

Cabinet – 24 July 2013

Revised Supplementary Planning Documents (SPDs) – Conserving Walsall's Natural Environment SPD and Designing Walsall SPD.

Portfolio: Councillor Adrian Andrew, Deputy Leader, Regeneration and Transportation

Related portfolios:

Service: Regeneration – Planning and Building Control

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary

- 1.1 A planning authority may prepare Supplementary Planning Documents (SPDs) to provide greater details on the policies of its development plan. Supplementary planning documents should not be prepared with the aim of avoiding the need for the examination of policy but should give more tailored guidance on existing planning policies.
- 1.2 An issue based SPD provides additional information on a specific topic or theme. This type of SPD is not based on a specific physical location, but deals with a theme that is relevant to development across the entire borough. Two of the Council's existing SPDs – 'Conserving Walsall's Natural Environment' and 'Designing Walsall' – were adopted in 2008 as supporting guidance for policies contained in Walsall's Unitary Development Plan (UDP). Both of these SPDs were forms of issue based SPDs.
- 1.3 In November 2011, Cabinet approved the basis for revising these two SPDs and subsequent public consultation on these plans. The reasons for making these revisions were primarily concerned with major changes to national, regional and local planning policy. Further detail on the changes to the policy context of both SPDs can be found later in this report at paragraph 3.5.
- 1.4 The introduction of the National Planning Policy Framework (NPPF) in 2012 caused delays in preparing these documents for public consultation. However, following further work on these SPDs in the second half of 2012, the Council's Planning Committee gave endorsement in early February 2013 for the public

consultation to commence, and the draft revised documents were published for consultation for six weeks between 11 February and 25 March 2013.

- 1.5 All comments received through the consultation period have been analysed by Council officers, and further amendments to the draft revised SPDs have been made accordingly. Further detail on the process of consultation, and subsequent comments received, can be found at paragraphs 3.8 – 3.10 in this report.

2. Recommendations

- 2.1 That Cabinet notes the content of the public consultation responses and extent of the revisions to the Revised Conserving Walsall's Natural Environment Supplementary Planning Documents and Revised Designing Walsall Supplementary Planning Documents;
- 2.2 That Cabinet approves the Revised Conserving Walsall's Natural Environment Supplementary Planning Documents and Revised Designing Walsall Supplementary Planning Documents for adoption to provide up-to-date guidance on adopted planning policies in the Council's Development Plan.

3. Report detail

- 3.1 The purpose of the Conserving Walsall's Natural Environment SPD is to explain how the Council expects the natural environment to be protected and conserved during the planning process. The SPD describes the sites, habitats, species and geological features that are covered by the guidance and the impact assessment work the Council will require. The SPD also provides advice on ways the natural environment can be enhanced.
- 3.2 The revised Natural Environment SPD expands on the following 'saved' policies in the Walsall Unitary Development Plan (UDP): ENV8, ENV10, ENV14, ENV15, ENV16, ENV17, ENV18, ENV23, ENV24, ENV26, ENV30, ENV32, ENV33, ENV40, JP4.1, and LC1, and policies: ENV1, ENV2, ENV3, ENV4, ENV5, CSP1, CSP2, CSP3, MIN1, MIN3, MIN4 and MIN5 of the Black Country Core Strategy 2011 regarding the conservation of wildlife and trees through the planning process in the Borough of Walsall.
- 3.3 The Designing Walsall SPD is the design guide for Walsall Borough. The SPD contains ten urban design policies to guide the design of new developments. It requires new development to be of good quality and well designed, so that it fits in with existing communities and neighbourhoods. It seeks to create places that are:
- Safe and welcoming to those who will use them;
 - Respectful of the character of the surrounding area;

- Easy and safe to get to and to move through;
 - Easy to understand and have a clear identity; and,
 - Inclusive and consider the needs of all users
- 3.4 The revised Designing Walsall SPD expands on 'saved' policies ENV32, ENV33 and ENV34 in the Walsall Unitary Development Plan (UDP) 2005 regarding urban design, landscape design, and the provision of public art, and covers the whole of the borough of Walsall. It also supports policies CSP4, ENV2, ENV3 and ENV4 in the Black Country Core Strategy (BCCS) 2011 regarding place making, historic character and local distinctiveness, design quality and canals.
- 3.5 Following Cabinet approval, in November 2011, to revise the two SPDs, initial revisions to both the Designing Walsall SPD and the Natural Environment SPD were made by officers in the Council's Regeneration Directorate. The main reasons for revision are outlined in the bullet points below:

Natural Environment SPD

Revisions required due to changes to local planning policy.

- Addition of references to the Black Country Core Strategy planning policies to reflect and support the adoption of the Black Country Core Strategy in February 2011. In particular, SPD policy NE2(a) has been revised to reflect the content of Core Strategy policy ENV1.

Revisions required due to additions to national legislation, policy and good practice guidance.

- Addition of references to legislation, government policy documents and good practice guidance published since the SPD was adopted. Policy, references and contact lists have been updated. The priority habitats and species listed in Section 41 of the Natural Environment and Rural Communities Act which are found in Birmingham and the Black Country are listed in Annexes 4A and 4C.

Revisions required due to local initiatives and changes.

- Inclusion of the need to take account of the new Birmingham and Black Country Nature Improvement Area.
- Addition of references to reflect revision to the Local Biodiversity Action Plan. The revised Biodiversity Action Plan has reduced the number of local priority habitats and species which are listed in Annexes 4B and 4D of the revised SPD.
- A further Site of Special Scientific Interest (Brownhills Common) has been designated since the SPD was adopted.

Revisions required relating to protected species.

- Revision of section on European Protected Species to reflect clarification of the law since the SPD was adopted. More advice is given to applicants on documentation required to support a planning application for development affecting any European Protected Species through the inclusion of Annex 9.
- Annex 1A has been amended to clarify the council's requirements for bat surveys in response to issues arising through the operation of the guidance since the SPD was adopted. The criteria have been tightened to be more focused, reducing the locations where bat surveys will be required. More precise information is given on the requirements of bat surveys.

Designing Walsall SPD

Revisions required due to changes to local planning policy.

- Addition of references to the Black Country Core Strategy planning policies to reflect and support the adoption of the Black Country Core Strategy in February 2011.

Revisions required due to additions to national legislation, policy and good practice guidance.

- Changes to Policy DW9: High Quality Public Realm (including amendments to Policy DW9(a) and deletion of Policy DW9(b-d)) and deletion of Appendix D: Public Art Guidelines. This was to reflect that the policy for seeking public art contributions is no longer consistent with the current national regulations and statutory 'tests' for planning obligations, which came into force in April 2010. Although the rules on planning obligations have changed, this does not mean that the Council cannot seek the provision of public art or public realm improvements. The Council will consider the provision required in line with statutory 'tests' and revised Policy DW9.
- Amendments to design and building standards (including Policy DW10: Well Designed Sustainable Buildings). This was to reflect changes to national design policy and other building standards and to support policies within the Black Country Core Strategy.

Revisions required due to local initiatives and changes.

- Updated references to regeneration and development projects. This was to reflect progress made on regeneration and development projects (e.g. New Manor Hospital) since the SPD was first adopted.

- 3.6 Revisions made throughout the course of 2012 were monitored for consistency with the implementation and interpretation of the National Planning Policy Framework (NPPF), introduced by the Coalition Government in March 2012. Revisions to both SPDs were also required to monitor the uncertainty surrounding the Coalition Government's intention to abolish Regional Strategies

across the country, including the adopted West Midlands Regional Spatial Strategy (RSS), which was eventually abolished on 20th May 2013.

- 3.7 In revising these SPDs, the Council was required to follow essentially the same process as for preparing a new SPD. The current regulations require the following procedures:
- Strategic Environmental Assessment (SEA) Screening Assessment;
 - Public Participation on Draft SPD Revisions (4 – 6 weeks); and
 - Adoption of SPD Revisions by the Council's Executive.
- 3.8 An SEA Screening Assessment consultation was undertaken in December 2012 with the three statutory bodies (English Heritage, the Environment Agency, and Natural England) to determine whether further assessment of the revised SPDs would be necessary. These statutory consultees agreed with the Council's determination that no SEA was required for these revised guidance documents. The SEA Screening Determination is included at Appendix A for reference.
- 3.9 Public consultation, in line with requirements for public participation contained in the 2012 planning regulations, commenced on the 11 February 2013 and ran for six weeks until the 25 March 2013. The consultation sought the views of a wide range of consultees (circa 1,400) including the public, developers and landowners, and statutory bodies including national organisations and neighbouring local authorities.
- 3.10 The consultation was also in line with the Council's Statement of Community Involvement (SCI) (2012), in particular Chapter 5 concerning the three main stages of involvement required in producing (or revising) a Supplementary Planning Document. Recommendations contained in the SCI for the first two ('Pre-Production' and 'Public Participation') of these stages have been followed in consulting on the revised SPDs. Subject to Cabinet approval to adopt these SPDs, guidance contained in the Council's SCI will also be followed for adoption (the final stage of involvement) of the plans.
- 3.11 All consultation comments were collated and the Council's responses to these are shown in the full table of consultation responses (one for each Revised SPD) at Appendix B. Where comments have justified changes to the SPDs, these have been recorded in the 'Actions Proposed' column and have led to further revisions to the draft SPDs that went out to consultation – in summary, the additional revisions made following public consultation are concerned with:

Designing Walsall

- Further references and links to the design elements of the National Planning Policy Framework.

- Additional and amended references to existing national design guidance, including 'Building in Context' and 'Building for Life 12', and additional links between these design guidance documents and the SPD 'Vision' themes and 'Urban Design Policies'.
- Amendments to the 'Vision' themes to reduce overlap between the key themes and provide improved explanation and key issues guidance.
- Further revisions to section 4 'Local Character Guidance' in the form of insertion of character summaries for the four overarching character areas across the Borough of Town Centre, Central Suburbs, East, and West; revised and additional maps / plans to assist in orientation and placement of the character areas; and revisions / additions to the character area text.
- Insertion of text regarding the approach for the "Design Review" arrangements as required by the National Planning Policy Framework (paragraph 62).

Natural Environment

- Further revisions based on information provided in consultation responses from partners such as Birmingham City Council and the Birmingham and Black Country Wildlife Trust on the role of Walsall within the Birmingham and Black Country Nature Improvement Area. The SPD will provide guidance for applicants seeking planning permission on new development and will complement the strategic, landscape scale approach of the nature improvement area in seeking improvements to the environment at a sub-regional scale across parts of Birmingham and the Black Country, rather than merely on a site by site basis.

