes so that it would excludes those who have permanently ceased from travelling”

This too could make the Plan undeliverable as the possibility therefore seems to exist that to make the site available for general travellers would exclude the current occupiers from the land they own given the above definition. This further calls into question the possibility of the current occupiers agreeing to the plans.

SAD Publication Plan is not justified with respect to Green Belt site reference GT6 34-38 Gould Firm Lane

There is a state of flux with the Housing and Planning Bill, and **House of Commons Briefing Paper no 07005, 4 January 2016 Gypsies and travellers: planning provisions** indicates that:

‘There are no nationally set Government targets for the number of traveller pitches that a local authority must provide.’

Revised guidelines from Central Government may be forthcoming in the very near future. The BCCS identifies that the evidence base for site numbers proposed can no longer be relied on as providing an accurate estimate of need and **Draft Walsall Gypsy Traveller Accommodation Assessment Revision 2016** itself states that some of the questions asked to estimate the future needs appear to have been ‘rather subjective’. Thus weaknesses have been highlighted in questioning techniques. **WGTA** also suggests that future needs may see a reduction due to planning policy revision which excludes those who have ceased to travel permanently. It is worth asking at this point as it is confusing at the very least, why **WGTA Revision 2016** treats Gould Firm Lane, which currently has only **temporary** permission because of Condition 2, differently from Cartbridge Lane which **too** has only temporary permission:

‘The 37 pitches in 2016 include 4 at Gould Firm Lane that are the subject of a personal planning permission, but not the 4 at Cartbridge Lane as they only have a temporary permission.

August 2015 Department for Communities and Local Government Planning policy for traveller sites states:

‘7. In assembling the evidence base necessary to support their planning approach, local planning authorities should:... c) use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions’

Therefore as far as justification is concerned, it is not only that there is a lack of robust estimates to include site GT6, but that this must be taken together with that the Plan is not consistent with national policy and is not positively prepared or likely to be effective.

In conclusion the evidence provided by the research suggests that the SAD Publication Plan is not sound.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Walsall Site Allocation Document Publication Draft Plan March 2016 Site Reference:GT6 Chapter Titles:3b/HC4: Accommodation for Gypsies Travellers & Travelling Showpeople Page No: 40-52
Suggested Modifications (continue on a separate sheet if necessary)
34-38 Gould Firm Lane (site GT6) should be removed from the SAD Publication Plan and should remain temporary to revert to Green Belt in line with the conditions originally applied and not changed to permanent as proposed.

From: [REDACTED]
Sent: 29 April 2016 14:58
To: planningpolicy
Subject: Planning 2026: Have Your Say - Publication Stage Consultation

Walsall Group of the Ramblers generally find the responses we have received to our representations to the Site Allocation Document and other documentation to be consistent with the wider policies of the Ramblers organisation regarding the preservation of the national footpath network and also our aims to support measures that help retain the countryside and open spaces. Our concerns were based on the continual need to utilise more land within Walsall borough for industrial and residential requirements whilst risking the loss of existing Rights of Way and other opportunities allowing local residents to walk/exercise. This would initially appear to contradict the aims within the borough to encourage healthy lifestyles and reduce dependencies on local health suppliers.

In the very urban borough of Walsall our footpaths/Rights of Way provide options for those not wishing to remain healthy by using the more constrained atmospheres with leisure centres/gymnasiums, etc. but who would sooner take regular excises by walking either in their free time or as a means of getting to work or to local amenities.

We felt that these opportunities would be impacted during the Planning Period and that once lost they would not be re-instated. However, we feel somewhat relieved that many of our issues regarding several sites throughout the borough have been addressed by the planning process. In particular our concerns relating to quarrying and waste management appear to have been covered by the latest documentation and although there may be long-term disruption to some areas whilst these activities are underway we believe that restoration of the sites subsequently to open spaces with public rights of way included will be a great benefit to Walsall residents.

We currently work closely with the Rights of Way team and have representation at the on the Local Access Forum in order that our day-to-day concerns regarding local footpaths can be aired and hopefully resolved. Our hopes are that wherever Rights of Way require to be diverted we can agree to this being done sensitively and that where there is an opportunity for new Rights of Way to be formally established this too can be implemented in a manner that permits the best use of the spaces available.

We therefore look forward to a continuing relationship with Walsall Council throughout the Planning Period defined by the SAD and beyond.

[REDACTED]
Walsall Group of the Ramblers

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
WALSALL SITE ALLOCATION DOCUMENT SECTION 7
Do you support or object to the plan?
SUPPORT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)
<p>WE WOULD LIKE TO SUPPORT THE COUNCILS DECISION NOT TO USE GREENBELT LAND FOR GENERAL HOUSING OR GYPSY, TRAVELLERS AND TRAVELLING SHOW PEOPLE SITES</p> <p>WE AGREE THAT IT IS VERY IMPORTANT THAT YOU HAVE DECIDED:</p> <ul style="list-style-type: none"> - TO KEEP THE GREENBELT BOUNDARIES UNALTERED - TO SAFEGUARD THE NATURAL CONSERVATION AREAS AND OPENSPACE SITES THAT ARE ALLOCATED IN THE GREENBELT - THAT THE DEFINING CHARACTERISTICS AND FUNCTIONS OF THE GREENBELT WILL CONTINUE TO BE SAFEGUARDED AS PART OF THE WIDER WEST MIDLANDS GREEN BELT



Walsall Council

Councillor [REDACTED] Rochelle
Aldridge Central and South Ward
Conservative

SITE ALLOCATION DOCUMENT

The Aldridge and Beacon Area Panel received a presentation given by [REDACTED] Principle Regeneration Officer and [REDACTED] a Planning Officer

The report was well received with sufficient sites identified for at least the next ten years. We were pleased that Conservation and green belt land was retained. Our area provides a Green Lung to Walsall The area has a remarkable distinction of having the oldest age profile in Great Britain with Aldridge being the oldest and Pheasey being close behind close to 30% of the population over 60 years of age and 60% being over the age of 45 years of age. Worthy to be conserved and far from affluent. Is it the air or just what is the reason?. We have a balance of Industrial areas and residential areas.

Our officers have in our opinion done a good and fair response to the National Policy and our Area Panel supports their recommendations

Yours faithfully

[REDACTED]

Councillor [REDACTED] Rochelle

From: [REDACTED]
Sent: 21 April 2016 22:58
To: planningpolicy
Subject: planning 2026

I had the opportunity to look at your plans when you brought them to Aldridge shopping centre last week. The current plans seem to be well thought out and I am delighted that so much of the development sites are in brownfield areas. It is really important to protect the green belt.

Initially I intended to respond using your website but I found the questions in the consultation too technical, so I decided to use email instead.

