



Walsall Council

**Walsall Site Allocation Document
Schedule of Representations**

**Pre-Submission Modifications Consultation
7 November – 19 December 2016**

Formal Representations

UR 408 – UR 3624

Plus Late Responses UR 1860 and UR 3555

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19 December 2016

Planning Policy
Regeneration and Development
Economy & Environment Directorate
Walsall Council
Civic Centre
Darwall Street
Walsall
WS1 1DG

Dear Sir/Madam

Site Allocations Document (SAD) Pre-submission Modifications Consultation

We write as the owners of Electrium Point in Willenhall and wish to make representations to the emerging SAD.

Electrium Point is proposed to be allocated in its entirety as a *"Retained Local Quality Industrial"* site under Policy IND3; Site Ref. IN67 and named *"Ashmore Lake North"*. It forms part of a much larger (35ha) *"local"* employment designation. Policy IND3 seeks to retain such sites in industrial use and states that *"proposals for non-industrial use will not be permitted"*. We have no objections to this proposed allocation save for the inclusion of a small residual area (0.4ha) of ancillary land (as annotated with a green hash on the attached plan) to the north-east corner of Electrium Point. This comprises an area of maintained grassland and a car park located to the south of *"Jubilee House"* public house and immediately west of Sandbeds Road.

This area does not accommodate an industrial use and was partially excluded from the *"Core Employment Area"* (Policy JP5) in the Unitary Development Plan (UDP). The 2016 ELR classed the site as of local importance but it did not define a detailed site boundary.

We would respectfully request that this small and residual area be either excluded from the Policy IND3 allocation for Site Ref. IN67 or be downgraded to a *"Local Industry Consider for Release"* site under Policy IND4. We make this request because the land does not currently serve an employment purpose and may be better suited to an alternative use (at least in part) such as residential, given its access off Forge Road/Sandbeds Road and the existing adjoining residential uses to the north, east and south.

This requested re-designation would not prevent industrial development should the need arise in the future but it would provide flexibility for the site to be put to more productive use, in whole or in part, and this would help to meet the challenging and emerging growth needs which will be identified through the review of the Black Country Core Strategy. In our view, this re-designation would render the SAD sound as it would be effective in meeting future growth needs and consistent with national policy in proactively driving and supporting sustainable development and encouraging the use of underused brownfield land (paragraph 17).

Latham House • 4th Floor • 33-34 Paradise Street • Birmingham • B12AJ • Tel: 0121 236 6481 • Fax: 0121 236 6548

www.hortons.co.uk

We acknowledge that this consultation is only covering the specific proposed modifications but we would be most grateful if these representations could be considered by your Authority and presented before the appointed Inspector when the SAD is formally submitted to the Secretary of State for examination. We had only become aware of the proposed SAD allocation in recent weeks and we were therefore unable to make representations to the earlier consultation.

We would be grateful if your Authority could acknowledge receipt of this representation and also notify us when the SAD is formally submitted for examination.

Yours faithfully,



Property Director



Enc.

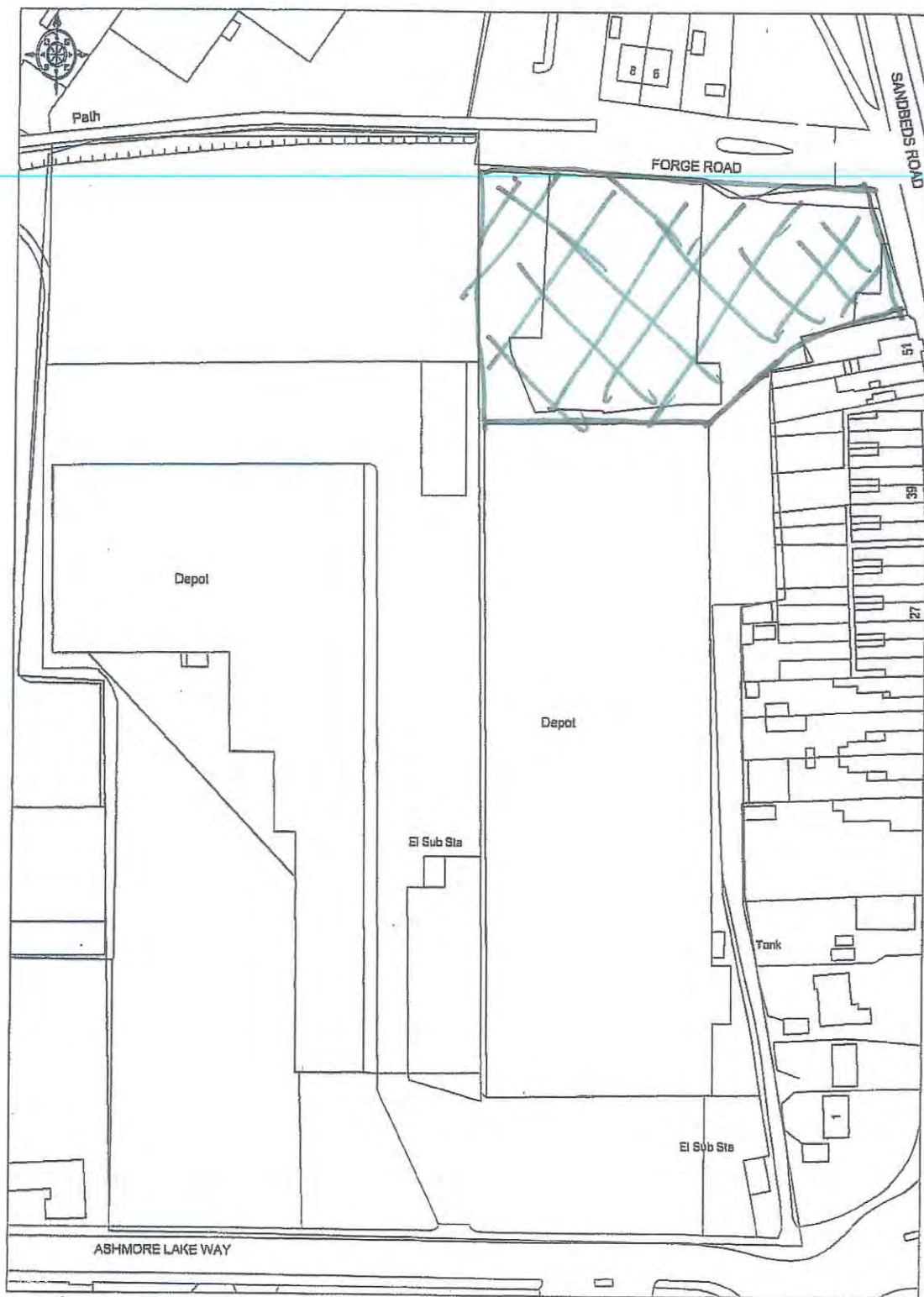
BPN ARCHITECTS
 3 Kings Court, Birmingham, B3 1UD
 T: 0121 231 8889
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 www.bpnarchitects.com

Electrification (Public) (Household) Station	
Station Name	Electrification
Station ID	A
Station Type	100000001
Station Date	18/06/2012
Station Area	1,508.00 m ²
Station Volume	11,000.00 m ³
Station Status	RM/UP



Electrarium Point Site Plan
1:500

Electrium Point, Willenhall



Ordnance Survey

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Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD2 and MMSAD25 in relation to the identification of Highfields South quarry and landfill area as including Flood Zones 2 and 3.				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified		X	
	Effective			
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>1. We take the view that the allocation of land at Highfields South quarry and landfill site, as Flood Zones 2 and 3, is not <u>justified</u> by appropriate evidence. As such, in relation to our Highfields South site, the Plan does not meet the test of being <u>sound</u>. The enclosed site plan (Drawing No: HSQ058) identifies the current relationship between the proposed Flood Zones and the topography of the site (November 2016) and confirms the inappropriateness of the proposed allocation.</p> <p>2. Para 158 of the National Planning Policy Framework (NPPF) provides that the Local Plan should be based on adequate, up-to-date and relevant evidence.</p> <p>3. The Planning Practice Guidance on Preparing a Local Plan requires that:</p> <ul style="list-style-type: none"> • appropriate and proportionate evidence is essential to producing a sound Local Plan • the evidence should be focused tightly on supporting and justifying the particular policies in the Local Plan; and • The evidence should be kept up-to-date. For example, when approaching submission, if key studies are already reliant on data that is a few years old,

they should be updated to reflect the most recent information available (and, if necessary, the Plan adjusted in the light of this information and the comments received at the publication stage).

4. The current version of the Plan does not satisfy the above. The allocation of Flood Zones at Highfield South is based upon an incomplete Draft Report*¹:
 - I. That is Preparatory Work, undertaken some 4 years ago and is out of date;
 - II. That insofar as the published version of the Draft Report*¹ on the Planning Authority's Evidence web site is concerned, does not include any evidence at Appendices A, B and C and is incomplete;
 - III. That uses a digital terrain model (LIDAR produced by the Environment Agency) which, in relation to Highfields South, was last undertaken in 2006, over 10 years ago and now significantly out of date;
 - IV. The Planning Authority is fully aware that since 2006 the topography of the Highfields South site has changed due both to quarrying and landfilling having since taken place in the interim, making the base data used out of date and no longer appropriate;
 - V. The Draft Report*¹ states that it assesses flood risk from culverts identified by Walsall Council – but these omit the culverts on the watercourses in the Walsall/Lichfield Road and in Boatman's Lane. These culverts are located immediately prior to each of these water courses entering Highfields South site; both culverts are well known to the Council, neither have been included in the assessment and both serve to regulate flows across the site, throwing into question the validity of the Flood Risk Zones at Highfields South. By omitting the culverts, the evidence used is incomplete, not appropriate and cannot therefore justify the Flood Zone allocation at Highfields South.
5. Planning Practice Guidance – Local Plans – Preparing a Local Plan advises that local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help interested parties consider the issues and engage with the authority at an early stage in developing the Local Plan.
6. The identification of Flood Zones (2 and 3) at Highfields South site first appeared at the publication stage of the Plan, as recently as March 2016, some 3 years after the Draft Report*¹ had been prepared. This was the first opportunity to offer comment on the Highfields South Flood Zone allocation, albeit this was limited because, at the publication stage, the Draft Report*¹ was not included in the Evidence section on the Council's web site. At this time the Council was fully aware of the on-going landfilling taking place at the site to fill the quarry void and should have been fully aware that the section of the quarry void identified in the Plan as being in Zones 2 and 3 is already either being filled or forms part of the side slopes to the quarry / landfill and therefore would not be subject to

flooding. It is noteworthy that the base of the quarry, where any “flood” water would naturally accumulate, is not shown as being within the allocated Flood Zones. However, this base of the quarry currently (until 2017, when it is to be engineered for the receipt of waste) forms part of the site’s surface water management system, from which accumulated water is pumped to the surface lagoon in the west of the site (note this is not the Brick Kiln Pool, which was removed c 2005). The Highfields South Flood Risk Zones have simply been superimposed on the Plan at a late stage in Plan-preparation without first ensuring it is appropriate to do so, without taking into account relevant recent evidence and without providing any real opportunity to comment until the pre-submission stage, contrary to the advice in the above Guidance. The Flood Risk Zones at Highfields South are clearly not based upon the best available information for assessing flood risk at this location – they disregard the topography of the site, the quarrying activity, the on-going landfilling operation and the presence of culverts in water courses just before they enter the site. As referred to above, in accordance with Planning Practice Guidance on Plan Preparation, the Plan should be based upon up-to-date, not out-of-date, information.

- 7. Planning Practice Guidance – Local Plans – Preparing a Local Plan also advises that the local planning authority must take into account any representation made, and will need to set out how the main issues raised have been taken into account.**
- 8. The Council has, in essence, paid little attention to our representations and left the matter to be determined by requiring an applicant to submit a Flood Risk Assessment*². This is an unreasonable approach, especially given the late stage in the Plan-making process that the Flood Zone allocations have been published for comment, and unjustified given the out-of-date information upon which the current Flood Zones are being proposed. Why should an applicant be put to the expense of undertaking a Flood Risk Assessment, including an Exception Test, when it is clear that the Council’s Draft Report*¹ and Flood Zone allocations at Highfields South are based on a clearly out of date information / evidence base and when the site should be classified (on the basis of the actual topographical levels) as Flood Zone 1. The Council should and could have taken the opportunity to re-assess the situation in the period since the pre-publication consultation exercise was undertaken to ensure the proposed Flood Zone allocations in the Plan are justified.**
- 9. Para 182 of the NPPF provides that the plan submitted for examination should be sound; this includes that it should be Justified – it must be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence.**
- 10. It is not an appropriate strategy to superimpose Flood Zones on the Highfields South site when it is clearly the case that they are incorrect, nor is it reasonable to seek to address this by requiring an applicant to undertake a full Flood Risk Assessment (and Exception Test) to remedy a clear deficiency in the Plan that is**

of their own making.

11. In accordance with the provisions of Section 20(6) of the Planning and Compulsory Purchase Act 2004, Cory Environmental wish to attend and make representations at the hearing into the examination of the Local Plan.

References:

***¹Preparatory Work for Walsall Local Flood Risk Management Strategy Draft Report April 2013 – JBA consulting**

***²SAD Publication Stage Schedule of Representations Received and Responses by the Council (page 33, Ref 481) and MMSAD25 (7.6.1 Policy Justification)**

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

The land at Highfields South quarry/landfill area should be excluded from Flood Zones 2 and 3 on Map 7.8

From: [REDACTED]
Sent: 19 December 2016 08:22
To: planningpolicy
Subject: Site allocation Pre-Submission Modifications
Attachments: Site allocation response.doc

Dear sirs,

In response to the above, The National Federation of Gypsy Liaison Groups maintains the objections set out in its letter of 2nd November 2015 (copy attached). It is disappointing to note that there has been no recognition of the serious shortcomings that were pointed out.

The Plan remains unsound. It is ineffective, not justified and non-compliant with National Policy. We will seek to present our concerns in person at any future examination of the Plan.

Regards,

[REDACTED]

Sent from Outlook



[REDACTED]
 Planning Officer
 NFGLG
 Unit 3,
 Molyneux Business Park
 Whitworth Road
 Matlock,
 DE4 2HJ

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

[REDACTED]

02 November 2015

Dear [REDACTED],
Walsall Council Site Allocation Document

I refer to the above consultation and, in particular, Policy HC4.

The policy wording is open to objection. In particular, the requirement that sites for Travellers should be in a location that would be suitable for general housing is a recipe for non-delivery. It is quite clear that such a requirement is not in accordance with national guidance as set out in Planning Policy for Traveller Sites (PPTS). Furthermore, as the supporting text acknowledges, the use of land as a traveller site represents a substantial loss in value over residential use and thus there is no incentive for landholders to release land for Traveller sites. Reliance exclusively on publicly owned land is wholly unacceptable.

Equally unacceptable is the reliance on large housing sites as the main source of delivery. Experience elsewhere demonstrates that this simply will not deliver sites.

The criteria set out as a basis for considering applications are far too restrictive and clearly designed to effectively prohibit the obtaining of permission. These criteria do not begin to offer a basis for discussion.

The time horizon of the current GTAA does not allow for proper consideration of the needs of Gypsies and Travellers and there can be no reliance on the current GTAA. A new GTAA is urgently required and proper consideration of the needs of Gypsies and Travellers can only then be given proper consideration.

This concern is compounded by the fact that the current Black Country Core Strategy (BCCS) policy HOU4 relating to Gypsy and Traveller provision is no longer consistent with national policy as set out in PPTS.

Yours faithfully,

[REDACTED]

Walsall Site Allocations (Pre-Submission Proposed Modifications)

Consultation Deadline – 19 December 2016

The following contact details are the only ones you need for planning related matters, therefore please amend your database if necessary.

Contact Details

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

Planning Email: [REDACTED]

Planning Enquiries: [REDACTED]

Person Making Comments

[REDACTED]
[REDACTED]
Planning Liaison Manager

Date of Response

2 December 2016

Background on The Coal Authority

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

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

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

Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales.