3.12 Revisions made both before and after public consultation have been combined and this has resulted in final versions of the SPDs coming before Cabinet to approve for adoption. Web links to the completed revised SPDs (July 2013), subject to final print and design formatting before being published, are included at Appendix C for information. These links allow Members to view the final versions, subject to approval by Cabinet, on the Council's intranet, before the adopted revised SPDs can be published on the Council's planning policy internet pages (link also provided at Appendix C).

4. Council priorities

Communities and Neighbourhoods

4.1 Supplementary Planning Documents (SPDs) provide guidance on the Council's Local Plan (formerly the Local Development Framework). They provide guidance on managing the impacts of development on local neighbourhoods, such as impacts on the natural environment, and impacts on the local townscape and landscape. To remain effective, this guidance needs to be updated to reflect recent changes to policy and legislation.

- 4.2 The Designing Walsall SPD is the design guide for Walsall Borough. It requires new development to be of good quality and well designed, so that it fits in with existing communities and neighbourhoods. It seeks to create places that are safe and welcoming to those who will use them, places that respect the character of the surrounding area, places that are easy and safe to get to and to move through, places that have a clear identity and are easy to understand, and places that are inclusive and consider the needs of all users.
- 4.3 The Natural Environment SPD provides guidance on managing the impact of development on designated nature conservation areas and other places within the Borough that provide habitats for wildlife, or have the potential to provide habitats. It encourages developments to make space for wildlife and to incorporate habitats which will also benefit local communities by providing high quality environments and space for recreation.

The Economy

- 4.4 Various pieces of research have tended to demonstrate that good design helps make for more attractive investment, and recent work by the Royal Institute of British Architects has drawn this together to show the measurable social and economic benefits of well-designed buildings and spaces. Similarly, the Government's natural environment White Paper, published in June 2011, has recognised the importance of nature in as an asset that should be properly valued in making places, and investment in those places, more attractive and promotes it as helping to support sustainable economic growth.
- 4.5 Such recognition of the benefits of a good quality environment has underpinned the work to regenerate the Black Country, including through the Black Country Study, and it is reflected in the Black Country Core Strategy.

Health and Well Being

- 4.6 Protecting sites of nature conservation value, and providing good quality places and spaces are important to the health and well-being of local people. For example, making provision for natural habitats which are also accessible to the public for recreation is likely to improve well being and encourage healthy physical activity. Well designed places and spaces which look attractive and provide opportunities for walking and cycling will also benefit the health and well-being of those who use them. The revisions to the SPDs will ensure that they remain up-to-date and continue to provide guidance on good practice on these issues.

5. Risk management

- 5.1 If updated guidance is not provided, there is a risk that the existing guidance will not be able to be applied effectively when considering planning applications for new development. This could mean that the Council will be less able to address

potentially harmful effects on the natural and built environment within the Borough, or to influence the design of new developments in a positive way, to benefit of local communities, businesses and visitors.

6. Financial implications

- 6.1 Since originally adopted, the SPDs have helped to inform decisions on the application of the UDP policies to particular development proposals. In some cases, this has involved providing compensation for habitats affected by development, and contributions towards public art and other environmental enhancements. The SPDs have provided certainty and clarity over how the UDP policies will be applied, which has helped with the process of negotiation.
- 6.2 The Designing Walsall SPD public art policy is no longer consistent with the legal requirements for planning obligations and has therefore been revised, so it is unlikely that the level of contributions secured up to now will continue in the future. This does not mean that no public art or public realm improvements will ever be provided through new developments; but where it is sought, it must meet the legal tests.
- 6.3 The cost of revising the Designing Walsall and Natural Environment SPDs, and the environmental screening assessments and consultation costs have all been met through existing revenue budgets within the Regeneration Directorate. Efficiency and cost savings have been achieved by using online / electronic consultation methods wherever possible.

7. Legal implications

Community Infrastructure Levy (CIL) and Planning Obligations

- 7.1 The legal basis for negotiating planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) has changed since the SPDs were first adopted. This is now set out in the Community Infrastructure Levy Regulations 2010 (CIL Regulations). The “tests” previously included in CLG Circular 5/05 now form part of the regulations and have legal status. This means that all planning obligations must be:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

(Regulation 122 (2), CIL Regulations 2010 (SI 2010 No. 948))

Any obligations sought by the Council to address the impact of development on the natural environment or for public art and other environmental enhancements

must comply with these requirements. This was one of the key drivers in the decision to review the SPDs (in particular the public art policy in the Designing Walsall SPD) to ensure that the guidance is consistent with this.

Environmental Assessment of Supplementary Planning Documents

- 7.2 The Designing Walsall and Natural Environment SPDs were subjected to sustainability appraisal before they were adopted, in accordance with Section 19 (5) of the Planning and Compulsory Purchase Act 2004. Both SPDs were also determined to require a strategic environmental assessment (SEA), under The Environmental Assessment of Plans and Programmes Regulations (SEA Regulations) 2004. The Natural Environment SPD also required a screening assessment in accordance with The Conservation (Natural Habitats &c.) Regulations (Habitats Regulations) 1994 (since replaced by The Conservation of Habitats and Species Regulations 2010), to confirm that the SPD would not have adverse impacts on internationally important nature conservation sites.
- 7.3 Since the SPDs were prepared, Section 19 (5) of the Planning and Compulsory Purchase Act has been modified by the Planning Act 2008, and it no longer requires SPDs to be subject to sustainability appraisal. However, the Council did have to 'screen' the revised SPDs to determine whether they were likely to have significant effects on the environment, in accordance with Regulations 9 and 11 of the SEA Regulations. The screening process took place in consultation with English Heritage, the Environment Agency and Natural England before the revised SPDs went out to public consultation. On the basis of this screening process, the Council issued a formal determination that further SEA was not required for these revisions, as no further effects, beyond those already assessed for the original SPDs and the BCCS policy framework, would be produced (see Appendix A).

8. Property implications

- 8.1 No direct implications for Council property have been identified.

9. Health and wellbeing implications

- 9.1 Protecting sites of nature conservation value, and providing good quality places and spaces are important to the health and well-being of local people. For example, making provision for natural habitats which are also accessible to the public for recreation is likely to improve well being and encourage healthy physical activity. Well designed places and spaces which look attractive and provide opportunities for walking and cycling will also benefit the health and well-being of those who use them. The revisions to the SPDs will ensure that they remain up-to-date and continue to provide guidance on good practice on these issues – see also Section 4.

10. Staffing implications

- 10.1 The revisions to the Designing Walsall and Natural Environment SPDs were undertaken by officers within the Regeneration Services Directorate. The revisions themselves have been done by staff within the Development and Delivery Team, and the Planning Policy Team has overseen the revision process, including the public consultation and any environmental assessments required.

11. Equality implications

- 11.1 An Equality Impact Assessment (EqIA) Questionnaire has been completed in respect of the final SPD revisions. Both the Designing Walsall and Natural Environment SPDs were subjected to EqIA before they were originally adopted, and potential impacts on equality were addressed in the final documents. Now, further consideration has been given to the potential impacts on customers of revising these SPDs, following the SEA screening and public consultation. As the adoption of the Revised SPDs is a Key Decision to be made by Cabinet, a further EqIA Questionnaire has been completed at this stage, and this reflects changes to the SPDs arising from consultation responses.

12. Consultation

- 12.1 As already outlined in this report, two forms of consultation were undertaken in revising the SPDs. The first was whether environmental assessment was required (SEA Screening Assessment) and this consultation was restricted to the Government's statutory consultees on environmental matters – English Heritage, the Environment Agency and Natural England. The second was public consultation for a period of six weeks and this ensured that the Revised SPDs were compliant with the 2012 planning regulations on public participation, and the Council's Statement of Community Involvement (SCI) (2012).

Background papers

- Consultation Responses - Natural Environment SPD (see Appendix B)
- Consultation Responses - Designing Walsall SPD (see Appendix B)
- Revised Conserving Walsall's Natural Environment SPD (July 2013) (see Appendix C)
- Revised Designing Walsall SPD (July 2013) (see Appendix C)
- Walsall Statement of Community Involvement (2012)
http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_statement_of_community_involvement.htm
- The Town and Country Planning (Local Planning) Regulations 2012
<http://www.legislation.gov.uk/ukxi/2012/767/made>

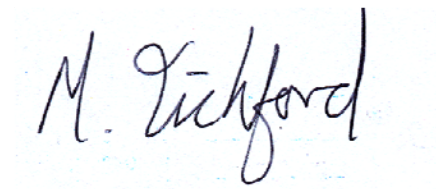
Author

Matt Stanczyszyn

Senior Planning Policy Officer

☎ 658022

✉ stanczyszynm@walsall.gov.uk

A handwritten signature in blue ink that reads "M. Tichford". The signature is written in a cursive style with a large, looped 'M' and a clear 'Tichford'.

Michael Tichford

Assistant Executive Director

16 July 2013

A handwritten signature in blue ink that appears to read "A. Andrew". The signature is highly stylized and cursive, with multiple loops and a large initial 'A'.

Councillor A Andrew

Deputy Leader

Portfolio Holder - Regeneration

16 July 2013

GLOSSARY OF ACRONYMS USED

BCCS – Black Country Core Strategy, 2011

The overall regeneration strategy and a key component of the development plan for Walsall (and the remainder of the Black Country) for the period up to 2026. This forms part of Walsall's 'Local Plan', previously known as the Local Development Framework.

CIL – Community Infrastructure Levy

A form of planning obligation that a local authority can choose to charge new development, which will replace, in part, Section 106 planning obligations. The new Community Infrastructure Levy Regulations (CIL Regulations) were implemented in April 2010, and have the following tests that all planning obligations must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

EqIA – Equalities Impact Assessment

A process undertaken to ensure a policy, plan or scheme does not discriminate against any disadvantaged or vulnerable people

NPPF – National Planning Policy Framework, 2012

The NPPF sets out the Government's planning policies for England and how they are expected to be applied. It provides guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications.

RSS – Regional Spatial Strategy, 2008

A regional level strategy for the West Midlands, which identified economic, social and environmental issues to be addressed across local authority boundaries. Local plans and development documents were required to be in compliance with the RSS however the West Midlands RSS was abolished on 20 May 2013.

SEA – Strategic Environmental Assessment

A requirement of European legislation (Directive 2001/42/EC), the aim of which is to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

SCI – Statement of Community Involvement, 2012

The revised Walsall SCI explains how the Council's planning department will involve residents, developers and other key partners in influencing new land use plans, planning policies and planning applications in Walsall. The document includes how we will work with partners, how we produce and distribute information, what involvement techniques we will use, and how we will monitor procedures and use resources.

