



Walsall Council

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

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

**Formal Representations: Part 2
UR 2131 – UR 2301**

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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 Publication Plan March 2016, p61 IND3 (a) IN5.3 Lindon Rd Brownhills
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)
<p>Brownhills Business Park (see attached location plan) continues to be a poorly performing industrial estate. Given its history of involvement, the Council will be aware that this industrial estate has been failing for some time.</p> <p>There have been several attempts to obtain planning permission for the redevelopment of the estate for residential purposes. The most recent (Planning Application ref 08/1725/OL for 89 houses) was supported by officers, when they recommended the application for approval.</p> <p>Against officer advice, Walsall's Planning Committee refused the application on 28 January 2009.</p> <p>The refusal was subject to a planning appeal in June 2009 (ref. APP/V4630/ A/ 09/ 2109093 - see attached appeal decision). An Inquiry took place in December 2009 and March 2010. On 14 May 2010, the Inspector upheld AIF's appeal and granted planning permission.</p> <p>However, Walsall Council sought judicial review of the appeal decision. In June 2011, the Secretary of State confirmed he would not be defending the appeal decision. On 4 August 2011, the appeal decision was quashed.</p> <p>AIF management at that time chose not to take up their opportunity to re-run the appeal. Their decision was informed by perhaps the worst market for housing land in Brownhills, which was still in recession. Also, there was no interest from the residential building industry.</p> <p>At the time of the last planning application and the appeal that followed, the case for redevelopment was based upon evidence addressing a number of points:</p> <ul style="list-style-type: none"> - demonstrating the units on the estate were coming to the end of their useful lives and increasingly costly to repair - redevelopment for industrial use was not viable - there was a good supply of alternative, better quality and better located

- industrial land and premises, nearby
- the redevelopment of the industrial estate for residential purposes could be achieved without any detrimental impact on the other adjacent industrial units
 - the masterplan submitted would result in a good quality residential environment.

The Council sought to challenge those points as part of their case at the appeal hearings. In every case, the Council either withdrew their objection or, after considering the evidence from both sides, the Inspector found in favour of AIF.

The Council's subsequent judicial review of the appeal decision was founded on the appeal Inspector erroneously citing the dates of the adoption of planning policy. Without challenge, the Court accepted this compromised the appeal decision and so it was quashed.

It was not part of the Council's case that the Inspector had made an error in his assessment of the planning merits of the proposal based up on the five points set out above:

- the estate continued to decline as a usable industrial asset was not challenged;
- the Council did not argue that redevelopment or refurbishment was viable;
- the Council did not suggest there was an inadequate supply of alternative and better quality employment land and premises, locally;
- it is still the case that residential can go ahead on the site that would create a good residential environment without detrimentally affecting adjacent industrial neighbours

The Council's continued allocation of Brownhills Business Park is in part on evidence set out in the Employment Land Reviews. The most version of the ELR from March 2016 provides as summary at para 5.16:

"IN5.3, on Lindon Road, consists of Brownhills Business Park (for sale), with a mix of small scale uses and storage, including Canwell Engineering (motorway maintenance) and Wilcox Refinishers, with the ex-Veolia premises to the north, recently acquired and partly occupied by Theo's Foods. Wickson's Coaches adjoins Brownhills Business Park to the south. The accommodation on Lindon Road is generally older and poorer than other parts of the Maybrook employment area. There has been pressure for housing on part of this area in the past, which the Council has resisted. While residential development would be more attractive to owners than reinvesting in the stock, the Council should encourage redevelopment and investment as a reflection of the site's status as an important local employment area. As the previous editions of the ELR have stated, allowing housing on this area could cause it to lose its integrity as a coherent industrial area"

It is clear that the authors of this report were more concerned about the recent planning applications for residential redevelopment and appeals, than giving proper consideration as to how well the estate performs as an industrial asset. Certainly, there has been no attempt to contact AIF to discuss how the estate performs. Suggesting that the Council should encourage redevelopment and investment

demonstrates a profound lack of understanding about viability appraisals/ issues. AIF have (and continue to) assessed the viability of all options (refurbishment and redevelopment) and they do not work.

AIF have tried to make the estate work, marketing the units for lease, including the Council's website, and offering incentives to attract tenants. However, the industrial market for Brownhills Business Park as a whole, or any of the units it has to offer remains weak and in decline.

Units on the estate continue to be vacant with no realistic prospect of re-letting without substantial investment, which cannot be justified. Many buildings on the estate are beyond economic repair and when their tenants leave there will be little alternative to boarding up or demolition.

Since 2011, AIF have also tried to sell the estate as a going concern (or for redevelopment for industrial purposes only). Whilst the recession lasted, there was no tangible interest. More recently there has been some interest in buying the estate, but that has come from those wishing to redevelop for residential use.

Paragraph 17 of the NPPF sets out the 12 overarching, core land-use planning principles underpinning both plan-making and decision-taking. Two of the principles that are especially relevant to Brownhills Business Park are:

*“- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- 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 urges LPA's to, *“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”*

The Council's continued allocation Brownhills Business Park as a local employment site is contrary to para 22 and the core principles set out above. Consequentially, the allocation is inconsistent with the NPPF.

The tests set out in para 182 of the NPPF must all be met before an independent inspector can agree the Local Plan is sound. If any are not, it follows the Local Plan is not sound.

The evidence that exists shows the Business Park is failing and there is no reasonable prospect of the site being used for the allocated employment use. The allocation of Brownhills Business Park is not, therefore, justified.

Certainly (as shown above), the allocation is not consistent with para 22 and, therefore, is not consistent with national policy.

As the allocation is unjustified and inconsistent with national policy, it is hard to see how it would be effective or positively prepared.

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 Plan March 2016, p61 IND3 (a) IN5.3 Lindon Rd Brownhills
Suggested Modifications (continue on a separate sheet if necessary)
<p>The allocation IN5.3 should be deleted.</p> <p>Alternatively, policy IND3 should be amended to allow for redevelopment for non-employment uses, where it can be demonstrated that continued employment use is not viable.</p>



Appeal Decision

The Inquiry sat on 1 – 3 December 2009 and 23 - 26 March 2010 and was closed in writing on 12 April 2010

Site visit made on 1 December 2009

by

MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
14 May 2010

Appeal Ref: APP/V4630/A/09/2109093

Brownhills Business Park, Lindon Road, Brownhills, Walsall, WS8 7BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ashtenne Industrial Fund LP against the decision of Walsall Metropolitan Borough Council.
- The application Ref: 08/1725/OL, dated 31 October 2008, was refused by notice dated 28 January 2009.
- The development proposed is redevelopment of the existing site to provide 89 residential units, associated access and parking.

Applications for Costs

1. At the Inquiry written applications for costs by the Council and the appellant were made against each other. They are the subject of separate Decisions.

Decision

2. I allow the appeal and grant outline planning permission for redevelopment of the existing site to provide 89 residential units, associated access and parking at Brownhills Business Park, Lindon Road, Brownhills, Walsall, WS8 7BW, in accordance with the application, Ref: 08/1725/OL, dated 31 October 2008, and the conditions in the attached schedule.

Preliminary Matter

3. At the Inquiry the appellant submitted a planning obligation under section 106 of the Town and Country Planning Act 1990. It commits to paying money towards education, community healthcare, public art and public open space facilities. It also meets affordable housing requirements. The background to the monies requested and the affordable housing element is contained in various Council supplementary planning guidance documents. Based on these, and the further evidence requested by me to show how such contributions are justified, I am satisfied that the planning obligation is necessary to make the development acceptable in planning terms. At the Inquiry the Council also confirmed that its second reason for refusing planning permission had been overcome.
4. Before closing the Inquiry, during the timetable set for written closing submissions and costs applications, regulation 122 of the Community Infrastructure Levy Regulations came into force on 6 April 2010. These set certain statutory tests that planning obligations must meet. I invited the views

of the parties about these and both sides confirmed that in their opinions the submitted planning obligation does meet regulation 122. I agree.

Main Issue

5. With the above in mind, the main issue is whether the release of the appeal site for housing is justified in the context of supplies of employment and housing land in Walsall, also taking into account whether the site is well suited to meet the needs of modern industry.

Reasons

Employment Land

6. The strategy for the Black Country, as set out in the Regional Spatial Strategy for the West Midlands January 2008 (RSS), promotes a fundamental change of direction within the region. There is a need to restructure and revitalise the regional economy by focusing on the Metropolitan Urban Area (MUA). Within the MUA reversing out migration is to be tackled by attracting economically active households by providing an attractive and regenerated urban environment. Essential to this is a major restructuring of land use involving significant amounts of land currently in use for employment purposes, or allocated for such, to be developed for housing and other uses. This strategy will see the displacement of existing businesses.
 7. RSS policies UR1B *Housing and Employment Land* and PA6 *Portfolio of Employment Land* are consistent with this approach. The Council points out that the wording of policy UR1B allows for such a land transfer to take place through the emerging Black Country Joint Core Strategy (BCJCS) and Local Development Documents (LDD). Nevertheless, the thrust of the policy is still highly relevant to development management decisions. The transfer of land from employment is exactly what this appeal is about. This process has been in adopted regional policy since 2008 and I have no objection that the appeal proposal is premature pending the BCJCS or other LDD's being in place.
 8. For similar reasons I also consider that RSS policy PA6 can be used for development management purposes. I note that the reviews of employment land, referred to in policy PA6, will be done through reviews of development plans. However, there has been a review of the employment land position in Walsall for the purposes of this appeal. I shall come to this later.
 9. The strategy of urban renewal is carried through into the emerging BCJCS. The BCJCS has yet to be found sound and so this limits the weight that can be attached to it. Nevertheless, the BCJCS is consistent with the approach of releasing employment land for development for housing and other uses. More specifically Regeneration Corridor 15 in the BCJCS, which the appeal site is in, shows the release of some 13 hectares of employment land for housing. Brownhills Business Park (BBP) was shown to be released for housing but this is no longer the case. This does not, however, fundamentally affect the principle that sites such as BBP have and are being considered for release from employment purposes.
 10. The 2008 GVA Grimley report looked at employment land in the Black Country in support of the emerging BCJCS. It was quite conclusive about how Walsall
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will be able to meet its employment land requirements, even after taking into account the scale of the releases of land from employment that are envisaged.

11. Monitoring of employment land in the West Midlands is done through the Regional Employment Land Study (RELS). The Council has not, due to a lack of resources, been able to carry out the relevant survey work to support its input into the RELS since 2004. The RELS also does not count employment sites below 0.4ha in size. In areas such as Walsall, which the Council accepts has a reliance on small sites for employment land provision, not including such smaller sites would give a skewed picture. The ODPM Guidance Note *Employment Land Reviews* advises that using a minimum size threshold of 0.25ha is common for local databases. I see nothing wrong with including small sites for the purposes of this appeal.
12. In view of the above, in order to assess the employment land situation in Walsall, the appellant produced a list of employment sites. Despite disagreement over a couple of those sites, the base line list was largely agreed by the Council and the appellant just before the Inquiry.
13. Applying the RELS definition of what constitutes readily available employment land, and dividing that figure by the agreed average take up of employment land in Walsall over the period 1999 to 2008, which is 4.9ha per annum, the result is that there is around 50ha of readily available employment land in Walsall. Taking into account what I heard at the Inquiry, the appellant's assessment of readily available land was based on a robust investigation of the current circumstances of the various sites. It also demonstrated the inaccuracy of the RELS data. I am satisfied that the appellant gave a pretty accurate picture of employment land supply in Walsall.
14. While I note misgivings that the Council has about the 50ha figure, the Council did accept at the Inquiry a readily available supply of somewhere between 36ha and 39ha. Even if this lower figure is used then there is 7 years worth of supply. The ODPM publication referred to above supports a flow analysis that involves dividing employment land supply with past take up rates. This approach also provides a realistic market assessment as over time it shows what the needs of industry are in an area. Market realism is advocated in the RSS policies already referred to above. A readily available stock of employment land of between 36ha to 50ha shows that the appeal site can be released without harming employment land supplies and the future needs of industry in Walsall.
15. The emerging West Midlands RSS Phase Two Revision Draft Preferred Option (RSSP2) does not veer away from the overall urban renaissance strategy based on releasing employment land for other uses, including housing. What it does do is require local authorities, in the context of emerging policy PA6A, to provide for a continuing five year reservoir of readily available employment land outside town centres throughout the plan period. For Walsall this is 46ha.
16. On the face of it the about 50ha referred to above would appear to meet this requirement. However, the RSSP2 sets a number of criteria by which to assess whether land is readily available or not. These differ from RELS criteria. At the Inquiry it was apparent, following the cross-examination of the appellant's first witness, that in applying the RSSP2 criteria the stock of readily available

employment land could be as low as 14ha, although it might be somewhere over 20ha. The Council and the appellant were unable to agree what the figure might actually be. However, it is suffice to say that the 5 year rolling reservoir figure is short of the 46ha that needs to be identified for Walsall.

17. I have some sympathy with the appellant about this approach of using the RSSP2 definition of readily available land. Its effect, in the context of this appeal, is dramatic with regard to what might in the future be taken as a readily available supply of employment land. There may also be practical implications arising from the fact that for land to be readily available, it has to be actively marketed. This is a matter that Councils might have difficulty in controlling. I can foresee problems for Councils trying to identify their readily available supply on the one hand, while on the other hand also being required to release sites for housing.
18. The situation would appear to be further confused by the fact that although the panel report into the examination in public of the RSSP2 did consider the scale of readily available employment land provision for individual districts, the evidence for that was based on RELS data. Indeed emerging policy PA6A from the RSSP2 also refers to the RELS. Furthermore, while the most recent 2009 GVA Grimley study into the availability of employment land concludes that there is only about 14ha of readily available employment land in Walsall using the RSSP2 criteria, the study used 2004 RELS figures. That data however, as referred to above, is out of date and it is that which caused the appellant to try and establish the most up to date position for this appeal.
19. To my mind this background casts a degree of uncertainty, at this stage of the RSSP2, on the importance of the RSSP2 as a material consideration. The weight to be attached to the RSSP2 is also limited because the Secretary of State has not yet commented on the Panel report. The proposed changes will be published later this year. The letter from the Government Office for the West Midlands (GOWM) to Lichfield District Council, dated 16 March 2010, indicates that once the proposed changes to the RSSP2 are published, then authorities will be expected to give them considerable weight. Before that, weight should be given to the emerging position. Despite what the Council thinks should be considerable weight attached to the RSSP2, giving it only limited weight would be consistent with the GOWM advice.
20. Policy EMP4 from the emerging BCJCS cascades down the RSSP2 five year rolling requirement. I also note what the Council says about BCJCS policy EMP3 regarding the destinations of local quality sites and a phased release of land. However, the BCJCS can only be afforded relatively little weight as it has yet to be found sound.
21. There would appear to be a degree of conflict with some of the policies from the emerging RSSP2 and the BCJCS. However, the weight to be afforded to this conflict is limited. Based on a robust and well established approach to identifying supplies of employment land that has market realism built into it, I am satisfied that releasing BBP for housing would be acceptable in the context of the RSS and its policies PA6 and UR1B.
22. Policy H3 from the adopted Walsall Unitary Development Plan March 2005 (UDP) sets a context for considering housing windfall sites on previously

developed land. Criterion (ii) states that there should be no overriding need for the land or buildings to be retained for employment or any other use. There is a sufficient supply of employment land in Walsall and so there is no conflict with this part of policy H3.

Housing Land

23. The Council is able to demonstrate sufficient available land to meet its 5 year housing land supply requirement. Exceeding this, however, is not necessarily a bar to preventing new housing development and only 89 more dwellings from this scheme would not add significantly to any numerical over supply. Also, at present there is a significant imbalance in the supply of dwellings in the borough with many more flats as opposed to 3 and 4 bedroom houses. A positive aspect of the scheme is that it would provide more houses than flats. Some of those would also be affordable. From a housing land supply perspective the scheme is acceptable.

Modern Industry

24. UDP policy JP7 seeks to safeguard sites like BBP for appropriate employment uses. Criterion (d) identifies that there may sometimes be exceptional circumstances in which it will be more appropriate to consider other uses, such as the site not being well located to meet the needs of modern industry as reflected in paragraph 4.3 of the UDP.
25. Paragraph 4.3 of the UDP sets out how, as far as possible, land safeguarded for industrial development should meet a number of criteria. In terms of accessibility BBP is not right next to the motorways in the area, but it is not far away. I heard at the Inquiry how, for a firm involved in repairs to motorways, BBP is ideally and centrally located. There is a road traffic order and some traffic calming measures which mean that vehicles over a certain weight cannot travel the most direct route to the appeal site from the motorways and the strategic road network. However, the alternative routes avoiding these restrictions do not cause a significant increase in travel time.
26. Furthermore, the advertising details submitted by the appellant describe BBP as having excellent connections with the A5 trunk road and both the M42 and M6 toll motorways. Marketing information tries to put a site or property into the best light possible in order to attract potential buyers. That said, such a superlative expression describing the location of BBP is difficult to contradict.
27. The take up of industrial land might be greater the closer the land is to the strategic road network and probably also have higher industrial land values. However this does not detract from the fact that the appeal site has a good occupancy rate and is meeting the needs of these modern day businesses. Regarding the other criteria set out at paragraph 4.3 of the UDP there is nothing of any substance before me to show that BBP does not meet these.
28. I know the appellant is very frustrated by how up until the day of the Council's planning committee the Council had not identified any conflict with policy JP7. Nevertheless, there is a conflict with it and therefore also an inherent conflict with criterion (v) of UDP policy H3, in so far as proposals have to be acceptable with other policies of the UDP.
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Other Matters

29. I note the background to the marketing of BBP and also whether it is still viable. The site seems to operate at the margins of profitability, producing only a small surplus before finance costs. The BBP buildings are old and although some tenants may be prepared to pay more in rents, by how much is not certain. There is also no clarity that increased rents would be great enough to then enable investment in the site. Increasing rents also runs the risk that tenants might leave. Furthermore, even though the Council has concerns about the marketing carried out, the site remains unsold.
30. However, marketing and viability are not criteria that the Council appears to have applied to other existing employment land when considering whether they are suitable for transfer from employment to housing. In the submission draft of the BCJCS the nearby Pelsall Road Core Employment Area is identified as a suitable location for housing which is deliverable within five years.
31. In UDP terms Core Employment Areas are the top tier of employment land in the borough. They contain major concentrations of core employment uses and/or good quality buildings or development opportunities. The appeal site is not in this higher category. The Pelsall Road land transfer has also been carried through into the Council's draft Strategic Housing Land Availability Assessment dated November 2009 (amended February 2010) (SHLAA). The SHLAA criteria for excluding land for housing do not make any reference to either the viability of a site or that it should have been marketed.
32. I accept, as noted above, that the BCJCS has only little weight in this appeal and the SHLAA is also a working document. However, the BCJCS has now been submitted to the Secretary of State and the Council will presumably be backing the approach of the BCJCS when it is tested for soundness. The fact that the Council has challenged the release of BBP based on inappropriate marketing, or that the site may still be viable, is inconsistent with the way that it is promoting the transfer of other better employment sites to housing. The Council has not shown why BBP should be protected from this land transfer process when other supposedly better quality sites are being suggested for housing use in the near future. This has a severe undermining effect on the Council's stance in respect of this appeal. Notwithstanding this, marketing and viability are not tests in policy UDP policy JP7 upon which the Council relied when it refused the planning application.
33. I know that the Council is concerned that in this economic recession other employment sites might come forward for possible redevelopment to alternative uses. This might be so, but whether this is due to the recession or not, the RSS anticipates and expects land shifts of this kind will be necessary to support the urban renaissance strategy. Furthermore, other cases may well have different circumstances, such as if the readily available employment land situation changes in the future. This concern therefore has only limited weight.
34. I acknowledge that there are good levels of occupancy on the site, with an empty office building having recently been let. Also, the site currently employs about 80 people. This is a significant number which the Council say would be lost if this appeal was allowed. However, the appellant has identified a large supply of existing vacant premises to which firms on BBP could relocate to.
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There may be some dispute about the exact level of available premises at any one time and over what area. However, such is the scale of supply associated with the turnover of premises in an area which I consider as being reasonable in the context of this appeal, there is undoubtedly other property available. Due to the current market conditions it is also very likely that prospective tenants would be in a strong position to negotiate favourable letting terms.

35. Whether or not the appellant has actually found sites for firms to go to, I heard at the Inquiry how two of those businesses had tried to find alternative accommodation. While these searches had proved fruitless, I was not convinced that they were concerted efforts to move. Most of the businesses do not have high level or complicated accommodation requirements. I find it very difficult to believe, for example, that the accommodation needs of the highway infrastructure repair company, which is primarily for open storage, could not be met elsewhere. That company has already relocated once before. It might not be convenient to have to move again but I have little to support the view that it could not be done. In view of the availability of other premises, job losses and their consequent effects on the local economy are by no means certain.
36. The needs of the vehicle spraying business are more complex and moving site would involve considerable expense. It is this firm that might be vulnerable to closure as opposed to relocation. However, the planning policies in this case do not seek to protect jobs directly. Also nothing was presented to the Inquiry to show why BBP, as opposed to any other existing employment site, should be protected from the strategy of transferring land from employment to housing or other uses. Given my findings about the abundant supplies of employment land and premises, directly protecting jobs each time land came forward for development for alternative uses would be a serious impediment to the overarching strategy of urban renewal in the Black Country. The possibility of a limited number of job losses does not therefore outweigh the fact that the appeal proposal accords with the RSS.
37. Both sides have referred to the Northgate appeal decision. However, there are differences between that case and this one, which limits the weight to be placed on the other Inspector's findings.
38. I note concerns from firms adjoining BBP that new residents on the appeal site may complain about noise and disturbance from business activities and thus impede the operations of those employers. However, the Council did not contest this issue as it was content with the noise assessment work carried out by the appellant, the layout of dwellings shown on the submitted plans, and noise attenuation measures that can be controlled by planning conditions. As such these concerns have very limited weight.
39. An objector to the scheme has raised a number of matters ranging from piecemeal development, density of dwellings proposed through to design concerns, loss of trees and highway safety. I have taken all of these into account. However, none are sufficient to outweigh my earlier findings. As such they do not lead me towards dismissing the appeal.

Conditions

40. I have imposed conditions in light of Circular 11/95 *The Use of Planning Conditions in Planning Permissions* and the submissions made about the conditions at the Inquiry. Conditions 1 to 3 are relevant to an outline planning permission. Condition 4 is needed in the interests of proper planning.
41. Conditions 5 to 9 are necessary for reasons of highway safety and the security of users of the car parking areas. Conditions 10 and 11 are needed in the interests of safeguarding the character and appearance of the area. Condition 12 is justified to ensure adequate drainage. Conditions 13 and 14 are appropriate for sustainability reasons and conditions 15 and 16 are needed to protect the living conditions of existing and future residential occupiers. Condition 17 is warranted for archaeology recording reasons. Condition 18 is necessary to avoid pollution given the past mining and current industrial uses of the site.

Conclusion

42. The appellant has demonstrated an abundance of readily available employment land. As such releasing BBP for housing would not compromise the future needs of industry in Walsall. This finding is consistent with studies that have supported the regional strategy of urban renewal that involves releasing significant amounts of land from employment to housing and other uses. In terms of housing, there is no bar to exceeding the five year land supply and the appeal scheme represents a step towards addressing the imbalanced supply of flats compared to houses that exists at present. There are conflicts with the emerging RSSP2 and the BCJCS. However, for the reasons given the weight to be attached to these is limited and they do not outweigh my finding that the appeal scheme does accord with the RSS.
43. The proposal conflicts with one part of UDP policy H3 which is linked to a conflict with policy JP7 in that the site is well suited to meet the needs of modern industry. Nevertheless, policy JP7 and its associated paragraph 4.3 do not take account of the direction of planning policy since the UDP was adopted in 2005. That direction is one of fundamental change based on a major shift of land use in the Black Country. This policy is contained in the last development plan document to be adopted which is the RSS 2008. Therefore the conflict between the UDP and the RSS must be resolved in favour of the RSS where I have found compliance with the relevant policies.
44. I have considered everything else raised at the Inquiry, orally and in writing, but nothing persuades me from my conclusion that the appeal should succeed.



INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and assessment: Site Location Plan SB-01 Rev D; Site Layout Plan SP1 Rev F; Masterplan M Rev G; the Hyder Consulting Noise Assessment July 2008.
- 5) No dwelling shall be occupied until the drive to that dwelling has been finished in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The drives shall be retained in accordance with the approved details thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), the garages and driveways to the houses hereby permitted shall always be kept available for the purposes for which they were originally intended.
- 7) No dwelling shall be occupied until the access, vehicle turning and parking areas have been properly consolidated and surfaced in accordance with details that have been previously submitted to and approved in writing by the local planning authority. All such areas shall be kept in accordance with the approved details thereafter.
- 8) Before any dwelling is occupied there shall be no obstruction to visibility above 600mm from ground level within the visibility splay at the entrance to the site from Lindon Road as shown on Site Layout Plan SP1 Rev F. The visibility splay shall be kept as such thereafter.
- 9) No development shall take place until details of the external lighting for the car parking courts have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the lighting has been installed in accordance with the approved details. The approved lighting shall be retained thereafter.
- 10) No development shall take place until details of proposed levels for the site, retaining structures, roads, access routes and floor levels for the hereby approved dwellings, in relation to the levels of land adjoining the site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall take place until a scheme, including a timetable, for the protection and management of the existing trees to be retained along the frontage with Lindon Road has been submitted to and agreed in writing

by the local planning authority. The scheme shall be carried out as approved in accordance with the agreed timetable.

- 12) No development shall take place until drainage system details for the hereby permitted development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before any of the dwellings are occupied and the approved drainage system shall be retained thereafter.
- 13) The dwellings shall achieve Code Level 3 of the Code for Sustainable Homes; Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 14) No development shall take place until the details of a Residents Travel Plan have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the Residents Travel Plan has been implemented in accordance with the approved details.
- 15) Demolition and construction works (including land reclamation, preparation and remediation) shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays, and at no time on Sundays or Bank Holidays.
- 16) None of the hereby permitted dwellings shall be occupied until the noise mitigation measures to protect internal and external areas, as set out in the Hyder Consulting Noise Assessment July 2008 and shown on Site Layout Plan SP1 Rev F, have been provided. The noise mitigation measures shall be retained thereafter.
- 17) No demolition shall take place until an historical survey of existing unit 7 has been undertaken and submitted to and approved in writing by the local planning authority.
- 18) No development shall take place until a site investigation of the nature and extent of ground contamination (including ground gas) has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, including a timetable for carrying out the remediation works, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures in accordance with the agreed timetable.

If, during the course of development or remedial works, any unexpected contamination is found which has not been identified in the site investigation, all works shall cease until additional measures for the remediation of this source of contamination have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

None of the dwellings hereby permitted shall be occupied until a validation report confirming that all remediation works have been carried out in accordance with all the approved measures has been submitted to and accepted by the local planning authority.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

[REDACTED] of Counsel, instructed by Walsall Metropolitan Borough Council

He called



Mott McDonald

Team Leader, Enterprise and Business Support,
WMBC
Wilcox Refinishers
Canwell Civil Engineering Ltd

FOR THE APPELLANT:

[REDACTED] QC, instructed by Turley Associates

He called



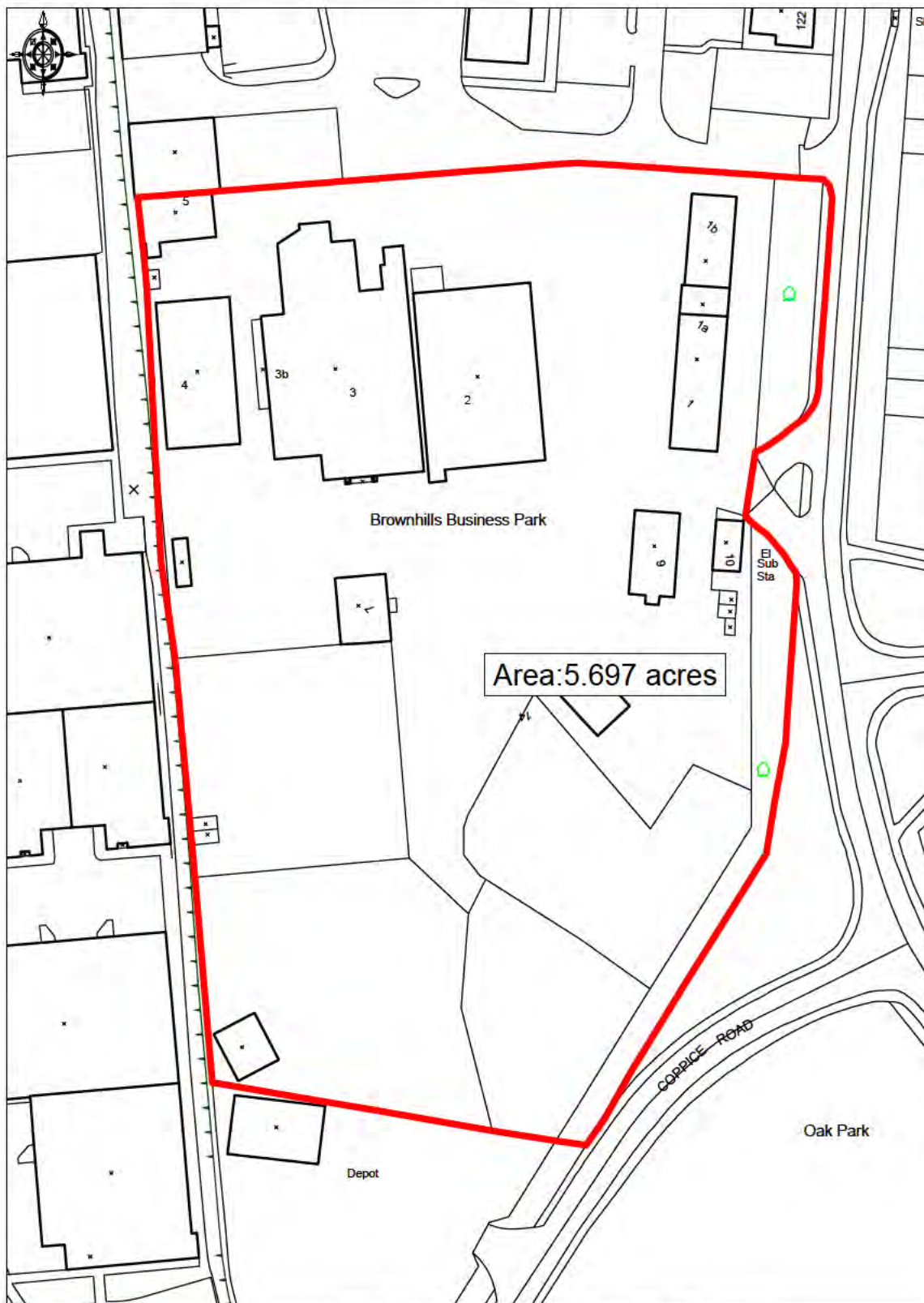
Storeys:SSP

Turley Associates

DOCUMENTS HANDED IN AT THE INQUIRY:

Doc 1	Appearances of behalf of the appellant
Doc 2	Coal Mining Report, Lindon Road, Walsall
Doc 3	Briefing note on complaints since 1995
Doc 4	Opening Statement of behalf of the appellants
Doc 5	Opening Submissions on behalf of WMBC
Doc 6	Statement of [REDACTED] WMBC re. affordable housing
Doc 7	Bundle of correspondence from WMBC re costs application
Doc 8	Statement of Common Ground
Doc 9	Bundle of correspondence from WMBC re income and expenditure information for Brownhills Business Park
Doc 10	Briefing note re the unilateral undertaking
Doc 11	Planning Obligation
Doc 12	Aerial views of principal employment sites in the Borough of Walsall
Doc 13	Letter dated 3-3-10 from Lichfield DC to GOWM
Doc 14	Letter dated 16-3-10 from GOWM to Lichfield DC
Doc 15	Strategic Housing Land Availability Assessment Draft Nov 2009 (amended Feb 2010)
Doc 16	Second Supplementary Proof of M Best 17-3-10
Doc 17	Press release details 12-3-10 re Veolia move from Brownhills to Cannock

BROWNHILLS WITH AREA IN ACRES





WEST MIDLANDS OFFICE

██████████
Walsall Council
The Civic Centre
Darwall Street
Walsall
WS1 1DG

Direct Dial: ██████████

Our ref: PL00017278

3 May 2016

Dear ██████████

RE: Walsall Site Allocation Document (SAD)

Thank you for the email consultation of 8 March 2016 in relation to the above document. Historic England welcomes the opportunity to engage further with you in respect of the SAD.