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

Background on Coal Mining Issues in Walsall

Surface Coal Resources, Development and Prior Extraction

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

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

Coal Mining Legacy

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

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

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

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

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

Specific Comments on The Walsall Site Allocations

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

Representation No.1

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

Support/Comment – The Site Allocations DPD has responded to our suggested changes put forward in May 2016 and now meets the requirements of paragraphs 143 and 144 of the NPPF.

Representation No. 2**Site/Policy/Paragraph/Proposal – Policy Omission (Unstable Land)**

Objection – The Site Allocations DPD has not responded to our suggested changes put forward in May 2016.

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

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

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

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

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

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

Conclusion

The Coal Authority welcomes the opportunity to make these comments. The Coal Authority also wishes to continue to be consulted both informally if required and formally on future stages.

Thank you for your attention.

For and on behalf of

Acting Principal Manager – Planning & Local Authority Liaison

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD26				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared		X	
	Justified		X	
	Effective		X	
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>The Inland Waterways Association (IWA) is a national charity which campaigns for the conservation, use, maintenance, restoration and development of the inland waterways for public benefit.</p> <p>IWA supported Policy EN4: Canals at the Publication stage (Ref. 688) except for the addition of clause b) ii. requiring technical work to demonstrate that “additional boat movements along the Cannock Extension Canal SAC can be prevented”. Our submission explained why this is unnecessary, potentially counter-productive and unenforceable (q.v) and therefore inappropriate. The response from Canal & River Trust (Ref. 3539) also advises that “The navigation along the Cannock Extension Canal is the responsibility of the Canal & River Trust and it is not considered appropriate for a planning authority to specifically restrict boat movements”. IWA is disappointed that WMBC has ignored this advice and retained this clause which is neither Justified nor Effective and renders the Plan Unsound.</p> <p>The Council has now introduced an additional clause b) i. requiring an HRA of the Cannock Extension Canal and of “other developments that could affect the canal” at the behest of Natural England, despite the absence of any evidence that restoration of the Hatherton Canal will have any negative impacts on the</p>

SAC. The Publication stage representation by NE (Ref. 2274) is factually incorrect and wholly misleading.

Natural England assert that “The proposed restoration scheme is directly connected to the Cannock Extension Canal SAC” which it is not. The route promoted since 2009 connects to the Lords Hayes Branch of the Wyrley & Essington Canal, as clearly shown on the SAD Policies Map, approximately 1500 metres west of the end of the Cannock Extension Canal. Therefore, their advice that the new stretch of canal “is likely to have a significant effect upon the site and its interest features” is wholly unreliable. They then claim that “there do not appear to be any suitable measures that could be put in place to prevent the proposed connection causing an adverse effect upon the ecological integrity of the Cannock Extension SAC”. But there is no proposed connection, and the absence of suitable measures is simply an assertion without any evidence that any particular measures have been considered.

NE further claims that “the alignment of the canal restoration route crosses Daw End Railway Cutting SSSI” but it does not. This SSSI is crossed by the existing navigable Daw End Branch Canal and is approximately 5 km away from the Hatherton Canal route. EN then state that “It also crosses in close proximity to Clayhanger SSSI and Jockey Fields SSSI” which is similarly untrue. These sites are nearly 4 km and 3 km respectively away from the end of the Hatherton Canal route. The locations of these sites are identifiable on Map 7.6 Natural Environment Designations, but it appears that NE thinks that the navigable Daw End Branch of the Wyrley & Essington Canal is part of the Hatherton Canal restoration route.

Given the astonishing ignorance and professional incompetence displayed by this response it would be entirely remiss of the Council to place any reliance on the advice of Natural England on this matter. Neither the previously included requirement to restrict boat movements nor the latest modification to require a HRA has any credible justification whatsoever and both should be deleted.

In addition, the stipulation that an SAC HRA for the Hatherton Canal restoration should also take account of cumulative impacts from other developments is a wholly impractical requirement to impose upon the restoration scheme. The Lichfield & Hatherton Canals Restoration Trust cannot be expected to account for the actions and impacts of other completely unrelated developments which are unlikely to be taking place in the same timeframe, if at all. By any fair and logical test this requirement is unrealistic, unworkable and fundamentally Unsound. The only reasonable requirement would be for each development to account for its own impacts in the context that exists at the time, which can only include the other identified developments if they have already taken place or received consent.

Sadly, IWA must conclude that the Council has been badly and erroneously advised by Natural England and has proposed modifications that are misguided, unjustified, impractical, ineffective and therefore fundamentally Unsound.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Delete proposed modification MMSAD26 and the previous modification b) ii. - currently b) iii.

Corresponding modifications to parts of the wording in MMSAD24 concerning the Hatherton Canal restoration are also necessary for consistency.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

From: [REDACTED]
Sent: 19 December 2016 16:43
To: planningpolicy
Cc: [REDACTED]
Subject: Walsall Site Allocation Document - Pre-Submission Modifications

Dear Sirs,

With regard to the proposed modifications I would wish to comment as follows:

Ref: MMSAD37 – Support the insertion of “or in close proximity to these areas” under policy M1 d). This will enhance safeguarding of potential options for mineral development within the mineral safeguarding areas.

Ref: MMSAD39 – Modifications to paragraph 9.2.1 refer to a MSA for fireclay resources having regard to existing published sources which includes a link to the British Geological Survey report “Provision of Geological Information and a Revision of Mineral Consultation Areas for Staffordshire County Council (2006)”. Please note that the fireclay MSA defined by Staffordshire County Council has been revised to take into account mapping of shallow coal resources published by the Coal Authority in 2014.

Ref: MMSAD51 – Paragraph 9.5.1 refers to the non-designation of an area of search for coal and fireclay in the emerging Staffordshire Minerals Local Plan. Please note that the Inspector’s report has been received and it is intended to adopt the new Plan early in 2017.

Kind regards,

[REDACTED]
Team Leader (Minerals Planning Policy)

Office location: No. 1 Staffordshire Place (Floor 2), Stafford ST16 2LP

Postal address: Planning, Policy & Development Control, c/o Staffordshire County Council,
2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH

[REDACTED]
Visit the Staffordshire Planning at www.staffordshire.gov.uk/planning

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Planning Policy
Walsall Council
Via Email: planningpolicy@walsall.gov.uk

██████████
Asset Manager
Operations Directorate

The Cube
199 Wharfside Street
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19 December 2016

Dear Sir / Madam,

RE: PLANNING 2026: HAVE YOUR SAY – PRE-SUBMISSION MODIFICATIONS CONSULTATION

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

Highways England is responsible for the operation and maintenance of the Strategic Road Network (SRN) in England. The network includes all major motorways and trunk roads. The SRN in the vicinity of Walsall comprises the M6 Motorway and A5 Trunk Road.

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

Highways England welcomes that the SAD refers specifically to the commitment to deliver an improvement scheme at M6 Junction 10. This scheme is included within the government's Road Investment Strategy (RIS) document with improvements to be delivered by Highways England and partly funded through the Black Country Growth Deal. It is considered that this scheme is imperative in facilitating the future delivery of development within Walsall. A need for a further improvement scheme at M6 Junction 9 is also currently a future aspiration considered by the Local Plan. As no scheme at this location is in development it is agreed that this does not require explicit reference within the SAD. Highways England does however note that such a scheme may in future become necessary to facilitate future development.

Highways England also welcomes the proposed modifications to Policy GB2 and Policy T4, as methods of promoting opportunities for sustainable travel, thus reducing the potential for single-occupancy vehicle trips.

The above comments relate to our response to the SAD and Highways England has no particular comments to provide on either the AAP or CIL documents. Please do not hesitate to contact me if you require any more information or clarification on our responses.

Yours sincerely

[Redacted signature]

[Redacted name]

OD Midlands

[Redacted contact information]

Cc: [Redacted email addresses]

From: [REDACTED]
Sent: 10 December 2016 15:06
To: planningpolicy
Cc: [REDACTED]
Subject: site allocation modifications response
Attachments: pre-submission modifications response form walsall foe send.docx

Please find attached Walsall FoE's response to the Modifications to the Walsall Site Allocations document. It refers to three policies where the modifications (while an improvement) do not fully meet our concerns and one where no Modification is made but the justification for this seems to fail to appreciate the content or intention of our objection.

Yours sincerely.

[REDACTED]

[REDACTED]

Policy Advisor
Walsall Friends of the Earth

[REDACTED]

This email is confidential and may also be legally privileged. If you have received it in error, please notify the sender immediately by reply email and delete this message from your system. This email and its attachments have been checked for viruses and no virus is believed to be resident but it is your responsibility to satisfy yourself that your systems will not be harmed by any of its contents.

Comments

Friends of the Earth is objecting to 4 policies in relation to the proposed modifications. The reasons are set out in the four sheets below. In the case of HC3 no modification has been made but from the comments made we believe this reflects a misunderstanding of our objection.

We are also objecting to UW1, GB2 and T2. It is important to stress that in all cases the modifications are an improvement on and preferable to the original policy. However, we do not believe they fully answer our original concerns, which we believe can be resolved by small changes.

There are other policies where our concerns have not been met. We are not adding further comments but this does not imply we necessarily agree with the response.

██████████

Policy Advisor

Walsall Friends of the Earth

Modification Number				
Policy HC3, not modified				
Do you support or object to the modification?				
Oppose Lack of Modification				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared		X	
	Justified			
	Effective		X	
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Original Objection: While the need for specialist housing with care provision is appropriate in locations close to Public Transport there is also a growing need for housing for the elderly (often over 55s) which does not involve care packages, that is to say, housing which is fully accessible with alarm systems, communal areas and a manager. There is little of this kind of accommodation in the Borough, although the recent Macarthy and Stone development on the ring road has been a welcome addition. This is a need which is challenging plan makers in many local authorities and we would like to see policy tailored to meeting this specific need. Unlike more intense care the requirement to be close to public transport is probably less and we would not like to see sites come forward for housing being precluded on those grounds alone.</p> <p>Further Comment: The response from the council appears to relate to specialist care homes, which was not the basis of our original objection. There is a need to ensure sufficient market housing is provided for over 55s and that the housing is designed to be appropriate for elder people. This would free up existing housing and provide housing which older people could chose to live in without going into care. This would have benefits both in terms of not overstressing care provision and in freeing up homes for younger people, with potential benefits for density and sustainability policies. Unless this is put into the plan it may be difficult for the council to insist that developers include housing for over 55s in major schemes. As the population ages this is something Councils need to ensure is supported in their emerging plans.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)
<p>The council could identify that it will seek a percentage of homes to be designed for over 55s in larger developments and make a broader commitment to ensure there is sufficient housing suitable for older people.</p>

Modification Number				
UW1 University Campus at Gorway, MMSAD19				
Do you support or object to the modification?				
<p>Oppose</p> <p>(Preferable to Original Policy but seeking further improvement)</p>				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared		X	
	Justified		X	
	Effective		X	
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Original Comment:</p> <p>We generally support this policy. However, the notes refer particularly to the openness of the campus in relation to the Broadway. We consider all the open space to be important. In particular the aspect of the trees facing Gorway Road and the open area adjacent to Highgate Avenue. We think these should be accorded equal status. The reference to 'surplus to requirement' in the policy is not clear enough about the amenity value of those areas not facing the Broadway.</p> <p>Further Comments:</p> <p>We welcome the fact that 'surplus to requirement' has been removed but still believe the policy vague on amenity value, particularly for areas not on the Broadway.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)
<p>The policy should specifically seek to protect the amenity value of the area surrounding the campus, including areas not visible from the ring road.</p>

Modification Number				
GB2 Green Belt, MMSAD21				
Do you support or object to the modification?				
Oppose				
(Preferable to Original Policy but seeking further improvement)				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified			
	Effective		x	
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Original Comment:</p> <p>We generally support this policy but it should refer specifically to access to a proposed site. Many proposals in Green Belt are in locations where access is poor. There may be a lack of public transport or adequate pavement for example.</p> <p>Further Comment:</p> <p>While the modification picks up most of our concerns it does not address the issue of lack of pavement on some roads in the Green Belt which is a road safety concern.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)
Refer to the need to ensure there is adequate, safe access by foot.

Modification Number				
T4 Strategic Highway, MMSAD55				
Do you support or object to the modification?				
Object (Preferable to Original Policy but seeking further improvement)				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified			
	Effective		X	
	Consistent with national policy		X	

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Original Comment:</p> <p>The transport policies have largely been saved from the UDP. However, that predates NPPF and associated NPPG guidance. T4 (g) is thus rather out of date. One way to resolve this may be to reference the need to meet the three policy requirements of NPPF Para 32. The NPPG also suggests Travel Plans should be developed alongside proposals so a reference to these as well as to Transport Statements should be added.</p> <p>Further Comment:</p> <p>Policy updated but still no reference to Travel Plans. This should be added to be consistent with NPPG.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)
Refer to need for travel plans.

Your ref
Our ref DP1-10
Ask for [REDACTED]
Email [REDACTED]



District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YX

Direct Line [REDACTED]
Customer Services 01543 308000

Planning Policy - Regeneration and Development
Economy and Environment
Walsall Council
Civic Centre
Darwall Street
Walsall
WS1 1DG

13th December, 2016

Dear Sir,

Walsall Site Allocation Document – Pre-Submission Proposed Modifications

Thank you for the opportunity to comment on the aforementioned modifications.

Lichfield District Council have considered the Pre-Submission Proposed Modifications and the responses made to their representations. It is considered that significant changes have been made and the only outstanding concerns relate to the proposed modifications to Policy EN1 as outlined on the attached representation form.

Yours faithfully

[REDACTED]
Spatial Policy and Delivery Manager
Economic Growth



Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD24 and OMSAD31				
Do you support or object to the modification?				
Support subject to Natural England being satisfied that the modifications proposed are sufficient.				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	x		
	Justified	x		
	Effective	X*		
	Consistent with national policy	x		
X* Subject to the views of Natural England				

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>It is noted that considerable changes have been made to the plan and it has been amended to include reference to the Cannock Chase SAC and that Walsall intend to act similarly or in accordance with the Cannock Chase SAC Partnership's Memorandum of Understanding and this is supported.</p> <p>However as stated in our previous representation there is a considerable body of evidence which concludes that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15km radius of the SAC will have an adverse impact upon the integrity of the SAC and map 7.2 does not reflect this. The evidence prepared by Footprint Ecology has been accepted at Local Plan Examinations at which Walsall Council chose to appear and challenge the evidence, however the evidence and approach was found sound.</p> <p>Therefore whilst Lichfield District Council tentatively welcomes and supports the modifications in respect of the Cannock Chase SAC, this is subject to Natural England being satisfied that the approach is robust and effective.</p> <p>On more minor matters the phrase 'to the extent' should be deleted from paragraph 2 on page 115 to reflect the evidence and 'in combination' effects.</p> <p>In addition the impacts arise not just from a net increase in houses, it is a net increase in dwellings, and paragraph 3 should be amended to reflect this.</p>

Lichfield District Council (as a member of the SAC Partnership) wish to reserve the right to appear at any subsequent hearings should this be necessary.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

MMSAD24

Subject to Natural England being satisfied that the approach is robust and effective only the following minor modifications are proposed, (also subject to the agreement of Natural England):

Paragraph 2 p115 delete 'to the extent' and replace with 'and'

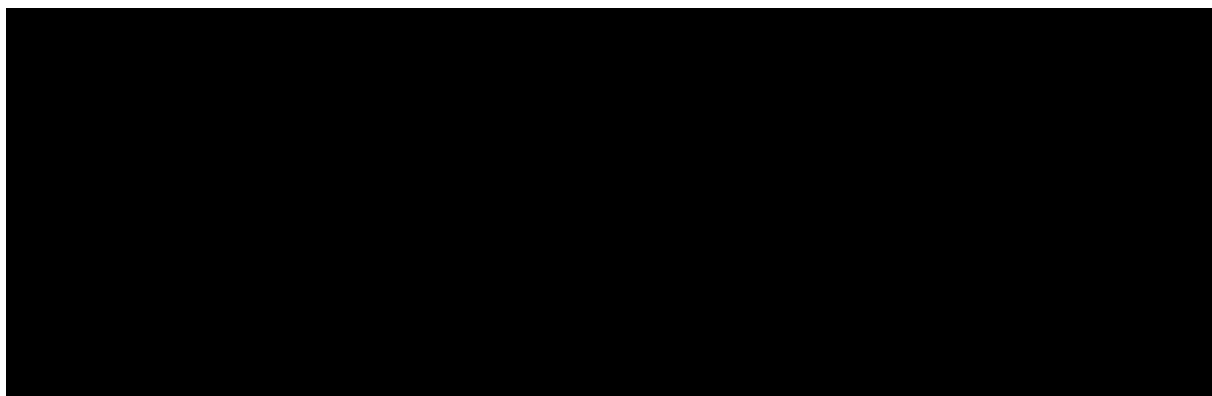
Paragraph 3 delete 'houses' and replace with 'residential'

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

Request to be notified

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



BEACON ACTION GROUP

Resisting insensitive development in the Green Belt

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

19 December 2016

Dear Sir,

Re: Further consultation on the SAD

Thank you for inviting us to comment further the draft Sites Allocation Document and for the revisions in particular to the policy EN 7 relating to Great Barr Hall and Listed Parkland.