SPD – Supplementary Planning Document(s)

As this report already refers to, an SPD provides greater details on the policies of a local planning authority's development plan. SPDs should not be prepared with the aim of avoiding the need for the examination of policy but should give more tailored guidance on existing planning policies.

UDP – Unitary Development Plan, 2005

Previously (i.e. prior to the reform of the planning system in 2004) every metropolitan authority, such as Walsall, had to prepare a UDP for the whole of its area. Policies and proposals were limited to land use and transportation, but set in a wider economic and social context. Walsall's UDP was adopted in 2005 and many of the policies are 'saved' and remain part of the Council's statutory development plan. Some however, have been superseded by policies in the Black Country Core Strategy, 2011.

APPENDIX A – SEA SCREENING ASSESSMENT

DETERMINATION FORM

This statement sets out the responsible authority's determination on the need for Strategic Environmental Assessment (SEA) of the following plans or programmes:

***Revisions to Conserving Walsall's Natural Environment Supplementary Planning Document; and,
Revisions to Designing Walsall Supplementary Planning Document***

The responsible authority is:
Walsall Council

The responsible authority considers that the plan or programme is subject to Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004, which requires the responsible authority to determine whether a SEA is necessary.

Determination

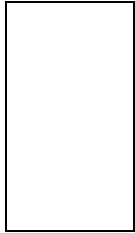
	It is a plan or programme that determines the use of a small area at local level. It therefore falls within the scope of Article 3, paragraph 3 of the SEA Directive. The Council has determined that it <u>is likely to have significant environmental effects</u> for the reasons set out in the SEA Screening Statement, and a SEA is required.
--	--

	It represents a minor modification to/ elaboration of a plan or programme/ plans or programmes referred to in Article 3, paragraph 2 of the SEA Directive. It therefore falls within the scope of Article 3, paragraph 3 of the Directive. The Council has determined that it <u>is likely to have significant environmental effects</u> for the reasons set out in the SEA Screening Statement, and a SEA is required.
--	---

	It is not a type of plan or programme referred to in Article 3, paragraph 2 of the SEA Directive but it sets the framework for future development consent of projects. It therefore falls within the scope of Article 3, paragraph 4 of the Directive. The Council has determined that it <u>is likely to have significant environmental effects</u> for the reasons set out in the SEA Screening Statement, and that a SEA is required.
--	--

	It is a plan or programme that determines the use of a small area at local level. It therefore falls within the scope of Article 3, paragraph 3 of the SEA Directive. The Council has determined that it <u>is not likely to have significant environmental effects</u> for the reasons set out in the SEA Screening Statement, and a SEA is not required.
--	--

X	It represents a minor modification to/ elaboration of a plan or programme/ plans or programmes referred to in Article 3, paragraph 2 of the SEA Directive. It therefore falls within the scope of Article 3, paragraph 3 of the Directive. The Council has determined that it <u>is not likely to have significant environmental effects</u> for the reasons set out in the SEA Screening Statement, and a SEA is not required.
----------	---



It is not a type of plan or programme referred to in Article 3, paragraph 2 of the SEA Directive but it sets the framework for future development consent of projects. It therefore falls within the scope of Article 3, paragraph 4 of the Directive. The Council has determined that it is not likely to have significant environmental effects for the reasons set out in the SEA Screening Statement, and a SEA is not required.

This determination is delegated to:

David Elsworthy
Head of Planning & Building Control

Signature

Date5/2/2013.....

Contact:
Matt Stanczyszyn
Walsall Council
Planning Policy - Regeneration Directorate
Civic Centre
Darwall Street
Walsall
WS1 1DG

stanczyszynm@walsall.gov.uk 01922 658022

APPENDIX B – TABLES OF ALL CONSULTATION COMMENTS AND COUNCIL RESPONSES

DESIGNING WALSALL SPD AND NATURAL ENVIRONMENT SPD

Designing Walsall SPD Comments Received

Consultation Respondent	Summary of Comments Made	Walsall Council's Response to Comments	Actions to be taken and Minor Changes made to the SPD (deleted text shown as text additional text shown as <u>text</u>)
Highways Agency	Although the principles laid out in the document will not generally affect the strategic road network, the HA welcomes the inclusion of statements that developments in Bescot and The Delves must “demonstrate that they have taken into account any potential impact upon the skyline or views along the M6”. The HA is content to liaise at an early stage with developers who feel that their proposals may impact upon the M6 in order to ensure that impacts are fully understood.	See actions.	Additional text added in Chapter 4, Skyline and Townscape, Key issues <u>The Highways Agency should be engaged with at an early stage where proposals impact upon the strategic road network corridor or skyline.</u>
Landscape Design (Walsall Council)	Recommend adding the following text into the Homes – Key Issues section (pg22) in order to promote sustainability, healthy eating etc:- Proposed private garden space should have good quality top soil free from discarded building materials and construction debris. The soil should comply with BS3882: Multipurpose category. It should be of sufficient depth for residents to successfully grow their own produce - a minimum 300mm depth is recommended. Ground preparation before topsoiling should include decompaction of the formation level to counteract any heavy trafficking by construction plant at construction stage.	See action; however the detail concerning top soil is not a design matter and cannot be included in a design document of this nature.	Additional text added in Chapter 4, Homes: <u>Homes with usable garden spaces that are multi functional- be it for recreation, relaxing, or growing food and flowers.</u>

Walsall Housing Group	Introduction may benefit from a summary of the BCCS.	Further information about how the SPD fits with the planning system and local policies is set out in Chapter 2.	Additional text added in Chapter 2 <u>The wider planning spectrum</u> <u>Design is a fundamental and often overarching principle of planning as it touches on all other aspects of development management and policy. Issues of transportation, parking, greenbelt, housing, ecology, environmental contamination and other topics all benefit from separate detailed policy and guidance of their own and whilst touched on in this design document, are not discussed in depth as they are addressed within the wider Development Plan.</u>
Walsall Housing Group	Pleased to see the relaxation of guidelines for Policy DW9 – Public Art. However this may benefit further from more detail into the definition of ‘larger scale developments’.	The fixed development thresholds and developer contributions for seeking funding obligations towards public realm improvements and public art have been removed as they are no longer consistent with the current national regulations and statutory ‘tests’ for planning obligations. The Council will consider the provision required in line with statutory ‘tests’ and local area need/requirements on a case-by-case basis.	No action proposed.
Walsall Housing Group	Agree with the emphasis upon sustainability specifically connectivity. A further interpretation may be required – does this include spatial and social connectivity, or purely the physical connection.	The SPD focuses on the design of physical connections within and between developments and places, and consequently how such design encourages spatial and social connections. This is set out in Chapter 4, Connections.	No action proposed.
Natural England	Supportive of the “Environmental Transformation” statement on page 10 particularly the aspiration to create a multifunctional green space network.	These comments are noted.	No action proposed.

Canal & River Trust	<p>Canal & River Trust welcome the inclusion of policies ENV2 Historic Character and Local Distinctiveness, ENV3 Design Quality and ENV4 Canals of the Black Country Joint Core Strategy into the Designing Walsall chapter (page 10). These policies seek to protect, enhance and promote the multifunctional nature of the canal network.</p> <p>Canal & River Trust welcome the proposed changes to the wording to the Waterways section of the vision to state “<u>The importance of unlocking the potential of Walsall’s canals to raise the overall quality of the environment is recognised.</u>” The canals are successfully being used as tools in place-making and place-shaping and Canal & River Trust promote the importance of fully unlocking the waterways potential and the use of the waterway network.</p> <p>Canal & River Trust also welcome the proposed changes to the wording to the Waterways section of the vision to state “Take into account the need for any flood control <u>risk management</u> measures required by the Environment Agency, <u>Council or Canal and Rivers Trust.</u>” The canals can be used to assist in mitigating flood risk, acting as an important channel for flood alleviation and the disposal of surface water run-off from land and from new and existing development. For clarification the ‘and’ in Canal and River Trust should be an ampersand (Canal & River Trust).</p> <p>In relation to Policy DW1 Sustainability, Canal & River Trust welcome the insertion of the sentence on page 30 relating to new development and improvements in water quality. Protecting our water is fundamental to the public benefits we provide therefore a key consideration on safeguarding the canals from inappropriate development is whether a development protects and improves water quality.</p>	These comments are noted.	No action proposed
Canal & River Trust	In relation to Policy DW2 Safe and Welcoming Places,	See actions.	Additional text added to Policy DW2:

	<p>Canal & River Trust welcome the insertion of the quote relating to Healthy Communities. The canal infrastructure can contribute to healthier and active living by encouraging walking and cycling via use of the canal towpaths. Also existing and new developments can benefit from the recreation and leisure facilities provided by the canal network on and next to the water. The canal network can be used as a resource for healthy and active lifestyles. The Department of Health publication Be Active, Be Healthy: A plan for getting the nation moving refers to the waterways and towing paths.</p>		<p>New development must be designed in a way that makes routes, streets, <u>waterways</u> and spaces as safe, welcoming, attractive and free from crime as possible.</p>
Canal & River Trust	<p>In relation to Policy DW3 Character, Canal & River Trust welcome the insertion of the quotes regarding requiring good design and conserving and enhancing the historic environment. The canals are unique historic environments and have a distinctive character contributing to creating a sense of place and place making. Canal & River Trust also promotes key urban design principles that could underpin any area specific design policy for local environments within a waterway corridor.</p> <p>In relation to Policy DW4 Continuity, Canal & River Trust welcome the insertion of the quote regarding requiring good design. Canal & River Trust also promotes key urban design principles that could underpin any area specific design policy for local environments within a waterway corridor. The urban design principles include ensuring where development is proposed adjacent to the waterway, development should be sited and orientated to face the waterway and should enhance the waterway's edge and define external waterside spaces. Create attractive mixed use waterfront development, integrate and utilise the waterspace and the towing path, create active edges to the waterspace. Respect the topography, relate to the waterspace and design to a human scale, improve access to and, where possible, the use of these waterways. Improve pedestrian and cycle access as well</p>	See actions.	<p>Additional text in Appendix A – Further Guidance:</p> <p><u>Unlocking the added value of water through planning and design: Guiding design principles (C&RT, 2013)</u></p>