The positive amendments in relation to the historic environment, and additional information on site constraints, within this publication iteration of the document are welcomed.

Policies EN6 and EN7 were of particular concern based on the previous iteration of the document and we would wish to make the following comments at this stage of the plan process:

Policy EN6: Highgate Brewery (IN47) - The additional work on the proposed policy wording and justification text is welcomed. In particular the commitment to requiring a master plan for the site. In view of the proposed rewording of the policy and its new content, Historic England does not have any further comments to make on this policy.

Policy EN7: Great Barr Hall and Estate and the former St Margaret's Hospital - The additional work on the proposed policy and justification text is noted and welcomed. However, Historic England remains concerned about the inclusion of the site within the plan without a more substantive evidence base, and this has potential repercussions for policy wording. Historic England is due to meet with Walsall Council in mid-May to discuss the site and would respectfully submit that we continue to work together on this matter with a view to agreeing a Statement of Common Ground in relation to the site, if required in due course, and, ahead of the EIP. Historic England would wish to appear at the EIP in relation to the site should any differences in the approach to the site not be agreed prior to the EIP.

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



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG

Telephone 0121 625 6870
HistoricEngland.org.uk





Historic England

UR 2149

WEST MIDLANDS OFFICE

Yours sincerely,



Historic Environment Planning Adviser



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG

Telephone 0121 625 6870

HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

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

Categories: Red Category

No comment xx

Sent from my iPhone

On 22 Mar 2016, at 10:51, planningpolicy <planningpolicy@walsall.gov.uk> wrote:
<mime-attachment.jpg>

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 www.walsall.gov.uk/planning_2026.

Previously we have arranged evening meetings locally around the borough in places like Blakenall, Bentley and Darlaston to address area-specific concerns and we would be happy to arrange further local meetings if people would like us to do this. If you have any ideas for consultation events in your area please contact the Planning Policy to discuss.

All consultation documents are available to view and download online at www.walsall.gov.uk/planning_2026 and paper copies of the main documents will be available to view in your local library and at the First Stop Shop in Walsall Civic Centre, Darwall Street. In order for the Council to formally take into account your views they must be submitted in writing and forms are available on our website to help you to give us your comments. Responses can be sent to planningpolicy@walsall.gov.uk or by post to Planning Policy, Regeneration and Development, Economy & Environment Directorate, Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1DG.

Contact Walsall Council's Planning Policy Team

Please contact us if you have any queries or require the documents to be



25 Manchester Square, London. W1U 3PY. Tel: 0207 935 5880

Planning Policy Team
Planning and Building Control, Regeneration
Walsall Metropolitan Borough Council
The Civic Centre
Darwall Street
Walsall
WS1 1DG

3rd May 2016

Dear Sirs,

Walsall Council - Site Allocation Document Publication Draft Plan (2016)
Representations on behalf of CKC Properties Limited

We are instructed by CKC Properties Limited (CKC) to make representations, on their behalf, to the above document. In particular, our representations relate to land at Prince Street, Pleck. The site in question is identified within the Publication Site Allocations Document (SAD) as employment site IN52.2. It is referred to as Walsall Enterprise West.

By way of background detailed representations were provided, on behalf of my client, to earlier versions of the SAD; most notably at preferred options stage.

As Officers will be aware, CKC have previously been engaged in active pre-application discussions with the Local Planning Authority with regards to the principle of residential development at this location. Proposals have been presented to the Council's Development Team (24th April 2014) and on ongoing pre-application correspondence subsequently followed (Ref. 14/0115/PREAPP). It remains the intention of our client to pursue a 100% affordable housing scheme at this location. Named Housing Associations retain active interest in this site.

We do not believe there to be any merit whatsoever in replicating our earlier objections. However, it firmly remains our view that this site is a logical housing site and that the basis for retaining it as 'potential' high quality employment land is questionable to say the least.

(a) Emerging Policy IND2

The site subject to these representations remains subject to emerging policy IND2 (Potential High Quality Industry) as prescribed within the SAD document. The policy establishes that such areas are to be safeguarded for industry and that non-industrial uses are to be prohibited. The wording of the policy remains unaltered from that presented at preferred options stage.

It was, and remains, our view that the proposed wording of policy IND2 is far too prescriptive. The NPPF is clear that LPA's should not hold on to long-term allocations where there is no realistic prospect of a site being developed for such a purpose.

Given the inflexibility of Policy IND2 there is a real and apparent danger of sites (such as Walsall Enterprise, West) which have a long history of vacancy and possess significant constraints to their delivery remaining undeveloped for many more years. This runs entirely contrary to the NPPF's presumption in favour of sustainable development.

To reaffirm our clients do not dispute that best quality employment land should be afforded policy protection. However, by endorsing a blanket approach to protecting all potential high quality employment land, regardless of whether there is little or no prospect of such sites ever coming is an illogical and unsustainable approach. It is not unreasonable to assume that certain employment land will have to be released where market forces dictate.



(b) Site IND2.2 Walsall Enterprise Park West

Our previous representations objected in the strongest possible terms to the inclusion of Walsall Enterprise West (IN52.2) as a potential high quality employment site. In doing so we summarised the relevant planning history in bringing this site forward. To summarise it is our understanding that site IN52.2 was historically protected for development (retained as a landscape buffer) as a means of preserving the Limits of Deprivation of the safeguarded Midland Metro route.

The Council's own Employment Land Review (2016), in relation to Walsall Enterprise Park, recognises that *"the site was redeveloped in stages over the years on the old Pleck Gasworks site"* and that there *"are only two vacant plots left, IN52.2, to the west where there has been development interest, and IN52.3, a smaller plot in-between the other units"*

This view is consistent with our own. However, in the context of these representations it is important to note that the *"smaller plot in-between the other units"* (Site Ref. IN52.3) benefits from an extant permission for an extension of a neighbouring factory (Planning Ref 15/1179). It is our understanding that development has commenced on site.

Thus, only site IN52.2 (Walsall Enterprise West) remains undeveloped. This is despite having had a favourable planning policy allocation for many years. As a result of historical safeguarding site IN52.2 has continued to remain peripheral to the wider Walsall Enterprise Park and cannot, we suggest, be considered a high quality employment site.

Despite our previous representations the Authority have proposed no change to either the wording of policy IND2, or to the allocation of Walsall Enterprise West (Site Ref. IN52.2). Responding specifically to our previous representations the Council remarked the following:

"The site is a better than average industrial site, forming part of the West Midlands Enterprise Park (see Employment Land Review Chapter 4). There is industrial development interest from Majestic Aluminium, a local manufacturing company that needs to expand, who have submitted a representation to confirm this"

Representatives of Majestic Aluminium Finishing Ltd submitted representations to the Preferred Options stage of the SAD via an email on 1st October 2015. They produced plans which appeared to show site IN52.2 capable of delivering an industrial unit of c.31,000 ft² employment floorspace. These representations appear to have then informed the conclusions of the update Employment Land Review (2016) which remarked the following: *"there is development interest in this site. We intend to resolve issues relating to the landowner and help to progress an industrial development. The timescale is likely to be post 2017, with development envisaged to start 2019 and completion 2020/21"*

Our clients have never disputed the credentials in allocating the wider Walsall Enterprise Park as a best quality employment site. However, historical safeguarding of site IN52.2 has resulted in the wider employment concentration developing around the site rendering it peripheral and poorly related the existing estate. Owing to application Ref 15/1179 site IN52.2 is the only part of the wider Walsall Enterprise Park which remains undeveloped. It has done for a sustained period of time. It is unattractive and unviable for employment development and cannot be considered a potential high quality employment site. There is no merit whatsoever in maintaining its allocation. Evidence has shown it to be incapable of being developed for high quality industrial land.

Our clients own the site. The fact that Majestic Aluminium Finishing Ltd has submitted representations to develop the site should be of little consequence. Their claims of the capacity of employment floorspace that can be delivered at this location are unsubstantiated and have had no regard to the known site constraints. These include:-

- The site's poor relationship with the existing Walsall Enterprise Park. It is in no way a key contributor to the employment 'offer' at this location.



- The site has poor accessibility to the wider highway network. Due to third party ownership there is an effective ransom strip which means it cannot be accessed from the existing estate but rather through a narrow and established residential street.
- It is unviable for employment development.
- It has been safeguarded for 'employment development' for in excess of 10 years and no planning application for employment use has ever progressed. The site remains undeveloped.
- The site is severely constrained by several easements. These principally include high voltage electricity cables and mains gas lines.
- The presence of such easements renders the site unviable for employment development. The land values generated for speculative development of employment floorspace are not sufficient to fund the diversion of existing site utilities.
- There are major infrastructure constraints to pursuing an employment led scheme at this location.
- Due to the ransom strip situation access to the site is required to be taken directly from Prince Street. In highway terms access for an employment-led scheme through what is a narrow and established residential street is likely to be unacceptable.
- The site is within an established residential location and is a logical housing site

To summarise, it is extremely disappointing that our previous representations have been completely disregarded due to a speculative enquiry put forward by Majestic Aluminium which has had no regard to the unique site specific constraints (including access ransom strip). Through our earlier discussions with the Local Authority a detailed viability appraisal has been provided which conclusively demonstrated the site (due to constraints) was not viable for employment development. That evidence has not been seriously tested, challenged or refuted by the Council.

Consequently, the Council's stance to take what Majestic Aluminium has said as a true reflection of the site and its context is deeply flawed. It is our view that the allocation has been upheld on an unsound evidence base and we would welcome the opportunity to discuss this with Officer's at the earliest opportunity. At the very least it is critical that our assertions regarding this site are discussed and robustly tested with the local authority prior to formalising the SAD.

I await your acknowledgement of these representations.

Yours faithfully,

A large black rectangular redaction box covering the signature of the sender.

A small black rectangular redaction box covering the name of the sender.

Associate



Planning Policy
Economy and Environment
Walsall Council
2nd Floor Civic Centre
Darwall Street
Walsall
WS1 1DG

SENT BY E-MAIL AND POST

3 May 2016

Dear Sir / Madam

DRAFT WALSALL SITE ALLOCATIONS DOCUMENT (SAD) CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and appear at future Examination Hearing Sessions to discuss these matters in greater detail.

As requested by the Council the HBF confirms that the representations set out in our letter dated 2nd November 2015 submitted in response to the Walsall SAD Preferred Options consultation remain valid (see attached copy).

Background Context

The Walsall SAD is based on the Black Country Core Strategy adopted in 2011 (pre-NPPF) which in the HBF's opinion is unsound because it is no longer positively prepared, justified, effective and therefore inconsistent with national policy due to :-

- failure to deliver full objectively assessed housing needs (OAHN) for market and affordable housing in the housing market area (HMA) including the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with sustainable development ;
- prioritising a brownfield first approach to development ;

- a plan period expiring in 2026 leaving only 10 years remaining.

Housing Need

It is the HBF's opinion that the Walsall SAD should be planning for a housing requirement greater than 11,973 dwellings. The latest estimate of OAHN set out in the "Greater Birmingham & Solihull Local Enterprise Partnership and Black Country Local Authorities Strategic Housing Needs Study Stage 3 Report" by Peter Brett Associates dated August 2015 identifies demographic projections between 63,344 dwellings (ONS/PBA 2012 model) and 66,524 dwellings (CLG 2012 model) for the Black Country sub market comprising of Dudley, Sandwell, Walsall and Wolverhampton which is greater than 63,000 dwellings in the adopted Core Strategy. As these demographic projections represent just the starting point for the calculation of OAHN (NPPG ID 2a-015-20140306) the figures may be even higher after consideration of other factors to support economic growth, upward adjustment for worsening trends in market signals and meeting affordable housing needs (NPPG ID 2a-018-20140306 -2a-020-20140306). In Walsall the demographic projections identify an OAHN between 14,412 dwellings (ONS/PBA 2012 model) and 15,875 dwellings (CLG 2012 model) which is significantly higher than the 11,973 dwellings in the adopted Core Strategy.

Housing Land Supply

Of the 11,973 dwellings proposed in Walsall to date there have been 5,238 completions, 669 dwellings are under construction, 4,034 dwellings have planning consent granted meaning 2,032 dwellings remain to be allocated. **Policy HC1** lists 98 development sites. The "Greater Birmingham & Solihull Local Enterprise Partnership and Black Country Local Authorities Strategic Housing Needs Study Stage 3 Report" identifies a deficit in land supply across the Black Country sub market. In Walsall a deficit of at least 173 dwellings per annum is identified. If as suggested above the Council should be planning for an OAHN greater than 11,973 dwellings then the deficit will be even larger. It is noted that the latest 5 YHLS position is set out in an Annual Monitoring Report for 2012/13 which is now somewhat dated it is suggested that the Council provides a more up to dated statement. If the Walsall SAD is not to be out of date on adoption it is critical that the land supply requirement is achieved because *"relevant policies for the supply of housing will not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites"* (NPPF para 49).

Other Policies

It is also noted that **Policy HC3 – Affordable Housing** refers to a Supplementary Planning Document (SPD). As currently worded the Council risks conferring development plan status on an SPD which will not be subject to the same process of preparation, consultation and examination as the Local Plan. The Regulations require that policies intended to guide the determination of applications for planning permission should be in the Local Plan and not inappropriately hidden in an SPD. The NPPF also indicates that

SPDs should not add to the financial burden of development (para 154) and policies on local standards should be in the Plan (para 174).

Conclusion

For the Walsall SAD to be found sound under the four tests of soundness as defined by para 182 of the NPPF, the Plan should be positively prepared, justified, effective and compliant with national policy. It is considered necessary for the Council to review the Draft Walsall SAD with respect to the Duty to Co-operate, the plan period, objectively assessed housing needs / housing requirement, housing land supply and whole plan viability testing so that the resultant Plan is not unsound by failing to be consistent with national policy, positively prepared, properly justified and so ultimately ineffective.

The HBF raised the same concerns in response to the recent Dudley Development Strategy consultation. As a consequence proposed Main Modifications to the Dudley Development Strategy (Examination commencing on 17th May 2016) include an up-date of supporting evidence in the Council's Housing Supply Paper and insertion after 4th paragraph of "Housing Delivery" section on page 7-1. *"The Black Country Local Authorities are committed to a review of the Black Country Core Strategy from 2016. This will look at housing need beyond 2026 and will take account of wider needs across the wider West Midlands housing market area through co-operation across with the relevant local authorities."* It is suggested that Walsall Council also considers inclusion of the same wording in the pre submission Walsall SAD.

It is hoped that these representations are of assistance to the Council in preparing the next stages of the Walsall SAD. In the meantime if any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**

[REDACTED]

[REDACTED]

Planning Manager – Local Plans

[REDACTED]

[REDACTED]



Planning Policy
 Economy and Environment
 Walsall Council
 2nd Floor Civic Centre
 Darwall Street
 Walsall
 WS1 1DG

SENT BY E-MAIL AND POST

2nd November 2015

Dear Sir / Madam

DRAFT WALSALL SITE ALLOCATIONS PLAN - PREFERRED OPTIONS CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and appear at future Examination Hearing Sessions to discuss these matters in greater detail.

Duty to Co-operate

Under S110 of the Localism Act 2011 which introduced S33A into the 2004 Act the Council must co-operate with other prescribed bodies to maximise the effectiveness of plan making. The Duty to Co-operate requires the Council to "*engage constructively, actively and on an on-going basis*". The high level principles associated with the Duty to Co-operate are also set out in the National Planning Policy Framework (NPPF) (paragraphs 156, 178 – 181). In addition there are twenty three paragraphs in the National Planning Practice Guidance (NPPG) concerning the Duty to Co-operate.

In considering if the Duty to Co-operate has been satisfied it is important to consider the outcomes arising from the process and the influence of these outcomes on the Plan. One of the required outcomes is the delivery of full objectively assessed housing needs (OAHN) for market and affordable housing in a housing market area (HMA) as set out by paragraph 47 of the

NPPF including the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with sustainable development (paragraph 182 of the NPPF).

In this context Walsall Council forms part of the Greater Birmingham HMA. Therefore as a consequence Walsall Council has a role to play in the resolution of at least 40,000 dwellings of unmet housing needs arising from Birmingham city over the period 2011 – 2031.

Housing Need

The Black Country Core Strategy adopted in 2011 pre-dates the NPPF. It proposes at least 63,000 new homes over the period 2006 – 2026 of which 11,973 dwellings are in Walsall.

However it is noted that the latest estimate of OAHN set out in the “Greater Birmingham & Solihull Local Enterprise Partnership and Black Country Local Authorities Strategic Housing Needs Study Stage 3 Report” by Peter Brett Associates dated August 2015 identifies a figure greater than the 63,000 dwellings proposed in the pre-NPPF adopted Core Strategy. The latest demographic projections span a range between 63,344 dwellings (ONS/PBA 2012 model) and 66,524 dwellings (CLG 2012 model) for the Black Country sub market comprising of Dudley, Sandwell, Walsall and Wolverhampton. In Walsall the demographic projections identify an OAHN between 14,412 dwellings (ONS/PBA 2012 model) and 15,875 dwellings (CLG 2012 model). As these demographic projections represent just the starting point for the calculation of OAHN (NPPG ID 2a-015-20140306) the figures may be even higher after further consideration of other factors to support economic growth, upward adjustment for worsening trends in market signals and meeting affordable housing needs (NPPG ID 2a-018-20140306 -2a-020-20140306).

Therefore the Walsall Site Allocations Plan should be planning for a housing requirement greater than 11,973 dwellings.

Housing Supply

Of the 11,973 dwellings proposed in Walsall to date there have been 5,238 completions, 669 dwellings are under construction, 4,034 dwellings have planning consent granted meaning 2,032 dwellings remain to be allocated. Accordingly **Policy HC1** lists 98 sites totalling approximately 4040 dwellings. However the list does not distinguish between permissioned and non-permissioned sites so it is impossible to ascertain if the Council has allocated sufficient housing land to meet its housing needs in the immediate future or over the entire plan period (2006 – 2026). It is suggested that the Council provides further clarification on this matter.

Moreover as set out in the preceding section on Housing Needs the Council should be planning for more than 11,973 dwellings. As a consequence if a higher figure is used there will be a deficit between housing need and housing supply in Walsall but also across the Black Country sub market which is set out in the “Greater Birmingham & Solihull Local Enterprise Partnership and

Black Country Local Authorities Strategic Housing Needs Study Stage 3 Report". In Walsall a deficit of at least 173 dwellings per annum is identified which is even greater if OAHN is more than 14,412 dwellings (ONS/PBA 2012 model). In summary the Council needs to be increasing its housing land supply by allocating more sites.

Furthermore if on adoption of the Walsall Site Allocations Plan there is not reasonable certainty that the Council has a 5 year housing land supply (YHLS) the Plan would be unsound because it would be neither effective nor consistent with national policy. So if the Plan is not to be out of date on adoption it is critical that the land supply requirement is achieved otherwise *"relevant policies for the supply of housing will not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites"* (paragraph 49 of the NPPF).

When considering the allocation of additional sites Walsall Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. Whilst some SUEs may have multiple outlets, in general increasing the number of sales outlets available means increasing the number of housing sites. So for any given time period, all else been equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

It is noted that paragraph 3.2.3 of the Plan proposes a "brownfield first emphasis". If by this emphasis the Council is prioritising brownfield before green-field then this approach would be contrary to national policy. Therefore it is suggested that the wording of this paragraph is changed to encourage the re-use of previously developed land. The core planning principle set out in paragraph 14 of the NPPF is to *"encourage the effective use of land by re-using land that has been previously developed (brownfield land)"* such encouragement is not setting out a principle of prioritising brownfield before green-field land. Similarly paragraph 111 of the NPPF states that *"Local Planning Authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land"* again there is no reference to prioritising the use of brownfield land. The Council's proposal to emphasis brownfield first relates back to previous national policies which are now inconsistent with current national policy. In paragraph 17 of his determination of the Planning Appeal at Burgess Farm in Worsley Manchester (APP/U4230/A/11/215743) dated July 2012 (4 months after the introduction of the NPPF) the Secretary of State confirmed that *"national planning policy in the Framework encourages the use of previously developed land but does not promote a sequential approach to land use. It stresses the importance of achieving sustainable development to meet identified needs"*.

Plan Period

If the Walsall Site Allocations Plan is adopted in 2016 only ten years will remain before the end of the plan period. The NPPF recommends a fifteen year timeframe for Plans (paragraph 157). Whilst other Local Plans have been adopted with shorter timespans these Plans rely upon an early review mechanism to rectify this deficiency, for example, the Swindon Local Plan. The use of a strategic review at an early stage in the life of a development plan has also been successfully defended in a High Court Judgment in relation to the Dacorum Core Strategy (Neutral Citation Number [2014] EWHC 1894 (Admin)) in which a main modification committed the Council to aim to adopt its reviewed Plan by 2017/18. Paragraph 51 of that judgment refers to the NPPG, which states that: *“Local Plans may be found sound conditional upon a review in whole or in part within five years of the date of the adoption.”* The Written Ministerial Statement dated 22nd July 2015 also refers to *“a commitment to an early review of a Local Plan may be appropriate as a way of ensuring that a Local Plan is not unnecessarily delayed by seeking to resolve matters which are not critical to the plan’s soundness or legal competence as a whole”*. Therefore it is suggested that the plan period is extended or an early review policy should be included. Any early review should be a Policy commitment rather than just a reference in supporting text. This policy should commit the Council to preparing and submitting to the Secretary of State for examination its reviewed Plan by a specified date within 5 years of adoption.

Viability and Affordable Housing

If the Plan is to be compliant with the national policy, the Council must satisfy the requirements of paragraphs 173 and 174 of the NPPF whereby development should not be subject to such a scale of obligations and policy burdens that viability is threatened. As adoption of the Black Country Core Strategy pre-dates the NPPF it is unlikely that the affordable housing targets and other policy requirements were whole plan viability tested. Therefore it is suggested that an up to date viability assessment is undertaken by the Council in order to justify the proposed policy requirements of **Policy HC3**.

The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore it is important to understand and test the influence of all inputs on the residual land value as this determines whether or not land is released for development. The Harman Report highlighted that *“what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development”*.

It is also noted that **Policy HC3** – Affordable Housing refers to a Supplementary Planning Document (SPD) the Council should be mindful that the NPPF (paragraph 154) is explicit that SPDs should not add to the financial burden of development. The Regulations are equally explicit in limiting the

remit of an SPD so that policies dealing with development management are not inappropriately hidden.

Conclusions

For the Walsall Site Allocations Plan to be found sound under the four tests of soundness as defined by paragraph 182 of the NPPF, the Plan should be positively prepared, justified, effective and compliant with national policy. Therefore it is necessary for the Council to re-consider the Draft Walsall Site Allocations Plan in respect to issues discussed above on the Duty to Co-operate, plan period, housing needs, housing supply and whole plan viability testing without doing so the resultant Plan would be unsound by failing to be consistent with national policy, positively prepared, properly justified and so ultimately it would be ineffective.

It is hoped that these representations are of assistance to the Council in preparing the next stages of the Walsall Site Allocations Plan. In the meantime if any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**

[Redacted signature]

[Redacted name]

Planning Manager – Local Plans

[Redacted contact information]

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Planning Policy Team
 Regeneration and Development
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Date: 3 May 2016

Re: Walsall Site Allocations Document (2016) Publication Stage

Dear Sir/Madam

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

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

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

Coordination with other Plans and Policies

Reference to the approved Strategic Transport Plan for the West Midlands Metropolitan Area "Movement for Growth" covering a twenty year time period (<http://wmita.org.uk/strategy-and-publications.aspx>) is welcomed by the ITA. This sets out the overarching transport strategy for the West Midlands Metropolitan area covering a metropolitan tier with a metropolitan rail and rapid transit network, key route network and metropolitan strategic cycle network.

6.3 Greenways

Under the Greenways section Policy LC5, we request that in addition to the National Cycle Route and Safe Routes to Schools Programme to support cycling, reference is also made to the canal network and the Metropolitan Strategic Cycle Network.

Where reference to the Local Transport Plan (LTP) has also been made within the SAD (6.3.3), this should be replaced by the approved Strategic Transport Plan “Movement for Growth”.

Policy T2: Bus Services

The ITA welcome policy T2 for Bus Services in the Walsall SAD. The ITA is working with the Council to prepare a Bus Network Development Plan for Walsall. When completed, we would be grateful if reference is made to it in the policy and delivery sections, so that the bus network can support Walsall’s land use pattern and new developments.

10.2.8 Evidence

Under this section, we request that reference is made to the Black Country Rapid Transit review (2015) which sets out the public transport links for connecting the strategic centres of the Black Country with each other and with Birmingham city centre.

10.2.9 Delivery

The ITA is currently preparing a 10 year Delivery Plan. This can be included under this section when completed.

Proposal T3: The Rail Network

The ITA support the rail network policy however reference to the Black Country Rapid Transit review should be made, highlighting how public transport links will connect the four strategic centres of the Black Country with each other and Birmingham city centre.

The proposed rail and rapid transit network serving the Black Country is based on suburban rail, metro (light rail) and tram-train, very light rail and SPRINT Bus Rapid Transit corridors to create one, single high quality network. Such options have been heavily influenced by the West Midlands HS2 Connectivity Programme and the findings of the Black Country Rapid Transit Review and should therefore be noted in the SAD.

Stourbridge through to Lichfield via Walsall Rail Alignment

Presently the Stourbridge through to Lichfield via Walsall disused rail alignment is protected by Walsall UDP. Reiterating our views in our last letter (dated 16th January 2016), the ITA request this protection continues until future funding becomes available. This rail line is an emerging Rapid Transit Intervention and a Strategic Rail Freight Corridor, which is of strategic importance.

Reopening the line would allow the metropolitan area the opportunity to meet strategic and local needs, through the subsequent delivery of both interconnected and dependent schemes and provide an adequate rail network capacity to meet future freight and passenger growth.

The rail corridor will also provide strategic benefits and opportunities for new passenger rail services between Walsall and Lichfield and build new local rail stations to better serve the journey to work area.

Rail Stations at Brownhills, Bloxwich, Aldridge, Willenhall and Pelsall

The ITA recognises aspirations for new /re-located local rail stations at Brownhills, Bloxwich, Aldridge, Willenhall and Pelsall which are outlined in the approved Strategic Transport Plan and West Midlands Rail Vision. In relation to such stations, we note that the SAD does not cover these District Centres or stations. However, we appreciate the UDP does show all potential locations for each station in diagrammatic terms through UDP District Centre Inset Plans. The ITA understands that more specific details on each station location would be allocated in future District Centre Area Action Plans (covering each individual District Centre), in due course.

Policy T5: Highway Improvements

It is encouraging to see acknowledgement of the Key Route Network which will use highway capacity more effectively, to cater for movement by rapid transit and core bus routes, the Metropolitan Cycle Network, lorries, vans and private cars. More efficient use of road space, taking account of all modes should be therefore noted under the Key Route Network.

Delivering the SAD

The ITA and Centro would like to further reiterate its support for the partnership approach that has been taken in addressing the strategic transport needs of the SAD and the wider regional area and further plans with indicative layouts, are available for many of the corridors and stations highlighted.

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

Yours faithfully,

[Redacted Signature]

SENIOR POLICY OFFICER – ECONOMIC DEVELOPMENT AND SOCIAL COHESION

007_NC_WalsallSAD_BIR4327_290416

29 April 2016

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

Submitted via email and post

Dear Sir/Madam

**Representations to the Walsall Site Allocations Document, Publication Draft Plan
On behalf of Gallagher Estates**

Please find enclosed herewith representations to the above Site Allocations Document on behalf of Gallagher Estates, who have interests in land at 'Home Farm, Sandhills.'

These submissions comprise of the following:

- Representations to the Walsall Site Allocation Document, Publication Draft Plan and accompanying:
 - Appendix 1 – Background Document (November 2015) which comprises of Section 1-9 and associated figures and appendices which reinforces the suitability of the site for development (Provided in a separate folder);
 - Appendix 2 – Assessment of Council's Site Allocations for New Development;
 - Appendix 3 – Response forms

I trust this information assists the Borough Council however, should you require any further information please do not hesitate to contact me.

Yours faithfully


Associate

Encs.

REPRESENTATIONS TO WALSALL SITE ALLOCATION DOCUMENT (PUBLICATION DRAFT PLAN)

ON BEHALF OF GALLAGHER ESTATES

Pegasus Group

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APPENDIX 2: - ASSESSMENT OF COUNCIL'S SITE ALLOCATIONS FOR NEW HOUSING
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APPENDIX 3: - RESPONSE FORMS

1. INTRODUCTION

- 1.1 We are instructed by Gallagher Estates to make representations on their behalf to the Walsall Council Site Allocations Document (SAD), Publication Draft. Representations have previously been submitted to the Preferred Options Site Allocations Document published in November 2015. These representations responds to the Borough-wide policies contained within the Publication Draft SAD and those that relate directly to land at "*Home Farm, Sandhills*".
- 1.2 Gallagher Estates has a controlling interest over the land at: "*Home Farm, Sandhills*" which is identified on the site location plan contained within the accompanying Background Document enclosed at **Appendix 1**. Evidence is provided to support Gallagher Estates representations in respect of the site at Home Farm, Sandhills. This includes an updated 'Background Document,' providing information and the policy context of the site. The appropriateness of the site for development in environmental terms is evidenced in the accompanying Background Document text, including: landscape and visual issues, ecology, transport and accessibility, flood risk, drainage and water resources and ground conditions (including agricultural land classification). This site specific information demonstrates that the site is suitable, developable and deliverable.
- 1.3 Consideration has also been given to the Council's proposed strategy for meeting the housing needs of Walsall. A separate assessment of the Council's proposed housing allocations contained within Policy HC1 accompanies these representations and is enclosed at **Appendix 2**. This considers the developability of sites contained within the Council's housing supply and the ability for these to deliver the level of housing as proposed in the SAD to meet the BCCS housing requirement.
- 1.4 The relevant representation forms are provided at **Appendix 3**.
- 1.5 The representations to the Publication Draft SAD are framed in the context of the requirement of the Plan to be sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF), paragraph 182. For a Plan to be sound it must be:
- **Positively Prepared** – the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure

requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2. GENERAL CONCERNS

- 2.1 The introduction to the Publication Draft Plan March 2016 Site Allocations Document explains that the Black Country Core Strategy (BCCS) was adopted in 2011 and establishes the housing requirement to be delivered within Walsall Borough and the wider Black Country between 2006 and 2026. The SAD is intended to add detail to the strategic policies contained within the BCCS, including the allocation of sites within Walsall, and replace some of the remaining 'saved' policies contained within the Unitary Development Plan, adopted over 10 years ago in 2005. The introduction recognises that all local plan documents have to be in conformity with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 2.2 Whilst the Publication Draft Plan document does provide some planning policy context, it fails to recognise that the BCCS was adopted prior to the introduction of the NPPF and that much of the evidence base that supported the Strategy is significantly out of date. The document, for example, does not debate the appropriateness of the housing requirement contained within the BCCS or reference more recent evidence which considers the objectively assessed housing need within the Borough and the wider Greater Birmingham Housing Market Area in which Walsall lies. The NPPF, at paragraph 158, requires Local Plans to be *"based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area."*
- 2.3 Progressing a Site Allocations Document without first establishing an up to date housing requirement is an issue that has been identified in a number of other local authority areas. For example, the Inspector appointed to consider the Hinckley and Bosworth SA&DMP DPD identified housing need as a specific main matter that was explored through hearing sessions held in September this year. The Inspector's report is still awaited.
- 2.4 In Braintree, Harrogate, Lancaster and more recently, Wealden, decisions have been taken to abandon work on allocations documents to focus resources on the pursuit of a new Local Plan.
- 2.5 Progressing the Walsall SAD without re-considering the evidence base in respect of housing need would result in a plan that is not positively prepared and that is not consistent with national policy.