We remain to be concerned about safeguarding the special character of the estate, and listed parkland in particular, and the Council's stated objective to secure its enhancement through careful control of development

Since the revised listing of Great Barr Hall by Historic England from Grade ii* to grade ii the emphasis on protecting the parkland is of paramount importance, as enabling development within the parkland is likely to contribute to its destruction. For that reason proposed enabling development will require very careful consideration as it is generally considered to be the least suitable option.

In particular we wish to suggest that reference be made to the following points:

1. The lakes - as these are an integral and important feature of the parkland all planning applications should include both lakes within a fully prepared Landscape Management Plan as any application without such information is considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but include the parkland in its entirety.
2. Redundant buildings – these should be identified and included on the plan
3. Walled Garden - this is part of the Netherhall Estate and as such was identified and subject to conditions set by the Planning Inspector at the Public Inquiry in 2004.. We have not seen any application to change the conditions. We also believe other issues on Netherhall are outstanding – the repairs to the Gothic Bridge and full implementation of the Landscape Management Plan.
4. Alternative ownership - We agree that the potential for alternative forms of ownership, such as a Trust, ought to be considered as this is most likely to be supported. Adjacent areas within the green belt are already owned and or managed by such organisations and it would seem appropriate that this site along with the

proposed management of the Netherhall site be considered for inclusion in a similar arrangement.

5. Agricultural land - situated along the Chapel Lane / Suttons Drive boundaries and east of the Hotel continuing to the site of Great Barr Hall was identified by the Ministry of Food and Fisheries at an earlier Public Inquiry in 1984 and confirmed to be prime quality agricultural land which until last year continued to be farmed on an annual basis. This valuable prime quality farmland should be identified within the plan and retained for future generations.

6 Access to the site - .the Planning Conditions following the Public Inquiry regarding access to the Great Barr Hall estate stated that there should be, '*No access to the development site for motor vehicles except emergency service vehicles, shall be made to the site other than from the improved access onto Queslett Road.*' We wish to strengthen this clause with further clarification regarding controlled access to the site from Chapel Lane. – We have very recently learned from the Bovis Landscape team that they have this currently under review and that they may be installing gates at either end of the drive with a potential for access by pedestrians.

I have also identified suggested changes to the revised SAD and these are contained within the attached document which I trust you may find helpful.

Yours sincerely

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

Chairman Beacon Action Group

SAD – Schedule of Pre-Submission Modifications
 MMSAD30 Revised text and mapping for Great Barr Hall and Estate

19/10/2016

It is proposed that the text and the Map on these pages should replace all of the policy and supporting text for Great Barr Hall as set out in the Publication Draft of the SAD. The changes reflect the decision of Historic England in September 2016 to amend the listing of the Hall and Chapel from Grade II* to Grade II.

7.10 Great Barr Hall and Estate

Great Barr Hall and Chapel (Great Barr Hall) is a Grade II listed building that **originally formed** the focus of the Great Barr Hall registered park and garden which is, while also listed Grade II, is of higher importance in a regional and local context than its national grading implies, as it is the largest example of a landscape park and **with the derelict remains of its** associated house in the Black Country. These assets form part of the wider Great Barr Hall Park and estate which is the Borough's largest single area of historic and nature conservation importance.

The estate is in fragmented ownership which makes it difficult to coordinate a comprehensive scheme of management covering all of these aspects. For the above reasons, it is the subject of a specific policy which seeks to achieve the following objectives:

1. Recognise the relationship between Great Barr Hall and the registered park and garden and the wider estate
2. Safeguard the future of the heritage assets by taking care to avoid causing harm to the heritage assets and their settings **by inappropriate development.**
3. Encourage the preservation, enhancement and improvement of the significance of heritage assets including the **Historic parkland and lakes,** buildings of architectural or historic interest and the Great Barr Conservation Area.
4. Ensure any **proposed** development **will be kept to an absolute minimum, achieve** a high quality and standard of design while complementing, preserving **and enhancing** the character of the estate **and parkland in particular.**
5. ~~Limit~~ **Prevent** the impact on sites of nature conservation and environmental value
6. Facilitate public access to/within the estate and improve connectivity to the surrounding area.

Part of the estate that was formerly St Margaret's Hospital has been redeveloped as housing over the last few years, **with the remainder of the Listed Parkland** in that part of the estate has yet to be **completely** restored and both Great Barr Hall listed building and its Registered Park and Garden are on the 2016 Heritage at Risk

Register (albeit the Hall is included as a Grade II* listed building). The Hall is rated as 'very bad' condition and Priority A (Immediate risk of further rapid deterioration or loss of fabric; no solution agreed), which is the highest level of risk on the Heritage at Risk Register. As with the Hall itself, the Grade II Registered Parkland is rated at one of the highest levels of Risk on the Heritage at Risk register with condition of "Extensive Significant Problems", high vulnerability and a trend of declining.

It is important to recognise the relationship between the Registered Park and Garden and the Hall which means a comprehensive approach to their management is required as without the parkland the setting and context of the Hall would be lost. Historic England have recently reviewed

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the listing status of Great Barr Hall and Chapel, and downgraded it from Grade II* to Grade II which is a reflection of its current condition and loss of historic fabric. In accordance with the NPPF a policy is necessary to address the heritage at risk status of the Hall and registered parkland and to prevent the continued decay and eventual loss of the heritage assets. By ensuring that appropriate development is allowed for and providing guidance on the most suitable areas for this, we hope to be able to secure a viable future for the Hall, the parkland and other heritage assets.

Policy EN7: Great Barr Hall and Estate and the former St. Margaret's Hospital

a) The area of Great Barr Hall and Estate and the former St. Margaret's Hospital is shown on the Policies Map.

The Council will ensure that the issues and constraints relating to the future of this Estate are considered in a comprehensive and long term manner. Any proposed works within this boundary will need to take the following in to consideration:

Overall estate

b) All proposals must provide for:-

- i. An assurance that the linkages and relationship between the Hall and the park and garden are retained, including key views both within the park and the wider landscape.
- ii. Functionally, visually and environmentally satisfactory arrangements for vehicular access from Queslett Road; the Council will require the developer to meet the costs of necessary off-site highway improvements. Any Access from Chapel Lane should be ~~minimised~~ **restricted** for environmental and traffic management reasons. **(public inq condition)**
- iii. The preservation and enhancement of the character and appearance of the Great Barr Conservation Area
- iv. Evidence of how they will contribute and relate to the aim of achieving a comprehensive approach towards the future use and management of the Estate.
- v. Sensitively designed and located development, **which may be located elsewhere in the Borough**, in order to be in keeping with, and minimise the impact upon heritage assets and/ or historic landscape and their settings in line with the NPPF
- vi. The contribution the proposal makes to the aim of achieving a comprehensive approach to the conservation of the significance of the site of Great Barr Hall, the historic landscape of the Registered Park and Garden and the wider setting of

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the Conservation Area (where applicable).

- c) The Council promotes good design that respects the character appearance and quality of the area, it will **robustly** seek to resist **all** development where the following occur:
- i. Where buildings are no longer extant and the use has been abandoned.
 - ii. Poor design that fails to take account of the opportunities available for improving the character, quality and appearance of the area and the way it functions.
 - iii. Development causing harm to environmentally sensitive areas, **the Green Belt and Conservation Areas especially.**
 - iv. Development that negatively impacts on the openness of the Green Belt or setting of the heritage assets, and has a footprint and height exceeding that of the buildings to be replaced. Replacement development shall be designed so that it has less environmental impact than the buildings it replaces.

Enabling development

- d) Enabling development will be justified only insofar as it is necessary for the restoration and maintenance of the heritage assets and where the likely impact in terms of the Listed Buildings, Registered Park and Garden, Conservation Area and Green Belt Policies are outweighed by benefits for securing the future of the estate's heritage assets. If any scheme for enabling development is proposed it should:
- i Follow the guidance in the Historic England's Policy Statement 'Enabling Development and the Conservation of Significant Places'¹, or any further up to date guidance from Historic England.
 - ii. **Give full consideration** ~~consider~~ **to allowing** whether the enabling development **can be located** ~~could be provided off~~ **this sensitive** site.
 - iii Ensure the economic viability of the proposal is properly tested and market driven. The applicant (should) make sure that the Council can also test these figures as necessary through the provision of a **an independent** Financial Assessment. Enabling development must be justified by the inherent lack of viability of the significant place, not the owner's inability to fund a commercially viable scheme.

¹ Historic England (2012 – as English Heritage), available online at <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation->

- iv. Be able to provide for the ongoing **long term maintenance** of the hall and **in particular** the park, **lakes** and garden.

Park and Garden

- e) The Grade II Registered Park and Garden is a unique feature in the Black Country and provides the setting to Great Barr Hall; any proposals within the **designated** park and garden should consider the following:
- i. The potential for alternative forms of ownership such as a trust
 - ii. The preservation, enhancement and management of the historic landscape, which includes areas of the UK BAP Priority Habitat – Wood Pasture and Parkland; Sites of Importance for Nature Conservation and other areas of nature conservation value, as well as key views. **Including the designated Landscape plan provided by Bovis as condition set at the Public Inquiry.**
 - iii. The reinstatement and re-use of key parkland buildings, structures or features where supported by historic evidence such as:

The lakes, boat house, bridges and associated structures in **particular the Gothic Bridge as detailed in the conditions set at the Public Inquiry .**

The walled garden **as detailed in the conditions set at the Public Inquiry.**

The park pale or wall, other walls of the estate, gateways and historic pathways **with regard to the Secured by Design recommendations from West Midlands Police.**

The reinstatement of planting and **removal of unwanted species.**
- f) Where historic evidence has not demonstrated the details of historic buildings, structures or features, an innovative approach to their design should be adopted in accordance with BCCS Policy ENV2 and other relevant policies of the Local Plan.
- g) Applicants must demonstrate how schemes will provide for controlled public access to Great Barr Park without detriment to the heritage assets, nature conservation interest, landscape quality, amenity of the site and areas of archaeological interest.

Great Barr Hall and Chapel

- h) This is currently a Grade II listed building which **together with the lakes** forms the focal point of the park and garden. In considering development of the Great Barr Hall and Chapel any harm caused must be 'wholly exceptional' in line with the NPPF ;and should consider the following:

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- i. The potential for alternative forms of ownership such as a trust
- ii. The **long term** viability for the retention and restoration of the Hall and Chapel
- iii. Any development or restoration should be in accordance with the policies of the BCCS ENV2, ENV3 and UDP ENV27, ENV33
- iv. The range of potential new uses and an assessment of harm upon the Hall's significance utilising Historic England's 'Conservation Principles, Policies and Guidance'²
- v. An assessment of the impact on biodiversity in accordance with SAD policy EN1, relevant UDP Saved Policies, BCCS policy ENV1 and the NPPF.

This area is affected by the following Assets and Constraints (see Chapter 2)

ACCESS, AW, CA, CON, F2, F3, GB, LB, lb, Inr, MSA, NO2, NOISE, OS, PG, prow, SINC, SLINC.

7.10.1 Policy Justification

The area covered by Policy EN7 is shown in Map 7.4. It includes the Grade II Listed Great Barr Hall and Chapel and the majority of the Grade II Registered Park and Garden which forms the core area of the Hall's parkland. Two sections of the Registered Park are not covered by EN7; the first of these is located to the south west of the main area of the Park in Sandwell Metropolitan Borough Council. This also provides a continuation of the Green Belt and includes open space and nature conservation sites, policies for this area are set out in plans by Sandwell Council. The second section of the registered park not covered by EN7 is the area labelled as Merrion's Wood, to the north of Chapel Lane.

Historic England (2008 – as English Heritage), available online at <https://historicengland.org.uk/images-books/publications/conservation-principles->

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The section of the Registered Park known as Merrion's Wood forms part of the estate and is connected to it by the line of a carriage drive. It has been omitted from policy EN7 as it is a Local Nature Reserve and therefore subject to policies EN1, EN2 as well as to Green Belt policies. Any planning proposals that might affect Merrion's Wood appear likely to have to be considered in terms of any possible implications for the Great Barr Estate and similarly proposals for the Great Barr Hall Estate would seem likely to have to consider the relevant implications for Merrion's Wood.

The whole area covered by Policy EN7 falls within the Great Barr Conservation Area, as well as being in the Green Belt – which is not shown in map 7.4 in order to aid clarity for the other issues. ~~Both Great Barr Hall and the Registered Park are on the Heritage at Risk register.~~

Great Barr Hall and Estate and the former St Margaret's Hospital site form a large complex site which is further complicated by fragmented ownership. The designated heritage assets such as the Listed Buildings and Registered Park and Garden do not cover the full extent of the historic parkland landscape, which has been incrementally eroded by developments since the start of the 20th century.

This policy seeks to ensure a coordinated approach to the management and development of the Great Barr Hall Estate and former St Margaret's Hospital site in order to ensure adequate weight is given to the consideration of the impacts upon the heritage assets, nature conservation sites and their setting as a whole. Additionally there are likely to be further undesignated heritage assets relating to the Hall and Park within this wider landscape.

In order to cover the complex issues facing the estate the policy has been divided into themes and areas drilling down from the wider landscape issues through to the hall itself at the centre of the estate.

The policy starts with the issues that will impact on all aspects of the estate such as impacts on the character of the area, the need for high quality design and requirements for traffic management. The second section of the policy addresses the issues surrounding the use of enabling development to fund restoration of the heritage assets; the third section relates to the issues facing the Park and Garden and the fourth section covers the issues faced by Great Barr Hall itself.

Overall Estate

The Estate and former hospital grounds include a number of sites designated for nature conservation, and as open space, as well as being part of the Wood Pasture and Parkland BAP Priority Habitat. The designated nature conservation sites are:

- The Duckery – SINC and Ancient Woodland
- St Margaret's Hospital Grounds – SINC
- Land East of Chapel Lane – SLINC

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High Wood – Ancient Woodland
 Gilberts Wood – Ancient Woodland
 Fox Plantation – Ancient Woodland

In the wider area, two Local Nature Reserves – Merrion's Wood LNR and Holly Wood LNR (in Sandwell) are located just outside the area covered by SAD Policy EN7 and care should be taken to ensure that the impact of development on these sites is minimised.

The redevelopment of the former St Margaret's Hospital is nearing completion, and is subject to an agreed scheme for the restoration and future management of that part of the site which lay within the developer's control. It is expected that any further development at Great Barr Hall and Estate will be limited to the following:

- a) Restoration of Great Barr Hall (which may include conversion to appropriate viable use);
 - b) Enabling development to fund the restoration of the Hall, Parkland or other heritage assets where justified
 - c) Development on the site of the Former Nurses' Accommodation. It is envisaged that approximately 12 dwellings could be accommodated in this area.
 - d) Development on the site of the Queslett Centre, Lakeview Close. Outline planning permission was granted in 2010 for 7 dwellings, although this permission has lapsed
- Development of c) and d) will be limited to the footprint and massing of the former buildings on these site

Further constraints on development within the Great Barr Hall and Estate and former St Margaret's Hospital include high voltage power lines; below ground watercourses; **a 36 inch water main connected to Barr Beacon Reservoir**, the presence of the M6 corridor along the western edge of the estate which has impacts of noise pollution and poor air quality that may render certain areas of the site unsuitable for any development; and the impacts of development within the site area on the setting of several listed buildings which are outside the site in both Walsall and Sandwell including St Margaret's Church which is an important focal point in the Parkland.

