



**Walsall Council**

**Walsall Town Centre Area Action Plan  
Schedule of Representations**

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

**Formal Representations**

UR 198 for UR 2643 to UR 3539

## Contents

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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.**

<b>Modification Number</b>				
OMAAP1				
<b>Do you support or object to the modification?</b>				
The modification is supported				
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		

<b>Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)</b>
<p>These Representations are made on behalf of J Hayward &amp; Sons of Walsall Ltd who own three parcels of land at Portland Street, Walsall as edged red on the attached drawing 3530/99. The company is long-established, they were established in 1919. The company, from its location in Walsall, undertake container haulage, general haulage, low loader/plant movement, tipper haulage as well as providing trailer hire and a CPC driving school. Their clients include T K Maxx, Sainsbury's and Goodyear.</p> <p>At the site in Portland Street, Walsall, the company employs some 100 staff (who are employed in the office and administrative function, within the yard and as drivers). The company presently have an Operator's Licence from the site for some 46 vehicles.</p> <p>J Hayward &amp; Sons of Walsall Ltd have been in consultation with Walsall Council about the potential for relocating to a new site sufficiently close to their existing site to maintain staff; the company are seeking a single, rather than split site, so as to improve the efficiency of the business.</p>

It is noted that the Walsall Town Centre AAP generally supports (see paragraph 4.3.1) the movement of industry out of the town centre. In this respect, proposed modification OMAAP1 and in particular the identification of Site Reference: TC46: East of Portland Street as '**consider for release employment land – AAPB3: Town Centre Employment Land Part (b)**' is supported.

Similarly with the proposal that the site TC46 be identified as an '**opportunities for office development**' in accordance with Policy AAPB1 and for '**education investment**' in accordance with Policy AAPLV2 is generally supported. (It will be noted however that objections have been raised in relation to proposed modification OMAAP18 and the wording of Policy AAPLV2: Education).

The proposed modification to site TC46 is welcomed by J Hayward & Sons of Walsall Ltd as it introduces a degree of flexibility in the range of uses that are proposed for Site TC46. This will greatly assist J Hayward & Sons of Walsall Ltd in their aspirations to move to a single site elsewhere within Walsall.

**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 response in relation to proposed modification OMAAP18 – Policy AAPLV2: Education.

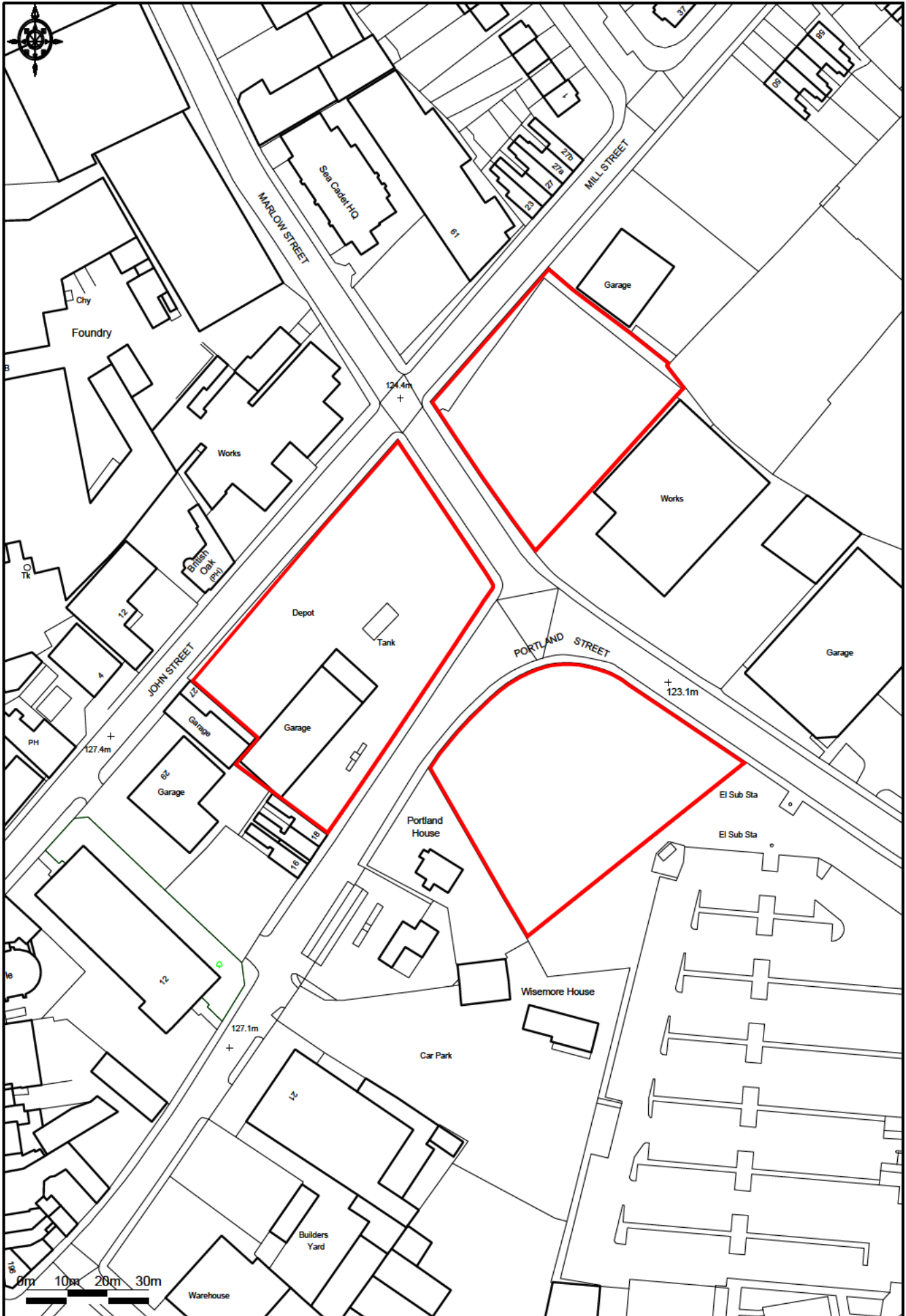
We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: [www.walsall.gov.uk/local\\_plans/evidence](http://www.walsall.gov.uk/local_plans/evidence)