	as public transport provision both within the development and from adjoining areas and improve the appearance of the site from the towing path and from the water at boat level and of the waterway corridor as a whole.		
Canal & River Trust	In relation to the insertion of Policy DW9(a) Planning Obligations and Qualifying Development, Canal & River Trust welcome the provision of public realm improvements. The canal infrastructure is a public assets and forms public realm. Canal & River Trust welcomes third party investment in the canal infrastructure. Where appropriate and in accordance with the tests, planning obligations secured from the development or regeneration of sites on the waterside or otherwise benefiting from it should be reinvested and framed positively to benefit the waterway infrastructure. For example for on-going maintenance costs for maintaining attractive 'waterway settings' use of the waterway and towing path as a form of open space, and the use of towing path as a sustainable transport route.	See actions.	<p>Amended text in Policy DW9:</p> <p>Public space includes streets, squares, canals <u>waterways</u>, parks and recreational areas and provides a widely accessible stage for the expression of arts and creativity.</p> <p>Additional text in Policy DW9(a):</p> <p>Where appropriate, the Council will seek provision of public realm improvements and public art in the following locations:</p> <ul style="list-style-type: none"> • In public spaces and buildings • In important and prominent locations • <u>In waterway settings</u> • In larger scale developments or refurbishments • In the Growth Network (Walsall Strategic Centre and Regeneration Corridors), and town, district and local centres
Canal & River Trust	Canal & River Trust welcome the proposed changes to the wording to the Goscote Lane Corridor section of this chapter to state "Improvement of relationships, <u>connectivity and quality of pedestrian links to the canal and community/leisure facilities.</u> " Canal & River Trust welcomes opportunities for improvements to the canal network in Walsall and in particular enhancement of the towpath, pedestrian and cycle accesses. Enhancements will encourage increased use of the canal infrastructure	See actions.	<p>Additional text added in Chapter 4, Waterways, Key Issues:</p> <p>Encourage <u>increased use of waterways infrastructure for the benefit of local communities, including enhancements of routes and activity on the water where appropriate</u></p>

	for the benefit of local communities by providing good quality traffic free routes for travel by pedestrians and cyclists.		
Centro	Support the principles established within Policy DW5, providing links to public transport, walking and cycling can improve connectivity and play an effective role in supporting good design of places.	These comments are noted.	No action proposed.
The Victorian Society	Noted that do not have any specific comments but are generally supportive of the points made in Designing Walsall SPD.	These comments are noted.	No action proposed.
English Heritage	Since the adoption of the SPD in 2008 the policy context for the document has changed considerably at both the national level with the publication of the National Planning Policy Framework and at the sub-regional level following the adoption of the Black Country Core Strategy. The review of the SPD is hence timely, however, at this current stage it is unclear how the document will fit with other Development Plan Documents proposed by the Council. Further clarification on this is needed to help inform the appropriate level of detail presented in the SPD with regard to its policy content and area specific recommendations.	<p>The SPD provides guidance on existing adopted local development plan policies, namely saved policies of the Walsall UDP and the Black Country Core Strategy (BCCS). The Council is in the process of producing a Site Allocation Document and Town Centre Area Action Plan that will identify sites to be allocated for specific land-uses to meet the targets set out in the BCCS. However at this early stage of these plans (Issues and Options consultation took place from April 22nd – June 3rd 2013), there are no proposals to amend the existing policy framework for urban design.</p> <p>Criteria to decide where sites should be allocated for particular types of development may include design issues to ensure development is located in the most sustainable locations possible. This will be investigated further through the</p>	<p>Additional text included in Chapter 2:</p> <p><u>The wider planning spectrum</u></p> <p><u>Design is a fundamental and often overarching principle of planning as it touches on all other aspects of development management and policy. Issues of transportation, parking, greenbelt, housing, ecology, environmental contamination and other topics all benefit from separate detailed policy and guidance of their own and whilst touched on in this design document, are not discussed in depth as they are addressed within the wider Development Plan.</u></p>

		Preferred Options stage of these two emerging development plan documents (DPDs).	
English Heritage	In terms of its national context, we recommend the NPPF, and in particular the chapter on 'Requiring good design', is given greater prominence. Indeed, we suggest it may be appropriate to undertake a more fundamental review of the guidance to ensure that it fully complies with and provides a local interpretation of the NPPF together with the relevant policies of the Black Country Core Strategy.	<p>Paragraph 62 of the NPPF states that local authorities should have design review arrangements in place to ensure high standards of design in local development. Additional text has been added regarding the pre-application process, which includes the "Design Review Panel", within the revised SPD section on 'Guidance on Urban design in the Planning Process'.</p> <p>The SPD provides detailed guidance on changes to Walsall's planning policy framework in recent years, particularly since the adoption of the BCCS in February 2011. Following implementation of the NPPF in March 2012, a Self-Assessment Checklist has been completed by the Black Country authorities, and approved by the Planning Inspectorate (PINS), which concludes that the BCCS is in conformity with the NPPF.</p>	<p>Additional text reference to the NPPF included within Policy DW5:</p> <p><u>"Plans and decisions should take account of whether...safe and suitable access to the site can be achieved for all people" (NPPF: Promoting Sustainable Transport)</u></p> <p>Additional text reference to the NPPF included within Policy DW6:</p> <p><u>"...achieve places which promote...safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas." (NPPF: Promoting healthy communities)</u></p> <p><u>"Local planning authorities should take into account...the desirability of new development making a positive contribution to local character and distinctiveness" (NPPF: Conserving and enhancing the historic environment)</u></p> <p>Additional text reference to the NPPF included within Policy DW7:</p> <p><u>"Ensure that developments...create and sustain an appropriate mix of uses" (NPPF: Requiring good design)</u></p> <p><u>"...achieve places which promote...opportunities for meetings between members of the community who might not otherwise come into</u></p>

			<p><u>contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity” (NPPF: Promoting healthy communities)</u></p> <p>Additional text reference to the NPPF included within Policy DW8:</p> <p><u>“Ensure that developments...will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development” (NPPF: Requiring good design)</u></p> <p>Additional text reference to the NPPF included within Policy DW9:</p> <p><u>“Ensure that developments...are visually attractive as a result of good architecture and appropriate landscaping.” (NPPF: Requiring good design)</u></p> <p>Additional text reference to the NPPF included within Policy DW10:</p> <p><u>“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” (NPPF: Requiring good design)</u></p>
English Heritage	As indicated in section 3 and Appendix A there is a significant body of guidance and best practice advice on design. Whilst we acknowledge that there is no need to repeat such advice, we consider the SPD should positively encourage its use and application to inform the design process at the earliest stage. In the place of listing the	See action	<p>Additional reference to ‘Building in Context’ design document included in Chapter 3:</p> <p><u>4 – Building in Context: New development in historic areas (English Heritage)</u></p>

	<p>core references and summarising their individual content, it might be more useful to show how their key themes are taken forward through the SPD and its vision, design principles and policy framework.</p>		<p><u>The need to respond to historically sensitive context</u></p> <p>A successful project will:</p> <p><u>1 - relate well to the geography and history of the place and the lie of the land</u></p> <p><u>2 - sit happily in the pattern of existing development and routes through and around it</u></p> <p><u>3 - respect important views</u></p> <p><u>4 – respect the scale of neighbouring buildings</u></p> <p><u>5 – use materials and building methods which are as high in quality as those used in existing buildings</u></p> <p><u>6 – create new views and juxtapositions which add to the variety and texture of the setting.</u></p> <p>The themes within ‘The Vision’ (chapter 4) and the policies (chapter 5) are now linked to the background policy documents set out in chapter 3 with specific links to the relevant sub-sections of those documents.</p> <p>Additional text included in Chapter 3: <u>References to further national guidance are provided in Appendix A.</u></p>
English Heritage	<p>The proposed vision includes a number of themes and aspirations. It is unclear, however, to what extent these themes reflect and respond to local issues and opportunities and the character of different parts of the Borough. We suggest that an overarching summary description of the Borough would be helpful to provide an initial context for the vision and associated design principles.</p>	<p>The themes are designed to pick up on the characteristics of Walsall and these together address the main constituent parts that describe the borough and the issues that development needs to address when considering design in the round.</p>	<p>An overarching summary of Walsall and its vision has now been added at the start of chapter 4 in advance of introducing the themes.</p>
English Heritage	<p>As currently presented the themes vary in their content and level of detail. The content includes descriptive text as well as identifying key issues and design advice. The</p>	<p>The SPD vision and themes set out the standard criteria and guidance for achieving and applying good design in</p>	<p>Amendments and additions have been made to the ‘Vision and Themes’ section to provide greater clarification and explanation of the</p>

	relationship between this section and the next chapter on urban design principles / policies needs further clarification and explanation. One option might be to frame the vision in a more descriptive way using a headline statement which is then expanded through each of the key themes with these describing what each will achieve in the future. The urban design policies then become the means to the deliver the vision.	new developments in Walsall. The SPD policies provide the means for assessing new development in Walsall. The principles of good design as set out in the themes have set the basis for these policies. This process is explained in Chapter 2, Figure 2 and 'How will we use Designing Walsall?', and also in the chapter introductions.	themes in line with the delivery of the overarching vision. Further wording amendments have been made to the majority of the policies to improve content and links to the delivery of the vision and themes.
English Heritage	Spaces and Places: Conserving and enhancing local character and distinctiveness should be encouraged part of this theme and applicable to the borough's rural and urban landscapes.	See action	This theme has been amended to address 'Urban Spaces', and to compensate 'Green Landscape' now also includes 'Open Spaces' and is intended to deal with both urban and rural areas.
English Heritage	Waterways: Safeguarding and enhancing the canal's heritage assets and significance should also be clearly recognised.	See action.	Additional text added in Chapter 4, Waterways, Key issues: <u>Safeguard and enhance the existing heritage assets of the waterways</u>
English Heritage	Buildings: The reuse of existing buildings as well as new build should be addressed. Of more relevance to conservation areas is conserving and enhancing their significance and, indeed in line with the NPPF new development within conservation areas or the setting of heritage assets should look to opportunities for enhancing or better revealing their significance.	This theme is not exclusive to new buildings and it is appropriate to refer to reusing existing buildings.	Retention of buildings from all ages has been included in the text within the 'Buildings' theme.
English Heritage	Green Landscape: There appears to be some degree of overlap with the Spaces and Places theme. Would green infrastructure provide a more holistic theme?	See action.	A clearer split between the sections on 'Spaces and places' (now 'Urban Spaces') and 'Green Landscape' (now 'Green Landscape and Open Spaces') has been undertaken.
English Heritage	Skyline and Townscape: We feel that this theme puts too much emphasis on 'tall buildings' and would be better framed to consider in more depth local character and	See action	The theme on 'skyline and townscape' has been split into two separate sections so that a proper focus is provided on what townscape merits are