Enabling development

Due to the hall and estate being in private ownership and although grant funding and alternative ownership opportunities should be investigated, the most likely source of funding comes from private investment. On the basis of experience over recent decades the Council considers that it needs to take a positive and flexible approach to attracting private investment and managing it to best secure a sustainable future for the heritage assets whilst protecting the local environment so far as possible. We have to recognise that part of this approach may require the consideration of some aspect of enabling development to secure the future of the heritage assets – **although this may be located elsewhere within borough.**

Schedule of Pre-Submission Modifications

It is important to note that this is not restricted to using enabling development to fund the restoration of the Hall, but that it could also be used to provide for the parkland and other heritage assets of the area. Furthermore, the enabling development does not have to take place on the estate, but could be built elsewhere. Any proposals for enabling development must follow the guidance set out by Historic England including that in 'Enabling Development and the Conservation of Significant Places'³ (2008, Historic England – as English Heritage). This includes a financial justification that identifies and defines both the need (condition of the heritage assets and the means and costs of addressing the problems) and the scale of development necessary to meet the need. The financial justification should be detailed enough for the Council or their consultants to be able scrutinise and assess it fully to ensure that an informed decision can be reached. Information on the process is included in the Customer Guide to completing Planning Obligations which is available on the Council website at:

www.walsall.gov.uk/section_106_agreements

Park and Garden

The park and gardens at Great Barr Hall were laid out by a number of designers over many years, including Shenstone, Repton and Nash, as well as featuring buildings designed by George Gilbert Scott. It is also the largest registered Landscape Park in the Black Country which means that it has regional as well as local importance.

The policy encourages the reuse and reinstatement of structures and buildings in the parkland and acknowledges that some of these buildings may need to be replaced with new buildings if it is shown that they are in such a deteriorated condition that they cannot be restored or repaired and adapted to new uses. The designs of new buildings that replace key structures in the parkland should be influenced by their context and enhance the unique attributes of the character and heritage of the area.

For both existing and new buildings the Council will encourage sympathetic use and design recognising the significance of the buildings, the historic fabric and their setting in conjunction with the Historic England's guidance on Constructive Conservation and 'Conservation Principles, Policies and Guidance' available online at: www.historicengland.org.uk/advice/constructive-conservation

In respect of all aspects of the maintenance, restoration and development of the hall and / or of the park and garden the Council will seek high quality design that takes proper account of its context and supports the overall improvements of the estate. Historically respectful solutions and / or innovative proposals which provide high quality of design that enhances the original parkland vision will be preferred.

Great Barr Hall and Chapel

Great Barr Hall and Chapel is a Grade II listed building ~~and is on the 2016 heritage at risk register under its previous grading of II*~~.

³ Historic England (2012 – as English Heritage), available online at <https://historicengland.org.uk/images-books/publications>

From: [REDACTED]
Sent: 17 November 2016 16:38
To: planningpolicy
Subject: Fwd: FW: Planning 2026: Have Your Say - Pre-Submission Proposed Modifications Consultation
Attachments: image008.jpg; image009.jpg; Combined Statements of Representations Procedure.pdf

Kind regards

[REDACTED]

[REDACTED]
Strategic Planning and Development Manager
Planning and Development Group
Transport and Economy
Communities Group
Warwickshire County Council

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Website: www.warwickshire.gov.uk/environment

Hi

Thank you for consulting Warwickshire County County Council on the Pre-Submission Proposed Modifications.

The County Council has no observations to make on this consultation.



www.bbcwildlife.org.uk/LNP

Response under the Duty to Co-operate (Sect. 110 the Localism Act 2011)

Walsall Site Allocation Document Pre-Submission Modifications Plan Showing modifications agreed post-publication Pre-Submission Consultation Stage November 2016

13th December 2016

Thank you for giving the Birmingham & Black Country Local Nature Partnership (B&BC LNP) the opportunity to comment on the Walsall Site Allocation Document Pre-Submission Modifications Plan. The comments below reflect the strategic perspective of the B&BC LNP's Vision, Purpose and Ambition. Further information about the B&BC LNP is available at the above website.

The **Vision** of the Local Nature Partnership is:

"To represent and champion the essential role of the natural environment in achieving a vibrant, healthy and prosperous Birmingham and Black Country."

The **Purpose** of the Partnership is focussed around Place, Business, People and Partnership priorities:

Place - To be a driver for positive change by making visible and championing the unique qualities and functions of the Birmingham and Black Country natural environment in terms of its ecological, cultural, aesthetic, economic and health values inherent in the delivery of ecosystem services, working to the Government's national environmental objectives, international requirements and local objectives.

Business - To be a driver for economic growth and championing the role of the natural environment as an employer and wealth creator, to support the ongoing development of a quality business environment, leading to a high quality, healthier workforce and excellent accessibility including active travel for investors, visitors and employees.

People - To work closely with Local Authorities, Local Enterprise Partnerships and Health and Wellbeing Boards to support the delivery of the Birmingham & Black Country Nature Improvement Area (B&BC NIA) aspirations, contributing locally to the Government's national environmental objectives.

Partnership - By working with stakeholders to establish a partnership of partnerships at a strategic level, the LNP will influence policy, decision making and actions to ensure, integrated, long-term sustainable and resilient benefits, adaption to climate to climate change, ecosystem services and environmental gains for nature, people and the economy.

The **Ambition** of the Partnership is:

To be internationally recognised with every person living and working in Birmingham and the Black Country having equitable access to green and blue infrastructure, including local green space.

Our **Target** is:

For every person living and working in Birmingham and the Black Country to have access to green space, including a diverse range of ideally natural green space, within 5 minutes (300 m) of their home and workplace.

The B&BC LNP expressly supports the following modifications:

OMSAD21 – Policy OS1 Open Space, Sport and Recreation

MMSAD17 – Policy LC5 Greenways

6.2.1 & 6.2.2 – the Trust welcomes the reference the Birmingham & Black Country Local Nature Partnership State of the Environment Dashboard in text and evidence.

MMSAD22, MMSAD23 – Policy EN1 Natural Environment Protection, Management and Enhancement

OMSAD30 – additionally the text amendment here should clarify that SINC and SLINC designations are overseen and endorsed by the Birmingham & Black Country Local Sites Partnership (B&BC LSP), of which Walsall Council is a partner (final para. p.112). This paragraph and Table 7.1 should explain that the B&BC LSP carries out this role according to guidance from DEFRA (DEFRA (2006) Local Sites Guidance on their Identification, Selection and Management).

MMSAD24 + text in 7.4.1, 7.4.2, 7.4.3, and 7.4.4 - Natural Environment Protection, Management and Enhancement

OMSAD32 & OMSAD33 - 7.5 Ancient Woodland – the B&BC LNP supports the modifications.

MMSAD26 & MMSAD27 - Policy EN4: Canals

MMSAD30 – Policy EN7 (& supporting text) Great Barr Hall and Estate

MMSAD38 - Policy M2: Safeguarding of Minerals Infrastructure – the B&BC LNP notes that *c) Where sites are affected by existing environmental constraints this will also be an important material consideration, and proposals should demonstrate compliance with relevant local plan policies and national policy guidance on the protection of the environment.* The LNP emphasises its' support for this paragraph of Minerals policy.

The B&BC LNP trusts that the comments set out above are helpful.

██████████
Chair, Birmingham & Black Country Local Nature Partnership

██████████
Co-ordinator, Birmingham & Black Country Local Nature Partnership

13th December 2016

From: [REDACTED]
Sent: 15 December 2016 12:12
To: planningpolicy
Subject: SAD Pre-Submission Modifications Consultation BBCWT Response

For the attention of: Planning Policy, Walsall Council

Thank you for giving the Birmingham & Black Country Wildlife Trust the opportunity to respond to the main and other modifications in the above document. The Trust supports the following modifications:

MMSAD2 - 2.3.1 (f) Water

OMSAD21 – Policy OS1 Open Space, Sport and Recreation

MMSAD17 – Policy LC5 Greenways

6.2.1 & 6.2.2 – the Trust welcomes the reference the Birmingham & Black Country Local Nature Partnership State of the Environment Dashboard in text and evidence.

MMSAD22, MMSAD23 – Policy EN1 Natural Environment Protection, Management and Enhancement

OMSAD30 – additionally the text amendment here should clarify that SINC and SLINC designations are overseen and endorsed by the Birmingham & Black Country Local Sites Partnership (B&BC LSP), of which Walsall Council is a partner (final para. p.112). This paragraph and Table 7.1 should explain that the B&BC LSP carries out this role according to guidance from DEFRA (DEFRA (2006) Local Sites Guidance on their Identification, Selection and Management).

MMSAD24 + text in 7.4.1, 7.4.2, 7.4.3, and 7.4.4 - Natural Environment Protection, Management and Enhancement

OMSAD32 & OMSAD33 - 7.5 Ancient Woodland – we support the modifications. To clarify, ancient woodland mapping information is generally not available on the Birmingham & Black Country Wildlife Trust or EcoRecord websites. It is best to contact both via our usual means.

MMSAD26 & MMSAD27 - Policy EN4: Canals

MMSAD30 – Policy EN7 (& supporting text) Great Barr Hall and Estate

MMSAD38 - Policy M2: Safeguarding of Minerals Infrastructure – the Wildlife Trust notes that c) Where sites are affected by existing environmental constraints this will also be an important material consideration, and proposals should demonstrate compliance with relevant local plan policies and national policy guidance on the protection of the environment. The Trust emphasises its' support for this paragraph of Minerals policy.

Technical Appendix for the Preferred Option Document: Updated Nature Conservation Designations – we support the list of designations.

The Trust hopes the comments are helpful and should clarification or further information be needed please contact us.

[REDACTED]
Principal Ecologist

Birmingham & Black Country Wildlife Trust

15th December 2016

[REDACTED]
Principal Ecologist

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
OMSAD27				
Do you support or object to the modification?				
object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified		X	
	Effective		X	
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Pre-Submission Modifications Plan (October 2016 page 106) states: ‘... <i>that it is not necessary to alter the Green Belt boundary in this plan.</i>’</p> <p>However, Appendix A1 (Publication Consultation 7th March-3rd May 2016 Schedule of Representations Received and Responses by the Council page 22) suggests an alteration to the Green Belt boundary to accommodate such sites as Gould Firm Lane (see Pre-Submission Modifications Plan (October 2016) HC4: Accommodation for Gypsies and Travellers and Travelling Showpeople page43) would be made, thus creating an inset in the Green Belt. This intention has been confirmed through written clarification of the above Council Responses to Representations with a member of the Planning Policy Team. This is a departure from the original SAD documents which, like the Modification Plan (cited above,) clearly states no alterations will be made to Green Belt boundaries. Indeed, Pre-Submission Modifications Plan (October 2016 page 106) states: ‘...<i>However, there are three cases where the SAD allocates existing developed sites in the Green Belt... The second is the allocation of two small existing traveller sites, with temporary or personal permissions, as permanent sites</i>¹².’</p> <p>The consequent implication is that the power of the Council to adopt a Plan which has not proposed changes to Green Belt boundaries in the Plan, yet intends to alter Green Belt boundaries without public consultation, is called into question. To reiterate, changes to the Green Belt boundaries have not been considered through</p>

the Plan yet NPPF (March 2012, Department for Communities and Local Government, page 19) suggests: *'Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.'*

Instead these boundary changes have been raised only by the Council Responses to Representations document and by individual clarification communication. Indeed, they were identified at such a late stage that representations on this could not have been sought. The right of the public to be consulted on such boundary changes is a pre-requisite of the process, and as this has been lacking, would be suitable subject matter for an official complaint. Additionally, that the current owners may choose to vacate the land and sell to a buyer who may decide to return the land to a field without the need for planning permission, would thwart the intention of delivering a traveller site, so further supports the notion of an undeliverable plan.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

If due process has not been adhered to, and ownership of the land has not been considered fully, the site at Gould Firm Lane should be removed from the Plan. Instead, the current status quo should be maintained. This is that the current occupiers have permission approved by the Secretary of State in 1992 for a maximum of 4 mobile caravans for them their children and grandchildren, and that should the land be vacated it will return to Green Belt.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD4¹				
Do you support or object to the modification?				
OBJECT				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified		X	
	Effective			
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>The proposed modification to exclude the Wards Pool Site of Importance for Nature Conservation (SINC)² from the boundary of proposed housing allocation HO303 under proposed modification MMSAD4, in conjunction with proposed modification MMSAD13 (to allocate the excluded area of SINC as open space), is not considered to be necessary or justified.</p> <p>It should be noted that this representation is not an objection to the Wards Pool SINC designation or an objection to the importance of nature conservation, but an objection to the complete removal of the SINC area from proposed allocation H0303 and the reallocation of this area as open space.</p> <p>The site (HO303) was granted full planning permission on 23/08/2008 under reference 08/0394/FUL for the <i>“Demolition of existing buildings and erection of 304 houses and apartments, revised access, amenity areas, parking and associated works. (Resubmission of 07/2465/FL/W2)”</i>.</p>

¹ It should be noted that due to the intrinsically interconnected nature of proposed modifications MMSAD4 and MMSAD13 an identical representation is being submitted for each of these proposed modifications.

² SINC ID Number WA098.

The relevant pre-commencement conditions of 08/0394/FUL have been discharged and we understand that development has materially commenced on site within the prescribed period, lawfully implementing the permission and enabling it to remain extant. The approved development includes for the construction of dwellings within part of the Wards Pool SINC area, along with provision of appropriate mitigation.

It is recognised that the development proposal was approved against the provisions of the adopted Walsall UDP (2005). UDP Policy ENV9 identified that *“Development which might directly or indirectly destroy, damage or adversely affect a Local Nature Reserve (LNR) or Site of Importance for Nature Conservation (SINC) will not be permitted unless it can be clearly demonstrated that there are reasons of overriding regional significance which outweigh its level of nature conservation importance. If development is permitted on a SINC, compensatory provision of equivalent value will be required for areas destroyed or damaged.”* The policy therefore seeks to prevent development in a SINC unless it can be clearly demonstrated that there are important considerations which override this, in association with provision of suitable mitigation. In approving application 08/0394/FUL, the Council deemed the application proposals capable of compliance with this policy.

The adoption of the Black Country Core Strategy in 2011 and publication of the NPPF in 2012 have since altered the planning policy position. Core Strategy Policy ENV1 identifies that: development will not be permitted where it would harm SINC; adequate information must be submitted with planning applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed; where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a SINC, damage must be minimised; any remaining impacts, including any reduction in area, must be fully mitigated; compensation will only be accepted in exceptional circumstances; and a mitigation strategy must accompany relevant planning applications.

Core Strategy Policy ENV1 is a more detailed and prescriptive policy than UDP Policy ENV9. However the general focus and requirements of Core Strategy Policy ENV1 are not considered to be significantly different or significantly more onerous than UDP Policy ENV9. In addition, the NPPF does not outright prevent development in SINC, but instead states³ that planning permission should be refused if significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for.

Whilst extant permission 08/0394/FUL is technically capable of being implemented, new development proposals are being prepared for this site which reflect the current housing market requirements. Our client wishes to highlight that pre-application discussions held with Walsall Council officers since July 2015 have not identified a need, on planning policy grounds, to exclude the SINC in its entirety from development proposals on this site and instead have emphasised the need to ensure that the nature conservation value of the site is not diminished by introducing a new human population into the neighbourhood and that the proposals should be accompanied and informed by ecological survey work.

³ NPPF paragraph 118.

When the proposed amendment to proposed allocation HO303 was queried with Walsall Council officers in December 2016, prior to the submission of this representation, the justification provided⁴ included proposing that:

- The SINC is potentially unsuitable for residential development and that the removal of the SINC from HO303 will avoid conflict and overlap between housing and SINC designations⁵;
- The industrial allocation proposed to the south of the site represents a new consideration given the potential proximity of what are often considered to be conflicting uses;
- Any residential scheme to include the land would need to demonstrate that the proposal does not harm the SINC and any mitigation measures included as part of any application would form a material consideration; and
- There is a need to consider the potential benefits of excluding the SINC from the development including its ability to act as a buffer to any future scheme to the south and serve as open space.