**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.**

Not applicable.



J Hayward & Sons of Walsall Ltd, Portland Street, Walsall WS2 8AD



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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.**

<b>Modification Number</b>				
OMAAP18: Policy AAPLV2: Education				
<b>Do you support or object to the modification?</b>				
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	

<b>Comments on why the modification meets / does not meet the tests of soundness (continue on a separate sheet if necessary)</b>
<p>These Representations are made on behalf of J Hayward &amp; Sons of Walsall Ltd who own three parcels of land at Portland Street, Walsall as edged red on the attached drawing 3530/99. The company is long-established, they were established in 1919. The company, from its location in Walsall, undertake container haulage, general haulage, low loader/plant movement, tipper haulage as well as providing trailer hire and a CPC driving school. Their clients include T K Maxx, Sainsbury's and Goodyear.</p> <p>At the site in Portland Street, Walsall, the company employs some 100 staff (who are employed in the office and administrative function, within the yard and as drivers). The company presently have an Operator's Licence from the site for some 46 vehicles.</p> <p>J Hayward &amp; Sons of Walsall Ltd have been in consultation with Walsall Council about the potential for relocating to a new site sufficiently close to their existing site to maintain staff; the company are seeking a single, rather than split site, so as to improve the efficiency of the business.</p>

Representations have been made on behalf of J Hayward & Sons of Walsall Ltd in support of the proposed modification OMAAP1 and in particular the allocation of Site TC46: East of Portland Street as:-

1. 'Consider for release employment land – Policy AAPB3: Town Centre Employment Land Part (b).
2. Opportunities for office development – Policy AAPB1: Office Development and Policy INV3: Walsall Gigaport.
3. Education investment – Policy AAPLV2: Education.

The modification OMAAP1 was particularly supported insofar as it introduced a degree of flexibility as to the range of uses that can be accommodated on Site TC46 which is considered to be important if J Hayward & Sons of Walsall Ltd are to fulfil their ambitions to relocate to a single site elsewhere within Walsall.

It is respectfully submitted that the modification proposed to Policy AAPLV2: Education (Reference: OMAAP18) does not reflect the flexibility that has been introduced by proposed modification OMAAP1. Modification OMAAP1 relates to the policy justification to Policy AAPLV2: Education and as a consequence does not enjoy the same status as Policy AAPLV2: Education. Objection is therefore raised to proposed modification OMAAP18 on the basis that Policy AAPLV2: Education lacks flexibility and infers that Site TC46 – East of Portland Street and TC48 – 21 Portland Street are allocated for education and not for a range of uses that include release of the existing employment land and the allocation of the site for office use.

There is no evidence to demonstrate that Walsall College needs Site TC46 - East of Portland Street to meet its development aspirations, or indeed have the resources to deliver the proposed development in the plan period. There is a real risk that the proposed land use allocation will blight rather than encourage development.

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

For the reasons stated above, it is recommended that Policy AAPLV2: Education be deleted and that Sites TC46 – East of Portland Street (and in turn Site TC48 – 21 Portland Street) be identified as town centre employment land in the terms of Policy AAPB3.

The deletion of Policy AAPLV2: Education would not preclude Sites TC46 and TC48 coming forward for education purposes if they were acquired by Walsall College since such educational uses would be a town centre use permissible by Policy AAPB3. The deletion of Policy AAPLV2 would however remove any suggestion that Policy TC46 – East of Portland Street could only be developed for educational purposes – a fact that is not clear from reading the plan as proposed to be modified.

The objectors will be more than willing to attend meetings with the Planning Authority

Walsall Site Allocation Document Pre-Submission Modifications Stage: Response Form  
November-December 2016

to discuss the basis of this objection.