Core Strategy Review

- 2.6 The most recent Walsall Council Local Development Scheme (11 September 2014) anticipates that a review of the BCCS will commence in 2016, but that this is dependent on progress in bringing forward the SAD and Town Centre Area Action Plan. There is no reference to this review within the SAD Publication Draft Plan document and there is no certainty that the timeframe set out in the LDS will be or can be adhered to. To underline this case, the 2011 LDS estimated adoption of the SAD in the last quarter of 2013, but some two and a half years later it has only reached publication stage.
- 2.7 It is assumed that the Council is intending to re-consider the housing evidence base through a proposed review of the Core Strategy in due course, but with Council resources being focussed on the progression of a SAD, work on this review is in danger of significant slippage. Any delay in pursuing a review of the Core Strategy will result in pushing this critical issue too far into the future. It is noted that the latest Local Development Scheme (September 2014) does not even identify milestones for this review. In light of previous slippage in the plan making process, there is no confidence that a review of the Core Strategy, including the establishment of a housing requirement informed by the full, objectively assessed housing needs of the Borough, will be complete in the next 5 years. A delay in addressing this issue would not only be at odds with national policy, but it would undermine the strategy of urban renaissance and many of the sustainability principles set out in the BCCS, including those that relate to social inclusion and sustainable development.
- 2.8 Gallagher Estates reinforce the previously submitted representation to the earlier Preferred Options Site Allocation document which recommends that the progression of a SAD is abandoned and resources are diverted to a review of the Core Strategy now. This approach would ensure the most expedient route to securing an up to date planning policy framework for the Borough which is positively prepared, justified, effective and consistent with national policy. This approach would also align to the Government's announcement that all local authorities must produce a local plan for new homes by 2017 or the Government will ensure plans are produced for them.

3. OBJECTIVES

- 3.1 It is noted that the Council consider it necessary to define objectives for the SAD and these are outlined within the Publication Draft Plan document. Whilst many of these objectives, as drafted, provide a useful local dimension and are supported, concern is raised in respect to Objectives 1 and 2 as follows:

Objective 1

- 3.2 This Objective places emphasis on promoting growth within existing urban areas, whilst protecting the Green Belt from inappropriate development. The Publication Draft Plan document, at paragraph 2.1 seeks to justify this approach by stating that the objective follows the direction of the Black Country Core Strategy (BCCS) which outlines a "brownfield first" approach to the allocation of sites. This is established in Sustainability Principle 4 of the BCCS.
- 3.3 It is considered that such a "brownfield first" approach is unsound as it conflicts with the NPPF, which was published after adoption of the BCCS. One of the 12 Core Planning Principles of the 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." Although, therefore, the NPPF encourages the re-use of previously developed land (PDL), what the Framework does not do is prioritise it over greenfield land. This has been confirmed by the Secretary of State when allowing an appeal in Worsley, Manchester where he stated in his decision letter that "national planning policy in the Framework encourages the use of previously developed land, but does not promote a sequential approach to land use. It stresses the importance of achieving sustainable development to meet identified needs" (APP/U4230/A/11/2157433 para. 17). What the Secretary of State also confirms in that appeal is for the need to achieve sustainable development, which is something that is considerably more sophisticated than simply re-using land and buildings.
- 3.4 In light of the above, any suggestion that there should be a sequential approach to use PDL before greenfield land is contrary to the NPPF and, as such, unsound. Sustainability Principle 4, contained within the BCCS, is no longer consistent with national policy.
- 3.5 Objective 1 should be redrafted to encourage rather than prioritise the delivery of PDL sites and remove reference to protecting the Green Belt from inappropriate development.

Objective 2

- 3.6 This Objective should recognise the need to accommodate the housing requirements of the Borough over the lifetime of the Plan. This is required to ensure the Plan aligns with the emphasis which the NPPF places, in paragraph 47, on Local Planning Authorities ensuring their Local Plan: "*meets the full, objectively assessed needs for market and affordable housing.*" The inclusion of such recognition would then be sound, having regard to the test that plans should be positively prepared and consistent with national policy.
- 3.7 In addition, it should be recognised that the appropriate housing requirement must have regard to housing needs that cannot be met within neighbouring authorities which requires due consideration as part of the Council's duty to co-operate and further consideration of other factors including economic growth, adjustments for worsening trends in market signals and meeting affordable housing needs.
- 3.8 These issues are explored fully in the next chapter of this representation.

4. HOMES FOR OUR COMMUNITIES

4.1 It should be recognised that there have been a number of changes in the planning context subsequent to the adoption of the Black Country Core Strategy:

- The Regional Spatial Strategy, which in Walsall Council's case was the West Midlands Regional Spatial Strategy, was formally revoked on 20 May 2013. The BCCS echoes the housing requirements set out in the revoked RS and was based on the best available evidence at the time;
- The Planning Practice Guidance (PPG) was formalised in March 2014, cancelling all previous national planning guidance;
- In March 2012 the National Planning Policy Framework (NPPF) was published and almost all previous national planning policy was cancelled;
- 2012 Sub-National Household Projections were published in 2015 and have been endorsed by the PPG as "the most up-to-date estimate of future household growth;"
- The Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) and Black Country authorities have commissioned a joint housing study which considers both housing need and housing supply within the Birmingham Housing Market Area (in which Walsall Borough lies). Outputs published demonstrate a housing shortfall across the HMA of some 27,000-61,000 dwellings.
- The Birmingham Plan 2031 (BDP) has been examined and the Inspector's Final Report published endorses an objectively assessed housing need for Birmingham City of 89,000 between 2011 and 2031 and a supply of housing land of 51,800 over the same period. The adoption of the BDP provides certainty as to the scale of the shortfall and the requirement for it to be met elsewhere in the Greater Birmingham HMA.

4.2 It is important that the significant change in planning policy context is given careful consideration in identifying the most appropriate path for establishing a 'sound' planning policy framework for Walsall Borough.

West Midlands RSS

- 4.3 The RSS Phase 2 Panel Report identified a requirement of 63,000 net new homes for the period 2006-2026 (3,150 dpa), which included 1,800 homes to reflect additional brownfield capacity identified by the Black Country authorities. The housing requirement of 63,000 sought to maximise the brownfield opportunities across the Black Country. The RSS Phase 2 review did not investigate the approach to housing within the Black Country in great detail as the strategy for the four metropolitan boroughs had been examined through the Phase 1 revision and incorporated into the adopted WMRSS in January 2008. The strategy sought to secure "*urban renaissance*" by stemming the flow of people and jobs to the Shire districts.
- 4.4 The BCCS and RSS Phase 2 review which both refer to the housing requirement of 63,000 net new homes for the Black Country were informed by the 2006-based sub-national household projections, which are now significantly out of date and do not represent an appropriate estimate of future household growth.

NPPF & PPG

- 4.5 The NPPF, paragraph 17 sets out a number of core land use planning principles that should underpin plan making as well as decision taking. One of these core principles is that planning should "*proactively drive and support*" the delivery of development including the homes that the country needs. The core principle of the NPPF requires "*every effort*" to be made within an area to objectively identify and then to meet housing needs. Paragraph 47 of the NPPF goes on to reflect this principle in terms of delivering housing. Paragraph 47 clearly sets out the importance which the Government attaches to the delivery of housing. Authorities are required to "*boost significantly the supply of housing*".
- 4.6 It is evident from both the NPPF and the Planning Practice Guidance that a key function of the Local Plan making process is to proactively plan for and boost significantly the delivery of housing and ensure that the full objectively assessed needs for market and affordable housing are met within the area.
- 4.7 The NPPF not only sets out a presumption in favour of development, but is quite clear that Local Plans should be based on adequate, up-to-date and relevant evidence.

- 4.8 The RS has now been revoked and whilst there are policies in the Core Strategy regarding housing land requirements, these policies do not reflect the FOAN and are out of date, therefore in accordance with the Hunston judgment [2013 EWHC 2678 (Admin)], housing supply needs to take account of the policy set out in the NPPF and the most up to date information that is available.
- 4.9 In respect of housing need, the Council has placed reliance on the housing requirement set out in the BCCS in formulating the SAD. However, NPPF is clear at paragraph 158 that *"each local planning authority should ensure that the Local Plan is based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. 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."* In order to do this, a robust, up-to-date housing evidence base is required. The NPPF does not distinguish between the requirements of a Core Strategy and a Site Allocations Document – both are Local Plans and therefore should be treated equally. The SAD is not based on adequate and up to date evidence but merely seeks to rely on out of date evidence that informed the Regional Strategy for the West Midlands, which is now revoked. The BCCS housing target, which reflects the revoked RS, does not represent the FOAN and therefore does not provide a robust and up to date basis upon which the SAD should rely.

Housing Need

- 4.10 The Greater Birmingham and Solihull LEP and Black Country Local Authorities Strategic Housing Needs Study is the latest assessment of objectively assessed housing need. Whilst this document does not constitute a Strategic Housing Market Assessment, it provides a useful starting point for considering housing needs within Walsall and the wider housing market area. The Stage 2 report projects a housing need of between 721 dpa (ONS/PBA 2012 Model) and 794 dpa (CLG 2012 Model) for Walsall between 2011 and 2031. This range represents a significant uplift on the 599 homes per annum (averaged) that the BCCS indicates can be accommodated within Walsall.
- 4.11 The Stage 2 report also considers land supply for each of the Local Planning Authorities within the Birmingham HMA. For Walsall Borough an annual deficit of supply against projected need of 173 dwellings is identified for the period 2011-

2031 against the ONS/PBA model requirement of 721 dpa. In considering the wider Greater Birmingham Housing Market Area, the report identifies a deficit of 1,879 dpa or 37,572 dwellings across the period 2011 to 2031. It is noted the report makes it clear that the information should be treated with caution, but it provides no doubt that the 11,973 dwellings currently being planned for through the pre NPPF BCCS and the emerging SAD does not represent the objectively assessed housing need for Walsall.

- 4.12 In addition, it demonstrates that across the Greater Birmingham Housing Market Area, in which Walsall Borough lies, there is a significant shortfall in planned supply against PBA's assessment of housing need. This shortfall is in the region of 40,000 homes.
- 4.13 The Stage 3 report arbitrarily splits the Greater Birmingham HMA into to sub-markets as follows:
- The Birmingham sub-market: Birmingham, Bromsgrove, Cannock Chase, Lichfield, Redditch, Solihull, Tamworth, North Warwickshire, and Stratford-on-Avon.
 - The Black Country sub-market: Dudley, Sandwell, Walsall, Wolverhampton and South Staffordshire.
- 4.14 In considering the balance between housing need and supply within the Black Country sub-market, the report also identifies a deficit in supply across the period 2011 to 2031.
- 4.15 The Joint Housing Study demonstrates that there is a shortfall in planned housing supply within Walsall and across the Black Country as a whole. This should be seen in the context of on approximate 40,000 home shortfall in the Greater Birmingham Housing Market Area.
- 4.16 Whilst it may be appropriate to make provision for an uplift in housing provision within the SAD through the identification of additional housing allocations, over and above those set out in draft Policy HC1, there is a real concern that the Spatial Strategy, as identified in the BCCS, is not capable of accommodating such an uplift and should therefore be reviewed now. This review should be informed by an up-to-date Strategic Housing Market Assessment and dialogue with other LPAs within the Greater Birmingham HMA, under the duty to co-operate, to determine how best to deal with the identified housing shortfall.

Housing Supply

- 4.17 As set out earlier in these representations, we do not consider that the Council is planning to 'boost significantly the supply of housing land' in that the BCCS does not set out a housing requirement that meets the full, objectively assessed needs (FOAN) for market and affordable housing. The identification of the appropriate FOAN needs to be established first, to allow consideration of the adequacy of housing land supply.
- 4.18 Without prejudice to our position in respect of the objectively assessed need, Policy HC1 identifies approximately 100 allocations for new housing development. The majority of these sites are brownfield sites and many of these sites have the benefit of planning permission however a significant number of these sites now have lapsed planning permissions. An assessment of the proposed site allocations is considered in depth within **Appendix 2**. This demonstrates that many of the proposed allocations sites are unlikely to deliver homes within the Plan period which would not be consistent with the need to boost significantly the supply of housing land.
- 4.19 Against the background of the need to boost supply, a reliance on brownfield sites runs the risk of preventing an appropriate degree of flexibility and inhibits the delivery of the Plan. The assessment included at **Appendix 2** highlights the risks associated with this approach. Added to the above it is important that the Local Plan seeks to bring forward a range of types of sites in a range of locations in order to be in the best possible position to achieve the appropriate housing target.
- 4.20 There is no evidence to suggest that the delivery of greenfield sites will have an adverse impact on other sources being developed. The BCCS identifies a minimum housing requirement of 63,000 net new homes to be delivered across the four Black Country boroughs between 2006 and 2026. Of these, the BCCS indicates that 11,973 can be accommodated within Walsall Borough.
- 4.21 The Black Country authorities have had success in bringing forward previously developed sites in the past, however the supply of brownfield sites is finite, not just in Walsall, but within the wider Greater Birmingham HMA.
- 4.22 The Joint Housing Study Stage 3 report has explored whether there is additional brownfield and urban development capacity. PBA's review of the evidence

confirmed that emerging and adopted plans are already maximising their supply through brownfield development, estate regeneration and increasing densities on sites already identified for development. In the case of the Black Country authorities the housing requirement established in the adopted BCCS had been informed by maximising the PDL opportunities available, which in turn informed the West Midlands RSS Phase 2 review process.

- 4.23 Maximising the delivery of PDL within the borough results in a lack of flexibility. If some of these opportunities are undevelopable or fail to deliver within the prescribed plan period, there is a real danger that even the housing requirement outlined in the BCCS will fail to be achieved. Indeed as set out within **Appendix 2** it is clear that a significant number of sites have lapsed and their future ability to deliver housing should be treated with caution. Concerns have also been raised in relation to a number of other sites which have not come forward. The strategy proposes little scope to significantly boost housing supply and would fail to accommodate any necessary uplift in housing requirement over and above the BCCS figure identified for Walsall. The Joint Housing Study provides evidence that any FOAN that is established for Walsall will be significantly higher than that contained within the BCCS.
- 4.24 The way to achieve higher rates, as advocated by Gallagher Estates, is to review the BCCS now and ensure that a choice and range of realistically deliverable sites are provided. To ensure a rolling five year supply of housing and in order to maximise the delivery of housing across the Borough, it will be important that a range of different sites, delivered continuously throughout the Plan period, is provided for. This will require the release of greenfield sites.

5. OTHER TOPIC AREAS

- 5.1 Without prejudice to our view that the SAD should be abandoned in favour of a comprehensive review of the Core Strategy, the following comments are provided in respect of emerging policy within the Publication Draft Plan SAD.

Presumption in Favour of Sustainable Development

- 5.2 The BCCS was adopted prior to the publication of the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development. A new policy should be included within the SAD that sets out the presumption in favour of development so that it is clear that development which is sustainable can be approved without delay.
- 5.3 It is considered that such a policy should be included at the start of the SAD.

Strengthening our Local Centres

- 5.4 The Publication Draft Plan SAD identifies a policy for protecting and considering future development proposals within the Borough's Local Centres (Policy SLC1: Local Centres). While this policy is generally supported, it should not preclude the delivery of additional Local Centres to provide day-to-day convenience shopping and service needs within new communities.
- 5.5 The Indicative Development Framework Plan for land at Home Farm, Sandhills, contained within the accompanying Background Paper (**Appendix 1**), identifies the inclusion of a new mixed-use local centre as part of the scheme. This is part of the provision of a mix of uses which would cater for the everyday needs of new residents including work, education, leisure and recreational activities whilst respecting and assisting in the regeneration of other centres within the Borough.

Open Space, Leisure & Community Facilities

- 5.6 The Publication Draft Plan SAD seeks to protect the open space network through draft Policy OS1 and create, enhance and safeguard the Greenway network through draft Policy LC5.

- 5.7 It is noted that the canal network is identified as a protected Greenway within the Borough. The Wyrley and Essington Canal lies to the western boundary of the Home Farm, Sandhills site being promoted by Gallagher Estates.
- 5.8 The Indicative Development Framework Plan, set out in the accompanying Background Document, identifies the inclusion of a canalside park running in parallel to the canal. This not only provides an opportunity to enhance the existing protected Greenway but also to provide both new and existing residents access to substantial areas of open space and the countryside beyond.
- 5.9 Gallagher Estates are generally supportive of Policies OS1 and LC5, however it should be noted that developers of sites which include or adjoin parts of the Greenway network should only be expected to fund the construction or enhancement of these where this is consistent with the CIL Regulations. Regulation 122 stipulates that planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.10 In light of the above, it is considered necessary to include the following wording after the first sentence of paragraph c), to ensure consistency with national policy and with the wording contained within draft SAD Policy ENV4:

"This approach will be applied in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and/or other relevant legislation or policy."

Environmental Networks

- 5.11 It is acknowledged that the site at Home Farm, Sandhills is within the Green Belt. The NPPF at paragraph 83 is clear that it is the role of a review of a Local Plan to alter Green Belt boundaries in exceptional circumstances.
- 5.12 The Publication Draft Plan SAD proposes no change to the Green Belt boundaries within the Borough. The justification outlined within the supporting paragraphs to SAD Policy GB1 set out that the Council has had regard to the development needs

of the Borough within the plan period and has concluded that it is not necessary to propose any Green Belt boundary changes. In addition, reference is made to CSP2 (Development Outside the Growth Network) contained within the BCCS, which states "*Green Belt boundaries will be maintained and protected from inappropriate development.*"

- 5.13 As set out earlier in this representation, Gallagher Estates, do not consider it possible for Walsall Council to have had regard to the development needs of the Borough when the FOAN is yet to be established. The approach to Green Belt has been informed by development needs identified through the use of significantly out of date data that was subject to scrutiny through an Examination in Public prior to the publication of the NPPF.
- 5.14 More recent evidence, namely the Joint Housing Study, commission by the GBSLEP and Black Country authorities identifies a housing need for Walsall which is far in excess of that identified in the BCCS for Walsall Borough.
- 5.15 The BCCS and emerging SAD do not provide any scope for significantly boosting the supply of homes as the supply is largely restricted to previously developed land, which will have a finite capacity both within the plan period and beyond. Concerns are identified within **Appendix 2** accompanying these representations as to whether the previously developed allocated housing sites will deliver the level of housing as envisaged by the SAD.
- 5.16 A historical and current perception is that any development adjoining the outer edge of the existing built up areas within Walsall would unacceptably utilise land within the Green Belt. Contrary to the draft SAD objectives, the need for additional land in the most sustainable locations will inevitably require the use of land within the Green Belt in the short term. It is also clear, that beyond 2026, there is also a need to identify land currently within the Green Belt to be taken out and safeguarded for future development. It is considered that the release of Green Belt should be dealt with now, rather than being put off to a future Plan.
- 5.17 A Green Belt Review should be undertaken alongside work to establish the appropriate housing requirement within Walsall Borough. This work should be undertaken without delay and inform the production of a new Local Plan for the Borough.

- 5.18 The Landscape and Visual Assessment that has been carried out in respect of Home Farm, establishes that the site sits within a 'local bowl' that is largely visually contained such that there is unlikely to be any significant effects on the openness of the Green Belt by its future development. Indeed the site retains many attributes that provide good development potential.
- 5.19 In essence in exceptional circumstances and, if proposed by the Authority, the release of land from the Green Belt through a Local Plan review can be justified, consistent with national policy and sound. In respect of Walsall Borough there is a need for a Local Plan to meet the full, objectively assessed need for housing over the plan period and to consider levels of development beyond the plan period to ensure permanence of Green Belt boundaries. Within Walsall, the current adopted strategy maximises the use of brownfield land, but these opportunities are finite and, without evidence to the contrary, there would seem to be no real credible alternatives to utilising land in the Green Belt that have the ability to promote and a significant uplift in housing delivery as part of a sustainable pattern of growth.

Transport & Infrastructure

- 5.20 The Publication Draft Plan SAD seeks to carry through and update a number of transport policies contained within the UDP in respect of bus services (Policy T2), the rail network (Policy T3) and the highway network (Policy T4).
- 5.21 Gallagher Estates support the changes proposed to the policies within this section.

Sustainable Use of Minerals

- 5.22 It is recognised that land at Home Farm, Sandhills is located within the Minerals Safeguarding Area as refined within the Publication Draft Plan SAD.
- 5.23 SAD Policy M1 recognises that, in Walsall, "prior extraction" of minerals will rarely be feasible, and provides support for non-mineral developments within the MSA where this can be demonstrated. This approach has been informed by an up to date review of the evidence base for minerals and is therefore justified.
- 5.24 Gallagher Estates supports SAD Policy M1 as drafted.

5.25 The Background Document that accompanies this representation considers the ground conditions of land at Home Farm, Sandhills in detail. The site is not considered suitable for mineral extraction due to the existing uses that immediately border the site and confirmation from the Environment Agency that the bedrock beneath the site is a major aquifer, from which there is a public water supply abstraction located to the south east of the site.

6. LAND AT HOME FARM, SANDHILLS

- 6.1 The site is controlled by Gallagher Estates and it is their intention to develop the site for a sustainable, well designed, mixed use development to provide approximately 1,280 dwellings, appropriate associated facilities and transport, social and physical infrastructure. The site is therefore available. Information is set out in the Background Report attached as **Appendix 1**.
- 6.2 The site is suitable for development. A summary only of the reasons why is offered in this sub section. The site is located in a very sustainable location adjoining the existing major urban area and can therefore take advantage of the surrounding infrastructure and range of local facilities. The effect of the sites location would be to encourage the use of sustainable modes of transport rather than reliance on long private car journeys. The site can also benefit from good access to regular bus services. The site also benefits from being within walking distance and cycling distance of Brownhills and Shire Oak which provide a range of services and amenities, including shops, schools and employment opportunities.
- 6.3 The site, irrespective of its Green Belt status is visually well contained and the site retains many attributes that provide good development potential. The Indicative Development Framework Plan, as described in the Background Document, is based on a landscape and visual appraisal of the site and its context, and responds to matters of local landscape resources, character, visual amenity and broader (landscape) planning context within which the site lies. It is the case therefore that it can be developed in such a way as the effects on the openness of the Green Belt will be minor.
- 6.4 It should also be recognised that the principle of developing the site has previously been considered acceptable by an independent Inspector for strategic development of an employment nature. Indeed, the Inspector's report of an inquiry to consider the Walsall UDP in 1992, outlined that very high landscaping standards "*could overcome any visual impact on the landscape*" and that "*in general terms I would not expect a high technology scheme on this site to have an unacceptable environmental impact*". Although the site is now proposed for residential development, it is considered that the same principles apply, in that as demonstrated within the accompanying Background Document, a high quality landscape led proposal would ensure the impact on the environment would be

limited. In addition to the above the Background Document demonstrates that there are no technical difficulties with the development of the site.

- 6.5 The site can, in essence, make a valuable contribution to the delivery of the objectively assessed need for housing and can helpfully contribute to providing a mix of housing including family, market housing and affordable housing.
- 6.6 There are no major physical or environmental constraints which could preclude development on this site. Development is therefore readily achievable and technically deliverable. Gallagher Estates are of the view that this site would be deliverable in the short term and could therefore assist with the supply of houses in the next five year period.
- 6.7 The Background Document accompanying these representations and the Indicative Framework Plan contained within it serves to demonstrate that the site can be well designed for a mix of uses. The constraints and opportunities of the site have been identified and provide design parameters as evidenced on the Framework Plan. Taking into account these opportunities and constraints, specifically the topographic and landscape context, a development can be created which can accommodate 1,280 dwellings with associated facilities and infrastructure, including a mixed use Local Centre and potential for a primary school.

7. CONCLUSIONS

- 7.1 These representations are submitted on behalf of Gallagher Estates who have a controlling interest over land at “*Home Farm, Sandhills*”.
- 7.2 Gallagher Estates reinforce the previously submitted representations to the earlier Preferred Options Site Allocation which recommend that the SAD is abandoned and a review of the Core Strategy is commenced now. The Council has placed reliance on the housing requirement set out in the BCCS in formulating the SAD. As set out in these representations and the accompanying **Appendix 2**, the BCCS was adopted prior to the introduction of the NPPF with much of the evidence base supporting the BCCS being significantly out of date. For the Local Plan to be consistent with the NPPF, there is a need to have first established the up to date housing requirement which would provide an up to date basis upon which the SAD should rely. The approach taken by progressing the SAD without having first established an up to date housing requirement would result in a plan that is not positively prepared and that is not consistent with national policy.
- 7.3 As has been outlined a review of the spatial strategy of the Core Strategy should be informed by an up to date Strategic Housing Market Assessment. Evidence within the Greater Birmingham and Solihull LEP and Black Country Local Authorities Strategic Housing Needs Study (Joint Housing Study) commissioned by the GBSLEP and Black Country Authorities demonstrates that there is a shortfall in planned housing supply within Walsall and across the Black Country as a whole. There is a concern that the spatial strategy, as identified in the BCCS, is not capable of accommodating such an uplift and should therefore be reviewed now to determine how best to deal with the shortfall in planned housing supply within Walsall and across the Black Country as a whole.
- 7.4 A key function of the Local Plan making process is to proactively plan for an boost significantly the delivery of housing and ensure the full objectively assessed needs for market and affordable housing are met within the area. The brownfield first approach to the allocation of housing sites embedded within the SAD is unsound and conflicts with national policy. A reliance on previously developed land runs the risk of preventing an appropriate degree of flexibility and inhibiting the delivery of the plan. If some of the sites are undevelopable or fail to deliver within the plan period there is a real danger that even the housing requirement outlined in the BCC will fail to be achieved. As set out in **Appendix 2** it is clear that a significant number of sites that are proposed as housing allocations have

lapsed and their future ability to deliver housing should be treated with caution. Concerns have also been raised in relation to a number of other large housing allocations which have not come forward to date. The strategy proposes little scope to significantly boost housing supply and would fail to accommodate any uplift in housing requirement.

- 7.5 In order to maximise the delivery of housing across the Borough it will be important that a range of different sites, delivering continuously through the Plan period, is provided for. This will require greenfield release and it is considered that a Green Belt Review should be undertaken alongside work to establish the appropriate housing requirement without delay to inform the production of a new Local Plan for the Borough.
- 7.6 Land at "*Home Farm, Sandhills*" is a suitable and sustainable location for development. This is fully evidenced within these representations and the accompanying Background Document relating to the site contained as **Appendix 1** (as previously submitted to the Draft SAD). This site represents a deliverable and developable proposition, with no major physical or environmental constraints which could preclude development on the site. Gallagher Estates are of the view that that this site would be deliverable in the short term and could therefore assist with the supply of houses in the next five year period. Gallagher Estates would be happy to discuss this site further with the Borough Council.

APPENDIX 1
BACKGROUND DOCUMENT

APPENDIX 2

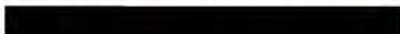
ASSESSMENT OF COUNCIL'S SITE ALLOCATIONS FOR NEW HOUSING DEVELOPMENT

ASSESSMENT OF COUNCIL'S SITE ALLOCATIONS FOR NEW HOUSING DEVELOPMENT CONTAINED WITHIN THE WALSALL SITE ALLOCATIONS DOCUMENT, PUBLICATION DRAFT PLAN

ON BEHALF OF GALLAGHER ESTATES

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1. INTRODUCTION

- 1.1 This assessment accompanies and supports the representations made by Pegasus Group on behalf of Gallagher Estates Limited to the Walsall Site Allocation Document, Publication Draft Plan March 2016.

- 1.2 This report provides an assessment of the Council's proposed strategy in meeting the housing need of Walsall over the period 2006 to 2026 which is set out in the Black Country Core Strategy (BCCS). It particularly focusses upon the proposed site allocations contained within Table HC1 of Policy HC1, entitled Land Allocated for New Housing Development, contained within the Walsall Site Allocation Document Publication Draft Plan March 2016. This assessment critiques the inclusion of some of these sites in meeting the housing requirement for Walsall.

2. PLANNING POLICY

Black Country Core Strategy

- 2.1 Policy HOU1 of the Black Country Core Strategy (BCCS) states that sufficient land will be provided to deliver at least 63,000 net new homes over the period 2006 to 2026. Of the 63,000, 11,973 are designated to Walsall.

Site Allocation Document Publication Plan March 2016

- 2.2 The Walsall Site Allocations Document (SAD) will implement the BCCS, which was adopted in 2011.
- 2.3 The Site Allocations Document Publication Plan March 2016 sets out that as at April 2015, 5,238 of these homes had already been completed and 669 were under construction. A further 4,034 homes had planning permission but had not yet commenced construction. This means that sites to accommodate at least 2,032 homes still need to be found in addition to those that have already been granted planning permission.
- 2.4 The Site Allocations Document seeks to allocate land to accommodate many of these additional homes, as well as confirm which land that already has planning permission for residential development should be safeguarded for this purpose. Table HC1 contained within Policy HC1 of the Walsall Site Allocation Document Publication Draft Plan (March 2016) lists sites allocated for new housing development to meet the additional homes needed.
- 2.5 The Site Allocation Draft Publication Document sets out that those housing sites to be allocated comprise sites that the Council think would be suitable for residential development where there is no need for the land to be used or safeguarded for employment, open space or any other purpose. It states that in line with the Black Country Core Strategy, nearly all these proposed sites set out in Table HC1 are on previously developed land.

National Planning Policy Framework

- 2.6 Paragraph 47 of the NPPF sets out how Local Authorities should **boost significantly** the supply of housing. In particular bullet points 2 and 3 of paragraph 47 state:
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic

prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.

2.7 Footnote 11 of the NPPF states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

2.8 Footnote 12 of the NPPF states that to be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

Planning Practice Guidance

2.9 The Planning Practice Guidance sets out that in assessing the suitability, availability and achievability (including the economic viability of a site) will provide the information as to whether a site can be considered deliverable, developable or not currently developable for housing. The definition of 'deliverability' and 'developability' in relation to housing supply is set out in footnote 11 and footnote 12 of the NPPF. All aspects of a Local Plan must be realistic and deliverable but there are specific requirements in the Framework in relation to planned housing land supply (Paragraph 029, ID: 3-029-20140306).

3. ASSESSMENT OF PROPOSED SITE ALLOCATIONS

- 3.1 Table HC1 of Policy HC1, entitled Land Allocated for New Housing Development, sets out those sites, also shown on the Policies Map, which the Council are proposing to allocate for housing to meet the remainder of the housing requirement to 2026.
- 3.2 The Council state that Policy HC1 allocates sites for 10 or more dwellings that have already been granted planning permission, including sites where the permission has already lapsed or will lapse in the next 3 years, where it remains appropriate to develop the site for residential purposes. In addition Policy HC1 also allocates sites for 10 or more dwellings, outside of the town and district centres, that do not yet have planning permission. The list of sites under this policy indicates the sites that already have permission. Additionally, Policy HC1 allocates a number of sites of under 10 dwellings which form part of larger housing areas or where planning permission is already in place. The total capacity of the sites listed under this policy is approximately 4,000 dwellings (3,969 to be precise).

Boosting the supply of housing

- 3.3 We do not consider that the inclusion of the sites in Table HC1 of Policy HC1 fulfils the government's requirement for the Council to boost significantly the supply of housing in Walsall. Bullet point 1 of paragraph 47 of the NPPF states that Local Authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including key sites which are critical to the delivery of the housing strategy over the plan period.
- 3.4 This point is particularly pertinent in the context of the BCCS. The BCCS was adopted prior to the introduction of the NPPF and much of the evidence base that supported the BCCS is significantly out of date. The BCCS does not set out a housing requirement that meets the full, objectively assessed needs (FOAN) for market and affordable housing. The NPPF, at paragraph 158, requires Local Plans to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Therefore progressing a Site Allocations Document without first establishing an up to date housing requirement would result in a plan that is not positively prepared and that is not consistent with national policy.
- 3.5 Against the background of the need to boost supply, a reliance on previously developed land (PDL), in line with the BCCS, runs the risk of preventing an appropriate degree of flexibility and inhibiting the delivery of the Plan. It is important that the Local Plan seeks to bring forward a range of types of sites in a range of locations in order to be in the best possible

position to achieve the appropriate housing target, which is currently unknown as the appropriate FOAN has not been established.

- 3.6 Maximising the delivery of PDL within Walsall results in a lack of flexibility. If some of these opportunities are undevelopable or fail to deliver within the prescribed period, there is a real danger that even the housing requirement outlined in the BCCS will fail to be achieved. The strategy proposes little scope to significantly boost housing supply and would fail to accommodate any necessary uplift in the housing requirement over and above the BCCS figure identified for Walsall.
- 3.7 A relevant example of the inclusion of a large site allocation that does not fulfil the requirement to boost significantly the supply of housing is proposed allocation HO27, Goscote Lodge Crescent (Site B), which is expected to be developed and to deliver 327 dwellings by 2026. It had been previously developed as a housing estate however this estate of 280 dwellings was fully demolished between 2007 and 2011, during the BCCS plan period. As such the demolition of these 280 units has resulted in a reduction in the stock of existing housing in Walsall. Since then the land has remained undeveloped.
- 3.8 It is therefore considered that in light of paragraph 47 of the NPPF which requires Local Authorities to boost significantly the supply of housing, by identifying a site which previously had dwellings on it does not 'significantly boost' the amount of new supply in Walsall. The net gain during the plan period for this site actually totals 47 units and therefore only 47 units from this site (if a proposal for 327 units came forward) would truly contribute towards meeting the arising housing need for Walsall as set out in the BCCS.