The Site Allocations Document will not change the Wards Pool SINC designation or the provisions of Core Strategy Policy ENV1, and these will both therefore remain in place and will need to be taken into consideration through residential development proposals considered for the site in the future, including through demonstration that the proposals do not harm the SINC and identification of any necessary mitigation measures. There is therefore not considered to be a policy conflict if proposed housing allocation HO303 includes the SINC.

It is also not clear why the statement that “*part of the SINC is the subject of an existing planning permission*”⁶ is a reason to exclude the SINC from proposed housing allocation HO303. Our client contends that the fact that it has already been deemed acceptable for part of the SINC to accommodate development further supports the case to retain the SINC within proposed allocation HO303. It is considered that Walsall Council has not provided sufficient justification for excluding the SINC area from housing allocation HO303.

Furthermore, it is not considered to be the place of a site allocations document to allocate where open space should be located within a housing allocation, particularly where the open space allocation (MMSAD13) appears to be based on the interpretation of development control assumptions rather than actual evidence of need and / or harm.

The design and layout of any development proposals on the HO303 site should, in any event, take account of the current status of any industrial proposals for the former Moxley Tip (proposed industrial site IN122) to the south, and vice versa. It should not be necessary to enforce the inclusion of an area of open space within a planning policy document in order to achieve appropriate mitigation. This is not considered to be any different to how future industrial development proposals on the Moxley Tip site

⁴ Email from Walsall Council dated 09 December 2016.

⁵ This rationale has also been given within on page 40 of the SAD – Schedule of Pre-Submission Modifications as a reason to justify proposed modification MMSAD13.

⁶ SAD – Schedule of Pre-Submission Modifications. Page 40. Justification provided for MMSAD4 and MMSAD13.

would need to respond to the residential development proposals currently pending determination on the eastern part of the Moxley Tip site⁷. If necessary, the need for delivering appropriate mitigation or the achievement of suitable amenity as part of new development can be included within the wording of the Site Allocation Document housing and employment policies or supporting text.

Therefore, as was the case for the layout approved under extant permission 08/0394/FUL, it is considered that any development proposals for housing on site HO303 should be allowed to take account of the SINC, decide where open space should be provided on the site, and take account of the relationship between the proposed development and existing / planned adjacent properties, as part of the comprehensive design of the development proposals, to ensure that the most appropriate scheme for this site is achieved. This is of particular relevance to site HO303 due to the fact that the western edge of the site is undevelopable due to the location of power lines along this boundary, which itself creates an opportunity to accommodate open space and nature conservation enhancements.

It should also be noted that proposed housing site HO303 site has been identified as a regeneration priority site by both the Council and the HCA and also features as a housing site within regeneration framework documents produced previously for Darlaston and Moxley. The site is within the Core Strategy Regeneration Corridor 5 (RC5). The RC5 map shows a Housing Growth Area and Housing Renewal Hub in the general vicinity of the site. The site is therefore considered to be an important site for the Borough for delivering housing through regeneration.

Some remediation has already taken place on the southern area of the site. There will however be a need to remediate the northern part of the site, at considerable cost, given the history of industrial activity on the site. There is a concern that removing the SINC area from the housing allocation and allocating this as open space, with the assumed presumption that no development will take place within the open space allocation area, rather than retain an element of flexibility in how land uses are delivered across the site in a comprehensive proposal (and taken account for through the S106), will effectively fix the development area to the (currently unremediated) part of the site north of the SINC and east of the power lines. If strictly adhered to it will result in a lower housing delivery on the site, place an even greater pressure on site viability and therefore has the potential to unnecessarily compromise the regeneration potential of the site.

The NPPF⁸ makes it clear that *“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive*

⁷ Application ref 16/0466. Site of Former Moxley Tip, Moxley Road, Darlaston. Reserved matters application to planning permission 10/1382/TE to determine external appearance, scale, layout, access and landscaping for 65 houses. Application valid 15/03/2016. Pending determination.

⁸ NPPF paragraph 173.

returns to a willing land owner and willing developer to enable the development to be deliverable”.

It is contended that the full implications of removing the SINC from housing allocation H033 and reallocating the SINC area as open space, and associated implications on layout, deliverability and viability for this important regeneration site, have therefore not been fully considered and evidenced through the plan-making process. It is ‘in principle’ possible for development to take place on the site, including some development within the SINC area, without destroying the nature conservation value of the site, through the submission of a mitigation strategy and suitable ecological reporting.

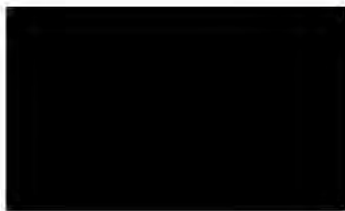
Therefore it is considered that the removal of the SINC area from allocation HO33 and allocation of this area as open space is not justified and that proposed main modifications MMSAD4 and MMSAD13 should not be made.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Proposed main modifications MMSAD4 and MMSAD13 should not be made.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.



Re: Pre-submission proposed modifications consultation.

Date: 11/12/2016

Dear Sir/Madam.

Thank you for your consultation letter of 7/11/2016 concerning the area developments plan for W.M.B.C covering the next ten years. As statutory land owners we have no objections to any major land developments or proposed dev modification in this area provided the land owners and developers in question cover the damages/costs of the highways infrastructure on land that forms part of the outstanding U.D.P within our ownership.

We would refer you to government circulars planning obligations, also 1/97 (B9) of the T.C.P Act of 1990 sec (65) (106)(9).

We would also refer to the public open space (town and district centres) the Brownhills market land area. Refer to sec (74) of the national planning policy framework, in reference to a local community asset, also the new local community infrastructure levy on all new developments. As you know this new local tax was put in place in order to give authorities a new income. Any profits should be ploughed back for the benefit of the local community. Currently we are of the opinion that developers are not being encouraged to fund local facilities.

Yours Sincerely,



ECONOMY AND
ENVIRONMENT

RECEIVED



Valerie Vaz MP

UR 2052



**House of Commons
London SW1A 0AA
Tel: [REDACTED]**

**Member of Parliament for Walsall South
Shadow Leader of the House of Commons**

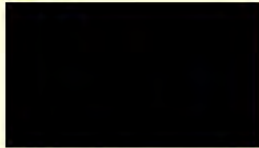


Chief Executive
Walsall MBC
The Civic Centre
Darwall Street
Walsall WS1 1TP

Our Ref: p/ciw/GBH/SAD response

By post and email

19 December 2016



Dear

Walsall Site Allocation Document (SAD)

I refer to your letter dated 25 November 2016 and received on 30 November 2016.

Policy EN7 – Great Barr Hall and Parkland

It remains the case that Policy EN7 is wholly unwarranted and conflicts with the National Planning Policy Framework (NPPF).

The NPPF is very clear at Section 9 Para 87: "...Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". EN7 does not meet this test. Enabling development is not an appropriate exception to the NPPF Green Belt policy (Para 89, 90). Additionally, not only is this Green Belt land but also listed Historic Parkland.

The Council have attempted to justify EN7 on the grounds that Great Barr Hall was listed Grade II* and that it was on Historic England's Register of Buildings at Risk.

As I previously stated in my submission to the Council dated 2nd May 2016, enabling development was never justifiable for this site, and now two fundamental changes have occurred since this policy was discussed by the Council's cabinet in July 2016:

1. Historic England's regrading of Great Barr Hall to Grade II, confirmed in September 2016.
2. The removal of Great Barr Hall from Historic England's Register of Buildings at Risk, confirmed in December 2016.

Therefore the Council's policy of including a clause on enabling development is rendered redundant and wholly without justification even on its own terms of policy development.

Clearly any further attempt to retain enabling development as a policy for Great Barr Hall would be completely unreasonable and/or irrational.

It should never be the Council's rationale to frame policy to open the public purse to incompetent or unscrupulous businesses, or to subsidise property speculation: Policy EN7 remains vulnerable to both.

The listed Historic Parkland of Great Barr Hall remains on Historic England's 'at risk register'. Therefore any policy should focus on the preservation and restoration of the Historic Parkland.

Great Barr Hall and the Historic Parkland has been in private ownership for many years now following disposal by the NHS. This period of ownership has been catastrophic for the preservation of the historic buildings and historic environment.

The Council should recognise this and be framing policy that supports community involvement in the restoration and preservation of this site. The local community value the Historic Parkland and the natural environment which includes ancient woodland – a set of priorities that is now echoed by Historic England.

There are many opportunities for funding restoration of the Historic Parkland that are open to Community groups, such as Heritage Lottery Funding.

It is noted that the Walled Garden is included in the policy and it is not clear why it should be in the policy. The Council must be aware that one of planning permission conditions for the current development of the site owned by Bovis is the restoration of the Walled Garden – a condition not yet met by Bovis even though the development of the rest of the site is nearing completion.

I note that the Council has also requested that observations are made under the following headings:

Positively prepared

On the contrary, in my view policy EN7 was devised to support the particular requirements of the current owners, and the yet to be determined planning application submitted in 2013.

There is no justification for the Council's bias towards enabling development for Great Barr Hall and the Historic Parkland.

The fundamental problem with EN7 is that it is a policy promoting development not a policy promoting protection, conservation and preservation of the historic environment. It sits within the Site Allocation Document (SAD) which identifies sites for development.

Justified

The justification for a separate policy for Great Barr Hall has always been its listed status as Grade II* - 'a particularly important building of more than special interest'.

In September 2016 Historic England downgraded Great Barr Hall's listing status to Grade II following confirmation that the Secretary of State for Culture Media and Sport agreed with Historic England's recommendation. This means that Historic England agrees that Great Barr Hall has no more merit than the other 160 Grade II listed buildings within the Borough.

This should have been sufficient to render the proposed policy EN7 redundant.

Instead further revisions have been made to the policy. The focus being switched by the Council to the status of Great Barr Hall as being listed on Historic England's Register of Buildings at Risk.

In December 2016 Historic England removed Great Barr Hall from its Register of Buildings at Risk.

Therefore the Council's policy of including a clause on enabling development is rendered redundant and wholly without justification even on its own terms of policy development.

Clearly any further attempt to retain enabling development as a policy for Great Barr Hall would be completely unreasonable and/or irrational.

Effective

EN7 is not effective as a policy to protect the historic environment of the Great Barr Hall Historic Parkland. On the contrary in its original proposed form its effect would have been quite the opposite. Accusations that this proposal was brought forward to support the current planning application for Great Barr Hall or any appeal against refusal would be difficult to deny.

Consistent with national policy

It remains the case that Policy EN7 is wholly unwarranted and conflicts with the National Planning Policy Framework (NPPF).

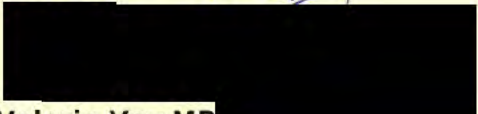
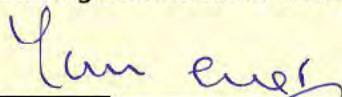
The NPPF is very clear at Section 9 Para 87: "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Enabling development does not fall within the exceptions to the NPPF Green Belt policy (Para 89, 90). Further, not only is this Green Belt but also listed Historic Parkland.

It is not consistent with national policy. There is no requirement for a local authority to introduce a policy to support enabling development. It is very clear that there is a nationally agreed procedure for dealing with planning applications that propose enabling development.

The fundamental problem with EN7 is that it is a policy promoting development not a policy promoting preservation and conservation of the historic environment. It sits within the Site Allocation Document (SAD) which identifies sites for development.

It is not the responsibility of the Council, representing the people of Walsall, to financially support property speculators, or landowners who buy property without the financial means to fulfil their responsibilities as the landowner.

The Council needs to look beyond the recent ownership of Great Barr Hall and support policies that will ensure the Historic Parkland is saved and restored for the benefit of future generations of Walsall residents.



Valerie Vaz MP

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
Do you support or object to the modification?				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified			
	Effective			
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
PLEASE SEE SEPARATE SHEET

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

PLEASE SEE SEPARATE SHEET

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

PLEASE SEE SEPARATE SHEET

Walsall SAD Pre-Submission Modifications Stage Response Form

Policy HC1, site HO208 - Hancock Town Planning on behalf of [REDACTED]
[REDACTED]

Comments on why the modification does not meet the test of soundness

The indicative capacity of housing site HC1 HO208, '*Land at Stencill's Farm (north of Mellish Road, area outside Green Belt)*' is unrealistic and unachievable. Having examined the site in detail, prepared an indicative layout and undertaken pre-application discussions with the Council (15/0099/PREAPP), a more realistic guideline figure of approximately 10 dwellings is appropriate for the non-Green Belt part of the site. This is because of the site's restrictive shape and the need to retain certain trees within the development area.

We also **object** to the non-inclusion of the narrow strip of Green Belt land immediately within the caravan site boundary within the allocated site. This approximately 10 m strip of Green Belt land lies within the lawful fence and hedge boundary of the commercial use of the site. The inclusion of this very small area of Green Belt land within the allocated site would significantly increase the capacity of the site without any harm to the openness of the Green Belt.

What changes do you consider would be needed to make the modification meet the tests of soundness?

If the Council continues to restrict the allocation to exclude the small strip of Green Belt land within the caravan storage site, then the guideline capacity of the site should be reduced to 10.

If the allocation boundary is amended to reflect the existing boundary of caravan storage use, which we consider it should, then the guideline capacity of the site should be stated as approximately 13.

From: [REDACTED]
Sent: 19 December 2016 15:33
To: planningpolicy
Subject: Walsall SAD - Pre-submission Proposed Modifications Consultation - HE response to MMSAD30
Attachments: WALSALL SAD - pre-submission_modifications_stage_sad_response_form - HE response Dec 16.doc

Dear [REDACTED]

Please find attached Historic England's response in relation to the proposed modifications. We would be pleased to continue to work with you ahead of the hearing dates in order to try and resolve outstanding concerns.

Kind regards, [REDACTED]

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

[REDACTED]

For the first time ever, you can now share your knowledge and photos on the nation's list of historic buildings and places www.historicengland.org.uk/ETL #ListEngland

We help people understand, enjoy and value the historic environment, and protect it for the future. Historic England is a public body, and we champion everyone's heritage, across England. Follow us: Facebook | Twitter | Instagram Sign up to our newsletter

For the first time, we are opening up The List asking people to share images, insights and secrets of these special historic places to capture them for future generations. Can you help us #ListEngland?

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available.