	distinctiveness, this including the historic character of the borough's urban and rural areas. This includes those areas designated as conservation areas, but also the character of the wider townscape as for example described at a strategic level by the Black Country Historic Landscape Characterisation.		and explores these in further detail.
English Heritage	Policy DW1 Sustainability: A key dimension of Sustainable Development is the protection and enhancement of the historic environment, as well as seeking positive improvements in the quality of the natural, built and historic environment (NPPF, paragraphs 7 & 9). We consider that this requires clearer recognition in the policy, which narrowly interprets environmental sustainability as delivering energy and resource efficiency. Encouraging the appropriate reuse of existing buildings is relevant as too is conserving and enhancing the historic environment and local character and distinctiveness.	See action	Reference to reuse is included within the text as a sequentially preferable design consideration.
English Heritage	Policy DW3 Character: In support of this policy, it would be useful to identify the types of evidence base that applicants might be expected to use to help inform the design process, as for example relevant conservation areas appraisals and management plans, the Historic Environment Record, the Black Country Historic Landscape Characterisation and more detailed characterisation studies.	See action	Additional text included in Policy DW3: <u>All new development that draws on historic character (either literally or through interpretation) shall be evidence based drawing references from the following:</u> <ul style="list-style-type: none"> • <u>Conservation Area Appraisal;</u> • <u>Streetly Area of Special Townscape Character;</u> • <u>The Historic Environment Record (HER);</u> • <u>The Black Country Historic Landscape Characterisation; and</u> • <u>Other academic research into the historic character of an area or place.</u>
English Heritage	Section 6 goes on to set out Local Character Guidance for specific areas of the borough. The descriptions include information on heritage assets and some townscape	See action	All relevant Conservation Area Appraisals and other character study areas are referenced in the relevant areas of chapter 6 and additional

	aspects, which we welcome. It would be useful, however, to explain the basis for the descriptions in terms of the data sets used including any characterisation studies. A map of the areas would also be useful. We also recommend that a clearer link is made between this chapter and the policy framework (especially Policy DW3) so that the area specific design guidance is fully reflected in policy.		content from such documents also included in the Local Character Guidance. Maps are also introduced. The relevant policies for each area are referred to from Chapter 5.
Accord Housing	Under inclusive access, what is meant by “social group”?	“Social grouping” is a term set out in CABE guidance and is subsequently referenced directly in the SPD.	No action proposed.
Accord Housing	CABE no longer exists. We recommend that every new development is assessed by MADE to ensure that it has been through an independent design review.	The contents of the CABE design guidance remains relevant, as referenced in the SPD.	Additional text added regarding the pre-application process, which includes “Design Review” arrangements, within the section on ‘Guidance on Urban design in the Planning Process’
Accord Housing	Under objectives & design access statement – the transport section should be strengthened – refer to links to good public transport and provision of cycle lanes and storage and the footpath network (part of this is under community – not transport)	Chapter 3 sets out the key National Design Guidance – the wording of the SPD in this chapter therefore paraphrases the contents of documents referred to. Transport links and provisions are referred to elsewhere in the SPD or within the relevant UDP policies (not specific to the Designing Walsall SPD).	No action proposed.
Accord Housing	Refer to the new Building for Life 12 – this has new headings so this section should be updated.	See actions.	The Chapter 3 reference to outdated Building for Life document deleted and amended to: <u>3 – Building for Life 12 (CABE and House Builders Federation Building for Life Partnership)</u> <u>Integrating into the neighbourhood</u> <u>1 – Connections</u>

			<p><u>Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?</u></p> <p><u>2 – Facilities and Services</u></p> <p><u>Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?</u></p> <p><u>3 – Public transport</u></p> <p><u>Does the scheme have good access to public transport to help reduce car dependency?</u></p> <p><u>4 – Meeting local housing requirements</u></p> <p><u>Does the development have a mix of housing types and tenures that suit local requirements?</u></p> <p><u>Creating a place</u></p> <p><u>5 - Character</u></p> <p><u>Does the scheme create a place with a locally inspired or otherwise distinctive character?</u></p> <p><u>6 - Working with the site and its context</u></p> <p><u>Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?</u></p> <p><u>7 - Creating well defined streets and spaces</u></p> <p><u>Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?</u></p> <p><u>8 - Easy to find your way around</u></p> <p><u>Is the scheme designed to make it easy to find your way around?</u></p> <p><u>Street & Home</u></p> <p><u>9 - Streets for all</u></p> <p><u>Are streets designed in a way that encourage low vehicle speeds and allow them to function</u></p>
--	--	--	---

			<u>as social spaces?</u> <u>10 - Car parking</u> <u>Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?</u> <u>11 - Public and private spaces</u> <u>Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?</u> <u>12 - External storage and amenity space</u> <u>Is there adequate external storage space for bins and recycling as well as vehicles and cycles?</u>
Accord Housing	Improving connections and elsewhere uses the word “pedestrian” throughout – could it be defined or qualified by “and others including those using wheelchairs, disability scooters, people pushing pushchairs, etc.” who by definition are not all pedestrians.	The term “pedestrian” is made in reference to the pedestrian environment and is inclusive of all who use the footway. This general term is used by the Government (inc. Department for Transport) and major charitable organisations.	No action proposed.
Accord Housing	<ul style="list-style-type: none"> There is no requirement to consider re-use of empty or unused buildings/change of use rather than simply providing new? Under Buildings there is no guidance for re-use of empty buildings or change of use of existing buildings and how these would fit into the new SPD. This is also the same for Homes – no guidance or encouragement to make the most of unused/derelict homes and how these could be upgraded and re-used for social rent or private use. DW1 – Can we also include a similar sentence for existing building alterations/change of use developments where these proposals must also show how their design maximises energy efficiency in term of layout, orientation and sustainable use of resources? (these are new developments using an existing fabric, so could be included in the SPD) 	See actions.	<p>The reuse of buildings is now referred to as a sequential priority both under the themes ‘buildings’ and ‘homes’.</p> <p>Policies DW1, DW8 and DW10 have both had retention of existing buildings included within them as sequentially preferable development options.</p>

	<ul style="list-style-type: none"> DW8 adaptability – could this be linked to a requirement to look at change if use of existing buildings that are vacant/not fit for purpose or replacement of these to avoid new build alongside empty properties? 		
Accord Housing	Under safety of the area, could there be mention of safer by design, unobtrusive rather than obvious features – lighting, overlooking, etc.	See actions.	<p>Additional text in Policy DW2:</p> <p><u>The design and layout of developments should provide natural surveillance and well-trafficked routes to prevent and reduce the fear of crime whilst ensuring that privacy is not infringed.</u></p> <p><u>Different sources and patterns of lighting must be considered for different environments and developments.</u></p>
Accord Housing	Lifetime Homes – serious consideration must be given to the inclusion of this standard as it adds £8-£12k to the cost of a new home. The welfare reform changes do not support the concept of a tenant remaining in an under-occupied home so the “home for life” concept has gone. We hope that the proposed “Walsall Lifetime Homes Standard” will be put out for consultation so that the basic elements can be retained but the costly elements removed	The SPD refers to the Code for Sustainable Homes requirement from Policy ENV2 of the BCCS that is consistent with national requirements. Further detail about the Walsall Lifetime Homes Standard will be included in the consultation document for the revised Walsall Affordable Housing SPD later this year.	No actions proposed.
Accord Housing	We would then favour the concept of say 5% of all affordable homes on a given site being designed for people with physical disabilities who are not currently living in suitable accommodation	Further detail about the Walsall Lifetime Homes Standard will be included in the consultation document for the revised Walsall Affordable Housing SPD later this year.	No actions proposed.
Accord Housing	The provision of affordable housing under Section 106 has been deleted – this is a real concern	Please take the opportunity to respond to the consultation document for the revised Walsall Affordable Housing SPD later this year.	No actions proposed.
Accord Housing	Under economic sustainability, making use of local	See actions.	Additional text in Policy DW1:

	business contractors, and suppliers should in turn extend to encouragement of use of local labour		Developers will be encouraged to make use of local businesses, contractors and suppliers, <u>as well as the use of local labour.</u>
Accord Housing	DW6 uses terminology about visibility so disability groups might ask about those users with sight impairment or who are blind – the use of language is not inclusive	Policy DW6 is concerned with legibility, which is how one might use urban design principles to navigate through a townscape, not disabled access, this matter is dealt with in policy DW5.	Additional text included within Policy DW5: <u>The needs of all users of development must be considered in line with the Equality Act 2010 so that all barriers to all forms of disability are adequately addressed in an imaginative way.</u>
Accord Housing	In Policy DW9 the Section 106 requirements on public art are very watered down – is this likely to result in limited contributions from developers. There is now no indication to the developer of possible costs for a Public Art contribution, could this not be given some consideration in the SPD, so at least a developer has an idea of possible Section 106 contributions for a project.	The fixed development thresholds and developer contributions for seeking funding obligations towards public realm improvements and public art have been removed as they are no longer consistent with the current national regulations and statutory ‘tests’ for planning obligations. The Council will consider the provision required in line with statutory ‘tests’ and local area need/requirements on a case-by-case basis.	No action proposed.
Accord Housing	Under Sustainability – we would absolutely favour a “fabric first” approach to new housing setting minimum u values for the external envelope as opposed to specifying renewables. As it stands there are no set standards for developers to adopt i.e. Code Level 4 – how will the standard be measured and adherence assessed?	See action	Amendment to policy DW1 has been made to refer to the ‘fabric first’ approach.
Accord Housing	In many of the local areas, the heritage of existing buildings needs to be improved, in terms of both empty buildings and maintenance of existing ones. Many of the beautiful buildings in Lichfield Street or Station Street, for example, are poorly maintained and their use may be commercial but in Lichfield Street and The Bridge in	See action	Text has been included to the theme ‘buildings’ in Chapter4 to identify the careful consideration needed when managing change to heritage assets.

	particular it is the use that drags it down. Every other property is a fast food outlet or a loan shop. The use of buildings should be part of the local authority's role too, not just development of new ones.		
Accord Housing	Town Centres - Could consideration be made about the betterment of the existing High Streets in terms of empty buildings, urgent and on-going maintenance of existing properties.	See action	A new town centre introduction page discussing the future viability of the centre has been included.
Accord Housing	We feel that the Vine Trust Centre should be mentioned and feel that a greater emphasis could be made in relation to building on the success of this centre – could St Matthews Quarter have more of a cultural quarter aspect and pick up the Youth Quarter theme – consider the provision of workspaces, incubator units, alternative retail space, accommodation for young people and performing arts and after dark entertainment provision i.e. food and drink etc	The emerging Walsall Town Centre Area Action Plan (AAP) was out for 'Issues and Options' consultation between 22 April and 3 June 2013. This document covers the future regeneration of the town centre through discussion of issues such as the size of the town centre, the use of particular sites in the town centre, and the mix of appropriate uses to ensure a vibrant, attractive and economically successful centre. Following receipt of consultation responses, the Council will work on a Preferred Options AAP report that will be available for further consultation in 2014.	No actions proposed.
Accord Housing	The document lacks any guidance in relation to parking and car parking requirements.	See action	Text added in chapter 2 to explain that whilst design touches on all aspects of planning, other planning topics are addressed through the wider Development Plan.
Accord Housing	What about protection of the green belt?	See action	Text added in chapter 2 to explain that whilst design touches on all aspects of planning, other planning topics are addressed through the wider Development Plan.