Lapsed planning permissions

- 3.9 It is important to question those sites included in Table HC1 of Policy HC1 which have lapsed full and outline planning permissions. In accordance with footnote 11 of the NPPF, sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years.
- 3.10 On this basis it is considered that sites with lapsed planning permissions are not deliverable. Furthermore, this goes on to question whether these sites are developable for reasons such as availability and/or viability. With a lapsed planning permission as at March 2016 gives only a period of 10 years for those sites to achieve planning consent and then to be fully developed and delivered. Given that there is only a 10 year period where these sites are expected to be developed the Council should be giving less reliance upon these sites to meet the remainder of the housing requirement set out in the BCCS for Walsall.
- 3.11 Set out below are those sites that are included in Table HC1 which have lapsed full or outline planning permissions:

HO39b – Joynson Street – 5 units

HO137a – 60 Walsall Road, Willenhall – 24 units

HO137c – 3 Fletchers Lane – 3 units

HO147 – Bloxwich Road Blakenhall Lane – 20 units

HO154 – Eagle Public House, Cresswell Crescent – 17 units

HO157a – Former Autocraft, Walsall Road, Walsall Wood – 20 units

HO160 – Former Tannery P.H., Burrowes Street, Walsall – 12 units

HO162a – Former Works Site C/O Cemetery Road, Villiers Street, Willenhall – 14 units

HO162b – Villiers Street (AJM Buildings) – 9 units

HO181 – Land at Former Caparo Works, Between the Wyrley and Essington Canal, Milner Road, Green Road and Old Birchills, Walsall – 310 units

HO195 – Lichfield Road, Willenhall (Petrol Station: 272-274) – 21 units

HO205 – Site at Corner of Edison Road, and Arkwright Road, Walsall, Beechdale – 11 units

HO207 – Site of the Cavalcade P.H., Stroud Avenue, Willenhall – 23 units

HO211 – The Hawthorns, Highgate Drive, Walsall, WS1 3JW – 13 units

HO217 – Wolverhampton Road West (former Petrol Station and former Lane Arms Pub) – 29 units

HO307 – Former Royal Navy Club, 120 Elmore Green Road – 10 units

HO315 – Site of John Wooton House & Great Croft House Wesley Road, Darlaston – 11 units

3.12 These sites with lapsed planning permissions in Table HC1 amount to a total 552 dwellings. This is 14% of the total of 3,969 units, which is notably high. This raises concern over the availability and viability of PDL sites in Walsall and clearly shows that such sites should not be overly relied upon to meet the housing requirement in the Borough.

3.13 It is also important to note that the Council in their Housing Land Supply Update August 2014 apply a 15% discount to PDL sites to allow for non-delivery in line with the BCCS. We therefore consider that it is a reasonable assumption to conclude that it is highly likely that 14% of sites identified in Table HC1 will not have come forward by 2026.

Sites under construction and with planning permission

3.14 Table HC1 of Policy HC1 contains numerous PDL sites with planning permission and also a site that is currently under construction.

- 3.15 Section 3.1 of the Site Allocations Document Publication Draft Plan states that as at April 2015, there were 4,034 homes that had planning permission but that had not yet commenced construction. A further 669 were under construction at that point in time.
- 3.16 In Table HC1 sites with planning permission which are yet to commence construction amount to a total of 1,124 units. There is also one allocated site, HO30 Silver Street, Brownhills which is currently under construction (157 units). We consider that it is likely that many of the 1,124 units on PDL sites with planning permission identified in Table HC1, would have been counted as part of the 4,034 homes that had planning permission as at April 2015 and therefore have already contributed towards the Council's supply in meeting the overall BCCS requirement of 11,973.
- 3.17 The Council's last housing land supply position was measured at April 2014 and is therefore considerably out of date. A breakdown of those sites with planning permission as at April 2015 which make up the 4,043 homes should be provided by the Council to understand if any of the new proposed allocated sites with planning permission formed part of the 4,043 figure. If they do then this would constitute double counting of those committed PDL sites and as such should not be included as new proposed allocated sites.
- 3.18 The Council state that they have a contingency of sites amounting to 3,969 units, which is above the remaining 2,032 units that they consider need to be found. However, assuming as a worst case that those sites with planning permission that may have already been counted to make up the 4,043 with planning permission as at April 2015, then these sites should theoretically should be removed from Table HC1. This would leave (assuming as a worst case all 1,124 were counted in the 4,043) 2,845 units from the new proposed allocated sites that do not have planning permission in Table HC1. Nonetheless, as stated above a breakdown of sites making the 4,043 already with planning permission should be provided for clarification.

Walsall Unitary Development Plan Allocations

- 3.19 A number of the allocations identified in Table HC1 were previously identified as allocations in the Walsall Unitary Development Plan (UDP) which was adopted in 2005. Questions must be raised as to why these sites have not been developed since 2005 and whether they should continue to be relied upon in meeting the housing need for Walsall.
- 3.20 Proposed site allocation HO168a, Howdles Lane/Castle Street, Brownhills, was allocated in the Walsall Unitary Development Plan which was adopted in 2005 and given reference number H2.8. This is a PDL site which was allocated in the UDP for 40 dwellings. The Site Allocations document again allocates 40 dwellings, however there has been no planning application on this site for housing suggesting that there is an underlying issue preventing this site coming forward for development and as such this site cannot be considered to be developable or deliverable.

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- 3.21 Proposed site allocation HO194, Lichfield Road, Little Bloxwich, formed part of a larger allocation in the Walsall Unitary Development Plan 2005 which was given reference number H2.16. The UDP proposed a total allocation for 25 dwellings on this PDL site. Part of the UDP allocation has now been developed, however the remaining undeveloped part of the site is now allocated as HO194 for 10 dwellings is currently occupied by a coach and minibus hire firm. With no evidence to suggest a relocation or a forthcoming scheme for housing this site is unavailable. On this basis the site cannot be considered developable nor deliverable in accordance with the NPPF.
- 3.22 Proposed site allocation HO201, R/O Pinson Road, Willenhall, was allocated in the Walsall Unitary Development Plan 2005 and given reference number H2.22. The UDP proposed a total allocation for 15 dwellings on this PDL site. The Site Allocations Document allocates 15 dwellings, however there has been no planning application for housing on this site, again suggesting an underlying issue with bringing forward residential development in this location. On this basis, the site cannot be considered to be developable or deliverable.
- 3.23 The total number of allocated units that have been brought forward from the Walsall UDP 2005 and included in the Site Allocations document amounts to 65 units. The developability of these sites in the next 6 to 10 years is questionable given that despite their allocation in the Walsall UDP there has been no planning interest in these sites, raising concerns on their viability as housing sites and Walsall Council's reliance on these in meeting housing needs.

Large Allocated Sites

- 3.24 We have also assessed the position of those allocated sites contained within Table HC1 that are proposed to be allocated for 50 dwellings or more. The assessment of each site considers whether they are likely to be developed and deliver all the number of units allocated over the remainder of the plan period (i.e. by 2026). Detailed below are the 10 allocated sites with over 50 dwellings which we consider are unlikely to be developed and delivered by the end of the plan period (2026).

HO27 Goscote Lodge Crescent (Site B)

- 3.25 This site is expected to deliver 327 dwellings by 2026. This site was previously a housing estate however this estate of 280 dwellings was fully demolished between 2007 and 2011 (during the BCCS plan period 2006 - 2026). Since then the land has remained undeveloped.
- 3.26 As mentioned earlier, it is considered that in light of paragraph 47 of the NPPF which requires Local Authorities to boost significantly the supply of housing, by identifying a site which previously had dwellings on it does not 'significantly boost' the amount of new supply in Walsall. The net gain during the plan period actually totals 47 units and therefore only 47 units from this site would truly contribute towards meeting the arising housing need for Walsall as set out in the BCCS.

3.27 Despite this we do not consider that there is strong evidence to suggest that this site will be developed and deliver 327 dwellings by 2026. There are no current live planning applications for new residential development on this site. Furthermore, given that this is a vast vacant site there is a current application that was submitted in November 2015 for the temporary storage of earthworks on this site (12 months) (15/605) and therefore we suggest that this provides additional evidence that proposals for housing development are not coming forward in the short term.

HO29 Goscote Lane Copper Works

3.28 This site is expected to deliver 395 dwellings by 2026. This site was previously occupied by a copper refinery and now sits vacant and as such the site is classified as PDL. There are currently no planning applications on this site for housing. It is likely that significant remediation works will be required to bring forward housing on this land and as such this may both impede the viability of the site, which could delay the site being developed for housing. We consider as at April 2016 that it is unlikely that by 2026 all 395 dwellings will have been delivered on this site.

HO46 Noose Crescent (former Lakeside School)

3.29 This PDL site is expected to deliver 59 dwellings by 2026. The site was previously occupied by a primary school however since the demolition of the school there have been no planning applications for residential development. It is therefore considered reasonable to assume that this site could deliver 59 units by 2026 however there is no current evidence that a planning application is coming forward and therefore there is no certainty that this site will contribute towards the remaining housing requirement for Walsall.

HO58 Walsall Road, Walsall Wood

3.30 This site is expected to deliver 51 dwellings by 2026. The site is currently occupied by a number of different retail and commercial outlets selling windows, furniture, pet supplies and kitchens. There is also a dance studio and a bar. There is no planning history nor any live planning applications to bring forward housing development on this site. On the basis that the site has a large number of existing occupiers it is considered that this site is not currently available for development and therefore should not be identified as being developable within the next 6 to 10 years.

HO60c Hollyhedge Lane (east side) (former Bradford Coal Wharf)

3.31 This vacant site is expected to contribute 52 dwellings by 2026. The site is brownfield and was previously occupied by a coal wharf. In February 2007 a planning application was submitted for 92 flats and 30 houses (07/0196/FL/W7), however there appears to be no evidence of a decision on this application. No subsequent application has come forward and

therefore it can be assumed that there is currently no serious interest in developing the site. It is questionable whether 52 dwellings will actually be developed on this site by the end of the plan period.

HO62 Former Metal Casements

- 3.32 This PDL site is expected to deliver 95 dwellings by 2026. To date there have been no planning applications for housing development on this site. The Site Allocations Document identifies this site as having former underground limestone working (not infilled/restored) which is a constraint that would need to be addressed for any housing development to come forward. It is likely that significant remediation works would be required to deliver 95 dwellings on this site and this may well impact on the developability of the site and delivery of homes by the end of the plan period.

HO150 British Lion Works, Forest Lane

- 3.33 The British Lion Works site is a brownfield site which is expected to contribute 60 dwellings by 2026. In November 2013 outline permission was granted for the demolition of the existing buildings and the construction of a new 60 bed extra care accommodation (10/1090/OL). The conditions on the outline permission require the submission of reserved matters on appearance, landscaping and scale to be submitted no later than 3 years from the date of the outline permission. Currently (as at April 2016), there has been no submission of a reserved matters application. A reserved matters application needs to be submitted by November 2016 otherwise the outline permission will lapse. It is clear that this site should not be overly relied upon by the Council to deliver 60 dwellings with evidence of a permission that is soon to lapse.

HO176 Land at Bentley Road North, Walsall

- 3.34 This site is expected to contribute 144 dwellings to Walsall's housing requirement by 2026. Full planning permission was granted in July 2008 for the development of 144 retirement apartments (07/2228/FL/W7). In November 2009 a further full application was granted for the addition of 4 flats (09/0880FL). In March 2013 an application for an extension of time was agreed to implement the full planning permission no later than 3 years from the grant of the extension (i.e. by 27th March 2016). However, as at April 2016 there is no evidence to suggest that this permission has been implemented and as such the permission should be considered as lapsed. On this basis, in line with footnote 12 of the NPPF, we do not consider that this site is developable within the next 6 to 10 years (i.e. by 2026).

HO305 Cricket Close Allotments and Tennis Courts

- 3.35 The site is expected to contribute 54 dwellings towards the housing requirement for Walsall. This estimated housing capacity takes account of the relocation of the existing tennis courts

and the exclusion of the area of the site within the Green Belt. The site is part designated as open space and part within Flood Zones 2 and 3. There have been no planning applications for housing development on this site and given the existing use of the site and its part open space designation we therefore consider that this site is not a reliable source of supply to meet the housing needs of the Borough.

HO317 Former Warreners Arms, High Road, Brownhills

- 3.36 This is a PDL site which contains a former public house. The site is allocated for 58 dwellings expected to be developed by 2026. This site has a history of a number of planning applications for the development of flats, notably an application (07/1535/FL/E11) for the demolition of the public house and the construction of 58 flats. This application was validated in March 2012 but has no formal decision. More recently an application was granted in January 2014 for the retention of the existing hand car wash and valeting for a further 5 years (13/1535/FL). Given there has been no progress on the application for 58 flats and the continued use of the site as a car wash then we consider this site is unlikely to be developed for residential use any time soon.

Summary of large sites

- 3.37 Concerns have been raised in relation to 10 of the Council's new proposed large allocations and their ability to deliver the proposed number of dwellings in the BCCS plan period. These concerns are based on a number of factors including absence of planning applications, continuation of existing land uses and the non-implementation of existing planning permissions. Reliance on these sites, which total 1,295 dwellings, for the reasons outlined above casts doubt on the Council's ability to meet the housing requirement outlined in the BCCS.

4. CONCLUSIONS

- 4.1 For a site to be considered deliverable it first needs to be developable. Bullet point 3 of paragraph 47 of the NPPF requires Local Authorities to identify a supply of developable sites for years 6 to 10 and, where possible, for years 11 to 15. On the basis of the information contained within this assessment, we do not consider that all of the sites included in Table HC1 should be considered developable over the next 6 to 10 years (i.e. up to 2026) in accordance with footnote 12 of the NPPF.
- 4.2 To be developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged (i.e. by 2026). The lack of progress on a number of the Council's larger proposed allocations in addition to the smaller sites identified coupled with the uncertainty relating the to the sites with lapsed planning permissions is such that there can be no reasonable prospect that the proposed allocated sites that have not come forward to date will do so with confidence, in the plan period.
- 4.3 This assessment has considered the criteria of boosting significantly the supply of housing having regard to lapsed permissions, the potential for double counting committed sites, the inclusion of old site allocations from the Walsall Unitary Development Plan (UDP) and includes an assessment of the developability and deliverability of the larger proposed allocated sites (sites with 50+ dwellings).
- 4.4 Upon the consideration of each of these criteria this assessment determines that the Council has an overreliance on previously developed land (PDL) to achieve their housing need as set out in the BCCS through the Site Allocations Document. It is unlikely that all units from these proposed allocated sites will be developed and delivered within the remainder of the plan period (i.e. by 2026) and therefore there should be a greater flexibility in the range of sites coming forward to meet the housing requirement such as the inclusion of greenfield and release of Green Belt sites.

APPENDIX 3
RELEVANT RESPONSE FORMS

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 SAD PUBLICATION DRAFT PLAN – OVERALL PLAN
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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
OVERALL WALSALL SAD PUBLICATION DRAFT PLAN
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 2.1 : OBJECTIVES 1 & 2
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 2.1 : OBJECTIVES 1 & 2
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 : ALLOCATING LAND FOR HOUSING DEVELOPMENT
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 : ALLOCATING LAND FOR HOUSING
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 SLC1 : LOCAL CENTRES
Do you support or object to the plan?
COMMENT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 SLC1 : LOCAL CENTRES
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 OS1 : OPEN SPACE, SPORT AND RECREATION
Do you support or object to the plan?
COMMENT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 OS1 : OPEN SPACE, SPORT AND RECREATION
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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
PROPOSAL LC5 : GREENWAY
Do you support or object to the plan?
COMMENT
If you object, on which test(s) of soundness do you base your objections? (positively prepared, justified, effective and/or consistent with national policy)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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
PROPOSAL LC5 : GREENWAY
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 GB 1 : GREEN BELT
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 GB 1 : GREEN BELT
Suggested Modifications (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 M 1 : SAFEGUARDING OF MINERAL RESOURCES
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 M 1 : SAFEGUARDING OF MINERAL RESOURCES
Suggested Modifications (continue on a separate sheet if necessary)
NONE

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 T2 : BUS SERVICES
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 T2
Suggested Modifications (continue on a separate sheet if necessary)
NONE

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
PROPOSAL T3 : THE RAIL NETWORK
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 T3 : THE RAIL NETWORK
Suggested Modifications (continue on a separate sheet if necessary)
NONE

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 T4 : THE HIGHWAY NETWORK
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)
PLEASE SEE ATTACHED SEPARATE REPRESENTATIONS
Comments (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE REPRESENTATIONS

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 T4 : THE HIGHWAY NETWORK
Suggested Modifications (continue on a separate sheet if necessary)
NONE

LAND AT HOME FARM, SANDHILLS, WALSALL

BACKGROUND DOCUMENT ON BEHALF OF GALLAGHER ESTATES



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Ground Conditions
Conclusion



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Contents

1. Introduction
2. Planning Policy Context
3. Landscape and Visual Context
4. Indicative Development Framework
5. Transportation
6. Ecology
7. Drainage
8. Ground Conditions
9. Conclusion

1. Introduction

1.1 Introduction

1.1.1 This Background Document relates to the site known as 'Home Farm, Sandhills, Walsall'. The site location is shown on Figure 1.1 and site context is shown on Figure 1.2.

1.1.2 The purpose of this Background Document is to provide background information to identify the suitability, availability and achievability of the site in response to the 'Preferred Options' Consultation for the emerging Site Allocations Document. A similar Background Document was prepared in 2013 in response to the earlier Call for Sites consultation. Where applicable, information has been updated to take into consideration any changes in the local area or other relevant contextual and technical information.

1.1.3 It is considered that this Background Document also demonstrates the soundness of this site as a future strategic allocation for residential development. In light of this, the site should be considered as one that is capable of contributing towards delivering the Council's future dwelling requirements.

1.2 Gallagher Estates

1.2.1 Gallagher Estates is a major strategic land promotion company operating across the UK with a track record for successfully delivering many large scale developments. The company has a specific focus on the residential sector, and acts as 'Master Developer' by retaining responsibility through all stages of the development process. The company is not a house builder, but instead facilitates development through the provision of infrastructure and community facilities to enable serviced land parcels to be offered for sale to the house building industry.

1.2.2 Gallagher Estates is appointed by the land owners, as of July 2013, to exclusively promote this site for a residential led development. Gallagher Estates have the full support of the land owner whom they have a close working relationship with and have a long-term agreement covering the full length of the current plan period.

1.2.3 In terms of availability, there are no legal or ownership problems, such as multiple ownership, ransom strips, tenancies or operational requirements of the land owners and therefore there are no known constraints that would inhibit the development of the site.

1.2.4 In respect of achievability, residential development is an economically viable prospect for the site.

1.3 Site Description and Context

- 1.3.1 The site is located on the eastern edge of Brownhills, adjacent to the Wyrley and Essington Canal. The site is bounded to the west by the canal; to the south by the curtilage of properties along the Chester Road (A452) and to the east by the Lichfield Road (A461). To the north the boundary is less well defined but is broadly defined by an increase in the height of the landform to the west of Barracks Lane. The Local Authority boundary between Walsall Council and Lichfield District Council follows a track and field boundary in this location.
- 1.3.2 An area of open countryside is situated to the north-east, which is designated Green Belt. The site itself also lies within Green Belt land and forms part of land covered by the Forest of Mercia community forest. Within the wider landscape there is an area of open access land to the south at Shire Oak Hill and to the north at Brownhills Common. There are no listed buildings on site, the closest being a Grade II listed footbridge over the canal to the north. Public rights of way are limited in the local landscape and there are none on site.
- 1.3.3 The site is located in an area of gently sloping agricultural land between approximately +170m AOD at the junction of the Chester Road and Lichfield Road, to approximately +140m AOD beyond the Local Authority boundary of Walsall. Beyond this, the landform rises to approximately +150m AOD to the north.
- 1.3.4 The urban edge of Brownhills lies to the west and Shire Oak to the south. An area of ribbon development, known as Sandhills, lies along Lichfield Road. The M6 Toll forms a major transport link passing through the landscape to the north, other main arterial routes include the Lichfield Road (A461) which links Walsall and Lichfield; and Watling Street (A5) which links Cannock to the north-west to Tamworth in the east. Stonnall forms a smaller, nucleated settlement to the south-east.

1.4 Contents of the Background Document

- 1.4.1 This Background Document considers the pertinent environmental issues identified in the context of the site in order to demonstrate the suitability, availability and achievability of the site, including further detail in respect of how the site could be developed for residential purposes. All of which provides evidence to support the identification of the site as a future strategic allocation. Figures are included within each chapter where required.
- 1.4.2 The Background Document is structured as follows:
- **Chapter 1: Introduction:** provides an introduction to the site and explains the purpose and content of the document.
 - **Chapter 2: Planning Policy Context:** provides a summary of the policy context for identifying sites for housing and outlines the relevant high level policies that are applicable to the site.

- **Chapter 3: Landscape and Visual Context:** considers the capacity of the site to accommodate development in relation to landscape and visual issues.
- **Chapter 4: Indicative Development Framework:** provides an illustrative 'Development Framework Plan' and accompanying text to demonstrate how the proposals could be successfully accommodated on the site.
- **Chapter 5: Transportation:** considers the accessibility of the site to public transport and nearby facilities and details the capacity of the surrounding highway network and potential access arrangements.
- **Chapter 6: Ecology:** considers ecological and nature conservation issues in relation to the site.
- **Chapter 7: Drainage:** provides initial information on the flood risk of the site and discusses appropriate drainage strategies to ensure development can be accommodated on the site.
- **Chapter 8: Ground Conditions and Agricultural Land:** considers the agricultural land quality and relevant geotechnical policies relating to the site.
- **Chapter 9: Conclusions:** provides an overview of the findings and conclusions of the Background Document.

1.4.3 The specialist consultants who have contributed to the preparation of this background information are referenced in the Project Directory at the front of this document.

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FIGURE 1.1

LAND AT HOME FARM, BROWNHILLS - SITE LOCATION PLAN



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KEY



STUDY AREA

FIGURE 1.2

LAND AT HOME FARM, BROWNHILLS - SITE CONTEXT PLAN

2. Planning Policy Context

2.1 Introduction

2.1.1 This chapter sets out the policy and development plan context for the site, which includes the National Planning Policy Framework (March 2012) at the national level and the Black Country Core Strategy (February 2011) and saved policies of the Walsall UDP (March 2005) at the local level. The 'Preferred Options' Site Allocations Document, which is the subject to current consultation, is also considered within this chapter.

2.1.2 In addition, relevant guidance in relation to identifying land availability is set out including an analysis of the site against these criteria.

2.2 Policy and Development Context

National Planning Policy Framework (NPPF)

2.2.1 The NPPF has a 'presumption in favour of sustainable development', which as Paragraph 14 makes clear is a golden thread running through both plan making and decision taking. Paragraph 14 continues:

"For plan-making this means that:

- ≠ local planning authorities should positively seek opportunities to meet the development needs of their area;*
- ≠ Local Plans should meet objectively assessed needs, with sufficient flexibility to adopt to rapid change, unless:*
 - 0 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - 0 specific policies in this Framework indicate development should be restricted.*

For decision taking this means:

- ≠ approving development proposals that accord with the development plan without delay; and*
- ≠ where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - 0 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - 0 specific policies in this Framework indicate development should be restricted."*

2.2.2 Specific policies in relation to housing are set out at paragraph 47 of the NPPF, which aim to boost significantly the supply of housing. It sets out that local planning authorities should amongst other requirements:

- *“use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period”*

2.2.3 In respect of plan making, the NPPF notes that local planning authorities should ensure local plans are based on adequate, up to date and relevant evidence. They also need to ensure that their assessment of, and strategies for housing, employment and other uses are integrated to take full account of relevant market and economic signals (paragraph 158).

2.2.4 In terms of housing, the NPPF requires local planning authorities to have a clear understanding of housing needs in their area and identify the scale of housing for the local population over the plan period, which meets household and population projections (paragraph 159). The NPPF goes on to require a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

2.2.5 In terms of policy relating to the Green Belt, the NPPF identifies the five purposes of the Green Belt, which include (paragraph 80):

- *“to check the unrestricted sprawl of large built up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”*

2.2.6 It further identifies that once Green Belt boundaries are established they should only be altered in exceptional circumstances through the preparation of a review of the Local Plan.

2.2.7 Finally, the NPPF requires local planning authorities to plan strategically across local boundaries. Paragraph 178 identified that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities including identifying housing requirements. Paragraph 179 further states that joint working should enable local planning authorities to work together to meet development requirements, which cannot wholly be met within their own areas. As explained below, this circumstance is applicable to the Black Country.

2.3 Black Country Core Strategy

Strategic Development Requirements

- 2.3.1 This document was adopted in February 2011. Policies in the Core Strategy were prepared in the context of PPS 3 and PPS 12, which required that Development Plan Documents be consistent with their relevant Regional Spatial Strategy (RSS), which set out high level policies such as identifying the amount and location of housing to be delivered in the region.
- 2.3.2 In the West Midlands, the RSS (January 2008) was based on an urban renaissance strategy which sought to concentrate housing development within the Major Urban Area (MUA) with reduced levels outside of the MUA to discourage decentralisation. The dwelling requirement for the Black Country, which is within the MUA, between 2001 and 2021 totalled 61,360 gross dwellings. Table H1 planned for the delivery of the dwellings to be phased over the plan period to increasingly meet needs. This figure was arrived at following the publication of the Revised 2004 Based Household Projections.
- 2.3.3 The Report of the Panel examining the RSS recommended that the overall figure be increased to 63,000 over the plan period in order to provide for additional growth arising from the 2006 Based Household Projections. This additional growth was based on the maximisation of available brownfield capacity suggested by the Black Country LPAs.
- 2.3.4 The above strategy was then adopted through the Black Country Joint Core Strategy (JCS), which provided further detail to the high level policies established within the RSS. Policy HOU1 of the JCS requires the delivery of 63,000 net dwellings between the period of 2006 and 2026. The JCS continues to phase housing delivery with 11,973 identified for Walsall to be delivered as follows: 5,067 between 2006/16; 2,300 between 2016/21 and 4,606 between 2021/26.
- 2.3.5 In response to the publication of the NPPF which replaces the Planning Policy Statements identified above, the local planning authorities undertook an exercise to review the conformity of the JCS policies with the new policies. It was concluded by the authorities in respect of the housing requirement in the context of the NPPF that there are no significant differences as the JCS provided for more housing than is required to meet locally generated need. However, in light of more recent evidence this is not considered to be the case.
- 2.3.6 In accordance with paragraph 159 of the NPPF, the housing requirement of an authority should meet household and population projections. As identified above the housing requirement figures in the JCS were taken from the RSS, which were identified based on the Revised 2004 Household Projections. Since then, a number of more recent projections have been published which provide a different view. Once allowances have been made in order to reflect that the most recent household projections are recession based, the figure for Walsall is indeed higher than the figures used to identify the housing requirement in the RSS, which is used today in the JCS.
- 2.3.7 In addition, the NPPF requires local planning authorities to co-operate on planning issues that cross administrative boundaries. Paragraph 179 goes on to identify that joint working should enable local planning authorities to work together to meet development requirements, which cannot be wholly be

met within their own areas. A Joint Housing Study, commissioned by the Greater Birmingham and Solihull LEP and the Black Country Authorities identified Walsall as being within a Greater Birmingham Housing Market Area. This phased Study represents the latest consideration of the full, objectively assessed housing need for Walsall and identifies a significant shortfall in supply to meet this need in Walsall and the wider Greater Birmingham HMA. In terms of the quantum of this shortfall, between 2011 and 2031 it is projected that there is a current planned shortfall of approximately 40,000 homes across the HMA and a deficit in supply of some 3,500 within Walsall Borough.,

- 2.3.8 In light of the above, it is recommended that a new Local Plan is prepared in order to identify an up to date housing requirement to take into consideration the factors identified above. On the basis of the figures identified above, it is considered that the capacity of existing sites in the urban area are together not sufficient to meet the requirements and therefore a review of the Green Belt should also be undertaken as evidence to inform a new Local Plan.

Relevant Policies

- 2.3.9 In terms of other relevant policies in the Joint Core Strategy, Policy CSP1 seeks to locate growth in the strategic centres and regeneration corridors.
- 2.3.10 The site is located adjoining the Brownhills regeneration corridor and therefore development in this settlement is consistent with the locational strategy for growth.
- 2.3.11 As identified above, the development requirements identified in Policy HOU1 of the JCS total 63,000 between 2006 and 2026. For the reasons identified above, it is considered that this dwelling requirement is out of date given more recent information in respect of local need and constraints of neighbouring authorities to provide for their needs. It is therefore recommended that new evidence is prepared in order to identify a revised housing requirement.
- 2.3.12 In terms of affordable housing, Policy HOU3 requires 25% affordable housing on sites of 15 or more where this is financially viable. The development of the proposed site will deliver circa 320 affordable dwellings in accordance with the policy requirement, which provide a significant contribution towards the 11,000 affordable dwelling target.
- 2.3.13 It is identified that this site is within a Mineral Safeguarding Area for sand and gravel, which in accordance with Policy MIN1. Chapter 8 of this document demonstrates that this is not a constraint to the development of the site.
- 2.3.14 The remaining policies relate to design and implementation of development, which will be explored at a later stage in the process. Notwithstanding the current Green Belt classification (discussed below), this background document sets out the suitability of the site for future residential development.
-

Walsall UDP

- 2.3.15 The Walsall UDP contains a number of policies, many of which have been replaced by the JCS, including those identifying the strategic development requirements for Walsall. The emerging Site Allocations Document proposed to replace a further tranche of these policies.
- 2.3.16 The high level policies relevant for this exercise include those relating to the Green Belt. The Proposals Map identifies the Green Belt boundary, which includes the site proposed within this Background Document. Policy ENV2 identifies a presumption against inappropriate development in the Green Belt, which would ordinarily prevent this site from coming forward for residential development. The emerging SAD intends to replace these policies, although the Preferred Option proposes no alteration to the Green Belt boundaries as the Council has concluded that development requirements can be met within the existing urban areas.
- 2.3.17 As identified above, however, the development requirements should be reviewed in order to consider more up to date evidence and other circumstances, including providing for needs of neighbouring authorities, which is likely to identify a higher housing requirement for the Black Country. In accordance with a higher housing requirement, additional land will be necessary to meet the higher housing target, which may include removing land from the Green Belt.
- 2.3.18 It is therefore recommended that a strategic review of the Green Belt is undertaken in order to assess the value of each of the Green Belt sites against the five purposes. This will allow the local planning authority to identify the importance of the Green Belt sites and accordingly identify those that will cause the least harm for development. Having initially reviewed other sites in the Green Belt, it appears that, other than the site within this Background Document, the majority appear to be important in respect of the five purposes of the Green Belt and should therefore remain open and free from development.
- 2.3.19 In light of identification of the land within the Green Belt, landscape and visual work has taken place and is included as Chapter 3. This identifies that the contextual landscape comprises a functional landscape generally consistent with local landscape character. It is visually contained to the north and west by built form, however is more visually open to the south and east. The site landscape and visual analysis finds that the site forms a localised 'topographical bowl' which is visually contained in the wider landscape. There is a range in the level of vegetation structure across the site, including a tree copse and mature tree planting around the Home Farm buildings complex. A landscape and visually led process has been adopted in order to identify a 'development envelope', which is then augmented with a comprehensive Green Infrastructure Strategy. The Green Infrastructure Strategy will provide landscape and visual mitigation and will also enhance the landscape resource and add value to it.

- 2.3.20 Therefore, in considering the impact of developing the site on the five purposes of the Green Belt:
- 0 it is considered that the revised Green Belt boundary following the outskirts of the site would maintain checking the unrestricted sprawl of large built up areas;
 - 0 it would not result in towns merging into one another;
 - 0 although development of the site would result in encroachment into the countryside, it is proposed that a defensible boundary will be implemented to prevent further encroachment;
 - 0 as identified in the landscape and visual chapter, due to the topography of the site which forms a bowl, development would not affect the setting and character of the existing development; and
 - 0 it is likely that there will not be sufficient urban regeneration land to provide for the development requirements and therefore land within the Green Belt will be required to come forward as well as the recycled land.
- 2.3.21 It is therefore considered that the development of the site will not compromise the five purposes of the Green Belt and should be considered for release from the Green Belt to assist to meet emerging housing requirements.