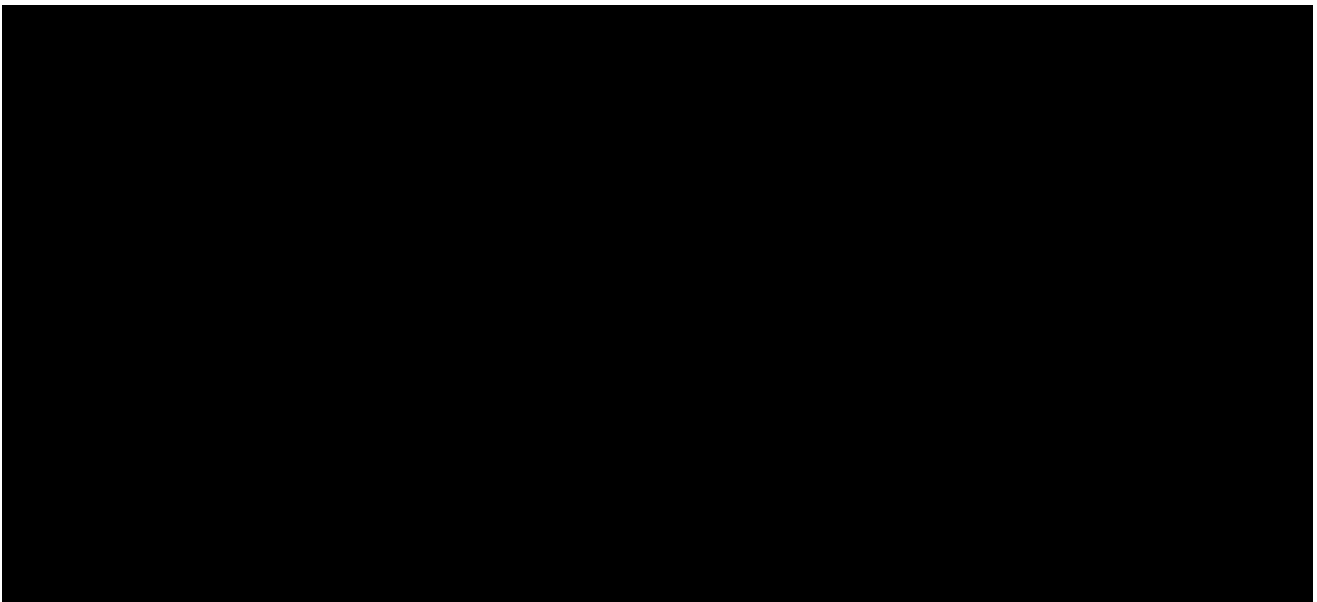
We have also updated the Sustainability Appraisal and Habitats Regulations Assessment to take into account representations. These documents are available on our website at: [www.walsall.gov.uk/local\\_plans/evidence](http://www.walsall.gov.uk/local_plans/evidence)

**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.**

None.

### **Request to be notified**

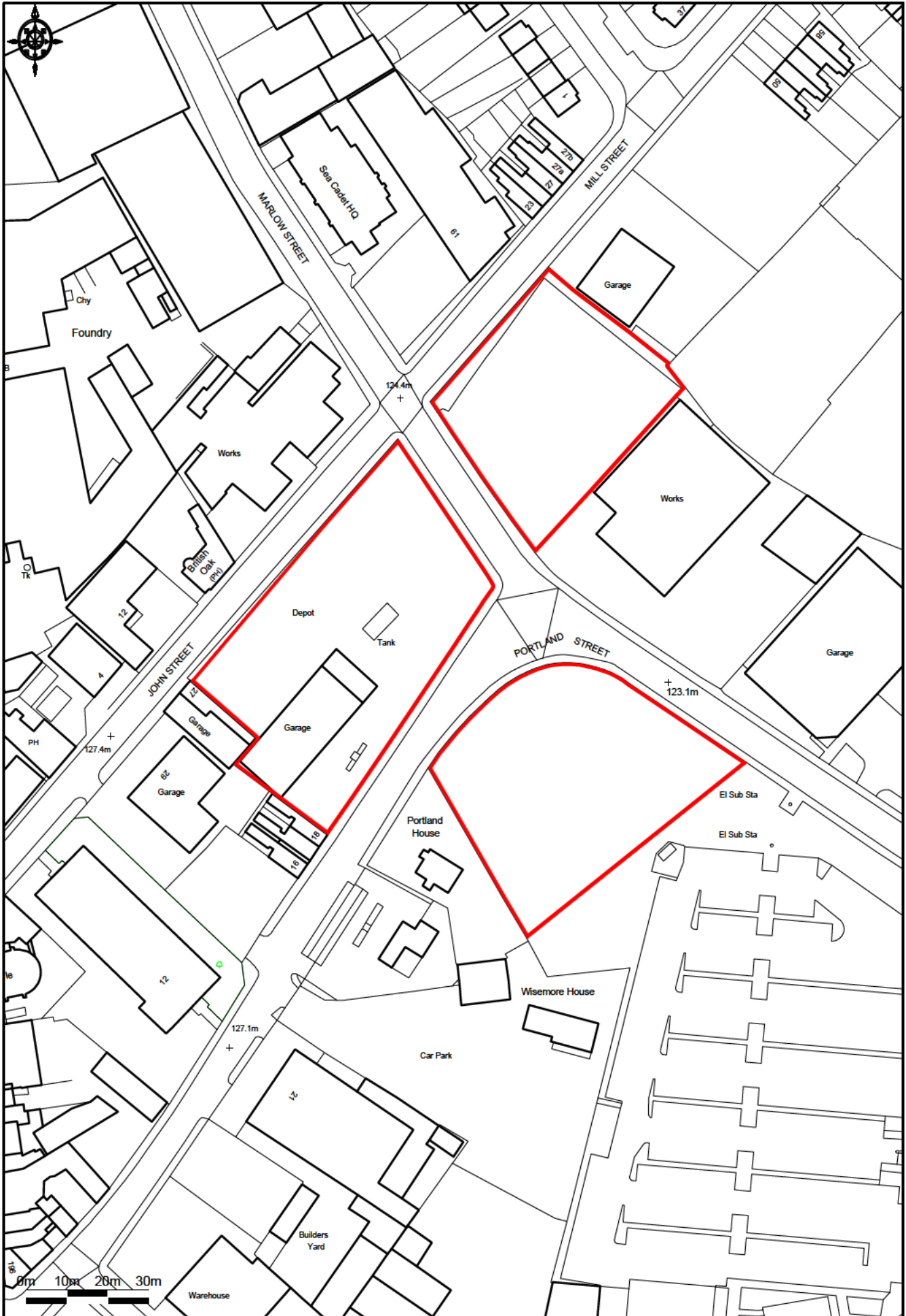
As part of the consultation you can a request to be notified of the next stages in the process. If you would like to be kept informed please select the relevant stages below:





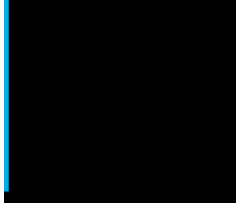


J Hayward & Sons of Walsall Ltd, Portland Street, Walsall WS2 8AD



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## Walsall Town Centre Area Action Plan (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

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

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 Walsall Town Centre Area Action Plan (Pre-Submission Proposed Modifications)**

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 AAPINV7: Addressing Potential Site Constraints: (f) Minerals Safeguarding Area (MSA)

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

**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**

**[REDACTED]**  
**Acting Principal Manager – Planning & Local Authority Liaison**

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

Tel: [REDACTED]  
Fax : [REDACTED]  
Minicom: [REDACTED]  
Email: [REDACTED]  
Website: [www.warwickshire.gov.uk/environment](http://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.



Walsall Council  
The Civic Centre  
Darwall Street  
Walsall  
West Midlands  
WS1 1TP

30<sup>th</sup> November 2016  
Our Ref: 1615/5179

Dear Sirs,

**WALSALL TOWN CENTRE AREA ACTION PLAN – PRE-SUBMISSION MODIFICATIONS  
CONSULTATION STAGE**

Brooke Smith Planning, Chartered Planning and Development Consultants, are instructed by AEW UK to make representations to the current consultation for the emerging Walsall Town Centre Area Action Plan (AAP).

As owner and manager of the Jerome Retail Park, AEW UK welcomes the opportunity to be involved in the development of the AAP and the future plans for Walsall Town Centre.

The Jerome Retail Park is one of the key retail areas within the town centre, offering larger units for bulky goods and food retail in a location adjacent to the existing retail core area of Park Street. It is in light of this that, during the Preferred Options stage, AEW UK requested that the entire retail park be included within the Primary Shopping Area (PSA) designation. It was considered that this would enable the retail potential of the site to be maximised.

While it is understood that the current consultation relates only to the proposed modifications set out, it is noted that the boundary of the PSA has not been altered as part of those modifications. As such AEW UK's consultation comments previously made on this point are still considered relevant.

Although AEW UK is keen to work with Walsall Council to deliver the AAP, there are key concerns relating to the proposed development of Bradford Place Bus Interchange. As set out in AEW UK's previous representations, the proposals will significantly encroach upon the Jerome Retail Park, resulting in the loss of existing retail space and the demolition of retail units. This will impact on the viability of the retail park and its ongoing operation.



**BROOKE SMITH PLANNING**  
Chartered Town Planning & Development Consultants

THE CLOISTERS, 12 GEORGE ROAD, EDGBASTON,  
BIRMINGHAM B15 1NP  
T. 0121 693 8900 F. 0121 455 6580  
WWW.BROOKESMITHPLANNING.COM



The boundary of the proposed bus interchange area has not altered from the previous draft version of the plan. As such AEW UK maintains an objection to this policy.

The proposed modifications include further evidence supporting Policy AAPT3: Public Transport and Policy Map Allocation TC18 (paragraph 7.3.2). It is strongly considered that this list of evidence should also include a comprehensive Appraisal of Options for the provision of an additional bus interchange within the town centre. Such an appraisal should have been a key piece of evidence when formulating policy AAPT3 and allocation TC18, which conclude that extending the Bradford Place bus interchange is the preferred option.