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy EN1 and Policy Justification para 7.4.1 Pages 100 - 103
Do you support or object to the plan?
Object
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Positively prepared, effective
Comments (continue on a separate sheet if necessary)
<p>Policy EN1 should acknowledge that part of Walsall Borough lies within the Cannock Chase SAC 15 km Zone of Influence (ZOI): this should be directly referenced in the Policy and the Policies Map should reflect this.</p> <p>Evidence prepared by Footprint Ecology concluded that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15km radius of the Cannock Chase SAC would have an adverse effect upon its integrity, with a significantly higher proportion of visitors (5/6) coming from within 8km. A map is appended. Those Local Authorities impacted by the ZOI have formed the Cannock Chase SAC Partnership, and have prepared a schedule of Strategic Access Management Mitigation Measures (SAMMM), funded by developer contributions: Natural England attend the SAC partnership and fully support this approach. Should developers not wish to pay the agreed contributions they have to satisfy Natural England that they can mitigate satisfactorily in other ways.</p> <p>However, whilst involved in the Partnership, Walsall MBC has never supported the approach being taken, nor have they accepted the ZOI, and have recently prepared further evidence which makes a number of suggestions for revision of the approach which has already been agreed by the rest of the SAC partnership.</p> <p>It is emphasised that Walsall have presented their objections to a number of different Inspectors at recent Local Plan examinations including the examination of Cannock Chase District Council's Local Plan Part 1 in September 2013. Notwithstanding these objections, Inspectors have heard the evidence before them and found the approach – and policies for ensuring mitigation - to be sound.</p> <p>It is noted that paragraph 7.4.1 does state that 'appropriate and proportionate measures sufficient to avoid or mitigate any significant identified adverse impacts' may be required. However, again it is stressed that the approach being taken by the other members of the Partnership is acceptable and has been tested through EiP. Should Walsall wish to take a different stance to others in the SAC partnership then it is imperative that this should be to the satisfaction of Natural England, to ensure that no harm arises to the SAC from proposed development in the Walsall Plan.</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph

Suggested Modifications (continue on a separate sheet if necessary)

Policy EN1 should acknowledge that part of Walsall Borough lies within the Cannock Chase SAC 15 km Zone of Influence (ZOI): this should be directly referenced in the Policy which should then refer to the need to 'demonstrate appropriate and proportionate measures' (as per the explanatory text) to mitigate for impacts should these be deemed to be necessary as a result of screening under the Habitats Regulations.

The Policies Map should reflect the extent of the ZOI in Walsall Borough.

Request to be notified

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

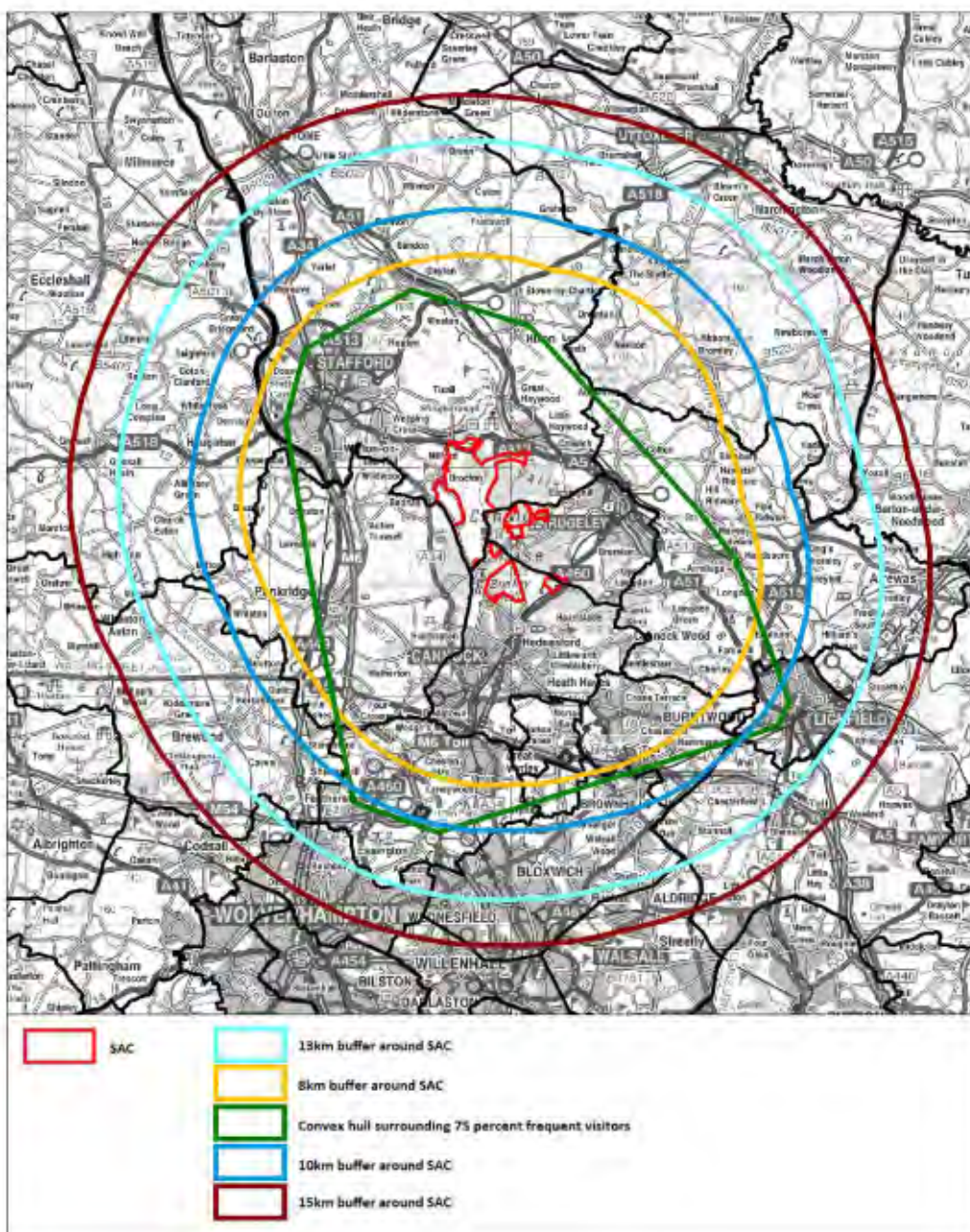
Document and reference(s) page / policy / paragraph
<ul style="list-style-type: none"> - Paragraph 1.3 - Policy EN4 - Policy M9
Do you support or object to the plan?
Support the above referenced parts of plan
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
N/A
Comments (continue on a separate sheet if necessary)
<p>Paragraph 1.3- Welcome reference to commitment to review of BCCS in 2016 and Green Belt review. Further context to the strategic matters to be considered could be added e.g. reference to the ongoing Greater Birmingham Housing Market Area housing supply shortfall work.</p> <p>Policy EN4- support references to Hatherton Branch Canal restoration</p> <p>Policy M9- Support for not allocating a minerals development site at Yorks Bridge based upon the existing evidence. Support for criteria set out to assess any future proposals.</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Suggested Modifications (continue on a separate sheet if necessary)

Map 1. Map of the zones around Cannock Chase SAC
 – 8km and 15km are the Partnership agreed zones



Map 3: Different distance bands/zones around SAC

Contains Ordnance Survey Data.
 ©Crown copyright and database right 2011.

