

## **Cabinet - 1 March 2006**

### **Lichfield Local Development Framework – representations on behalf of Walsall Council**

<b>Portfolio</b>	Councillor Adrian Andrew, Regeneration
<b>Service Area</b>	Regeneration
<b>Wards</b>	All
<b>Forward Plan</b>	Yes

#### **Summary of report**

This report is to recommend responses to consultations on Local Development Framework (LDF) documents published by Lichfield District Council:

1. The submission versions of Lichfield District Council's Core Strategy, Development Control Policies and Allocations of Land and Site Development Policies; and

2. Issues and Options Papers for Lichfield City Centre Area Action Plan and West Burntwood Area Action Plan, plus a Revised Final Sustainability Report and the Sustainability Appraisal for the West Burntwood Area Action Plan.

The Core Strategy, Development Control Policy and Allocation of Land documents have been through two previous drafts and have now been submitted to the Secretary of State. The Core Strategy and Allocation of Land Documents propose major retail and also leisure and office development particularly at Burntwood as well as more generally. This is likely to have significant adverse impacts on this borough and especially the centres of Walsall, Brownhills and Aldridge. These impacts have not been tested by Lichfield District Council, however, nor have safeguards been put in place to ensure that such developments would comply with national and regional planning policy and to ensure there would not be further impacts in future. The plans also envisage possible releases of land from the Green Belt, which would be counter to policies to regenerate the Major Urban areas, including Walsall borough, and is likely to have a particular impact south of Chasewater.

The Area Action Plans for Lichfield City and West Burntwood seek to take forward contentious elements of the other documents, even though serious issues remain to be resolved and there are objections from other bodies and individuals as well as from this council.

The Core Strategy, Development Control Policy and Allocation of Land documents have now reached the stage where they are to be tested at a Public Examination, to be held in April. There is now no alternative but to represent the council's case at the examination

and this report recommends how this might be done most effectively and efficiently.

A digest of the representations made to Lichfield District Council and correspondence regarding the Area Action Plans has been placed in the Member's Room. Copies of the representations are available.

## Recommendations

- 1 That Cabinet endorse the representations (as referred to in this report) made in response to the consultations on Lichfield's emerging LDF;
- 2 That Cabinet authorise officers to attend the Examination-in-Public, due to begin on 25<sup>th</sup> April, and present evidence in support of the representations made; and commission where required information to support the Council's evidence.

## Resource and legal considerations

The Examination in Public starts on 25<sup>th</sup> April, and will test the proposals set out in the LDF as well as representations made about them, including representations made by this council.

The documents published by Lichfield District Council raise significant issues for Walsall. These are set out in the Digest placed in the Members' Room, but the principal issues / impacts relate to:

1. The very large amount of **retailing**<sup>1</sup> proposed at Burntwood, which threatens significant adverse impacts on existing centres, particularly Walsall town centre and Brownhills and Aldridge. There are also inappropriate out-of-centre proposals and an inflated proposal for Lichfield City.
2. Potentially unlimited **office** development at Burntwood and out-of-centre office development, which would be at the expense of investment in the major urban area including Walsall.
3. Similarly, substantial but unquantified **leisure development** at Burntwood and proposals for out-of-centre leisure development, notably south of Chasewater.
4. Proposals to remove certain sites from the **Green Belt**. Whilst previous proposals to remove land south of Chasewater from the Green Belt no longer appear in the Core Strategy document, it is clear from the West Burntwood Area Action Plan that the future of the Green Belt is to be reviewed at this location.
5. **Housing** proposals that might lead to increased housing development (notably at Fradley), contrary to the strategy to prevent decentralisation from the major urban areas.
6. An apparent failure of the **Sustainability Appraisal** to address the likely adverse impacts on surrounding areas, including Walsall.

Representations have been made in respect of these issues on two previous occasions, but the District Council has made only limited changes to its plans. Now the Core Strategy, Development Control and Land Allocations documents have been submitted to the Secretary of State there is no alternative but to ensure that the council's concerns will be

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<sup>1</sup> 19,000 sq.m. net, perhaps 25,000 sq.m. gross. To compare, there is just over 6,000 sq.m. gross of comparison retailing in the centre of Aldridge.

properly represented at the Examination in Public.

Some issues addressed in the representations made on behalf of Walsall council can be dealt with as written representations. However, major matters<sup>2</sup> – concerning the policies and proposals for major retail, office and leisure development and the proposals for Green Belt land south of Chasewater - raise such important issues for Walsall (as well as for Lichfield District) that it is necessary to consider carefully how they may be best presented for consideration by the Inspector at the Examination in Public.

The Examination will be the first to consider any new Development Plan Documents under the reformed planning system and it remains to be seen how it will be conducted. Lichfield District Council will be required to show their plans are 'sound', but 'traditionally' the emphasis has been on the requirement for objectors to show why particular policies or proposals should be changed. In this context, the failure of the District Council to carry out all of the analyses required by planning policy implies that this council's case will be far stronger if it has analyses of its own to show what the impacts and implications are likely to be.

Officers can demonstrate that policy requirements have not been fulfilled and can advise on how the LDF might be made to comply. However they do not have all the necessary resources to demonstrate the likely impact of some of the major proposals or to be able, on their own, to rebut all aspects of Lichfield's attempts to justify their approach. Therefore, in spite of the increased costs, we strongly advise that expert assessments be commissioned of the following issues:

- The likely impacts of the grossly inflated retail, leisure and office proposals on Walsall's centres.
- A property orientated view as to the level of retail investment needed for commercial viability, given that Lichfield DC has placed increasing weight on the view that a smaller amount of retailing would not be viable. It should be noted here that a major flaw in an otherwise successful case against previous proposals at Burntwood was the omission of Surveyor evidence.
- The quantified transport and accessibility implications and the consequences for sustainability.