As set out in the meeting notes attached as an appendix to this letter, and which already form part of the consultation evidence for the AAP, officers referred to a possible alternative site for the bus station on Bridgeman Street, close to the railway station. Officers informed AEW UK that this site had been dismissed due to flooding issues under the bridge running below the railway and due to height restrictions for double decker buses. However, it was confirmed by officers that no feasibility study had been carried out to assess the costs of carrying out works to lower the road and address the flooding problems, to enable the location of the bus interchange on this site.

It is unclear if any other options were considered, in addition to the Bridgeman Street site. As such it is maintained that there is a complete lack of specific assessment work set out in the evidence based referred to in paragraph 7.3.2.

A key component of such assessment work should be a financial assessment of all the options considered. This is required to enable an effective comparison of the financial implications of the rejected sites against the Council's preferred Bradford Place site. Such an assessment would need to include the cost of purchasing part of the Jerome Retail Park and relocation costs for businesses forced to move from the site.

At present the cost of purchasing the required section of the Jerome Retail Park alone has been estimated at circa £5million, based on AEW UK's knowledge of the market. This value reflects AEW UK's recently entered into 10 year lease with Argos for the large unit that would need to be demolished for the bus interchange proposals. It should be highlighted that Argos has recently been acquired by Sainsbury's and as such the covenant status and commercial strength of that tenant cannot be underestimated. Additionally, the front unit, which houses the Vogue nightclub, is on a long lease the value of which would need to be compensated for.

It is maintained that this site assessment work should form a key part of the AAP and examination evidence. As such it is stressed that the **proposed modification OMAAP31** and the other existing bullet points set out in paragraph 7.3.2 fail to address this point.



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In relation to paragraph 7.3.3 'Delivery', it is noted that additional text had been added which confirms that the Council will work with the Combined Authority to deliver solutions as part of this new authority and will deliver such schemes and programmes within the Devolution Deal. However, neither the additional text nor the existing bullet points give any certainty to when and how the proposals in Policy AAPT3 will be delivered. As such the AAP provides absolutely no indication to AEW UK as to when, or even if, the Bradford Place interchange will be extended and consequently when several of the Jerome Retail Park's key units will need to be demolished. This lack of any clarity within the delivery section of Policy AAPT3 has significant negative implications for the Retail Park. Most notably it provides no incentive for existing or future occupiers to make long-term investments in the Park to improve its appearance and retail offer.


In light of the above it is maintained that the **proposed modification OMAAP32** fails to address the absence of information provided in terms of the delivery of the Bradford Place Bus Interchange expansion plans.

In relation to the Bradford Place Bus Interchange and issues raised in this letter, it is maintained that the AAP is:

- **Not positively prepared** – no evidence has been provided to demonstrate that Bradford Place and part of the Jerome Retail Park is the right location for this extension to the public transport infrastructure in the town centre.
- **Not justified** – no evidence has been submitted to demonstrate that the proposals set out in policy AAPT3 and allocation TC18 are the most appropriate strategy when considered against reasonable alternatives. No evidence relating to the consideration of alternative options has been provided as part of the plan process.
- **Not effective** – no evidence has been provided to demonstrate that the proposals set out in policy AAPT3 and allocation TC18 of the plan can be delivered over the plan period. As such the plan proposals represent a blight on the Jerome Retail Park.

We would appreciate it if these comments are taken into consideration at this stage of the plan and look forward to hearing from you with regards to the next stage of the AAP process.

Yours faithfully,



Associate Director





Appendix

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 29 June 2016 12:12  
**To:** [REDACTED]  
**Subject:** RE: Walsall Town Centre Area Action Plan - Publication Stage Consultation

[REDACTED]

Many thanks for the confirmation of the meeting note revisions. We also note the Council's stance on the indicative layout plan and I will relay this to my client.

Kind regards,

[REDACTED]

[REDACTED]

**Associate Director - Brooke Smith Planning**  
Phone: [REDACTED]

---

**From:** [REDACTED]  
**Sent:** 29 June 2016 12:06  
**To:** [REDACTED]  
**Subject:** RE: Walsall Town Centre Area Action Plan - Publication Stage Consultation

Hi [REDACTED]

Apologies for the delay in responding to your email setting out suggested changes to the note of our meeting. I can confirm we are happy to include the proposed modifications in the note published as part of the consultation evidence.

In regards to the final request that we remove the plan showing the indicative layout of the bus interchange from the Council's website I must inform you that having sought internal legal advice on the matter we will not be removing the plan. We consider the plan to be important information that should be made available to the public and that as it forms part of representations made by Centro to the AAP it must be made available in order to meet the requirements of the Council's Statement of Community Involvement. In our view the plan does not include any information that is commercially sensitive.

I hope this email is helpful.

Many Thanks

[REDACTED]

[REDACTED]

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

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**E-mail Security:** Communication by internet email is not secure as messages can be intercepted and read by someone else. Therefore we strongly advise you not to email any information, which if disclosed to unrelated third parties would be likely to cause you distress. If you have an enquiry of this nature please provide a postal address to allow us to communicate with you in a more secure way. If you want us to respond by email you must realise that there can be no guarantee of privacy.

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**From:** [REDACTED]  
**Sent:** 20 May 2016 10:33  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Walsall Town Centre Area Action Plan - Publication Stage Consultation

[REDACTED]

Please find below our additions (shown in green) to the meeting note. Should you have any queries on the points added please just let me know.