2.4 Conclusion

- 2.4.1 Having considered the relevant planning policy and development plan, it is concluded that existing strategic requirements are considered to be out of date. Urgent work should be undertaken by the Council in order to identify an appropriate housing requirement by firstly establishing the full, objectively assessed need and then considering other adjustments for other factors, including support for economic growth, affordable housing needs and other market signals. In addition, consideration of the identified housing shortfall within the Greater Birmingham HMA need to be considered as part of the Council's duty to co-operate. Accordingly, land should be identified in order to meet the revised dwelling requirement, including land within the Green Belt, such as land at Home Farm, Sandhills. Allowing this site to come forward for development, as demonstrated above, would not compromise the five purposes of the Green Belt.
- 2.4.2 It should also be recognised that the principle of developing the site has previously been considered acceptable by an independent Inspector for strategic development of an employment nature. Indeed, the Inspector's report of an inquiry to consider the Walsall UDP in 1992, outlined that very high landscaping standards "*could overcome any visual impact on the landscape*" and that "*in general terms I would not expect a high technology scheme on this site to have an unacceptable environmental impact*". Although the site is now proposed for residential development, it is considered that the same principles apply, in that as demonstrated later in this Background Document, a high quality landscape led proposal would ensure the impact on the environment would be limited.

3. Landscape and Visual Context

3.1 Introduction

3.1.1 The following is a summary of an initial landscape and visual overview of the site and its context; to highlight the constraints in landscape and visual terms; and to identify a series of broad parameters for development on the site that emanate from this analysis. Site work was initially conducted in early August 2013 and again in December 2013. The conclusions reached at this stage are preliminary, and are likely to be subject to modifications as further multi-disciplinary work progresses.

3.2 Site Context and Description

3.2.1 The site is located on the eastern edge of Brownhills. Open countryside extends to the north and east, which is also designated Green Belt. It is generally characterised by large arable field enclosures, but also populated by a number of elements of built form, and in particular major highways infrastructure including the M6 Toll and the A5. Chasetown lies further to the north. To the south lies further development, typically residential, extending down towards Aldridge. To the east is the urban area of Brownhills, including the Wyrley and Essington Canal.

3.2.2 The site itself also lies within Green Belt land and forms part of land covered by the Forest of Mercia community forest. Within the wider landscape there is an area of open access land to the south at Shire Oak Hill and to the north at Brownhills Common. Public rights of way are limited in the local landscape, although there is a tow path along the eastern edge of the canal, which adjoins the site to the west.

3.3 Site Description

3.3.1 The site is irregular in plan form and comprises approximately 12 no. field enclosures of different sizes. It is defined to the north-west by the canal, including a mature hedgerow with the occasional tree; and to the south-west by the rear garden curtilages of residential properties on the eastern side of the A452 Chester Road. It is defined to the south-east by the A461 Lichfield Road (A461), which includes a number of private properties fronting on to it. This boundary is also characterised by some mature vegetation infrastructure along its length, including a small woodland copse. It is defined to the north-east by a number of elements including farm tracks, a water course and topographical change. The district boundary between Walsall Council and Lichfield District Council, which is coincidental with this boundary, follows a track that extends across the north-eastern section of the site.

3.3.2 There are two building groupings on site, both in close proximity to the A461 Lichfield Road. To the north is Sandhills Farm, including a number of small brick buildings and some large agricultural

sheds. Access to it is from Lichfield Road. Slightly further south is Home Farm, including the red brick Farmhouse itself, with other associated farm buildings behind. Access to it is from the Lichfield Road, and the access track extends past Home Farm to a series of other buildings, in private residential use. A farm track links these two groups of buildings. No elements of the built form are listed.

- 3.3.3 In terms of topography, the site is located on an area of gently sloping agricultural land between approximately +170m AOD at the junction of the Chester Road and Lichfield Road, to approximately +140m AOD beyond the district boundary of Walsall. Beyond this, the landform rises to approximately +150m AOD to the north.
- 3.3.4 Land on site is currently in arable production. The field enclosures vary in size and shape. On the southern, eastern and northern parts, the enclosures are generally small to medium sized and rectangular; in the central part of the site and extending west of the canal, there is a much larger, irregularly shaped enclosure that occupies the lowest lying land.
- 3.3.5 Vegetation is generally confined to the southern and eastern parts of the site. This includes a triangular shaped woodland copse just west of the private buildings behind Home Farm; a treed hedgerow just south of Home Farm; and a mature woodland copse just south of Home Farm on the Lichfield Road frontage. Both the access tracks to Home Farm and Sandhills Farm are tree lined, and the track that links the two buildings groupings is also tree lined. There is also some vegetation associated with the back gardens of properties fronting Chester Road on the south-western site boundary.

3.4 Landscape Character

- 3.4.1 In terms of national landscape character, the site is located within National Character Area Profile 67: Cannock Chase and Cannock Wood, as published by Natural England (2012). The key components of this landscape character area relevant to the site are as follows:
- ≠ A varied landscape ranging from the open heath land and plantations, through towns, reclaimed mining sites and new developments, to dense urban areas;
 - ≠ Fields generally have a regular pattern and are frequently enclosed by mature hedgerows with some hedgerow trees. Here farming is generally mixed with arable cultivation in large fields;
 - ≠ The canal network is a notable feature and contributes significantly to the drainage of the urban areas;
 - ≠ Industrial archaeology from the industrial revolution is a characteristic feature.
 - ≠ The predominant building material of the 19th and early 20th Century buildings is red brick, with more modern structures within urban areas;

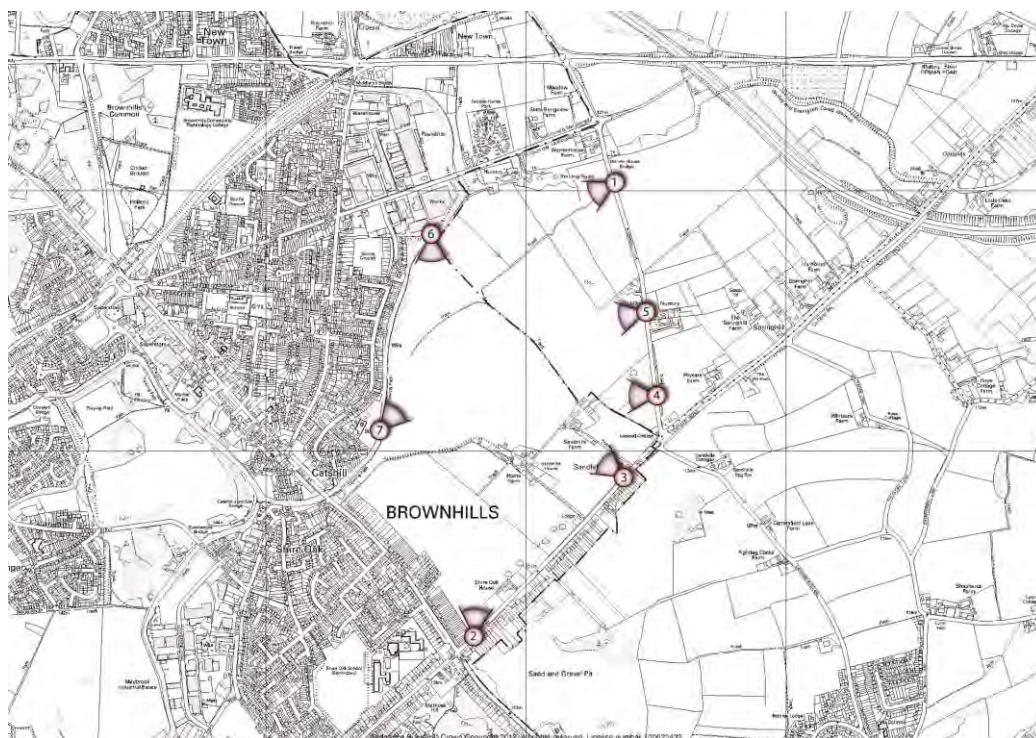
- ≠ The settlement pattern is complex and contrasting, with some areas densely populated and others relatively sparse. The conurbation includes a mosaic of urban areas, former industrial land and patches of farmland, with an extensive urban fringe;
- ≠ The extensive networks of canals and railways reflect the industrial history of the area. Major roads include the M6, the M6 Toll and the A5;

3.4.2 In terms of County landscape character Walsall does not have a landscape/townscape character assessment. The site is located at the boundary of Walsall and Lichfield District and displays many similarities to the Sandstone Estatelands: Farmland Landscape Character Type/Subtype of the Staffordshire Landscape Character Assessment, 'Planning for Landscape Change' Supplementary Planning Guidance (2001). The key components of this landscape, relevant to the site and its context are as follows:

- ≠ Gently undulating landscape of intensive arable farming in which the traditional agricultural fabric is breaking down under increasing pressure from adjacent urban areas and modern agricultural activities.
- ≠ Where the mixed species hedges remain they tend to be very gappy or sculpted, but in places they have been lost completely and replaced with fence lines. Hedgerow trees tend to be a mix of isolated, mature oak and ash with alder associated with the stream corridors and visually intrusive lines of poplar.
- ≠ Arterial roads, motorways, railways and power lines combine with encroachment of post-war housing and industry to urbanise the general character of this landscape.
- ≠ The deterioration of landscape quality is greatest at the immediate urban fringe, with less impact being evident at further distances from the built environment. The network of small winding ancient lanes is now heavily used as commuter routes, and large scattered farmsteads are very obvious in this open landscape. Urban fringe influences such as wire fences and pony culture are apparent in some areas and settlements have increased in size rapidly.
- ≠ Incongruous landscape features include post and wire fencing; modern expanded villages; busy main roads; railways; urban edges; exotic ornamental tree species; electricity pylons; isolated field trees; deteriorating hedgerow pattern; large modern farm buildings.
- ≠ The critical factors which currently limit landscape quality are a decline in the condition of characteristic landscape elements and the relatively poor survival of characteristic semi-natural vegetation, in particular heathland. The loss of some characteristic landscape features and the proliferation of incongruous features are contributory factors.
- ≠ There is a very high potential value of new woodland planting in the areas of lowest landscape quality and moderately high elsewhere, to restore a land cover structure to those areas where the

scale has enlarged as a result of agricultural intensification and removal of the traditional hedgerow pattern. The planting of larger woodlands would be appropriate. Planting would also be of value to screen adjacent urban edges and intrusive urbanising elements within the landscape.

3.5 Visual Amenity



- 3.5.1 There are a number of publicly accessible views to and across the site. From the north, views are quite limited from the B4155 Lichfield Road and Barracks Lane due to intervening built form, topography and regenerating scrub vegetation (see **view 1**).
- 3.5.2 From the south, there are both public and private views from Lichfield Road looking into the southern part of the site, and further across it to the north with more elevated countryside in the distance including the south-east fringes of Cannock Chase (see **view 2**). There will also be private views from the residencies backing on to the site from Chester Road.
- 3.5.3 From the east, there are both public and private views across the site from the A461 Lichfield Road, from where the Home Farm and Sandhills Farm buildings are visible, together with their tree lined access tracks. In these views, the combination of farm buildings and mature trees is characteristic, with more extensive views looking northwards beyond the site across open countryside (see **view 3**). Views from the southern end of Barracks Lane are more limited as the agricultural sheds within the Sandhills Farm complex serve to screen views in combination with rising topography (see **view**

4), however there are views from the central parts of Barracks lane, with the urban edge of Brownhills in the background (see **view 5**).

- 3.5.4 From the west, there are views looking across the site from the path alongside the canal, notably where the localised elevation of this path rises and where the hedgerow is absent. In these views, the central parts of the site can be seen, with the urban edge of Brownhills on rising land beyond, characterised in part by mature vegetation (see **view 6**). Elsewhere along the canal, the view is more 'channelled' (see **view 7**).
- 3.5.5 In terms of both mid and longer distance views, landform to the east across open countryside towards Shenstone gradually falls, and as such more distant views of the site are likely to be limited. To the south, on the north-eastern edge of Aldridge the land rises to ca. +170 metres AOD, and there might be glimpsed views of the site, however this would be in the context of an extensive panorama in which built form is a major component. To the north, beyond Burntwood, the land rises towards Cannock Chase, up to ca. + 200 metres AOD, however any views from such distance will again be characterised by significant areas of built form as part of a wide panorama. To the west, more distant views are limited due to the existing urban area.
- 3.5.6 Whilst the site itself is not publicly accessible, there are views from the higher lying areas of it towards the south, looking north-east towards the three spires of Lichfield Cathedral.

3.6 Green Belt

- 3.6.1 As described the site lies within the Green Belt. It is therefore subject to those relevant policies within the Development Plan, including paragraphs 79-92 of the NPPF. This states at paragraph 79 that the essential characteristics of Green Belts are their openness and permanence. The five purposes of the Green Belt are set out at paragraph 80:
- ≠ To check the unrestricted sprawl of large built up areas;
 - ≠ To prevent neighbouring towns merging into one another;
 - ≠ To assist in safeguarding the countryside from encroachment;
 - ≠ To preserve the setting and special character of historic towns; and
 - ≠ To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.6.2 With respect to openness, this can broadly be described as an absence of development. The openness of different parts of different Green Belts varies. With respect to landscape and visual matters, openness includes considerations of both landscape character and visual amenity. The site is located in part of the Green Belt that extends between Lichfield to the north-east, with Burntwood,

Brownhills and Aldridge to the south-west forming a more or less continuous ribbon of development extending south towards Walsall. It is also bisected by the M6 Toll; the A5; the A5190 and the A461; and includes the villages of Shenstone, Wall and Hammerwich together with numerous elements of 'ribbon' development along highways routes.

- 3.6.3 Extending across and around these elements, the vast majority of the landscape is in arable production and is very gently undulating. The land is not covered by any other form of amenity planning designation. Openness therefore in this instance comprises combinations of this agricultural landscape populated quite consistently with development in terms of both highways infrastructure and built form to a greater or lesser degree. Various combinations of these elements will vary in views across the Green Belt.
- 3.6.4 As the site forms part of the Green Belt, the contribution it makes to its openness needs to be understood both in respect of matters of landscape character and visual amenity, as discussed below.

3.7 Landscape and Visual Analysis

3.7.1 The contextual landscape and visual analysis can be summarised as follows:

- ≠ The context comprises a functional landscape, generally consistent with local landscape character studies, however heavily influenced by urban areas and elements of built form, notably major highways infrastructure;
- ≠ The local landscape character is also degraded in part, primarily showing the effects of the removal of hedgerows following intensification of arable farming practices;
- ≠ It well visually contained to the north and west by built form. The only exception to this are the views from the towpath along the canal which runs along the western site boundary; and
- ≠ In contrast, the site is more visually open to the south and east although many of these views are limited to short and mid distance views, typically influenced by the urban edge;

3.7.2 The site landscape and visual analysis can be summarised as follows:

- ≠ The site topography is such that it forms a localised 'topographical bowl' in its central and northern parts, formed by rising topography both to the north and south;
- ≠ This 'bowl' is more visually contained in the wider landscape;

- ≠ The southern part of the site adjacent to Brownhills gives the perception of being more enclosed, notwithstanding its higher elevation, primarily due to the vegetation structure on and adjacent to it;
- ≠ The central and northern parts of the site contrast with this, and retain a distinct lack of vegetation infrastructure;
- ≠ The triangular copse, in combination with the Home Farm buildings complex serve to define a ‘threshold’ between the differing characters of the south and central/northern parts of the site;
- ≠ The Farm buildings complexes, in combination with mature tree planting, generate a pleasant visual composition when viewed from the A461 Lichfield Road corridor; and
- ≠ The Wyrley and Essington Canal corridor retains pleasant amenity value and good visual connectivity with the site where the adjacent hedgerow is absent and does not channel views along the corridor.

3.8 Landscape and Visually Led Development Process

3.8.1 With respect to development proposals on site, a landscape and visually led process has been adopted in order to identify the initial parameters for development. This includes the identification of a “development envelope” within which built form will take place, which is then augmented with a comprehensive Green Infrastructure (GI) strategy. The extent of the development envelope and the GI strategy are in direct response to the findings of the landscape and visual analysis. Once drafted, these development parameters are then populated with the masterplan proposals.

Development Envelope

3.8.2 The initial landscape and visual analysis has identified areas which retain good capacity for development. It essentially comprises two overall parts. The highways analysis has identified two points of access: a primary one from the A461; linking to a secondary access off the Chester Road. These will serve the first part of the development envelope which extends across the south-western part of the site. Although the land is slightly elevated in this location, it remains quite well enclosed and relates well to the existing urban edge. This part of the envelope is again broken down into two parcels, with a significant area of open space between them, which may function in part as primary school/community use, and will offer long distance views northwards.

3.8.3 Highways access then extends northwards at one end of the retained triangular woodland copse, to access the second overall part of the development envelope; the retained copse providing a visual foil and element of separation. This is set on the lower lying land in the topographical bowl, and extends northwards up to the municipal boundary. Again, the overall scale of this part of the envelope is broken down into two distinct parcels.

- 3.8.4 The western edges of the overall development envelope are considered very important in terms of their alignment. The Wyrley and Essington canal corridor and its tow path retain pleasant amenity value with a semi-rural character. Whilst there is an established hedgerow between the path and the site, it is managed to shoulder/head height and the open character of the site is evident in part. The development envelope has therefore been set back to retain this perceived openness, with the creation of a linear park that adjacent development could front on to. As the tow path extends north, the level of the tow path rises in relation to the site such that views extend southwards across the site. The development envelope is set further back in this location in order to address this and retain a depth of view across open space (**view 6**).
- 3.8.5 Similarly, a 'buffer zone' around the existing farm buildings has been retained and comprises four distinct field enclosures that will remain in agricultural use. This addresses matters of both private amenity and the retention of the existing visual composition of landscape and built form from the A461 (**view 3**).

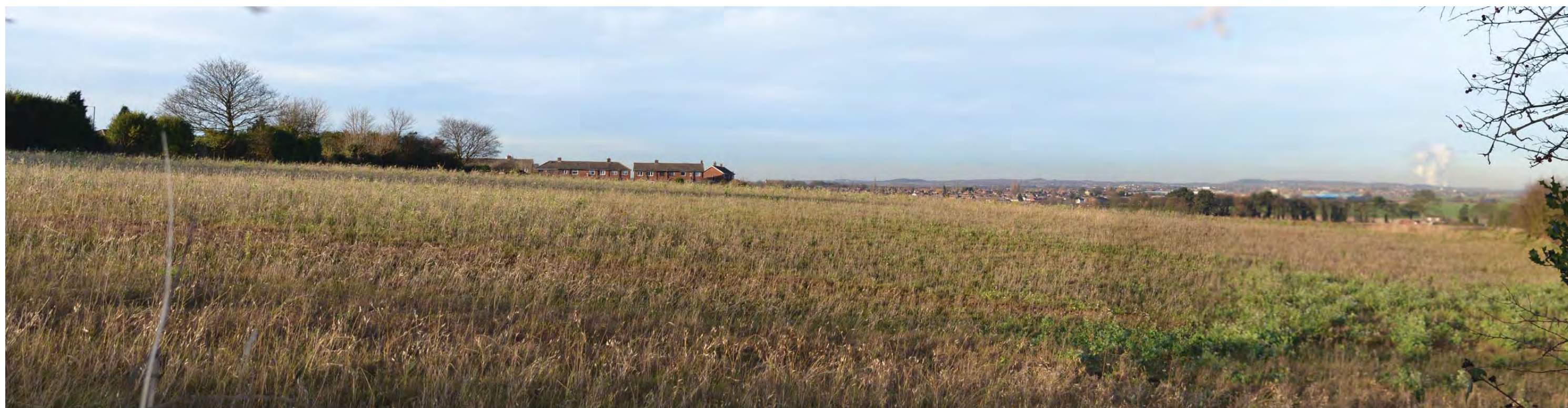
Green Infrastructure (GI) strategy

- 3.8.6 The development envelope has been identified integrally with a comprehensive GI strategy. Creation of a robust green infrastructure (GI) network across the site is a key component of the proposed development and will not only provide landscape and visual mitigation, but will also enhance the landscape resource and add value to it.
- 3.8.7 The analysis identified the general lack of GI across the site and it is considered important to build on the existing elements of vegetation and consider more opportunities in terms of access and permeability, as well as the recreational and biodiversity benefits that extend from this.
- 3.8.8 The green infrastructure strategy will be robust, including links to existing and proposed vegetation belts, and will include the following:
- ≠ Creation of a comprehensive open space hierarchy, including a linear park along the canal, and a series of three large linked linear open spaces between the development parcels;
 - ≠ Retention of all the vegetation across the site, in particular that along the A461 Lichfield Road frontage, with supplementary planting where necessary;
 - ≠ Creation of a series of new, linked woodland belts which are consistent in character with the existing ones on site and in the local area. These include:
 - The A461 frontage, south of Home Farm, to reinforce the visual enclosure in this area;
 - Supplementary planting adjacent to the retained triangular copes to extend a green link down towards the secondary site access on Chester Road;

- Along the eastern edge of the northern section of the development envelope, behind Home Farm, for both visual containment and to enhance the setting and amenity of the Farm;
 - Along the north-eastern edge of the southern section of the development envelope, again for visual containments and setting and amenity value; and
 - To the north of the northern edge of the northern section of the development envelope, up to circa, 10 metres in width, that will provide a robust and well defined edge to the Green Belt.
- ≠ Safe and easy public access through the series of newly created spaces;
- ≠ Provision of open spaces with drainage features in appropriate locations, including the north-eastern corner of the site; and
- ≠ Creation of a natural parkland landscape design in the open space that will be created along the canal frontage.
- 3.8.9 These initial concepts have been ‘informed’ via a series of long landscape sections that extend through the site, and identify the location of the proposed development envelope, together with the proposed GI strategy.
- 3.8.10 **Section AA** extends from the urban edge of Brownhills in the south, across the site, and then to the B4155 Lichfield Road in the north. The ‘topographical bowl’ is evident, with the southern part of the envelope on sloping ground, separated from the lower lying northern section by a belt of existing and proposed vegetation. Land then rises further to the south to ‘enclose’ the overall development along this section line. The edge of the northern section of the envelope is well defined by a robust woodland planting belt. The section illustrates that the scale of proposed development works with the topography and is commensurate with the scale of the landscape.
- 3.8.11 **Section BB** extends from the urban edge of Brownhills, through the southern section of the development envelope and then back to the A461 Lichfield Road. This effectively considers the views from the Lichfield Road looking south up the slope towards Brownhills. The section illustrates that combinations of retained vegetation on the A461 frontage and additional planting belts along the envelope edge will serve to screen and filter views of the proposed development in this location.
- 3.8.12 **Section CC** extends from the A461 Lichfield Road, across the land between Home Farm and Sandhills Farm, across the northern section of the development envelope, and across the canal corridor open space. It illustrates how the setting and composition of the farm buildings complexes are retained, and enhanced with the backdrop of woodland planting along the eastern edge of the northern section of the development envelope. It also illustrates how setting back of the western edge of the envelope provides a significant (up to 130 metres wide) open space ‘buffer’ that will protect the amenity value of the canal corridor.



View 1



View 2



View 3



View 4



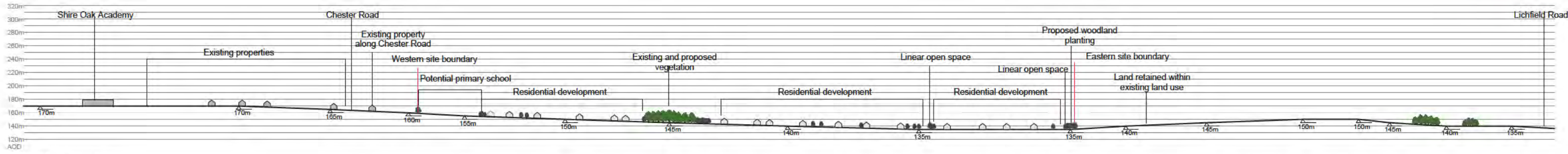
View 5



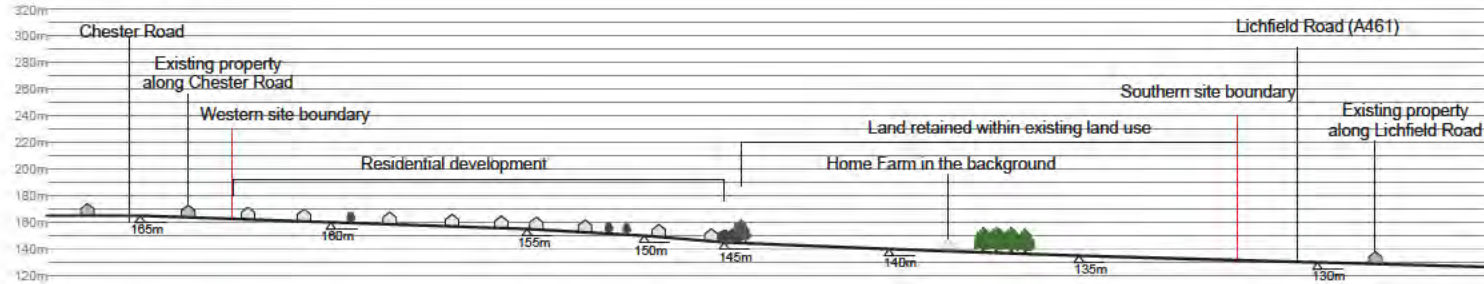
View 6



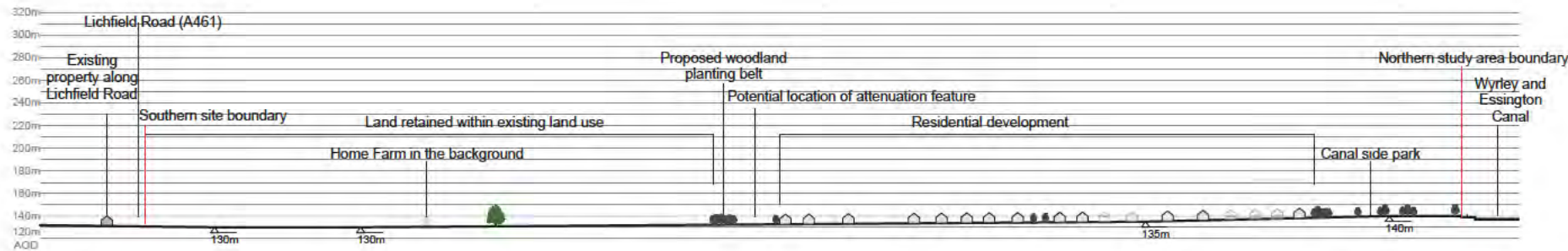
View 7



Section AA Scale 1:2000@A0

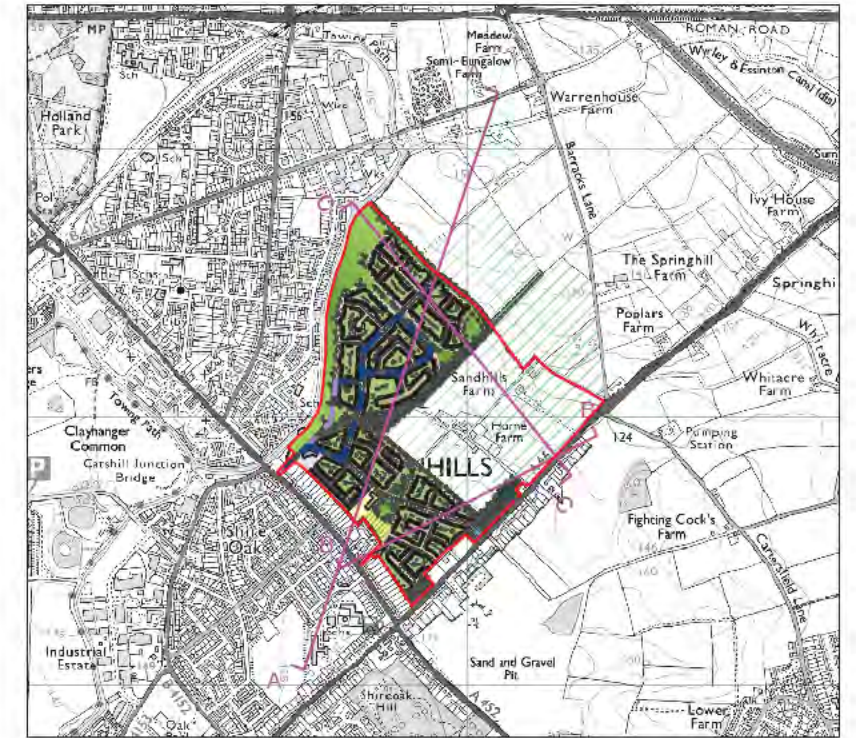


Section BB Scale 1:2000@A0



Section CC Scale 1:2000@A0

- Notes
- Proposed and existing building heights shown at 9m to ridge.
 - Proposed planting shown at 8 to 10 m.
 - Existing planting shown at 10 to 20m.



Section Locations Scale 1:1000@A0

4. Indicative Development Framework

4.1 Masterplan Components

4.1.1 The Indicative Development Framework Plan works within the parameters identified as part of the landscape and visually led process, and begins to progress some of the design principles. In summary, the process has generated the following statistics in terms of the components and mix of uses within the development framework:

- ≠ Up to 1,280 residential dwellings (36.50ha@ approx 35dph);
- ≠ Mixed use local centre (0.51ha);
- ≠ One form entry primary school (0.68ha) plus primary school playing fields/community open space (0.55ha);
- ≠ Public open space including landscape buffers and attenuation features (16.35ha); and
- ≠ Land retained as existing use (53.13ha).

4.1.2 The proposed development will create housing choice, community facilities and new amenity spaces for the existing and new community whilst improving public access across the site.

4.2 Development Parcels

4.2.1 Four distinct areas of development that are separated by areas of public open space have been defined within the Development Framework Plan. Each of these areas will have their own character, but will share common design principles and elements in order to provide a cohesive design response to the scheme. These four areas are as follows:

Parcel 1: Woodland Setting

4.2.2 Located to the south of the development proposals and adjacent to existing woodland planting and tree belts, this area of development provides the entrance feature to the design proposals. It is proposed to extend the existing woodland planting along Lichfield Road and to provide the primary site access through this point. Dwellings will then be set behind these integrated and enhanced existing tree belts. It is anticipated that this area will be lower density housing, consisting of predominantly detached and semi-detached properties. The proposed dwellings will provide a strong frontage to the public domain and particularly along the route of the main access street. However, where properties adjoin open space, their street scenes will be less formal and incorporate a more landscape-dominated environment. Should any of the proposed dwellings be adjacent to existing properties, it is anticipated that back-to-back relationships will be created in order to minimise any potential overlooking issues.

Parcel 2: Community Focal Point

- 4.2.3 The development area contains a mix of uses including residential, mixed-use local centre and potential primary school. The main built areas of the primary school will form the development envelope, with the play areas/ fields being located adjacent to the woodland park. These open areas could integrate with the proposed parkland and provide community areas. Being centrally located the area will provide a community focal point for the proposed development as well as providing benefits for the adjacent existing community. It is anticipated that this area will contain medium density areas that include a mix of short terrace runs, semi-detached and smaller detached units. These properties will create a strong frontage to the public realm and appropriate back-to-back relationships with existing adjacent dwellings.

Parcel 3: Canal Side Development









- 4.2.4 The canal side development is contained within the lower lying levels within the site adjacent to the canal the corridor. A linear park has been created between the proposed development envelope and the canal in order to maintain the open aspect of the towpath. Dwellings will front onto the canal side park and incorporate a more landscape dominated environment in order to provide the appropriate transition between the built environment and the area of open space. Elsewhere, proposed dwellings will create a strong frontage to the public realm and provide a mix of short terrace runs, semi-detached and detached units within this medium-low density area of development.

Parcel 4: Urban – Rural Transition

- 4.2.5 The final northern most parcel of development creates the transitional area between the built form edge and the adjacent countryside. As part of the development a new Green Belt boundary is created through the provision of a substantial woodland belt and a potential linear swale park. This parcel will be a lower density area so as to provide an appropriate landscape dominated environment. Adjacent to the existing canal corridor, the canal side park widens to as to rising ground levels adjacent to the corridor.
- 4.2.6 The development proposals achieve an average density of approximately 35 dwellings per hectare, which accords with Government guidance on ensuring the efficient use of land, yet is reflective of the scale of the local area. A variety of house types, tenures and sizes of dwellings are to be provided within the development in order to assist in creating a balanced community as a variety of households can be accommodated.
- 4.2.7 Two access points are proposed to serves the development. The primary access point being located via Lichfield Road to the south of the proposed development. The secondary access is located off Chester Road and has the potential to be a bus/emergency access point only. A bus loop is also proposed to serve the development.