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD30				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified			
	Effective		X	
	Consistent with national policy		X	

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>The revised policy wording and justification text does not address concerns raised previously in relation to the inclusion of 'enabling development' within the site allocation policy. Enabling development in the heritage sense is development which is unacceptable in planning terms but for the fact that it would bring public (heritage) benefits to justify it, and which could not otherwise be achieved. As such, the inclusion of the wording within the site allocation policy would look to undermine this. As advised and discussed previously, Historic England would welcome the opportunity to continue to work with the Council in order to address these concerns ahead of the Plan's Examination in Public.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Omit reference to enabling development from Policy EN7 and its associated text by highlighting heritage aspirations without reference to enabling development. As advised and discussed previously, Historic England would welcome the opportunity to continue to work with the Council in order to address these concerns ahead of the Plan's Examination in Public.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

N/A

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
OMSAD 31				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	X		
	Justified	X		
	Effective		X	
	Consistent with national policy	X		

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Natural England welcomes in principle the changes the Council has made and offers the following comments. These are made in order to address those parts of the modification where the plan's effectiveness in our view may otherwise be compromised/insufficient.</p> <p>The purpose of this new map would appear to be to show the extent of the 0-8km 'zone of payment' around the Cannock Chase SAC.</p> <p>However the title of the maps shown in the 'schedule of pre-submission modifications' and the associated 'publication draft plan pre-submission modifications-final2' document are not consistent.</p> <p>In addition, in both documents the map key refers to the '8Km zone of influence'.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

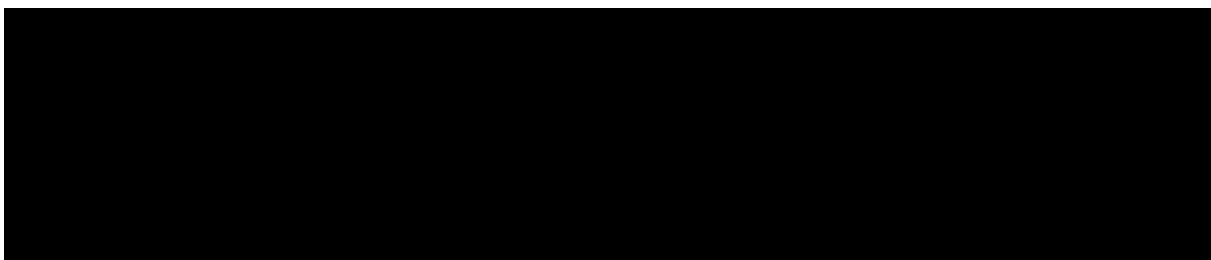
1. The title for the new map 7.2 should be made consistent and should read; '8 km zone of payment surrounding Cannock Chase SAC'
2. The map key should also be amended to read '8 Km zone of payment' against the relevant map annotation.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

Request to be notified

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



Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD24 and OMSAD31				
Do you support or object to the modification?				
Support provided that Natural England are satisfied that the modification is sufficient.				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	x		
	Justified	x		
	Effective	X*		
	Consistent with national policy	x		
*Subject to Natural England views				

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Cannock Chase Council (as a member of the Cannock Chase SAC partnership) is pleased to see that the proposed submission plan now includes modifications to ensure that the impacts of development upon the Cannock Chase SAC will be mitigated for via Walsall Council acting in accordance with the MoU to which the other members of the Cannock Chase SAC partnership are signatories (MMSAD24). However, it should be noted, as per Cannock Chase Council's representation to the earlier (pre modification) Publication SAD, that the Cannock Chase SAC Zone of Influence does in fact extend to 15km (as covered by the MoU) albeit with the majority of visitors arising from within the smaller 8km zone which is specifically referenced in the plan and shown on Map 7.2 (Modification OMSAD31). Whilst Walsall Council continue to state that they do not agree with the interpretation of the evidence in relation to the Zone of Influence (page 5 of the SAD), as set out in our earlier representation, this evidence has already been tested through various Examinations in Public.</p> <p>Therefore whilst Cannock Chase Council tentatively welcomes and supports the modifications in respect of the Cannock Chase SAC, it is emphasised that Natural England will need to be satisfied that the approach is robust and effective. Cannock Chase Council – as a member of the SAC Partnership – would therefore like to reserve the right to appear at any subsequent hearings should this be necessary.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

None, but only provided that Natural England are satisfied.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

Comments

Please state clearly the modification you are commenting on – include the modification number, policy reference, site reference(s) and/ or chapter titles where relevant.

To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.

Modification Number				
GOSCOTE COPPER WORKS				
Do you support or object to the modification?				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			X
	Justified			X
	Effective			X
	Consistent with national policy			X

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)

I did not personally view the modified plans however my neighbour did and could not find any real change from previous plans.

I think that the Councils mind is already made up as to where the sites are going to be and are just making it difficult for residents with all this form filling.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Move the allocated sites to the affluent areas of the borough. No need to mention where as the council already know.

I would like to say I'm not against travellers but how can any decent folk say otherwise when we all see the chaos they leave behind.

I am a hardworking, law abiding citizen who pays my way in life, along with the rest of my family and quite frankly do not want travellers on my doorstep.

Comments

Please state clearly the modification you are commenting on – include the modification number, policy reference, site reference(s) and/ or chapter titles where relevant.

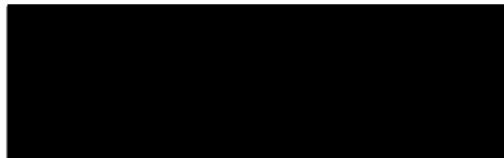
To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.

Modification Number				
WALSALL SITE ALLOCATION GYPSY AND TRAVELLER SITES				
Do you support or object to the modification?				
OBJECT				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared		X	
	Justified		X	
	Effective		X	
	Consistent with national policy		X	

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)

my objections are still the same
as my letter to you

I believe the Cascoate Copper
works site will serve the
people of Walsall if it is
a housing site.



9. 12. 2016

Comments

Please state clearly the modification you are commenting on – include the modification number, policy reference, site reference(s) and/ or chapter titles where relevant.

To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.

Modification Number				
ELKINGTONS SITE BOSCOT LANE				
Do you support or object to the modification?				
OBJECT				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified			
	Effective			
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)

My objections still stand
as from my previous letters.
However I am more concerned
now ~~that~~ that Gosport Lodge Crescent
has been proposed for an estimated
for 100+houses by W.H.G.

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD41				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	x		
	Justified	x		
	Effective	x		
	Consistent with national policy			x

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>The policy continues to acknowledge that planning permission already exists for the extraction of Brick Clay on the Highfields North Site – which accords with National planning policy which seeks to retain these finite resources to meet the demands of future generations.</p> <p>It has previously been acknowledged by all parties that the site is not without its challenges but this does not detract from its value as a finite and diminishing resource (especially given the situation regarding raw material supplies available to Walsall's existing brickworks which is fully explained in the Plan).</p> <p>The latest modifications seek to impose further restrictions on the manner in which the site can be worked and restored but it must be borne in mind that the working of the site is very much controlled by the structure, quality and content of the underlying mineral deposit. Given the restricted nature of the site and the vagaries of the deposit it is highly unlikely that the site could be viably worked without disturbing the whole of the SSSI designation within it – either for extraction purposes or overburden storage. The policy accepts [point (f)] that 'mineral extraction within this site will therefore permanently destroy at least some of the site's special features' (my emphasis) but requires [point (g)xv] that the entirety of the worked area covered by the SSSI designation must be restored to recreated wildlife habitats, of similar or</p>

enhanced value to those currently present. There is a clear inconsistency here. The policy continues by requiring that the restored land should be publicly accessible natural green space and that consideration should be given to alternative forms of ownership (conservation trust, community group) to take on the ongoing management of the site. However well-meaning the intention here, I am not sure that planning policy should be seeking to control such matters.

The supporting text suggests that the required end-uses are consistent with those agreed previously with the land owner in a S106 Agreement – the implication being that there should be no objection now to those required end-uses now. It is important to remember, however, that this was at a time (1996) when the Council was agreeing to take ownership of the whole parcel of land (which it subsequently never did) and after the site had already been designated as an SSSI (1994) despite the fact that the site benefitted from the mineral extraction permission which had been in place since 1966.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

It is apparent that the Highfields North Site is subject to (at least) two diametrically opposed aspirations. On the one hand there is an existing planning permission which allows (subject to an approved scheme of working) the extraction of a valuable and diminishing brick clay resource (this Company already imports quantities of clay to support all three brickworks in Walsall from Shropshire). On the other hand a natural habitat has developed on the site which is considered to be of sufficient importance and value to warrant designation as an SSSI.

In these circumstances it is not considered possible, or consequently 'sound', to attempt to introduce policies which seek to protect both interests entirely. Working the site will destroy the SSSI (and it is doubtful that following many years of extraction and backfilling with inert materials that the SSSI features would be capable of replacement). Retaining the SSSI (in whole or part) will not be possible whilst working

the site as it would render extraction completely unviable.

The Council must decide where its priorities lie.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

Request to be notified

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD26				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared		x	
	Justified		x	
	Effective			x
	Consistent with national policy			x

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>The modification requires an HRA, in due course, to demonstrate no negative impact on the Cannock Extension Canal SAC from the restoration of the Hatherton Canal on the indicative route. This is notwithstanding that boating is already permitted, without restrictions (apart from the speed limit) on the Wyrley and Essington Canal where it connects to the southern end of the Cannock Extension Canal, and the indicative route for the Hatherton Canal connects to the Wyrley and Essington Canal several hundred of meters away from the junction between the Wyrley and Essington and Cannock Extension Canals.</p> <p>The EN (2274) objection incorrectly asserts that the proposed route for the Hatherton Canal directly connects to the Cannock Extension Canal. It has no such connection – the interconnecting canal is the Wyrley and Essington and this is presently fully open for navigation without restrictions.</p> <p>The modification suggests that a heritage trail or greenway may be provided along the indicative route and asserts that this is consistent with the restoration of the canal. It is not – the absence of a navigable connection from the Wyrley and Essington Canal via the Hatherton Canal to the Staffordshire & Worcester Canal completely undermines the project – in the same way as a railway route with a missing section of rail would not represent a through connection.</p>

Further, the modification proposes that the impact of the canal restoration proposal be assessed together with the impacts from the mineral extraction in the Brownhills area. Clearly these are two distinct possible projects, led by distinct organisations. Surely it is for the Local Planning authority to assess the planning applications received from the LHCRT and the Potters Clay Company as and when they are received. The applications are very unlikely to be submitted at the same time and it would be wholly unreasonable to expect one applicant to be able to predict what impacts, and mitigation measures, would be associated with another applicant's proposals – particularly if those proposals are still some years away from being written. This modification represents a significant dereliction of duty by the planning authority by requiring applicants to be able to predict and assess each other's proposals – rather than assessing each planning application as it is submitted and requiring whatever mitigation proves to be necessary for that application.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Delete the proposed modification MMSAD26 in its entirety.

As an alternative, item i of the proposed modification should not include the words:

and take into account the cumulative impacts from other development that could affect the canal, such as mineral extraction in the Brownhills area.

AND

the final sentence of the proposed modification should be amended to read, Should the technical work be unable to demonstrate that the project is deliverable and any significant adverse effects of the project cannot be avoided or mitigated, proposals to designate the line of the restoration project as a heritage trail and / or green corridor will be supported providing such proposals would not preclude future proposals to restore the navigable through connection from the former Hatherton Branch Canal to the Wyrley and Essington Canal alongside the section of heritage trail or within the green corridor.

Modification Number				
MMSAD27				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared		X	
	Justified		X	
	Effective			
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>The modification proposes that a heritage trail or greenway may be provided along the indicative route and asserts that this is consistent with the restoration of the canal. It is not – the absence of a navigable connection from the Wyrley and Essington Canal via the Hatherton Canal to the Staffordshire & Worcester Canal completely undermines the project – in the same way as a railway route with a missing section of track would not provide a through connection and would have limited value as two ‘dead ends’.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Delete the proposed modification MMSAD27 in its entirety.

As an alternative, the final sentence of the proposed modification could be amended to read,

While the council supports the restoration of canal links as provided in BCS ENV4, in the event that the necessary technical work does not support the project under the currently-applicable constraints, the council will be supportive of alternatives to safeguard the land identified on the Policies Map as a heritage trail and / or green corridor provided that such proposals would not preclude future proposals to restore the through connection from the former Hatherton Branch Canal to the Wyrley and Essington Canal alongside the section of heritage trail or within the green corridor.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
OMSAD33				
Do you support or object to the modification?				
Object				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	Yes		
	Justified	Yes		
	Effective		No	
	Consistent with national policy	Yes		

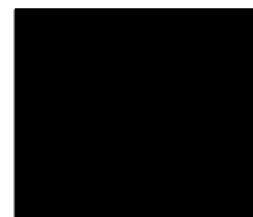
Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>We are pleased to see the addition of the reference to the “Natural England and the Forestry Commission ‘Ancient woodland and veteran trees: protecting them from development” document. But we are objecting because this paragraph 7.5.2 does not include a reference to the Draft Urban Forestry Strategy for Walsall 2016-2026 (April 2016) that was consulted on earlier this year. This will be an important planning policy document for trees and woodland and should therefore be referenced as well.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Include a reference in the text to the Urban Forestry Strategy in paragraph '7.5.2 Evidence'.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.



19 December 2016

Planning Policy Directorate
Walsall Council
Civic Centre
Darwell Street
Walsall
WS1 1DG

Dear Sirs

Further comment on the Site Allocation Document in particular SAD EN7 which relates to the Great Barr Hall Estate and Listed Parkland.

Thank you for giving consideration to the previous consultation to the Sites Allocation Document and the opportunity to add further comments.

We are concerned that enabling development continues to be a viable option to restore Great Barr Hall. The current revised document can be accommodated on an alternative site at another location in the borough but not in the Green Belt.

The decision by historic England to remove the star from the previous Grade 11* listing increases the importance of the historic listed parkland when compared with the now derelict Hall, which by virtue of this type of development would ultimately lead to its destruction.

The removal of the lakes from the current application and lack of any detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but must include the entire parkland.

The Council's objective should be to safeguard, secure and enhance the whole of the original parkland including that belonging to Bovis Homes Limited.

This should include careful control of any further development with, if necessary sympathetic change of use for redundant buildings..

I agree that the potential forms of ownership such as a Trust would be acceptable. Adjacent areas are already owned and managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement

The benefit to the community is extremely beneficial to the area as a whole within the boundaries of Walsall, Sandwell and Birmingham.

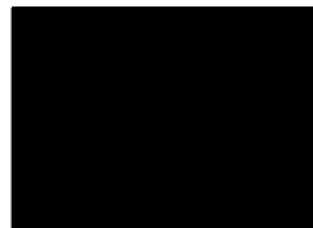
The benefit to the community far outweighs the detrimental effect brought about by the proposed changes to the landscape within the parkland

There appears to be no mention in the document of the nationally recorded prime quality agricultural land situated within the hospitals parkland off Chapel Lane which until recent years was regularly harvested.. The document should record its status as a potentially value asset.

I note that the recommendation that vehicular access from Chapel Lane should be minimised for environmental and particularly traffic reasons and suggest that it should be changed to restricted access.

Yours sincerely





19 December 2016

Planning Policy Directorate
Walsall Council
Civic Centre
Darwell Street
Walsall
WS1 1DG

Dear Sirs

Further comment on the Site Allocation Document in particular SAD EN7 which relates to the Great Barr Hall Estate and Listed Parkland.

Thank you for giving consideration to the previous consultation to the Sites Allocation Document and the opportunity to add further comments.

We are concerned that enabling development continues to be a viable option to restore Great Barr Hall. The current revised document can be accommodated on an alternative site at another location in the borough but not in the Green Belt.

The decision by historic England to remove the star from the previous Grade II* listing increases the importance of the historic listed parkland when compared with the now derelict Hall, which by virtue of this type of development would ultimately lead to its destruction.

The removal of the lakes from the current application and lack of any detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but must include the entire parkland.

The Council's objective should be to safeguard, secure and enhance the whole of the original parkland including that belonging to Bovis Homes Limited.

This should include careful control of any further development with, if necessary sympathetic change of use for redundant buildings..

I agree that the potential forms of ownership such as a Trust would be acceptable. Adjacent areas are already owned and managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement

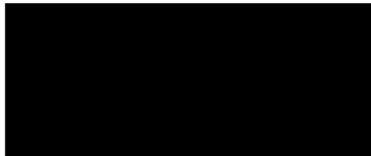
The benefit to the community is extremely beneficial to the area as a whole within the boundaries of Walsall, Sandwell and Birmingham.

The benefit to the community far outweighs the detrimental effect brought about by the proposed changes to the landscape within the parkland

There appears to be no mention in the document of the nationally recorded prime quality agricultural land situated within the hospitals parkland off Chapel Lane which until recent years was regularly harvested.. The document should record its status as a potentially value asset.

I note that the recommendation that vehicular access from Chapel Lane should be minimised for environmental and particularly traffic reasons and suggest that it should be changed to restricted access.

Yours sincerely

A solid black rectangular box redacting the signature of the sender.

Further comment on the Site Allocations Document in particular SAD EN7 which relates to the Great Barr Hall Estate and Listed Parkland.

Thank you for giving consideration to my previous consultation on the Sites Allocation Document and the opportunity to add further comments.

I remain to be very concerned that enabling development remains to be a viable option to restore Great Barr Hall, unless as stated in the current revised document it can be accommodated on an alternative site elsewhere in the borough but not in the Green Belt.

The decision by Historic England to remove the star from the previous Grade II* listing increases the importance of the historic listed parkland when compared with the now derelict Hall, which by virtue of this type of development would ultimately lead to its destruction.