Many thanks

[REDACTED]

**Associate Director - Brooke Smith Planning**

[REDACTED]

**Notes from meeting with AEW & Brooke Smith Planning regarding proposed Bradford Place Bus Interchange – Friday 13 May 2016**

Attendees

[REDACTED] Senior Planning Policy Officer  
 [REDACTED] Regeneration Officer  
 [REDACTED] Senior Transport Planner

[REDACTED] Brooke Smith Planning  
 [REDACTED] Brooke Smith Planning  
 [REDACTED] AEW UK

explained the rationale regarding the location of a new interchange at Bradford Place as enlarging St Paul's would not be viable due to its location and the fact that buses would not be able to travel across The Bridge. explained the rationale behind relocating the market to its permanent location at The Bridge (application reference is 14/1871/FL). It was explained that deliverability and logistics for the new markets was currently being considered and that works on site were planned to start later in 2016. The market relocation would be funded by Walsall Council.

asked if all options as to possible locations for the a new interchange has been explored and if justification was available as to this reasoning. This would be something which would be required at examination and if the Council were to pursue a CPO. A key component of this work would need to be a financial assessment of all the options considered. This would be required to effectively compare the financial implications of the rejected sites against the Council's preferred site.

referred to a possible alternative site for the bus station on Bridgeman Street, close to the railway station. This site had been dismissed due to flooding issues under the bridge running below the railway. Additionally, double-decker buses cannot currently pass under the bridge. It was confirmed by that no feasibility study had been carried out to assess the costs of carrying out works to lower the road and address the flooding problems, to enable the location of the bus interchange on this site.

stated that to purchase the land required would cost at least £5m this is an indicative figure for the land only. This is because the large unit has just entered into a new 10 year lease with Argos, and the front unit is on a long lease. It should be highlighted that Argos has just been acquired by Sainsbury's and as such the covenant status and commercial strength of that tenant cannot be underestimated.

There is also concern from with regard to blight. This was a point which was raised multiple times. The concern was with regard to AEW requesting tenants maintain the buildings while there is uncertainty over whether / when the units and land will be CPOed by the Council.

confirmed that no funding was in place for the Bradford Place interchange proposals. As such raised concerns about the uncertainty and lack of any timescales for bringing forward the proposed interchange. This would have an adverse effect on the units and the level of investment occupiers would be prepared to make in them.

Overall, would like to see more justification from Centro with regard to the evidence for the site location. ultimately they would like the designation of the area removed from the AAP.

Action for to discuss with Centro and inform them of the financial implications of purchasing the site and request they provide more information with regard to the justification of the site location.

Post Meeting Comment from Brooke Smith Planning – It is noted that the plan showing the indicative layout of the bus interchange is available on the Council's website, in the transport evidence section of the AAP pages. The commercial implications of this is of great concern to AEW. The lack of any financial consideration of the options, and lack of funding / timescale for the scheme, means that any plan made public will further blight the site and cause concern for existing occupiers. It is therefore requested that the plan be removed from the website.

**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				
OMAAP31 and OMAAP32				
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)
Please see attached letter

**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 attached letter**

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](http://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 attached letter**



Jones Lang LaSalle Ltd

jll.co.uk

Planning Policy Team  
Regeneration and Development  
Walsall Council  
Planning and Building Control  
The Civic Centre  
Walsall  
WS1 1DG

Your ref  
Our ref 1000191103  
Direct line

19 December 2016

Dear Sir/Madam

**Pre-Submission Proposed Modifications Consultation: Walsall Town Centre Area Action Plan (WTCAAP)**

We write on behalf of Topland (Saddlers Walsall) Ltd, owners of the Saddlers Shopping Centre, in order to formally submit representations to the above document.

Saddlers forms an integral part of the shopping provision in Walsall Town Centre. As a major part of the business community, Topland has a significant interest in ensuring that future retail development in Walsall is undertaken in a manner which sustains and strengthens the existing town centre as a retail, leisure and commercial destination.

There are many challenges facing Walsall Town Centre. Retailer demand, rental growth and consumer confidence has remained relatively weak and this is evidenced by the number of vacant retail units in Walsall and in particular, Saddlers Shopping Centre, which is feeling the sharp end of competition from edge/out-of-centre retail schemes within Walsall and further afield in neighbouring authority areas. Indeed, Topland has worked hard in a challenging market to continue to invest in the town centre and attract new occupiers to the centre in order to maintain the vitality and viability of the town. With this in mind, we have reviewed the Pre-Submission Proposed Modifications of the WTCAAP and set out our response below.

Overall we are encouraged by the broad direction of this document which reinforces the Council's objectives for the regeneration of Walsall Town Centre. However, our client has several areas of concern, which need to be addressed within the next iteration of the WTCAAP, as these could lead to detrimental impacts on the established retail core and its vitality and viability.