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- KEY**
-  STUDY AREA
 -  LAND RETAINED WITHIN EXISTING LAND USE
 -  INDICATIVE RESIDENTIAL DEVELOPMENT
 -  MIXED USE LOCAL CENTRE
 -  POTENTIAL PRIMARY SCHOOL
 -  POTENTIAL PRIMARY SCHOOL PLAYING FIELDS/COMMUNITY OPEN SPACE
 -  POTENTIAL PRIMARY ACCESS POINT
 -  POTENTIAL SECONDARY ACCESS/EMERGENCY ONLY ACCESS
 -  INDICATIVE MAIN ACCESS ROUTE
 -  POTENTIAL BUS LOOP
 -  BUS ONLY/EMERGENCY ACCESS ONLY ROUTE
 -  EXISTING VEGETATION TO BE RETAINED (SUBJECT TO DETAILED SURVEY)
 -  INDICATIVE PLANTING
 -  PUBLIC OPEN SPACE
 -  POTENTIAL LOCATION FOR ATTENUATION FEATURE
 -  POTENTIAL LOCATION FOR CHILDRENS PLAY SPACE

HOME FARM, SANDHILLS, WALSALL - INDICATIVE DEVELOPMENT FRAMEWORK PLAN

5. Transportation

5.1 Introduction

5.1.1 Mode Transport Planning have been appointed by Gallagher Estates to prepare constructive representations setting out the highways and transportation package to support the delivery of circa 1,500 dwellings at Home Farm, Sandhills, north of Walsall.

5.1.2 The site is situated in Brownhills and is bordered to the north by the Wyrley and Essington Canal, to the south by the A461 Lichfield Road, to the east by farmland and to the west by existing residential properties which front onto the A452 Chester Road.

5.2 Planning Policy and Guidance

5.2.1 The delivery of residential development in this location has been considered in relation to relevant transportation policies of the Black Country Core Strategy (BCCS), adopted 2011, and the relevant long term themes of the West Midlands Local Transport Plan 3 (LTP3), covering the period of 2011 to 2026.

5.2.2 The Key policies from the BCCS, specifically relating to the delivery of new development, are as follows:

- ≠ CSP5 – Transport Strategy;
- ≠ HOU2 – Housing Density, Type and Accessibility;
- ≠ TRAN1 – Priorities For the Development of the Transport Network;
- ≠ TRAN2 – Managing Transport Impacts of New Development;
- ≠ TRAN4 – Creating Coherent Networks for Cycling and Walking;
- ≠ TRAN5 – Influencing the Demand for Travel and Travel Choices.

5.2.3 The key themes from the West Midlands LTP3, specifically relating to the delivery of new development are as follows:

- ≠ Long Term Theme 1: Regeneration, thriving centres, corridors and gateways;
- ≠ Long Term Theme 3: Modal Transfer and the Creation of Sustainable Travel Patterns; and
- ≠ Long Term Theme 6: Improved Local Accessibility and Connectivity.

5.2.4 The long-term themes of the West Midlands LTP3 aim to reduce reliance on the private car in favour of more sustainable modes of transport for many journey purposes.

- 5.2.5 Any transportation submissions to support a forthcoming planning application would be prepared in line with the Department for Transport's (DfT's) Guidance on Transport Assessment (GTA) with reference to DfT circular 02/2013 (The Strategic Road Network and the Delivery of Sustainable Development) where traffic impacts are envisaged on the strategic highway network.

5.3 Local Highway Network and Access Options

- 5.3.1 The site is bordered by the A452 Chester Road to the west and the A461 Lichfield Road to the south. The A452 Chester Road and the A461 Lichfield Road form a traffic signal controlled junction at the southern corner of the site.
- 5.3.2 The A461 Lichfield Road provides a linkage to Walsall to the south-west of the site and to the A5 Watling Street to the north-east of the site. The A5 Watling Street links to the M6 toll via junctions T5, T6 and T7, to the M6 at junction 12 and to the M42 at junction 10.
- 5.3.3 The A452 Chester Road provides a linkage into Brownhills and the A5 Watling Street to the north of the site and to Sutton Coldfield, Erdington to the south. The A452 Chester Road also provides linkages to Great Barr and West Bromwich via the A4041 Queslett Road. The A452 Chester Road also links to the M6 at junction 5 and also at junction 6, via the A38 Aston Expressway. The A38 Aston Expressway provides a direct route into the centre of Birmingham.
- 5.3.4 In line with policy TRAN2 of the BCCS the traffic impacts of the development proposals will be considered in relation to existing conditions on the surrounding highway network and where necessary appropriate mitigation measures will be provided to counter any forecast adverse impacts directly attributable to the development proposals.
- 5.3.5 The extent of the off-site highways study area will be agreed in consultation with Walsall Council (WC) and the Highways Agency (HA) as part of any forthcoming planning application. As an absolute minimum it is envisaged that the highways impacts of the development will be considered at the A461 Lichfield Road/A452 Chester Road traffic signal controlled junction.
- 5.3.6 Vehicular access to the site will be provided via two points, the first will be formed with the A452 Chester Road and the second will be formed with the A461 Lichfield Road. Indicative sketch layouts of the site access proposals are shown on drawings P32-2085-PS-002 Rev A and P32-2085-PS-003 Rev A.
- 5.3.7 A high level appraisal of site access junction capacity has been undertaken using average vehicle only trip rates from the TRICS database for houses privately owned situated within the West Midlands region. The calculated trip rates and resultant traffic generated by the development proposals are summarised in Tables 5.1 and 5.2 below.

Table 5.1 Trip Rates (per dwelling)

<i>Time Period</i>	<i>Arrivals</i>	<i>Departures</i>	<i>Total</i>
08:00 to 09:00 (AM Peak)	0.184	0.449	0.633
17:00 to 18:00 (PM Peak)	0.437	0.265	0.702

Table 5.2 Traffic Generation (1,500 dwellings)

<i>Time Period</i>	<i>Arrivals</i>	<i>Departures</i>	<i>Total</i>
08:00 to 09:00 (AM Peak)	276	674	950
17:00 to 18:00 (PM Peak)	656	398	1053

- 5.3.8 Baseline traffic flows for the A452 Chester Road and the A461 Lichfield Road have been obtained from Mott MacDonald and these have been growthed to 2019 levels (five years post registration of a planning application, assuming submission in 2014).
- 5.3.9 The development traffic has been distributed assuming a 60:40 split between access points, with the bias towards the A461 Lichfield Road access, and proportionally in line with the direction of travel on either the A452 Chester Road or the A461 Lichfield Road, obtained from the Mott MacDonald count data. The results of the analysis are summarised in **Tables 5.3** and **5.4** below.

Table 5.3 Access with A452 Chester Road – 2019 Base + Development Scenario

Arm	AM Peak		PM Peak	
	RFC	Q	RFC	Q
2019 Base + Development				
Site Access	0.74	3	0.53	1
Chester Road	0.10	0	0.24	0

Table 5.4 Access with A461 Lichfield Road – 2019 Base + Development Scenario

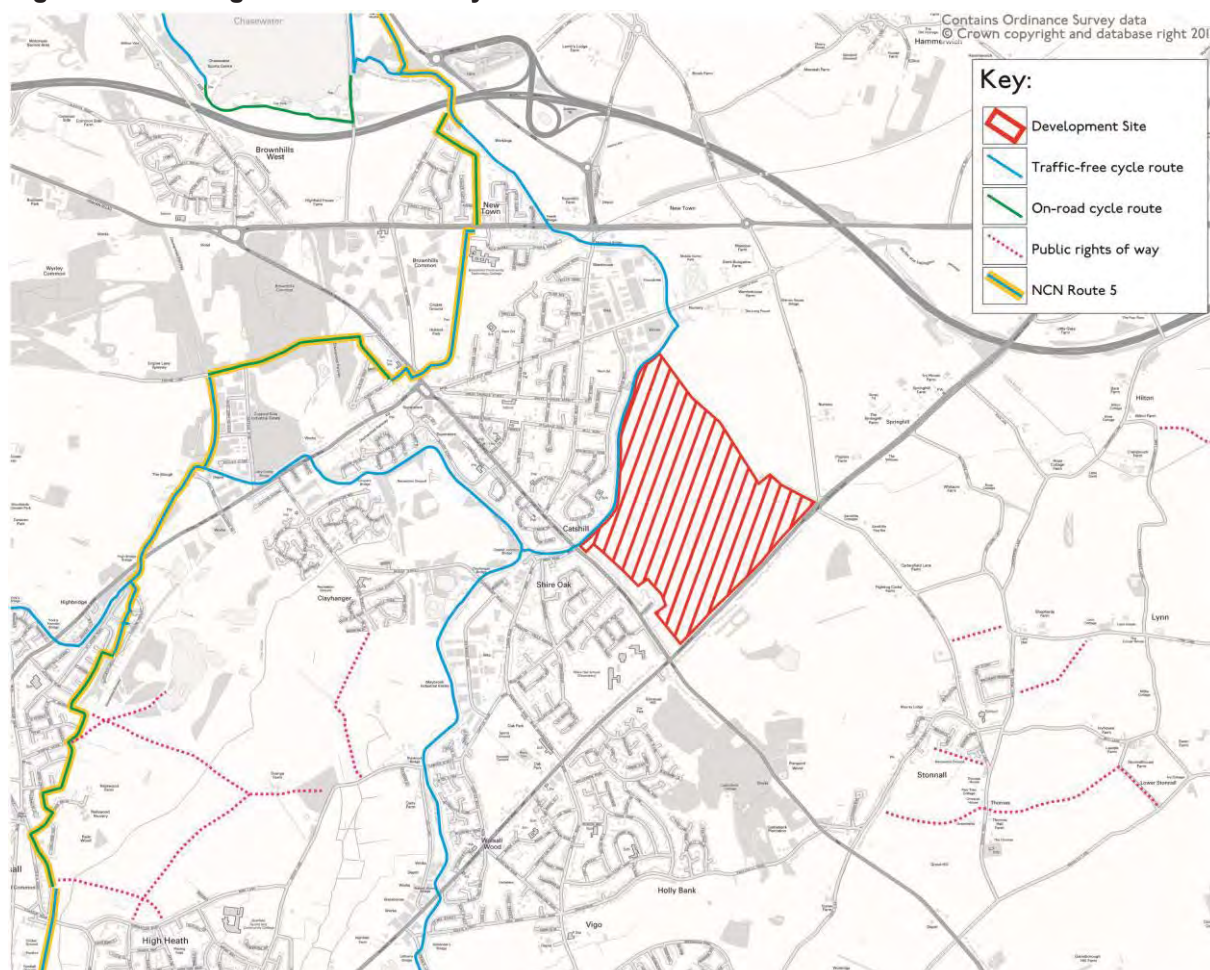
Arm	AM Peak		PM Peak	
	RFC	Q	RFC	Q
2019 Base + Development				
Site Access (Left Turn)	69%	5	77%	4
Site Access (Right Turn)	73%	6	80%	5
Lichfield Road (S)	64%	11	86%	20
Lichfield Road (N)	75%	16	65%	8

- 5.3.10 The results indicate that the traffic signal controlled access can be delivered and is forecast to work within acceptable capacity parameters. The strategy provides a bias towards a main access formed with the A461 Lichfield Road.
- 5.3.11 It has also been concluded that given the RFC's forecast for the two current access designs that should any further development be brought forward that an additional point of access will be required in order to accommodate the additional traffic demands.

5.4 Pedestrian Connectivity

- 5.4.1 The existing pedestrian and cycle infrastructure network in the area surrounding the site is illustrated on **Figure 5.1**.

Figure 5.1 Existing Pedestrian and Cycle Facilities



- 5.4.2 There are no Public Rights Of Way (PROW) which cross or abut the site. The A452 Chester Road and A461 Lichfield Road both benefit from existing footways on both sides of the carriageway. These link with other footway on adjoining roads, thereby providing a network of footways throughout the surrounding area.

5.4.3 BCCS Policy TRAN1 describes how all new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. BCCS policy TRAN4 also describes how new developments should have good walking and cycling links to public transport nodes and interchanges. The internal highway layout of the development proposals will provide pedestrian facilities that will link with those on the existing highway network surrounding the site. The main trip attractors for those on foot are generally situated to the north and west of the site and accordingly improvements to pedestrian crossing facilities on the A452 Chester Road may be required to facilitate east-west movements. One option is the incorporation of a signal-controlled crossing within the A461 Lichfield Road/A452 Chester Road traffic signal controlled junction.

5.5 Cyclist Connectivity

5.5.1 The existing cycle facility provision in the area surrounding the site is illustrated on **Figure 5.1**. The nearest cycle route to the site runs along the towpath on the southern side of the Wyrley and Essington Canal. From this route it is possible to access National Cycle Route 5 when travelling northbound, and routes through Brownhills and Walsall Wood southbound.

5.5.2 National Cycle Route 5 is a long distance cycle route, which routes into Birmingham City Centre, and runs to the extents of Bangor and Reading.

5.5.3 BCCS Policy TRAN4 describes how new developments should have good walking and cycling links to public transport nodes and interchanges and how all new development should provide cycle parking. The nearest cycle route to the site runs along the towpath on the southern side of the Wyrley and Essington Canal. The canal abuts the northern boundary of the site and presents a key opportunity to provide linkages between the site and the existing cycling network.

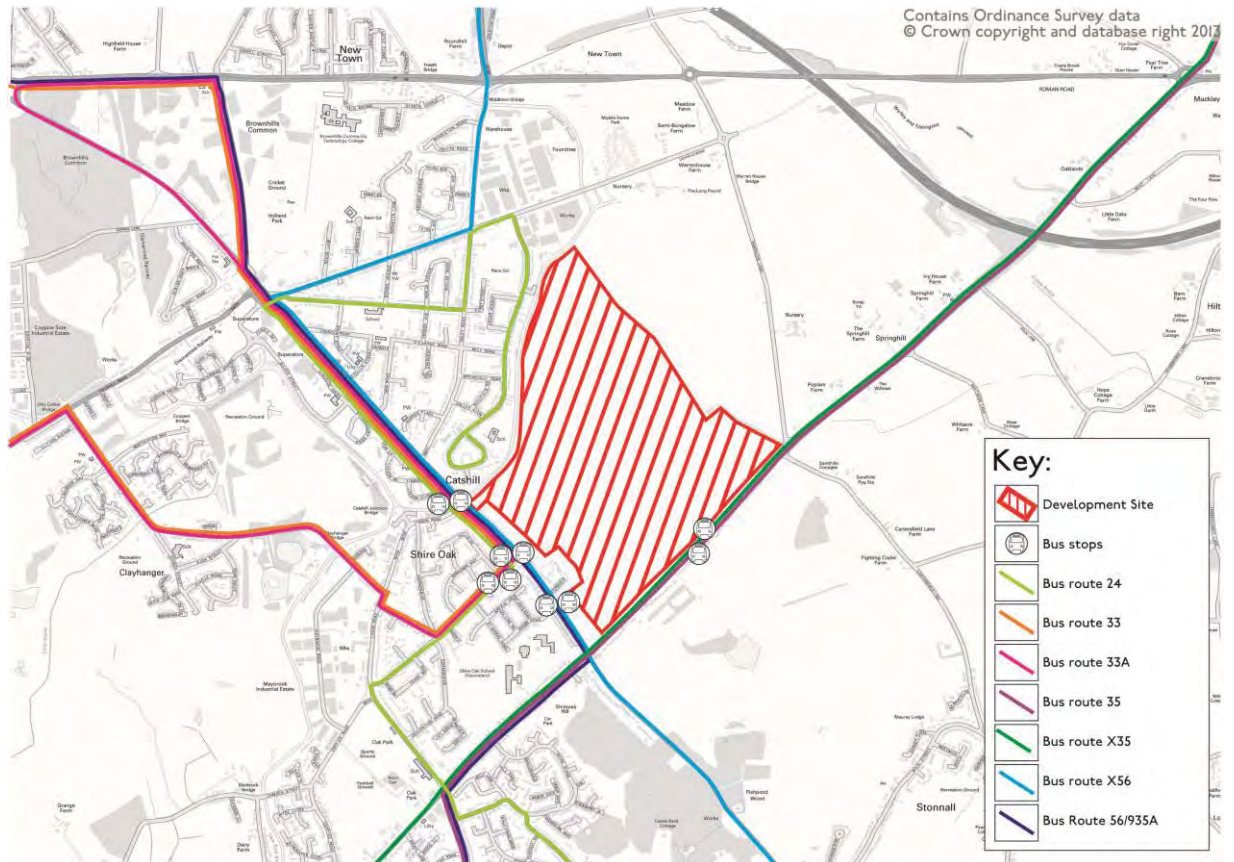
5.5.4 Within the site boundary primary roads will include shared foot/cycleway facilities with cyclists expected to share the carriageway with other road users on lower order roads.

5.6 Public Transport Connectivity

5.6.1 The nearest bus stops to the site are situated on the A452 Chester Road and the A461 Lichfield Road. These stops are shelter type bus stops and benefit from timetable information. The stops on the A452 Chester Road nearest to the proposed site access point serve the 3, 24, 33, 33A, X56 and the 56/935A services. The stops on the A461 Lichfield Road serve the 35 and X35 services.

5.6.2 The number 10, 10A, 23, 24, 33, 33A, 35, 56, 935A, 936 services operate within the vicinity of the site as demonstrated on **Figure 5.2**.

Figure 5.2 Summary of Existing Bus Service Accessibility



5.6.3 The frequencies of these bus services are summarised in **Table 5.5** overleaf.

Table 5.5 Summary of Bus Service Frequency

<i>Bus Route</i>	<i>Frequency of Service</i>	
	<i>Mon – Sat</i>	<i>Sun</i>
3 (Links Cannock to Walsall via Brownhills)	Every 30m	-
10 (Links Walsall to Burntwood via Walsall Wood)	Every 20m	Every 30m
10A (Links Walsall to Brownhills via Walsall Wood)	Every 20m	-
23 (Links Wednesbury to Portobello via Bilston)	Every 30m	-
24 (Links Walsall Wood to Catshill via Shire Oak)	Hourly	-
33 (Links North Canes to Hednesford via Cannock)	-	Hourly
33A (Links Walsall to Brownhills)	Hourly (Evenings)	Hourly
35 (Links Walsall to Lichfield via Rushall)	Hourly	-
56 (Links Birmingham to Brownhills West via Perry Barr)	Every 30m	-
935A (Links Birmingham to Rushall via Kingstanding)	Hourly (Evenings)	Hourly
936 (Links Birmingham to Brownhills via Perry Barr)	Every 30m	-

Source: Network West Midlands, October 2015

- 5.6.4 The level of combined bus service frequency in the area immediately surrounding the site is high and it is not considered to be necessary to provide increased service frequencies as a result of the development proposals. Any required improvements would simply serve to increase accessibility to bus services for all dwellings. Opportunity exists to explore the diversion of existing bus services into the site using a diversionary loop in order to deliver this.
- 5.6.5 There is opportunity to bring forward smaller parcels of development via a single point of access without investment in significant volumes of public transport infrastructure given that bus services already run along both the A461 Lichfield Road and the A452 Chester Road. This would likely involve relocation of existing bus stops in order to maximise accessibility to the development proposals.
- 5.6.6 The nearest railway stations to the site are Walsall railway station and Shenstone railway station, which are approximately 4.6 miles southeast and approximately 2.45 miles east of the site respectively. Many of the bus services operating within the vicinity of the site also stop at St Paul's Bus Station in Walsall.
- 5.6.7 From these railway stations it is possible to access Birmingham New Street directly on a frequency of every 15 minutes from Walsall railway station, and every 30 minutes from Shenstone railway

station. From Birmingham New Street, it is possible to travel onwards to major UK destinations such as London, Glasgow and Cardiff including other destinations en-route.

- 5.6.8 It is possible also to access Walsall railway station via NCN route 5, which can be accessed from the site via the Wyrley and Essington Canal Cycle route, enabling travel between the site and the local railway stations possible via a range of modes of transport.
- 5.6.9 Walsall railway station does not have a car park, however it does make provision for 10 cycle storage spaces. Shenstone railway station has at least 20 car parking spaces, with 2 accessible spaces available for blue badge holders. Additional overspill parking is proposed within the submitted Shenstone Neighbourhood Plan.

5.7 Public Transport Connectivity

- 5.7.1 Policy TRAN2 of the BCCS sets out accessibility standards for new development, highlighting particular amenities and desirable journey times to them via walking/public transport.
- 5.7.2 For the purposes of this analysis we have assumed that the development will have a density of between 35-45 dwellings per hectare, will provide less than 25% flats and will provide a high amount of housing suited to families. Those amenities of interest and the indicative journey times to them are summarised in Table 5.6.

Table 5.6 Summary of BCCS Accessibility Standards

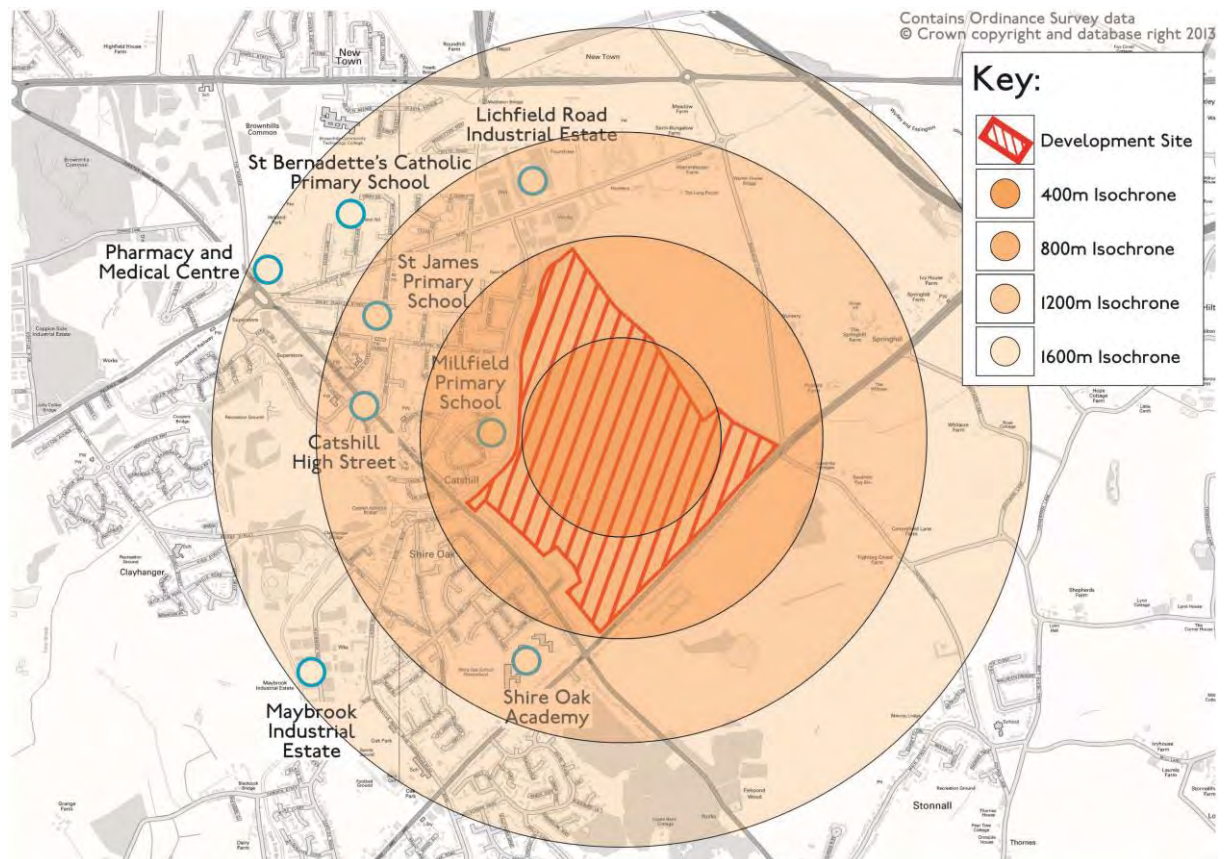
<i>Land use</i>	<i>Accessibility</i>
Employment – Strategic Centre or other Employment Centre	30 mins (walk/public transport)
Health – Doctors Surgery or Walk-in Centre	15 mins (walk/public transport)
Fresh Food – Centre or foodstore	15 mins (walk/public transport)
Education – Primary School	10 mins (walk only)
Education – Secondary School	20 mins (walk/public transport)

- 5.7.3 **Figure 5.3** illustrates key local amenities and employment areas plotted in relation to concentric isochrones representing 400m, 800m, 1,200m and 1600m journey distances radiating from the site. These isochrones represent approximate journey times from the site for those on foot where 400m represents a five minute journey on foot, 800m represents a ten minute journey on foot and 1,200m represents a fifteen minute journey on foot and 1,600m represents a 20 minute journey on foot. The 1,200m isochrones also represents an approximate 5-minute journey by bicycle.

5.7.4 The isochrones show that many local amenities are accessible within reasonable walking and cycling distances from the site including:

- ≠ Schools: Millfield Primary School, St James Primary School, St Bernadette's Catholic Primary School, Shire Oak Academy;
- ≠ Pharmacies and Medical Centres – The Park View Centre;
- ≠ High Street – Catshill High Street; and
- ≠ Employment – Lichfield Road Industrial Estate, Maybrook Industrial Estate

Figure 5.3 Walking Isochrones and Key Amenities



5.7.5 Walsall town centre is also located 4.6 miles southwest of the site's vicinity; with the town centre containing a wide array of amenities ranging from supermarkets to local public houses.

5.7.6 Walsall Bus Service Map also indicates that a variety of bus services run past, or close to these local amenities, thereby making access to amenities possible by a range of modes of transport.

5.7.7 **Figure 5.3** shows that many of the core amenities specified in the BCCS are within acceptable walking distances from the site. The level of bus accessibility from the site is good and would provide improved journey times to many facilities. Accession modelling will be undertaken to support the

development proposals as part of a planning application and to demonstrate the level of improved accessibility to key amenities afforded by any sustainable transport strategy that may be forthcoming.

5.8 Travel Planning and Smarter Choices

5.8.1 Policy TRAN5 of the WCCS considers influencing the demand for travel and travel choices. Specifically in relation to new development the use of maximum parking standards in conjunction with promoting and implementing smarter choices to help to reduce the need to travel are discussed. Policy CSP5 also supports this stance.

5.8.2 Accordingly the development proposals will be supported by a robust Travel Plan that will seek to promote alternatives to the use of the private car. The Travel Plan will be prepared in line with the following relevant national documents:

- DfT – Making Residential Travel Plans Work (2005); and
- DCLG/DfT – Good Practice Guidance: Delivering Travel Plans Through The Planning Process (2009).

5.8.3 The existing modal shift for journeys to work from Aldridge North and Walsall Wood ward as surveyed in the 2011 Census is summarised in **Table 5.7**. The development proposals would be expected to attract a similar if not better level of sustainable transport use as part of the Travel Plan proposals.

Table 5.7 Summary of Existing Modal Shift (Aldridge North and Walsall Wood Ward)

<i>Mode of Transport</i>	<i>Modal Split (%)</i>
Work Mainly at or From Home	3.96%
Underground, Metro, Light Rail, Tram	0.05%
Train	0.93%
Bus, Minibus or Coach	7.33%
Taxi	0.20%
Motorcycle, Scooter or Moped	0.50%
Driving a Car/Van	73.93%
Passenger in a Car/Van	5.75%
Bicycle	1.22%
On Foot	5.77%
Other Method of Travel to Work	0.37%
Total	100.00%

Source: www.neighbourhoodstatistics.co.uk

5.9 Summary of Discussions with Walsall MBC

5.9.1 A meeting was held at Walsall Borough Council (WBC) offices 13th December 2013:, with Kevin Gannon, David Burrows and Steve Griffiths, in summary:

- ≠ WBC welcomed the opportunity to see this initial transportation work undertaken.
- ≠ Not aware of other sites at this scale currently been promoted in Walsall.
- ≠ Historically smaller developments have come forward in recent years.
- ≠ A larger development was seen favorably at a high level (for it's ability to contribute positively to highways mitigation).
- ≠ Access was generally deemed acceptable for the level of development; however expressed that the main site access on A461 may require new traffic signals.
- ≠ Main concern was the existing A461 capacity from the site into Walsall.
- ≠ Hence we discussed linking signals (they are currently not linked) to aid platooning vehicle movement and hence free up capacity.
- ≠ A strategy heavily based upon public transport and sustainable access will key to delivering this development.

5.10 Summary

5.10.1 In summary it is considered that the site can be delivered in line with the following infrastructure requirements to enhance accessibility. These improvements are also summarised on **Figure 10.1**:

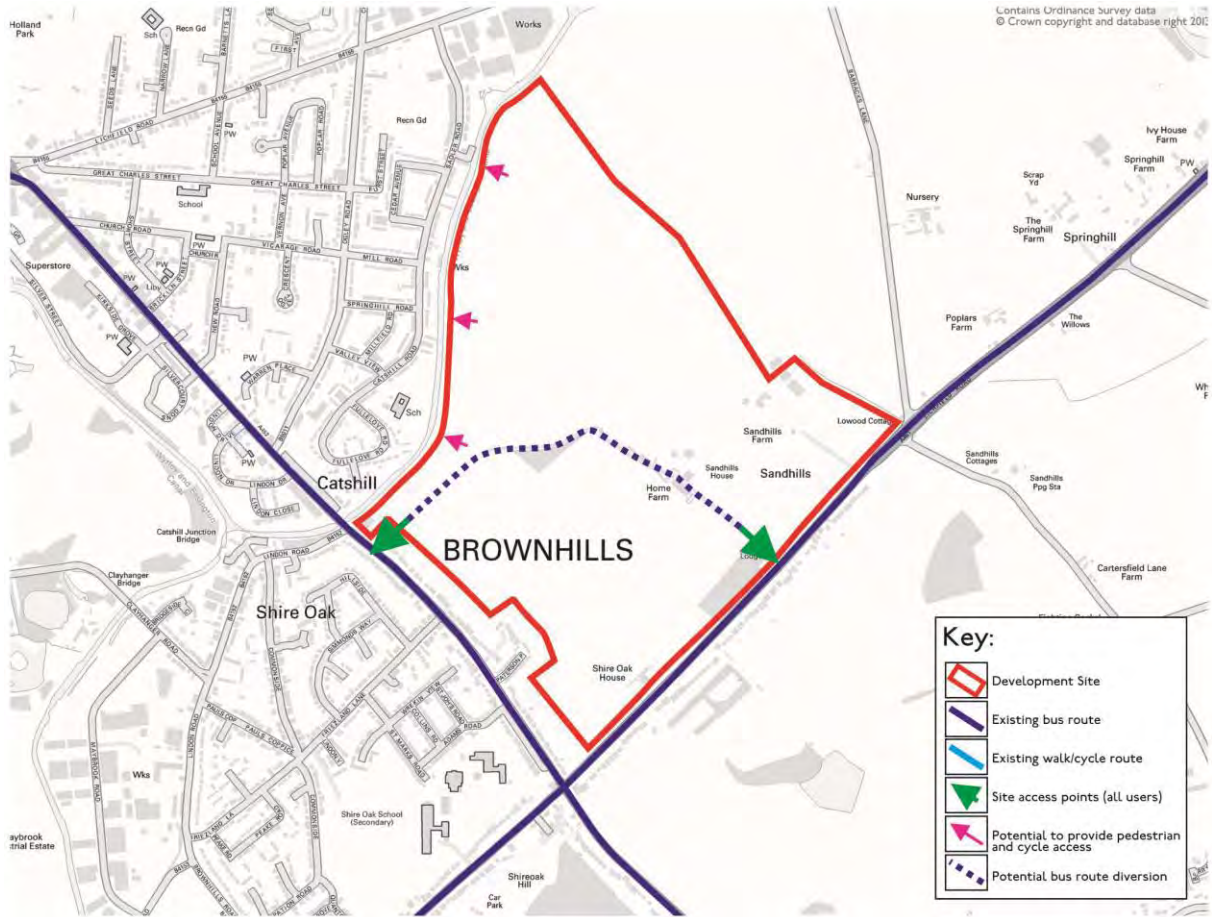
- ≠ New site access formed with A452 Chester Road;
- ≠ New site access formed with A461 Lichfield Road;
- ≠ Improvements to the A452 Chester Road/ A461 Lichfield Road traffic signal controlled junction.
- ≠ Linkages to the existing foot/cycleway running alongside the Wyrley and Essington Canal; and
- ≠ Diversion of existing bus to serve the site via a loop arrangement; including provision of high specification bus stop infrastructure.