Then there are options as to how the case should be presented ; and:

One option could be simply to deal with all of the issues through written representations. This would avoid the costs of attendance at the Examination. However, in a situation where the stakes are high this course of action might be seen as indicating a lack of conviction and would deny the council the opportunity to argue, and be seen to argue, its case.

The alternative approach would be for the Council to be represented at the Examination by officers with legal representation and with the experts who prepared the analyses referred to above. This should ensure the council's case would be made most strongly, but would be likely to entail significant costs.

A compromise approach would be for council officers to attend the Examination and to argue the Council's case, with the benefit of the expert advice referred to above (which

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<sup>2</sup> Which representations it is felt should be presented to the examination and which can be made in writing is addressed in the digest of representations placed in the Members' Room.

would be provided in written form. This would avoid substantial costs in professional fees (the advice referred to should be obtained for less than £20,000, which would be available from Planning Delivery Grant), but would enable the council to argue its case and to respond to evidence produced by Lichfield District council. It should also suit the approach to public examination under the reformed system, as this is likely to take the form of a hearing, rather than a formal inquiry. We strongly recommend that the approach be adopted, as enabling the council's case to be best presented at a reasonable cost.

### **Citizen impact**

If allowed to proceed unchallenged, many of Lichfield's proposals would be likely to have adverse impacts on the economy of Walsall borough and the facilities and opportunities provided by its centres.

### **Community safety**

Lichfield's LDF will not directly affect community safety in Walsall, although an adverse economic impact may be associated with increased problems in future.

### **Environmental impact**

It is our view that Lichfield's emerging LDF, in its present form, undermines both the Government's principles of sustainable development and the need to attract and retain development across the Major Urban Areas of which Walsall (but not Lichfield) is a part. The impact would be felt particularly in the Aldridge/Brownhills area of the Borough, but Walsall Town Centre, which is struggling for investment at the moment, would also be adversely affected. Furthermore, were the proposals contained in Lichfield's LDF for the expansion of Burntwood centre to go ahead, it could mean extra traffic in parts of Walsall that adjoin Burntwood. There would also be an impact as a result of development in the Green Belt.

### **Performance and risk management issues**

The workload involved in preparing evidence and attending the Examination-in-Public, whilst a priority, may have an impact on such other priorities as the Black Country Study and Walsall's own LDF.

### **Equality implications**

Lichfield LDF's proposed expansion of shopping and leisure facilities would, were they to go ahead, have an adverse effect on investment in the Borough and thereby set back attempts to combat social exclusion in Walsall. In practice this means two things. First, employment opportunities would be lost from areas out of reach of Burntwood; and Walsall is already, unlike Burntwood, comparatively deprived with higher than average unemployment; and secondly Burntwood is relatively inaccessible to people who do not have a car compared with Walsall town centre. They could be seriously inconvenienced or could lose out if these proposals went ahead.

### **Consultation**

Walsall's representations on the emerging Lichfield LDF have hitherto been made under delegated authority. Briefly, Lichfield Council provided an issues and options paper on its draft policies, and officer comments were made in November 2004. Another consultation on the preferred options took place in April 2005. Lichfield submitted final versions to the Secretary of State and consulted us on these. The deadline for this consultation occurred before this Cabinet meeting, so representations had to be made in advance of this report. This report is seeking endorsement of the responses made.

It should be noted here that Lichfield Council is progressing work on the Area Action Plans which reflects the approach and assumptions being pursued in their Core Strategy, Development Control and Allocations of Land documents, even though many of the strategic concerns that these raise remain unresolved.

### **Vision 2008**

The Council's Vision aims for 2008. Lichfield's emerging plan is likely to be adopted, at least in part, towards the end of the present Vision period. Nevertheless, the final form, of Lichfield's LDF will have important implications for the continuing efforts to regenerate Walsall. Lichfield's LDF has particular implications for the following elements of the Council's Vision:

- 1 Ensure a clean and green borough;
- 2 Make it easier for people to get around;
- 3 Encourage everyone to feel proud of Walsall;
- 4 Make it easier to access local services; and
- 5 Strengthen the local economy

The impact of Lichfield's present proposals are not only in conflict with national and regional policies that relate to regeneration and the environment; they would be likely to have an adverse effect on all the above elements of Walsall Council's Vision; mainly because the proposals for the development of Burntwood Town Centre are out-of-scale and would have an adverse impact on Walsall's shopping and leisure provision. Because Burntwood is relatively inaccessible compared with central Walsall, there would be shift away from public transport to the car for access to these new facilities, contrary to efforts to provide a cleaner, greener Borough; and people who do not have access to a car would lose out; contrary to our efforts to make it easier to get around and improve access to local services; it would weaken the local economy and consequently would not encourage pride in Walsall.

### **Background papers**

Lichfield District Council LDF Core Strategy Preferred Options Paper, February 2005

Lichfield District Council LDF Employment Land Review, February 2005

Lichfield District Council LDF Allocation of Land and Site Development Policies DPD – Pre-Submission Consultation Statement, February 2005

Lichfield District Council LDF, Allocation and Site Development Policies, Preferred Options Paper, February 2005

Lichfield District Council LDF, Sustainability Report for the Core Strategy & Allocation of Land Documents, February 2005