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 10, paragraph 2.1 (objectives)
Do you support or object to the plan?
Support (part)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
-
Comments (continue on a separate sheet if necessary)
Our client supports the inclusion of the second objective, which seeks to deliver sustainable communities through the development of new housing on vacant, derelict and under-used land (including redundant employment land) to provide a range of homes. One of the core planning principles set out in paragraph 17 of the National Planning Policy Framework (NPPF) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Paragraph 22 of the NPPF also highlights that planning policies should avoid the long term protection of sites allocated for employment use. An approach which seeks to encourage the development of new housing on vacant, derelict and under-used land (i.e. redundant employment land) is therefore considered to be consistent with national policy subject to such sites being suitable, viable and deliverable for housing.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
N/A
Suggested Modifications (continue on a separate sheet if necessary)
N/A

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 24. Policy HC1
Do you support or object to the plan?
Object (part)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Justified Consistent with national policy Effective
Comments (continue on a separate sheet if necessary)
<p>Our client objects to the wording at the start of proposed Policy HC1 which states that “each site should achieve a density of at least 35 dwellings per hectare”.</p> <p>Firstly it should be noted that neither proposed Policy HC1 nor the supporting text to this policy makes reference to gross or net density. The assumption of this policy wording in its current form is that density is to be calculated on a gross site area basis, but that open space and other facilities can be excluded from this calculation, essentially implying that density should therefore be calculated on a net density basis. Our client considers that the policy should make specific reference to gross or net density in order to be fully effective.</p> <p>The Black Country Core Strategy (BCCS) Policy HOU2 states that: “<i>All developments will aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined in Policy ENV2</i>”. The BCCS clearly therefore refers to net density. Therefore in order for the Site Allocations Document to be consistent with the general approach taken within the BCCS our client queries why the Site Allocations document does not specifically refer to net site density.</p> <p>Secondly it should be noted that the BCCS was adopted in February 2011. This pre-dates the National Planning Policy Framework (NPPF), which was published in March 2012. Paragraph 212 of the NPPF states that the NPPF policies must be taken into account in the preparation of plans. Furthermore, paragraph 213 of the NPPF identifies that plans may need to be revised to take account of the NPPF policies.</p> <p>In this context it should be noted that paragraph 59 of the NPPF states that “<i>design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally</i>”. In addition, paragraph 58 of the NPPF identifies that development should respond to local character and history, and reflect the identity of local surroundings.</p> <p>The NPPF (paragraph 158) clearly states that local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals. The NPPF Core planning principles</p>

highlight that 'market signals' include factors such as land prices and housing affordability. The NPPF (paragraph 173) also highlights that Plans should be deliverable and therefore the sites and scale of development identified in the Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

House builders and developers need to build homes that will sell and will therefore develop residential sites at a density that gives regard to the location, responds to market signals, delivers a product that meets a recognised need and will ultimately result in a viable development.

However the only exceptions identified within the current proposed wording of Policy HC1, to permit deviation from the stated minimum of 35 dwellings per hectare, is where part of the site is needed for open space or other facilities in accordance with other policies of the Plan. This does not necessarily achieve the requirement for the design of developments to take account of their context and surroundings and help create places where people choose to live.

It therefore seems unnecessary for Policy HC1 to introduce a minimum density requirement that appears more onerous and less flexible than the Core Strategy policy requirement, which in turn is more prescriptive than, and therefore not consistent with, the approach introduced through the NPPF. Whilst many developments might be achieving densities of around 35dph, and it is recognised that seeking to achieve densities of 35dph demonstrates that the Council is serious about making efficient use of land, the wording of SAD Policy HC1 needs to be more flexible to allow development density to genuinely reflect a site's context, character and location and more readily respond to deliverability, viability and market signals, as required by the NPPF.

Whilst it is acknowledged that the supporting text to proposed Policy HC1 (at paragraph 3.2.1) identifies that "*the dwelling numbers stated [for the sites listed in Table HC1] are those for which planning permission has been granted or, where no such permission exists yet, an estimate of the housing capacity of each site based on a density of 35 dwellings per hectare*", the wording also highlights that "*proposals for individual sites will not necessarily be expected to achieve these numbers*". It is considered that it is important for this flexibility to be included within the wording at the start of proposed Policy HC1 to enshrine flexibility within the policy. This is significant because some sites listed which have the benefit of full planning permission do not reflect current housing market requirements due to the dwelling mix / types permitted (e.g. the large number of apartments approved for Site HO303) and therefore require a new planning permission for a different type and density of residential development in order to be delivered in early course. It is therefore vitally important that the "estimated dwellings" stated for these sites in Table HC1 is not treated as an absolute policy requirement.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

**Document and reference(s)
page / policy / paragraph**

Walsall Site Allocations Document – Publication Draft Plan
Page 24. Policy HC1

Suggested Modifications (continue on a separate sheet if necessary)

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 29. Policy HC1
Do you support or object to the plan?
Support (part)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
-
Comments (continue on a separate sheet if necessary)
<p>Our client supports the proposal in proposed Policy HC1 (Table HC1), and shown on both map 3.1 and the Policies Map, for Land (Including Factory Complex AP (UK) Ltd) at Heathfield Lane West, Darlaston (Site HO303) to be allocated for residential development.</p> <p>The site was granted full planning permission on 23/08/2008 under reference 08/0394/FUL for the “<i>Demolition of existing buildings and erection of 304 houses and apartments, revised access, amenity areas, parking and associated works. (Resubmission of 07/2465/FL/W2)</i>”. The relevant pre-commencement conditions have been discharged and we understand that development has materially commenced on site within the prescribed period, lawfully implementing the permission and enabling it to remain extant.</p> <p>The site also features as a housing site within regeneration framework documents produced previously for Darlaston and Moxley. The site is within the Black Country Core Strategy (BCCS) Regeneration Corridor 5 (RC5). The BCCS RC5 map shows a Housing Growth Area and Housing Renewal Hub in the general vicinity of the site.</p> <p>The site is located between an existing established residential neighbourhood and the Walsall Canal. The Grace Academy is located to the north. The site is also well related to the facilities and services in Darlaston Town centre and the local facilities available in Moxley. The site comprises previously-developed land. In this regard the site is considered to represent a sustainable location for development. Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is at the heart of the NPPF. Furthermore, in granting full planning permission for residential development on the site under application reference 08/0394/FUL the Council officers were satisfied that the site was suitable for residential development and that the proposed development was acceptable in technical terms, including in relation to the impact on the local highway network.</p> <p>Houses have not been delivered from the site so far, but the mix of dwellings approved in the 2008 planning permission is not currently considered to be viable or respond to current market requirements. Therefore our client is currently preparing a new application for a lower density scheme which can progress residential development on the site sooner and deliver a scheme that is more in line with market requirements. Discussions held with Council officers on this approach to enabling early delivery from the site have been positive, particularly given that the site is a regeneration priority for the Council and also an HCA priority site. These discussions reiterated that the principle of residential development on the site remains acceptable and highlighted that a moderate density scheme comprising mainly houses in place of the large number of apartments approved previously would be appropriate for this location and more sensible for the current market. The site is therefore considered to be suitable,</p>