5.10.2 A Travel Plan would set out objectives, aims, targets, measures and a monitoring framework would ensure that the site is accessible for all modes of transport and as sustainable as possible.

5.10.3 There are likely to be more off-site highway works required in order to mitigate impacts (particularly on A461 Lichfield Road between the site and Walsall) in key junction locations and these would be explored as part of a planning application. These improvements are also summarised on **Figure 5.4** below.

Figure 5.4 Summary of Highway Improvements

Background Document | Home Farm, Sandhills





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drawing title
Priority junction access design - chester road

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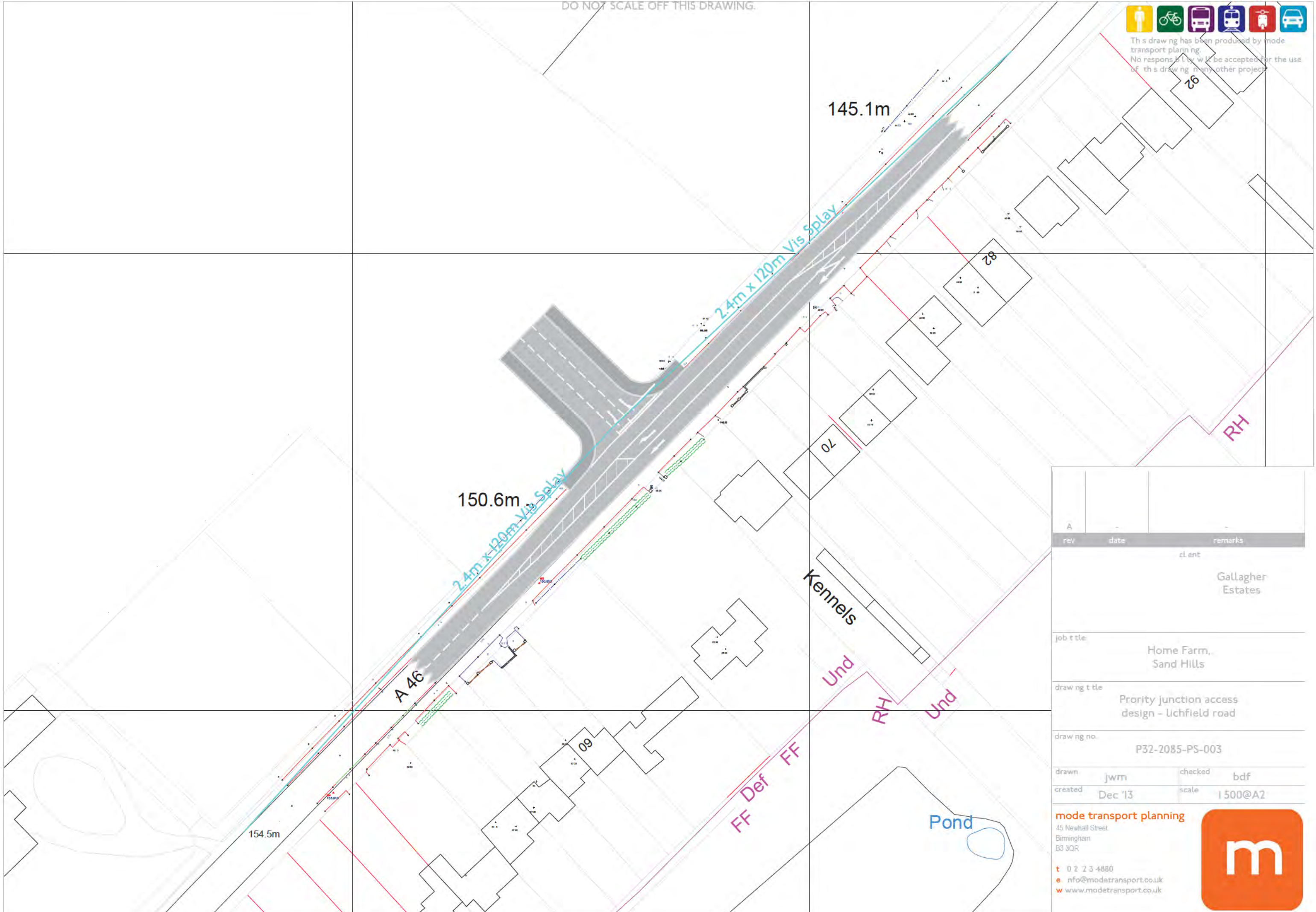
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client
Gallagher Estates

job title
Home Farm, Sand Hills

drawing title
Priority junction access design - lichfield road

drawing no.
P32-2085-PS-003

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6. Ecology

6.1 Background

6.1.1 Aspect Ecology has been appointed to advise Gallagher Estates in respect of ecological matters relating to promotion of land at Home Farm, Sandhills, Walsall through the emerging Site Allocations Development Plan Document (DPD) (Preferred Option) for Walsall.

6.1.2 An extended Phase 1 Habitat survey of the site was conducted in December 2013, to record main habitat types and species, identify areas of ecological interest, and provide an assessment of the potential use of the site by faunal species. A desktop study was also undertaken to source known records of protected or notable species and details of local site designations. This desktop study has since been updated in October 2015 to ensure background information is up to date.

6.1.3 This note provides a summary of the survey findings with regard to promotion of the land through the emerging plan making process, providing an overview of ecological issues with a focus on potential constraints and opportunities and overall ecological deliverability of the proposed allocation.

6.2 Site Description

6.2.1 The site comprises an 'L' shaped area of land to the north and east of Home Farm, Sandhills, located to the east of Brownhills in Walsall. The site is bordered by residential properties associated with Chester Road (A452) to the west, the Wyrley and Essington Canal to the north, and Lichfield Road (A461) to the south. Home Farm and associated farm buildings, residential properties and surrounding farmland lie to the east, excluded from the site itself but included as part of the wider survey area.

6.2.2 The site itself is dominated by arable farmland with a number of hedgerows and treelines at its margins. A track also runs through the middle of the site from Chester Road to the west to Home Farm, along which a small woodland area is located.

6.3 Ecological Baseline Conditions

Ecological Designations

6.3.1 Desktop study information received from the Multi-Agency Geographic Information for the Countryside (MAGIC) online database, Staffordshire Ecological Record and EcoRecord indicate that the site is not subject to any statutory nature conservation designations.

6.3.2 However, information returned from EcoRecord identifies part of the site as a Potential Site of Importance (PSI), namely Standhills Arm Canal PSI, which includes the small woodland area and

associated hedgerow along the track which divides the site. PSIs are sites that potentially contain areas of important semi-natural habitat but currently fall outside of the Local Site system. The PSI is described as “former canal arm, now infilled, and triangular block of woodland depicted on historic map (1st ed OS map 1880s)”.

- 6.3.3 Wyrley and Essington Canal, forming the northern boundary of the site, is also subject to non-statutory designation as a Site of Local Importance for Nature Conservation (SLINC). The SLINC is designated for its generally good quality water conditions supporting a diverse aquatic flora.
- 6.3.4 A number of ecological designations are also located within the surrounds of the site, as shown on Plan 3586/BN1.
- 6.3.5 The nearest statutory designation is Shire Oak Park Local Nature Reserve (LNR) located 200m to the south of the site. This comprises an old sand and gravel quarry supporting lowland heathland, grassland, woodland and pond habitats.
- 6.3.6 A number of Sites of Special Scientific Interest (SSSIs) are located within the wider surrounds of the site, the nearest being Chasewater and the Southern Staffordshire Coalfield Heaths SSSI, located approximately 1250m to the north of the site. The SSSI is designated for its heath, fen and standing open water habitats, supporting two nationally scarce vascular plant species.
- 6.3.7 A number of European designations are also located within the wider surrounds of the site including Cannock Extension Canal Special Area of Conservation (SAC) 3.3km to the west of the site and Cannock Chase SAC 9.8km to the north of the site.

Habitats

- 6.3.8 A plan of habitat types and features within the site and wider survey area is provided at Plan 3586/BN2.
- 6.3.9 The site is dominated by arable farmland under cultivation for a range of crop types at the time of survey. This appears to be relatively intensively farmed with few arable weeds evident, and is largely open in nature with few hedgerows or other boundary features. Aside from a small area sown with a wild bird seed mixture (see below), the farmland also lacked areas of set aside or field margins at the time of survey. As such, the arable farmland is considered to provide limited opportunities for wildlife, and is of low ecological value at a local level.
- 6.3.10 Habitats of elevated value are generally limited to the margins of the site, and include:
- ≠ *Woodland* – a small woodland copse is present along the track which bisects the site (forming part of Standhills Arm Canal PSI). This supports numerous semi-mature to mature trees, likely

planted in origin, with species including frequent Sycamore and occasional Beech, Oak and Pine. A moderate understorey of Holly and young Sycamore is present, although ground flora is very species poor, dominated by Ivy with occasional Common Nettle and Bramble. Based on its poor diversity of species and the lack of an established woodland flora, the woodland is not considered to be of high importance, although provides some value in association with the treelines and hedgerows as an area of wooded habitat within an otherwise open landscape.

- ≠ *Hedgerows and treelines* – several hedgerows and treelines are present at the boundaries of the site. These are species-poor, although are generally intact, offering value in terms of wildlife habitat and connectivity around the margins of the site. Occasional standard trees are present along the hedgerows, and established treelines occur in the southern part of the site, largely dominated by Pine and Sycamore.
- ≠ *Wild bird seed plot* – a small area in the south of the site was sown with a wild bird seed mixture at the time of survey, comprising a grass dominated sward with frequent pea and cabbage species. This area provides some interest as a foraging resource for farmland birds, although given its recently established nature, is not of any particular ecological value.

- 6.3.11 Further habitats of elevated value occur within the wider survey area, including established treelines with some notable mature trees, additional woodland areas, and an area of grass pasture with scattered mature trees. The offsite canal to the north of the site also provides a valuable wildlife corridor, with areas of emergent vegetation and associated tree and scrub habitats.

Fauna

- 6.3.12 The majority of the site is of limited value for faunal species, being dominated by arable farmland with few boundary habitats or areas of ground cover providing shelter or nesting opportunities. Nevertheless, some potential exists for farmland species, whilst boundary habitats provide potential opportunities for a wider range of faunal species. A discussion of potential opportunities for faunal species is given below:

- ≠ *Bats* – roosting opportunities are largely absent from the main part of the site, although a small number of trees within the woodland and along boundary treelines were noted to have developed features such as rot holes and splits which may offer bat roosting potential, whilst offsite farm buildings also offer potential roosting habitat. Boundary features (notably along the offsite canal) are also likely to provide habitat for foraging and commuting bats, including species such as Noctule, Common Pipistrelle, Soprano Pipistrelle and Whiskered Bat for which records were returned as part of the desktop study. The main part of the site however, being dominated by arable farmland, is unlikely to support any significant bat activity.
- ≠ *Badger* – A record of a Badger sett was returned from EcoRecord as part of the desktop study, located along the offsite canal to the north of the site. However, no evidence of this species was recorded within the site during the field survey.

- ≠ *Other mammals* – No evidence of any other protected or notable mammal species was recorded during the field survey and generally the site is considered to provide few opportunities for such species being dominated by arable farmland with few areas of wooded vegetation. Some potential occurs for species favouring open farmland such as the UK BAP species Brown Hare, although no sightings of this species were made during the field survey. The offsite canal provides potential habitat for riparian species including Water Vole (for which records were returned as part of the desktop study) and Otter.
- ≠ *Birds* – the site is likely to provide some interest for farmland bird species, with species recorded during the field survey including UK BAP and Red listed¹ House Sparrow, Linnet and Starling. However, nesting habitats are largely limited to the boundaries of the site (aside from ground nesting species such as Skylark), whilst a lack of associated field margins or extensive areas of set aside mean that the site is unlikely to support any significant bird interest.
- ≠ *Reptiles* – the site is dominated by arable farmland with no substantial areas of rough vegetation, providing unsuitable habitat for reptile species.
- ≠ *Amphibians* – a pond is shown on OS mapping close to Home Farm, approximately 160m from the site boundary. However, this was noted to be dry at the time of survey, and is understood to be a temporary drainage feature (see Plan 3586/BN2). The next nearest waterbody is a large lake within a sand and gravel pit 380m to the south of the site. Given the separation from the site by residential housing and a main road, it is unlikely there would be any significant movement of amphibians between this waterbody and the site, particularly given the low suitability of terrestrial habitat within the site (being dominated by arable farmland). As such, this species group is not considered to form a constraint at the site.
- ≠ *Invertebrates* – the site is generally considered to be of low value for invertebrate species, being dominated by arable farmland. Wooded vegetation provides some elevated potential for this species group, although such habitats are generally limited to the site margins.

6.4 Constraints and Opportunities

- 6.4.1 The survey work undertaken has found the site to be largely unconstrained in respect of ecology. However, a number of minor constraints have been identified, including presence of nearby ecological designations, boundary habitats of elevated value, and potential opportunities for a number of protected and notable faunal species. A discussion of these potential constraints is given below in relation to any future proposed development, together with consideration of any required actions or mitigation. Potential opportunities for ecological enhancement in accordance with national and local policy are also identified.

Ecological Designations

¹ RSPB (2009) 'The population status of birds in the UK - Birds of Conservation Concern: 2009'

- 6.4.2 With the exception of Standhills Arm Canal PSI and Wyrley and Essington Canal SLINC, all ecological designations are well separated from the site and are unlikely to be subject to any direct effects as a result of the proposed development. Some potential exists for increases in recreational use, although nearby designations such as Shire Oak Park LNR are managed to accommodate recreational use, whilst there is unlikely to be any significant increase in recreational pressure at more distant designations.
- 6.4.3 In regard to European designations, the Habitats Regulations Assessment (HRA) for the Black Country Joint Core Strategy², identifies some uncertainty in regard to effects on Cannock Chase SAC as a result of air pollution and recreational pressure and disturbance, and Humber Estuary cSAC, SPA and Ramsar and Severn Estuary cSAC, SPA and Ramsar as a result of water quality and water supply. Preliminary work undertaken by Walsall Council as part of the HRA process to inform the emerging Site Allocations Document has narrowed these issues further, to Cannock Chase SAC only, although an agreed approach in regard to this designation is yet to be established. As such, it will be necessary for the approach in regard to Cannock Chase SAC to be confirmed at an appropriate stage, although given the separation between the site and this designation (beyond an 8km zone of influence) and available options for mitigation if required (e.g. provision of open space to offset increases in recreational pressure), it is considered likely that any potential issues can be addressed.
- 6.4.4 In regard to Standhills Arm Canal PSI, this can readily be retained under the proposals together with an appropriate buffer of open space. Road access may be required across the hedgerow which forms the western part of the PSI, although subject to sensitive road design and new planting, this could be achieved with minimal loss of connectivity. Furthermore, long-term management of habitats within the PSI and provision of improved wildlife connectivity through new landscape planting and habitat creation would provide benefits under the proposals.
- 6.4.5 Wyrley and Essington Canal SLINC is separated from the site by a tow path and hedgerow, ensuring no direct disturbance or damage to bankside habitat. Under the proposals, there is an opportunity to create an area of open space alongside the canal, forming a buffer to the proposed development, whilst implementation of an appropriate drainage and pollution control strategy would avoid adverse effects as a result of surface water runoff. As such, subject to implementation of appropriate mitigation, it is considered that this designation can be fully safeguarded under the proposals.

² UE Associates (2010) *'Habitats Regulations Assessment of the Black Country Joint Core Strategy: Appropriate Assessment Report'*

Habitats

- 6.4.6 The site is dominated by arable farmland of low ecological value, not considered to form a constraint to the proposed development, whilst habitats of elevated value including hedgerows, treelines and woodland are mostly restricted to the site margins, allowing them to be readily retained under the proposals. Some minor losses of hedgerow habitat may be required to accommodate road access, although given the species-poor nature of the hedgerows at the site, this is unlikely to constitute a significant impact.
- 6.4.7 Under the proposals, there are significant opportunities to deliver ecological benefits through new habitat creation and enhancement of existing habitats. Such enhancements could include the following:
- ≠ As discussed above in relation to ecological designations, there is an opportunity to create an area of open space adjacent to the offsite canal. This could incorporate a range of wooded, grassland and wetland habitats (such as wet scrapes and ponds), forming additional habitat for species associated with the canal such as waterfowl and bats, and strengthening the function of the canal as a wildlife corridor;
 - ≠ Native tree and shrub planting within areas of open space and around the perimeters of the built development, providing new wildlife habitat and contributing to the habitat linkage provided by existing woodlands and hedgerows.
 - ≠ Provision of wildflower grassland margins along hedgerows and woodland edges;
 - ≠ Specific measures to benefit farmland bird species such as wild bird cover plots and scrub creation;
 - ≠ Enhancement of existing woodlands/hedgerows through sensitive management in accordance with ecological principles.

Fauna

- 6.4.8 The site generally provides few opportunities for wildlife, and is unlikely to be subject to any significant constraints in regard to protected or notable species. However, habitats at the site provide some potential for species including bats, Badger, Brown Hare and farmland birds, and as such these species will require consideration at an appropriate stage. Further detail is given below:
- ≠ *Bats* – boundary features such as hedgerows and the offsite canal provide potential habitat for foraging and commuting bats, and consideration will need to be given to treatment of these boundary habitats to ensure suitable habitat for bats is maintained, particularly in respect of lighting. It is recommended that this is supported by further survey work at the planning application stage. In addition, it is recommended that any trees proposed for removal are subject to survey to provide an assessment in regard to roosting activity. Following implementation of the habitat measures set out above, bats are likely to benefit under the proposals, whilst provision of bat

boxes on retained trees and within the fabric of new buildings would provide additional roosting opportunities for this species group.


















- ≠ *Badger* – based on current evidence, no Badger setts would be affected under the proposals. However, it is recommended this is confirmed by further survey at the planning application stage.
- ≠ *Brown Hare* – it is recommended that searches for Brown Hare are undertaken as part of other survey work at the site at a planning application stage to determine presence/absence of this species. If present, consideration could be given to enhancements to the wider survey area to ensure suitable habitat is maintained for this species.
- ≠ *Birds* – it is recommended that further survey work is carried out at the planning application stage to provide a full assessment in relation to this species group. However, boundary habitats likely to be of value to bird species can be readily retained under the proposals, whilst new habitat creation can be provided within areas of open space to maintain and increase opportunities for bird species at the site. Measures such as provision of nest boxes on retained trees and within the fabric of new buildings would also provide enhancements for this species group.

- 6.4.9 The habitat measures set out above would also deliver benefits for other faunal species such as invertebrates, whilst increasing the likelihood of species such as reptiles and amphibians colonising the site.

6.5 Feasibility Assessment of the Proposed Development

- 6.5.1 Based on the results of the work undertaken, the majority of the site is considered to be unconstrained in terms of ecology. A number of minor potential constraints have been identified including Standhills Arm Canal PSI and the presence of woodlands, hedgerows and treelines, along with the potential for protected and notable species including bats, Badger, Brown Hare and birds. However, these constraints are largely restricted to the margins of the site or established boundary features and as such it is considered that with a sensitively designed masterplan, together with the provision of appropriate avoidance and mitigation measures, the proposed development would be unlikely to result in significant effects in terms of ecology. Indeed, the proposed development provides the opportunity to create areas of new wildlife habitat within areas of open space, providing significant benefits for wildlife. As such, the proposed development is considered to be highly deliverable in ecological terms.



- KEY:**
-  SITE BOUNDARY
 -  WIDER SURVEY AREA
 -  ARABLE
 -  SEMI-IMPROVED GRASSLAND
 -  WOODLAND
 -  DENSE SCRUB
 -  SCATTERED SCRUB
 -  TREELINE
 -  TREE
 -  HEDGEROW
 -  DRY POND BASIN
 -  DITCH
 -  BUILDING
 -  HARDSTANDING/BARE GROUND
 -  AMENITY GARDENS
 -  WILD BIRD SEED
 -  PHOTOGRAPH LOCATION

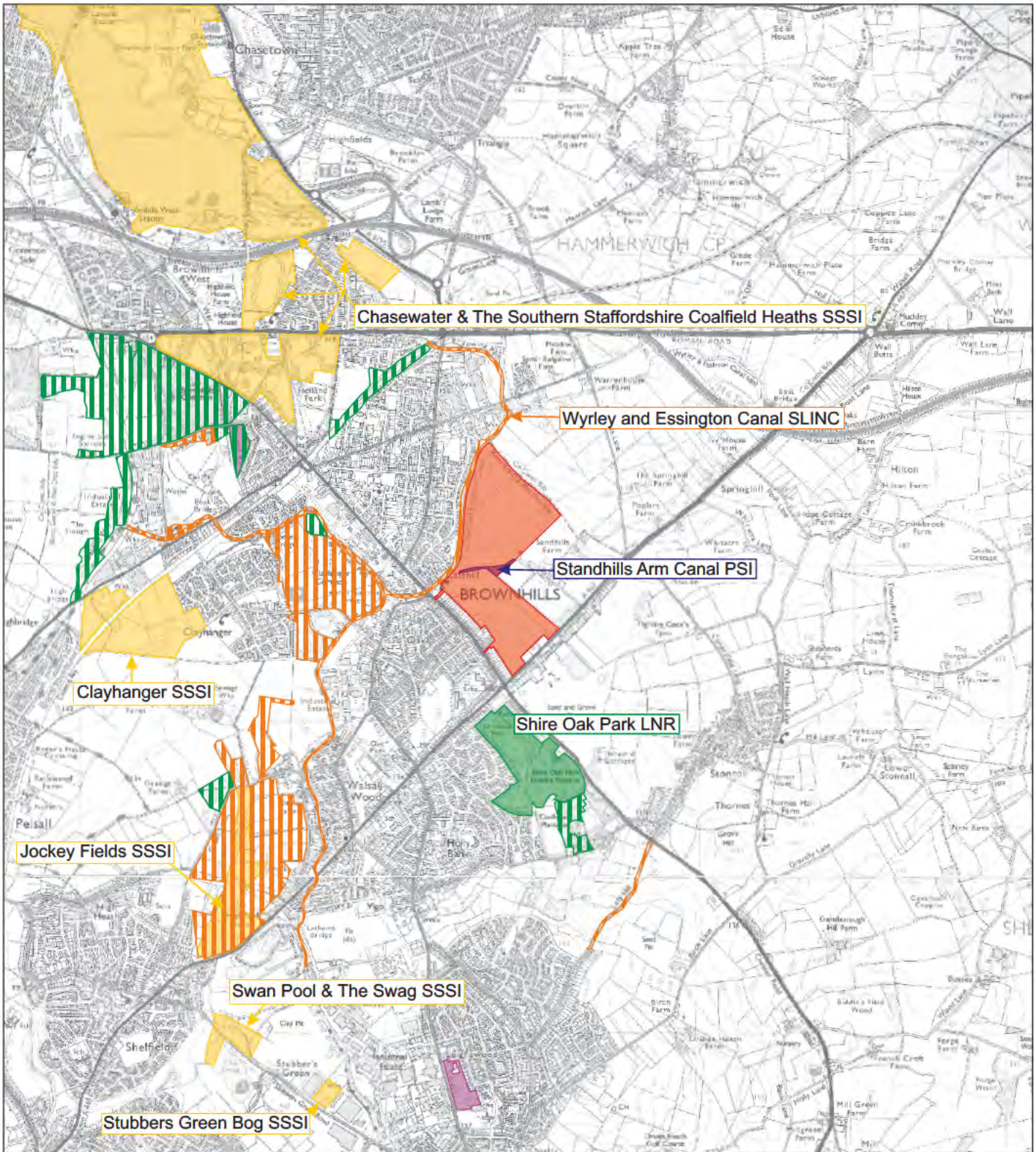
**LAND AT HOME FARM,
SANDHILLS, WALSALL**

**HABITATS, ECOLOGICAL
FEATURES AND PHOTOGRAPHS**

PROJECT
TITLE
DRAWING NO. 3586/BN2
REV.
DATE OCTOBER 2015

Aspect Ecology Limited - West Court - Hardwick Business Park
Noral Way - Banbury - Oxfordshire - OX16 2AF
01295 276066 - info@aspect-ecology.com - www.aspect-ecology.com





KEY:

- SITE LOCATION
- SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)
- LOCAL NATURE RESERVE (LNR)
- ANCIENT & SEMI-NATURAL WOODLAND (ASW)
- SITE OF IMPORTANCE FOR NATURE CONSERVATION (SINC)
- SITE OF LOCAL IMPORTANCE FOR NATURE CONSERVATION (SLINC)
- POTENTIAL SITE OF IMPORTANCE (PSI)*

Information on non-statutory sites was returned for a 4x4km area around the site. Any such sites beyond this boundary may not be included on this plan.

*Full information relating to PSIs has only been provided for sites at the centre of the search area, so only PSIs relevant to the site or immediate surrounds are shown on the plan.



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**LAND AT HOME FARM,
 SANDHILLS, WALSALL**
 ECOLOGICAL DESIGNATIONS

PROJECT

TITLE

3586/BN1 DRAWING NO.

REV.

OCTOBER 2015 DATE



7. Drainage

7.1 Introduction

7.1.1 THDA Limited prepared this statement on the hydrology of the site and proposals for foul and surface water drainage. It is based on its visit to the site guided by the farmer, a study of sewerage records purchased from Severn Trent Water, and reviews of Internet data on the web sites of the Environment Agency and British Geological Survey.

7.1.2 A plan titled “Drainage Principles”, appended, shows contours within the site at five metre spacing, the area in which the British Geological Survey shows the presence of diamicton till superficial deposits, the location of the watercourse serving the site, and provisional principal surface water and sewage drainage routes proposed to serve the development.

7.2 Baseline Condition

7.2.1 British Geological Survey mapping shows that near surface bedrock beneath the site is a mixture of sandstone or conglomerate. Superficial deposits of diamicton till are present over a substantial area of the northern part of the site. In the vicinity of the only natural principal watercourse within the site (which is a headwater of the Crane Brook), there are superficial deposits of glaciofluvial sands and gravels.

7.2.2 A number of records for boreholes drilled within or close to the site are publicly available from British Geological Survey. These records show that locally the water table is at considerable depth and that deeper rocks mainly comprise various red sandstones.

7.2.3 Environment Agency mapping confirms that the bedrock beneath the site is a major aquifer, from which there is a public water supply abstraction located to the south east of the site. A small area of land in the south eastern corner of the site is classified as Source Protection Zone 2, and the remainder of the site is classified as Source Protection Zone 3. The type of development proposed is compatible with these Zones, but reasonable care will be needed with development drainage and control of pollution in general.

7.2.4 The farmer advised that the land in the northern part of the site has a sandy top soil has occasional clay content and has field drains installed that are connected to the principle watercourse on the site to aid drainage. The area of land served by this drainage is similar to the area where diamicton till is indicated as present. The remainder of the land is very free draining, as witnessed during the site visit.

7.2.5 The principal watercourse is culverted under Lichfield Road with a 300 mm diameter pipe. The invert of the pipe is about 1.2 metres below ground level at the south east of the site.

- 7.2.6 Contours confirm that there is one valley line within the site to which all parts of the site fall with a minimum general gradient of about 1:68. The lower end of the valley contains the principal watercourse.
- 7.2.7 Environment Agency mapping also shows that whereas there are historic and authorised landfills beyond the site boundary, none is recorded within the site. The entire site is classified as Flood Zone 1. Reservoir flood routes have been removed from the Environment Agency website, so have not been checked, but are thought to be not relevant to the site.
- 7.2.8 As the entire site is Flood Zone 1, and it is not an area with special drainage problems, the development is proposed in the best flood risk location and is not subject to a Sequential Test.
- 7.2.9 No other flood risks to the development became apparent as a result of the site visit and desktop research.
- 7.2.10 Severn Trent Water serves the urbanised areas to the south, west and north of the site with foul and surface water sewerage. The foul sewers in Chester Road and Lichfield Road are 150mm and 225mm diameter. Based on 1,500 dwellings a foul flow of approximately 70 litres per second would be expected, so it is unlikely that the existing sewers would have spare capacity. Typically a 300mm diameter pipe would be needed to convey a flow of this magnitude.
- 7.2.11 Dwellings in Lichfield Road to the south of the site are served by a sewage pumping station. There is a 125 mm diameter rising main from this station which is located under the southern edge of the site.

7.3 Proposed Drainage Strategies

- 7.3.1 The outline proposal for disposing of sewage from the development is to provide a sewerage network discharging to a single purpose built on site pumping station located in the valley line. This will pump sewage through the site along a line similar to that shown on the Principles Plan to a Severn Trent 1050 mm diameter foul sewer in Lindon Road. In due course Severn Trent will need to be approached to agree this or any other point of connection, to ensure their networks have adequate capacity, and to agree the timescales for both development and potential network improvements.
- 7.3.2 There are many options for disposing of surface water from the development. The site benefits both from permeable strata and has access to a principal watercourse. As such much of the site can be drained directly to ground, or can be taken directly to the watercourse. Good land gradients and large areas of suitable located open space will allow suitably sized ponds to be located – these ponds can either be used to infiltrate or attenuate the flow prior to discharge to the water course.

- 7.3.3 Details of surface water drainage and disposal will be dependent mainly on the results of site investigation, planning decisions on what water features may be required as amenity, ensuring compliance with current and emerging SuDS guidance, and the advice as yet to be given by the Environment Agency about the balance between using infiltration to sustain the aquifer and discharge to watercourse to sustain riverine ecology.
- 7.3.4 Where ground conditions allow, typically roofs could be drained direct to soakaways. Typically roads would drain to the watercourse, thereby allowing implementation and maintenance of the longer treatment trains required. Swales and infiltration lagoons would be a viable and economic alternative.

7.4 Conclusion


- 7.4.1 This preliminary appraisal of water related environmental factors, including flood risk, groundwater/abstraction and drainage, fully supports the draft master plan for the development as drawn.

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NOTES:

1. THE CONTRACTOR IS TO CHECK ALL INFORMATION PROVIDED PRIOR TO COMMENCING WORKS, AND SEEK CLARIFICATION FROM THE ENGINEER IN RESPECT TO ANY AMBIGUITIES FOUND.

 DIAMICTON TILL SUPERFICIAL

 HEADWATER OF CRANE BROOK

 FOUL PS AND RISING MAIN

 SURFACE WATER DRAINAGE ROUTE

 FIVE METRE CONTOUR

rev.	date	description	chk.