Lichfield District Council LDF, Core Strategy Background Paper 1, February 2005  
 Lichfield District Council LDF, Housing Background Paper 2, February 2005  
 Lichfield District Council LDF, West Burntwood Area Action Plan, Scoping Report, September 2005  
 Lichfield District Council LDF Core Strategy Submission Document, October 2005  
 Lichfield District Council LDF Allocation of Land and Site Development Policies, October 2005  
 Lichfield District Council LDF Development Control Policies Submission Document, October 2005  
 Lichfield District Council LDF Proposals Map, October 2005  
 Lichfield District Council LDF Revised Final Sustainability Report, October 2005  
 Lichfield District Council LDF Core Strategy Background Paper, October 2005  
 Lichfield District Council LDF Housing Background Paper, October 2005  
 Lichfield District Council LDF Urban Housing Capacity Assessment Background Paper, October 2005  
 Lichfield District Council LDF Shopping Background Paper, October 2005  
 Lichfield District Council LDF Employment Background Paper, October 2005  
 Lichfield District Council LDF, Lichfield City Centre Area Action Plan, November 2005  
 Lichfield District Council LDF, West Burntwood Area Action Plan, November 2005  
 Lichfield District Council LDF, West Burntwood Area Action Plan, Issues and Options, Sustainability Appraisal Report, November 2005  
 Lichfield District Council LDF, West Burntwood Area Action Plan, Issues and Options, Sustainability Report Technical Appendices, November 2005  
 Lichfield Shopping Survey, GL Hearn, September 2003  
 Lichfield Borough Retail Study, GL Hearn, October 2004

## Contact officers

Mike Smith, Regeneration Strategy Manager, extn: 2435, email: [smithme@walsall.gov.uk](mailto:smithme@walsall.gov.uk)  
 Sandy Urquhart, Strategy Team, extn 2477, email [urquharts@walsall.gov.uk](mailto:urquharts@walsall.gov.uk)

**Signed:**



**Executive Director: T Johnson  
Regeneration**

**Date: 16.02.06**

**Signed:**



**Portfolio Holder: Councillor A Andrew  
Regeneration**

**Date: 16.02.06**

## Appendix 1: Representations to Lichfield DC on Strategic Issues

### 1 Introduction

- 1.1 The new planning system came into effect in 2004. This changed the way plans are produced. The old plans had to take national and regional planning guidance into account. In the case of Shire Districts, the strategic policies were provided by the County Structure Plan. All of Walsall's local planning policies were provided under the UDP, the latest version of which was adopted in early 2005. Under the new arrangements, the Government has been producing Planning Policy Statements (basically, Planning Policy Guidance under a new name). Instead of Regional Guidance there is now the Regional Spatial Strategy (RSS). This is an integral part of every local plan, even those, like Walsall's new UDP, that were prepared under the old system. The LDF is set of documents that include Core Strategy, Site Allocation Documents, Development Control Policies, Area Action Plans and Supplementary Planning Documents. These documents do not have to come out at the same time, or in a set order, but clearly the Government is expecting Authorities to develop Core Strategic Policies at an early stage. But for all these documents there has to be a sustainability appraisal that examines the social, economic and environmental consequences of these policies. If the environmental effect is found to be significant, the Authority will (because of a European Directive) need to carry out a Strategic Environmental assessment (SEA).
- 1.2 The process of preparing these plans has also changed. There is now an initial consultation about various options, and then a further consultation on the preferred option. This is followed by the submission to the Government and an automatic public examination into the soundness of the plan (whether there are objections to it or not). Lichfield District Council's LDF is one of the first to come out under the new system. Walsall Council officers made representations under delegated powers to the initial consultation. As set out in the 'consultation' section of this report, we have also made representations to the Submission Documents in view of the deadline having passed before Cabinet meets.
- 1.3 The adequacy of policies and the scale of proposals for retail and leisure development, particularly at Burntwood, has been a major cause for concern previously and still raises serious issues now. Members will be aware that the Council strenuously opposed previous attempts to promote a huge factory outlet and leisure complex at Burntwood. These previous proposals were being called-in by the Secretary of State, and there was a public inquiry in 2002, which Walsall Council officers attended to give evidence. Walsall Council also commissioned an expert view on the shopping and leisure and transport/accessibility impacts of the proposals. The Secretary of State refused the application. It is clear that Lichfield DC has taken the opportunity provided by its emerging LDF to resume its promotion of a significant expansion of Burntwood town centre, as well as other out-of-centre developments in and around Lichfield. The proposals are similar in scale to the previous ones, though they differ in detail (see further below). Lichfield Council commissioned a retail study of the Borough, by GL Hearn and Partners, to help it justify the original proposals to expand Burntwood town centre. This earlier study has been amended, but we consider that it is still seriously flawed.
- 1.4 It is therefore contended that the documents are unsound primarily in terms of both the 'conformity test' (whether the plans are consistent with national and regional policy and whether they have regard to other relevant plans relating to adjoining areas) and the 'consistency test' (whether the strategies/policies/allocations in the plans are coherent and consistent within and between Development Plan Documents prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant and whether they are founded on a robust and credible evidence base). The over-arching issue however is the potential adverse effect of the LDF's proposals on Walsall.
- 1.5 The rest of this appendix is composed of a set of objections on six major topics, which, in view of their significance, are to be dealt with at the examination, together with a set of written objections on other matters. The six major areas of concern are:
  - Retail and centres

- Leisure development
- Chasewater
- Employment and offices
- Housing
- Sustainability Appraisal / Strategic Environmental Assessment

## **Strategic Representations**

### **2.1 Retail and Centres**

The proposals for retail development at Burntwood are contrary to the RSS (Policies UR3 and PA11 and potentially contrary to Policy PA1, in terms of the possible impact on Walsall as part of the metropolitan area ).

Provision of retail development at Burntwood and at Lichfield should be based upon a realistic assessment of need and scale, in terms of the catchment areas and the assumptions used, which should be appropriate to the roles of the centres concerned and consistent with the assumptions used in the emerging work on centres to inform the RSS review. The proposals for retail development should also be properly assessed against the requirements of PPS6 in terms of cumulative impacts and accessibility / travel. All the LDF documents need to be reviewed in light of a revised and proper assessment.

The proposal for a larger amount of retailing at Burntwood (perhaps 25,000 sqm. gross) than the maximum allowed under the RSS (10,000 sqm. gross). Generally, however, the scale of proposed retail development should be established through the Core Strategy, rather than being referred to in the Core Strategy but proposed in the Area Action Plans.

The proposal for out-of-centre retailing at Eastern Avenue / Trent Valley should be deleted as it has not been justified in accordance with Government policy

A policy should be introduced to make clear that retail development outside of centres should only be allowed where the requirements of PPS6 and PPG13, as well as the RSS, are met.

### **2.2 Leisure development**

Evidence should be provided to establish the need for the scale of leisure development proposed, and proposals should be subject to all of the tests set out in PPS6. Given the lack of clarity as to what is being put forward, where leisure development is proposed at Burntwood or elsewhere outside of the strategic centre of Lichfield, it should be subject to an upper limit of 5,000 sqm. to ensure it would comply with RSS policy PA11.

It should be ensured that planning policy, including in the Core Strategy and in the Allocation of Land and Site Development Policies DPD, is used to direct leisure, and hotel, investment towards town centres. Unless all of the requirements of PPS6 have been fulfilled there is no justification for development outside of existing centres.

### **2.3 Chasewater**

The removal of land south of the M6 Toll at Chasewater is not justified. A need for development that might require the re-drawing of the Green Belt boundary has not been established and removal of Green Belt designation would be contrary to the strategy of the RSS as well as to policies that seek to protect Green Belt Land.

### **2.4 Employment and offices**

An assessment of need for office development should be undertaken to demonstrate both whether there is a need for further office development and whether Lichfield City Centre can support such a need if there is one. The failure to assess the need is contrary to PPS6.

Without a need being demonstrated, and evidence to show compliance with the tests in PPS6 and



PPG13 there should be no provision for office development outside of town centres and any allocations, including at Trent Valley, should be deleted.

Without a policy to ensure office development outside of existing centres there will need to be policies to ensure that office developments at out-of-centre locations, such as Wall Island, can be controlled.

Policy Emp.1 in the Allocation of Land and Site Development Policies needs to be simplified to exclude B1(a) office development from employment sites, unless tests deriving from Government policy and the RSS are met (and these could be set out in Policy Imp. 2).

Policy Emp.2 in the Allocation of Land and Site Development Policies is currently contrary to PPS6 and – for proposals outside of existing centres - all of the policy tests arising from PPS6 and PPG13 need to be included, as well as the requirement from RSS Policy PA11 that office development should provide less than 5,000 sqm. of floorspace.

It must be ensured that office development in the Burntwood area is consistent with Government policy and the RSS so that it should be accommodated within the centre of Burntwood and should be limited to less than 5,000 sqm. floorspace.

## **2.5 Housing**

The removal of the proposed new settlement at Fradley is welcomed, but there is concern that the Core Strategy suggests Fradley as the location for future development if the RSS Review finds that there is the need. The District Council should refrain from naming particular locations for possible future housing development after 2011.

St. Matthews Hospital should not be removed from the Green Belt, but should be treated as a major developed site within it.

There need to be explicit policies / proposals within the LDF documents to identify both where changes to the Green Belt are proposed, and the exceptional circumstances to justify such changes.

## **2.6 Sustainability Appraisal/Strategic Environment Assessment**

Recommendations have been made to Lichfield District Council to the effect that the SEA and Sustainability Appraisals have not provided a sound basis for the proposals in Lichfield's LDF, as they have not considered the plans for, nor the impacts upon, surrounding areas.

## **3. Justification of Representations on Strategic Issues**

### **Retail and Centres**

- 3.1 The proposals for development for retail, leisure and other town centre uses are supposed to reflect Government policy, especially the Regional Spatial Strategy (RSS) that aims to promote the renaissance of the Major Urban Areas (of which Walsall, though not Lichfield and Burntwood, is a part), and ensure that development would not undermine the regeneration of the metropolitan area. The Core Strategy acknowledges the need to conform to the RSS. But, apart from the (flawed) quantitative capacity assessment by GL Hearn & Partners, there is no sign that any of the other government planning tests have been considered and there is no assessment at all to justify the leisure or office proposals. The RSS designates the strategic town and city centres that are to be the focus for major retail developments (over 10,000 sqm. gross) and large scale leisure and office developments (5,000 sqm. and above). Lichfield is a strategic centre and Burntwood is not, so the scale of the proposed retail development (and unlimited leisure development) is contrary to the RSS.
- 3.2 First, in specific terms, the Core Strategy and the West Burntwood Area Action Plan propose to create a new centre at Burntwood to meet the needs of the local population, which is around 30,000 people. Given the present lack of a coherent centre, this would appear reasonable. But these documents go much further than this. The Core Strategy refers to (and the West Burntwood Area Action Plan seeks to carry forward) a scale of development which is around two and a half times the size set out in RSS policy, on the basis that Burntwood is “an exceptional case.” It is asserted that there is a need for the

development to be viable and attract market interest. No evidence has been provided to show this, and the justification is based mainly on the assertion that large-scale development is necessary to serve its local needs. This local need has been claimed on the basis of the GL Hearn study, but this, despite amendments, suffers from serious deficiencies. In particular it relies on the majority of the proposed turnover being drawn from Walsall and Cannock, and in turn on the implicit, and unproven, assumption that there are needs within Walsall and Cannock that could not be met within those areas. GL Hearn also take a very generous view of the amounts of consumer expenditure that is likely to be available, by using a high expenditure growth rate, whilst minimising the calls on that expenditure by not allowing for the effect of internet shopping and taking a very conservative approach to the likely future turnovers of existing and proposed floorspace. The effect of all this is to over-estimate the capacity to support retail floorspace.