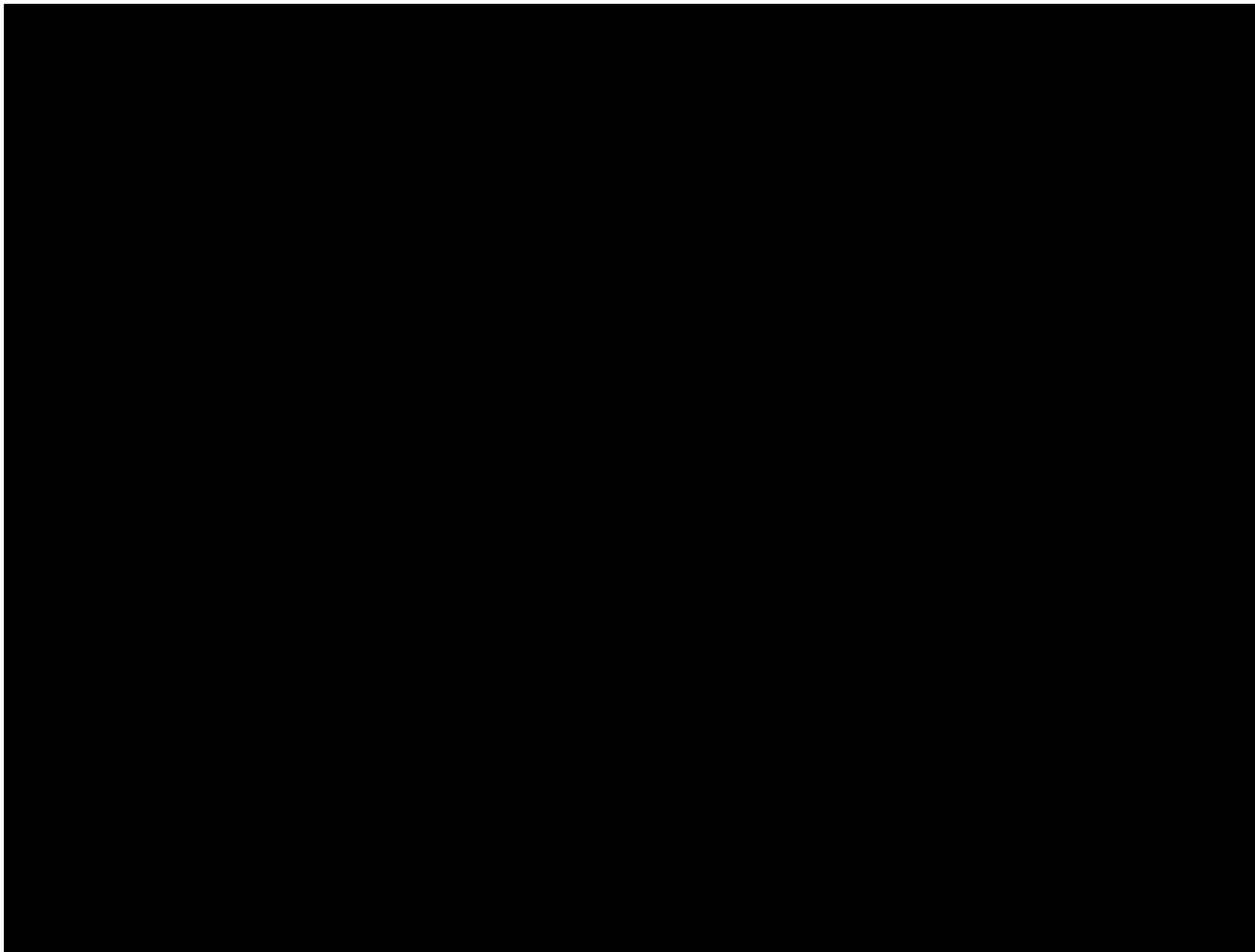
available and deliverable for development.

In this regard, the allocation of the site for residential development can be suitably evidenced and is therefore justified.

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
N/A
Suggested Modifications (continue on a separate sheet if necessary)
N/A



Comments

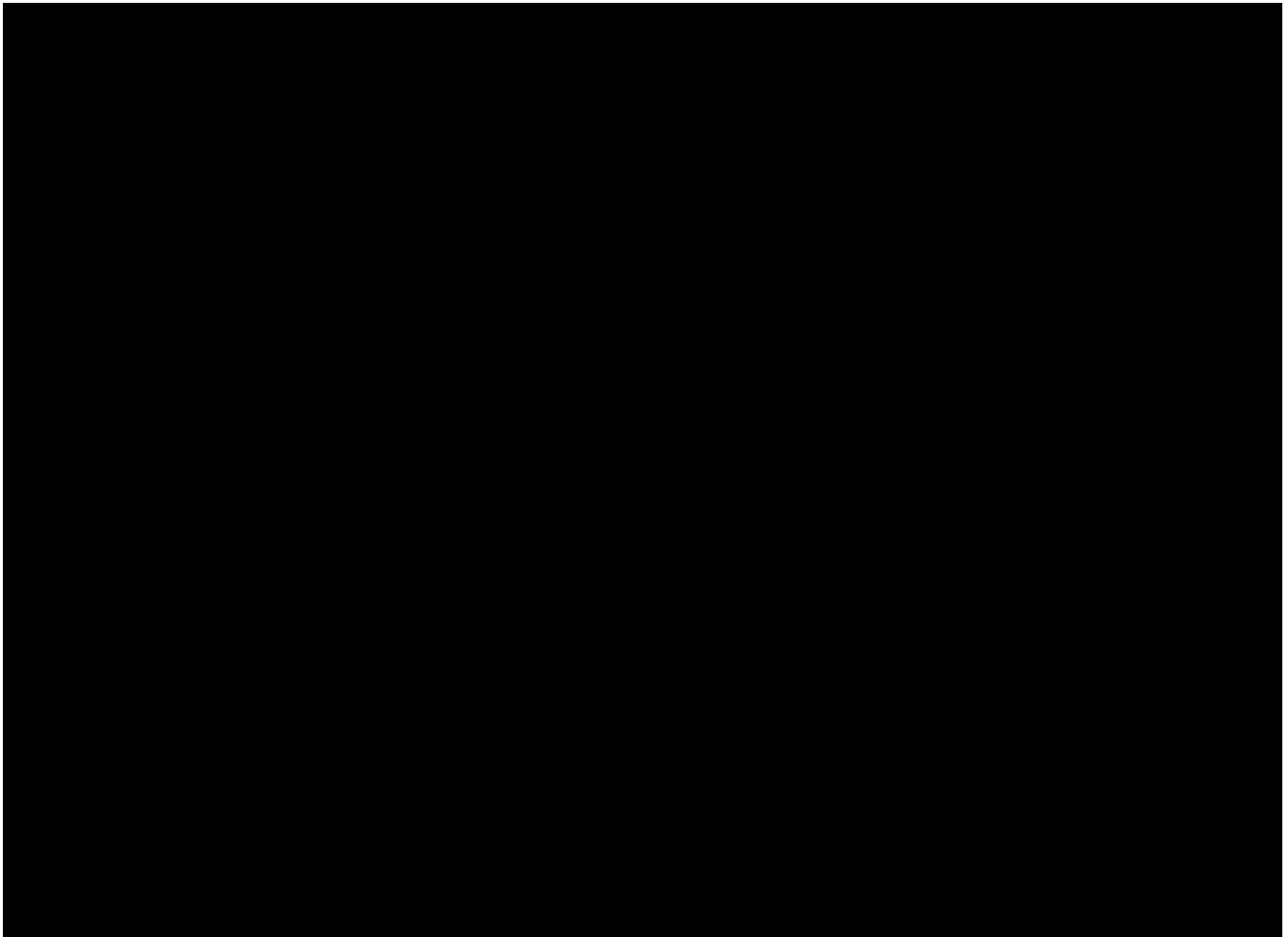
Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 36. Policy HC3
Do you support or object to the plan?
Support (part)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
-
Comments (continue on a separate sheet if necessary)
<p>Our client supports the inclusion of a mechanism to assess whether affordable housing provision on housing sites is financially viable within part a) of SAD Policy HC3 (Affordable housing and Housing and Housing for People with Special Needs).</p> <p>The Site Allocations Document is proposing a “brownfield first” approach to the allocation of sites. Previously developed land can be subject to site-specific constraints associated with the past use of these sites, notably with respect to contamination, which can impact on the viability of the sites. Therefore including a provision within Policy HC3 for allowing the inclusion of affordable housing within the consideration of viability is welcomed.</p> <p>This approach is also consistent with the requirements of National Planning Policy Framework (NPPF) paragraph 173. Paragraph 173 identifies that:</p> <p><i>“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable”.</i></p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
N/A
Suggested Modifications (continue on a separate sheet if necessary)
N/A



Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 68. Policy IND5.
Do you support or object to the plan?
Object (part)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Positively prepared Consistent with national policy
Comments (continue on a separate sheet if necessary)
<p>Our client notes that the 10.37ha Former Moxley Tip, Moxley Road, Darlaston (Site Reference IN122), listed in Policy IND5 and shown on Map 4.1, is proposed to be allocated as a new employment opportunity.</p> <p>Site IN122 is immediately to the south of land within our client's ownership, which benefits from planning permission for residential development and is being proposed to be allocated for housing development under site reference HO303 (please refer to the response to Policy HC1 for more details). Our client is concerned about the amenity implications resulting from the close proximity of the proposed employment allocation to both the existing residential properties and the residential properties that will be built on site reference HO303.</p> <p>The National Planning Policy Framework (NPPF) paragraph 123 identifies the need for planning policies to avoid giving rise to significant adverse impacts on health and quality of life as a result of new development and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.</p> <p>Our client notes that the wording of Policy IND5 makes reference to needing to comply with the provisions of Black Country Core Strategy (BCCS) policy EMP2 and UDP saved policy JP8. BCCS Policy EMP2 seeks to safeguard strategic high quality employment areas for manufacturing and industrial uses. UDP Policy JP8 seeks to control bad neighbour industrial uses (such as scrap metal dealers, open salvage activities and waste management facilities), including through a requirement that such uses should not have an adverse or potentially adverse environmental impact on housing, schools, facilities for sport and recreation or other sensitive land uses. Policy IND5 does not therefore include any provisions which seek to ensure that residential amenity is safeguarded on adjacent sites in relation to other types of employment uses.</p> <p>Our client accordingly requests that the Policy wording should clearly state that new employment proposals should demonstrate that the proposals would not adversely affect the amenity of nearby residents and / or prejudice the ability for nearby housing allocations to come forward for development and should include appropriate boundary planting and other mitigation measures where necessary.</p> <p>Alternatively the Council may wish to consider whether residential development may be appropriate on all or some of site IN122 to reflect the predominantly residential character of the immediate area.</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 68. Policy IND5
Suggested Modifications (continue on a separate sheet if necessary)
In order to address the comments identified above, the following modification is proposed to the wording at the start of proposed Policy IND5: <i>...“Proposals for non industrial uses will be discouraged. Proposals should respect the amenity of neighbouring uses and include appropriate mitigation where necessary”.</i>

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 86. Policy LC5.
Do you support or object to the plan?
Object (part)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Positively prepared Effective Consistent with national policy
Comments (continue on a separate sheet if necessary)
<p>Our client objects to the current wording of part c) of proposed Policy LC5 on the grounds that it is not considered to be sufficiently flexible to be justifiable and effective in its current form.</p> <p>Part c) of proposed Policy LC5 states that “Developers of sites which include or adjoin parts of the Greenway network will be expected, if consistent with the CIL regulations, to fund the construction or improvement of these, together with any necessary links from the Greenway network into the development. Management and maintenance agreements, which specify responsibilities and revenue sources, must be concluded before development commences”. Whilst our client recognises the benefits that can accrue as a result from developments funding the construction or improvement of off site green infrastructure links, it is important to recognise that, in common with other types of off and on site infrastructure requests, this should be subject to viability testing.</p> <p>Paragraph 173 of the National Planning Policy Framework (NPPF) identifies that:</p> <p><i>“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable”.</i></p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

**Document and reference(s)
page / policy / paragraph**

Walsall Site Allocations Document – Publication Draft Plan

Page 86. Policy LC5.

Suggested Modifications (continue on a separate sheet if necessary)

In order to address the comments identified above, and ensure that viability is properly taken into consideration through the plan-making process, the following modification is proposed to the wording of part c) of proposed Policy LC5:

*“c) Developers of sites which include or adjoin parts of the Greenway network will be expected, if consistent with the CIL regulations, to fund the construction or improvement of these, **subject to viability**, together with any necessary links from the Greenway network into the development. Management and maintenance agreements, which specify responsibilities and revenue sources, must be concluded before development commences.*

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Walsall Site Allocations Document – Publication Draft Plan Page 110. Policy EN4.
Do you support or object to the plan?
Object (part)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Positively prepared Effective Consistent with national policy
Comments (continue on a separate sheet if necessary)
<p>Our client objects to the current wording of part e) of proposed Policy EN4 on the grounds that it is not considered to be sufficiently flexible to be justifiable and effective in its current form.</p> <p>Part e) of proposed Policy EN4 states that “Where a development proposal directly borders a canal, or it would generate extra use of the canal towpath or water course, development might be expected to contribute towards the improvement and / or maintenance of the canal infrastructure, including improving access to the canal. This approach will be applied in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and / or other relevant legislation or policy”. Whilst our client recognises the benefits that can accrue as a result from developments funding the improvement and / or maintenance of the canal infrastructure it is important to recognise that, in common with other types of off and on site infrastructure requests, this should be subject to viability testing.</p> <p>Paragraph 173 of the National Planning Policy Framework (NPPF) identifies that:</p> <p><i>“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable”.</i></p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

**Document and reference(s)
page / policy / paragraph**

Walsall Site Allocations Document – Publication Draft Plan
Page 110. Policy EN4.

Suggested Modifications (continue on a separate sheet if necessary)

In order to address the comments identified above, and ensure that viability is properly taken into consideration through the plan-making process, the following modification is proposed to the wording of part e) of proposed Policy EN4:

*“e) “Where a development proposal directly borders a canal, or it would generate extra use of the canal towpath or water course, development might be expected to contribute towards the improvement and / or maintenance of the canal infrastructure, including improving access to the canal **subject to viability**. This approach will be applied in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and / or other relevant legislation or policy”.*