The removal of the lakes from the current application and lack of any detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but include the parkland in entirety.

The council's objective should be to safeguard, secure and enhance the whole of the original parkland, including that belonging to Bovis Homes Limited should be strengthened. This should include careful control of any further development with, if necessary sympathetic change of use for redundant buildings.

I agree the potential alternative forms of ownership such as a Trust, would be welcome. Adjacent areas are already owned and or managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement.

The benefit to the community is hugely beneficial to the local community within the boundaries of Walsall, Sandwell and Birmingham, being within the local community is of paramount importance and the benefit to the community must outweigh any disadvantage or detrimental affect brought about by proposed changes to the landscape within the parkland.

There appears to be no mention in the document of the nationally recorded prime quality agricultural land situated within the historic parkland off Chapel Lane which until recent years was regularly harvested. The document should record its status as a potentially valuable asset.

I note the recommendation that vehicular access from Chapel Lane should be minimised for environmental and traffic reasons and suggest that this should be changed to restricted access.

To: Planning Policy Directorate, Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1DG.



23rd April, 2016

The Planning Policy Directive,
Walsall Council,
Civic Centre,
Darwall Street,
Walsall,
WS1 1DG.

Dear Sir/Madam,

SITE ALLOCATIONS DOCUMENT EN7

Thank you for reviewing my previous comments about the above application.

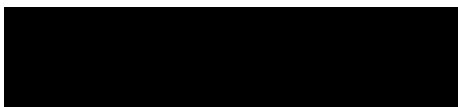
We do still have some concerns that the enabling development for Great Barr Hall is still a possibility. Historic England have removed the star from Great Barr Hall grade II listing thus increasing the importance of the park lands compared with the derelict hall this leading to the possibility of the hall being destroyed.

We would want reassurance that the park lands would not be divided up and the park land should be kept as a whole. We would hope the council would safeguard this important and beautiful park land and carefully control any possible development especially in regard to any development of redundant buildings.

Alternative forms of ownership would be a good idea such as a trust, this would benefit the community.

Chapel Lane is not built for heavy traffic and we would suggest that any access for vehicles should be restricted access.

Your sincerely,



From: [REDACTED]
Sent: 19 December 2016 13:39
To: planningpolicy
Subject: Further comment on the Site Allocations Document in particular SAD EN7 which relates to the Great Barr Hall Estate and Listed Parkland.

I am writing to make additional comments on the Sites Allocation Document issued earlier this year.

It is disappointing that the enabling development remains to be a viable option to restore Great Barr Hall, unless as stated in the current revised document it can be accommodated on an alternative site elsewhere in the borough but not in the Green Belt.

Historic England has removed the star from the previous Grade II* listing and this increases the importance of the historic listed parkland which, as a result of the proposed development will be severely altered and damaged.

The removal of the lakes from the current application and lack of any detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but include the parkland in entirety.

Walsall Council's objective should be to safeguard, secure and enhance the whole of the original parkland, including land belonging to Bovis Homes Limited should and the Local Authority should include careful control of any further new development with, where appropriate, sympathetic change of use for redundant buildings.

I would support an alternative form of ownership such e.g. a Trust. Adjacent areas are either owned or managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement.

I strongly maintain that benefit to the community must outweigh any disadvantage or detrimental affect brought about by proposed changes to the landscape within the parkland.

There appears to be no mention in the document of the nationally recorded prime quality agricultural land situated within the historic parkland off Chapel Lane which until recent years was regularly harvested. The document should record its status as a potentially valuable asset.

I note the recommendation that vehicular access from Chapel Lane should be minimised for environmental and traffic reasons and suggest that this should be changed to restricted access.

[REDACTED]

[REDACTED]



ST MARGARET'S CHURCH

GREAT BARR

The Parish Office
St Margaret's Church
Chapel Lane
Great Barr
Birmingham B43 7BA

Tel: [REDACTED]
Email: [REDACTED]

16 December 2016

Planning Policy Directorate
Walsall Council
Civic Centre
Darwall Street
Walsall
WS1 1DG

Dear Sirs

Site Allocation Document – Walsall Comments on Amendments to SAD EN7 – Great Barr Hall & the Listed Parkland

Having now had time to evaluate what appears to be a complete rewrite with regards to Great Barr Hall estate and following the change in listing of the Hall from Grade II* to Grade II, we are pleased to see that the document now takes into account the importance of the historic parkland and the synergy of the parkland and hall so that any future proposals would have to consider the whole of the estate and the wider Great Barr Conservation Area.

With regards to any enabling development, although we are pleased to see that the criteria have been strengthened so that any proposals would have to take into account the effect on the parkland and grounds as well as the house and that if there were proposals for an enabling scheme, it could be built elsewhere in Walsall and not in the greenbelt so as to prevent destruction of the parkland. It is curious that there has been no mention of the fact that the land is recorded as being prime quality agricultural land. In fact, a local farmer was harvesting a hay crop from the land on Chapel Lane twice a year until this year.

The church is glad to see the recommendation that, due to traffic and environmental reasons, vehicular access from Chapel Lane should be minimised. There are regular traffic problems along the whole of Chapel Lane and the traffic calming measures make it unsuitable for larger vehicles.

Yours faithfully

[REDACTED]
Church Warden

[REDACTED]
Church Warden

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD17				
Do you support or object to the modification?				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified			
	Effective			
	Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>The policy has been modified to identify the Canal network as 'Greenways'</p> <p>The Trust supports the recognition of the canal network as part of the green infrastructure network.</p> <p>Canals typically have a strong character and identity; a 'sense of place'. This identity can be specific to a certain area, waterway or even a specific length of waterway. These characteristics are important to the built and cultural heritage of the waterway network and are critical to the public's enjoyment of the waterway corridor.</p> <p>It is therefore important that this is recognised and it is acknowledged that enhancements to 'Greenways' should pay particular regard to the type and function of the Greenway subject of the works. Proposals will need to balance any enhancements, such as the provision of lighting, with the protection and enhancement of the canal network's heritage and wildlife value.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Para 6.3.1. the second paragraph should be extended as follows:

The type, function and character of existing 'Greenways' such as the canal network will need to be taken into account and proposals will need to balance their multi-functional nature protecting and enhancing not only their function as 'Greenways' but also their cultural, heritage and ecological value.

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number			
MMSAD26			
Do you support or object to the modification?			
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))			
	Yes	No	Not Sure
Positively prepared			
Justified			
Effective			
Consistent with national policy			

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>As stated previously the Trust supports the provision of a specific canal related policy to guide developments and ensure that they respect and enhance the character of the waterways.</p> <p>The Trust's earlier comments appear to have been take on board and the following amendments made: At part b) v. "applicable" has been replaced with "appropriate". At part d) v. "canal side" has been replaced with "canalside". At part e) "water course" has been replaced with "watercourse".</p> <p>The policy has been further amended to expand reference to and requirements for the restoration of the Hatherton Canal. The Trust welcomes the requirements for any future restoration projects to fully consider the environmental impact however though we would wish to engage further with the LPA and Natural England to determine whether the additions to the policy are necessary.</p> <p>As stated previously the navigation along the Cannock Extension Canal is the responsibility of the Canal & River Trust and it is not considered appropriate for a planning policy to</p>

specifically restrict boat movements. The impact of any additional boat movements could be subject to further assessment.

The Trust is aware of the requirements to be a 'Competent Authority' under the Habitats Regulations (2010) and the desire of the Local Authority to be consistent with adjoining authorities such as Cannock Chase District Council. The policy however appears to go further in relation to the requirements placed on the Hatherton Restoration than other adjoining Authorities.

The Trust are keen to ensure that the restoration line is safeguarded within the SAD but wish to confirm that the policy requirements as set out are justified and based on up-to-date assessments of the location and likely impacts of the restoration line. This is not clear in the submission and therefore we would seek discussion with the LPA and Natural England on these modifications.

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

From: [REDACTED]
Sent: 14 November 2016 10:50
To: planningpolicy
Subject: Re: Planning 2026: Have Your Say - Pre-Submission Proposed
Modifications Consultation

Dear Sir/Madam.

Thank you for consulting Peterborough City Council on your Pre-Submission Proposed
Modifications
Consultation. The Council has no comments to make.

Kind regards,

[REDACTED]
Strategic Planning Officer
Sustainable Growth Strategy
Peterborough City Council
Town Hall, Bridge Street
Peterborough
PE1 1HF

Email: [REDACTED]
Telephone: [REDACTED]

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

Please consider the environment before printing this email

From: [REDACTED]
Sent: 19 December 2016 16:41
To: planningpolicy
Subject: SAD EN7 Relating to Gt Barr Hall Estate and Listed Parkland

Thank you for giving consideration to my previous consultation on the Sites Allocation Document and the opportunity to add further comments.

i am concerned that the enabling development remains to be a viable option to restore Gt Barr Hall, unless as stated in the current revised document it can be accommodated on an alternative site elsewhere in the borough but not in the Green Belt.

The removal of the star from the previous Grade11* listings increases the importance of the historic listed parkland when compared with the now derelict Hall, which by virtue of this type of development would ultimately lead to its destruction.

The removal of the lakes from the current application is unacceptable. It should be made clear that all future proposal should not seek to segregate parcels of land but include the parkland in its entirety.

I agree the the potential alternative forms of ownership such as a Trust, would be welcome. Adjacent areas are already owned or managed by such organizations. it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement.

It would be very beneficial to the whole of the local community within Walsall, Sandwell and Birmingham.

It should be noted in the document that the land within the historic parkland is prime quality agricultural land Until recently was regularly harvested.

Yours Sincerely

[REDACTED]



WALSALL COUNCIL

SITE ALLOCATION DOCUMENT
PRE-SUBMISSION MODIFICATION
RESPONSE

FMR DEELEYS CASTING

DECEMBER 2016

REPRESENTATIONS ON BEHALF OF:

ST FRANCIS GROUP (ID: 2121)

Pegasus Group

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Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

1. INTRODUCTION

- 1.1 We are instructed by St Francis Group to make representations on their behalf to the Pre-Submission Modifications to the Walsall Site Allocations Document. St Francis Group owns a number of sites within the Borough including the former Deeleys Castings, Leamore Lane to which this representation relates. In particular it is of note that this site is subject to a live planning application by St Francis Group. This is very well advanced, with the Council resolving to grant planning permission subject to the signing of a S106 Agreement.
- 1.2 This statement has been prepared in response to the to the **schedule of 'Pre-Submission Modifications' that have been** published by Walsall Council following the publication consultation that took place in Spring 2016.
- 1.3 This statement is intended to supplement the original representations submitted by St Francis Group at publication stage.

2. PRE-SUBMISSION MODIFICATIONS

- 2.1 St Francis Group submitted representations in Spring 2016 requesting the former **Deeley's Castings**, Leamore Lane (Site IN328) site to be re-allocated for residential development and the comments contained within these representations still stand.
- 2.2 Notwithstanding the comments submitted at publication stage the pre-submission modifications identified by the Council fail to remedy issues of soundness in respect of Policy IND3 (Retained Local Quality Industry).
- 2.3 St Francis Group recognise that OMSAD14 amends the detail of the identified retained local quality industry sites and updates the status of sites as at 31st March 2016. These changes have identified omissions and have regard to the size of each site taking into consideration further information in respect of assets and constraints and an update as to whether the sites are occupied or vacant as at 31st March 2016. This pre-submission modification results in an increase in the identified land both occupied and vacant, resulting in an overall increase in provision of over 5ha, however it fails to recognise the high probability that site IN328, land at the former Deeleys Castings, is very unlikely to have delivered and therefore represent local quality employment at 2026.
- 2.4 Policy IND3, including pre-submission modifications OMSAD13, OMSAD14, MMSAD10, identifies a total of 343.61ha of local quality retained land to satisfy the Black Country Core Strategy requirement set out in Policy EMP3 (Local Quality Employment Areas). Policy EMP3 identifies a target of 294ha of land of local quality for Walsall.
- 2.5 The BCCS recognises that Local Employment Areas are often most vulnerable to pressure for redevelopment to other uses such as housing and highlights that the loss of too much local employment land will compromise the overall spatial development strategy. However, Policy IND3, including proposed modification, identifies a portfolio of sites that considerably exceeds the 2026 target set out in EMP3 of the BCCS.
- 2.6 The NPPF is clear that **Local Plans should be 'effective' in that the plan should be deliverable over its period**. In respect of the Site Allocations Document it provides an important vehicle for delivering the Joint Black Country Core Strategy.

-
- 2.7 The former Deeleys Castings site has a resolution to grant planning permission for 101 dwellings subject to the signing of a S106 agreement. St Francis are actively progressing negotiations with Walsall Council to allow for the signing of this legal agreement and therefore it is with surprise that the site is still included as a Retained Local Quality Industry Site.
- 2.8 OMSAD14 should recognise the current status of land at FMR Deeleys Castings as having the benefit of a resolution to grant planning permission for residential development and the site removed as an identified Local Quality Industrial Estate within the Policy IND3. There is no intention of the landowner, St Francis Group, bringing forward employment uses on this site; a site that is not required for Walsall Council to satisfy and meet the target identified within Policy EMP3 contained within the BCCS.
- 2.9 Whilst the site is not viably deliverable/developable for employment uses and if allocated would simply fall derelict, it is has been demonstrated that the site is deliverable for residential development.
- 2.10 The site is currently vacant and owned by St Francis Group who are committed to bringing forward residential development on this site. Therefore, the site is available for residential development.
- 2.11 The site has a resolution to grant planning permission for 101 dwellings and is bounded to the south and west by an established residential estate beyond the Walsall Canal, and to the north by the recently constructed estate to the north of Leamore Lane. The site is therefore suitable for residential development.
- 2.12 The site is, by virtue of its location, a sustainable proposition for residential development.
- 2.13 In light of the good progress that is currently being made to update technical information and to progress the S106 agreement, the site should be allocated for residential development within Policy HC1 or, at the very least, included within the list of sites set out within Policy IND4, as a site that will be considered for release from local industry, as it has already been established, through a resolution to grant planning permission for residential development, that the site is suitable for release from the local quality industry portfolio.
- 2.14 Pre-Submission Modification MMSAD5 is therefore objected to as it should also identify the inclusion of the former Deeleys Castings as a residential allocation, with a capacity of 101 dwellings.



APPENDIX 1

REPRESENTATION FORM

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
OMSAD13/OMSAD14/MMSAD10/ MMSAD5/MMSAD12				
Do you support or object to the modification?				
OBJECT				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified		X	
	Effective		X	
	Consistent with national policy		X	

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
Please see separate submission

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Please see separate submission

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.



WALSALL COUNCIL

SITE ALLOCATION DOCUMENT
PRE-SUBMISSION MODIFICATION
RESPONSE

RAILWAY TAVERN

DECEMBER 2016

REPRESENTATIONS ON BEHALF OF:

ST FRANCIS GROUP (ID: 2121)

Pegasus Group

5 The Priory | London Road | Canwell | Sutton Coldfield | West Midlands | B75 5SH

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Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

1. INTRODUCTION

- 1.1 We are instructed by St Francis Group to make representations on their behalf to the Pre-Submission Modifications to the Walsall Site Allocations Document. St Francis Group owns a number of sites within the Borough including the former Railway Tavern site to which this representation relates, and the adjacent site of the former Junction Works on Cemetery Road, Darlaston.
- 1.2 This statement has been prepared in response to the to the **schedule of 'Pre-Submission Modifications' that have been** published by Walsall Council following the publication consultation that took place in Spring 2016.
- 1.3 This statement is intended to supplement original representations submitted by St Francis Group at publication stage.

2. PRE-SUBMISSION MODIFICATIONS

2.1 St Francis Group submitted representations in Spring 2016 requesting that the use classes identified as being appropriate for the former Railway Tavern site (Site: IN98.2) be extended to include A1, A3, A4, A5 and sui generis roadside uses. The comments contained within these representations still stand.

2.2 In requesting the extension to the permitted uses on the site, St Francis Group was responding specifically to commercial concerns that due to the size of the site, floorplates to realise traditional B1 (b) (c), B2 and B8 uses would be not be viable and as such will not come forward. It is however considered that there is a very good prospect that the site would come forward for sui-generis road side uses.