<p>Accord Housing</p>	<p>How does this document sit with the NPPF, Local Plans and Neighbourhood Plans? We understood that these were to replace SPD's</p>	<p>The SPD provides detailed guidance on changes to Walsall's planning policy framework in recent years, particularly since the adoption of the BCCS in February 2011 and the implementation of the NPPF from March 2012.</p> <p>Guidance is provided on existing adopted local development plan policies, namely saved policies from the Walsall UDP and policies from the Black Country Core Strategy (BCCS). The Council is in the process of producing a Site Allocation Document and Town Centre Area Action Plan that will identify sites to be allocated for specific land-uses to meet the targets set out in the BCCS. Criteria to decide where sites should be allocated for particular types of development may include design issues to ensure development is located in the most sustainable locations possible. This will be investigated further through the Preferred Options stage of these two emerging development plan documents (DPDs) – see http://cms.walsall.gov.uk/planning_2026</p> <p>Paragraph 62 of the NPPF states that local authorities should have design review arrangements in place to ensure high standards of design in local development. Additional text has been added regarding the pre-application process, which includes the</p>	<p>Additional text reference to the NPPF included within Policy DW5:</p> <p><u>“Plans and decisions should take account of whether...safe and suitable access to the site can be achieved for all people” (NPPF: Promoting Sustainable Transport)</u></p> <p>Additional text reference to the NPPF included within Policy DW6:</p> <p><u>“...achieve places which promote...safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.” (NPPF: Promoting healthy communities)</u></p> <p><u>“Local planning authorities should take into account...the desirability of new development making a positive contribution to local character and distinctiveness” (NPPF: Conserving and enhancing the historic environment)</u></p> <p>Additional text reference to the NPPF included within Policy DW7:</p> <p><u>“Ensure that developments...create and sustain an appropriate mix of uses” (NPPF: Requiring good design)</u></p> <p><u>“...achieve places which promote...opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the</u></p>
-----------------------	--	---	--

		<p>“Design Review Panel”, within the revised SPD section on ‘Guidance on Urban design in the Planning Process’. Other additional text has been added regarding changes to national policy since the NPPF was implemented, please see ‘Actions’ column.</p> <p>No Neighbourhood Plans are currently proposed within the boundary of Walsall Borough and no applications are anticipated at present. SPDs remain an important part of the ‘Local Plan’ process, offering guidance on higher level plans such as the BCCS or Site Allocations Document (known as development plan documents). At the current time, SPDs are not replaced by any of the plans referred to in your comment.</p>	<p><u>vicinity” (NPPF: Promoting healthy communities)</u></p> <p>Additional text reference to the NPPF included within Policy DW8:</p> <p><u>“Ensure that developments...will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development” (NPPF: Requiring good design)</u></p> <p>Additional text reference to the NPPF included within Policy DW9:</p> <p><u>“Ensure that developments...are visually attractive as a result of good architecture and appropriate landscaping.” (NPPF: Requiring good design)</u></p> <p>Additional text reference to the NPPF included within Policy DW10:</p> <p><u>“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” (NPPF: Requiring good design)</u></p>
Environment Agency	<p>The Environment Agency acknowledges that in chapter 2 ‘designing Walsall’ that the document has been designed to support “saved” policies ENV32, ENV33, ENV34 within the Walsall UPD, and support policies CSP4, ENV2, ENV3, and ENV4 in the Black Country Core Strategy. The Environment Agency is disappointed that the document doesn’t contain guidance to support the delivery of BCCS policy ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island.</p>	<p>Additional text has been added (see ‘Actions’ column) to the SPD where appropriate to make reference to BCCS ENV5 requirement for the incorporation of SUDS in the design of new development where practical. However, further detailed / technical information on flood risk management would need to be considered through a separate, topic specific SPD or other</p>	<p>‘Chapter 4, Waterways, Key Issues’ states that development should “take into account the need for any flood control <u>risk management</u> measures required by the Environment Agency, <u>Council or Canal & Rivers Trust</u>”.</p> <p>Additional text has also been added in Chapter 4, Buildings, Key Issues:</p>

	<p>To assist in both reducing the extent and impact of flooding and also reducing potential urban heat island effects, all developments should:</p> <ul style="list-style-type: none"> a) Incorporate Sustainable Drainage Systems (SuDS), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality. The type of SuDS used will be dependent on ground conditions; b) Open up culverted watercourses where feasible and ensure development does not occur over existing culverts where there are deliverable strategies in place to implement this; c) Take every opportunity, where appropriate development lies adjacent to the river corridors, or their tributaries or the functional floodplain, to benefit the river by reinstating a natural, sinuous river channel and restoring the functional floodplain within the valley where it has been lost previously; d) On sites requiring a Flood Risk Assessment, reduce surface water flows back to equivalent greenfield rates; e) Create new green space, increase tree cover and/or provide green roofs; <p>The incorporation of these features could potential help shape the appearance of new development, and its design, and has the potential to have a more significant impact to urban design than ENV4, as ENV5 will impact any major development through the inclusion of SuDS, as well as River Corridors and support the creation of new green space and or green roofs.</p> <p>Furthermore this policy also supports the delivery of the Water Framework directive, The development management function is clearly key to implementing</p>	<p>guidance document and not through this SPD.</p>	<p><u>Incorporate Sustainable Drainage Systems (SuDS), unless it would be impractical to do so, to reduce the risk of flooding and improve water quality.</u></p>
--	--	--	---

	<p>planning policies relating to WFD objectives, through determining planning applications, including identification of potential impacts of planning applications on watercourses, providing design guidance, setting planning conditions, identifying what measures need to be included in developments (eg. SuDS, water efficiency, green infrastructure, water treatment) to promote WFD objectives, as well as considering the financial viability of measures.</p> <p>Key Local Authority functions which can contribute to WFD objectives (both positively and negatively) include:</p> <ul style="list-style-type: none"> • Strategic Planning / Local Planning Policies – including Local Development Framework policies and evidence base, planning policies for strategic sites, Infrastructure Delivery Plans, Green Infrastructure, economic development and regeneration. • Development Management functions – determining planning applications and implementing planning policies. <p>From experience the earlier surface water management and SuDS are considered in the design of a development the more effectively they can be implemented, and support the documents aspiration for environmental transformation, specifically high quality multifunctional green space.</p>		
Environment Agency	<p><u>Spaces and Places</u></p> <p>We support the inclusion of this policy wording; however we recommend the addition of the following bullet points within the key issues section.</p> <ul style="list-style-type: none"> • Multifunctional Green spaces to be included within new development to support the delivery of Sustainable Drainage Systems (SuDS) • Maximise the opportunity to incorporate green roofs to help to improve urban greenspaces, and to reduce the impacts of the urban heat island 	See actions.	Reference to green roofs is included in Chapter 4 Skyline.

	effect.		
Environment Agency	<p><u>Waterways</u></p> <p>We are disappointed that this chapter only refers to the network of canals within Walsall, we are disappointed that this chapter does not reference watercourses. There are a number of Rivers within Walsall that contribute to the local environment, and may impact upon the design of new development.</p> <p>We would welcome the development or alteration of this chapter to include the priorities within policy ENV5 in relation to naturalising watercourses by creating blue and green corridors within development. We believe that like Canals there is the opportunity to sensitively exploit and attract the special opportunities afforded by development sites that benefit from watercourses.</p>	See actions.	<p>Additional text added in Chapter 4, Waterways, Key Issues:</p> <p><u>The borough also incorporates some key watercourses such as the Ford Brook and River Tame.</u></p>
Environment Agency	<p><u>Skyline and Townscape</u></p> <p>We recommend the addition of the following bulletpoint within this section:</p> <ul style="list-style-type: none"> • Consideration should be given to incorporating sustainable features such as Green Roofs and multifunctional Green space within new development sites. <p>We note that within the Walsall town centre the 'Waterfront' development has attractive sustainability features including green roofs within the residential development. This provides a distinctive and attractive landmark development, which has won recognition for its sustainable design.</p>	See actions.	<p>Additional text added in Chapter 4, Skyline, Key Issues:</p> <p><u>Consideration should be given to incorporating sustainable features, such as green roofs, into the development of tall buildings.</u></p>
Environment Agency	<p><u>Green Landscape</u></p> <p>We recommend the addition of the following bullet point within this section</p>	The key issues section from Green Landscape is a summary of the Natural Environment SPD. The suggested	No action proposed.

	<ul style="list-style-type: none"> • Where possible new development should link fragmented habitats by supporting the enhancement of green and blue corridors. • New development should also contribute towards the creation of new greenspaces, and 'or green roofs. <p>These spaces have the potential to provide multifunctional benefits such as the incorporation of SuDS as well as recreational and biodiversity amenity.</p>	amendments are discussed elsewhere in the Designing Walsall SPD.	
Environment Agency	<p><u>Policy DW1 Sustainability</u></p> <p>We welcome the recognition of the important role that the sustainable management of drainage and flood risk both to and from the development. We welcome the revision of the supporting text to this policy to include water quality, enhancement to water habitats and a reduction in flood risk.</p>	These comments are noted.	No action proposed.