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Do you support or object to the plan?
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)
<p style="text-align: right;">23/4/16</p> <p>P. 10 - OBJECTIVES, REGENERATION CORRIDORS + ISSUES 1-10 - AGREE TO MAKE SURE THAT THE AREA OF WALSALL IS BE THE BEST THAT IT CAN BE, ENVIRONMENTALLY & COMMUNITYWISE.</p> <p>P. 15 - WATER/FLOODING - NEED CAREFUL INVESTIGATION PRIOR TO ANY PLANNING - DRAINAGE ESPECIALLY NEEDS ATTENTION.</p> <p>2-3 - WALSALL TOWN CENTRE - AFTER A BRIEF LOOK AT THE PLANS AT WALSALL WOOD LIBRARY (I HAVE NOT GOT A COMPUTER + DON'T WANT ONE) I THINK THAT THE CRESCENT SHAPE OF THE BRIDGE SHOULD BE KEPT AS OPEN AS POSSIBLE - THE MARKET STALLS HAVE RUINED THE CENTRE OF WALSALL + PARK STREET + THEY SHOULD NOT BE THERE!!</p> <p>6.5 - PROTECTING THE CHARACTER OF WALSALL TOWN CENTRE.. WE HAVE SOME LOVELY ARCHITECTURE IN THE CENTRE OF WALSALL - YOU HAVE ONLY GOT TO LOOK AT</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
<p>Suggested Modifications (continue on a separate sheet if necessary)</p> <p>THE BEAUTIFUL BRICKWORK OF BANKS & BUILDINGS AROUND THE CENTRE — THE OLD TAYLORS MUSIC SHOP, THE CORNER OF BRIDGE STREET (THE OLD WALSAH MUTUAL BUILDING) WHAT IS TO BE DONE WITH THE OLD STORK HOTEL — IT SPOILS THE OLD SQUARE AREA OF THE TOWN. — THE OBSERVER OFFICE BUILDING IS ANOTHER BEAUTIFUL BUILDING — THESE OUGHT TO BE PRESERVED, NOTHING WILL REPLACE THEM.</p> <p>THE MARKET AT THE BOTTOM OF PARK STREET HAS RUINED THE WHOLE OF ^{THE} CENTRE OF WALSAH — I HAS MADE IT IMPOSSIBLE FOR PEDESTRIANS AND THE ACCUMULATION OF RUBBISH HAS MADE THE AREA DIRTY — I DO NOT GO INTO WALSAH VERY OFTEN NOW — IT PUTS ME OFF !!</p> <p>THE MARKET WOULD BE MUCH BETTER IN THE ORIGINAL SQUARE AREA AT THE DEBENHAMS END OF THE SQUARE — IT IS LESS OBTRUSIVE TO THE CENTRE BRIDGE AREA, WHICH COULD BE MADE A PLACE WITH BENCHES & PERHAPS A RECREATION AREA.</p> <p>I ALSO AGREE THAT ALL THE OFFICE & BUSINESS AREA WOULD BE BEST KEPT AT THE STAFFORD STREET END OF THE TOWN, WHICH IS ALSO IN A DERELICT STATE.</p> <p>THE WHARF AREA HAS IMPROVED THE TON STREET END OF THE TOWN & THE WATERFRONT IS A LOVELY ADDITION, BUT IT WOULD HAVE BEEN NICE TO HAVE A THEATRE WITH RESTAURANT IN THAT AREA — IT WOULD HAVE BEEN THE IDEAL PLACE.</p>



House of Commons
London SW1A 0AA
Tel: 020 7219 2237

Valerie Vaz MP

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

By email : planningpolicy@walsall.gov.uk and post.

2 May 2016

Dear Sir / Madam

Response to consultation on Walsall Council MBC Site Allocation Document (SAD)

Please find below my response to the consultation on the SAD.

Objection to policy EN7

Enabling development

1. This proposed policy marks an undesirable step change in Walsall MBC's approach to development in the Green Belt and protected registered parkland. This change in policy is wholly unwarranted and conflicts with the National Planning Policy Framework (NPPF).
2. The point raised by the email dated 28 April 2016 setting out advice from [REDACTED] that enabling development '...could happen even if not referred to in the policy' is not a justification for the Council to choose to facilitate enabling development at Great Barr Hall and Parkland.
3. It must be recalled that Great Barr Hall was a building in use when it was listed and not the dilapidated, roofless shell that is the result of dereliction under owners since it ceased to be used as a hospital.

Email: [REDACTED]
Web: valerievazmp.co.uk
Fax: [REDACTED]

Walsall South Constituency Office
16A Lichfield Street, Walsall WS1 1TJ
Tel: [REDACTED]

4. It is a clear principle that enabling development as a policy has to be retained as the act of last resort – it cannot be an easy solution for owners of listed buildings (or other heritage assets) who have failed in their duty of care. EN7 proposing enabling development would be a clear breach of this principle. See attached photos.
5. The policy change raises fundamental issues about how Walsall MBC is seeking to reward owners of heritage assets who allow the deterioration of those assets as a reward for failure.
6. As well as not rewarding owners with exceptional planning permissions against prohibitive national planning policy whereby they gain financially from their neglect of the building or land, enabling development should also be a last resort, with development proposals brought forward when all other options have been explored and discounted. Again this is not the case with Great Barr Hall and policy EN7.
7. Enabling development should not be the Council's policy when the local authority has not used the statutory powers available to it promptly to prevent or limit deterioration when the owner is failing to do so. This is clearly the case with EN7.
8. EN7 b ii attempts to fetter the NPPF by restricting the application of the NPPF (wholly exceptional) to Great Barr Hall and to exclude the listed parkland and gardens and green belt.
9. I note also that the Historic England guidance on enabling development *Enabling Development and conservation of significant places (2008)* is not included in the section on evidence used by the council.

The policy does not consider the range of solutions available to protect the heritage assets.

10. Alternative strategies to protect the heritage assets of Great Barr Hall and Parkland do not form part of EN7 as they did with previous policy and EN7 should be amended to include other strategies.

11. The Council should not make the assumption that the current owners will continue in ownership until 2026 the period of the SAD. After all the ownership of Great Barr Hall and Estate has changed hands since the previous policy was passed.
12. It is highly likely that community groups or community based organisations formed with the purpose of restoring the Hall and/or parkland could apply for funding from for example the Heritage Lottery Fund and it should be noted that this funding stream also allows for the purchasing of assets. The Heritage Lottery Fund specifies separate funding for both buildings and parks.
13. Contrary to [REDACTED] advice set out in the email dated 28 April 2016 that *'There is a need to ensure the Council has up-to-date policies for its area and the policy for Great Barr Hall and Estate is intended to be relevant for the future whatever the decisions on particular applications'* the proposed EN7 does exactly the opposite and is narrowing down the Council's policy to just one strategy which is particularly suited to the current undetermined planning application.
14. Therefore Heritage Lottery Funding and other funding streams should all form part of planning policy strategy to protect these heritage assets.

Historic England's review of Great Barr Hall's listing

15. Historic England's review of Great Barr Hall's listing was announced in February 2016 and consultation took place in March 2016. It is not mentioned in the SAD and has not been taken into consideration in the formulation of EN7.
16. There is every chance that Historic England may recommend that the listing of Great Barr Hall as Grade 2* be downgraded. This would be highly significant and directly affect EN7.

17. Great Barr Hall would then be one of 150 Grade 2 listed buildings in the borough rather than one of 6 Grade 2* listed buildings and would no longer be classified by Historic England as a 'particularly important building of more than special interest'.
18. It would be completely inappropriate for there to be a special planning policy which conflicts with the National Planning Policy Framework policies on the Green Belt, conservation areas and registered parkland for merely a Grade 2 listed building.
19. Furthermore, it would strengthen the view that most local residents and community groups express that the Parkland is a much more important heritage asset than the dilapidated and dangerously derelict Hall.
20. This also reflects the value placed on the two assets by the current owners who paid £995,000 for the parkland but only £105,000 for the Hall.
21. The focus of a specific policy, if there were still to be one, should then be shifted to assert that the listed parkland is the main heritage asset. The cost of restoring the parkland and gardens is much more likely to be able to be met from available funding sources that would not require enabling development.