- 3.3 A realistic assessment of the needs of Burntwood should be undertaken, based upon a proper definition of the catchment area to fulfil the local needs of Burntwood and on a realistic and sensitive approach to consumer spending and the ways in which that spending is likely to be taken up. A Regional Centres Study is currently at an advanced stage, with important assumptions having been agreed by officers from across the regions. Use of these assumptions should provide a realistic assessment of need and one that should be compatible with emerging regional policy.
- 3.4 Second, the proposals in relation to Lichfield City itself are of concern. Lichfield City Centre is a strategic centre, so there is not the issue of principle that applies to Burntwood. The retail capacity assessment is however based on the same basic methodology as that for Burntwood. Thus the claimed need for 21,000 sqm. net (perhaps 28,000 sqm. gross), which the Area Action Plan for Lichfield promotes, is based on assumptions that exaggerate the amount of consumer expenditure and underestimate the calls on that expenditure. As with those for Burntwood, the figures need to be reworked.
- 3.5 Third, the approach being taken to promote the amounts of retail development at Burntwood and Lichfield is questionable in another sense. Government policy says that the Core Strategy, as the most strategically important part of the LDF, should establish the need for retail development. But Lichfield's LDF leaves it to the supporting text of the policies and the Area Action Plans to spell the relevant figures out. This has had the effect of making it more difficult to uncover the true extent of Lichfield's intentions. The supporting text suggests, on the basis of the GL Hearn Study, that the scale of comparison shopping development to 2016 could be in the order of 19,000 sqm. net for Burntwood and 21,000 sqm. net for Lichfield. And although the Core Strategy recognises that these figures are dependent on certain assumptions, the Area Action Plans for Burntwood and Lichfield seek to carry them forward anyway. In terms of gross floorspace the results might be in the order of 25,000 sqm. gross and 28,000 sqm. gross respectively.
- 3.6 Fourth, Lichfield District Council's approach to dealing with bulky goods is flawed. The Core Strategy states that there are few suitable sites in Lichfield for bulky goods and so identifies a need to find suitable sites. But again, Government policy gives no basis for bulky goods retailing to be treated in an exceptional manner, and no evidence has been provided to demonstrate a need for bulky goods retailing anywhere in the district and certainly not to show that if there is such a need that it could not fit in existing centres. Despite this, an out-of-centre site at Eastern Avenue/Trent Valley Road is allocated for bulky goods retail in another of Lichfield's LDF documents. The allocation of this out-of-centre site is therefore not warranted at this stage. Furthermore, the area which is intended to be allocated for retailing is not clearly defined on the Proposals Map.
- 3.7 So, whilst it is asserted that there is a need for large scale retail development, the potential impact on existing centres like Walsall has only been considered in a cursory manner, without any quantified analysis or consideration of possible cumulative impacts. There has been no examination of accessibility from the whole of the catchment area, nor of the likely effects on the need to travel, as required by the Government. Such omissions are particularly serious in view of justification of the scale of development at Burntwood and the consequent trade diversion from places like Walsall.

## Leisure development

- 3.8 As far as leisure development is concerned, the Background Paper to the Core Strategy refers to public consultation responses, but no proper, quantified and recent assessment of the likely requirements for indoor leisure development appears to have been undertaken. Despite this, Core Strategy seeks to promote substantial (although unquantified) amounts of leisure development at both Burntwood and Lichfield through Core Policies 6 and 8. Yet again this is contrary to Government planning policy, which is clear that, just as for retailing, local planning authorities should assess the need and appropriate scale for leisure development, as well as the impacts on existing centres and accessibility and effect on the need to travel; and, because of the potentially unlimited nature of what is proposed, there would be adverse impacts on leisure provision in Walsall. In establishing the appropriate scale of development, regard should be had to the type of centre in question, and (given that no quantified justification has been provided) at Burntwood the scale of new leisure development should be below the threshold of 5,000 sqm. gross, which the RSS imposes in respect of leisure schemes outside the strategic centres.
- 3.9 Aside from this, the Core Strategy states that a broader range of facilities is proposed at Chasewater, both within the Country Park and south of the M6 Toll. Following previous objections to the removal of land from the Green Belt south of the M6 Toll, the Core Strategy states this will be considered further through the West Burntwood Area Action Plan. This document seeks views on what sorts of leisure uses should be accommodated in different locations. It suggests that the area south of Chasewater, as well as Burntwood Business Park, might have potential for hotel development. But Government planning policy guidance identifies hotels as a town centre use, which, like leisure uses generally, should be directed towards town centre locations. Without available evidence to satisfy the tests in national policy, hotel development outside of existing centres is not justified. Outdoor recreation would be a more suitable use for open areas outside of centres.