Natural Environment SPD Comments Received

Consultation Respondent	Summary of Comments Made	Walsall Council's Response to Comments	Actions to be taken and Minor Changes made to the SPD (deleted text shown as text additional text shown as <u>text</u>)
Wildlife Trust for Birmingham and the Black Country	Chapter 2 of the SPD fails to make reference to the Government's Natural Environment White Paper. The white paper sets out nature conservation initiatives such as the Nature Improvement Area status and the Catchment Management Approach which require good policy linkage at a national and local level.	<p>The Natural Environment White Paper is not a planning policy document. The government's National Planning Policy Framework was published more recently and is the definitive text on the government's approach to nature conservation and planning. It is better not to clutter the SPD with references to non-essential documents.</p> <p>The SPD provides guidance on the interpretation of local planning policy. It cannot create new policy by re-writing or expanding the Core Strategy or UDP.</p> <p>However, low key reference should be made to all three documents where landscape-scale initiatives are discussed in this chapter.</p>	<p>Rewrite paragraph 2.33 and replace earlier under re-named section as paragraph 2.30.</p> <p>BIODIVERSITY ACTION PLANS AND LANDSCAPE-SCALE CONSERVATION AND OTHER INITIATIVES</p> <p>2.30 <u>There has been a history of landscape scale nature conservation initiatives in the Black Country. The creation of the Black Country Urban Park and the Cannock Chase to Sutton Park Biodiversity Enhancement Area both included Walsall. More recently the national policy trend has been towards a landscape-scale approach to nature conservation. The White Paper: Making space for nature: a review of England's wildlife sites published in 2010 advocated conservation action at a landscape-scale with an emphasis on ecological restoration. This approach is reflected in the NPPF which advises that local planning policies should 'plan for biodiversity at a landscape scale across local authority boundaries'. In early 2012 the Birmingham and Black Country was awarded Nature Improvement Area (NIA) status and a Catchment Management Plan for the Tame, Anker and Mease catchments is being prepared. Both these landscape-scale initiatives will complement earlier initiatives. Where feasible, improvements to the natural environment which further the objectives of both the NIA and the Catchment Management Plan will be secured through the planning system.</u></p>
Wildlife Trust for Birmingham and the Black Country	Reference to the Nature Improvement Area (NIA) status is underplayed in the draft SPD and requires greater prominence.	The importance of the NIA in nature conservation terms is not underestimated but it is not a planning policy document and was developed too recently to be included in the Black	See revisions above.

		Country Core Strategy. Re-ordering of paragraphs 2.30-2.33 is proposed where landscape-scale initiatives are discussed.	
Wildlife Trust for Birmingham and the Black Country	Reference to the Catchment-based Approach status is underplayed in the draft SPD and requires greater prominence.	The Tame, Anchor and Mease Catchment Management Plan is not a planning policy document or yet published. Re-ordering of paragraphs 2.30-2.33 is proposed where landscape-scale initiatives are discussed.	See revisions above.
Wildlife Trust for Birmingham and the Black Country	The soon to be published Flora of the Birmingham and Black Country has been instrumental in supporting the NIA and is an important source of evidence which should be drawn upon for those involved in the conservation of Walsall's natural environment.	Reference to EcoRecord as the evidence base of the SPD is made on page two. Nonetheless the forthcoming flora will be hugely important as a tool for nature conservation and reference should be included.	<p>Several references to the Birmingham and Black Country Flora have been added to the SPD. These amendments may have to be revised if the SPD is published before the Flora.</p> <p>7.5 <u><i>Annexes 7a and 7b set out the key objectives and delivery themes of the Nature Improvement Area. The broad locations for each Delivery Theme are also shown for Walsall. These proposals are based on detailed analysis of plants and habitats undertaken for the publication of the Flora of Birmingham & The Black Country.</i></u></p> <p>7.8 <u><i>The recently published Flora of Birmingham & The Black Country gives detailed technical information on the plants and plan communities present in Birmingham and the Black Country and should be consulted when designing all habitat restoration schemes.</i></u></p> <p>References <u><i>Trueman I, Poulton M, Reade P (2013) Flora of Birmingham & The Black Country</i></u> <u><i>Pisces Publications, Newbury</i></u></p>
Wildlife Trust for Birmingham and the Black Country	Biodiversity Enhancement Areas have been superseded and are no longer supported by Natural England. In	Much of the detail relating to the NIA was too recent to be included in the draft SPD approved by Cabinet. The	<p>The following wording changes are proposed.</p> <p>2.36 <i>This policy also gives priority to Biodiversity Enhancement</i></p>

	<p>Birmingham and the Black Country the principles of landscape scale conservation are being pursued through the NIA.</p>	<p>obsolete BEAs are currently supported through regional planning policy while the NIA is not. However, the SPD should be amended to reflect the creation of the NIA.</p>	<p><i>Areas (BEA). One of these designated areas extended from Cannock Chase to Sutton Park and was intended The object is to link heathland areas and much of the eastern part of the borough was is included. <u>BEAs are no longer promoted by Natural England but the new Birmingham and Black Country Nature Improvement Area (NIA) takes forward the landscape-scale conservation approach to the whole of the borough. New development within this area, shown in Annex 7, is expected to contribute to the objectives of the BEA.</u> If the RSS is abandoned the principles underlying the BEA will continue to inform priorities for habitat conservation, creation and management through the NIA. within the defined area.</i></p> <p>7.5 <i>Where an application site meets the criteria set out in UDP policy ENV23, the Council will expect the requirements of this policy to be implemented in accordance with the published aims and any detailed guidance <u>relating to national of landscape-scale nature conservation initiatives. Such initiatives have often been superseded by updated and refined replacements.</u> Currently the <u>Birmingham and Black Country Nature Improvement Area is the focus of local landscape-scale conservation.</u> Biodiversity Enhancement Area (BEA). (A plan showing the extent of the BEA within Walsall Borough is included in Annex 7.) Annexes 7a and 7b set out the key objectives and delivery themes of the Nature Improvement Area. The broad locations for each Delivery Theme are also shown for Walsall. These proposals are based on detailed analysis of plants and habitats undertaken for the publication of the Flora of Birmingham & The Black Country. This will require, <u>Fulfilling the aims of the NIA will require</u> not only the retention of existing wildlife features but also <u>strategic</u> habitat creation and enhancement. Where conditions allow, heathland and acidic grassland habitats will be given a high priority <u>in the east of the borough, while woodland, grassland and wetland habitats will be priorities in central and western areas.</u> The BEA will provide ecological links and green infrastructure between Cannock Chase and Sutton Park. If the RSS is revoked it is expected that the principles of large scale</i></p>
--	---	--	---

			<p>landscape conservation and enhancement in this area will continue to be a high priority for the Council.</p> <p>7.11 Below are examples of ways in which the natural environment can be enhanced.</p> <ul style="list-style-type: none"> • Heathland once covered large tracts of the borough but much has been lost. Areas of heather, bilberry and gorse can be planted only where soil conditions are right. No topsoil, fertiliser or lime should be used. Encouragement will be given to the planting of heathland on suitable sites in the north <u>and east</u> of the borough to expand the resource and contribute to the Biodiversity Enhancement Area. <p>Annex 7 showing the area of the BEA has been deleted.</p>
Wildlife Trust for Birmingham and the Black Country	Chapter 7 would benefit from more detail about the NIA vision, objectives, themes and supporting evidence and by reflecting the Catchment Management Approach.	Agree with comment. Chapter 7 is amended to incorporate reference to both initiatives. However, the Catchment Management Plan is not yet published so it is not possible to incorporate detailed policies and proposals. Nonetheless, it should be a consideration when determining planning applications with an impact on the water environment.	<p>The following wording change are proposed.</p> <p>7.5 <i>Where an application site meets the criteria set out in UDP policy ENV23, the Council will expect the requirements of this policy to be implemented in accordance with the published aims and any detailed guidance relating to national of landscape-scale <u>nature</u> conservation initiatives. <u>Such initiatives have often been superseded by updated and refined replacements. Currently the Birmingham and Black Country Nature Improvement Area is the focus of local landscape-scale conservation. Biodiversity Enhancement Area (BEA). (A plan showing the extent of the BEA within Walsall Borough is included in Annex 7.) Annexes 7a and 7b set out the key objectives and delivery themes of the Nature Improvement Area. The broad locations for each Delivery Theme are also shown for Walsall. These proposals are based on detailed analysis of plants and habitats undertaken for the publication of the Flora of Birmingham & The Black Country. This will require, Fulfilling the aims of the NIA will require</u> not only the retention of existing wildlife features but also <u>strategic</u> habitat creation and enhancement. Where conditions allow, heathland and acidic grassland habitats will be given a high</i></p>

			<p><i>priority in the east of the borough, while woodland, grassland and wetland habitats will be priorities in central and western areas. The BEA will provide ecological links and green infrastructure between Cannock Chase and Sutton Park. If the RSS is revoked it is expected that the principles of large scale landscape conservation and enhancement in this area will continue to be a high priority for the Council.</i></p> <p>7.6 <i>Where an application site meets the criteria set out in UDP policy ENV23, the Council will expect the requirements of this policy to be implemented in accordance with the published aims and any detailed guidance relating to the Black Country Urban Park. If the RSS is revoked it is expected that the principles of large scale landscape conservation and enhancement in this area will continue to be a high priority for the Council. The Tame, Anker and Mease Catchment Management Plan is currently under preparation. When completed the Council will ensure that it is taken into account when considering the determination of planning applications. The principles of large scale landscape conservation and enhancement will continue to be a high priority for the Council.</i></p> <p>Annexes 7a and 7b have replaced the previous Annex 7 which showed the location of the now superseded Biodiversity Enhancement Area. The new Annex 7a sets out the key objectives and delivery themes of the Birmingham and Black Country Nature Improvement Area while Annex 7b shows the broad locations for each Delivery Theme for Walsall.</p>
Wildlife Trust for Birmingham and the Black Country	In relation to SPD policy NE5, the NIA may have been incorrectly referred to as the Landscape Improvement Area.	Agree with comment.	<p>Wording to policy NE5 amended.</p> <p><i>(v) the Birmingham and Black Country Landscape <u>Nature</u> Improvement Area (LIA)(NIA)</i></p>
Wildlife Trust for Birmingham and the Black Country	Mapping evidence supporting NIA objectives and themes should be provided in an SPD annex.	Agree with comment.	Included within new Annex.
Wildlife Trust for Birmingham and	The Trust welcomes reference to the Birmingham and Black Country	Agree with comment.	Wording to paragraph 2,31 amended.

the Black Country	Biodiversity Action Plan and the Birmingham and Black Country Geodiversity Action Plan. The formerly separate partnerships have been merged and should be referred to in the SPD.		<p>2.31 <i>The Black Country Geodiversity Partnership has published a Geodiversity Action Plan for the conservation of geodiversity in the Black Country. <u>This partnership has recently merged and is now known as the Birmingham and Black Country Biodiversity and Geodiversity Partnership. The Geodiversity and Biodiversity Action Plans will be merged.</u></i></p> <p>Appendix 2 amended to reflect the merged partnership.</p> <p><u>Birmingham and Black Country Biodiversity and Geodiversity Partnership</u> <i>Co-ordinates the implementation of the Black Country Biodiversity and Geodiversity Action Plans.</i></p> <p>28 Harborne Road, Edgbaston, Birmingham B15 3AA. <u>16 Greenfield Crescent, Edgbaston, Birmingham B15 3AU (biodiversity)</u> Tel: 0121 454 1199</p> <p><u>Birmingham and Black Country Geodiversity Partnership</u> Co-ordinates the implementation of the Black Country Geodiversity Action Plan. The Studios, 53 High Street, Stourbridge, Dudley DY8 1DE <i>(geodiversity)</i> Tel: 01384 443644</p>
Natural England	Welcomes the update to the approach to protecting and enhancing biodiversity in line with the NPPF in paragraphs 2.5 and 2.6.	This comment is noted.	No action proposed.
Natural England	Welcomes the inclusion of updated information about 'Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services in paragraph 2.20 and mention of the Nature Improvement Area in paragraph 2.33.	This comment is noted.	No action proposed.
Natural England	Welcomes the inclusion of Priority Habitats which form an important part of the ecological network in paragraph	This comment is noted.	No action proposed.