We hope that you will give substantial weight to our comments and look forward to further engagement with the Council



## Policy AAPS1: Primary Shopping Area

Our client fully supports the Council's objective of concentrating new retail floorspace and investment within or immediately adjacent to the Primary Shopping Area boundary. It is crucial that investment in retail is concentrated within the heart of the town centre and that the area provides an attractive shopping destination.

The NPPF at Section 2 'Ensuring the vitality of town centres' sets out the plan-making and development assessment policies which promote the Government's 'town centres first' approach. Of relevance to the construction of the PSA is Paragraph 23 which requires that local planning authorities "*define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary retail frontages...*"

Despite identifying the PSA, the WTCAAP fails to define the primary and secondary retail frontages within Walsall. This means that it is difficult or impossible to properly define the Primary Shopping Area and to properly assess the sequential status of a proposed development. It also means that the retail core is somewhat dispersed, which could lead to the dilution and fragmentation of the existing retail offer within Walsall.

Our client welcomes the recently published Walsall Town Centre Demand Study (2015), which provides up to date evidence used to inform the WTCAAP. However, our client is concerned that new evidence and findings have not been properly employed to formulate the PSA. In particular, no up-to-date commercial, retail or footfall research has been identified to understand the possible extent of the primary and secondary frontages, and no up-to-date health check of the town centre has been undertaken to appreciate that the role and function of the centre has changed since. It is noted that the PSA boundary is slightly consolidated compared to the PSA as set out in the 2005 UDP Town Centre Inset Map, but this revision is predicated on the need to "*remove areas where retail is less likely to come forward*", as opposed to being based on a firm and informed understanding of the role and function of the centre.

Further analysis is needed to inform this approach. Additional evidence has been provided in the form of the Walsall Town Centre Demand Study (2015), which dramatically reduces the target for comparison floorspace following the 'over-ambitious' Core Strategy target of 85,000sqm set in 2009. This clearly demonstrates that the role and function of the centre has significantly changed over the last decade, but the PSA boundary has remained virtually unchanged since 2005. The evidence suggests that the centre has contracted beyond that of the current PSA boundary and its gravity has shifted. The PSA must also respect the focus of retail in the area and reflect the frontages of key shopping streets and locations of primary footfall. Therefore our client asserts that further consideration is given to the PSA boundary to reflect the role and function of Walsall Town Centre, as currently, it is **not consistent with national policy**.

## Policy AAPS2: New Retail Development

Paragraph 3.2.1 of the WTCAAP notes that the new target for comparison retail is to deliver 6,000sqm gross additional floorspace between 2021 and 2026. This includes the existing commitments at Digbeth (Primark Store) and St Matthews Quarter in Walsall Town Centre, which absorb much of the forecast growth in comparison goods expenditure in the earlier part of the plan period. The Primark Store is now complete measuring 4,039 sqm of comparison floorspace.

Our client notes that the new target for comparison retail is a much more realistic and deliverable figure than the Core Strategy target of 85,000sqm gross additional floorspace within the same period. The WTCAAP also sets a target for convenience retail which is 1,500sqm gross, which takes into consideration the recently opened

Co-op food store. This evidence needs to be crystallised into deliverable and defensible planning policies in order to fully protect the town centre as a strategic priority.

Our client welcomes the Council's approach in accommodating forecast retail capacity on priority sites within the PSA, as this is crucial to improving the health and performance of the centre. The Walsall Town Centre Demand Study (2015) states that the short term focus for retailing in Walsall Town Centre should be about the reconfiguration and/or reoccupation of existing retail space within the PSA. To this end, Saddlers together with Park Place, Old Square and Digbeth/Lower Hall Lane have been identified as priority sites, which are identified as being the most appropriate for reconfiguration and amalgamation to create larger units and accommodate retail investment. Our client supports the principle of directing new floorspace towards existing retail destinations, but considers that these areas should be even more focused and contained. As a key investor in the town centre, Topland would strongly encourage the allocation of the Old Square for mixed use development rather than purely retail floorspace for which there is limited occupier demand. In light of the significantly reduced capacity for retail floorspace in the town centre, it is considered that Old Square would be ideally suited to deliver a mixture of uses which would still reap the benefits of regeneration whilst also providing a different attraction to encourage residents back into the centre.

In this respect, we would strongly encourage that the WTCAAP requires specific town centre development proposals which are deliverable in order to fully protect against out of centre development which represents the biggest threat to the vitality and viability of the town centre. We would suggest that the "retail zones" currently indicated are too broad and could lead to retail development that bears no relationship to the town centre and certainly does not reinforce the Primary Shopping Area. The WTCAAP should properly plan the retail designations and include layouts, key features and design parameters to ensure that future edge/out of centre development can be properly directed towards these locations. In addition to the above, we would go one step further and have a bespoke 'out-of-centre' policy which states that such proposals will not be supported.

#### **Part a (ii) of Policy AAPS2: TC04 Saddlers Shopping Centre**

As referred to above, the Saddlers Shopping Centre is identified as a priority site which is appropriate for reconfiguration and amalgamation to create larger units and accommodate retail investment. The policy refers specifically to Saddlers Shopping Centre and states, "*Shopping Centre within the PSA suitable for retail investment. Improvements could create stronger frontages to Bradford Place and Station Street, in order to enhance the character of the area and the setting of the heritage assets in these areas.*"

The approach **is justified** and our client considers this to be an appropriate strategy in combatting the economic challenges facing Walsall's retail offer, which will seek to ensure that the vitality and viability of the retail core is preserved, in line with the NPPF.