TH DA
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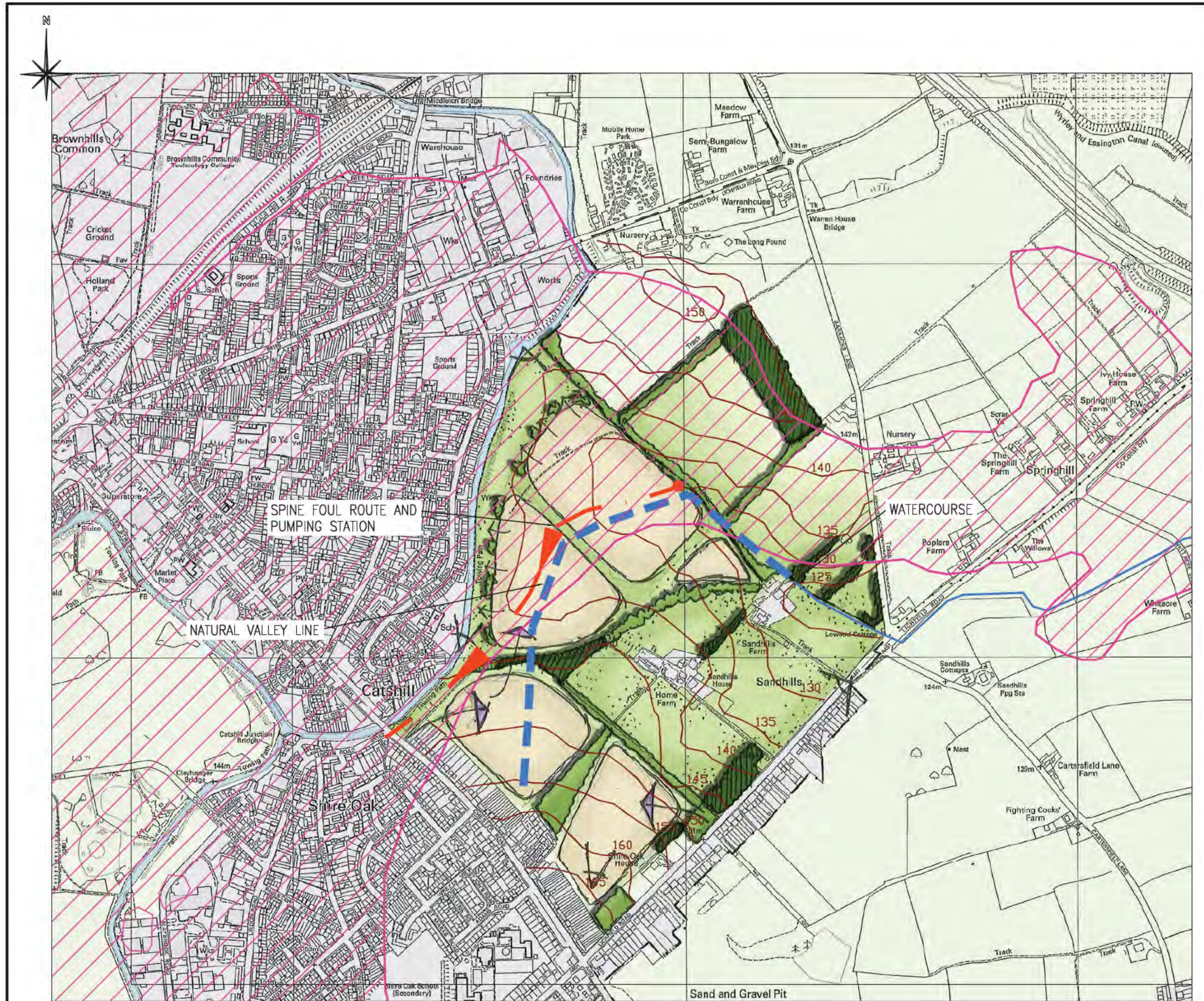
LAND AT BROWNHILLS

drawing title:

DRAINAGE PRINCIPLES PLAN

scale: 1:10000 date: 12.12.13 drawn by: SJP checked by: PAT

job number: 13-0630	drawing number: 100	revision:
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8. Ground Conditions and Agricultural Land

8.1 Introduction

8.1.1 This chapter has been prepared to inform the background document and specifically provide information in relation to the current ground conditions and agricultural land quality within the promoted development site, Home Farm, Sandhills. This chapter first considers ground conditions, and in particular the Mineral Safeguarding Area which the site lies within, and why it is not considered suitable for mineral extraction. The chapter then presents an initial Agricultural Land Classification assessment to identify any major constraint to development on the site.

8.2 Ground Conditions and Mineral Safeguarding Area

8.2.1 The site is located within a Mineral Safeguarding Area for Sand and Gravel (Policy MIN1 of the Black Country Joint Core Strategy). The purpose of a Minerals Safeguarding Area is to alert prospective developers to the existence of mineral resources, so that they can be taken into account at the earliest possible stage of the development project.

8.2.2 The policy explains that proposals for non-mineral development within Mineral Safeguarding Areas will not be permitted unless it can be demonstrated that the development will not result in sterilisation of the resources within these areas. All non-mineral development proposals will be encouraged to extract any viable mineral resources present in advance of construction where practicable, and where this would not have unacceptable impacts on neighbouring uses. The policy requires supporting information to be submitted to demonstrate that mineral resources will not be sterilised. The supporting information is required to demonstrate that:

- ≠ Mineral resources are either not present, are of no economic value or have already been extracted as a result of a previous site reclamation scheme or other development; or
- ≠ Extraction of minerals is not feasible, for example due to significant overburden or because mineral extraction would lead to or exacerbate ground instability; or
- ≠ Prior extraction of minerals would result in abnormal costs and/or delays which would jeopardise the viability of the development; or
- ≠ There is an overriding need for the development which outweighs the need to safeguard the mineral resources present; or
- ≠ Extraction of minerals would have unacceptable impacts on neighbouring uses, the amenity of local communities or other important environmental assets.

8.2.3 Mindful of the above, the site at Home Farm, Sandhills is not considered suitable for mineral extraction. It is a sensitive location given the uses that immediately border the site including, in

particular, Millfield Primary School and residential properties along the Chester Road and Lichfield Road. The area surrounding the site is generally residential in nature, particularly to the west and south. In addition, the Wyrley and Essington Canal borders the site western boundary and mineral extraction could have a severe impact on ecology in and around the canal side.

- 8.2.4 In addition to the sensitive uses that surround the site that render the site unsuitable for mineral extraction, the Environment Agency have confirmed that the bedrock beneath the site is a major aquifer, from which there is a public water supply abstraction located to the south east of the site. A small area of land in the south eastern corner of the site is classified as Source Protection Zone 2, and the remainder of the site is classified as Source Protection Zone 3. The residential development of this site is compatible with these Zones. Should the site however be used for mineral excavation, the aquifers below the site could be adversely affected by the backfilling operations. This has the potential to cause problems regarding pollution risk. The backfilling of the site following excavation would also lead to the current permeable site becoming impermeable thereby reducing aquifer recharge. Any excavation and subsequent backfilling of the site would have implications on the future use of the site. The current sand and gravel soils provide ideal ground conditions to build on, being both permeable and stable, foundation solutions would become an issue on filled ground which would affect costs and values and potentially lead to issues with the viability of the development of the site in the future.
- 8.2.5 In essence, this site is not suitable for mineral extraction. Whilst the site overlies substantial sand and gravel reserves, these minerals are not a scarce resource and given the extent of other land potentially available for mineral extraction in the area which does not have such constraints it is the case that the need for minerals from this site does not outweigh what are material planning objections to such a use in this location.
- 8.2.6 Added to the above is the requirement of the Black Country Joint Core Strategy. Policy CSP1 seeks to locate growth in the strategic centres and regeneration corridors. This site is located adjoining the Brownhills regeneration corridor and therefore development in this settlement is consistent with the locational strategy for growth. Further details of the site's accordance with planning policy is set out within Chapter 2 of this document.

8.3 Agricultural Land Classification

- 8.3.1 This section presents the initial Agricultural Land Classification assessment which has been undertaken by Kernon Countryside Consultants Limited (KCC) to identify any major constraint to development on the site.
- 8.3.2 There are two principal agricultural considerations in the selection of development sites. These are:
- ≠ The effect on land and its quality; and
 - ≠ The effect on farm businesses.

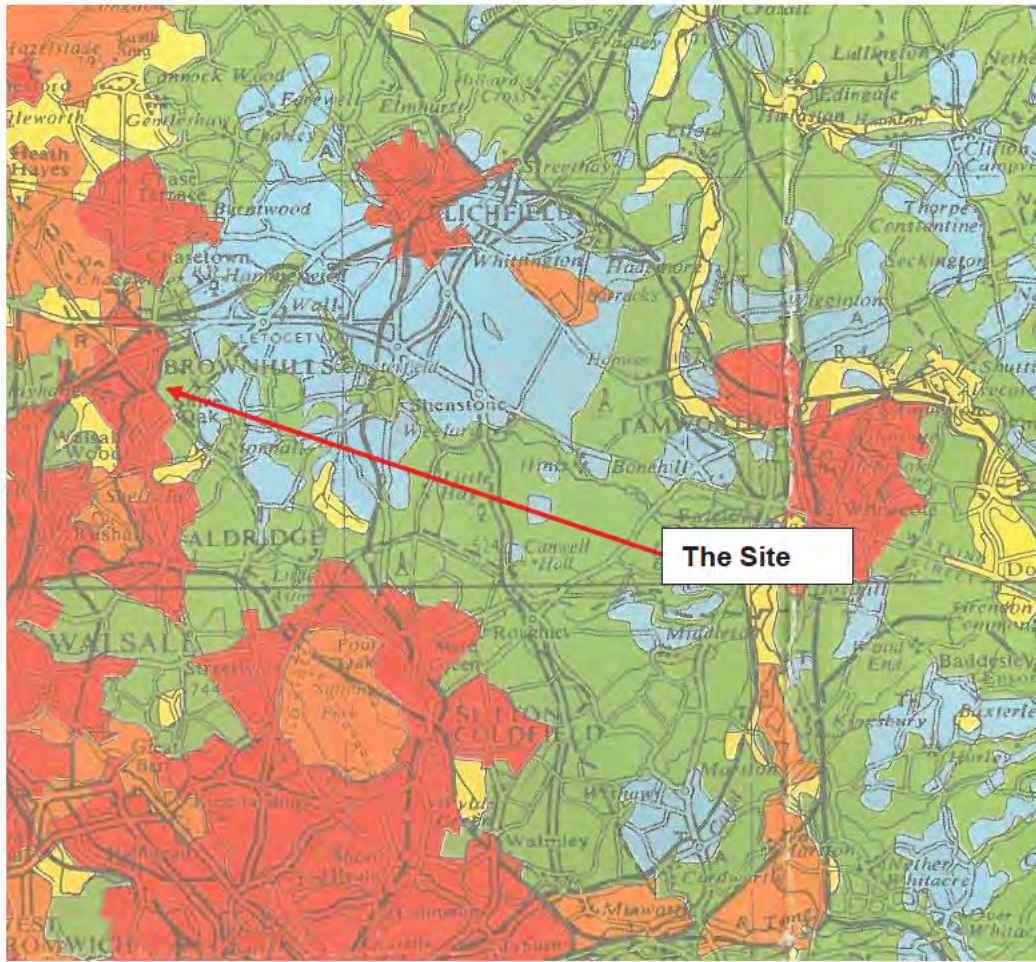
8.3.3 National Policy Guidance governing the non-agricultural development of agricultural land is set out in the National Planning Policy Framework (2012) (NPPF). Paragraph 112 of the NPPF notes that local planning authorities:

“should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

8.3.4 The best and most versatile agricultural land (BMV) is defined in Annex 2 of the NPPF as land of Grades 1, 2 and 3a in the Ministry of Agriculture, Forestry and Fisheries (MAFF) Agricultural Land Classification (ALC).

8.3.5 The Agricultural Land Classification Survey (ALC) system divides land into five grades according to the extent to which its inherent characteristics can be exploited for agricultural production. Grade 1 is described as being of excellent quality and Grade 5, at the other end of the scale, is described as being of very poor quality. ALC is based upon an assessment of limiting factors including soils, climate, and other physical limitations and the way in which these factors interact.

8.3.6 The provisional agricultural land classification map (MAFF 1983), as attached overleaf at **Figure 8.1**, shows undifferentiated Grade 3 land over the site. The map is provisional and was designed to be used for areas larger than about 80 hectares in extent and boundaries on this plan do not necessarily reflect the detailed situation. Since the map was constructed there have been changes to the classification. In particular Grade 3 has been subdivided into sub Grades 3a and 3b and the effects of the interaction between climate and soils are now more clearly stated which puts the land quality more clearly into the local context. The current Ministry of Agriculture Fisheries and Food ALC system was last revised in 1988.



Agricultural Land



Non-Agricultural Land



NORTH



FIGURE	8.1		
TITLE	Extract from the Provisional ALC Plan (1983)		
SITE	Home Farm, Sandhill		
CLIENT	Gallagher Estates		
NUMBER	KCC2116/01 10/15/vmd		
DATE	October 2015	SCALE	NTS

KERNON COUNTRYSIDE CONSULTANTS LIMITED
 GREENACRES BARN, STOKE COMMON LANE, PURTON STOKE, SWINDON,
 WILTSHIRE, SN5 4LL
 Tel 01793 771333

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8.3.7 A review of www.MAGIC.gov.uk has identified that the site has been the subject of a detailed ALC survey which was carried out in February and March 1994, in accordance with the current MAFF Guidelines (1988). A copy of the survey is attached at **Appendix 8.1**. The survey has identified the site to comprise mainly of sub Grade 3a land, with a swathe of sub Grade 3b land running through the middle of the site in an east – west direction. There are also areas of woodland and agricultural buildings within the site.

8.3.8 **Table 8.1** below sets out a breakdown of the grading across the site.

Table 8.1: ALC Grading across the Site

Grade	Description	Area (Ha)	Area (%)
3a	Good	62.1	74
3b	Moderate	15.7	19
Ag Buildings	Ag Buildings	2.2	2
Woodland	Woodland	1.7	2
Non-Ag	Non-Ag	1.9	2
TOTAL		83.6	100

8.3.9 The site comprises predominately of sub Grade 3a land, i.e. **“best and most versatile agricultural land”**. However a review of land quality in and around Brownhills indicates that this site actually comprises some of the lower quality land in the locality. Surveys to both the north and west of the site identify areas of Grade 2 land, i.e. land of a higher quality than that found at Home Farm, as illustrated at **Appendix 8.2**.

8.3.10 Although the site comprises predominately of sub Grade 3a land with an area of sub Grade 3b the presence of “best and most versatile land” around Brownhills is common place. Indeed much of the surveyed land to the north and east of Brownhills has been identified as being of Grade 2 quality.

8.3.11 The NPPF requires that, where “significant” development of BMV land is demonstrated to be necessary, poorer quality land is used in preference. In this case, the development of sub Grade 3a land will represent the development of poorer quality land in the area with much of the land around Brownhills comprising of Grade 2 land.

8.4 Summary


8.4.1 In light of the above it is concluded that this site is suitable for residential development in accordance with both local and national planning policy which promotes a presumption in favour of sustainable development. A proposal for an alternative use, such as mineral extraction, would not be. Notwithstanding this it is considered that the site is unsuitable for mineral extraction given its location relative to a number of sensitive receptors and the potential for pollution risk with regards the aquifers

below the site. Sand and gravel reserves are not in short supply and given that there is the extent of land potentially available locally for mineral extraction without the use of this site, it is therefore the case that the loss of this site as a potential mineral location is not significant and does not outweigh the legitimate material planning benefits arising from the use of the site for residential development as proposed.

- 8.4.2 With respect to Agricultural Land Classification, the site has been found to comprise predominantly land of sub Grade 3a, with smaller areas of sub Grade 3b. Although sub Grade 3a is considered to be “best and most versatile agricultural land”, a review of land quality in and around Brownhills indicates that the site actually comprises some of the lower quality land in the locality, with surrounding areas being identified as being of Grade 2 quality. The development of this site would therefore represent use of poorer quality land in accordance with the NPPF, which states where significant development of BMV land is demonstrated to be necessary, poorer quality land is used in preference.
- 8.4.3 In conclusion, having undertaken the above initial work in relation to the site’s ground conditions and agricultural land quality, it is considered that the site is suitable for development.

APPENDIX 8.1
MAFF ALC SURVEY REPORT

AGRICULTURAL LAND CLASSIFICATION
LAND AT HOME FARM, SANDHILLS


Resource Planning Team
ADAS Statutory Group
WOLVERHAMPTON

ADAS Ref: 25/RPT/0617
Job No: 8/94
MAFF Ref: EL46/10407

**AGRICULTURAL LAND CLASSIFICATION REPORT FOR
LAND AT HOME FARM, SANDHILLS**

1. SUMMARY

- 1.1 The Agricultural Land Classification (ALC) Survey for this site shows that the following proportions of ALC grades are present:

Grade/Subgrade	ha	% of site
3a	64.0	76
3b	15.7	19
Other land		
Agricultural buildings	2.0	2
Non-Agricultural	1.9	2

- 1.2 The main limitation to the agricultural use of land in Subgrades 3a and 3b is topsoil stone content.

2. INTRODUCTION

- 2.1 The site was surveyed by the Resource Planning Team in February and March 1994. An Agricultural Land Classification survey was undertaken according to the guidelines laid down in the "Agricultural Land Classification of England and Wales - Revised Guidelines and Criteria for Grading the Quality of Agricultural Land" (MAFF 1988).
- 2.2 The 83.6 ha site is situated to the east of Brownhills and north west of the A461 road. The land in the north adjoins a canal, and the west boundary adjoins housing, while the north eastern boundary adjoins farmland.
- 2.3 The survey was requested by MAFF in connection with an ad-hoc development proposal for an industrial development.
- 2.4 At MAFF Land Use Planning Unit's request this was a detailed grid survey at 1:10000 with a minimum auger boring density of 1 per hectare. The attached map is only accurate at the base map scale and any enlargement would be misleading.
- 2.5 At the time of the survey the site was mostly under cereals, brassicas with some fallow land.

3. CLIMATE

3.1 The following interpolated data are relevant for the site

Average Annual Rainfall (mm)	725
Accumulated Temperature above 0°C January to June (day °C)	1315

3.2 There is no overall climatic limitation on the site.

3.3 Other relevant data for classifying land include:

Field Capacity Days (days)	170
Moisture Deficit Wheat (mm)	91
Moisture Deficit Potatoes (mm)	77

4. SITE

4.1 Three site factors of gradient, micro relief and flooding are considered when classifying land.

4.2 These factors do not impose any limitations on the agricultural use of the land.

5. GEOLOGY AND SOILS

5.1 The solid geology of the area is shown as Soft Sandstone with Pebble Beds - British Geological Survey Sheet 154 1 inch.

5.2 The underlying geology influences the soils which have a sandy loam texture overlying loamy sand and sand.

6. AGRICULTURAL LAND CLASSIFICATION

6.1 Subgrade 3a - occupies 64.0 ha (76%) of the survey area.

6.1.1 The soil has a sandy loam texture over loamy sand and sand to depth and with up to 15% stones greater than 2cm size present.

6.1.2 The main limitation to the agricultural use of this land is topsoil stone content.

6.2 Subgrade 3b - occupies 15.7 ha (19%) of the survey area and is found in the northern and eastern parts of the site.

6.2.1 The soil typically has a sandy loam texture overlying loamy sand and sand to depth. The topsoil content with stones greater than 6cm in size is up to 10%.

6.2.2 The main limitation to the agricultural use of this land is topsoil stone content.

6.3 Other land includes agricultural buildings and farm tracks.

6.4 SUMMARY OF AGRICULTURAL LAND CLASSIFICATION GRADES

Grade/Sub-grade	Areas in Hectares	% of Survey Area	% of Agricultural Land
3a	64.0	76	80
3b	15.7	19	20
Other land			
Agricultural buildings	2.0	2	-
Non-Agricultural	1.9	2	-
Totals	<u>83.6</u>	<u>100.0</u>	<u>100.0</u>

March 1994



Agricultural Land Classification Home Farm Sandhills



Grade	Quality	Area (ha)
1	Excellent	nil
2	Very Good	nil
3a	Good	62.1
3b	Moderate	15.7
4	Poor	nil
5	Very Poor	nil

Other Land Categories	Area (ha)
Urban	nil
Non-Agricultural	1.9
Woodland	1.7
Agricultural Buildings	2.2
Open Water	nil
Not Surveyed	nil
Total all current land use	77.6
Total survey area	131.8

Scale - 1:10,000

0 100 200 300 400 500 600

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Agricultural Land Classification Home Farm, Sandhills

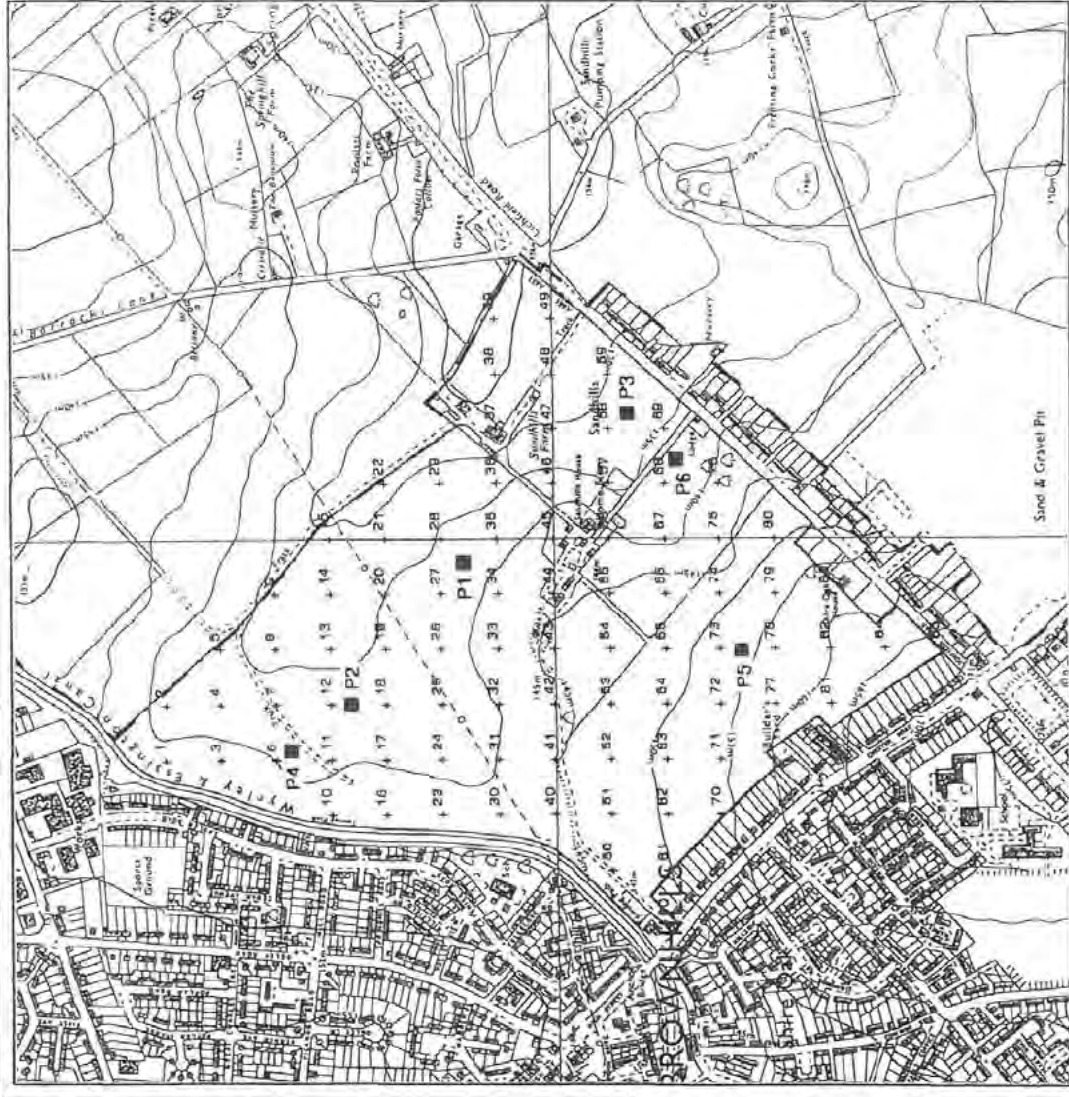
AUGER BORINGS

Soil Pits ■

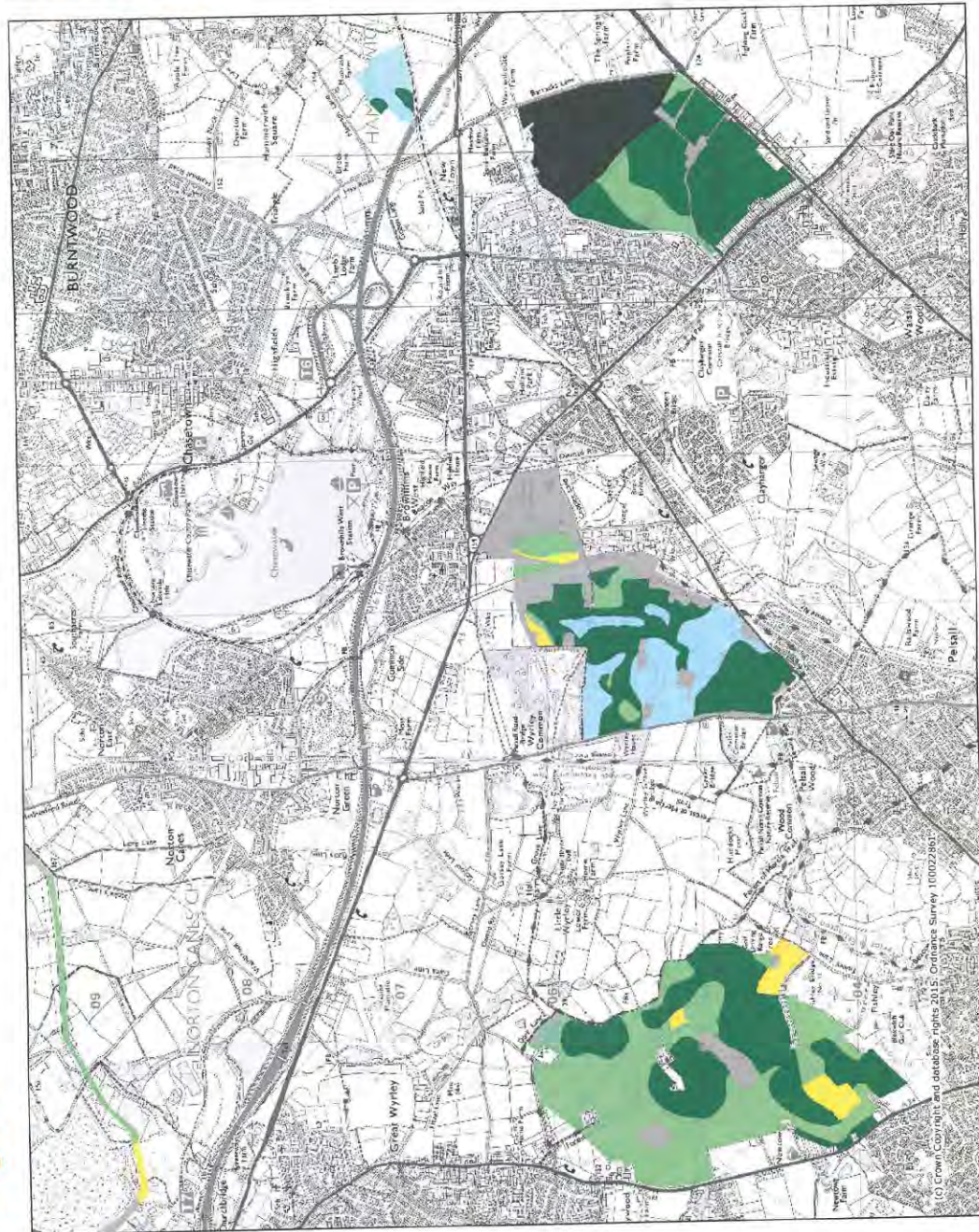


Cartographic control on MAP 0001 Agricultural Land Classification -
topographic map -
The use of aerial photography for the identification of soil pits is
not recommended.

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APPENDIX 8.2
MAFF ALC SURVEY RESULTS FOR LAND AROUND BROWNHILLS



Legend

- Grade 1
- Grade 2
- Grade 3a
- Grade 3b
- Grade 4
- Grade 5
- Not Surveyed
- Other

Projection = OSGR836
 xmin = 598900
 xmin = 303500
 ymax = 407100

Map produced by MAGIC on 17 October 2015.
 The map is a snapshot of the current data and the map
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 that is being maintained or currently updated. The
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9. Conclusions

9.1 Conclusion

- 9.1.1 This Background Document relates to the site known as 'Home Farm, Sandhills, Walsall'. This document has been updated in response to the 'Preferred Options' Site Allocation Document consultation. A previous version of this document was produced in 2013 as part of the 'Call for Sites' consultation, and alterations have been made where applicable in light of any changes in contextual information.
- 9.1.2 This background document demonstrates the soundness of this site as a future strategic allocation for residential development. The suitability of the site has been proven by the chapters in this Background Document, which demonstrates that there are no known constraints to development.
- 9.1.3 Considering the relevant planning policy and development in Chapter 2, it is concluded that existing strategic requirements are considered to be out of date. Work should be undertaken by the Council in order to identify an up to date housing requirement, taking account of the needs of Walsall and those arising within the wider Greater Birmingham Housing Market Area, where a significant shortfall in planned provision has been evidenced. This work will demonstrate that in order for Walsall to deliver an appropriate housing requirement, land within the Green Belt will need to be considered for development. As evidenced in Chapter 2, the development of the site would not compromise the five purposes of the Green Belt.
- 9.1.4 Landscape and Visual Issues are covered in Chapter 3. The contextual landscape comprises a functional landscape generally consistent with local landscape character. It is visually contained to the north and west by built form, however is more visually open to the south and east. The landscape and visual analysis undertaken finds that the site forms a localised 'topographical bowl' which is visually contained in the wider landscape. There is a range in the level of vegetation structure across the site, including a tree copse and mature tree planting around the Home Farm buildings complex. A landscape and visually led process has been adopted in order to identify a 'development envelope', which is then augmented with a comprehensive Green Infrastructure Strategy. The Green Infrastructure Strategy will provide landscape and visual mitigation and will also enhance the landscape resource and add value to it.
- 9.1.5 The indicative development framework follows on from the landscape and visual parameters and progresses some of the design principles. In summary, this process has generated various components and mix of uses within the development framework. The proposed development will create housing choice, community facilities and new amenity spaces for the existing and new community whilst improving public access across the site.
- 9.1.6 With regards to transport and accessibility, in Chapter 5 it is demonstrated that the site can be delivered in line with the necessary infrastructure improvements to enhance accessibility. These

improvements include new site accesses to the A452 Chester Road and A461 Lichfield Road, improvements to the traffic signal controlled junction between the A542 and A461, linkages to the existing foot/cycleway running alongside the existing canal and the diversion and improvements of the existing bus service and bus infrastructure. These improvements would be supported by a Travel Plan.

- 9.1.7 Based on the results of the work undertaken, the majority of the site is considered to be unconstrained in terms of ecology, as set out in Chapter 6, Ecology. A number of minor potential constraints have been identified including the presence of the Standhills Arm Canal PSI, woodlands, hedgerows and treelines, along with the potential for protected and notable species including bats, badger, brown hare and birds. However, these constraints are largely restricted to the margins of the site and as such it is considered that with a sensitively designed masterplan, together with the provision of appropriate avoidance and mitigation measures, the proposed development would be unlikely to result in significant effects in terms of ecology.
- 9.1.8 Chapter 6 concludes that the Standhills Arm Canal PSI can be readily retained under the proposals together with an appropriate buffer of open space. Road access may be required across the hedgerow which forms the western part of the PSI, although subject to sensitive road design and new planting, this could be achieved with minimal loss of connectivity. Furthermore, long-term management of habitats within the PSI and provision of improved wildlife connectivity through new landscape planting and habitat creation would provide benefits under the proposals. In conclusion, the proposed development provides the opportunity to create substantial areas of new wildlife habitat within areas of open space, providing significant benefits for wildlife. As such, the proposed development is considered to be highly deliverable in ecological terms.
- 9.1.9 In terms of matters of flood risk and drainage, Chapter 7 has identified that the site is within Flood Zone 1 and is therefore not at risk of flooding and is not subject to a Sequential Test. In respect of proposed foul and surface water drainage, the outline proposal for disposing of sewage is to provide a sewerage network discharging to a single purpose built pumping station, which will take waste to a foul sewerage in Lindon Road and for surface water there are a number of options due to permeable strata and access to a principal water source, including draining directly to ground or taking water through to a watercourse.
- 9.1.10 It is considered that the site is unsuitable for mineral extraction given its location relative to a number of sensitive receptors, such as nearby residential developments and the potential for pollution risk with regards to the aquifers below the site. With respect to land quality, the site has been found to comprise predominantly land of sub Grade 3a, with smaller areas of sub Grade 3b. Although sub Grade 3a is considered to be “best and most versatile agricultural land”, a review of land quality in and around Brownhills indicates that the site actually comprises some of the lower quality land in the locality, with surrounding areas being identified as being of Grade 2 quality. The development of this site would therefore represent use of poorer quality land, in accordance with the NPPF.

- 9.1.11 In terms of availability, there are no legal or ownership problems, such as multiple ownership, ransom strips, tenancies or operational requirements of the land owners and therefore there are no known constraints that would inhibit the development of the site.
- 9.1.12 For achievability, residential development is an economically viable prospect for the site and although Gallagher Estates would not develop the site, it is anticipated that once outline planning permission has been obtained the site would be put to market immediately and be acquired by a developer shortly after.
- 9.1.13 In addition to the information presented in this background document, further work will be undertaken regarding all matters summarised above, including matters relating to Cultural Heritage, to provide more detailed evidence to support the suitability of the site for development. This work will be presented at a later stage.
- 9.1.14 In light of the information prepared, it is considered the site is suitable, available and achievable for development to meet emerging requirements for dwelling provision in Walsall.