Recommendation should the Council ignore the objections to enabling development in EN7

22. It is my view and the view of many objectors and constituents that there is a political will among Conservative councillors to support the undetermined planning application to support enabling development for the construction of a gated development of 57 houses (many for the owners own personal use) in the listed parkland and green belt to facilitate a pastiche restoration and extension of the Hall into a wedding and conference centre. This would allow the destruction of the parkland.
23. If the Council ignores the objections to enabling development forming the policy of EN7 then EN7 should state that GBH **may** require enabling development not **will** require enabling development as currently proposed in EN7.

24. Furthermore, EN7 should be amended to limit the Council's view on the scope of any enabling development.
25. The Council has previously expressed a view in planning application number BC63007P/C.
26. I refer to the recommendation made by Walsall Council Planning Services on 31st May 2002 to grant planning permission for the 'Restoration, Conversion and Extension of Great Barr Hall to provide 11 apartments and the recommendation of the same date to grant listed building consent alongside the planning permission recommendation.
27. Should the Council insist on taking a view on enabling development at Great Barr Hall with its current listed status then its policy should only support limited enabling development to the existing footprint of the Hall and appropriate extensions to the Hall building and this should be detailed in the policy.

Summary

28. I object to enabling development as the council's policy for securing the heritage assets of Great Barr Hall and registered parkland.
29. The policy does not consider the range of solutions available to protect the heritage assets. It should do so.
30. The focus of the policy should be the parkland not the Hall.
31. The review of Great Barr Hall's listing by Historic England should inform the council's policy and there is the possibility of the downgrading of Great Barr Hall which would completely undermine the EN7 proposal, again requiring focus on the parkland as the main heritage asset.

32. In the event the council ignores objections to EN7's policy of enabling development then a revised EN7 should define and limit the scope of enabling development to the Halls footprint and appropriate extensions to the Hall building.

Yan euer

[Redacted]

Valerie Vaz MP

- Encl. 1. Email to [Redacted] dated 25.4.16 and reply from [Redacted] dated 28.4.16
2. Photographs taken at Great Barr Hall April 2016.

The photographs have not been published as they could be used to identify a person or persons under the age of 16

From: [REDACTED]
 Sent: 28 April 2016 11:47
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: RE: Great Barr Hall - Urgent

Dear [REDACTED]

Further to your email below, I am advised by [REDACTED] Head of Planning, Engineering and Transportation that the developers agent has been advised of the health and safety concerns reported by you and also by residents and the developers have been asked to secure the site. The Council's Building Control Team are aware of the issues and Inspectors will be visiting the site today.

As this is a private site, the Council do not have any details of what insurances the owners have for public liability.

With regard to Walsall Site Allocation Document (SAD), I am advised by the Regeneration Manager that:

Policy EN7 for Great Barr Hall and Estate can be seen at http://cms.walsall.gov.uk/sad_publication_draft_plan.pdf the relevant pages being 119-124. The section on evidence is as follows :

7.10.3 Evidence

- Grade II* Listed Building designation
- Grade II Registered Park and Garden
- Heritage at Risk Register – Historic England
- National Heritage List for England
- Great Barr Conservation Area
- Wolverhampton and Walsall Historic Environment Record (HER)
- EcoRecord, the ecological database for the Black Country and Birmingham.
- Current undetermined planning applications for the site, including 13/1567/FL

The planning applications exist and provide a great deal of the most up-to-date information available. For planning application 13/1567/FL, you will see there are 456 documents listed within the media items. This and other applications provide evidence and it would not be reasonable to ignore this evidence. However, the fact that something might provide evidence does not imply any particular decision on any application. If the outstanding applications are found to have provided all of the necessary evidence and are in a condition to be determined, then it might be that they could be determined before the SAD is submitted to the Secretary of State. In such circumstances the SAD would have very little weight.

Policy EN7 is part of a set of site allocation policies covering the borough as a whole. There is a need to ensure the Council has up-to-date policies for its area and the policy for Great Barr Hall and Estate is intended to be relevant for the future whatever the decisions on particular applications. Policy EN7 is very similar to the existing policy in Walsall's UDP. The main change is to introduce a reference to enabling development, but this is subject to the following. "*...such new development will be justified only insofar as it is necessary for the restoration and maintenance of the heritage assets and where the likely impact in terms of the Registered Park, Conservation Area and Green Belt Policies are outweighed by benefits for securing the future of Great Barr Hall and other heritage assets of the estate.*" It should be recognised that the concept of enabling development which outweighs conflicts with planning policies, but overrides these because of the benefits of restoring and or maintaining heritage assets, is firmly established in National Policy - see paragraph 140 of the National Planning Policy Framework by following this link

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

It could happen even if not referred to in the policy.

I hope you will understand that without some input of resources from somewhere, Great Barr Hall and Estate (and the environmental protections they bring with them) could potentially be in danger of being lost.

I trust that the above clarifies matters for you.

Kind Regards

[REDACTED]
Executive Officer, Chief Executive's Office
[REDACTED]

Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1TP

[REDACTED] Website: www.walsall.gov.uk

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From: [REDACTED]
Sent: 25 April 2016 19:37
To: Chief Executive's Complaints
Subject: RE: Great Barr Hall - Urgent

Thank you [REDACTED]
Regards
[REDACTED]

From: [REDACTED]
Sent: 25 April 2016 16:52
To: [REDACTED]
Subject: RE: Great Barr Hall - Urgent

Dear [REDACTED]

[REDACTED] is currently on leave but I will forward your email on urgently and respond to you as soon as possible.

Kind Regards

[REDACTED]
Executive Officer, Chief Executive's Office
[REDACTED]

Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1TP

Website: www.walsall.gov.uk

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From: [REDACTED]
Sent: 25 April 2016 14:45
To: [REDACTED]
Cc: [REDACTED]
Subject: Great Barr Hall - Urgent

Dear [REDACTED]

I was on the Netherhall Estate on Saturday afternoon and walked down to Great Barr Hall with local residents.

The negligence and irresponsibility of the current owners is staggering.

To think that Walsall Council is including the owners' undecided planning application as evidence in the current SAD documentation on which you are currently consulting shows a lack of professional judgement that I find incomprehensible. As is the apparent attempt by Walsall Council to formulate planning policy to support enabling development by them on registered parkland and green belt.

You will see from the attached photographs how dangerous the current owners' control of this land is to the local community.

Roaming around the site and climbing on the scaffolding were a group of children and young people ranging from approximately 10 -17 years old.

We did advise them that it was very dangerous to be climbing on the building and to climb down. This was met with the response that they did it frequently.

The site is completely open. There is no security - apparently this has been the case for some months now. Clearly a cost the owners have dispensed with. There are no signs indicating the site is dangerous.

It is very clear to me that the current owners have no consideration whatsoever for the safety of this site or for preventing any further deterioration in its condition.

I would be grateful if you could let me know what action Walsall MBC is taking to make this site safe?

Also, if Walsall Council has any details of any public liability insurance that may be held by the landowners I would be grateful if you could forward them to me.

Regards

[REDACTED]
[REDACTED]
Member of Parliament, Walsall South



A: House of Commons, London SW1A 0AA

A: 16a Lichfield Street, Walsall WS1 1SZ

W: www.valerievazmp.co.uk



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Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
POLICY HC1
Do you support or object to the plan?
OBJECT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE SHEET

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
POLICY HC1
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE SHEET

Publication Stage of Walsall Site Allocation Document

Response Form continuation sheet

Objection to Policy HC1 Land allocated for new housing development

Hancock Town Planning Ltd is acting on behalf for [REDACTED].