#### **Part b) of Policy AAPS2: Sequential Sites**

In light of the economic challenges facing Walsall Town Centre, the delivery of retail floorspace in an edge-of-centre locations should be treated with caution and carefully considered. Inappropriate additional retail floorspace beyond the retail core in edge/out-of-centre locations is likely to have a significant impact on the core of the town centre by reason of dilution and fragmentation of the existing offer, which could undermine the Council's aspirations for the regeneration of the town centre.

Notwithstanding this, our client is encouraged by the Council's recognition that there is a need for strong control over new development in edge/out-of-centre locations in order to ensure the future health of the centre. Our client recognises the Council's approach in identifying preferable sites for large scale retail development which cannot be accommodated within the PSA. Well-connected edge-of-centre sites are most appropriate and in this



regard this policy is a suitable approach. We would caution however, that as worded the policy opens the door for significant growth in the retail parks if suitable sites cannot be found. Given the considerable contraction in forecast capacity, it is possible that this approach could lead to relocation of key tenants away from the centre. However, broadly this approach **is consistent with national policy**.

### **Policy AAPS3: The New Walsall Market**

Our client agrees that a solution is needed to ensure that the market appeals to shoppers and contributes to the vitality and viability of the town centre. As it stands the market is not particularly attractive, both aesthetically and as a shopping destination that provides variety, diversity and choice.

Our client supports the Council's approach in recognising the importance of the market as an attraction for visitors and the role it plays in meeting the needs of the local community. The Council's commitment to investing in the new market at The Bridge (Policy Ref: TC04a), should help to address the weaknesses in the public realm identified in the Characterisation Study, and is welcomed by our client. The investment will strengthen the retail core and will contribute to the vitality and viability of the town centre. However, Topland is concerned about the length of time this scheme has been in the pipeline and therefore encourage the Council to fast-track the much needed investment and deliver the New Market development at the earliest opportunity. In this respect, we would suggest an amendment to Policy AAPS3 to set a short term timeframe for its delivery.

As part of the Council's Community Infrastructure Levy (CIL) Charging Schedule, the wider Walsall public realm improvements are specifically identified on the Council's CIL Regulation 123 List, which states that an estimated total of £4.8 million will be directed into funding these improvements and this approach is supported by our client who is keen to see further investment in the town centre to act as a catalyst for enhanced retail offers.

### **Summary**

Overall we are encouraged by the broad direction of this document which reinforces the Council's objectives for the regeneration of Walsall Town Centre. However, as a key investor in Walsall town centre, Topland is concerned that the WTCAAP fails to define the primary and secondary retail frontages within the retail core.

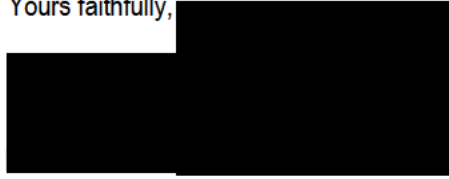
Our client also asserts that the approach taken by the Council in setting the boundary for the PSA is a strategy that is not justified by the robust and up to date evidence presented in the Walsall Town Centre Demand Study (2015). As a consequence, the PSA fails to recognise the purpose and function of the retail core, which carries a significant risk to the on-going vitality and viability of the Town Centre.

We consider that the WTCAAP provides an over allocation of retail floorspace within the town centre, which does not fully align with the new target for comparison retail of 6,000sqm gross from 2021-2026. The new target clearly indicates that there is limited capacity for allocations in the town centre which suggests that the PSA needs to be consolidated further to tighten the offer and focus on existing areas.

On the basis of the above, our client is concerned with the WTCAAP and that not enough is being done to reinforce and protect the established retail core to ensure the on-going vitality and viability of the town centre. As it stands, the WTCAAP is **not consistent with national policy**. Further work needs to be undertaken on the WTCAAP particularly in respect of the PSA boundary to ensure conformance with its evidence base.

I trust that the enclosed documents are acceptable to validate the planning application, however if you require any further information or clarification please contact the undersigned on the details at the top of the letter.

Yours faithfully,

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

Associate Director

For and on Behalf of JLL Ltd

## 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)
<p>The document appears to include many of the the policies / allocations as previously proposed.</p> <p>However, Policy APPLE4 now includes a 'Green infrastructure' bullet point. Within the supporting text it should be made clear that any landscaping proposed along the canal corridor will need to be accompanied by appropriate management and maintenance plans to ensure the natural environment of the waterway is not adversely affected and that there is no impact to safe navigation of the waterway.</p> <p>AAPINV4- Walsall Waterfront: Waterfront south now is included and states that there is an opportunity to create a '<i>canalside community</i>' There is some reference to creating an active frontage to the canal though no details on what is envisaged by a '<i>canalside community</i>'. <i>This should be clarified.</i></p>

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](http://www.peterborough.gov.uk)

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