2.3 Notwithstanding the comments submitted at publication stage, the Pre-Submission Modifications highlight further constraints to the deliverability of the site. Specific Pre-Submission Modification OMSAD12 relates directly to land at the Former Railway Tavern and is considered further below:

OMSAD12

2.3 Pre-Submission Modification OMSAD12 relates to proposed policy IND2 (Potential High Quality Industry) and information contained within the Table of Sites contained within this policy. The modification responds to changes to the baseline, the identification of omissions and to respond to comments provided by the Environment Agency through the publication consultation in Spring 2016.

2.4 The Environment Agency, through their representations highlight that part of the Former Railway Tavern site lies within Flood Zone 3 and requested that this constraint be identified within the Site Allocations Document. The Environment Agency recognise that the former Railway Tavern **is a 'small' site where an 8m** easement should be provided to take account of the river Tame. Whilst the Environment Agency confirmed that they would expect sites such as the Former Railway Tavern to be redeveloped, they suggest a potential solution to combine the site with IN98.1 (Former Junction Works, Cemetery Road) to provide greater flexibility to delivery and in responding to the identified constraints.

2.5 Policy IND2 is intended to identify occupied and vacant stock above 0.4ha as stated at paragraph 4.3, however land at the Former Railway Tavern falls short of this lower threshold at 0.39ha and represents one of the smallest identified **'Potential High Quality Industry' sites.**

- 2.6 St Francis Group owns the adjacent Former Junction Works site, however the suggestion by the EA to combine these sites is not possible as Kendrick Road bisects the two separate sites. Kendrick Road is "*an adopted and raised highway*" that sits between the sites such that the two sites should not be combined as highlighted by Walsall Council in their response to the EAs representations. It is agreed therefore that IN98.1 and IN98.2 cannot be combined.
- 2.7 Note 6 identified through this Pre-Submission Modification makes reference to the provision of an 8 metre easement requested by the Environment Agency. To apply an 8m easement on a site that is already just below the site size threshold for identified Potential High Quality Industrial sites and that cannot be combined with the Former Junction Works site further compounds the argument that greater flexibility will be required in order to realise an active use within the site by 2026.
- 2.8 St Francis Group support the delivery of high quality B1 (b) (c), B2 and B8 uses on Site IN98.1 but consider these restricted uses to be unviable on IN98.2, which will prevent the site coming forward as envisaged by the Council, with modification OMSAD12 compounding the issues of unsoundness raised by St Francis Group at publication stage.
- 2.9 To remedy this unsoundness Site IN98.2 should be removed from the list of sites identified in Policy IND2 and included within the list of sites identified in Policy IND4 (Local Industry Consider for Release). This would allow for employment generating uses outside of the B1 (b) (c), B2 and B8 uses to be considered as part of the redevelopment of this site.
- 2.10 St Francis Group recognise that this policy does not permit the re-use for town centre uses as defined by the National Planning Policy Framework except where local need can be demonstrated and the sequential approach to development is applied.
- 2.11 This proposed change represents a pragmatic a viable solution to bringing this site into an active economic use.



APPENDIX 1

REPRESENTATION FORM

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
OMSAD12				
Do you support or object to the modification?				
OBJECT				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified		X	
	Effective		X	
	Consistent with national policy		X	

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
Please see separate submission

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Please see separate submission

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

WALSALL COUNCIL

SITE ALLOCATION DOCUMENT
PRE-SUBMISSION MODIFICATION
RESPONSE

GOSCOTE LANE COPPER WORKS

DECEMBER 2016

REPRESENTATIONS ON BEHALF OF:

ST FRANCIS GROUP (ID: 2121)

Pegasus Group

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Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

1. INTRODUCTION

- 1.1 We are instructed by St Francis Group to make representations on their behalf to the Pre-Submission Modifications to the Walsall Site Allocations Document. St Francis Group owns a number of sites within the Borough including Goscote Lane Copper Works to which this representation relates.
- 1.2 This statement is intended to respond to the to the **schedule of 'Pre-Submission Modifications' that have been** published by Walsall Council following the publication consultation in Spring 2016.
- 1.3 Whilst representations were submitted by St Francis Group to the publication Site Allocations Document in Spring 2016 these mistakenly referenced Goscote Lane Industrial Estate (Site:IN16) rather than Goscote Lane Copper Works (Site: HO29).
- 1.4 For the avoidance of doubt these representations relate to Goscote Lane Copper Works (Site: HO29).

2. PRE-SUBMISSION MODIFICATIONS

2.1 It is recognised that Goscote Lane Copper Works is identified as an allocation for new housing development within Policy HC1 with an estimated capacity for 395 dwellings and as a general housing site that may need to include accommodation for Travellers if Site HO28 does not come forward. The relevant policy dealing with accommodation for Gypsies and Travellers and Travelling Showpeople is Policy HC4 and it is HC4b that identifies Goscote Copper Works as a potential general housing site that may need to make provision for a maximum of 15 pitches if HO28 does not come forward.

Housing Allocations

2.2 There are a number of Pre-Submission Modifications that are proposed in respect of Policy HC1 (Land Allocated for New Housing Development) and these are considered further below:

MMSAD4

2.3 This proposed modification updates the baseline position and updates information in respect of key constraints including flood risk and minerals safeguarding in relation to the proposed allocations. It is noted that this modification reduces the assumed capacity on site HO305 and St Francis Group has no further comment to make in respect of this site.

2.14 St Francis Group can however confirm that the assets and constraints identified for site HO29 are correct and raise no issues in respect of suitability or delivery of the site for residential development.

MMSAD5

2.4 St Francis Group note the deletion of Site HO58 for 51 dwellings due to minerals constraints. Whilst St Francis Group has no specific comment in respect of the removal of HO59, concern is raised to the potential unintended consequences of proposed modifications MMSAD4 and MMSAD5 on the housing supply position within the District.

2.5 A reduction in the overall number of dwellings that can be achieved on the proposed allocations contained within Policy HC1 will result in a reduction in the ability for Walsall to achieve delivery against the housing requirement as established within the Black Country Core Strategy. Given the reduction in the

overall capacity that can be achieved within the allocated sites, St Francis Group question the appropriateness of Policy HC1 identifying further uncertainty on a number of the remaining allocations, including land at Goscote Lane Copper Works, by potentially requiring the delivery of Gypsies and Traveller and Travelling Showpeople provision.

- 2.6 St Francis Group has no intention of including provision for Gypsies and Travellers within residential proposals for the site.

OMSAD6

- 2.7 St Francis Group support the proposed modification to reference the most up to date Strategic Housing Land Availability Assessment. It is recognised that Goscote Lane Copper Works is identified as a potential new housing site in the 2016 SHLAA with an assumed capacity of 395 dwellings. This is consistent with the proposed allocation.

OMSAD7

- 2.8 St Francis Group agree that re-using previously developed land to deliver new homes is likely to reduce the requirement for the provision of significant new infrastructure due to development making best use of existing infrastructure.
- 2.9 Pre-application discussions in respect of Goscote Lane Copper Works with Walsall Council have considered the matter of necessary infrastructure that may be required to support the delivery of approximately 395 homes in this location. This will be considered as part of the submitted planning application.

Gypsy, Traveller and Travelling Showpeople Provision

- 2.10 There are a number of Pre-Submission Modifications that are proposed in respect of Policy HC1 (Land Allocated for New Housing Development) and these are considered further below:

MMSAD6

- 2.11 St Francis Group has no comment in respect of this proposed modification which seeks to provide further clarification.

MMSAD7

- 2.12 St Francis Group recognise that this Pre-Submission Modification does not seek to add or remove individual sites identified within Policy HC4; instead it seeks to update constraint information. In respect of Goscote Lane Copper Works, this

includes the identification of the Minerals Safeguarding Area and is now consistent with the constraints set out for the Goscote Lane Copper Works housing allocation included at Policy HC1.

- 2.13 In light of the reduction in the housing capacity within identified allocations set out at Policy HC1, as a direct result of the proposed Pre-Submission Modification, St Francis Group consider that site HO29 should be removed from Table HC4b to remove uncertainty on the provision of permanent Gypsy pitches and to ensure the delivery of general housing can be maximised within this deliverable allocation.
- 2.14 St Francis Group has no intention of including provision for Gypsies and Travellers within residential proposals for the site.



APPENDIX 1

REPRESENTATION FORM

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
MMSAD4/MMSAD5/OMSAD4/OMSAD5/OMSAD6/OMSAD7 MMSAD6/MMSAD7				
Do you support or object to the modification?				
OBJECT				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared			
	Justified		X	
	Effective		X	
	Consistent with national policy		X	

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
Please see separate submission

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

Please see separate submission

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

Date: 16 December 2016
Our ref: 200696



planningservices@walsall.gov.uk

BY EMAIL ONLY

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

Dear [REDACTED]

Planning consultation: Walsall Site Allocations Document (SAD) Pre-submission proposed modifications consultation

Thank you for your consultation on the above dated 04 November 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please find a number of complete response forms but for ease of reference please find a summary of our advice and comments below.

SAD Policy M9: Coal and Fireclay Extraction Brownhills Yorks Bridge (g&h)

Habitats Regulations Assessment

We note that the area with respect to policy M9 is shown in the Plan as a resource area. We note the Habitats Regulations Assessments for SAD Policy M9. Natural England agrees with the proposed modifications to the HRA and that a HRA should be completed at project level stage, (ie when a planning application is submitted) when further details should be submitted.

**Policy EN4: Hatherton Branch Canal: Habitats Regulations Assessment
MMSAD 29 (109) –**

Natural England agrees with the amendment to the policy wording to require proposals to have technical work, to show any adverse impacts on Cannock Extension Canal. We agree and support that a HRA is required. It is considered acceptable that the HRA can be completed at project level stage, when more evidence is provided.

Policy EN4: Hatherton Branch Canal Restoration Project

We note that there is an issue with the water supply availability. We understand that there is no water supply available within the Plan boundary and that it has been stated in the plan that there is water availability at Bradeley, Wolverhampton.

On the basis on a supply of water being agreed and available, the new extension could result in an increase of boat traffic and movement on Cannock Extension Canal. This additional boat movement may result in adverse effects to Cannock Extension Canal SAC. The Local Authority

when completing its plan HRA needs to be confident that there is a practicable and viable solution to avoid this effect. We note the modifications to Policy EN4b to and consider these changes acceptable in providing protection to the SAC.

Jockey Fields


Natural England understands that there is a dormant planning permission at Jockey Fields SSSI. We note that the dormant permission is in the Plan as an allocation because there is an extant permission. Finally we note that the planning proposals put forward are included to minimise (amongst other things) the potential impacts on the special features of the SSSI.

SAD Policy M8: (I, J &K) Brick Clay Extraction – New sites

We note the minor alterations to the wording of the Policy. We consider the Policy sound.

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

Yours sincerely


Lead Advisor – Sustainable Development Team
North Mercia Area

Comments

Please state clearly the modification you are commenting on and include modification number and policy reference, site references and chapter titles where relevant. **To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.**

Modification Number				
SAD Policy M9: Coal and Fireclay Extraction Brownhills Yorks Bridge (g&h)				
Do you support or object to the modification?				
Support				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	x		
	Justified	x		
	Effective	x		
	Consistent with national policy	x		

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>We note that the area with respect to policy M9 is shown in the Plan as a resource area. We note the Habitats Regulations Assessments for SAD Policy M9. Natural England agrees with the proposed modifications to the HRA and that a HRA should be completed at project level stage, (i.e. when a planning application is submitted) when further details should be submitted.</p>

What changes do you consider would be needed to make the modification meet the tests of soundness? (continue on a separate sheet if necessary)

We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: www.walsall.gov.uk/local_plans/evidence

If you would like to comment on any of the new or updated supporting documents or evidence please do so here. Again, it would be useful to have evidence to support any points you make.

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Request to be notified

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

Comments

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Modification Number				
Policy EN4: Hatherton Branch Canal: Habitats Regulations Assessment MMSAD 29 (109)				
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Support				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	x		
	Justified	x		
	Effective	x		
	Consistent with national policy	x		

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Modification Number				
Policy EN4: Hatherton Branch Canal Restoration Project				
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Support				
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	Positively prepared	x		
	Justified	x		
	Effective	x		
	Consistent with national policy	x		

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<p>We note that there is an issue with the water supply availability. We understand that there is no water supply available within the Plan boundary and that it has been stated in the plan that there is water availability at Bradeley, Wolverhampton.</p> <p>On the basis on a supply of water being agreed and available, the new extension could result in an increase of boat traffic and movement on Cannock Extension Canal. This additional boat movement may result in adverse effects to Cannock Extension Canal SAC. The Local Authority when completing its plan HRA needs to be confident that there is a practicable and viable solution to avoid this effect. We note the modifications to Policy EN4b to and consider these changes acceptable in providing protection to the SAC.</p>

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Comments

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Modification Number				
Jockey Fields				
Do you support or object to the modification?				
Support				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))		Yes	No	Not Sure
	Positively prepared	x		
	Justified	x		
	Effective	x		
	Consistent with national policy	x		

Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)
<p>Natural England understands that there is a dormant planning permission at Jockey Fields SSSI. We note that the dormant permission is in the Plan as an allocation because there is an extant permission. Finally we note that the planning proposals put forward are included to minimise (amongst other things) the potential impacts on the special features of the SSSI.</p>

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Stage	Please place an X in the relevant box(s)

Late Responses

Comments

Please state clearly the modification you are commenting on – include the modification number, policy reference, site reference(s) and/ or chapter titles where relevant.

To avoid confusion, please complete a separate sheet for each modification that you wish to comment on.

Modification Number				
I HAVEN'T HAD TIME TO SCRUTINISE THE MODIFICATIONS IN THE LIBRARY (I AM NOT ON-WINE), BUT AS LONG AS THE MODIFICATIONS TAKE CARE OF				
Do you support or object to the modification?				
THE ENVIRONMENTAL & GREEN BELT AREAS, LEAVING OPEN SPACES FOR FUTURE GENERATIONS – MY PREVIOUS COMMENTS STILL APPLY. I SHOULD LIKE TO				
Do you believe this modification is in line with the following tests of soundness (place an X in the relevant box(es))	KNOW THE FINAL OUTCOME.			
		Yes	No	Not Sure
	Positively prepared			
	Justified			
	Effective			
	Consistent with national policy			

From: [REDACTED]
Sent: 21 December 2016 15:41
To: planningpolicy
Subject: Site Allocations Document - comments

Dear Sirs,

I am writing to add my comments to the revised document and in particular SAD EN7 relating to Great Barr Hall Estate and listed Parkland.

Overall the revised document is to be commended.

In relation to Great Barr Hall, I note the removal of the * from the listing which is appropriate given the current state of the building.

I rejoice to see that the Hall is now discussed in relationship to the Grade II listed registered Parkland and Grade II St. Margaret's Church. This should allow for a holistic view of the whole site rather than a picking off of individual items. I applaud the stress on the importance of the Parkland with its view and inter-relations with Merrions Wood and Holly Wood at opposite ends of the site.

I welcome the comments that any enabling development should not destroy parts of the Parkland but, if necessary, should be located off site. This could be stressed more.

The Council's objectives should be to safeguard, secure and enhance the totality. In this light any changes to or use of existing buildings should be looked at sympathetically. The future setting up of a Trust for the site, as with existing pieces of land alongside, ought to be an option.

The local community benefit of this site needs stressing, as well as the benefit of this green space & lung between Sandwell, Walsall and Birmingham. Any planning application that affects the Parkland may well therefore risk damage to the overall benefit.

In discussing the Parkland, in the days of the Hospital, some areas were sympathetically farmed, either by grazing or by the taking of hay, or as tree nurseries. This could be encouraged in the future to help provide an income without the risks of damaging or destroying the Parkland.

I note the comment about minimising vehicular access onto Chapel Lane due to environmental and traffic reasons. I again applaud this.

All these factors outlined above and in the revised SAD, clearly show the limitations and inappropriateness of the recent planning application concerning the Hall. This should now be withdrawn and opportunity taken for a different type of plan for the future, guided by this new policy document.

I realise that this comment is slightly overdue, but it has been a busy period for myself.

Yours sincerely

[REDACTED]
Vicar of Great Barr