## Chasewater

- 3.10 It was agreed previously by Walsall Council to make an objection to a proposal at the Preferred Options stage of Lichfield's LDF to remove land from the Green Belt south of Chasewater. This earlier proposal put forward the idea of removing land from the Green Belt in order to achieve greater flexibility in the redevelopment of recreation facilities. Now, the Core Strategy states that that a broader range of facilities is proposed at Chasewater, though it does not refer to an intention to do this by removing land from the Green Belt. But the supporting text to the policies – not the policy text itself – says that the redefinition of the Green Belt boundary will be considered through the West Burntwood Area Action Plan.
- 3.11 However, as with other leisure development, there does not appear to be any evidence to justify development that would require an amendment to the Green Belt boundary. If this were a matter of detail it might be appropriate to consider it through the Area Action Plan, but the previous proposal to remove Green Belt designation covered a large area that separates the major urban area from southern Staffordshire. The RSS does not envisage any changes to Green Belt land except where this would involve major (regional) employment development.
- 3.12 The West Burntwood Area Action Plan outlines issues and options facing Chasewater. A possible suggestion is for more intensive commercial leisure uses south of the M6, such as an indoor multi-activity centre. Views are sought on whether this is the “sustainable long-term approach that should be followed”. Whilst there can be no objection in principle to outdoor recreational uses here, this is an out-of-centre location and (as referred to above) no justification has been provided for indoor leisure uses or uses such as hotels, pubs and restaurants, which should be directed towards centres. Again, the proposals at Chasewater appear contrary to national planning guidance about town centres, regeneration and transport, as well as the RSS objective to retain the Green Belt. Encouraging this type of development in this location also appears contrary to the role of the M6 Toll as a corridor of movement rather than development, bringing the proposal into potential conflict with RSS transport policies.

- 3.13 Chasewater might provide a particular opportunity for recreational facilities associated with the lake, but the south shore (especially south of the M6 Toll) should remain as Green Belt land, fulfilling the purpose of, among other things, separating the settlements of Brownhills West and Watling Street / New Town and helping to separate Brownhills (in the Major Urban Area) from Burntwood, as well as providing a green corridor from within Walsall Borough extending out into the wider countryside. Development appropriate to a Green Belt location could be acceptable, but no justification has been provided for 'built' leisure development of uses that should be more sustainably located within existing centres. It follows that such development in this location would seem very likely to have impacts and implications that would be contrary to national and regional policy.

## **Employment and offices**

- 3.14 The main principle, as set out in the Core Strategy, is to direct economic development to the main settlements of Burntwood and Lichfield. This would be in conformity with both national policy and the RSS and is supportable. Also, some issues raised previously have now been addressed. In particular, the greenfield sites at Fradley and Darwin Park (outside Lichfield City Centre) put forward in the Preferred Options stage have not been allocated. Again, the removal of these sites is to be supported.
- 3.15 On the other hand, the Core Strategy states that there is the issue of limited site availability in the strategic centre of Lichfield for office development, so sites outside the City Centre may be required. However, there is no evidence that an assessment has been made to demonstrate a need for office development, nor that the City Centre cannot support office development if there is a need. The approach proposed would generate uncertainty over whether office development will be allowed in out-of-centre locations. If it did, it could cause diversion of office investment away from places in the Met area such as Walsall, which badly needs in-centre office development.
- 3.16 Lichfield's Allocation of Land and Site Development Policies document sets out a 'sequential test' for office development and refers to accessibility. But it fails to ensure that developments are assessed for the full range of policy tests. Moreover, it is stated that land within the Trent Valley Area is identified as having potential for redevelopment, including for office uses. Again however, there is no evidence that this has been based on the relevant policy tests. This proposal should be deleted.
- 3.17 The failure to have regard to all the relevant policy tests has led to the growth of unsustainable out-of-centre development in the area, most notably at Wall Island, at the junction of the A5, A5148 and A5127. This has been the focus for considerable development in recent years, including an Esporta Health and Fitness Club, Express by Holiday Inn and a McDonald's drive-through restaurant. Planning permission has also been granted for an "office village" scheme of 3,251 sqm. (35,000 sq.ft.). These are all town centre uses that should have been subject to the government's policy tests. Without proper control, including a specific policy for Wall Island, as well as a policy to ensure that proposals for office development outside of existing centres are subject to all of the policy tests, there is a danger that further out-of-centre development could continue, to the continuing detriment of Walsall. A general policy is necessary to replace the present defective one and to ensure that office developments outside of the strategic centre of Lichfield should be restricted to less than 5,000 sqm.
- 3.18 Meanwhile, another policy in the Allocation of Land and Site Development Policies does seek to restrict office developments on employment sites to 5,000 sqm. provided the sequential approach is fulfilled. This confirms that Lichfield is contemplating office development on out-of-centre employment sites generally, even though, yet again, there is no sign that the need, scale, impacts and accessibility/travel implications have been assessed. The provisions that would allow out-of-centre office development should therefore be deleted and the policy should instead identify employment land for factories and warehouses, and state that offices will only be allowed if they met all the requirements set out in national guidance and the RSS.
- 3.19 The Lichfield City Centre Area and Action Plan Issues and Options Paper suggest that the City Centre be expanded to accommodate additional office development. No suggestions are made as to where

such expansion should take place, and views on this are invited. In principle, the expansion of the City Centre would be consistent with the RSS, provided that the areas identified for expansion are appropriately located, and integrated with/accessible to the rest of the centre.

- 3.20 Views are also sought, in the West Burntwood Area Action Plan Issues and Options Paper, on whether job opportunities within Burntwood should be diversified, in relation to where office development should be allowed. The question asks whether office development should be part of town centre proposals or should separate land allocations be sought for office uses. But Government guidance states clearly that offices are town centre uses. Thus the approach taken towards office development should direct it to centres and at an appropriate scale for the centre concerned. This is obviously the case in Burntwood, which is not a strategic centre, so office development should not only be located within the centre, but should be limited to less than 5,000 sqm. to accord with the RSS.

## Housing

- 3.21 The overall strategy is to accommodate housing growth on previously-developed sites within the urban areas of Lichfield City and Burntwood, plus one 'sustainable urban extension' on land north of the Lichfield Southern Bypass. This approach will provide sufficient land to meet the old Staffordshire Structure Plan requirements up to 2011. The current RSS strategy, which replaced the Structure Plan under the latest Planning legislation, is to focus growth on the major urban areas and progressively reduce the rate of house-building in the shire counties. Lichfield's LDF looks at the housing needs in the 2011-21 period in general terms, because the housing target for the District for that period has yet to be clarified through the a forthcoming review of the RSS.
- 3.22 The approach taken in Lichfield's Core Policies is to be welcomed. It gives priority to development within the urban areas of Lichfield and Burntwood, on previously-developed land, and to a sequential approach to development elsewhere within the District. It also promotes a shift towards the district meeting its own housing needs, rather than accommodating migration from places like Walsall in the Met area.
- 3.23 It should be noted that the concept of a new settlement at Fradley has now been abandoned and this is to be welcomed. However, it is proposed that, in the event the RSS review identifying a need for further housing allocations between 2011 and 2021, some of this may be allocated to Fradley. Such an approach appears likely to prejudice the results of the RSS Review by suggesting development in a particular, and inaccessible, location.
- 3.24 The Core Policies set a target of 65% of housing development on previously-developed land. The emphasis on the re-use of previously developed land is welcomed. However, the proposed treatment of the site of St Matthews Hospital gives cause for concern. This is not mentioned in any of the LDF documents, except that it is identified on inset map 23 (which is within Burntwood Inset 3). In the 1998 Local Plan the site, a former hospital for the mentally ill which has since been redeveloped for housing, was designated as a Major Developed Site in the Green Belt by a policy that sought to limit the impact of redevelopment. The inset map now proposes to remove the site from the Green Belt. But Government policy states that altering the Green Belt boundary requires exceptional circumstances. The presence of houses in the Green Belt is not exceptional. Releasing this site from the Green Belt could set an unfortunate precedent by implying a trigger for release of other major developed sites from the Green Belt. Large scale housing incursions into the Staffordshire green-belt would have adverse consequences for policies to retain and attract people to Walsall and other parts of the Met area.
- 3.25 The issue of St Matthews Hospital also highlights that there is no explicit policy on Green Belt land in the LDF documents. The Core Strategy should have a policy on where the Council propose to alter Green Belt boundaries and refer the reader to the related LDF documents for further information. This has not been provided either at St. Matthews or where it has is proposed to remove land from the Green Belt at Chasewater (see above). In addition, there are no explicit policies within the Allocation of Land and Site Development Policies document, or the Area Action Plans to say why the Green Belt policy is to be altered and to explain the exceptional circumstances to justify particular proposals.

## **Sustainability Appraisal/Strategic Environment Assessment**

- 3.26 Annex 1 of the Strategic Environment Assessment (SEA) Directive requires the Environmental Report to provide information on the plan's or programme's "relationship with other relevant plans and programmes", whilst one of the tests of soundness for LDF documents is concerned to ensure the strategies/policies/ land allocations in the plan are coherent and consistent with development plan documents prepared by the authority and, where cross boundary issues are relevant, by neighbouring authorities.
- 3.27 The appendices to the Revised Final Sustainability Report (October 2005) for the LDF submission documents have not been provided as part of the consultation and do not appear not to have been published on the web. The previous Sustainability Report Appendix C ('Review of Relevant Plans and Programmes') made no reference to any development plans for any neighbouring local authority areas. Without giving due consideration to the policies and proposals of neighbouring authorities it is not possible to evaluate meaningfully the level of need for retail, offices and leisure, for example, nor indeed the likely impacts on the development plan strategies for neighbouring districts. Nevertheless, the LDF is proposing very large quantities of retail, office and leisure development without reference to the consequences beyond the Lichfield District boundary. This does not appear to be a sound approach.
- 3.28 In addition, as set out above, there is a lack of safeguards to ensure retail, leisure and office development in Lichfield District would be in scale with the needs of the district and there has been no proper assessment of the impacts on surrounding centres or in terms of accessibility and the effects on the need to travel. Without such an assessment, any claims for local benefits cannot have been properly set against the impacts on surrounding areas. Again, it appears that this is unsound.

## Appendix 2 – Other Written Representations to Lichfield DC.

### 1. Proposals Map – General

The Proposals Maps should be clarified, with:

1. Sites and localities should be named.
2. All relevant policy designations and proposals should be identified.
3. Local Plan policies/allocations should be made more distinguishable from the proposals of the LDF.

Reason – not coherent

### 2 Allocation of Land and Site Development Policies DPD – Employment

Without a policy to ensure office development outside of existing centres there will need to be policies to ensure that office developments at out-of-centre locations, such as Wall Island, can be controlled. This could be done through the addition of a reference to a revised Policy Emp2 in the Allocation of Land and Site Development Policies DPD (or, alternatively, through the identification of Wall Island as a major developed site in the Green Belt, in Policy DC8 in the Development Control Policies DPD and on the Proposals Map).

Reasons: National policy; Not in conformity with RSS and other plans; Not coherent; Insufficient evidence

### 3. Core Strategy - Paragraph B3.12

The removal of the proposed new settlement at Fradley is welcomed, but there is concern that the Core Strategy suggests Fradley as the location for future development if the RSS Review finds that there is the need. The District Council should refrain from naming particular locations for possible future housing development after 2011 and the reference should be deleted from paragraph B3.12.

Reasons: National policy; Not in conformity with RSS and other plans; Not coherent; Insufficient evidence

### 4. Proposals Map - Inset map 23

St. Matthews Hospital should not be removed from the Green Belt, but should be treated as a major developed site within it (under Development Control Policy DC.8).

Reasons: National policy; Not in conformity with RSS and other plans; Not coherent; Sustainability appraisal

### 5. Allocation of Land and Site Development Policies DPD Section 'E'.

There need to provide explicit policies / proposals within the LDF documents (perhaps most appropriately in the environment section of the Allocation of Land and Site Development Policies) to identify both where changes to the Green Belt are proposed, and the exceptional circumstances to justify such changes.

Reasons: National policy; Not in conformity with RSS and other plans; Not coherent; Insufficient evidence

## Appendix 3

### Regeneration Directorate

Your Ref:LJR/PB/6/1/11/9

Our Ref: MS/ /PB/6/1/11

Date: 8<sup>th</sup> December 2005

Direct Line: (01922) 652435

Contact Name: Mike Smith

Email: smithme@walsall.gov.uk

Mrs Linda Renshaw  
Principal Development Plans Officer  
Development Services  
Lichfield District Council  
District Council House  
Frog Lane  
Lichfield  
WS13 6YZ

Dear Ms Renshaw

**Lichfield District LDF:**  
**Issues and Options Papers**  
**West Burntwood and Lichfield City Centre Area Action Plans**

Thank you for consulting Walsall Council on these documents.

I have also received consultations on the Core Strategy and Allocation of Land and Site Development Policies for your district, with a deadline of tomorrow for responses. In my view, this is unfortunate as the Core Strategy and other documents should set the context for the issues and options to be explored through the Area Action Plans. At present there are major issues – concerning policies and proposals for retail, leisure and office development, as well as housing and Green Belt policy - that are still the subject of debate. The outcome of the debate on such strategic issues should inform the future work on the Area Action Plans. This should particularly be the case where it is for the Core Strategy, rather than the Area Action Plans, to establish the need for retailing, leisure and offices. In this context, it is requested that work on the Area Action Plans should not be finalised until issues relating to the Core Strategy, Development Control and Site Development Policies documents have been resolved.

However, whilst the major proposals for leisure and office development - and for the removal of land from the Green Belt south of Chasewater - are not supported by any robust strategy which properly considers the needs and the impacts involved, there are some particular matters raised by the Issues and Options Papers on which I do feel able to comment at present.

#### **West Burntwood Area Action Plan**

Paragraph 4.3.3 seeks views on what sorts of leisure uses should be accommodated in different locations, and it suggests that the area south of Chasewater, as well as Burntwood Business Park, might have potential for hotel development. Such an approach is contrary to PPS6, which identifies hotels as a town centre use, which like leisure uses generally, should be directed towards town centre locations. Without available evidence to satisfy the tests in national policy, hotel development outside of existing centres is not justified. Outdoor recreation would be a more suitable use for open areas outside of centres.

The Area Action Plan outlines issues and options facing Chasewater with a suggestion for more intensive commercial leisure uses south of the M6, such as an indoor multi-activity centre. Views are sought on whether this is the "sustainable long-term approach that should be followed" (paragraph 4.9.15). Whilst there can be no objection in principle to outdoor recreational uses here, this is an out-



of-centre location and no justification has been provided, either here or in the Core Strategy, etc. documents, for indoor leisure uses or uses such as hotels, pubs and restaurants, which should be directed towards centres. Thus, the proposals at Chasewater appear contrary to Government guidance in PPS6 and PPG13, and to the RSS objective to retain the Green Belt and – possibly, depending on scale – to Policy PA11. Encouraging this type of development in this location also appears contrary to the role of the M6 Toll as a corridor of movement, bringing the proposal into Potential conflict with RSS Policy T9.

Chasewater might provide a particular opportunity for recreational facilities associated with the lake, but the south shore (especially south of the M6 Toll) should remain as Green Belt land, fulfilling the purpose of, among other things, separating the settlements of Brownhills West and Watling Street / New Town and helping to separate Brownhills (in the Major Urban Area) from Burntwood, as well as providing a green corridor from within Walsall Borough extending out into the wider countryside. Thus, development appropriate to a Green Belt location (as required by Policy R2A and R2B of the Structure Plan) would be acceptable. However, no justification has been provided for 'built' leisure development of uses that should be more sustainably located within existing centres, and such development in this location would seem very likely to have impacts and implications that would be contrary to national, regional and Structure Plan policy.

Paragraph 4.9.20 asks whether the Forest of Mercia Innovation Centre, located within the Green Belt north of the M6 Toll at Chasewater, should be expanded. Without an assessment of the need for leisure development, it is impossible to assess whether there is such a need. If a need can be shown for an enlarged Innovation Centre, then this should be limited to an expansion of the centre's educational / interpretative role. It should not become a location for major 'commercial' leisure development and should remain in the Green Belt.

Views are sought on whether job opportunities within Burntwood should be diversified in terms of where office development should be allowed (paragraph 4.2.7). The question asks whether office development should be part of town centre proposals or should separate land allocations be sought for office uses. Government guidance in PPS6, paragraph 1.8, states clearly that offices are town centre uses. Thus, the approach taken towards office development should direct it to centres and at an appropriate scale for the centre concerned. This is particularly the case in Burntwood, which is not a strategic centre, so office development should not only be located within the centre, and given a lack of evidence to demonstrate need, it should be limited to less than 5,000 sqm. to accord with Policy PA11 of the RSS.

### **Lichfield City Centre Area Action Plan**

This suggests that the City Centre be expanded to accommodate additional office development (paragraphs 4.2.1 – 4.2.4). In principle, the expansion of the City Centre would be consistent with the RSS, provided that the areas identified for expansion are appropriately located, and integrated with / accessible to the rest of the centre.

Generally, I have commented previously on the sustainability scoping report for the West Burntwood Area Action Plan and I would like to take this opportunity to repeat the request that the impacts on surrounding areas (including Walsall) and on the plans for such areas should be taken into account if all of the implications are to be properly assessed in accordance with the requirements for soundness.

I hope these comments are useful. They should of course, be considered in the context of the issues raised by the Core Strategy, Site Development and Development Control policy documents.

Yours sincerely,

Mike Smith,  
Regeneration Strategy Manager