Firstly, my client would like to express strong support for the proposed allocation of Site HO 208, '*Land at Stencill's Farm, North of Mellish Road (area outside Green Belt)*' for 24 houses. This land is highly suitable for residential development as it is a previously-developed non-Green Belt site which lies in a highly sustainable location and is free from both physical and environmental constraints.

However, notwithstanding support for Site HO 208, we consider that the Document as a whole does not make sufficient provision for meeting projected housing need. Whilst my client appreciates that the proposed Site Allocations Document is based on the housing requirement as set out in the Black Country Core Strategy of 2011, that document is now dated and the level of unmet housing need has increased significantly since its adoption.

The proposed document makes no attempt to address the significant levels of unmet housing need identified in the Greater Birmingham SLEP (GBSLEP) Housing Market Review or the more recent GBSLEP and Black Country Authorities Strategic Housing Needs Study 2015. Meeting the shortfall of homes can only be achieved by the release of Green Belt land for new housing.

Therefore, as the plan does not meet full, objectively assessed housing need it is contrary to the requirements of the NPPF and consequently cannot be considered to be effective, justified or consistent with national policy.

Question 8: Required amendments

To address the above failure to meet housing need, the Site Allocations Document needs to identify additional housing land within areas currently designated as Green Belt.

The following two parcels of land are ideally suited for development for the reasons set out below, and are available for early delivery of development:

Land at Stencill's Farm, as previously promoted and referred to by the Council as site reference CFS 46, offers the following benefits:

- It immediately adjoins the urban edge of Walsall.
- It is approximately only one mile from Walsall Town Centre.
- There are two buses adjacent the site, one opposite Fernleigh Road and one adjacent to the Dilke Arms.

- It is approximately only 0.75 miles distant from the nearest primary school (Butts Primary) and secondary school (Queen Mary's High School).
- It is approximately 1.5 miles away from Walsall Train Station.
- It is a broadly level site, free from environmental constraints.
- It is well-enclosed by a number of defensible features, including a major A road to the south, residential development to the west, field hedgerow boundaries and the Daw End Branch Canal to the east.
- The land can be easily accessed via the existing roundabout on Aldridge Road.
- The land is well located for easy access to a pub, restaurant and golf course which lies opposite the site.
- The land has a single landowner to facilitate delivery.
- It has the potential to deliver either a small residential extension or a larger mixed use sustainable urban extension.

Land fronting Little Hardwick Road, Streetly, as previously promoted and referred to the Council as site reference CFS 48 and which has the following advantages:

- It lies in a highly sustainable location, within easy walking distance (via a dedicated level pavement) of the local shopping centre at the Little Hardwick Road / Chester Road. Chester Road is also a well-established public transport corridor.
- The land is very well related to the existing pattern of development within the area as it borders existing residential development both to the west (Bourne Vale / Vale Avenue) and to the east (Lester Grove). Part of the site also lies opposite the Sunny Bank Close residential area.
- The site frontage benefits from existing hedgerow screening which could be retained and reinforced with significant additional landscaping, if required.
- There is flexibility over the achieving vehicular access to the land, with potential for a direct and convenient access onto Chester Road, and / or for access via Bourne Vale to the west.
- Consideration should also be given to the allocation of my client's land as part of a wider land release including the land to the north and east. This would form an urban extension to Streetly which could provide a full range of housing and associated community and ancillary facilities.

We therefore request that some or all of my client's land at the above two sites be identified for housing in order to help meet the shortfall in housing which would otherwise result from adoption of the SAD as currently proposed.

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy IND3 Retained Local Quality Industry/ SAD Policy W2: Existing Waste Management Sites/SAD Policy M2: Safeguarding of Minerals Infrastructure/ IN54.4 Bescot Triangle South
Do you support or object to the plan?
NO OBJECTION
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)
The assumption is that retained local quality industry would incorporate B1c, d, B2, B8

Suggested Modifications

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy IND3: Retained Local Quality Industry/ IN328 FMR Deeleys Casting, Leamore Lane
Do you support or object to the plan?
OBJECT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Not consistent with placing development in the right places
Comments (continue on a separate sheet if necessary)
<p>This site has a resolution to grant for 101 residential dwellings and the s106/negotiations are currently underway with the local authority.</p> <p>To zone it for commercial and state that 'proposals for' non industrial will not be permitted is illogical and incorrect.</p> <p>The residential consent access also forms the second element of the residential development to the North, Water Reed Grove.</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Policy IND3: Retained Local Quality Industry/ IN328 FMR Deeleys Casting, Leamore Lane
Suggested Modifications (continue on a separate sheet if necessary)
Site should be zoned in line with the resolution to grant for residential development C3

Request to be notified

As part of the publication consultation you can a request to be notified of the next stages in the process. If you would like to be kept informed please select the relevant stages below:

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
SAD Policy W3: New Waste Management Development / Policy IND2: Potential high quality industry/ IN12.8 Fmr Mckenchnie Brass, Middlemore Lane, Aldridge
Do you support or object to the plan?
OBJECT (in parts)
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
In relation to zoning for enclosed waste
Comments (continue on a separate sheet if necessary)
<p>The site in question is currently identified as a 'Vacant potential high quality industrial site over 0.4ha' which we support. However, we do not support its allocation for 'New waste management development – waste treatment and transfer' as we believe this is incompatible with its context.</p>

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
SAD Policy W3: New Waste Management Development / Policy IND2: Potential high quality industry/ IN12.8 Fmr Mckenchnie Brass, Middlemore Lane, Aldridge
Suggested Modifications (continue on a separate sheet if necessary)
Remove zoning for 'new waste treatment and transfer facilities'

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Vacant Potential High Quality Industrial Sites- Vacant Potential High Quality Industrial Site/ IN105 Parallel 9-10, Darlaston
Do you support or object to the plan?
SUPPORT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Comments (continue on a separate sheet if necessary)

Suggested Modifications

Comments

Please state clearly the document you are commenting on and include policy reference, site references and chapter titles where relevant.

Document and reference(s) page / policy / paragraph
Policy IND2 / Vacant potential high quality industrial site/ New waste treatment and transfer facility/ IN98.2 Fmr Railway Tavern, James Bridge, Darlaston
Do you support or object to the plan?
OBJECT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
Unsound, in that we believe it does not go far enough in planning development in the right places and is not consistent with placing development in the right places
Comments (continue on a separate sheet if necessary)
We believe due to the position of this site and the changes in the context of the area particularly in relation to the new highway infrastructure that the use classes permitted/allocated should extend to A1, A3, A4, A5 and sui generis roadside uses as well as policy (IND2)

Suggested Modifications

Please state clearly which policy you are proposing modifications to and the changes you would like to see.

Document and reference(s) page / policy / paragraph
Policy IND2 / Vacant potential high quality industrial site/ New waste treatment and transfer facility/ IN98.2 Fmr Railway Tavern, James Bridge, Darlaston
Suggested Modifications (continue on a separate sheet if necessary)
Extend allocation to allow for compatible roadside uses such as to serve the proposed surrounding commercial development A1, A3, A4, A5 and sui generis roadside uses.