	4.6.		
Natural England	Welcomes clarification on mitigation strategies in paragraph 5.17.	This comment is noted.	No action proposed.
Natural England	Welcomes clarification on protected species in paragraph 5.30 to 5.32.	This comment is noted.	No action proposed.
Natural England	In policy NE5 it is suggested that reference is made to the Birmingham and Black Country NIA.		No action proposed.
Natural England	Welcomes the additional and revised wording relating to the guidance on European Protected Species in Annex 1 which provides comprehensive information on this topic.	This comment is noted.	No action proposed.
Natural England	Welcomes the inclusion of the Checklist of information required where European Protected Species are present on a development site in Annex 9.	This comment is noted.	No action proposed.
Birmingham City Council	Support changes to Chapter 1.	This comment is noted.	No action proposed.
Birmingham City Council	Support changes to reflect new guidance contained in NPPF, new policy framework set by Black Country Core Strategy and changes to BAPs and other initiatives.	This comment is noted.	No action proposed.
Birmingham City Council	Paragraph 2.15 – include a reference to EcoRecord as part of the BBC LSP, as it is included in references to the LSP in Table 1 (Chapter 4).	Agree with comment. EcoRecord is included in list of partners.	Wording to paragraph 2.15 amended. <i>The most important sites outside the statutory system are designated Sites of Importance for Nature Conservation (SINCs) and are identified through the application of published selection criteria and endorsed by the Birmingham and Black Country Local Sites Partnership comprising representatives of Natural England, the Council, the Wildlife Trust for Birmingham and the Black Country, <u>EcoRecord</u> the Black Country Geodiversity Partnership and others.</i>
Birmingham City Council	Support changes to Chapter 4.	This comment is noted.	No change proposed.
Birmingham City Council	Paragraph 4.7 – habitats of principal importance, not principle importance	Agree with comment. Spelling error corrected.	Spelling in paragraph 4.7 amended.

			<i>habitats of principal importance in England</i>
Birmingham City Council	Support changes to reflect NPPF guidance, new policy framework set by BCCS and updated legislation. Support changes to policy NE2(a) and NE2(b). Support changes to provide clear guidance in relation to European Protected Species.	This comment is noted.	No change proposed.
Birmingham City Council	Support changes to Table 3 (Optimum times for species surveys) to reflect updated guidance re. reptile surveys.	This comment is noted.	No change proposed.
Birmingham City Council	Support changes.	This comment is noted.	No change proposed.
Birmingham City Council	Policy NE5(c)(v) – text should refer to Nature Improvement Area (NIA), not Birmingham and Black Country Landscape Improvement Area (LIA).	Agree with comment.	Wording to policy NE5 amended. <i>(v) the Birmingham and Black Country Landscape Nature Improvement Area (LIA)(NIA)</i>
Birmingham City Council	Support changes to Chapter 8.	This comment is noted.	No change proposed.
Birmingham City Council	Annex 1A – support the changes made. Clear criteria are provided for establishing when bat surveys are required, based on analysis of local records and expert understanding of the habitat preferences of the most commonly encountered species. Support the approach set out in relation to information requirements and survey standards. The annex provides a clear explanation of the process to be followed by applicants to ensure that the Council has adequate information about the likely impact of development proposals on bats.	This comment is noted.	No change proposed.
Birmingham City Council	Annex 1A – support the changes made. Clear criteria are provided for establishing when bat surveys are	This comment is noted.	No change proposed.

	required, based on analysis of local records and expert understanding of the habitat preferences of the most commonly encountered species. Support the approach set out in relation to information requirements and survey standards. The annex provides a clear explanation of the process to be followed by applicants to ensure that the Council has adequate information about the likely impact of development proposals on bats.		
Birmingham City Council	Support changes to Annex 4A-4D.	This comment is noted.	No change proposed.
Birmingham City Council	Annex 5 – PPS9 reference should be deleted. A reference to Birmingham and Black Country Nature Improvement Area (NIA) programme should be included	Agree with removal of reference to PPS9.	Reference to PPS9 removed. Planning Policy Statement 9: Biodiversity and Geological Conservation . ODPM 2005 http://communities.gov.uk/index.asp?id=1143832
Birmingham City Council	Appendix 2: Contact details for Birmingham and Black Country Biodiversity Partnership, EcoRecord and Wildlife Trust for Birmingham and the Black Country should be amended: 16 Greenfield Crescent, Edgbaston, Birmingham B15 3AU. B&BC Biodiversity Partnership and BC Geodiversity Partnership have recently joined to form B&BC Biodiversity and Geodiversity Partnership.	Agree with comments (the changes have occurred since the draft SPD was approved). There are other instances of the Wildlife Trust's address being updated in the same appendix.	All other occurrences of the Wildlife Trust's previous address have been updated in this appendix. <u>Birmingham and Black Country Biodiversity and Geodiversity Partnership</u> <i>Co-ordinates the implementation of the Black Country Biodiversity and Geodiversity Action Plans.</i> <i>28 Harborne Road, Edgbaston, Birmingham B15 3AA.</i> <i>16 Greenfield Crescent, Edgbaston, Birmingham B15 3AU (biodiversity)</i> <i>Tel: 0121 454 1199</i> <u>Birmingham and Black Country Geodiversity Partnership</u> <i>Co-ordinates the implementation of the Black Country Geodiversity Action Plan.</i> <i>The Studios, 53 High Street, Stourbridge, Dudley DY8 1DE (geodiversity)</i> <i>Tel: 01384 443644</i>
Walsall Housing	Reference is made in Chapter 2 to	Comment unclear.	No change proposed.

Group	changes to 'screening' option. Will this still need a formal sign off or documentation?		
Walsall Housing Group	Clarity is needed in Chapter 7 over Biodiversity Action Plans and Geodiversity Action Plans. Are they enforced on development of a certain scale and who implements these plans?	<p>Biodiversity Action Plans are explained in paragraph 2.30. Further reference is required to the Geodiversity Action Plan and paragraphs 2.30- 2.31 is an obvious place for this to be done.</p> <p>Chapter 7 expands on policies ENV1 and ENV23 and gives developers guidance on how these policies should be addressed in development. It is difficult to see how it could be clarified. If a development does not take account of the SPD, planning permission may be refused. However, any planning applicant can discuss their proposals with the Natural Environment Team for further guidance tailored to their exact proposals.</p>	<p>Paragraphs 2.30 and 2.31 (renamed 2.31 and 2.32 following another change) amended to update reference to Biodiversity/ Geodiversity Partnership.</p> <p>No change is proposed to Chapter 7.</p> <p><u>2.31</u> Other documents <u>initiatives</u> which contribute to the strategic policy context for the conservation of the natural environment are the local and national Biodiversity Action Plans. The Birmingham and Black Country Biodiversity Action Plan was adopted in 2000 and updated in 2010. The plan describes, evaluates and prescribes actions to protect and conserve species and habitats of national and regional importance. It is one of many local Biodiversity Action Plans which have been compiled across the country to ensure that the UK biodiversity Action Plans <u>priorities</u> are implemented locally. 'Biodiversity 2020: a strategy for England's wildlife and ecosystem services' sets out the UK government's strategy for biodiversity conservation for the next 10 years. Key proposals include a more integrated large-scale approach to conservation on land and at sea and improving the evidence base to ensure resources are being used effectively and conservation effort achieves the desire effect. It is also intended that the forthcoming National Planning Policy Framework and other planning reforms will set out action required to conserve biodiversity through the planning system. The Council is committed to furthering the objectives of adopted Biodiversity Action Plans <u>and priority species and habitats</u> at all levels.</p> <p><u>2.32</u> The Black Country Geodiversity Partnership has published a Geodiversity Action Plan for the conservation of geodiversity in the Black Country. This partnership has recently merged and is now known as the Birmingham and Black Country Biodiversity and Geodiversity Partnership. The Geodiversity and Biodiversity Action Plans will be merged.</p>

Walsall Housing Group	Overall an interesting and relaxed approach to the environment but little on the sustainability aspect.	Comment unclear. Wider sustainability issues are considered outside the scope of the planning policies this SPD provides guidance on.	No change proposed.
Highways Agency	The SPD will not affect the strategic road network so therefore the Highways Agency has no comments to make.	This comment is noted.	No change proposed.
Inland Waterways Association, Lichfield Branch.	In Chapter 6 British Waterways should be updated to the Canal and River Trust.	Agree with comment. Name change corrected.	Paragraph 6.4 amended.
Inland Waterways Association, Lichfield Branch.	In Chapter 7 British Waterways should be updated to the Canal and River Trust.	Agree with comment. Name change corrected.	Paragraph 7.11 amended.

APPENDIX C – INTRANET / INTERNET LINKS TO REVISED SPDs

DESIGNING WALSALL SPD AND NATURAL ENVIRONMENT SPD

The revised SPDs prior to adoption will be available for Cabinet Members to view on the Council's **intranet** at:

http://inside.walsall.gov.uk/index/service_information/planning_and_building_control/planning_policy.htm

Once adopted, the final SPDs will be available on the Council's planning policy **internet** pages at:

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm