



Planning Committee
16th February 2012

JOINT REPORT OF HEAD OF PLANNING AND BUILDING CONTROL and
HEAD OF REGENERATION DELIVERY AND DEVELOPMENT

Black Country Enterprise Zone – Proposed Local Development Order

1.0 PURPOSE OF REPORT

- 1.1 To advise Members of a Proposed Local Development Order (LDO) for an area of Darlaston and seek approval to commence a period of statutory consultation with interested parties prior to submission of the document to the DCLG.

2.0 RECOMMENDATIONS

- 2.1 That Members note the draft Local Development Order and Statement of Reasons.
- 2.2 That Members approve the draft Local Development Order and Statement of Reasons as a basis for statutory consultation with interested parties.
- 2.3 That Members authorise officers to make any minor changes (as necessary) and send the final draft Local Development Order to the DCLG on behalf of the Council.

3.0 REPORT DETAIL

- 3.1 The Department of Communities and Local Government (DCLG) has announced the creation of the Black Country Enterprise Zone which includes a cluster of sites either side of the M6 Motorway. These sites comprise approximately 45 hectares (net) developable land. A requirement of Enterprise Zone status is that a simplified planning regime is established as part of a suite of incentives to support growth, attract new businesses and create jobs.
- 3.2 At its meeting on 9 November 2011 the Council's Cabinet agreed to the preparation of a Local Development Order (LDO) to form the simplified planning regime in the Darlaston part of the Enterprise Zone.
- 3.3 LDOs were introduced through the Planning & Compulsory Purchase Act 2004 and effectively grant planning permission across a defined area to allow the specified types of development to be undertaken without the need to apply for planning permission for each separate site. LDOs can apply to a specific type of development or permit any development in a designated area, and may grant planning permission outright or with conditions.

- 3.4 The LDO can simplify the planning process for business and achieve the Government's objective of reducing cost, uncertainty and time in the planning process and thereby stimulate investment.
- 3.5 Cabinet supported the establishment of a LDO covering the Black Country Enterprise Zone sites in Darlaston together with surrounding areas in order to enable many existing businesses to gain at least some of the benefit that Enterprise Zone sites receive and act as a stimulus for additional investment.
- 3.6 DCLG had previously advised that the LDO should be adopted by April 2012. On this basis, given the short timescale available and the complexities involved in preparing the required documents Cabinet agreed to the appointment of consultants to undertake the task. In December 2011 Brooke-Smith Planning were appointed to prepare the LDO and the Statement of Reasons that is required to justify why it should be made.
- 3.7 Preparation of the draft LDO is now complete. Within a defined area it will authorise development for uses falling within use classes B1(b), B1(c), B2 and B8, as well as development for waste management and waste treatment use (where such activities are undertaken within buildings). However, this is subject to definitions and limitations; compliance with a pre-information schedule; and conditions. Certain forms of development are not permitted by the draft LDO including ground reclamation works, including mineral extraction, landfilling and the deposition of waste onto land.
- 3.8 A comprehensive report has been produced by Brooke-Smith Planning, attached as Appendix 1, which sets out for Members the background and justification for an LDO. The draft LDO and Statement of Reasons are appendices to this report.
- 3.9 Members are invited to approve the draft LDO and Statement of Reasons as a basis for consultation in accordance with the requirements of Article 34 of the Town and Country Planning (Development Management Procedure) Order 2010. This involves inviting comments during a statutory 28 day consultation period.
- 3.10 All consultation responses received during the formal consultation period will be recorded and assessed. Subject to Member approval minor modifications will be made to the Draft LDO where it is considered appropriate. Following the approval of the Draft LDO and the Statement of Reasons by the Council, both documents will be submitted to the Secretary of State. The Secretary of State will have 21 days (or a longer period if formally requested) to consider the Draft LDO. Should the Secretary of State raise any issues with the draft documents then a direction under section 61B(1) of the Town and Country Planning 1990 Act may be issued.
- 3.11 On the basis that the Secretary of State does not issue a Direction, then the draft LDO can be proposed for adoption at a full Council meeting. It is expected that a report will be presented to the meeting on 16 April 2012 but this is dependant on a response being received from the DCLG.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The LDO will reduce the number of planning applications that are submitted and as such the Council's fee income from such applications will also decrease.

5.0 POLICY IMPLICATIONS

- 5.1 The LDO will be in line with the Black Country Core Strategy and the Unitary Development Plan employment policies and proposals.

6.0 LEGAL IMPLICATIONS

- 6.1 The LDO is made by the Council under the powers conferred by sections 61A-61D and schedule 4A of the Town and Country Planning Act 1990 (as amended) and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2010/2184.

7.0 EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 Section 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 requires the local planning authority to consult a diverse number of groups whose interests they consider would be affected by the order.

8.0 ENVIRONMENTAL IMPACT

- 8.1 The LDO aims to contribute towards the stimulation of economic growth. New development, particularly on derelict land will have a positive environmental impact. The LDO does not developments that would require an Environmental Assessment and must allow for the assessment of protected species and habitats and show how they could be affected as a result of new development.

9.0 WARD(S) AFFECTED

- 9.1 Pleck; Bentley and Darlaston North.

10 CONSULTEEES

- 10.1 None.

11.0 CONTACT OFFICER

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12.0 BACKGROUND PAPERS

CLG Enterprise Zone Prospectus (March 2011)

David Elsworthy
Head of Planning and Building Control

Simon Tranter
Head of Regeneration Delivery and Development



REPORT TO COMMITTEE
TO PROVIDE RELEVANT BACKGROUND
AND JUSTIFICATION FOR A
LOCAL DEVELOPMENT ORDER
FOR
DARLASTON, WALSALL

February 2012

SITE ADDRESS:
LOCAL DEVELOPMENT ORDER – DARLASTON, WALSALL

DATE ISSUED: FEBRUARY 2012
JOB REFERENCE: 860/5102

REPORT FINALISED BY:
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1.0 INTRODUCTION AND OVERVIEW OF THE PROJECT

1.1 Background and Aspirations of Walsall MBC

- 1.1.1 During the Autumn of 2012, the Department of Communities and Local Government (DCLG) announced the creation of the Black Country Enterprise Zone which includes a cluster of sites in Darlaston on either side of the M6 motorway and linked to the M54 motorway via one junction. These sites comprise some 45 hectares (net) developable land and provide an important strategic opportunity to attract investment to the area.
- 1.1.2 The purpose of the Black Country Enterprise Zone is to create sustainable private sector-led, economic growth. Development within the Zone will be expected to be in line with adopted planning policy, including the Black Country Joint Core Strategy and Unitary Development Plan (UDP) employment policies and proposals. It will also be expected to help address the local employment issues identified in the Walsall Local Economic Assessment (2011) and the Walsall Employment Land Review (2012).
- 1.1.3 The Enterprise Zone (EZ) will offer business rate discounts, enhanced capital allowances on selected sites, access to superfast broadband and a genuinely simplified approach to planning. It is proposed that these benefits will be available from April 2012.
- 1.1.4 It forms parts of a wider package of measures designed to regenerate the Darlaston area. This includes the £26M Darlaston Strategic Development Area Access Project for which funding was confirmed by Government in December 2011. This is a major infrastructure project which will improve existing roads, junctions and bridges boosting the viability of existing businesses and making the Darlaston area more attractive to new inward investment.
- 1.1.5 Specifically, the Darlaston sites provide the opportunity for a '*custom and practice supply chain locality*' for just-in-time delivery of critical engineering intensive components for the advanced engineering sector such as the new Jaguar Land Rover engine plant at the site known as 'i54' in the Wolverhampton part of the Zone.
- 1.1.6 A requirement of Enterprise Zone status is that a simplified planning regime is established as part of a suite of incentives to support growth, attract new businesses and create jobs. There is considerable benefit in supporting business activity across the identified Enterprise Zone sites and there is strong encouragement for the business sector to have the means to bring these sites forward for development easily and quickly with simplified fast track procedures.

- 1.1.7 The DCLG advises that *‘Enterprise Zone status is conditional upon putting in place a genuinely simplified approach to planning. This may include the use of Local Development Orders (LDOs), as well as other ways of simplifying and speeding up the planning process.’* It further advises that *‘planning simplification and deregulation should be ambitious, and should be developed with consideration for what will genuinely benefit growth and attract private sector investment to Enterprise Zones.’*
- 1.1.8 As a basic requirement, LPAs are advised by the DCLG to consider the levels of information that will be sought in support of planning and other regulatory requirements and whether these can be reduced in order to minimise time and cost for developers.
- 1.1.9 The simplified method preferred by Walsall Council for the Darlaston area, and agreed at its Cabinet meeting on the 9th November 2011, is the adoption of a Local Development Order. Cabinet agreed that this would be prepared by external consultants. The Report herewith has been prepared by Brooke Smith Planning Consultants Ltd, working with WSP (environmental consultants) and Gateleys (legal advisers) and here after referred to as the ‘Consultant Team’ working on behalf of the Council. It sets out the background and justification for the LDO, the geographical area it will cover and the rationale behind the development to be permitted.
- 1.1.10 It is generally accepted that the traditional planning system has been perceived to be a barrier to economic growth due to the costs and time associated with preparing and submitting a planning application, with little certainty of the outcome. In being proactive and identifying what development should be specifically encouraged in the Darlaston area, the Council is seeking to complement the financial incentives offered through the Enterprise Zone and stimulate economic growth. In removing the need for individual businesses to apply for some planning consents, it is considered that the LDO will assist in the creation of an environment within which businesses can start-up and grow.

1.2 Relevant Legislation

- 1.2.1 LDOs allow certain types of development to be undertaken without the need for a specific planning consent to be obtained, provided that the development complies with the requirements and conditions set out in the Order.
- 1.2.2 They can grant planning permission for a specified type and/or scale of development but it is important to note that an Order does not remove the requirements of other statutory regulation and consent regimes, such as Building Regulations, Listed Building Consent, Advertisement Consent and Hazardous Substances Consent. These will all still need to be obtained where appropriate through the existing regimes. In addition it is important to note that the Order does not remove other forms of statutory regulation including the Habitat Regulations, Environmental Impact Assessment and protected species legislation.

- 1.2.3 In terms of primary legislation, the provisions allowing the creation of LDOs are contained in sections 61A-D and Schedule 4A to the *Town and Country Planning Act 1990*, as amended. The provisions were referenced within *Planning and Compulsory Purchase Act 2004* and were amended by Section 188 of the *Planning Act 2008* in June 2009. While the effect of this latter amendment was to remove the requirement that LDOs must implement local plan policies, it is considered that there is considerable merit in reflecting the adopted policies found within the Black Country Joint Core Strategy and saved policies from the Walsall UDP.
- 1.2.4 As an aside, an LDO can be considered as a grant of planning permission for the purposes of ss247 and 248 of the *Town and Country Planning Act 1990*, which deal with the stopping up or diversion of public highways or rights of way to enable development to be carried out.
- 1.2.5 More detailed legal provisions on LDOs are contained in Article 34 and Schedule 7 to the *Town and Country Planning (Development Management Procedure) (England) Order 2010* which came into force in October 2010 as a consolidation of the *Town and Country Planning (General Development Procedure) Order 1995* and instruments which have amended that Order. These regulations include a requirement to undertake consultation before any Order is confirmed. This is specifically discussed later in this Report but as part of the initial assessment work, consultations have already been undertaken with a series of key statutory parties, Council Departments, the local community (through the auspices of the Darlaston/Bentley Area Community Partnership Meeting) and the DCLG through the appointed Link Officer.
- 1.2.6 The DCLG advises that LDOs can be tailored to have a focus on specific parts of the development process, e.g. establishing the in-principle use of a site, through to extending permitted development rights to provide a benefit when the businesses are already established. The Darlaston Order encompasses both mechanisms while also taking into account environmental factors.
- 1.2.7 Developers can be discouraged because of uncertainties surrounding a site. An LDO which has addressed these and which confirms what type and amount of development is acceptable can be helpful. Sometimes, delays associated with the time taken to submit and obtain approval for detailed matters are a disincentive to applicants. An LDO which reduces LPA involvement in such matters may be appropriate.
- 1.2.8 An LDO grants planning permission for development that is specified in the Order, and by doing so, removes the need for a planning application to be made by the developer. LDOs are very flexible in that they can apply to a specific site, sites, or wider geographical area; grant planning permission for a certain type or types of development and grant planning permission outright or subject to conditions. As such it is considered the use of an LDO would be entirely appropriate in Darlaston.

1.2.9 In this case, the Order specifically encourages industrial and employment related development. It does not cover residential, retail or leisure development. As is discussed later in this Report, the proposed permitted development includes:

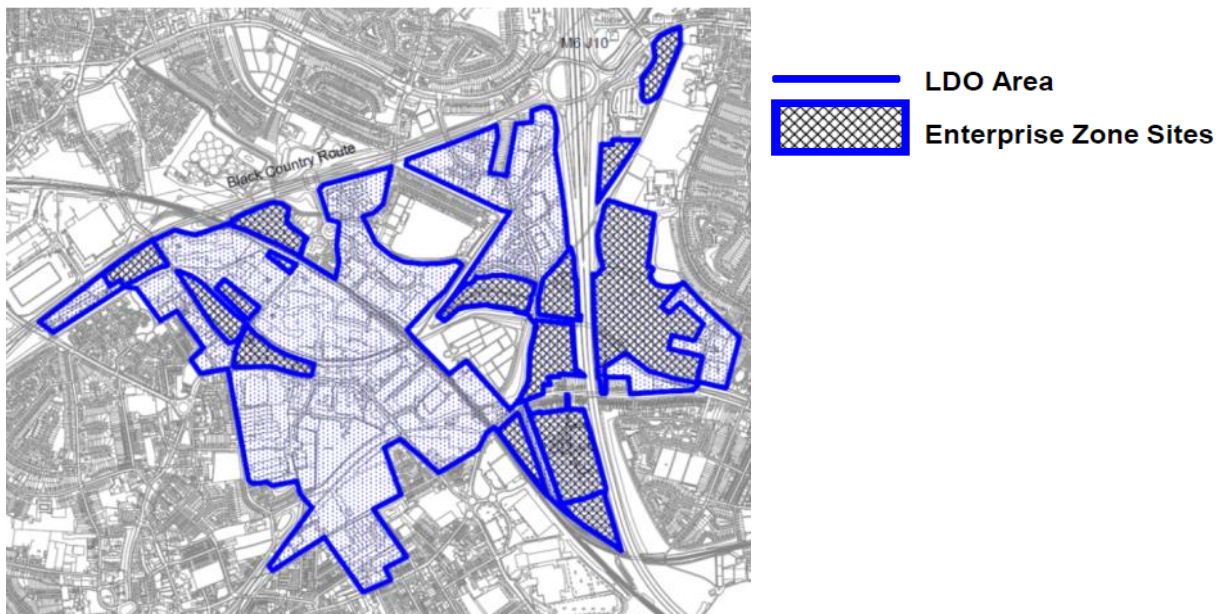
- Operational development, including the construction of new buildings, or extensions/alterations to existing buildings, subject to certain maximum heights and proximity to boundaries and neighbouring buildings;
- Changes of use, subject to a cap on the level of floorspace that may change use before planning permission is required;
- Engineering operations, landscaping, and associated minor works

1.3 The Darlaston LDO – An overview of where and what it will cover

1.3.1 Although 15 specific EZ sites are designated across the Darlaston area, there are significant benefits for any LDO to include other adjacent land – although this additional land will not qualify for the financial incentives provided by the Enterprise Zone.

1.3.2 Consequently, the proposed Darlaston Area LDO, as reported to the Council's Cabinet on the 9th November 2011, is shown in figure 1 below. Subsequent assessment work has lead to a revision of the LDO area, which now covers 146.26 hectares, as indicated on the Plan attached at Appendix A. Sections 4 and 5 of this Report discuss the appropriateness of the boundary of the area in more detail.

Figure 1. Darlaston Proposed Local Development Order Area (9th Nov 2011)



1.3.3 The proposed Order, together with a Statement of Reasons, is attached in draft format at Appendix B.

1.3.4 Reflecting the aspirations of the Council, and noted above, it specifically allows across the whole area, certain development falling within Class B1(b) – research and development of products or processes; Class B1(c) – light industry; Class B2 - general industry; use for the carrying out of an industrial process other than one falling in Class B1; Class B8 - warehouse and distribution, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), and uses associated with waste management and or waste treatment, all of which will be subject to limitations and conditions, as explained within Section 5 of this Report.

1.4 Interaction with Existing Planning Policy and Permissions

1.4.1 As is highlighted above, it is important to note that the Order cannot over-ride explicit and adopted planning policies, nor any previous permissions or permitted development rights within the area. Indeed, the Order does not prohibit any development coming forward through the usual planning process.

1.4.2 As is discussed in Section 2 of this Report, the area contains a number of unimplemented planning permissions although in some cases, the permitted development could proceed under the LDO process.

1.4.3 Section 3 of this Report examines the adopted policies and initiatives currently applicable to the area. But it is important to note that the LDO will be expected to comply with national planning policy, which itself is about to be re-issued in the National Planning Policy Framework.

1.4.4 In terms of local plans, as noted earlier, the requirement for LDOs to implement local policies was removed in 2009. However, it is considered that the policies contained within the Black Country Joint Core Strategy and the saved policies of the UDP, are relevant and can be reflected in the Darlaston LDO. Salient planning policy is discussed in detail in Section 3 of this Report.

1.5 The Geographical and Environmental Context

1.5.1 In deciding the extent of the LDO, an assessment of the area has been undertaken where issues such as existing land uses, flood risk, ground conditions, highways, air quality and ecological issues, inter alia, have been reviewed.

1.5.2 This is explained, in detail, in Section 4 of this Report and has influenced amendments to the originally proposed boundary and as explained in Section 5 of the Report, has resulted in two sub zones being designated.

1.6 The Order and the Statement of Reason

- 1.6.1 Section 5 of this Report comments on the specific rationale behind the Order and explains in detail why a Pre-Information process has been adopted. This process allows the Council to screen proposals for the area and provide a degree of protection given the environmental constraints that exist. Where considered appropriate, more sensitive areas have been identified as a sub zone while the area encouraged for waste related activity is identified as a separate sub zone. Development across the whole area and in both sub zones are subject to specific limitations and conditions.
- 1.6.2 Section 6, outlines the process that needs to be followed and the requirements of the Regulations in terms of appropriate consultations. By way of overview, in preparing the Order, the Regulations require the Council to consult anyone who would have been required to be consulted on a planning application for development that would be permitted by the LDO.
- 1.6.3 Section 7 contains concluding remarks and contends that the Order addresses the guidance issued by the DCLG while fulfilling the statutory regulations relating to environmental legislation and allows a simplified planning process to be adopted across the Area.

2.0 SITE DETAILS

2.1 Introduction

- 2.1.1 The following section describes the LDO Area, setting out the main characteristics of both the EZ sites and the wider area. The section also highlights the challenges and environmental issues which need to be faced and overcome to make Darlaston an attractive area to new high quality employment development.

2.2 General Commentary

Physical

- 2.2.1 The LDO is located to the northeast of Darlaston town centre, being largely delineated by the A454 Black Country Route to the north and the M6 to the east, with the former IMI copper works (now referred to as Phoenix 10) and two smaller plots (Opal and Onyx) being the exceptions, these sites being situated immediately east of the M6 corridor.
- 2.2.2 The area covered by the LDO is underlain by complex geology, with underlying coal reserves. The complex geology is reflected by the presence of geological faults which cross and converge under the LDO, with the Moat Fault, James Bridge Fault and Rough Hay fault all recorded.
- 2.2.3 The presence of underlying coal measures has had largest impact on the history of the LDO, with extensive historical mining across the wider Darlaston area. The LDO has a number of identified and disused mine shafts, and there are extensive areas of land that continue to be impacted by colliery spoil.
- 2.2.4 Previous development across the LDO reflects the industrial nature of the landscape with large scale industrial and manufacturing uses, including locally significant foundry and forging works, with the former Charles Richards Imperial Works and the former Garrington's Works being notable examples. Recession and general decline within the manufacturing industries has resulted in many of these operations closing.
- 2.2.5 The existing infrastructure, both historical and modern, reflects the importance of the local area for manufacturing and industrial processes. The site is crossed by the Walsall Canal (now identified as a Site of Local Nature Conservation and green corridor), mainline railway services and is well serviced from junctions 9 and 10 of the M6 and the associated highway network.

Economic & Social

- 2.2.6 The Darlaston area has suffered from declining economic conditions for a number of years. An analysis of data from the Office of National Statistics shows that much of the area is ranked among the 20% most deprived in the country. In terms of economic activity, unemployment rates are particularly high. Educational attainment levels continue to be lower than national or local averages and the majority of people in the area work in relatively low skilled (and subsequently), low paid jobs.
- 2.2.7 In terms of local health and social characteristics, the data suggests that there are a high number of vulnerable adults and children in the area. The local disability (or employment and support allowance) figures indicate a local population which is not as healthy as the wider English population, an issue which is likely to be exacerbated by low skills and low incomes.

Transport & Infrastructure

- 2.2.8 The LDO area is well serviced by existing transport and associated infrastructure, consistent with its historical and more recent uses. It is bisected north to south by the M6 motorway, with the A454 Black Country Route/Wolverhampton Road forming the northern boundary to the proposed order. The western and southern boundaries abut the residential areas of Darlaston Green and Darlaston respectively.
- 2.2.9 The main roads serving the proposed LDO area include Bentley Road South, Bentley Mill Way and Heath Road. To the North of the LDO area, these roads connect onto the A454 Black country route and the B4464 Wolverhampton Road West, which links onto the M6 at junction 10. To the south of the LDO area, these roads connect onto the A4038 Walsall Road, which provides links to Darlaston and Walsall.
- 2.2.10 While the area has good transport links to the wider area, many of the routes within the LDO area are of poor quality and greatly restrict movement. Bentley Road South and Bentley Mill Way in particular form very narrow access routes to large areas of employment land. The movement of HGVs is a particular problem along these narrow routes and congestion points are identified on the extremely narrow bridges over the canal and railway on Bentley Road South and under the viaduct on Bentley Mill Way.

Sustainable Transport Infrastructure

- 2.2.11 The local roads have some provision for sustainable transport modes, with footways and street lighting along stretches of Bentley Road South and Bentley Mill Way to facilitate walking.
- 2.2.12 There are existing public transport links within the proposed LDO area, with bus stops located on Bentley Road South providing a 30 minute frequency service to Walsall and Wednesbury (Service No's 9, 333x) . There are frequent services on the

B4464 Wolverhampton Rd West providing links to Walsall, Willenhall and Wolverhampton, and services on the A4038 Walsall Road providing links to Wednesbury, Bilston, Wolverhampton and Walsall.

2.2.13 The nearest connection to the rail network is Walsall Station (approximately 3km from the proposed LDO area) or Bescot Stadium Rail Station (approximately 5km from the proposed LDO area). Walsall Rail station provides links to Birmingham New Street (20-25 minutes) at 15 minute frequencies, and also services to Rugeley Trent Valley. Bescot Stadium Rail station is on the same line, but only operates at 30 minute frequencies.

2.2.14 The cycle network includes a traffic free route alongside the Dudley Canal, which runs east west through the south of the LDO area, and connects to Walsall Rail Station to the east (approximately 3km).

2.2.15 It is envisaged that the local sustainable transport infrastructure will be improved by the recently approved Darlaston Strategic Development Area Access Project.

Darlaston Strategic Development Area Access Project

2.2.16 The Darlaston Strategic Development Area Access Project seeks to address known traffic constraints associated with out-dated highways infrastructure, with four key locations identified:

- Bentley Road South
- Bentley Mill Way
- 'Brown Lion' junction
- Bescot Road/Wallows Lane

2.2.17 Of these, only Bentley Road South and Bentley Mill Way are situated within the LDO boundary, with the Brown Lion junction and Bescot Road/Wallows Lane junction situation to the east of the LDO. Junction improvements under the project are however considered to contribute to traffic management in the wider landscape and are therefore included here for completeness.

2.2.18 The project contains measures at the various locations that include:

- *Bentley Road South*
 - New canal and single-span rail bridge at Bentley Road South;
 - Improved vertical alignment of Bentley Road South and new retaining walls;
 - New roundabout junction at Bentley Road South/The Green.
- *Bentley Mill Way*
 - Modified alignment of Bentley Mill Way with access to development sites;

- Lowered carriageway under aqueduct with three way signal operation (north, south and west); and
- New signalised junction arrangement at Bentley Mill Way/Darlaston Road.
- *Darlaston Road/Bescot Road junction (Brown Lion)*
- Improved alignment and widening of approaches to signals at Darlaston Road/Bescot Road.
- *Bescot Road/Wallows Lane junction*
- Replacement of traffic signals with a new roundabout with improved approaches at Wallows Lane/Bescot Road.

2.2.19 These measures aim to improve the road infrastructure in the area which is outdated and presents numerous constraints to business and development at certain locations.

2.2.20 An EIA was produced for the Darlaston SDA access project, which identified Bentley Road South and Bentley Mill Way as being sensitive areas in terms of air quality and traffic noise and vibration due to the increases in vehicle numbers, and recommended further assessment.

M6 Planned improvements

2.2.21 Following the Chancellor's Autumn Statement on the 29th November 2011, the M6 J10a-J13 Managed Motorway is one of six schemes previously announced for delivery in future spending review periods that will now be able to start works in the next three years, subject to the completion of statutory processes.

Environmental

2.2.22 Land covered by the LDO area is characteristic of the industrial landscape within this part of the West Midlands. Diverse underlying geology has provided opportunities for mining and quarrying, which has shaped much of the landscape still visible today. The site is well serviced by transport infrastructure, including canals, rail and more latterly public highways. The surrounding areas still exhibit the signs of historical mining with spoil heaps and mine shafts abundant throughout.

2.2.23 Current land-uses are varied with large areas of previously developed land (including but not limited to the Phoenix 10 EZ site), derelict foundry and forge works and other sterilised sites (such as the James Bridge Gas Holder EZ site).

2.2.24 Despite its decline much of the LDO area supports seemingly viable businesses ranging from metal works, industrial estates, manufacturing facilities and, notably, waste collection and management sites.

2.2.25 While the area is heavily developed, green infrastructure including the canal and river corridors has established. Natural succession and colonisation of spoil heaps has resulted in ecological diverse habitats, including a number of SLINC sites.

2.2.26 Consultation with Walsall Council confirms that the LDO area and the wider area is identified as an Air Quality Management Area (AQMA), due principally to vehicles emissions with elevated NO₂ levels being of particular note.

Land Use

2.2.27 The great majority of sites within the LDO area fall within B2 'General Industry' and B8 'Storage and Distribution', as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Time constraints have not allowed a review of permitted uses of every site and from a visual survey of the area it has been somewhat difficult to distinguish between B2 and B8 uses, as both have many similar characteristics, particularly when the storage or processes on site are undertaken within a building.

2.2.28 Other uses identified in the area include:

- Manheim Auctions, Whitworth Close – Sui Generis use (though it is considered that the large vehicle storage area associated with the auction site, which is not open to the public, would fall within B8 use);
- Axxess 10 Estate, Bentley Road South – three of the units within this Estate appear to be in B1(a) office use, including a call centre operation;
- Land within Alumwell Business & Enterprise College Campus - former tip site currently not used by the College;
- Restaurant / Retail Units, Bentley Mill Way – three units opposite the Casino complex provide two A3 'Restaurant & Café' uses and one A1 'Shops' use. The retail unit appears to have been vacant for some considerable time;
- Waste Operations, Bentley Road South – A number of sites within the Bentley Road South area are occupied by waste processing operations, which are sui generis uses, not falling within the Use Class Order 1987. These include the European Metal Recycling, Hollands Recycling and G&P Batteries sites;
- Former landfill site, Tempus Drive – Both the Opal and Onyx sites on the eastern site of the M6 are former land fill sites and are not currently in use;
- Sport Ground, Bentley Road South – this site is currently used by a youth football club. It has been confirmed by Council Officers that planning consent has not been granted for the recreational use of the site; and
- Premier Inn, adjacent restaurant and retail unit, Bentley Road North - lying adjacent to the Black Country Route.

Land Tenure

2.2.29 A plan of known land tenure has been provided by the Council, and is attached at Appendix C. This confirms that the LDO area comprises a significant number of sites in individual private ownership. At least 195 land parcels, of varying size, have been

identified, under the ownership of 96 different organisations. The majority of the site is subdivided into single plots, the majority of which have been developed or are in use. Walsall Council remain the largest landholder (by number) with 25 separate sites under its remit.

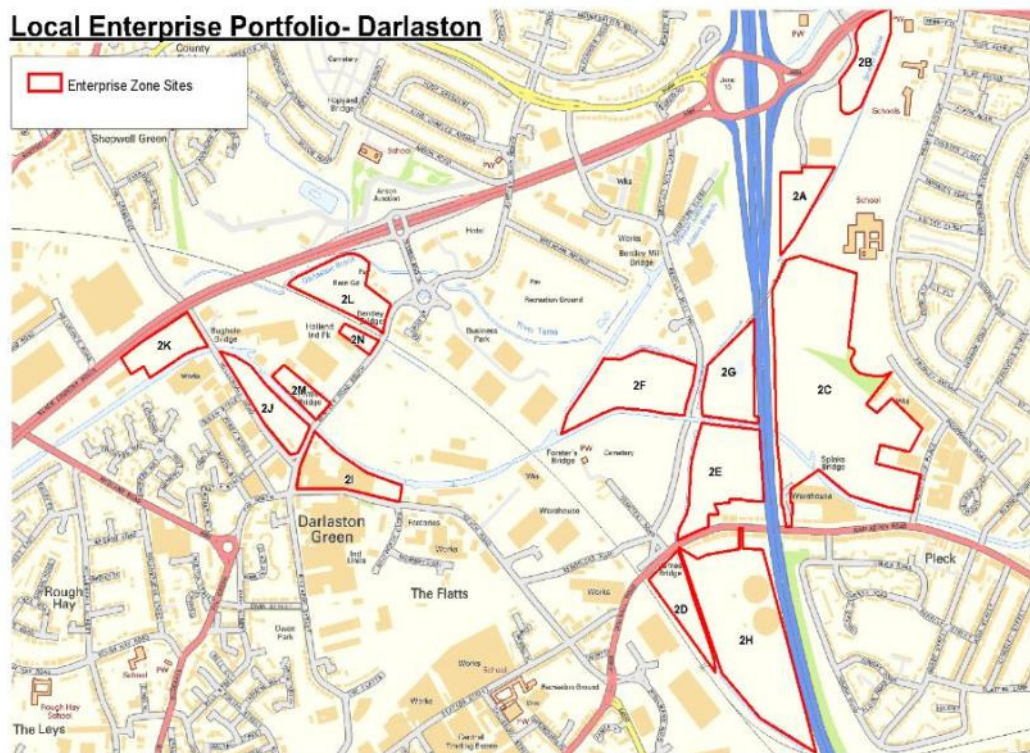
2.2.30 Given the context of this Report it is considered important to comment on the EZ sites in particular.

2.2.31 The Darlaston suite of Enterprise Zone (EZ) sites were identified in 2011 as part of a process managed by the Black Country LEP. The sites, which extend to approximately 45 hectares (ha) of developable land, comprise a network of 15 complementary sites.

2.2.32 The EZ sites range in size, from the large c.10ha Phoenix 10 site to the east of the M6 motorway to smaller components such as those identified on the Holland Industrial Estate which are less than 0.3ha in size.

2.2.33 As might be anticipated from the variety and distribution of sites identified, the Darlaston EZ sites represent a broad range of re/development opportunities within a landscape dominated by historical heavy industry, manufacturing and waste management. Short descriptive summaries of the EZ sites, which are shown in Figure 2, are provided below.

Figure 2. Location and Approximate Boundaries of Darlaston EZ Portfolio



2A Opal

- 2.2.34 Opal (part of the Tempus10 development) extends to approximately 1.42ha, being situated to the east of the M6, less than 200m southeast of J10. The site, part of a former landfill, is roughly triangular in shape, delineated by Highway Agency land to the west and a wide drainage channel to the east, beyond which is the Alumwell Business & Enterprise College.
- 2.2.35 The site is currently dominated by open ground with large soil stockpiles, which have been left and appear to have colonised with self-set habitats consistent with land of this type.
- 2.2.36 The site is accessed from the north, via an existing highway from the A454 Wolverhampton Road currently used to access two hotel units. Opal benefits from an extant permission (Walsall Council reference: 07/1281/RM/W2) for the erection of a B8 storage and distribution centre.

2B Onyx

- 2.2.37 Onyx, also part of the Tempus10 development, situated on a former landfill site is located to the northern extent of the LDO area, being located off the A454 Wolverhampton Road to the east of J10 of the M6 motorway.
- 2.2.38 The site extends to approximately 1.66ha and offers c.8,000 sq meters of developable floor space. Currently the site is undeveloped and is dominated by areas of open ground and rough grassland. The eastern boundary of the site is delineated (as with Opal) by the existing drainage channel and existing built-form.
- 2.2.39 As with the nearby Opal site Onyx also benefits from extant planning permission for office developments, subject to discharge of appropriate planning conditions, of which the requirement for further site investigation works and the requirement for future remediation are required. The current status of remediation and reclamation works is unknown.

2C Phoenix 10

- 2.2.40 Phoenix 10, formerly the Imperial Metals Industries (IMI) site is situated to the east of the M6 motorway and, along with its adjacent LDO sites, extends to over 15ha.
- 2.2.41 Formerly known as the James Bridge Copper Works, the site was operated as a Copper Refinery from the 1920's until its demolition in 2001. Prior to this, the site itself and the surrounding area were dominated by the James Bridge Colliery and contained a significant number of mine shafts (at least 131 recorded shafts), coal heaps and mounds.

- 2.2.42 The copper refinery initially developed within the eastern portion of the site, to the east of the current M6. A further area (2G) was added to the site, initially as a refinery waste repository and latterly as a storm water storage lagoon. This portion of the site is accessed via a tunnel beneath the M6. The refinery was demolished in the early 2000s with all above ground structures cleared to slab level. Ground investigations have identified the presence of a substantial number of relic structures, foundations and features that have not been removed.
- 2.2.43 Ground conditions at the site are characterised by significant and variable thicknesses of made ground overlying the Coal Measures bedrock (known to have been historically mined). Beneath the coal measures at depth is Limestone, also understood to have been mined.
- 2.2.44 The site is known to be heavily contaminated, with contaminants characteristic of the former metal refining processes that took place over the history of the site. Anecdotally, it was understood that in addition to the numerous on site waste repositories, historic mine shafts may have been used to store waste from the refinery. As a result, groundwater beneath the whole site is significantly impacted with heavy metals and acidic conditions. Seepages from the site have been observed into the River Tame and are known to be adversely impacting the quality of the River itself. This is particularly noted in the '2G' area, where leachate generation from the waste repository is ongoing.
- 2.2.45 Development of the site will be heavily constrained by the ground conditions and contamination. Significant ground improvement and the reclamation of remnant structures and buried foundations would be necessary to create a development platform. Furthermore, residual contamination within soils and the treatment of groundwater contamination is anticipated to be substantial and will extend beyond initial reclamation works.
- 2.2.46 Directly adjacent to the Phoenix 10 site is an area of Council owned land within the Alumwell Business & Enterprise College campus. This land was formerly used as a tip and is known to be further contaminated by material displaced by the creation of all-weather pitches within the campus, and therefore is not actively used by the College. On this basis the Governing Body has agreed to disposal of the land for it to form part of the Phoenix 10 site. The Council has considered the need to obtain Government consent for the disposal but has concluded that this is not required as the land is not a playing field.

2D Box Pool

- 2.2.47 Box Pool extends to 1.67ha, being partially developed land between the mainline railway and the River Tame. The site is roughly triangular in shape with the A4083 Walsall Road forming the northern boundary.

2.2.48 The site is currently vacant. The southern portion of the plot is identified as being located within the flood plain of the River Tame, with historical canalisation of the river corridor known to result in short-duration flash flooding of adjacent land.

2E Parallel 9-10

2.2.49 Parallel 9-10 (also known locally as Bentley Mill Lane) comprises largely undeveloped land, bordered by the River Tame to the west, the Walsall Canal to the North and the M6 motorway to the east. Access to the Site is possible from the A4038 Darlaston Road, although this is restricted by existing residential properties.

2.2.50 The EZ site comprises areas of self-set scrub and grassland indicative of undeveloped urban wasteland with unofficial public access. The site is known to have been the location of historical dumping of (unknown) industrial waste and includes several un-capped mine shafts.

2.2.51 The entire EZ site is identified as a Site of Local Interest for Nature Conservation (SLINC), and consequently has benefitted from historical ecological surveys. Habitats are consistent with low level management and self-set grassland and scrub dominate, with domestic garden escapes and areas of plantation (of sycamore, willow and alder) also present. The site is known to support the invasive Japanese knotweed. The site is known to support diverse invertebrate and bird assemblages which are otherwise poorly represented within the wider landscape and particularly within the LDO.

2F Aspect 2000

2.2.52 Aspect 2000 comprises urban wasteland, with areas of historical colliery workings dominated by shale and colliery waste tips. Much of the site is dominated by made ground, with large areas covered with crushed demolition waste, forming a platform for lorry parking. No planning permission exists for its current use.

2.2.53 The site is not identified as being on Walsall Council's contaminated site report however it is known that historical site investigation works have established the presence of heavy metal contamination on the site and in adjacent land, including the adjacent Anson Branch Canal site. Japanese knotweed is known to present within the western extent of the site.

2G Former IMI Site

2.2.54 The Former IMI site extends to approximately 2.7ha, bordered on all sides, with the River Tame, Walsall Canal and M6 motorway largely surrounding the site.

2.2.55 Much of the site currently supports a mix of plantation woodland, rough grassland and scrub. Remnants of previous industrial works remain visible on the site,

specifically associated with the former works at Phoenix 10, to which the site is connected by an extant access road beneath the M6 motorway.

2.2.56 The former IMI site is known to have high levels of ground contamination associated with historical tipping of industrial wastes.

2.2.57 Access to the site is largely restricted by waterways and the M6 however a single point of access (with the exception of the former access tunnel) is available from Bentley Mill Way, where a bridge has been placed over the Tame.

2H Gas Holders

2.2.58 Comprising the former James Bridge Holder station the Gas Holders site supports two disused gas holders which, along with their associated infrastructure, dominate the site. Grassland and scrub planting surround the smaller security fenced compound.

2.2.59 The site extends to approximately 8.2ha, with the boundaries of the site delineated by the M6 motorway, the River Tame and the mainline railway.

2.2.60 To the south of the site, natural colonisation of grassland habitats on disturbed soils has resulted in habitats or relative scarcity within the local area, with a forb-rich grassland supporting a diverse invertebrate assemblage. These areas of the site have been allocated as SLINCs in recognition of their potential biodiversity value.

2I Former Charles Richards Site

2.2.61 Dominated by former factory buildings and associated hardstanding, the Charles Richard's site extends to 1.75ha, being bordered to the north and south by the Walsall Canal and Heath Road respectively. The site is roughly triangular with the remaining western boundary fronting onto Bentley Road South. The EZ site also incorporates the former 'The Boat' public house which was damaged by an arson attack in 2007, and which currently supports a temporary car wash site.

2.2.62 The adjacent Walsall Canal is identified as a SLINC, while the canal corridor is known to support a major gas pipeline.

2J Former Garrington's Site

2.2.63 The Former Garrington's Site, previously a forging works, is situated between Bentley Road South, Willenhall Road and the Walsall Canal, and abuts 2I. The site is bounded on all sides by brick walls, remnants from the previous works.

2.2.64 At the time of preparing this report the northern extent of the site (approximately 1ha of the 1.9ha site) had been developed as an equipment hire depot, with the remaining areas dominated by existing hardstanding, currently used as a secure

storage compound for construction plant. No planning permission exists for storage purposes.

2K Central Point

2.2.65 The Central Point is situated to the north-western extent of the LDO, adjacent to the Black Country Route, Willenhall Road and the Walsall Canal. The site has not yet been developed out, but has permission for a B8 storage and distribution depot.

2L Bentley Road South Pitches

2.2.66 The Bentley Road South Pitches are situated to the north of the LDO area, being situated between Bentley Road South and the Black Country Route. The site, which extends to approximately 2.6ha, is presently used as a formal recreation ground, with two football pitches used by Bentley Youth Football Club. Car parking curtilage, a clubhouse and changing facilities are also present.

2M Holland Industrial Estate

2.2.67 Situated within the existing Holland Industrial Estate, 2M extends to 0.9ha and abuts the Walsall Canal corridor.

2.2.68 Being largely undeveloped the site is dominated by existing hardstanding which is used for storage and parking.

2N Holland Industrial Estate

2.2.69 As with 2M, the 2N site is situated within the existing Holland Industrial Estate, extending to approximately 0.27ha, with the northern boundary following the line of the railway corridor.

2.2.70 The site is dominated by existing hardstanding and is currently used for storage and parking.

3.0 POLICY AND INITIATIVES

3.1 Introduction

- 3.1.1 It is recognised that an LDO does not require existing policy support from Local Development Framework documents, as set out in Section 188 of the Planning Act 2008. However, in this case it is considered that the aims of the Darlaston LDO are supported by national planning guidance, adopted planning policies and other supporting planning and environmental documents.

3.2 National Planning Policy

PPS1 – Sustainable Development and Climate Change Planning

- 3.2.1 PPS1 aims to facilitate and promote sustainable and inclusive patterns of urban and rural development by:
- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
 - contributing to sustainable economic development;
 - protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
 - ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
 - ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.
- 3.2.2 All these aims are supported by the LDO proposals, which will encourage the sustainable re-use of land within the Darlaston area.

PPS3 – Housing

- 3.2.3 In support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The LDO will contribute to the provision of jobs for the nearby existing and proposed housing in the Darlaston area.

PPS4 – Economic Growth

- 3.2.4 PPS4 encourages sustainable economic growth (Policy EC2) and careful site selection for employment uses (Policy EC5). A key tools to the delivery of the sites for different business uses are area action plans, simplified planning zones and local

development orders. The Darlaston LDO is an example of action to deliver business sites.

PPS5 – Planning and the Historic Environment

- 3.2.5 Government's objectives for planning for the historic environment are to deliver sustainable development by ensuring that policies and decisions concerning the historic environment recognise that heritage assets are a non-renewable resource. It is also recognised that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.
- 3.2.6 Policy HE3.4 states that at a local level, plans should consider the qualities and local distinctiveness of the historic environment and how these can contribute to the development of the spatial vision in the local development framework core strategy. Heritage assets can be used to ensure continued sustainability of an area and promote a sense of place. The statutory heritage assets within the Darlaston area will be fully considered when assessing proposed development schemes

PPS9 – Biodiversity and Geological Conservation

- 3.2.7 PPS9 stresses that Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources.
- 3.2.8 Overall, the LDO should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests of the area. It is considered that the proposal put forward do this.

PPS10 – Waste Management

- 3.2.9 Planning authorities should prepare and deliver planning strategies that help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for. The provision of appropriate waste installations is central to this strategy.
- 3.2.10 The Darlaston LDO makes special reference to the provision of appropriate waste management facilities in appropriate areas within the LDO boundary.

PPG13 – Transport

- 3.2.11 The objectives of PPG13 are to integrate planning and transport at the national, regional, strategic and local level to:

- promote more sustainable transport choices for both people and for moving freight
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and
- reduce the need to travel, especially by car

3.2.12 The guidance goes on to recommend that local authorities should ensure that strategies in the development and local transport plan complement each other and that consideration of development plan allocations and local transport investment and priorities are closely linked.

3.2.13 It is considered that this is the case for the proposed LDO area. The aims of the LDO are supported by the highways improvements proposed in the area as part of the Darlaston Strategic Development Area (SDA) Access Project.

PPS22 – Renewable Energy

3.2.14 PPS22 explains that at the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects. This requirement has been taken into consideration when drawing up the LDO requirements for new development.

PPS23 – Planning and Pollution Control

3.2.15 As set out in PPS23, any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health represent a material consideration when considering development proposals. As such the issue of pollution control has been carefully taken into consideration when drawing up the LDO. It is considered that the measures in place will ensure that the development proposed will not result in harm to either health or the environment.

PPG24 – Planning and Noise

3.2.16 PPG24 recognises that it can be hard to reconcile some land uses, such as housing, hospitals or schools, with other activities which generate high levels of noise. It is noted that the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). In the case of the LDO area measures have been proposed to ensure that sensitive receptors are not negatively impacted on by new employment development.

PPS25 – Development and Flood Risk

3.2.17 PPS25 sets out the requirement for local authorities to prepare and implement planning strategies that help to deliver sustainable development, while also identifying land at risk and the degree of risk of flooding from river, sea and other

sources in their areas. The LDO has been drawn up following consideration of the flood risk in the area and the potential impacts of new development.

3.3 National Planning Framework (Draft NPPF)

- 3.3.1 In July 2011, Government issued a draft National Planning Policy Framework document for consultation purposes. The Planning Inspectorate has advised that the document indicates the direction of travel in terms of the Government's aspirations for new development and therefore should be a material consideration when assessing new proposals
- 3.3.2 The Draft NPPF states that the Government expects the planning system to deliver the homes, business and industrial units, infrastructure and thriving local places, while protecting and enhancing the natural and historic environment. Planning has a key role in securing a sustainable future.
- 3.3.3 The planning system should assist in building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
- 3.3.4 The Draft NPPF goes on to explain that Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would boost enterprise and growth.
- 3.3.5 The Darlaston LDO will help to deliver the aims and aspirations of the Draft NPPF within the Walsall area and the wider Black Country.

3.4 Plan for Growth (2011)

- 3.4.1 The Plan for Growth, produced by the HM Treasury is an urgent strategy for improving the country's economic situation. The Government's economic policy objective is to achieve strong, sustainable and balanced growth that is more evenly shared across the country and between industries. The Plan for Growth contains four overarching ambitions that will ensure the progress is made towards achieving this economic objective. The ambitions are:
1. to create the most competitive tax system in the G20;
 2. to make the UK one of the best places in Europe to start, finance and grow a business;
 3. to encourage investment and exports as a route to a more balanced economy; and

4. to create a more educated workforce that is the most flexible in Europe.

3.4.2 It is considered that the LDO will contribute to the aims of the Plan for Growth.

3.5 **Core Strategy, Unitary Development Plan and Supplementary Planning Documents**

Black Country Joint Core Strategy (2010)

3.5.1 The Black Country Joint Core Strategy (BCJCS) was adopted on 3rd February 2011 and now forms the basis of the Black Country Authorities' Local Development Framework.

3.5.2 The strategic objectives of the BCJCS are set out in Policy **CSP1 'Growth Network'**, which stresses the importance of the 16 defined Regeneration Corridors within the BCJCS area. The aims of the Regeneration Corridors are summarised as:

- Providing 1,564 ha of strategic high quality employment land, within easy reach of the motorway network, and 35,000 new homes on redundant employment and brownfield sites land by 2025;
- Providing a sustainable mix of modern, strategic high quality employment land and new residential communities well supported by community services and local shops, set within and linked by comprehensive networks of attractive green infrastructure with cycling and pedestrian routes;
- Be the focus for existing, new and improved public transport routes and hubs which will maximise use of the public transport network by residents, workers and visitors;
- Create strong links with the surrounding communities and the network of centres and spread the regeneration benefits by knitting together old and new to create a richer, varied and integrated sense of place

3.5.3 The Darlaston LDO area and the EZ sites will be key contributors to the Growth Network as they all form part of **Regeneration Corridor 6: Darlaston, Willenhall, Wednesfield**.

3.5.4 The BCJCS sets out a detailed strategy for the Regeneration Corridors (Appendix 2). **Regeneration Corridor 6** is recognised as one of the main gateways to the Black Country, leading from Junction 10 of the M6, and is seen as having the potential to provide first class quality employment land for knowledge-led manufacturing and logistics businesses serving the regional economy.

- 3.5.5 The Corridor contains a number of large existing industrial areas, one being the **Darlaston Strategic Development Area (SDA)**. The Darlaston SDA is listed as a key opportunity in relation to high quality industry.
- 3.5.6 The Corridor also includes the following strategic waste management facilities, all of which fall within the LDO area. These are to be retained in waste management use, and uses which are unlikely to be compatible should avoid locating near them (BCJCS **Policy WM2**):
- European Metal Recycling, Bentley Road South, Darlaston
 - Hollands Recycling, Bentley Road South, Darlaston
 - G & P Batteries, Crescent Works, Willenhall Road, Darlaston
- 3.5.7 New waste management facilities will also be permitted elsewhere within the retained employment areas of Darlaston (DSDA), Longacres and Neachells. **Policy WM4** provides guidance on the types of facilities suitable within High Quality and Local Quality Employment areas.
- 3.5.8 With regards to access, the importance of the Darlaston SDA access roads (from Black Country Route) is highlighted. The proposed highway proposals are considered crucial to the regeneration infrastructure within the corridor and beyond.
- 3.5.9 The main investment routes in the Corridor area are identified as:
- Darlaston Strategic Development Area has investment from Advantage West Midlands, Walsall Council as well as Private sector investment. Anticipated outputs include 2,800 new jobs and 22 ha of employment land; and
 - Darlaston Strategic Highway Improvements are being funded through DfT.
- 3.5.10 Other BCJCS policies are of relevance to the formation of the LDO. **EMP1 ‘Providing for Economic Growth and Jobs’** seeks to ensure a sufficient stock of employment land to meet demand and support the growth and diversification of the economy. The policy looks to provide land for at least 75,000 industrial and warehouse jobs in the Black Country in 2026. For this, to protect jobs and support economic growth and allow for market flexibility and uncertainty, we will plan for a target of 2,900 ha of employment land.
- 3.5.11 In light of the promotion of employment land sites, **Policy CSP3 ‘Environmental Infrastructure’** advocates a coordinated approach to the enhancement and protection of the built and natural environment and community access to quality assets.

3.5.12 **Policy CSP4 ‘Place-Making’** highlights the importance of the environmental transformation of the Black Country to the renaissance agenda. The promotion of high quality urban design is a key mechanism through which this transformation will be achieved.

3.5.13 With regards to accessing the LDO area, **CSP5 ‘Transport Strategy’** recognises that transport has a key role in providing a catalyst for the urban renaissance of the Black Country, to support national economic competitiveness and growth by delivering reliable and efficient transport networks. It is important that this network provides rapid, convenient and sustainable links between the Strategic Centres, housing growth areas, employment areas, local communities and the regional and national transport networks.

Walsall Unitary Development Plan

3.5.14 The Walsall UDP was formally adopted in March 2005 to cover the period up to 2011. Since then a revised version of the UDP has been published which indicates which policies have been superseded by those in the BCJCS.

3.5.15 Policy **JP1 ‘New Employment Sites’** defines a series of sites allocated for employment use within the Walsall area. Five of the allocated sites have since been defined as EZ sites, these being:

- E8 – Garrington (EZ ref. 2J)
- E10 – Bentley Road South (EZ ref. 2L)
- E14 – Bentley Mill Way (EZ ref. 2F)
- E16 – Box Pool Site (EZ ref. 2D)
- E30 – IMI Works (EZ ref. 2C)

3.5.16 Policy **JP5 ‘Core Employment Areas’** defines a number of core employment areas, which are shown on the Proposals Map. Within these areas land will be safeguarded for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses. The Core Employment Area includes a significant amount of the LDO area and also covers the following EZ sites:

- 2I – Former Charles Richard site
- 2M – Holland Industrial Estate
- 2N – Holland Industrial Estate

3.5.17 UDP **Policy GP2 ‘Environmental Protection’** sets out general principles for new development, which should also apply to development permitted through the LDO. Developments should make a positive contribution to the quality of the environment and the principles of sustainable development, and should not have an unacceptable

adverse impact on the environment. The issues to be taken into consideration include:

- Visual appearance;
- The creation of, or susceptibility to, pollution of any kind;
- Potential problems of land stability, contamination or landfill gas;
- The storage, use or manufacture of any hazardous, toxic or noxious substances, and any danger to health or the environment arising from this;
- Proximity to power lines, substations or transformers;
- Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property;
- Accessibility by a choice of means of transport; traffic impact, including the adequacy of the proposed access; and the adequacy of parking facilities;
- The effect on land or buildings of archaeological, architectural or historical interest;
- The effect on species, habitats and sites of nature conservation or geological interest;
- The effect on the best and most versatile agricultural land;
- The effect on woodland or individual trees on or near the site;
- The effect on landscape of historic or amenity value, including any proposed changes to land form, levels or land management;
- The effect on open spaces and outdoor recreation facilities, including footpaths, cycleways and bridleways;
- The implications for water resources including conservation and efficient use of water, and the impact on existing or proposed drainage systems, water courses and aquifers;
- The provision to be made for energy conservation;
- The provision made for the sustainable management of any waste generated by the proposed development;
- The effect of interference from radio or other transmissions on equipment in the locality.
- The hours of operation of any activities proposed.
- Any other factor of environmental significance

3.5.18 In connection to the above, Policy **GP3 'Planning Obligations'** sets out the scope of contributions usually required in connection to new development proposals.

3.5.19 Such contributions will be used, as appropriate, to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development; ensure the implementation of an agreed phasing scheme; or otherwise ensure that development takes place in a satisfactory manner in accordance with the policies of the Plan.

3.5.20 The requirements for planning obligations and contributions have been carefully considered when drawing up the LDO for Darlaston.

3.5.21 In relation to Parking Standards, UDP Policy **T13 ‘Parking Provision for Cars, Cycles and Taxis’** sets out a series of standards. These standards are subject to the thresholds and notes as set out in PPG13 Annex D. Developers must, however, still demonstrate in all cases (including developments below the size thresholds) that the development will provide adequate on-site car parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment. The parking standards for cycles and taxis are minimum standards in order to maintain an adequate level of provision.

D. Industrial and Commercial Developments

Use class B1(a)	1 car park space per 30m ² of gross floorspace. 1 bike locker for every 10 car parking spaces. Taxi facilities.
Use class B1(b)	1 car park space per 30m ² of gross floorspace. 1 bike locker for every 10 car parking spaces. Taxi facilities.
Use class B1(c)	1 car park space per 30m ² of gross floorspace. 1 bike locker for every 10 car parking spaces. Taxi facilities.
Use class B2	1 car park space per 50m ² up to 250m ² , then 1 space for every additional 100m ² of gross floorspace. 1 bike locker for every 10 car park spaces. Taxi facilities.
Use class B8	1 car park space per 50m ² of gross floorspace up to 250m ² ; then 1 space per 100m ² up to 2500m ² ; then 1 space for every 500m ² of gross floorspace. 1 bike locker for every 10 car parking spaces. Taxi facilities.

3.5.22 These standards have been considered when drawing up the LDO.

Supplementary Planning Guidance / Documents

3.5.23 **Designing Walsall SPD** - The SPD supports policies ENV32 ‘Design and Development Proposals’, ENV33 ‘Landscape Design’ and ENV34 ‘Public Art’ of the UDP. The Darlaston LDO area is not specifically referred to in the SPD and there is no Local Character Guidance for the area.

3.5.24 The SPD sets out general design and sustainability aims and best practice principles. However, no specific numerical guidance (eg. separation distances, sizes) or plot design guidance is set out for employment uses.

3.5.25 With regards to the requirements for Section 106 contributions the SPD stresses that both new residential and commercial developments are required to make a financial contribution towards public art provision.

3.5.26 **Urban Open Space SPD (2006)** - The SPD supports a series of UDP policies, including GP3 'Planning Obligations'. Although this SPD focuses on residential development, it does not preclude contributions in respect of other types of development.

3.5.27 **Conserving Walsall's Natural Environment SPD (2008)** – The SPD stresses that the Council expects all new development in Walsall to be designed to a high standard. In many cases this requirement will present designers with obligations and opportunities to protect, conserve and enhance the natural environment. The implications of the SPD for the LDO area have been considered.

3.6 Social & Community Strategies

Walsall Statement of Community Involvement

3.6.1 A consultation draft version of Walsall's Statement of Community Involvement (SCI) was published in September 2011. The key principles of the SCI are:

- A) Targeting Communities - working with our key partners to target those communities that have not traditionally had their say in the planning process. Identify these groups at a borough level using data held by key partners. It is necessary that these communities are targeted so that decisions fully reflect the diverse needs of Walsall's population. Involvement needs to recognise and be sensitive to diversity issues and there is a need to think creatively to encourage involvement of all of Walsall's communities.
- B) Open access to information for all - information (such as plans, policies, committee reports etc) should be produced in plain language and as jargon free as possible. Documents will be available online and when necessary printed versions will be made available on request. Summary style, easy to read planning information should be produced to make it as accessible as possible.
- C) Advertise widely the opportunities for involvement - Engaging with local communities, businesses and other interested parties as early as possible in the process; ensuring that communities are involved in influencing plans and proposals from the outset alongside other key stakeholders. Central to this is ensuring that this takes place, where appropriate in the location or community affected and is advertised as widely as possible beforehand.

3.6.2 The LDO process takes on board the principles set out in the SCI and aims to involve all groups who may be effected by the proposals.

3.7 Economic Information / Strategies

Walsall Employment Land Review (Roger Tym & Partners Nov 2010 & updated January 2012)

- 3.7.1 The 'Walsall Employment Land Review' forms part of its planning evidence base, to help inform the Council's policies and decisions on employment land. The study will feed into the Borough's forthcoming Development Plan Documents on Site Allocations, Development Management, Area Action Plans and its Local Economic Assessment. The 2010 report also informed the allocation of the Enterprise Zone sites.
- 3.7.2 Both the 2010 and 2012 Review Reports identify that many sites that are well located to the road network are blighted by lack of infrastructure, and the dereliction and contamination left behind by earlier heavy industrial uses. They highlight Darlaston as a prime example, offering strategic redevelopment opportunities close to the M6, with the potential to attract high-quality demand. However, the reviews notes that the area suffers from a degraded environment, large swathes of severely contaminated land and an inadequate local road network. At present the area is largely unattractive to occupiers and the cost of clear-up means that redevelopment is in most cases not viable.
- 3.7.3 A large number of the sites within the LDO area are identified as employment land within the Employment Land Reviews.

Walsall Local Economic Assessment (2011)

- 3.7.4 The LEA currently recognises that Walsall's economy and employment infrastructure is not fit to support the growth of the 21st Century, due to a lack of high quality infrastructure. It is also recognised that Walsall has less high quality employment land than other neighbouring areas.
- 3.7.5 Therefore, there is impetus for economic redevelopment in areas such as Darlaston. The LEA states that improving the quality of employment land and ensuring the success of Darlaston will require significant public sector resources to address constraints.
- 3.7.6 Darlaston is considered to be the borough's highest profile opportunity; a major industrial site located either side of the M6. However, the delivery of employment development is constrained by high levels of contamination and poor internal access. The designation of EZ sites should assist with future growth in the area.

- 3.7.7 The LDO has been proposed to help facilitate the aims for Darlaston as set out in the LEA.

3.8 Environmental Background Information

Sustainability Appraisal of the Black Country Core Strategy (Sustainability Appraisal Adoption Statement) 31st January 2011

- 3.8.1 The Sustainable Appraisal (SA) sets out how the two broad BCJCS alternative options presented in the Issues and Options stage were designed to provide alternative scenarios for the spatial development of the Regeneration Corridors and surrounding areas relating to the density and layout of proposed development.
- 3.8.2 Based on the Issues and Options work, the Preferred Options Report was published, identifying the broad locations for new development, particularly housing and employment, within the Regeneration Corridors and Strategic Centres, along with potential infrastructure requirements. This was also assessed by the SA.
- 3.8.3 A key aim of the SA was to consider the residual environmental impacts which may result from the policies of the BCJCS, eg. impacts of increased traffic due to employment growth. The SA included consultation with key stakeholders and statutory bodies.
- 3.8.4 The Inspectors' Report was subsequently published in October 2010. This presented the Inspectors' conclusions that the Black Country Core Strategy was sound, had undergone a robust and influential SA process, and provided an appropriate basis for the planning of the Black Country to 2026.

Habitats Regulations Assessment of the Black Country Joint Core Strategy (Nov 2008)

- 3.8.5 The Habitats Regulation Assessment considered the potential impacts of the Darlaston – Willenhall – Wednesfield Regeneration Corridor, within in which the LDO falls, on nearby Natura 2000 sites. It identified that the Corridor is over 10km from Fens Pools and separated from Cannock Extension Canal by built development including the M6. There is a link from Darlaston to Cannock Extension Canal via the Wyrley and Essington Canal, which runs through Darlaston Strategic Development Area. This is a proposed large employment site, so it is unlikely that the development would generate increased recreational (boat) use which could have a knock-on effect on Cannock Extension Canal. As such the Assessment does not recommend the need for any further steps or mitigation.

Habitat Regulations Assessment

- 3.8.6 In terms of the Habitat Regulations and the proposed LDO area, initial consultation with Natural England identified the requirement for the LDO to have due regard to the Habitats & Species Regulations 2010 ('the Habitats Regulations'). Specifically Regulation 78 of the Habitat Regulations confirms that the LDO cannot be applied to grant permission for development/s which is likely to have a significant impact on a European site or a European offshore site (either alone or in combination with other plans of projects) and is not directly connected with or necessary to the management of the site.
- 3.8.7 Furthermore Circular 1/06 *Guidance on Changes to the Development Control System*, confirms that an LDO is restricted from permitting development that is likely to have a significant effect on a European site, whether the development is on, or in the vicinity of a European site.
- 3.8.8 A review of publicly available metadatabases (www.magic.gov.uk) and WSP's internal iGIS system confirmed that there are no Natura2000 European sites within or adjacent to the LDO, and no sites have been identified within 5km from the LDO boundary. The nearest European sites are located 6.17km northeast and 9.8km southwest (Cannock Extension Canal SAC and Fens Pools SAC respectively).
- 3.8.9 In recognition of the significant distances between the LDO and European sites, and the absence of a pathway between these sites and the restrictions placed upon the available development options within the LDO, it is considered highly unlikely that the development of the LDO would represent a measurable impact on these sites. No further screening under the Habitat Regulations is considered necessary to determine whether the proposed development of the LDO would represent an impact on Natura2000 sites.

Black Country Strategic Flood Risk Assessment

- 3.8.10 The Black Country Strategic Flood Risk Assessment (SFRA) collates all known sources of flooding, including river, surface water (local drainage), sewers and groundwater, that may affect existing and/or future development within the Black Country. The SFRA identifies that in the Darlaston area there are some sites which fall within Flood Zone 3.
- 3.8.11 The areas of Flood Risk identified within the SFRA, in consultation with the Environment Agency and Severn Trent Water, have been fully considered when drawing up the LDO. As have the development control requirements set out in the SFRA.

3.9 Highways and Transportation

Local Transport Plan (2011)

- 3.9.1 The Local Transport Strategy covers the 15-year period 2011 – 2026. While it does not specifically mention the Darlaston Strategic Development Area Access Project, it does recognise that improved operation of the Black Country's highway network is necessary to support growth of the sub-regional economy, whilst limiting the environmental effect of excessive congestion. The LTP notes that this is especially applicable to the highway network serving the Black Country's regeneration corridors and its strategic centre.
- 3.9.2 With regards to potential impacts on the waterways network, the LTP notes that some canal aqueducts over roads are an accessibility constraint, having been built in an era of less traffic and smaller vehicles. These are important factors in maintaining and improving access to employment areas, examples of which are associated with the regeneration of the designated Strategic Development Area in Darlaston, Walsall. This refers to the James Bridge Aqueduct, a listed structure.

Darlaston Strategic Development Area (SDA) Access Project

- 3.9.3 In December 2011 the Government announced its backing of a £26 million roads scheme to improve key junctions and access routes in the Darlaston area. The proposals are aimed at providing better access to sites across Darlaston and Pleck, as well as the Black Country Enterprise Zone as a whole.
- 3.9.4 The decision from Government means that the £26 million project will be funded through a £14.316 million Government grant, a £5.664 million contribution from Walsall Council, £5.665 million from Centro and £1 million from local businesses.
- 3.9.5 Within the LDO area, the proposals, once given final approval, will involve the upgrading of Bentley Road South. These works will include improvements to the Bentley Road South / Heath Road / Richard's Street junction and the widening of the existing bridges over the canal and railway line to the south of the Marshland Way roundabout. These works will improve access across the LDO area and particularly to the waste cluster sites.
- 3.9.6 Also within the LDO area there are works proposed along Bentley Mill Way. These involve the widening and general improvement of the Darlaston Road / Cemetery Road / Bentley Mill Way junction, which forms a key entry point into the area. Signalisation of Bentley Mill Way as it passes under the James Bridge Aqueduct is also proposed, along with the lowering of the carriageway to improvement headroom. These measures will improve access to Bentley Mill Bridge and through the LDO area.

- 3.9.7 Outside of the LDO area improvements are proposed at the A4038 Darlaston Road / A4148 Old Pleck Road junction and at the A461 Bescot Road / A4148 Wallows Lane junction. These works will improve access south to junction 9 of the M6.
- 3.9.8 Work on these schemes is expected to start around Spring 2013 and the project is expected to take just over two years to complete.

Darlaston SDA Access Project EIA (March 2010)

- 3.9.9 An EIA was carried out to assess the potential environmental impacts of the Darlaston SDA Access Project. The key environmental statutory bodies; Natural England, the Environment Agency, English Heritage and the Government Office-West Midlands were consulted.
- 3.9.10 The EIA conclude that the Darlaston improvement proposals are not anticipated to impact significantly on the environmental resources of the scheme's principal areas of influence and surrounding study area. It was noted that further investigations may be required at later stages of scheme design and appraisal in order to establish a more detailed picture of associated constraints. It was also recommended that the lowering of the Bentley Mill Way link under the Grade II listed James Bridge Aqueduct be further assessed at subsequent stages of detailed scheme design and further consultation be carried out in order to ensure that the most acceptable balance between environmental, transport and regeneration issues can be delivered.

4.0 REVIEW AND ANALYSIS OF ENVIRONMENTAL AND TECHNICAL MATTERS

4.1 Introduction

4.1.1 While the objectives of the LDO are apparent and have been set out earlier in this Report, the delivery of a robust Order which identifies and addresses potentially significant environmental and technical matters is more complex. With the Darlaston area in particular, a range of complementary and often conflicting environmental and technical constraints have been identified through desktop data searches and review, initial consultation comments from statutory consultees (as indicated in the table attached at Appendix E(i)) and input from Walsall Council's officers.

4.1.2 To ensure the LDO provides both an appropriate framework to facilitate development whilst ensuring sufficient and appropriate control measures were incorporated, the Consultant Team (though WSP)'s internal iGIS system was used. This system, which incorporates a comprehensive suite of data from publicly available and subscription services, enables the development of spatial plans where environmental mapping data can be overlain as layers to identify the full range of development constraints. In order to inform the LDO, the following layers were accessed (or drafted) for the purposes of the assessment;

- Local Development Order boundary (proposed and revised)
- Enterprise Zone sites
- British Waterways
- Protected Areas (ie SSSI, SAC, SPA, LNR etc)
- Cultural Heritage (Listed Buildings),

4.1.3 In addition the following information was obtained during the initial consultation process with Statutory Consultees or through publicly available metadatabases;

- Location of Hazardous Installations and associated development buffers (HSE);
- Sites of Local Importance for Nature Conservation (SLINC, Walsall Council);
- British Waterways – Development Notification Areas (British Waterways);
- Potentially Contaminated Land Use (Walsall Council);
- Indicative Flood Mapping (Environment Agency);
- Transport Initiatives.

4.1.4 WSP's iGIS system is compatible with Google and Bing satellite and aerial photography as well as a range of standard mapping data. This system permits accurate mapping and detailed analysis, across large areas which are otherwise

largely inaccessible. Further analysis of the site surrounds has also been possible - for example, to accurately map and delineate residential and education land uses in proximity to the LDO to identify potentially sensitive receptors.

- 4.1.5 Through the analysis of spatial mapping data it has been possible to accurately map features and areas of particular note, while showing the inter-relationship between constraints on the ground. In particular the analysis has identified where there are potential conflicts between regeneration objectives and planning policy (ie where SLINCs are incorporated into or covered by EZ allocations).
- 4.1.6 An overview of the environmental and technical constraints within the LDO area confirms that the majority of the area is heavily constrained as a consequence of historical or existing developments. Accordingly, the Consultant Team has developed a strategy that identifies an appropriate prioritisation of potentially significant environmental constraints such that these can be accommodated through Pre-Information Schedule and a suite of comprehensive and complementary conditions (as outlined within the Statement of Reasons and the Order itself).
- 4.1.7 Consequently it is felt that the combination of a spatial planning tool, and the provision of robust information requirements and conditions provides a range of regeneration opportunities whilst ensuring any resultant development is subject to appropriate controls.
- 4.1.8 It is stressed that the Order does not remove the need to comply with any relevant environmental legislation. Indeed, an Order cannot be made so as to permit development that would fall within Schedule 1 of the EIA Regulations. Any Schedule 1 development would therefore need to go through the normal planning application route and an EIA carried out on the development's likely significant environmental effects. After due consideration, it is proposed that it will not permit any EIA Schedule 2 development. This is discussed in detail in Section 5 of the Report.
- 4.1.9 Development that falls below the thresholds in Schedule 2 of these Regulations may be permitted by the Order, provided that the correct EIA procedures are followed. It is considered that the Pre-Information process provides a form of screening that would allow the Council to advise on this matter.
- 4.1.10 In terms of the Habitats Regulations, Regulation 78 of the Conservation of Habitats and Species Regulations 2010 sets out that an Order may not grant planning permission for development which is likely to have a significant effect on a European site or a European Offshore Marine site (either alone or in combination with other plans and projects), and which is not directly connected with or necessary to the management of the site.
- 4.1.11 Environmental and technical issues are summarised below and indicated on plans attached at Appendix D. Where initial consultation comments have been received from Statutory Consultees or Walsall Council these have been identified and

addressed in full. Any additional issues identified during formal consultation with Officers and/or interested parties, will be summarised and accommodated as appropriate.

4.2 Environmental factors

Ground Conditions

- 4.2.1 Information received from Walsall Council and the Environment Agency confirmed that much of the LDO area has been identified as contaminated or potentially contaminated as a result of historical industrial uses.
- 4.2.2 With a history of coal and limestone mining large scale manufacturing and industrial uses and waste management, the LDO has a complex mix of potentially contaminative sources. Contamination across the area varies considerably and while no single qualitative assessment has been undertaken, individual assessments undertaken by WSP and other Third Parties have been considered where these have been made available. Personal commentary received from Walsall Council's officers has been instrumental in developing an appreciation of contaminated land issues within the LDO area.
- 4.2.3 Sites such as the former IMI works (sites 2C and 2G as shown on Fig 2 in Section 2 of this Report) are particularly contaminated. Summaries of these sites provided in Section 2. It is considered highly unlikely that the development of these areas would be permitted without significant reclamation and remediation works, and any such works would in all likelihood require comprehensive Environmental Impact Assessment and would, in any case, be excluded from the LDO.
- 4.2.4 Other potential contamination issues are likely to be less significant however a broad range of contaminants will doubtless be identified. Consequently future development of the LDO area has the potential, without appropriate control measures, to result in the release of contaminants through the introduction of new contamination pathways. Accordingly the nature and extent of contamination within the LDO area requires further survey and assessment prior to the commencement of development works.
- 4.2.5 Pre-information requirements and the associated Conditions schedule, appended to the LDO, make specific reference to the requirement to undertake an appropriate level of assessment and survey. The scope of these assessments has not been defined within the LDO or its associated documents to ensure that Walsall Council can determine the scope of site investigation works on a case-by-case basis. Any such assessment would be expected to identify potential sources of contamination and potential receptors along with any pathways between them.
- 4.2.6 It is anticipated that where contamination is proven to be present and the proposed works will not exacerbate contamination risk (ie the introduction of new contamination pathways, the movement of contaminated materials or the introduction of new

sensitive receptors etc) then works will be permitted within the LDO. Consequently the LDO will facilitate certain development types (or change of development uses) without the requirement for potentially prohibitive remediation and reclamation works.

Air Quality

- 4.2.7 Outside of London, the West Midlands conurbation has been identified as having the worst nitrogen dioxide (NO₂) levels in the UK, with six West Midlands authorities, including Walsall declaring Air Quality Management Areas (AQMA's). Furthermore, and to combat potential further deterioration in air quality the West Midlands Low Emissions Towns & Cities Programme (LET&C) has been developed.
- 4.2.8 The LET&C aims to improve air quality and reduce road-based carbon emissions through the promotion of low emission fuels and technologies. As part of the programme Walsall have a lead role in developing a low emissions strategy model for the West Midlands conurbation, reflecting a range of best practice policies and strategies and pooling available knowledge.
- 4.2.9 With respect to the LDO, initial consultation with officers at Walsall Council has confirmed that a significant source of NO₂ within the district can be attributed to the M6 corridor, with traffic flow and emissions being under the authority of the Highways Agency. Any deterioration in air quality outwith the M6 corridor, including contributions associated with development-related traffic within the LDO, would however be the responsibility of Walsall Council.
- 4.2.10 In addition to NO₂ emissions from vehicles the proposed development of the LDO has the potential to result in the generation and dispersal of dust and odours both within the LDO and its immediate surrounds.
- 4.2.11 To ensure appropriate control measures can be implemented to maintain air quality within the LDO and the wider Darlaston area, the Pre-Information schedule stipulates the requirement for any proposed development project to be supported by full details of the proposed works, including the location and specification of any external plant (where applicable). In addition a Transport Statement or Transport Assessment must be provided for any development exceeding 5000 sqm., including changes of use.
- 4.2.12 Any proposed development will represent a substantial impact on the highway network (and by association local air quality) will not be permitted under the Order.

Canal Network

- 4.2.13 Consultation with British Waterways has confirmed that both the Walsall Canal and the Anson Branch canal, which pass through the LDO area, are owned or managed by the British Waterways Board. As such British Waterways are a Statutory Consultee on all works which are likely to affect these features. Under British

Waterway's Statutory Consultee status, development '*likely to affect waterways*' includes;

- digging of foundations,
- significant construction which may impose loading on the waterway,
- developments which may result in a breach of the waterway (such as might be caused by increasing surface water run-off); and,
- any major change of land use

4.2.14 British Waterways have subsequently complemented this standing advice through the identification of two notification areas. The notification areas *Household or Minor scale development* and *Major or EIA-scale development*, are identified as typically being up to 50m and 150m from the canal frontage respectively. Variations in the notification areas are proposed where the canal assets are deemed to warrant greater protection.

4.2.15 British Waterways has confirmed that within the proposed LDO area the notification area for both Minor and Major development works extends to the maximum 150m buffer either side of the canal network. While the notification area is primarily addressed at minimising risk to structural integrity, British Waterways have identified the cultural heritage, landscape setting and biodiversity value of the canal network within this area of the West Midlands.

4.2.16 In their response to initial consultation, British Waterways have subsequently proposed that the notification area (up to 150m either side of the canal corridor) be excluded from the LDO for both Minor and Major scale developments.

4.2.17 The Walsall Canal is considered to be a critical feature within the landscape, effectively bisecting the LDO area from east to west, reflecting the industrial history of the Darlaston area. Many of the land parcels identified for regeneration under the LDO are located alongside the canal and are contemporary to it.

4.2.18 Following a review of the consultation comments received from British Waterway, it is apparent that excluding the notification areas from the LDO would represent a significant barrier to regeneration and potentially undermine the successful delivery of its objectives.

4.2.19 While the principal concerns identified by British Waterways are valid it is considered inappropriate to exclude these areas from the LDO. To ensure that appropriate control measures are implemented to protect the canal network (both within and downstream of the LDO) the Pre-Information schedule presents a number of qualifications including specific regard to canals to control development. After due consideration, it is considered that this approach would suffice in addressing British

Waterways' concern and their statutory position, without compromising the goals of the LDO.

- 4.2.20 Additional information will be required (where relevant) outlining the relationship of any new building works to the canal boundary, to minimise risk to the structural integrity of the canal. Supplementary requirements, including the provision of a Flood Risk Assessment for sites over 1ha and Condition 7 Drainage, will ensure appropriate management of surface water run-off, including the development of SuDS. These additional requirements will apply across the LDO area and will ensure that surface water drainage and discharge, both in terms of volume and water quality, is appropriately managed.

Drainage & Flood Risk

- 4.2.21 The Willenhall branch of the River Tame runs through the LDO area site flowing generally south-east from a culverted crossing under the A454 Black Country Route and passing through the LDO area, exiting in the south-east corner adjacent to Box Pool and the Gas Holders EZ sites.
- 4.2.22 Along its route, through the LDO area, the River Tame is characterised by its urban setting, with varying levels of canalisation and culverting. The abundance of hard standing and the limited use of sustainable drainage in existing and/or historical developments has resulted in increased surface water flow and localised flash flooding within the area is well recorded. Furthermore the change of industrial process as a result of manufacturing decline has also been attributed to localised flood incidents, with reduced extraction from the river and underlying aquifer has also been identified as a contributing factor.
- 4.2.23 A review of publicly available information has confirmed that within the LDO area, flooding from the river is generally localised to the river corridor, with the exception of the lower lying Aspect 2000 EZ site. Environment Agency flood maps suggest that extreme flooding events would impact most significantly on the Axxess 10 site, as well as the 2L Bentley Road South Pitches EZ. Additional extreme flooding to the south of the LDO area would also likely impact on the Box Pool and the Gas Holders EZ sites.
- 4.2.24 Initial consultation with Severn Trent Water and the Environment Agency has confirmed that the use of sustainable drainage systems (SuDS), to manage surface water flow and discharge rates will be critical in ensuring appropriate on-site storage and attenuation is incorporated within any future development of the LDO.

Ecology

- 4.2.25 Habitats within the LDO area are characteristic of the urban landscape with areas of existing development, derelict buildings and previously developed land dominant

throughout. The LDO encompasses four separate Sites of Local Interest for Nature Conservation (SLINC) being the Anson Branch Canal, the James Bridge Gasworks, Walsall Canal and Bentley Mill Lane, with both the James Bridge Gasworks and Bentley Mill Lane being identified as EZ sites, where they are included within the Gas Holder and Parallel 9-10 EZs respectively.

- 4.2.26 Consultation with the Team Leader for the Council's Natural Environment Team identified potential conflicts with the designation of the LDO (and its associated EZ sites) and the presence of designated SLINCs, with the potential for the LDO to result in degradation or loss of locally noteworthy habitats and species assemblages.
- 4.2.27 Policy ENV1 Nature Conservation of the Black Country Joint Core Strategy stipulates that SLINCs are protected from development proposals which could impact upon them. The Core Strategy states that where strategic benefits of development outweigh the importance of local nature conservation, efforts must be undertaken to minimise damage and remaining impacts (including loss of area) must be fully mitigated.
- 4.2.28 The Walsall Canal SLINC bisects the LDO area, forming a continuous green corridor through an otherwise industrial landscape. Point source contamination, dumping of refuse and the presence of invasive species (Japanese knotweed *Fallopia japonica* and Himalayan balsam *Impatiens glandulifera* are both known to be present) reduces the inherent biodiversity value of the canal however it remains a habitat for a range of locally scarce plants, birds, amphibians and invertebrates.
- 4.2.29 The Anson Branch Canal and Walsall Canal SLINCs are included within the LDO however no direct habitat loss is anticipated due to the inherent challenges of developing these areas and the wider control measures identified within the Pre-Information procedure. Indirect impacts, such as the release of contamination, the change of surface water flows or the dewatering of these areas would also be addressed by the suite of control measures and conditions incorporated.
- 4.2.30 Both the James Bridge Gasworks and Bentley Mill Lane SLINCs have developed ecologically diverse habitats as a consequence of historical development activity (as summarised in Section 2), and the loss of these habitats would, under the LDO process, require appropriate mitigation.
- 4.2.31 The wider LDO area is likely to be generally unremarkable in terms of biodiversity value however there remains potential for the site to support locally and nationally scarce and protected species including black redstart (*Phoenicurus ochruros*), great crested newt (*Triturus cristatus*), bats (*Chiroptera*) and water vole (*Arvicola amphibius*). Furthermore the historical uses of the site will have resulted in brownfield habitats, with complex soil profiles supporting a diverse range of flora and fauna. Where more established mature planting has developed (such as along road verges, railway sidings or as screening to residential areas) these areas should be retained where practicable.

- 4.2.32 The proposed Pre-Information procedure acknowledges the potential for development across the LDO area to impact on ecological receptors and consequently identifies the requirement for an Extended Phase 1 Habitats Survey and the implementation of any recommendations (including recommendations for additional survey works) and/or mitigation considered appropriate.
- 4.2.33 In accordance with PPS9 Biodiversity and Geological Conservation and local planning policy, future development in the LDO area should aim to mitigate impacts on biodiversity and offer long-term enhancements where it is practicable to do so. Consequently the development of the LDO represents an opportunity to offer biodiversity gain in what remains a predominantly industrial landscape. Enhancement, in the form of soft landscaping, the incorporation of green ditches or swales to manage surface water flow, screening planting or other semi-formal planting would present long-term enhancement opportunities for biodiversity while helping to mitigate surface water run-off. Under the LDO enhancements will be achieved through conditions identified within Schedule 4, including Condition 6 Green Infrastructure & Biodiversity and Condition 7 Drainage (with reference to SuDS). Condition 2 Environmental Quality has the potential to represent ecological enhancement associated with BREEAM assessment credits where these are deemed to be applicable.
- 4.2.34 Initial consultation with Natural England identified the requirement for the LDO to have due regard to the Habitats & Species Regulations 2010 ('the Habitats Regulations'). Further information relating to the Habitat Regulations screening has been provided with Section 3.
- 4.2.35 Natural England have also identified the requirement for any future development to have due regard to protected species. In particular Natural England recommends that an appropriate level of survey work to determine the presence of protected species should be undertaken before formal adoption of the LDO. In recognition of the extent and aspirations of the Darlaston LDO it is considered impractical for the area covered by the LDO to be surveyed to an appropriate level in advance of adoption, and that any associated cost implications would be prohibitive to the Planning Authority. Furthermore it is noted that this strategy would require surveys to be updated on a regular basis throughout the lifetime of the LDO.
- 4.2.36 However, to ensure compliance with current protected species legislation, and reflecting the Pre-Information process, any proposed development within the LDO will require prior survey to identify the potential for each development to impact on protected or notable ecological receptors. It is considered that this approach ensures an appropriate level of pre-development survey is undertaken, with the cost of any such works undertaken by the developer.

Health and Safety Executive (HSE) Classified Areas

- 4.2.37 Consultation with the HSE has confirmed that, as might be anticipated from a site with relatively complex historical uses, including significant industrial heritage, the LDO area includes a number of major hazard installations, with gas holders and their associated pipeline networks being most pertinent.
- 4.2.38 Three pipelines have been identified passing, on the whole, along undeveloped canal corridors, with the exception of trunk links to the former gas holders and a separate connection running beneath the M6 and terminating at the Phoenix 10 site. The status of these pipelines is unknown and a precautionary assessment should be adopted.
- 4.2.39 The gas holders are situated to the south-east of the LDO and while currently disused the hazardous substances consent has not yet been revoked by Walsall Council. The status of these consents would need to be confirmed before development could proceed.

Heritage

- 4.2.40 English Heritage have confirmed that they hold records for two designated features within or adjacent to the proposed LDO area; being the Walsall Canal James Bridge Aquaduct (Grade II listed) and The Globe Inn public house (also Grade II listed).
- 4.2.41 The Globe Inn is excluded from the LDO boundary and no direct nor indirect impacts are anticipated on this feature. It is understood that further consultation, outwith the scope of the LDO, is underway to discuss the long-term preservation of this public house.
- 4.2.42 The James Bridge Aquaduct, is situated within the LDO boundary. The aquaduct has been identified within the Darlaston Strategic Development Area Access Project as part of the improvements to traffic flow and access along Bentley Mill Way. It is understood that English Heritage have already been consulted regarding proposals to lower the carriageway beneath the aquaduct to facilitate access. No structural changes are anticipated at the current time. The Darlaston Strategic Development Area Access Project is outwith the scope of the LDO and information has been provided for completeness only at this stage.
- 4.2.43 No other direct or indirect impacts on the heritage assets within or adjacent to the LDO area are anticipated. Any works which would affect the fabric of a listed building or lying within the curtilage of a listed building would not be permitted by the LDO unless any such works are deemed not to require listed building consent by Walsall Council. Information to guide the assessment of any proposed scheme would be included within a detailed description of the development as required under the Pre-Information Schedule.

4.3 Land Use Factors

Land Use Mix

- 4.3.1 As set out in Section 2, the great majority of sites within the LDO area fall within B2 'General Industry' and B8 'Storage and Distribution', as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Within these sites there is a mix of operating and vacant land. Several of the vacant sites have been cleared for redevelopment.
- 4.3.2 Other significant land uses within the LDO area include waste processing operations, which are sui generis uses. The majority of these operations are located in the vicinity of Bentley Road South.
- 4.3.3 There are a small number of B1(a) office sites within the area. These include 3 units within the Axxess 10 Estate, Bentley Road South. Other small offices uses are operating within the LDO area but the majority of these appear to be ancillary to larger B2 or B8 operations.
- 4.3.4 The Manheim Auctions site on Whitworth Close is a major site in the LDO area. The auction part of the operation is a sui generis use. However, it is considered that the large vehicle storage area associated with the auction site, which is not open to the public, would fall within B8 use and therefore would be affected by the LDO.
- 4.3.5 In terms of undeveloped land, the Sport Ground off Bentley Road South is of note. Although the site is currently used by a youth football club, it has been confirmed by Council Officers that planning consent has not been granted for the recreational use of the land.
- 4.3.6 Two former landfill sites also fall within the area, on Tempus Drive. Both the Opal and Onyx sites on the eastern site of the M6 are former land fills but are not currently in use.
- 4.3.7 Further to proposed amendments to the LDO boundary, discussed in Section 5 of this Report, the area does not include any land within residential use.

Land Ownership

- 4.3.8 While there is an opportunity to applying to the Land Registry to ascertain detailed land ownership details of all sites within the LDO Area, following discussions with Officers, this was considered to be an overly onerous and costly task to complete given time constraints. Instead, the ownership information provided by Officers is noted as explained above in Section 2 of this Report, and an ownership plan attached as Appendix C.

Open Space Provision

- 4.3.9 The LDO Area boundary has been drawn up as to exclude large areas of open space provision, including Bentley Leisure Pavilion (providing a cricket pitch and bowling greens) and Primley Avenue Park.
- 4.3.10 However, the open space on Bentley Road South, which currently is used for youth football is designated as an EZ site. Additionally, land relating to Alumwell Business and Enterprise College is included within the LDO Area. Officers have advised that the rationale for this has already been accepted

4.4 Transport & Infrastructure

Highways

- 4.4.1 The LDO area is well-served by the M6 motorway (both Junction 9 and 10) and the associated highway network. In their initial consultation response the Highways Agency provided a comprehensive commentary on the potential for the LDO to impact on the Strategic Road Network (SRN) and identified the requirement to establish the scale and significance of any such impacts in advance of the LDO being implemented.
- 4.4.2 The potential for the LDO to permit development which might otherwise (under the normal planning regime) require detailed assessment of potential impacts on the SRN was identified as being of particular concern with respect to traffic generation. The Highways Agency confirmed that Junction 10 of the M6 is close to operational capacity, with associated impacts on traffic flow, local air quality and increased collision rates.
- 4.4.3 Supplementary analysis of trip generation associated with existing against proposed development types was also proposed to assist in identifying potential changes in advance of the LDO being implemented.
- 4.4.4 Further information as to the potential for minor road enhancements to impact on the SRN was also raised. For the avoidance of doubt the LDO does not permit highway works to the existing road network, while elements of the proposed Darlaston SDA Access Project are situated within the LDO area these works are excluded from the LDO itself.
- 4.4.5 Finally the proximity of the LDO to the SRN was raised. Any development works (including demolition) in proximity to the SRN would need to consider highway safety and long-term integrity associated with any such works. Long-term access to existing highways structure would also be required.

- 4.4.6 In order to address potential impacts on the SRN the LDO Pre-Information process identifies the requirement for a Transport Statement or Transport Assessment to be undertaken for any development that exceeds 5000 sqm including change of use. Where mitigation measures are identified in order to address potential impacts on the road network (including the SRN), works will be permitted where the mitigation is deemed to be appropriate by Walsall Council subject to its implementation.
- 4.4.7 To ensure the flexibility of the LDO it is considered that a precautionary pre-assessment of traffic generation would be impractical. However it is proposed within the LDO that any proposed development (either in isolation or combination with existing permitted developments) which might otherwise represent a substantial impact on the highway network will not be permitted.

Rail/Metro

- 4.4.8 No information has been received to date from Network Rail or Centro with regard to the proposed development objectives of the LDO.
- 4.4.9 It is considered, however, at this juncture that the Pre-Information process would ensure that any developments abutting the railway corridor would be subject to appropriate controls in terms of development details, design, functionality and structural integrity (ie where proposed development is situated adjacent to rail embankments).
- 4.4.10 No additional conditions are considered necessary over and above those already identified for the wider LDO site. In the event that consultation with Network Rail or Centro identifies additional requirements these would be accommodated within the Order, as appropriate.

Services

- 4.4.11 Initial consultation comments received confirmed that the LDO is covered by Western Power Distribution, with existing network apparatus between 200/430 and 132kV. New enterprise and development within the LDO would likely require the installation of wider networks of underground cabling. Furthermore the primary infrastructure will likely require reinforcing (possibly with new substations).
- 4.4.12 Future development within the LDO may also require diversion and protective works. Western Power Distribution have confirmed that National Grid (NG) may also have network apparatus within the LDO. Further consultation with NG will be required to facilitate development.

5.0 ANALYSIS OF LDO PROPOSALS

5.1 The Context

- 5.1.1 Enterprise Zone status is conditional upon putting in place a genuinely simplified approach to planning and as noted above, the preference of the Council is to pursue an LDO for the 15 sites in Darlaston and land in the immediate area. This presents a very complex situation which contrasts to the majority of other LDO proposals across the Country where sites are proposed by respective LPAs.
- 5.1.2 As noted earlier, the DCLG advises that LDOs can be tailored to have a focus on specific parts of the development process, e.g. establishing the in-principle use of an area, through to extending permitted development rights to provide a benefit when the businesses are already established. It is considered relevant to address both of these while also taking into account environmental factors.
- 5.1.3 Reflecting the policy context for the area (discussed above in Section 3 of this Report) and the aspirations of the Council, it is proposed that Order specifically encourages B1(b), B1(c), B2, B8 uses as defined by the Use Classes Order 1987 (as amended) across the whole of the Area, and encourages waste related activity within a sub zone of the greater Area. All development will be subject to limitations and conditions and covers operational development; change of uses; engineering operations, landscaping and infrastructure provision.
- 5.1.4 Because the EZ sites comprise disparate and separate plots across Darlaston, the LDO area is extensive and somewhat irregular. The environmental and technical constraints affecting the general area, as discussed in Section 4 of this Report, suggests that one approach for the whole area would be difficult to achieve. Indeed, given the proximity of particularly sensitive land uses, including housing and education areas, some differentiation of what might be permitted and or what limitations might apply, has been considered important.
- 5.1.5 Indeed, considerable attention has been given to the relationship between the LDO regulations and the statutory EIA requirements which need to be addressed by a Council when considering any new development.
- 5.1.6 Reflecting this, a Pre-Information process has been proposed. This requires the submission of some information to the Council, including the completion of the Pre-information form. This form asks for a number of details to be provided by the developer to enable the Council to determine whether the proposal satisfies the requirements of the Order. Where the Council concludes that the proposal satisfies the requirements of the Order, it will write to the developer to confirm that the

proposal is permitted under the Order; this will occur within 28 days of the receipt of the complete Pre-information form and associated documentation.

5.2 The Pre Information Process

- 5.2.1 The Pre-information process includes an EIA Screening Request to be submitted to the Council to enable the Council to determine whether the proposal is deemed to be EIA development. This will require an overview of the development, its location and proposed use. It should also include a copy of the plans and elevations, together with a specification where necessary, to enable the Council to make an informed judgement. If the Screening Opinion provided by the Council identifies that the development constitutes EIA development, development will not be permitted under the Order and a specific planning application will be required.
- 5.2.2 To re-iterate, the Order will not permit any development which is "Schedule 1 development" or "Schedule 2 development" as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 5.2.3 To allow the Council to confirm whether the proposed development falls within either Schedule 1 or Schedule 2 of the EIA Regulations, the 'Pre Information' form requires the Developer to submit details of the size, type and use of the proposed development.
- 5.2.4 Where the details submitted indicate that there are likely adverse or substantial impacts which cannot be appropriately mitigated through on-site works or via minor scheme amendments, the Council will be unable to confirm that the proposal is in line with the Order. This is because the Order does not permit development which has substantial impacts on the local highway network, protected species or flood risk.
- 5.2.5 Where the details submitted identify that there are smaller impacts which can be mitigated through on site works and/or scheme amendments, the Council will work with the developer to incorporate these into the proposal. The Council will then confirm that the proposal conforms to the Order on the basis that the findings and recommendations are reflected within the scheme as agreed. It is anticipated that this will reduce the number of separate planning applications required.

5.3 Specific Environmental Issues

- 5.3.1 The Order does not remove the need to comply with environmental legislation. Indeed, the Habitats Regulations, Regulation 78 of the Conservation of Habitats and Species Regulations 2010, set out that an Order may not grant planning permission for development which is likely to have a significant effect on a European site or a European Offshore Marine site (either alone or in combination with other plans and projects), and which is not directly connected with or necessary to the management of the site.

- 5.3.2 Furthermore, there are environmental factors affecting some part of the LDO area relating to air quality and land contamination that are subject to a separate statutory mechanisms.
- 5.3.3 While the Black Country Core Strategy has been the subject of both Strategic Environmental Assessment (SEA) and an assessment under the Habitats and Species Regulations 2010, industrial development can still sometimes require an Environmental Impact Assessment (EIA) as 'Schedule 2' development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 5.3.4 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, apply to all developments deemed to 'EIA development', where EIA development means development which is either specifically listed under Schedule 1 of the Regulations or, Schedule 2 development likely to have significant effects on the environment by virtue of its nature, size or location.
- 5.3.5 DCLG Circular 01/2006 sets out the rationale for LDO with respect to the EIA regulations¹. With respect to the EIA Regulations, guidance from central Government is clear in that the LDO cannot be applied to Schedule 1 developments; being those schemes which by their nature require a mandatory Environmental Impact Assessment (EIA).
- 5.3.6 The full list of Schedule 1 developments are provided within the EIA Regulations however, these schemes are typically significant infrastructure developments with significant environmental impacts, such as oil refineries, industrial scale chemical works, hazardous waste treatment sites or large (>100 tonnes/day) non-hazardous waste treatment or incineration works. No such sites would be permitted, nor deemed appropriate for the Darlaston LDO site and consequently these sites are not considered further within this Justification report or the Order.
- 5.3.7 Smaller Schedule 2 development is not necessarily prohibited and, where deemed appropriate, an LDO can include Schedule 2 'EIA development' where the development is compliant with the EIA Regulations. The EIA Regulations stipulate that where Schedule 2 works are to be permitted the LDO must itself undergo EIA Screening to assess the requirement for additional works.
- 5.3.8 However, in recognition of the limited timeframes available to develop the LDO and the uncertainty with respect to likely of potential end uses it was considered that the Darlaston LDO could not be adequately or robustly screened under the EIA Regulations. Moreover it is considered that one of the principal objectives of the Darlaston LDO is to promote sustainable, market-driven regeneration of the area, through the adoption of a flexible and facilitated planning approval process.

¹ For the purposes of the LDO justification report, the latest version of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been applied.

- 5.3.9 Formal screening, even of parameter plans, was considered to be too prescriptive. To further support this assessment, a review of the EIA Regulations was undertaken, confirming that many (if not all) of the development types covered by Schedule 2, specifically those that meet or exceed the applicable thresholds and criteria, would not be appropriate to the Darlaston site.
- 5.3.10 The associated additional complexity, loss of flexibility and the potential for increased risk of Judicial Review are considered to represent sufficient justification to avoid the need for EIA Screening. As a consequence it is considered that the LDO will not permit either Schedule 1 or Schedule 2 development.
- 5.3.11 In terms of the formal regulations, Regulation 29 of the EIA Regulations 2011 advises that a local planning authority will not be able to make an LDO that would grant planning permission for development that would require an EIA unless an environmental statement has been prepared in relation to that development, and the authority has taken the environmental information into consideration, and have stated in their decision that they have done so. To allow EIA development under the Order would require the authority to have adopted a screening opinion and for this to have been considered by the Secretary of State.
- 5.3.12 While this approach has been considered by the Consultants and indeed discussed with the DCLG, given the nature of the area and the fact the LDO covers an extensive area comprising a wide mix of sites, it was felt appropriate to adopt a Pre-Information process to not only assist the potential developer but also provide a realistic and practical means of screening development that would clearly require an EIA.
- 5.3.13 The proposed use of sub zones, discussed below, within the greater LDO area; the use of the Pre Information process and the indication of limitations and conditions, also discussed below, means that development can clearly take place where an EIA would not be required; and development would be restricted where an EIA would be required. Such development would need to proceed under the standard application process and secure the appropriate EIA approval.
- 5.3.14 It should be noted that Regulation 29 of the 2011 EIA Regulations applies where a local planning authority propose to grant planning permission by local development order in relation to "Schedule 2 development". Such development is defined as *"development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where —*
- (a) any part of that development is to be carried out in a sensitive area; or*
- (b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development;*

- 5.3.15 If the Council want to include Schedule 2 development then there will be a need to adopt a screening opinion. While other Council's have proceeded in this way, concern is given to the extremely tight timescales required to achieve this.
- 5.3.16 The Pre Information approach is considered to be an effective means of presenting appropriate controls and protection. To protect the Council and to avoid any ambiguity. It is considered that this approach meets the Council's objectives in that the LDO enables development where an EIA would not be required; and doesn't enable development where an EIA would be required, so that such development would require planning permission as well as an EIA.
- 5.3.17 In practice this means that development of a type described in schedule 2 of the 2011 Regulations, which is below the thresholds in column 2 of that schedule will be permitted by the local development order unless it would have significant impacts on the environment.

5.4 Sub Zones

- 5.4.1 The DCLG advice in its current Guidance Note states that an LDO may apply differently to different areas of land it covers, and in some cases, can be used to overcome some specific site constraints;

If parts of the site are sensitive for some reason, e.g. a listed building or an HSE designation, then permitted development rights or design requirements could be phased across the site to provide maximum freedom where that is suitable, or a greater degree of control where that is needed. Alternatively, the LDO can exclude land in sensitive areas, even if that land forms part of the EZ, or could exclude certain categories of development, e.g. Schedule 2 development.'

- 5.4.2 It further advises that where there is a lot of variation in the area, and different issues arise, it may be simpler to have more than one LDO. However, it has been considered that rather than have a series of LDO's affecting the Darlaston area, one Order can be prepared that takes into account the variation present.
- 5.4.3 In the light of this, and in addition to the Pre Information process, two sub areas have been identified lying within the greater LDO Area.
- 5.4.4 Reflecting an existing cluster of waste treatment operations, the Order will encourage 'sui generis' development related to waste management and waste treatment activity. It is considered that this is in the best interest of the area and the regenerative benefits it offers the borough and sub-region. Hence;

Sub Zone A comprises a defined area, as indicated on the plan attached at Appendix A (ii), where waste management and waste treatment activity will be encouraged, including the introduction of new waste technologies.

- 5.4.5 The second sub zone reflects areas that are considered particularly sensitive in that they lie close to existing housing or education uses;

Sub Zone B comprises areas indicated on the plan attached at Appendix A (ii) considered to be of increased environmental sensitivity or close to areas which contain sensitive land use receptors.

- 5.4.6 Development in both these sub areas will be subject to specific limitation and condition.
- 5.4.7 In designating the greater LDO area and the two sub areas, regard has been given to other consent regimes; environmental issues; infrastructure/utilities integration and extant planning permissions.

5.5 Confirmation of the LDO boundary

- 5.5.1 The DCLG have confirmed that it is not necessary for the financial incentives for the Enterprise Zone sites and the simplified approach, in the form of the LDO, to cover exactly the same area. Furthermore, it is not a requirement for the LDO to be in place before an EZ can offer business rate/other incentives. However, this is encouraged and the DCLG have confirmed that the delivery of a “genuinely simplified approach to planning” is mandatory.
- 5.5.2 Part of the assessment work undertaken to date, as noted above in Section 4 of this Report, included a review of the originally proposed LDO boundary as endorsed by Cabinet in November 2011 and previously included as Fig 1 of this Report. This review has included an assessment of existing land use and relationships to extant adjacent development. In some locations consent for residential development has been issued for sites within the originally proposed LDO boundary. In some cases, development has already commenced and in others implementation of the permission has still to take place.
- 5.5.3 It is considered that where residential development is underway, the area in question should be removed from the LDO Area, as is the case at land on Richard Street / Whitworth Close. Development has yet to start on land at Bentley Road North and hence this remains within the greater LDO Area. Similarly 1-8 Queens Street is an existing terrace of residential properties and it is considered this should be excluded from the LDO Area.
- 5.5.4 In terms of retail activity, it is noted that the Junction 10 Retail Park, off Bentley Mill Way and comprising Boundary Mills, Marks and Spencers, the Showcase Cinema

and the Grosvenor Casino are all operational. Given the proposed life span of the Order, discussed below and proposed to be 3 years, it is felt unreasonable to include this area within the LDO Area. Indeed, inclusion of this area is likely to result in a high risk of objection or challenge from existing landowners / operators.

5.5.5 The assessment undertaken to date has not identified any areas that should be included within the LDO Area.

5.5.6 Hence in summary and based on the environmental and site review work carried out to date, the Consultation Team suggests revisions to the LDO boundary from that originally proposed. The boundary changes contend the removal of the following areas from the LDO:

- 1-8 Queen Street – terrace of residential properties and rear area;
- Site on Richard Street (opposite Owen Park) – under development for residential scheme;
- Sites on Bentley Mill Way (Junction 10 Retail Park) – casino, cinema and retail units.

5.5.7 These sites have been removed as their inclusion would not contribute to the economic and employment led aims of the LDO.

5.5.8 As noted above, the LDO boundary does not have to match the boundary of the EZ as drawn for other purposes, e.g. for business rates discount and retention. Indeed, it is suggested that extending the boundary of the LDO beyond the EZ boundary could reduce the incentive for border-hopping for those businesses located nearby. It could also help to ensure that when demand in an area is stimulated by investment in the EZ, development in adjacent employment areas won't be stifled – this would help to extend the benefits of the EZ into surrounding areas.

5.6 The Order and the Statement of Reasons

5.6.1 The Order has been prepared reflecting the comments above and is accompanied by a Statement of Reasons. Drafts of both documents are attached at Appendix B.

5.6.2 The Statement of Reason is a document summarising much of the information contained within this Justification Report. It needs to be presented in a format for public consultation and hence should set out a summary of site details, environmental constraints, policy background and the process which the Order will need to adopt together with some of the key regulations that apply.

5.6.3 Subject to some restrictions and limitations; compliance with the Pre Information process and compliance with specific conditions which are discussed below, the following development is authorised within the proposed LDO Area:

Development for uses falling within use classes B1(b) B1(c) B2 and B8 of the Town and Country Planning (Uses Classes) Order 1987 (As Amended) (the UCO).

and in addition, within Sub Zone A, the Order allows for;

Development for waste management and waste treatment use, deemed to be Sui Generis under the Town and Country Planning (Use Classes) Order 1987 (the UCO).

5.6.4 Development within the LDO Area will be subject to number of general limitations;

- (a) Change of use of existing buildings to provide for B1(b), B1(c), B2 or B8, or for waste management or waste treatment use within Sub Zone A, to a maximum gross external floorspace of 5000 sq.m.
- (b) Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes, providing individual buildings do not exceed 15m in height, except within Sub Zone B where within 8m of a boundary with residential or education land uses, no building or part of a building shall exceed 5m in height.
- (c) Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes providing individual buildings do not comprise a gross external floorspace greater than 5000 sq.m.
- (d) Enlargement of existing buildings to accommodate Class B1(b), B1(c), B2 or B8 land uses within the Area to a maximum additional 1000 sq.m. gross external floorspace (as at the commencement of the Order) and not exceeding 15m in height, except in Sub Zone B where within 8m of a boundary with residential or education land uses, the height shall not exceed 5m.
- (e) Erection of new buildings for waste management or waste treatment use, within Sub Zone A providing this does not exceed 15m in height nor comprise a gross external floorspace greater than 5000sq.m.
- (f) Enlargement of existing buildings accommodating existing waste treatment and waste management use within Sub Zone A to a maximum additional 1000 sq.m gross external floorspace (as at the commencement of the Order) and not exceeding 15m in height.
- (g) Demolition of buildings and replacement with new buildings for B1(b), B1(c), B2, B8 purposes or for waste management and/or waste treatment use, subject to (b) (c) and (e) above and the directions within Schedule 3.

- (h) Minor works associated with new or established Class B1(b), B1(c), B2 or B8 uses within the Area and associated with buildings for waste management and waste treatment use within Sub Zone A, comprising car parking, hard standing, landscaping and storage areas only, subject to the preamble and conditions specified in Schedule 4.

5.6.5 Some development is explicitly not permitted under this Order. This includes the following;

1. Any development in relation to which the requirements for the Pre-Information and/or supply of statements, assessments and surveys as required by Schedule 3 are not complied with;
2. Any development in relation to which following the supply of Pre-Information as required by paragraph 1 of Schedule 3, the Council has informed the developer in writing that the development proposed is not development authorised by this Order;
3. Any development in relation to which, following the supply of Pre-Information as required by Schedule 3, the Council has informed the developer in a screening opinion pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 that the development proposed is development requiring environmental impact assessment;
4. Any development that comprises Schedule 1 or Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
5. Any development affecting the fabric of a listed building or scheduled ancient monument or lying within the curtilage of a listed building or scheduled ancient monument, unless the Council has determined that the development proposed would not require listed building or schedule ancient monument consent;
6. Any development in relation to which, following the supply of Pre-Information and/or assessments as required by Schedule 3, the Council informs the developer that the proposed development would entail effects that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order;
7. Any development in relation to which following the supply of prior information, as required by Schedule 3, the Council has informed the developer in writing that the development proposed is not development authorised by this Order for either of the following reasons:

- (a) The inclusion in the proposal of associated development falling outside that permitted under the LDO, which has not been specifically agreed in writing with the Council;
- (b) The development is considered, individually or cumulatively, to give rise to significant or substantial impacts on protected species, flood risk or local highway network which cannot be appropriately mitigated in accordance with the preamble and conditions as set out in Schedule 4;
- 8. Ground reclamation works, including mineral extraction, landfilling and the deposition of waste onto land;
- 9. The incineration of waste, the composting of organic waste (unless in an enclosed vessel) and the management of hazardous waste;
- 10. Any development that would otherwise affect a Highway Improvement Line, as confirmed under the Darlaston Strategic Development Area Access Project;
- 11. Change of use of land alone for the purposes of open storage;
- 12. Change of use of land alone for waste management or waste treatment uses.

5.7 Conditions

- 5.7.1 Section 61C (1) of the Town and Country Planning Act 1990 enables development under an LDO to be approved unconditionally or subject to limitation and conditions. It is considered that conditions are an important means of ensuring a development will be acceptable in planning terms, given the environmental constraints in the area.
- 5.7.2 Conditions attached to LDOs have to meet the same case law and policy tests as to those attached to planning permissions granted following a planning application and hence need to be:
 - necessary;
 - relevant to planning;
 - relevant to the development to be permitted;
 - enforceable;
 - precise; and
 - reasonable in all other respects
- 5.7.3 The conditions set out in the Darlaston Area LDO generally concern limits on the types and scale of development permitted and adherence to a set of design criteria,

as set out in the Council's existing Design SPD. While additional conditions and limitations have been suggested by some Council Departments, specifically with respect to noise and air quality, it is considered that concerns over the need to address these elements, will have been covered by the Pre Information process and hence do not need to be specifically and additionally identified.

- 5.7.4 Indeed, it is considered that to present an extensive list of conditions or limitations that duplicate the Pre Information process, would present a very negative document which would not be seen as a proactive means of encouraging new development into the Area.
- 5.7.5 It is considered that the conditions set out in the Order are the minimum required to achieve the necessary built quality and environment. High quality urban design across the LDO area is a priority and as such developers will be encouraged to consider the 'Designing Walsall SPD' during the formulation of designs and to strive for development beyond the standard required by conditions in order to deliver the high quality design and environment which is envisaged for the area.
- 5.7.6 It is considered that the limitations and conditions presented meet the necessary requirements as set out in Circular 11/95 and hence minimise the risk of challenge. The conditions have been drafted to address the greater Area and the specific sub zones. It is contended they are sufficiently precise and indicate what is required to fulfil the salient condition.
- 5.7.7 Care has been given not to over-use conditions as this would dilute the aim of simplification and result in delays to development. Those presented as considered to be essential to make the proposed development acceptable in planning terms and address environmental issues. They reflect the Council's policies and design aspirations and have been presented to ensure the impacts of the development are minimised and appropriately managed and/or mitigated. The Council has endeavoured to keep the conditions attached to this Order to the minimum required to ensure the development meets the needs of the simplified planning process, satisfies the aspirations for the area and ensures there is no adverse impact upon the local highway network, environment or amenity. They need to be considered in addition to the Pre Application process.
- 5.7.8 Whilst the aspirations for the area are to deliver a high quality urban design throughout the entire scheme, it is considered that only the essential design components and features are conditioned.
- 5.7.9 Where some conditions require details to be submitted for approval under the Order, applicants should be encouraged to submit these at the same time as the Pre-Information. This would allow the Council to agree in writing, all the details in one stage; speeding up the process and removing barriers to delay.

5.7.10 The conditions include the following issues but may not be required for every proposal:

- A scheme identifying any associated development falling outside that permitted under the Order;
- Plant, machinery and process details, where appropriate;
- External waste and refuse storage;
- Ambient and background noise assessment;
- Air quality impact appraisal;
- Surveys and assessments relating to land contamination.

5.7.11 Clearly the Council will be unable to agree these scheme details if they are considered to be of detriment to the local environment or residential amenity. Again, where amendments to these details can be made to minimise these impacts, the Council will enter into negotiations with the developer to achieve a scheme which is appropriate. To this end, developers will be encouraged to make early contact with the Council for further advice and guidance in relation to this matter to ensure that proposals are of a high quality, locally distinctive design and as such will contribute towards the aspirations for the area, as set out above.

5.8 Appropriateness of the LDO and Implications for Enterprise Zones site

5.8.1 As summarised in Section 2 and referenced within Section 4 (where appropriate) the EZ sites comprise a range of historical and existing land uses. Many are heavily constrained in terms of accessibility, contamination and flooding. Other sites, such as the Bentley Road South Pitches, Parallel 9-10 and the Gas Holder site, provide an existing function for the local community, with both informal and formal amenity uses.

5.8.2 The relative abundance of contaminated land within the LDO, and specifically the EZ sites, will likely restrict the scope of future development works on these locations. Development can still proceed however providing an appropriate strategy is developed through consultation with Walsall Council and implemented accordingly. In particular the underlying ground conditions within the EZs are perhaps most appropriately addressed through change of use applications or non-invasive development works which might otherwise represent a potential risk in terms of contaminant release (ie exposing contaminant source, creating contamination pathways and/or introducing or increasing risk to sensitive receptors).

5.8.3 Irrespective an appropriate level survey and assessment will need to be undertaken to support proposed works. Any works which might warrant remediation or reclamation of land in advance of development are to be excluded from the Order, particularly where such works would warrant detailed Environmental Impact Assessment as a consequence of their nature or their size.

- 5.8.4 In recognition of the potential significant constraints to future development imposed by existing contamination it should be noted that the LDO will not replace or negate existing Development Management measures. Consequently where remediation is required to enable viable sustainable development this will be undertaken under the existing planning and control mechanism, with subsequent development of an appropriately remediated site subject to LDO.

6.0 CONCLUDING REMARKS AND RECOMMENDATIONS

6.1 What Happens after Members Consider the Draft Order?

6.1.1 Once Members have fully considered the attached Draft Order and Statement of Reasons, any points raised, which require further consideration, amendment or deletion, will be addressed by the Consultancy Team.

6.1.2 The Consultancy Team will ensure that all issues raised are either included in the Order or a clear justification for not including is set out. It is understood that Officers will have the delegated powers to agree such amendments to both documents.

6.2 Consultation Period

6.2.1 Following agreement by Officers that all issues raised by Members have been adequately addressed, the Draft Order and Statement of Reasons will be formerly consulted on, in accordance with the requirements of Article 34 of the Town and Country Planning (Development Management Procedure) Order 2010.

6.2.2 The consultation process will follow the requirements of Article 34 of the Regulations and hence will involve inviting comments during a statutory 28 day consultation period:

- Consulting all the bodies listed in Part (3) of Article 34 whose interests would be affected by the order. A table of the proposed consultation list is attached at Appendix E(i) and reflects a number of parties specifically identified by officers;
- Consulting any other person with whom the Council would have been required to consult on an application for planning permission for the development proposed to be permitted by the Order (as detailed in Appendix E(ii));
- Making a copy of the draft Local Development Order and Statement of Reasons available for inspection at:
 - the Council's principal office during normal working hours; and
 - any such other places within their area considered appropriate (e.g. libraries, Darlaston Town Hall, local Council offices).
- Publication of all relevant documents on the Council website, along with details of the consultation process.

- Giving notice by local advertisement in a local newspaper, setting out what documents are being consulted on, where they can be viewed and how to make comments.

6.2.3 Formal notice of the draft Order should also be given, as set out in part (7) of Article 37, through the following routes of:

- displaying in at least one place on or near to the site to which the Order relates a notice. Such a notice should be in position for not less than 28 days beginning with the date on which it is first displayed.
- Consulting any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order.

6.2.4 It is understood that the Order and the Statement of Reasons will need to be formally served on all parties within the LDO boundary.

6.3 Consultation Responses

6.3.1 Following a consultation period of not less than 28 days, as required by part (9) of Article 34, all consultation responses will be recorded and assessed by the Consultancy Team. This process will start as soon as the first responses are received, so as not to leave consideration of all comments until after the 28 day period. This will make the best use of the time available.

6.3.2 Where it is considered appropriate, modifications will be made to the Draft Order and Statement of Reasons in response to comments received. Where changes are proposed by a consultee, but not considered appropriate for inclusion within the Order, reasons for this will be clearly set out. It is proposed to manage this process in a tabular form, which will form part of the background supporting material for the Order. It is suggested that this could be submitted to the Secretary of State, but is not obligatory. It would help, however, reduce any potential Judicial Review action and explain that comments from third parties and Statutory Consultees have been reviewed, assessed and addressed.

6.3.3 It is understood that Officers have requested delegated powers to approve any minor changes to the Draft Order which are considered appropriate following the analysis of consultation responses. The decision as to the level of changes which can be made through delegated powers will be made by Officers.

6.3.4 It should be noted that an initial consultation process was undertaken in December when key statutory parties were approached with an overview of the Councils' aspirations for the Darlaston area and the potential use of an LDO.

6.3.5 The table attached at Appendix F indicates which organisations were approached and when. It also indicates if a response has been received. Comments have been

assessed and where appropriate have been included within the draft Order and Statement of Reasons.

- 6.3.6 Consultation has also taken place with Council Departments and the local community through the Darlaston and Bentley Area Community meeting (12th January 2012) where a short presentation was made on the role and purpose of the Enterprise Zone, the LDO proposals of and the implications for the area. A dialogue and consultations has also been undertaken with the CLG Link Officer.

6.4 Consultation with the Secretary of State

- 6.4.1 Following the approval of the Draft Order and the Statement of Reasons by the Council, both documents will be submitted to the Secretary of State, via Officers at the DCLG.
- 6.4.2 The Secretary of State will have 21 days (or a longer period if formally requested) to consider the Draft Order. Should the Secretary of State raise any issues with the draft documents then a direction under section 61B(1) of the Town and Country Planning 1990 Act may be issued.
- 6.4.3 Where the Secretary of State gives a direction under Section 61B(1) requiring that an Order is submitted for approval, he may approve or reject it. The Secretary of State may also, at any time, direct the Council to modify an LDO, if he considers it unsatisfactory. However, as stressed in DCLG Circular 01/2006 'Guidance on Changes to the Development Control System' the Council is not obliged to adopt the Order – it can decide, at any time, not to adopt an Order if it so wished.

6.5 Endorsement

- 6.5.1 Assuming that the Secretary of State does not issue a Direction, then it is for the Council to consider the Draft Order at a full Council Meeting. It is understood that Officers propose to table the Draft Order at the Council Meeting on the 16th April 2012. However, this is dependant on a response being received from the DCLG.
- 6.5.2 It is proposed that the following information should be submitted to the Council Members for consideration:
- Draft Order;
 - Statement of Reasons;
 - Table of consultation responses, analysis and recommended actions (if appropriate);
 - Justification Report

6.6 Economic and financial implications

- 6.6.1 The financial incentives offered through the Enterprise Zone designation have been highlighted in Section 1 of this report. These financial benefits for existing and potential business operators within the area and the further revenue which will hopefully be generated through increased business activity within Darlaston need to be considered in light of any potential loss of income from reducing the requirement for planning applications within the area.
- 6.6.2 Under the current planning regime, the Council would receive revenue from any new planning applications within the proposed LDO area. This revenue would potentially include:
- Planning application fees – e.g. £335 per 75 sq.m. of new employment building floor area, and £170 per 0.1 hectares of proposed waste operations site area / Change of Use application fee of £335
 - Section 106 Agreement Contributions – relating to highways improvements or other site specific issues.
- 6.6.3 Charges to process the LDO were considered but as this regime is being introduced to simplify the planning process and make it more attractive to developers, the addition of a fee, however nominal was considered unnecessary.
- 6.6.4 While the Council currently charge for providing pre-application planning advice (a fairly nominal fee of £195 plus VAT), the introduction of a charging to process LDO applications is considered to be contrary to the ethos of a simplified planning regime. While there may be some reduction in revenue from the introduction of the LDO process, it is considered this should be accepted as a consequence of introducing a simplified approach.
- 6.6.5 Regard has been given to the implications of the Council not receiving Section 106 contributions, further to the use of the Order. It is considered however that the imposition of specific Section 106 obligations in this case would be counter productive and not reflect a flexible or attractive process and hence not reflect a simplified planning regime.
- 6.6.6 It should be noted that the Council does not have in place specific SPD addressing Section 106 contributions. Instead, contributions are sought through the adopted Public Open Space SPD, Education SPD and Health SPD. In general these SPDs relates to residential development, however the Open Space SPD does not preclude contributions in respect of other types of development. It is considered however that the obligations on employment forms of development are generally low.
- 6.6.7 There is a relevant saved policy within the UDP which sets out relevant guidelines and contributions are generally secured on a site by site basis.

6.6.8 The area contains some specific consents which have yet to be implemented. If these currently comply, or could be adapted to comply with the LDO limitations then they could proceed under the LDO process. Otherwise they would proceed further to the discharge of all salient conditions under the normal planning application process.

6.6.9 Permissions already granted within the LDO area have been noted earlier in this Report. In terms of implications for Section 106 contributions, it is important to note;

1. *The Opal site (shown as site 2a on the Location Plan at Appendix (i)) has Reserved Matters Consent for the erection of a distribution and storage building (B8 purposes) ref: 07/1281/RM, approved October 2010). As a major non-residential app this would normally be subject to a Public Art contribution but requirements appear to have been secured by planning conditions instead for on-site art.*

2. *The Onyx site (shown as 2b on the Location Plan at Appendix (i)) has full permission for three stand alone gateway office units of 3 and 4 storeys with related landscaping, balancing pond, car parking and infrastructure (B1(a) purposes) plus B8 (ref: 09/0605/FL) No S106 is recorded against this application. As a major non-residential app this would be subject to a Public Art contribution but the Officers report suggests that this is to be provided on-site.*

3. *The Central Point site (shown as 2k on the Location Plan at Appendix (i)) has full permission for warehouse and distribution units with 2 storey office accommodation. This is subject to S106 and discharge of conditions, connected with remediation, which does not appear to have been completed. 07/1798 (with a time extension 10/1346). No S106 is presented for this application. As a major non-residential app this would normally be subject to a Public Art contribution but there is no reference to this in the Officers report.*

4. *Blakemore's, Steelman's Road Darlaston, ref: 11/0170, April 2011, small B8 extension. No S106 is noted for this application. This is a minor non-residential application so no S106 would normally be required (unless any other site specifics required to be dealt with via a S106 – as with any size and type of application).*

5. *Box Pool Site (2D): permission for expansion/relocation of Darlaston Builders Merchants, ref:11/0005, April 2011. No S106 for this application. This is a minor non-resi application so no S106 would normally be required (unless any other site specifics required to be dealt with via a S106 – as with any size and type of application).*

6. *Hartshorne, Bentley Mill Close, permission for new storage unit, ref:11/0486, June 2011. No S106 for this application. This is a minor non-resi application so no S106 would normally be required (unless any other site specifics required to be dealt with via a S106 – as with any size and type of application).*

7. Crescent Works, Willenhall Rd – permission for new starter units, October 2010, ref:10/1055. *No S106 for this application. As a major non-residential app this would normally be subject to a Public Art contribution but the Officers report concluded that a contribution could not be sought due to lack of an identified Public Art scheme to spend it on.*

8. Heath Rd, FMR Hammond Heat Treatment – permission for refurbishment/redevelopment of existing works for starter units, ref:11/0184, June 2011. *No S106 for this application. As a major non-residential app this would normally be subject to a Public Art contribution but there is no reference to this in the Officers report (perhaps for the same reasons as point 7 above).*

9. Heath Rd, Timber Recovery Centre, August 2011, ref:11/0856. *No S106 for this application. As a major non-residential app this would normally be subject to a Public Art contribution but there is no reference to this in the Officers report (perhaps for the same reasons as point 7 above).*

6.6.10 In the light of this, it is contended that the extant Section 106 contributions are nominal. The loss that might be incurred should development proceed under the Order - where no Section 106 obligations are proposed – as opposed as proceeding under the standard planning process is also expected to be low. However, it is contended that the overall benefits of simplified planning regime that would attract new activity to the area, and the corresponding benefits in terms of retaining business rates, would more than comprise suitable compensation for this and indeed the loss in planning application fees.

6.6.11 While it is understood that the Council are assessing the requirements of the Community Infrastructure Levy, few details have been confirmed to date and hence again it is difficult to assess whether the LDO will result in a marked loss of revenue to the Council. Further to recent legislations, the CIL regime will need to be in place by 2014.

6.6.12 With regard to internal management systems and staff resources, it is considered that the introduction of the LDO will result in an improved system. While there may be a need to indentify one main LDO officer to assess all submissions under the Order, providing an appropriate system is in place, the assessments should be straightforward.

6.6.13 It is considered that a 28 day period to review and confirm proposed development under the Order, while potentially challenging, is feasible and would significant assist developers and present a simplified and expedited approach.

6.6.14 By pursuing development under the LDO, a significant number of planning applications that would have otherwise needed to have been administered by the Council, will be avoided. This will reduce pressure on existing staff resources.

6.7 Monitoring process

6.7.1 The Order will be subject of on-going monitoring to assess its effectiveness in delivering the simplified planning rules which support the Enterprise Zone as well as a means by which any unintended impacts or outcomes of the Order can be identified. The proposed monitoring framework will be set out in Appendix (v) attached to the Statement of Reasons. It should also be noted that the use of the Pre-Information process will assist in the monitoring of the efficiency of the Order. The Council will have details of all development proposed under the Order, through the Pre Information forms.

6.7.2 In addition this monitoring framework will also contribute to assessing the impact and success of the Black Country Enterprise Zone, and in turn the Government's policy of Enterprise Zones. It is important to note that this LDO Monitoring Framework is a single element of this monitoring activity and will only be able to provide information relating to the establishment of the simplified planning rules as opposed to the impact and success of the financial incentives for example.

6.7.3 The outcomes of the monitoring process in relation to the Order will need to be reported in the Darlaston Local Development Framework Annual Monitoring Report (AMR).

6.7.4 LDO monitoring should be appropriate to the ambition and circumstances of the development. For example, conditions on the LDO could require that the developer notifies the local planning authority when undertaking development permitted by the LDO. This has not been included to date, as a means of keeping conditions to a minimum, but may be something Members wish to see included.

6.7.5 The standard enforcement practices would apply to development brought forward under an LDO in the same way as it would for development in relation to permitted development rights or the usual application planning process.

6.8 Life Span of the Order

6.8.1 The proposed life span of the Order is 3yrs. The expected adoption of the Order by the Council will be in April 2012, with expiry of the Order in April 2015.

6.8.2 It should be noted however, that any revision or modification of the Order before its expiry, whereby it becomes more restrictive may open up the liability for

compensation for loss /damage directly attributable to the revocation or modification under Section 107 and 108 of the Town and Country Planning Act 1990.

- 6.8.3 Members should also be aware that making an amendment to the Order may necessitate re-consultation. In revoking or modifying an LDO, the Council may also be liable to pay compensation to those whose planning permission has effectively been withdrawn. However any compensation liability may not materialise if the Order is designed to operate for a set period and that period expires.
- 6.8.4 Compensation could also be payable if, for example, existing permitted development rights are withdrawn via an Article 4 direction, or existing planning permissions are revoked.
- 6.8.5 It is suggested therefore that amendments, revocations and the use of Article 4 directives are not pursued but that the Order remains in place, as endorsed by the Council, for 3 years.
- 6.8.6 The Council has three options available, following the expiry of the Order. They are:
- Revise and re-adopt the Order with the similar conditions and criteria, brought up to date to reflect the latest policy and legislation.
 - Prepare a new LDO for the area as it has been defined or an amended area. This will also require a period of re-consultation; or
 - Return to the established planning regime.
- 6.8.7 Any development which has commenced under the provisions of the Order, before expiry will be able to be completed and operated in accordance with the requirements and conditions of the Order.
- 6.8.8 The uses which have been developed and implemented under the Order will be allowed to continue to operate following expiry in accordance with the conditions under which they were permitted – i.e. those set out in the Order.
- 6.8.9 Following the expiry of the Order, any new development, changes to existing development or changes to the restrictions imposed upon them by the Order's conditions must not take place until the Council has considered whether these changes can be agreed in writing under this conditions of Order by which they were permitted, or whether a planning application is required under the statutory planning regime.

7.0 CONCLUDING REMARKS

- 7.1 As explained above, the LDO grants planning permission for development that is specified in the Order, and by doing so, removes the need for a planning application to be made by the developer. It has been important to present a flexible approach which apply to the greater area and sub zones within it.
- 7.2 The benefits of the Order include exempting certain development from the need to secure specific planning permission and developers proceeding without the time and cost implications of having to submit a planning application. The Order will provide certainty to developers by defining up front what development is acceptable and will allow the Council to use their staffing resources more appropriately.
- 7.3 It is envisaged that, in simplifying the planning rules for development within the LDO area, it will be an additional incentive for those businesses wishing to relocate to the area, or for those local businesses already in the area, wishing to expand. In drafting the Order, care has been given to a limited number of details, required for prior approval. Where details are required, it is because site conditions suggest there may be an environmental or amenity issue which needs extra consideration and controls have therefore been introduced to minimise the harm to these features.
- 7.4 The aim of the Order is to introduce a simplified planning process where by any developer, providing their proposals comply with the limitations set out, will be able to pursue development quicker and with less onerous obligation than otherwise.
- 7.5 Because the area identified is relatively constrained, there is a need to introduce an element of control, particularly given the need to adhere to European legislations and Environmental regulations. To this end development which would require an Environmental Impact Assessment will not be able to take advantage of the proposed LDO procedure in Darlaston.
- 7.6 To enable the Council to assess whether the development fulfils the basic requirements, i.e. that is comprises development covered by the Order and/or requires an EIA, a Pre-Information process is proposed. Schedule 3, attached to the Order, clarifies the information which the Council will require before it can confirm that development can comply with the Order.
- 7.7 It is suggested that the 'Pre-Information' process must be followed for every proposed development coming forward under the Order. Development cannot be considered lawful development until the Pre-Information process has been undertaken and the Council has confirmed in writing that the proposal complies with the Order.

- 7.8 Where an applicant has addressed the necessary transport, environmental and ecological surveys for any proposed scheme, the respective elements of the Pre-Information Schedule, as indicated in Schedule 3 will be satisfied.
- 7.9 It is considered that there is a need for the Council to formally confirm, under a simplified approach, in writing, that development is compliant and that this would provide a number of benefits;
- I. allow funding bodies to receive confirmation of the legality of the development
 - II. allow for an EIA screening to take place
 - III. replace the prior notification process required when property is to be demolished
 - IV. can be considered as a grant of planning permission for the purposes of ss.247 and 248 of the TCPA 1990, allowing, where appropriate, an application to be made for the stopping up or diversion of public highways or rights of way.
- 7.10 In summary, it is considered that the proposed Order addresses the guidance issues by the CLG - fulfils the statutory regulations relating to EIA and other environmental regulations and allows a simplified planning process to be adopted for a wide area with a graduated approach to forms of development within the area depending on the sensitivity of the site in question.
- 7.11 Encouragement for waste related activity is specifically given, reflecting the history of the area, the presence of existing operations and the encouragement for the area to become a centre of excellence for such activity.
- 7.12 The Order supports the policies in place which encourage the introduction of new and expanded employment opportunities, while still protecting sensitive land uses such as adjacent housing and education uses. It will allow EZ sites to benefit from a simplified planning regime and thus encourage new development to the area and encourage existing operations to expand or redevelop.

Brooke Smith Planning Consultants Ltd

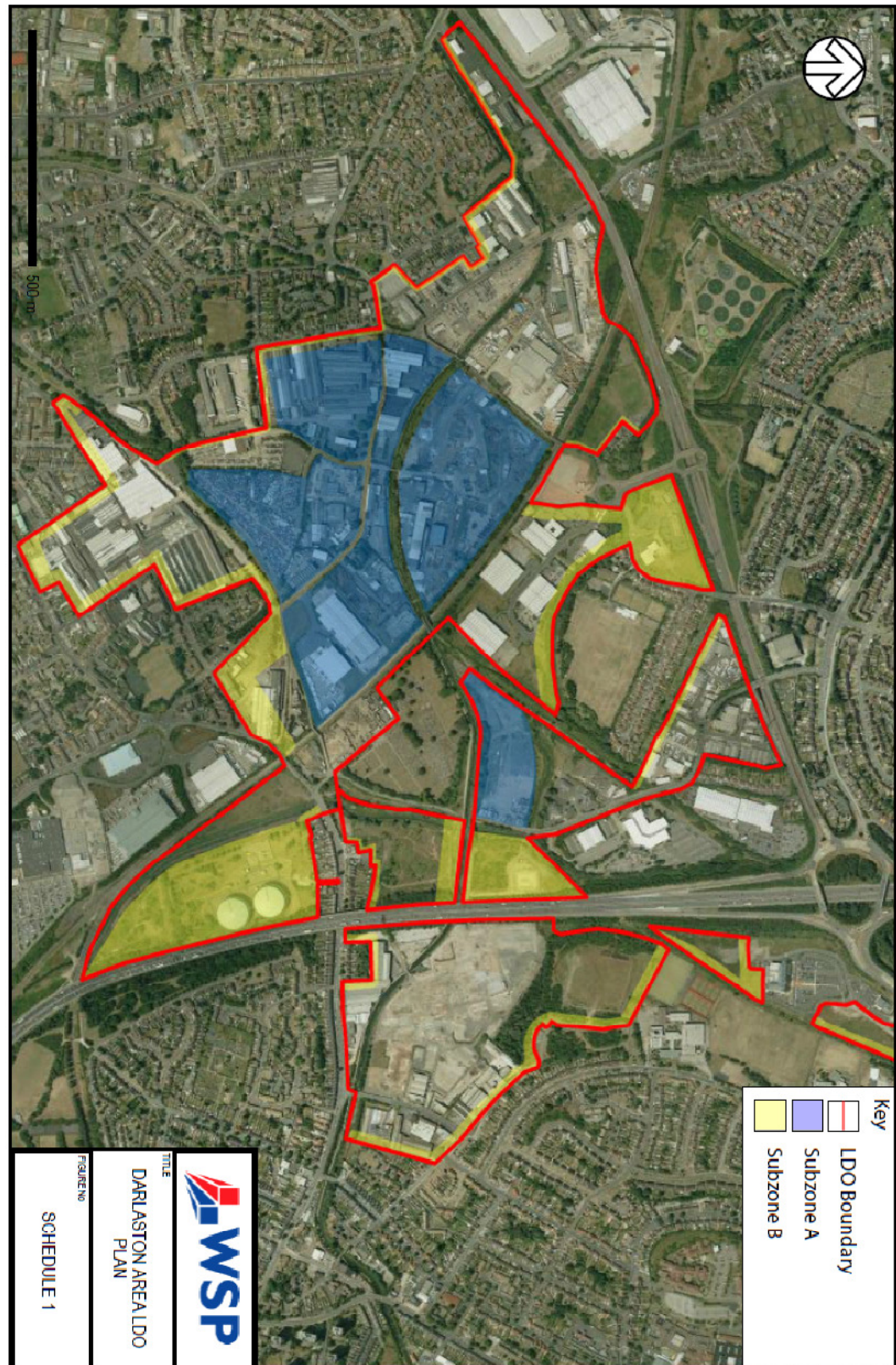
February 2012

Appendix A - SITE LOCATION PLAN INDICATING THE PROPOSED LDO

(i) LDO BOUNDARY



(ii)LDO BOUNDARY INDICATING THE SUB ZONES



Appendix B – DRAFT ORDER AND STATEMENT OF REASONS

Darlaston Area Local Development Order 2012

1. This Order is made by Walsall Metropolitan Borough Council (the 'Council') under the powers conferred on the Council as local planning authority by sections 61A-61D and schedule 4A of the Town and Country Planning Act 1990 (as amended) and pursuant to The Town and Country Planning (Development Management Procedure) (England) Order 2010/2184, and shall be known as the Darlaston Area Local Development Order 2012 (the 'Order').

2. The Order relates to land (the 'Area') in the Council's administrative area which comprises part of the Black Country Enterprise Zone sites together with additional land in the immediate vicinity, as edged in red and depicted on the plan attached at Schedule 1 (the 'Plan').

3. The key and additional depictions on the Plan shall have effect for the interpretation of this Order but where there is any inconsistency between the wording of the Order and the Plan the wording of this Order shall take precedence.

4. This Order authorises development of the type set out in Schedule 2 subject to:

- (a) the definitions, limitations and restrictions in that Schedule;
- (b) compliance with Schedule 3; and
- (c) compliance with the preamble to, and conditions set out in, Schedule 4.

5. Definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) apply in the interpretation of Schedule 2 unless expressly stated otherwise.

6. This Order was adopted by the Council on [] 2012 and shall be in force until ...April 2015 when it shall expire.

7. On expiry the Order may be renewed in the same or a different form when it will be subject to re-consultation.

8. The Council has made this Order for the reasons set out in the Statement of Reasons that appears with this Order.

9. The Schedules form part of this Order and the words in the Schedules have the same meanings as provided in the body of this Order unless expressly stated otherwise.

10. The address for submission of all communications in relation to operation of this Order

is: Head of Planning and Building Control, Regeneration Services, Walsall MBC, Civic Centre, Darwall Street, Walsall, WS1 1TP but this Order authorises the Council to substitute another address by 28 days prior notice of the change on its web-site www.walsall.gov.uk

Date:

Authorisation

Schedule 1

The Darlaston Area Local Development Order 2012 (The 'Plan')

Schedule 2

Subject to the restrictions and limitations in this Schedule; compliance with the Pre Information process; the directions in Schedule 3 and the preamble to, and conditions in Schedule 4, the following development is authorised within the Area:

Development for uses falling within use classes B1(b) B1(c) B2 and B8 of the Town and Country Planning (Uses Classes) Order 1987 (As Amended) (the UCO).

and in addition, within Sub Zone A, the Order allows for;

Development for waste management and waste treatment use, deemed to be Sui Generis under the Town and Country Planning (Use Classes) Order 1987 (the UCO).

The Simplified Planning regime applicable to the LDO Area will be subject to the following general limitations;

- (a) Change of use of existing buildings to provide for B1(b), B1(c), B2 or B8, or for waste management or waste treatment use within Sub Zone A, to a maximum gross external floorspace of 5000 sq.m.
- (b) Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes, providing individual buildings do not exceed 15m in height,

except within Sub Zone B where within 8m of a boundary with residential or education land uses, no building or part of a building shall exceed 5m in height.

- (c) Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes providing individual buildings do not comprise a gross external floorspace greater than 5000 sq.m.
- (d) Enlargement of existing buildings to accommodate B1(b), B1(c), B2 or B8 land uses within the Area to a maximum additional 1000 sq.m. gross external floorspace (as at the commencement of the Order) and not exceeding 15m in height, except in Sub Zone B where within 8m of a boundary with residential or education land uses, the height shall not exceed 5m.
- (e) Erection of new buildings for waste management of waste treatment use, within Sub Zone A providing this does not exceed 15m in height nor comprise a gross external floorspace greater than 5000sq.m.
- (f) Enlargement of existing buildings accommodating existing waste treatment and waste management use within Sub Zone A to a maximum additional 1000 sq.m gross external floorspace (as at the commencement of the Order) and not exceeding 15m in height.
- (g) Demolition of buildings and replacement with new buildings for B1(b), B1(c), B2, B8 purposes or for waste management and/or waste treatment use, subject to (b) (c) and (e) above and the directions within Schedule 3.
- (h) Minor works associated with new or established B1(b), B1(c), B2 or B8 uses within the Area and associated with buildings for waste management and waste treatment use within Sub Zone A, comprising car parking, hard standing, landscaping and storage areas only, subject to the preamble and conditions specified in Schedule 4.

Development not permitted under this Order;

- 1. Any development in relation to which the requirements for the Pre-Information and/or supply of statements, assessments and surveys as required by Schedule 3 are not complied with;
- 2. Any development in relation to which following the supply of Pre-Information as required by paragraph 1 of Schedule 3, the Council has informed the developer in writing that the development proposed is not development authorised by this Order;

3. Any development in relation to which, following the supply of Pre-Information as required by Schedule 3, the Council has informed the developer in a screening opinion pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 that the development proposed is development requiring environmental impact assessment;
4. Any development that comprises Schedule 1 or Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
5. Any development affecting the fabric of a listed building or scheduled ancient monument or lying within the curtilage of a listed building or scheduled ancient monument, unless the Council has determined that the development proposed would not require listed building or schedule ancient monument consent;
6. Any development in relation to which, following the supply of Pre-Information and/or assessments as required by Schedule 3, the Council informs the developer that the proposed development would entail effects that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order;
7. Any development in relation to which following the supply of prior information, as required by Schedule 3, the Council has informed the developer in writing that the development proposed is not development authorised by this Order for either of the following reasons:
 - (a) The inclusion in the proposal of associated development falling outside that permitted under the LDO, which has not been specifically agreed in writing with the Council;
 - (b) The development is considered, individually or cumulatively, to give rise to significant or substantial impacts on protected species, flood risk or local highway network which cannot be appropriately mitigated in accordance with the preamble and conditions as set out in Schedule 4;
8. Ground reclamation works, including mineral extraction, landfilling and the deposition of waste onto land;
9. The incineration of waste, the composting of organic waste (unless in an enclosed vessel) and the management of hazardous waste;
10. Any development that would otherwise affect a Highway Improvement Line, as confirmed under the Darlaston Strategic Development Area Access Project;

11. Change of use of land alone for the purposes of open storage;
12. Change of use of land alone for waste management or waste treatment works.

Schedule 3

The Darlaston Area Local Development Order 2012 - Pre Information Schedule

Where an applicant has addressed the necessary transport, environmental and ecological surveys for any proposed scheme, the respective elements of the Pre-Information Schedule, as indicated in the following table, will be satisfied;

Pre-Information Schedule		
	Requirement	Reason
1	<p>Pre Information Form:</p> <p>Prior to the commencement of development, a completed 'Local Development Order Pre- Information' form shall be completed and submitted to the Council.</p> <p>Within 28 days of submission of this form, the Council shall confirm in writing whether the proposed development is permitted under this Order.</p> <p>If the proposal is not considered permitted under this Order a planning application will be required if the development is to proceed unchanged.</p> <p>The Pre-Information process includes an EIA Screening Request.</p> <p>Accordingly, a request for an Environmental Impact Assessment Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any subsequent amended legislation) shall be submitted to and assessed by the Council.</p> <p>This request must identify the kind, location, scale, height and operation proposed and shall be provided as part of the above 'Pre Information' process.</p> <p>The Council will provide the developer with a formal Screening Opinion with 28 days of receipt of the EIA Screening Request and information.</p>	<p>To ensure that the proposed development complied with this order.</p> <p>See Guidance Note 1</p> <p>To ensure that any new development is not an EIA development</p> <p>EIA development is not permitted through this Order</p> <p>See Guidance Note 2</p>
2	<p>Details:</p> <p>As part of the 'Pre-Information' process and before commencing any development, full details (including location plans, site layout and elevation drawings shall be provided to the Council)</p>	<p>In the interests of local amenity</p>

	<p>In addition, specifications where appropriate shall be provided to the Council for all of the following where relevant to the Development;</p> <ul style="list-style-type: none"> • A scheme specifying any associated external storage and any means of enclosure. • External plant and machinery details where appropriate, • The appropriate assessments and surveys in relation to air quality and noise • Adequate assessment of land and groundwater contamination to demonstrate that the site is suitable for the proposed development without remediation, other than minor mitigation works • Relationship of any buildings or works to a canal boundary • External lighting 	<p>See Condition 1</p> <p>See Condition 2</p> <p>See Condition 9</p> <p>See Condition 10</p> <p>See Guidance Notes 4 and 8</p>
3	<p>Drainage:</p> <p>As part of the 'Pre Information' process, any development on sites exceeding 1Ha (gross) shall require the submission of a Flood Risk Assessment, in accordance with PPS25; Development and Flood Risk.</p> <p>Where the FRA recommends mitigation measure to reduce the flood risk or water management issues, the Council will confirm that the proposal is permitted under this Order subject to the recommended mitigation measures set out in the FRA being incorporated and/or implemented within the development.</p> <p>Development that gives rise to significant flood risk or water management issues which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order. If this is the case, the Council will clearly identify that procedure.</p>	<p>To ensure that the proposal does not have an adverse impact upon flood risk</p> <p>Development that has an adverse impact on flood risk which cannot be appropriately mitigated through on site works is not permitted under this Order.</p> <p>See Condition 7</p> <p>See Condition 12</p> <p>See Guidance Note 3</p>
4	<p>Traffic Generation and Air Quality:</p> <p>As part of the 'Pre Information' process, a Transport Statement or a Transport Assessment in accordance with 'Guidance on Transport Assessment' (DfT, 2007) will be required for any development that exceeds 5000 sq.m., gross external floorspace in total, including a change of use.</p> <p>Transport Statements/Assessments must be submitted to the Council and agreed in writing with the Council, prior to the commencement of development.</p> <p>Where the Transport Statement/Assessment recommends mitigation measures to reduce the impact on the road network,</p>	<p>To ensure that traffic generated by the new development can be accommodated on the local road network in the interests of highway safety.</p> <p>Proposals which have a detrimental impact upon the local highway network and/or a significant negative air quality</p>

	<p>the Council will confirm that the proposal is permitted under this Order subject to the recommended mitigation measures set out in the Transport Statement/Assessment being incorporated and/or implemented within the development. In accordance with conditions as set out in Schedule 4 of this Order.</p> <p>Proposals which have a detrimental impact upon the local highway network and/or surrounding residential areas and/or significant negative air quality impact are not permitted under this Order unless appropriate mitigation to moderate any such impacts to an acceptable level can be identified and agreed in writing with the Council.</p>	<p>impact are not permitted under this Order.</p> <p>See Condition 4</p> <p>See Condition 10</p> <p>See Condition 11</p> <p>See Guidance Notes 4 and 6</p>
5	<p>Ecological Surveys:</p> <p>As part of the 'Pre Information' process, where appropriate, an Extended Phase 1 Habitats Survey will be required to satisfy the requirements of Natural England's Standing Advice.</p> <p>In those instances where the survey identifies no significant impact or makes recommendations as to how the impact can be mitigated through on site works and/or scheme amendments, the Council will confirm that the development complies with this Order on the basis that the proposal is carried out in accordance with the recommendations of the survey.</p> <p>In those instances where the surveys identify that there are significant impacts to the protected species which cannot be mitigated on site and require off-site works, the Council will not be able to confirm that the proposal is in line with this Order on the basis that there is adverse impact on protected habitats or species. This will form part of the Council's response to the Pre-Information process.</p>	<p>In the interests of protecting and enhancing protected species and their habitats.</p> <p>Proposals that have adverse impacts upon protected species and habitats are not permitted under this Order.</p> <p>See Condition 10</p> <p>See Guidance Note 7</p>

Schedule 4

The Darlaston Area Local Development Order 2012;

Development shall only take place in accordance with the conditions as specified within the following table. Where details need to be agreed with the Council, these need to be fully implemented prior to occupation.

Conditions Table		
1	<p>Design:</p> <ul style="list-style-type: none"> a) Plot usages, external materials, servicing and car parking shall be designed implemented and built in accordance with the guidelines set out in the Council's 'Designing Walsall SPD. b) Open storage of any goods, excluding waste material, shall be appropriately contained and/or screened and shall not exceed a height of 5m and shall not take place within Sub Zone B within 8m of a boundary with residential or education land uses. c) External waste storage within Sub Zone A shall not exceed 10m in height and shall be appropriately contained. Areas to be used for waste storage shall be surfaced and drained in accordance with details agreed in writing with the Council and implemented. d) Plot ratios shall not exceed 60%. e) New buildings must have regard to existing building lines. f) The distance between new buildings and principle roads should not fall below 8m and between new buildings and secondary highways should not fall below 3m g) Means of enclosure and landscaping of sites to be agreed in writing with the Council. Landscaping shall be in accordance with 'Designing Walsall' and the 'Natural Environment' SPDs h) Details of all external lighting need to be agreed in writing with the Council 	<p>In the interests of achieving high quality sustainable design and efficient use of land and to ensure the development is of an appropriate mass, scale and form for its location.</p> <p>Reflecting Core Strategy Policies; ENV3 Design Quality, CSM4 Place Making and GSP3 Environmental Infrastructure and ENV1 Nature Conservation and UDP Policies ENV11, ENV22 , ENV32 and ENV33 on design and landscaping, GP2 Environmental Protection; Design Walsall SPD</p> <p>See Guidance Notes 3, 4 and 8</p>

2	<p>Environmental Quality:</p> <p>The siting of external plant and machinery needs to be agreed in writing with the Council</p> <p>Within Sub Zone B, noise limits on boundaries with existing or proposed noise sensitive development including residential or education land uses, shall not exceed 5dB above background noise, in accordance with BS4142;1997</p>	<p>To satisfy the quality standards as set out in Core Strategy Policy ENV3 Design Quality and in order to reduce the developments contribution to climate change and in the interests of residential amenity in accordance with UDP Policies ENV10 and ENV12.</p> <p>See Guidance Notes 4 and 8</p>
3	<p>Design – Renewable Energy :</p> <p>Development of more than 1000 sq.m. must incorporate generation of energy from renewable sources sufficient to offset at least 10% of the estimated residual energy demand of the development on completion. The use of on site and or off site sources should be considered, unless it is demonstrated to and agreed by the Council that it is unfeasible or not viable to do so.</p>	<p>In accordance with Core Strategy Policy ENV7 Renewable Energy, in the interests of reducing the developments carbon emissions.</p> <p>See Guidance Note 9</p>
4	<p>Highways:</p> <p>All new buildings and associated development shall have regard to servicing arrangements and highway safety; in particular in terms of layout and arrangement of access points to the highways and sight-lines.</p> <p>Should any development permitted under the Order require off-site highway works, these will need to be agreed in writing in advance with the Highway Authority.</p> <p>For any development employing 50 people or more, a Travel Plan is to be submitted to and agreed with the Council and implemented.</p>	<p>To promote sustainable development and sustainable transport choices, in line with Core Strategy Policy TRAN2 Managing Transport Impacts and New Development and with reference to UDP Policies T1 and T10 to T13.</p> <p>See Guidance Note 7</p>
5	<p>Parking:</p> <p>All car and cycle parking is to be surfaced with hardstanding and provided in accordance with the parking standards set out in saved policies within the UDP.</p>	<p>To ensure new development is completed in accordance with the Council's adopted standards in UDP Policies T7 and T13 on car parking.</p> <p>See Guidance Note 7</p>
6	<p>Drainage:</p> <p>Prior to the commencement of any development under this Order, details shall be submitted and approved of the means of disposal of foul and surface water drainage from the development. Any scheme shall accord with the Council's Development Plan policies and Natural Environment SPD.</p>	<p>To ensure adequate provision is made in respect of foul and surface water disposal from the site and to promote the use of SUDS Strategies.</p>

	The approved scheme shall be implemented to the satisfaction of the Council before the development is brought into use.	Core Strategy Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat islands, UDP Policy ENV40 and the Natural Environment SPD Guidance Note 3
7	Deliveries: Within Sub Zone B there shall be no deliveries dispatched or received and no unloading or loading or external stacking or arranging materials or packaging between 2100 hours and 0700 hours or at any time on Sundays and Bank/Public Holidays, unless otherwise agreed in writing by the Council.	In the interests of residential amenity and UDP Policy ENV10 Pollution. See Guidance Note 4
8	Hours of Operation: Within Sub Zone B there shall be no process or operations taking place between the hours of 2100 and 0700 hours or at any time on Sundays and Bank/Public Holidays, unless otherwise agreed in writing by the Council.	In the interests of residential amenity and UDP Policy ENV10 Pollution and UDP JP8 Bad Neighbour Industrial Uses. See Guidance Note 4
9	Contamination: Prior to the commencement of any development under this Order there shall be submitted to the Council in respect of the land to be developed a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability.	Land may be contaminated as a result of past or current activity The Council wishes to ensure that the proposed development can be implemented and occupied with adequate regard to public health, environmental public protection. UDP Policies GP2 Environmental Protection and ENV14 Development of Derelict and Previously Developed Sites. See Guidance Note 10
10	Survey Recommendation – Mitigation: Where the Council has confirmed in its formal response to the Pre Information Process, that the proposal conforms with this Order subject amongst other things to the recommendations set out in the FRA, Transport Statement and/or environmental surveys/assessment, as appropriate, the development shall be carried out and/or implemented in accordance with the specified recommendations in the FRA, Transport Statement and/or environmental surveys including any mitigation measures that may be identified.	In the interests of minimizing the impact upon the local highway network, controlled flood risk and waters and the local ecology and for the protection of human health. Core Strategy Policy TRANS2 Managing Transport Impacts of New Development

		Saved UDP Policy ENV10 See Guidance Notes 3, 4 and 7
11	Roads – Provided to adoptable standard The roads and footpaths within any development permitted under the Order, shall be constructed to a standard suitable for adoption by the Council as Local Highway Authority.	In the interests of highway safety See Guidance Note 6

DARLASTON AREA LOCAL DEVELOPMENT ORDER

STATEMENT OF REASONS

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1.0 INTRODUCTION

- 1.1 The Department of Communities and Local Government (DCLG) has announced the creation of the Black Country Enterprise Zone which includes a cluster of sites in Darlaston on either side of the M6 motorway and linked to the M54 motorway via one junction. These sites comprise some 45 hectares (net) developable land and provide an important strategic opportunity and a signal of change for private sector growth. The Darlaston sites provide the opportunity for “a custom and practice supply chain locality” for just-in-time delivery of critical engineering intensive components for the advanced engineering sector such as the new Jaguar Land Rover engine plant at the site known as ‘i54’.
- 1.2 A requirement of Enterprise Zone status is that a simplified planning regime is established as part of a suite of incentives to support growth, attract new businesses and create jobs. The Council believes there is considerable benefit in supporting business activity across the identified Enterprise Zone sites. It wishes to enable the business sector to be able to bring these sites forward for development easily and quickly with simplified fast track procedures to attract investment and hence to support the Black Country Joint Core Strategy.
- 1.3 Various mechanisms can be adopted by a local planning authority to achieve a simplified approach to planning but the method preferred by Walsall MBC is the adoption of a Local Development Order. The preparation of A Local Development Order was therefore agreed by the Council at its Cabinet meeting on the 9th November 2011.
- 1.4 Local Development Orders (LDO's) can allow certain types of development to be undertaken without the need for a specific planning consent to be obtained, provided that the development complies with the requirements and conditions set out in the Order.
- 1.5 Although 15 specific sites are included across the Darlaston area, the Council believes that there are benefits for other nearby land – although not qualifying for the financial incentives provided by the Enterprise Zone – to be included within the simplified planning regime provided by the LDO. Consequently the Darlaston Area LDO relates to an area of 146.26 hectares, as indicated on the location plan, attached at Appendix (i). i.e. the LDO area contains not only the designated Enterprise Zone sites but also additional land.
- 1.6 The Order specifically allows certain development falling within Class B1(b) – research and development of products or processes; Class B1(c) – light industry; Class B2 - general industry; use for the carrying out of an industrial process other than one falling in Class B1 and Class B8 – warehousing and distribution, as defined by the Town and Country Planning (Use Classes)

Order 1987 (as amended), together with uses associated with waste management and or waste treatment which are deemed to be 'sui generis' under the Use Classes Order. All proposed uses are subject to limitations and conditions as explained within this Statement.

2.0 RELEVANT CONTEXT

- 2.1 The purpose of the Black Country Enterprise Zone is to create sustainable private sector-led, economic growth. Development within the Zone will be expected to be in line with the Black Country Joint Core Strategy (BCJCS) and Unitary Development Plan (UDP) employment policies and proposals. It will also be expected to help address the local employment issues identified in the Walsall Local Economic Assessment (2011) and the Walsall Employment Land Review (2010).
- 2.2 The Enterprise Zone forms part of a wider package of measures designed to regenerate the Darlaston area. This includes the £26M Darlaston Strategic Development Area Access Project for which funding was confirmed by Government in December 2011. This is a major infrastructure project which will improve existing roads, junctions and bridges boosting the viability of existing businesses and making the Darlaston area more attractive to new inward investment.
- 2.3 The Enterprise Zone will offer; business rate discounts; enhanced capital allowances on selected sites; access to superfast broadband and a genuinely simplified approach to planning. It is proposed that these benefits will be available from April 2012.
- 2.4 The traditional planning system has been perceived to be a barrier to economic growth due to the costs and time associated with preparing and submitting a planning application, with little certainty of the outcome. In being proactive and identifying what development is acceptable within the Black Country and specifically the Darlaston Area LDO area, the Council is seeking to complement the financial incentives offered through the Enterprise Zone and stimulate economic growth. In removing the need for individual businesses to apply for some planning consents, it is considered that the LDO will assist in the creation of an environment within which businesses can start-up and grow.

3.0 SIMPLIFIED PLANNING REQUIREMENT FOR ENTERPRISE ZONES

- 3.1 One of the conditions attached to the designation of Enterprise Zone sites is that they offer simplified planning rules. The Government is promoting the use of Local Development Orders (LDO) as a means to simplify the process. LDOs are an existing part of the planning system having been introduced through by the Planning and Compulsory Purchase Act (2004).
- 3.2 An LDO grants planning permission for a specified type and/or scale of development, subject to conditions where appropriate. It essentially sets out the type of development that will no longer need to be subject to a planning application. If the requirements of an LDO are met, the development can proceed without a specific grant of planning permission by the Council.
- 3.3 The LDO which is subject to this Statement of Reasons (hereinafter referred to as the 'Order') applies to the Darlaston part of the Black Country Enterprise Zone and a number of other adjoining sites. The Order sets out the type of development that will be permitted to support the aims of the Enterprise Zone. Any development proposal beyond the scope of the Order will need to be considered through the normal planning application process.
- 3.4 It is important to note that the Order does not remove the requirements of other statutory regulation and consent regimes, such as the Building Regulations, Listed Building Consent, Advertisement Consent and Hazardous Substances Consent. These will all need to be obtained where appropriate through the existing regimes. In addition it is important to note that the Order does not remove other forms of statutory regulation including the Habitat Regulations, Environmental Impact Assessment and protected species legislation.
- 3.5 If any highway or public rights of way are affected by development permitted by this Order, then the necessary statutory procedures through either the Highway Act or Town and Country Planning Acts will still apply.

4.0 POLICY BACKGROUND AND JUSTIFICATION FOR CREATING A LOCAL DEVELOPMENT ORDER IN DARLASTON

- 4.1 The Black Country Joint Core Strategy (BCJCS) was adopted on 3rd February 2011 and now forms the basis of the Black Country Authorities' Local Development Framework. The BCJCS defines a number of Regeneration Corridors which are key to the delivery of economic growth within the area (Policy CSP1 'Growth Network').
- 4.2 The Darlaston LDO area and the EZ sites are located within Regeneration Corridor 6: Darlaston, Willenhall, Wednesfield. As such the LDO area will be a key contributor to the Growth Network of the Black Country and the delivery of its aims.

- 4.3 The Walsall Unitary Development Plan is also of relevance, as ‘saved’ Policy JP1 ‘New Employment Sites’ defines a series of sites allocated for employment use within the Walsall area. Five of the allocated sites have since been defined as EZ sites. Additionally, Policy JP5 ‘Core Employment Areas’ defines a number of core employment areas. Within these areas land will be safeguarded for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses. The Core Employment Area includes a significant amount of the LDO area.
- 4.4 A detailed strategy for the Regeneration Corridors is set out in Appendix 2 of the BCJCS. Regeneration Corridor 6 is recognised as one of the main gateways to the Black Country, leading from Junction 10 of the M6. It is seen as having the potential to provide first class quality employment land for knowledge-led manufacturing and logistics businesses serving the regional economy.
- 4.5 The Corridor contains a number of large existing industrial areas, one being the Darlaston Strategic Development Area (SDA). The Darlaston SDA is listed as a key opportunity in relation to high quality industry.
- 4.6 The Corridor also includes a number of strategic waste management facilities, all of which fall within the LDO area. These are to be retained in waste management use, and uses which are unlikely to be compatible should avoid locating near them (BCJCS Policy WM2). New waste management facilities will also be permitted elsewhere within the retained employment areas of Darlaston (SDA), Longacres and Neachells.
- 4.7 These BCJCS policies, along with the saved employment land allocations from Walsall’s Unitary Development Plan, form the policy basis for the designation of the Darlaston LDO. The LDO will assist in realising the economic growth aims of the BCJCS, while also according with other adopted policies and guidance relating to the protection of the environment and local amenity.

5.0 LOCAL DEVELOPMENT AREA CONTEXT

- Development Context

- 5.1 Unlike other LDO areas across the Country, the proposed area in Darlaston comprises a broad area and contains land specifically identified as individual Enterprise Zone sites, together with additional adjacent land. The Location Plan attached at Appendix (i) shows the location of the Enterprise Zones and the boundary of the LDO.

- 5.2 A number of extant planning consents affect the area. These provide for a wide range of land uses, including retail, residential, employment, open space, office, research and development accommodation, general employment, heavy industrial, storage and distribution land uses, together with 'sui generis' uses associated with waste management and waste treatment activity.
- 5.3 The area contains some specific consents which have yet to be implemented. If these currently comply, or could be adapted to comply with the LDO limitations then they could proceed under the LDO process. Otherwise they would proceed further to the discharge of all salient conditions under the normal planning application process. Permissions in the area, yet to be implemented, include the following;
- 1. The Opal site (shown as site 2a on the Location Plan at Appendix (i)) has Reserved Matters Consent for the erection of a distribution and storage building (B8 purposes) ref: 07/1281/RM, approved October 2010).*
 - 2. The Onyx site (shown as 2b on the Location Plan at Appendix (i)) has full permission for three stand alone gateway office units of 3 and 4 storeys with related landscaping, balancing pond, car parking and infrastructure (B1(a) purposes) plus B8 (ref: 09/0605/FL)*
 - 3. The Central Point site (shown as 2k on the Location Plan at Appendix (i)) has full permission for warehouse and distribution units with 2 storey office accommodation (note: this is subject to S106 and discharge of conditions, connected with remediation, which does not appear to have been completed) 07/1798 (with a time extension 10/1346).*
 - 4. Blakemore's, Steelman's Road Darlaston, ref:11/0170, April 2011, small B8 extension.*
 - 5. Box Pool Site (2D): permission for expansion/relocation of Darlaston Builders Merchants, ref:11/0005, April 2011.*
 - 6. Hartshorne, Bentley Mill Close, permission for new storage unit, ref:11/0486, June 2011.*
 - 7. Crescent Works, Willenhall Rd – permission for new starter units, October 2010, ref:10/1055.*
 - 8. Heath Rd, FMR Hammond Heat Treatment – permission for refurbishment/redevelopment of existing works for starter units, ref: 11/0184, June 2011.*
 - 9. Heath Rd, Timber Recovery Centre, August 2011, ref:11/0856.*
 - 10. Central Point (2K) – permission for storage and distribution 10/1346/TE.*

- 5.4 The known potential constraints affecting the LDO area are set out below, and represent the information available to the planning authority at the time of preparing the Order. It is strongly recommended that any potential developers seek clarification regarding these issues prior to formulating their development proposals. As previously stated, the Order simply permits development under the planning regulations, it does not remove the need to acquire other appropriate consents or comply with other regulations (see paragraph 3.4 above).

- **Utilities**

- 5.5 The area is currently serviced by gas, water and electricity. Western Power Distribution has commented on the current capacity of the electricity network in the area and has confirmed that infrastructure improvements may be required to serve significant new development in the area. This matter is referred to in the limitations / conditions section below.

- **Transport and Access**

- 5.6 Initial consultations have been undertaken with the Highways Agency. As a consequence of these, some parts of the LDO are considered particularly sensitive and are identified as lying within a specifically designated area, where development will be subject to specific limitation and condition. This is discussed in Section 6 of the Statement.
- 5.7 In addition it is important to note the current transport initiatives within the LDO area. This comprises the Darlaston Strategic Development Area Access Project, which entails:
- Bentley Road South - including improvements to the Bentley Road South / Heath Road / Richard's Street junction and the widening of the existing bridges over the canal and railway line to the south of the Marshland Way roundabout.
 - Bentley Mill Way - involving the widening and general improvement of the Darlaston Road / Cemetery Road / Bentley Mill Way junction, and signalisation of Bentley Mill Way as it passes under the James Bridge Aqueduct.
- 5.8 Outside of the LDO area, improvements are proposed at the A4038 Darlaston Road / A4148 Old Pleck Road junction and at the A461 Bescot Road / A4148 Wallows Lane junction. These works will improve access south to Junction 9 of the M6.
- 5.9 The general location of the proposed improved junction and infrastructure related works have been confirmed. Development in these locations is

specifically excluded from the Order, so that the provision of the highway works is not prejudiced by the grant of inappropriate planning permissions.

- **Flood Risk**

- 5.10 As a consequence of consultations already undertaken with the Environment Agency, some parts of the LDO are defined as lying within a specifically identified area where development will be subject to specific limitation and condition. This is discussed below in Section 6 of this Statement.
- 5.11 It is expected that the new development should make provision for appropriate surface water drainage and this is addressed in the limitations / conditions section below.
- 5.12 As per the requirements of Planning Policy Statement 25: Development and Flood Risk, any development over 1 Ha will need to submit a Flood Risk Assessment (FRA) for approval by the Council as part of the 'Pre Information' process. The process of 'approving' the FRA means that the development is acceptable on the understanding and agreement that the proposal must conform to and implement the recommendations set out in the approved FRA.
- 5.13 In those instances where the Council is unable to approve the FRA due to insufficient detail or because of the nature and/or severity of the impacts which it identifies, the Council will be unable to confirm that the proposal is in accordance with the Order. Unless the scheme can be amended to reduce the flood risk resulting from the development (principally through drainage and water management), a separate planning application will be required in order for the Council to fully consider the impacts of the development and where necessary secure the appropriate level of off-site mitigation required.

- **Hazardous Sites**

- 5.14 Sections of the LDO area fall within Health and Safety Executive Consultation Zones and some sites are particularly compromised. The extent of these Consultation Zones has been confirmed as part of initial consultation discussions with the Health and Safety Executive (HSE). As a consequence of discussions with the HSE, some parts of the LDO are defined as lying within a specifically identified area where development will be subject to specific limitation and condition. This is discussed below in Section 6 of this Statement.
- 5.15 It is important to note that the Order does not remove the need for Hazardous Substance Consent. Therefore should a developer wish to bring forward a use in accordance with the Order, which did include the use of hazardous

substances, the developer/operator would need to apply for Hazardous Substance Consent in the usual manner.

- **Contamination**

- 5.16 The area has been subject to a number of previous historical land uses. Many of these relate to historic industrial and commercial processes, that by reason of less strict regulation, enabled substances to either be leaked or dumped, resulting in contamination of the ground. Depending on the particular activities undertaken at each site there will be a need to identify likely contaminants and confirm intrusive investigation.
- 5.17 As a consequence of consultations undertaken with the Environment Agency, some parts of the LDO are defined as lying within a specifically identified area where development will be subject to specific limitation and condition. This is discussed below in Section 6 of this Statement.
- 5.18 Given the nature of contamination of some sites in the area, further site investigations and possible remediation will be required to ensure that the land comprising the LDO area is suitable for its end use. Should these details be available, agreed and accepted, the conditions attached to the Order will be addressed and the provisions of the Order will be applicable.
- 5.19 The Council accept that should these details for any individual site come forward early in the lifetime of the Order, this will provide increased certainty for potential developers and make compliance with the Order considerably easier.

- **Environmental Health – Noise and Air Pollution**

- 5.20 Whilst the definition of B1 uses identifies that they must be capable of being undertaken in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The plant often associated with these uses, including air conditioning units, extraction or ventilation as well as external operations and deliveries and dispatches together can sometimes create disturbance to the amenity of the local area.
- 5.21 In addition, the B2, B8 and waste treatment and management activities proposed, also have potential to give rise to noise, fumes and smells which may also give rise to disturbance.
- 5.22 The area includes or is adjacent to a number of residential properties, education establishments and public spaces. As such it is important to consider the impact of the proposed uses on these properties and spaces.

- 5.23 The aspirations for the wider area are to seek to create a high quality environment which can be used by residents, employees and visitors alike. This makes it essential that noise, fumes and smells in particular are appropriately controlled in an effort to safeguard this aspiration.
- 5.24 Noise, vibration, smells, fumes and air pollutants in general resulting from plant and processes associated with an industrial and commercial activity can in many cases be managed appropriately to limit the impact on sensitive development and local amenity. To ensure that these are designed and located in a manner to minimise the impact upon the surrounding area, the Council's Pollution Control Team can discuss and provide advice on the design, installation and technical requirements prior to a proposal being finalised. In order to ensure that any plant, process or operational proposal are not detrimental to the local and residential amenity or unduly impacting upon sensitive development. Any proposal which requires evening, night time and weekend working and which involves external operations and emissions to air and or noise or vibration beyond site boundaries, must submit details for approval by the Council and implement accordingly.
- 5.25 Noise sources have the potential to create disturbance to the users of buildings within the LDO Area. It is important that appropriate measures are put in place to minimise the disturbance which external noise has on the use and operation of both new and existing buildings and neighbouring users, to ensure the high quality working environment aspirations are achieved.
- 5.26 As a consequence of consultations already undertaken with the Environment Agency with respect to this issue, some parts of the LDO are defined as lying with a specifically identified area where development will be subject to specific limitation and condition. These include a restriction of the hours of operation and delivery (and associated activities), as these can cause particular disturbance to residential properties.

- **Habitats, Protected Species and Green Infrastructure**

- 5.27 As a consequence of consultations undertaken with Natural England, some parts of the LDO are defined as lying within a specifically identified area where development will be subject to specific limitation and condition. These are discussed below in Section 6 of this Statement.
- 5.28 Parts of the LDO area are designated as a local wildlife site in the Walsall UDP and Black Country Joint Core Strategy. There is a presumption against development of these areas unless the loss of habitat can be adequately compensated for elsewhere. In addition, the site contains habitats which suggest that protected species may be present. The Council has therefore to

ensure that the Order allows for the assessment of protected species and shows how they could be affected as result of any new development.

- 5.29 To minimise the potential harm to protected species, the Council will require appropriate survey work to be submitted as part of a 'Pre-Information' process to enable it to determine whether it is appropriate to incorporate any mitigation measures into the proposal. This is explained in Section 7 of this Statement. Natural England has published standing advice in relation to protected species, which sets out further information on the species in question and advice on the content of surveys required.
- 5.30 If surveys are completed and agreed with the Council, that element of the Pre-Information process will therefore be addressed and hence compliance with the Order will be less onerous.
- 5.31 Landscaping will form an important component of any proposal within the LDO area, to ensure the wider design and environmental aspirations are achieved.
- 5.32 The LDO area contains a number of canals and initial consultations have been undertaken with British Waterways. Its statutory position is addressed in the 'Pre-Information' process and will be taken into account by the Council in its assessment of proposals under the Order.

- Historic Environment

- 5.33 Consultation with English Heritage has confirmed that there is one statutorily listed structure within the LDO Area (the James Bridge Aqueduct) and one immediately adjacent to the LDO Area (The Globe Inn Public House).
- 5.34 Although it is considered unlikely that development under the Order will significantly affect the setting of these structures, the Council will consider this issue as part of the 'Pre-Information' process.
- 5.35 Where it is determined by the Council's Conservation Officer that the development will have an adverse impact upon the setting of the listed property, the Council will open negotiations with the developer to identify how this impact could be mitigated through scheme amendments.
- 5.36 Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and Circular 01/2006, states that a Council cannot make an LDO which permits development affecting a Listed Building. In those instances where the Council consider that the proposal will adversely affect the Listed Building and no scheme amendments can be agreed, the Council will be unable to confirm that the proposal complies with the Order.

The proposal will therefore have to be the subject of a planning application to gain the appropriate planning and listed building consents.

- 5.37 There are no currently 'Scheduled Ancient Monuments' or features of archaeological importance on site. However due care and attention should be paid when developing the site. Should artefacts of interest be located, these should be reported to the Council's Archaeological / Conservation Officers.

6.0 DESCRIPTION OF DEVELOPMENT PERMITTED BY THE LOCAL DEVELOPMENT ORDER

- 6.1 Reflecting the policy context for the area, as set out above and the aspirations of the Council further to designation of the Enterprise Zones, it is proposed that development falling within the B1(b), B1 (c), B2, B8 land use classifications, further to the Town and Country Planning (Use Classes) Order 1987 (As Amended) and subject to conditions, will be permitted throughout the Area, under the Order:

- Class B1(b) – research and development of products or processes
- Class B1(c) – light industry
- Class B2 - general industry; use for the carrying out of an industrial process other than one falling in Class B1
- Class B8 – use for storage and/or distribution

- 6.2 It is also proposed that, reflecting an existing cluster of waste treatment operations, the Order will also permit, within a defined area known as a sub zone, and discussed in 6.4 below, sui generis development related to waste management and waste treatment activity will be permitted.

- 6.3 Given the nature of the area, the spread of the Enterprise Zone sites, the proximity of sensitive land uses, comments raised by Statutory Consultees and environmental and technical constraints which have been identified through an analysis of the area and summarised above in Section 5, it is considered that specific information is required by the Council. This 'Pre Information' approach is explained in Section 8 below.

- 6.4 Reflecting the encouragement for waste related activity in certain parts of the LDO area and the need to ensure environmental protection in other parts of the LDO area, two sub zones, falling within the larger LDO area, have been identified. Within these sub zones, particular limitations will apply. These are discussed below in 6.11.

Sub Zone A comprises a defined area, as indicated on the plan attached at Appendix (ii) and referred to as the 'Plan', where – in addition to the positive provision for B1(b), B1(c), B2 and B8 uses – appropriate waste management

activity will be encouraged, including the introduction of new waste technologies where such activities (including the storage and transfer of waste) is undertaken within buildings. Appropriate activities would include re-use, recycling and material recovery (including the treatment and recovery of metals) and the sorting and transfer of waste. Operations involving mechanical, chemical or thermal processes (including anaerobic digestion and in-vessel composting but excluding incineration) would also be acceptable.

Outdoor storage and management of waste is presently an important activity in the area and it may be appropriate for such activities to expand or for new operations to be introduced but it is considered most appropriate for this to be considered through conventional planning applications.

Sub Zone B comprises a defined area, as indicated on the plan attached at Appendix (ii) and referred to as the 'Plan'. It is considered to be of increased environmental sensitivity or close to areas which contain sensitive land use receptors, such as housing and schools where particular conditions will need to be addressed.

- 6.5 Whilst the aspirations for the area are to deliver a high quality urban design throughout the entire scheme, the Council has tried to ensure only the essential design components and features are conditioned.
- 6.6 It is considered that the conditions set out in the Order are the minimum required to achieve the necessary built quality and environment. High quality urban design across the LDO area is a priority for the Council. As such, the Council strongly urges developers to consider the 'Designing Walsall SPD' during the formulation of design and to strive for development beyond the standard required by conditions in order to deliver the high quality design and environment which is envisaged for the area. Developers are encouraged to make early contact with the Council for further advice and guidance in relation to this matter to ensure that proposals are of a high quality, locally distinctive design and as such will contribute towards the aspirations for the area, as set out above.
- 6.7 It is hoped that, in simplifying the planning rules for development within the LDO area, it will be an additional incentive for those businesses wishing to relocate to the area, or for those local businesses already in the area, wishing to expand. In drafting the Order the Council has endeavoured to ensure that a limited number of details are required for approval; where details are required, it is because site conditions suggest there may be an environmental or amenity issue which needs extra consideration and controls placed upon them to minimise the harm to these features.
- 6.8 In addition, there is a requirement to submit details for consideration by the Council before it can confirm that the development complies with the Order in relation to other areas of regulation and statutory duty for example the

Environmental Impact Assessment, protected species, national planning policy and the Council's role as Local Highway Authority.

- 6.9 The Order is not the mechanism which will determine whether a development or business would be applicable for any financial incentives associated with the Enterprise Zone designation as this will be assessed through separate procedures.
- 6.10 Subject to the restriction and limitations in Schedule 2 of the Order; compliance with the Pre-Information process; compliance with the directions attached to Schedule 3 of the Order and the preamble and conditions in Schedule 4 attached to the Order, the following development is authorised within the Area:

Development for uses falling within use classes B1(b) B1(c) B2 and B8 of the Town and Country Planning (Uses Classes) Order 1987 (as amended) (the UCO),

and in addition, within Sub Zone A, the Order will allow for;

Development for waste management and waste treatment use, deemed to be Sui Generis under the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO).

- 6.11 The simplified planning regime applicable to the LDO Area will be subject to the following general limitations;
- (a) Change of use of existing buildings to provide for B1(b), B1(c), B2 or B8, or for waste management or waste treatment use within Sub Zone A, to a maximum gross external floorspace of 5000 sq.m.
 - (b) Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes, providing individual buildings do not exceed 15m in height, except within Sub Zone B where within 8m of a boundary with residential or education land uses, no building or part of a building shall exceed 5m in height.
 - (c) Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes providing individual buildings do not comprise a gross external floorspace greater than 5000 sq.m.
 - (d) Enlargement of existing buildings to accommodate B1(b), B1(c), B2 or B8 land uses within the Area to a maximum additional 1000 sq.m. gross external floorspace (as at the commencement of the Order) and not exceeding 15m in height, except in Sub Zone B where within 8m of

a boundary with residential or education land uses, the height shall not exceed 5m.

- (e) Erection of new buildings for waste management of waste treatment use, within Sub Zone A providing this does not exceed 15m in height nor comprise a gross external floorspace greater than 5000sq.m.
- (f) Enlargement of existing buildings accommodating existing waste treatment and waste management use within Sub Zone A to a maximum additional 1000 sq.m gross external floorspace (as at the commencement of the Order) and not exceeding 15m in height.
- (g) Demolition of buildings and replacement with new buildings for B1(b), B1(c), B2, B8 purposes or for waste management and/or waste treatment use, subject to (b) (c) and (e) above and the directions within Schedule 3.
- (h) Minor works associated with new or established B1(b), B1(c), B2 or B8 uses within the Area and associated with buildings for waste management and waste treatment use within Sub Zone A, comprising car parking, hard standing, landscaping and storage areas only, subject to the preamble and conditions specified in Schedule 4.

Development not permitted under this Order

6.12 The following development will not be permitted by the simplified planning regime applicable to the LDO Area;

1. Any development in relation to which the requirements for the Pre-Information and/or supply of statements, assessments and surveys as required by Schedule 3 are not complied with;
2. Any development in relation to which following the supply of Pre-Information as required by paragraph 1 of Schedule 3, the Council has informed the developer in writing that the development proposed is not development authorised by this Order;
3. Any development in relation to which, following the supply of Pre-Information as required by Schedule 3, the Council has informed the developer in a screening opinion pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 that the development proposed is development requiring environmental impact assessment;

4. Any development that comprises Schedule 1 or Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
5. Any development affecting the fabric of a listed building or scheduled ancient monument or lying within the curtilage of a listed building or scheduled ancient monument, unless the Council has determined that the development proposed would not require listed building or schedule ancient monument consent;
6. Any development in relation to which, following the supply of Pre-Information and/or assessments as required by Schedule 3, the Council informs the developer that the proposed development would entail effects that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order;
7. Any development in relation to which following the supply of prior information, as required by Schedule 3, the Council has informed the developer in writing that the development proposed is not development authorised by this Order for either of the following reasons:
 - (a) The inclusion in the proposal of associated development falling outside that permitted under the LDO, which has not been specifically agreed in writing with the Council;
 - (b) The development is considered, individually or cumulatively, to give rise to significant or substantial impacts on protected species, flood risk or local highway network which cannot be appropriately mitigated in accordance with the preamble and conditions as set out in Schedule 4;
8. Ground reclamation works, including mineral extraction, landfilling and the deposition of waste onto land;
9. The incineration of waste, the composting of organic waste (unless in an enclosed vessel) and the management of hazardous waste;
10. Any development that would otherwise affect a Highway Improvement Line, as confirmed under the Darlaston Strategic Development Area Access Project;
11. Change of use of land alone for the purposes of open storage.
12. Change of use of land alone for waste management or waste treatment uses.

7.0 HOW THE LOCAL DEVELOPMENT ORDER WILL WORK

- 7.1 A Pre-Information Schedule, which supports a Pre-Information process, is set out at Schedule 3, attached to the Order and clarifies the information which the Council will require before it can confirm that development can comply with the Order.
- 7.2 The 'Pre-Information' process must be followed for every proposed development coming forward under the Order. Development cannot be considered lawful development until amongst other things (including other provisions of Schedule 3) the Pre-Information process has been undertaken and the Council has confirmed in writing that the proposal complies with the Order.
- 7.3 Where an applicant has addressed the necessary transport, environmental and environmental surveys for any proposed scheme, the respective elements of the Pre-Information Schedule, as indicated in Schedule 3 will be satisfied.
- 7.4 It is considered that there is a need for the Council to formally confirm, under a simplified approach that development is compliant and that this would provide a number of benefits;
- allow funding bodies to receive confirmation of the legality of the development
 - allow for an EIA screening to take place
 - replace the prior notification process required when property is to be demolished
 - can be considered as a grant of planning permission for the purposes of ss. 247 and 248 of the Town and Country Planning Act 1990, allowing, where appropriate, an application to be made for the stopping-up or diversion of public highways or rights of way.
- 7.5 The Council will respond to the Pre-Information submission within 28 days, providing the appropriate information is presented by an applicant. This would allow the LDO system to still comply with Primary legislation, Environmental and European regulations.
- 7.6 Fundamentally, it would allow compliant development to take place quickly and yet still provide for appropriate environmental safeguards to be in place.
- 7.7 All development brought forward under the Order must comply with the conditions set out in Schedule 4 of the Order.

- **Pre-Information Process**

- 7.8 The Pre-information process requires the submission of some information to the Council, including the completion of the Pre-information form (Appendix (iv)). This form asks for a number of details to be provided by the developer to enable the Council to determine whether the proposal satisfies the requirements of the Order. Where the Council concludes that the proposal satisfies the requirements of the Order, it will write to the developer to confirm that the proposal is permitted under the Order; this will occur within 28 days of the receipt of the complete Pre-information form and associated documentation.
- 7.9 The Pre-information process comprises an EIA Screening Request to be submitted to the Council to enable the Council to determine whether the proposal is deemed to be EIA development. This will require an overview of the development, its location and proposed use; it should also include a deposit copy of the plans and elevations, together with a specification where necessary, to enable the Council to make an informed judgement. If the Screening Opinion provided by the Council identifies that the development constitutes EIA development, development will not be permitted under the Order. Instead, a specific planning application will be required.
- 7.10 To re-iterate, the Order will not permit any development which is "Schedule 1 development" or "Schedule 2 development" as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 7.11 To allow the Council to confirm whether the proposed development falls within either Schedule 1 or Schedule 2 of the EIA Regulations, the 'Pre Information' form requires the developer to submit details of the size, type and use of the proposed development. This information will also include:
- Flood Risk Assessment – for proposals in excess of 1ha gross area;
 - Transport Statement or Assessment; and
 - An Extended Phase 1 Habitat Survey.
- 7.12 Where the details submitted indicate that there are likely adverse or substantial impacts which cannot be appropriately mitigated through on-site works or via minor scheme amendments, the Council will be unable to confirm that the proposal is in line with the Order. This is because the Order does not permit development which has substantial impacts on the local highway network, protected species or flood risk.
- 7.13 Where the details submitted identify that there are smaller impacts which can be mitigated through on site works and/or scheme amendments, the Council will work with the developer to incorporate these into the proposal. The Council will then confirm that the proposal conforms to the Order on the basis that the findings and recommendations are reflected within the scheme as agreed. It is anticipated that this will reduce the number of separate planning applications required.

- 7.14 Additional guidance notes explaining the Pre-Information process are attached at the end of this Statement.

- Conditions

- 7.15 In addition to the Pre-Information process, there are conditions attached to the Order reflecting the Council's policies and design aspirations and to ensure the impacts of the development are minimised and appropriately managed and/or mitigated. In some instances and where some conditions, specified in Schedule 4, require details to be submitted for approval under the Order. It is strongly recommended that these are submitted at the same time as the Pre-Information, to enable the Council to agree in writing, all the details in one stage; speeding up the process and removing barriers to delay.
- 7.16 These additional details, set out in full in Schedule 4 of the Order, include the following matters but may not be required for every proposal:
- A scheme identifying any associated development falling outside that permitted under the Order;
 - Plant, machinery and process details, where appropriate;
 - External waste and refuse storage;
 - Ambient and background noise assessment;
 - Air quality impact appraisal;
 - Surveys and assessments relating to land contamination.
- 7.17 The Council will be unable to agree these scheme details if they are considered to be detrimental to the local environment or residential amenity. Again, where amendments to these details can be made to minimise these impacts, the Council will enter into negotiations with the developer to achieve a scheme which is appropriate.
- 7.18 The Council has endeavoured to keep the conditions attached to this Order to the minimum required to ensure the development meets the needs of the simplified planning process, satisfies the aspirations for the area and ensures there is no adverse impact upon the local highway network, environment or amenity.

- Policy Implementation, Monitoring and Other Statutory Requirements

(i) Statement of policies implemented by the LDO

7.19 The Order supports the implementation of existing strategies, plans and policies at national, regional and local level. The relevant strategies, plans and policies are listed below:

National Policy;

- PPS1: Sustainable Development and Climate Change (2005)
- PPS3: Housing (2011)
- PPS4: Planning for Sustainable Economic Growth (2009)
- PPS5: Planning and the Historic Environment (2010)
- PPS9: Biodiversity and Geological Conservation (2009)
- PPS10: Waste Management (2006)
- PPG13; Transport (2011)
- PPS22: Renewable Energy (2004)
- PPS23; Planning and Pollution Control (2004)
- PPG24: Planning and Noise (1994)
- PPS25: Development and Flood Risk (2010)
- Draft National Planning Policy Framework (2011);
- Plan for Growth (2011)

Regional Policy;

- Regional Spatial Strategy for the West Midlands

Local Policy;

- Black Country Joint Core Strategy - Regeneration Corridor 6, CSP1, WM2, WM4, EMP1, CSP3, CSP4, CSP5, CSM4, ENV1, ENV3, ENV5, ENV7, TRAN2, GSP3,
- Walsall UDP Policies – JP1, JP5, JP8, GP2, GP3, T1, T7, T10, T13, ENV10, ENV12, ENV22, ENV11, ENV14, ENV32, ENV33, ENV40,
- Designing Walsall SPD
- Natural Environment SPD
- Urban Open Space SPD

Supporting Strategies / Reports

- Walsall Statement of Community Involvement (Consultation Draft 2011)
- Walsall Employment Land Review (Roger Tym & Partners Nov 2010)
- Walsall Local Economic Assessment (2011)
- Sustainability Appraisal of the Black Country Core Strategy (2011)
- Habitats Regulations Assessment of the Black Country Joint Core Strategy (Nov 2008)

- Black Country Strategic Flood Risk Assessment (2009)
- Local Transport Plan (2011)
- Darlaston Strategic Development Area (SDA) Access Project

(ii) Monitoring Framework

- 7.20 The Order will be subject of on-going monitoring to assess its effectiveness in delivering the simplified planning rules which support the Enterprise Zone as well as a means by which any unintended impacts or outcomes of the Order can be identified. The proposed monitoring framework is set out in Appendix (v).
- 7.21 In addition this monitoring framework will also contribute to assessing the impact and success of the Black Country Enterprise Zone, and in turn the Government's policy of Enterprise Zones. It is important to note that this LDO Monitoring Framework is only a single element of this monitoring activity and will only be able to provide information relating to the establishment of the simplified planning rules as opposed to the impact and success of the financial incentives for example.
- 7.22 The outcomes of the monitoring process in relation to the Order will be reported in the Darlaston Local Development Framework Annual Monitoring Report (AMR).

(iii) Other Statutory Requirements

- 7.23 Whilst the Order grants planning permission for certain types of development within the LDO Area, it will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.
- 7.24 Particular attention is drawn to the following legislation:

European;

- Habitats Directive (92/43/EEC)
- Environmental Impact Assessment (85/337/EEC as amended by Directive 97/11/EC)

National;

- Wildlife and Countryside Act 1981
- The Conservation (Natural Habitats, &c.) Regulations 1994
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- Pollution Prevention and Control Act 1999 and the Environmental Permitting Regulations 2010 and 2011

7.25 In addition to above, the Local Development Order does not remove the need to obtain consent under other regimes as appropriate, including:

- Listed Building Consent;
- Conservation Area Consent;
- Hazardous Substance Consent; and
- Advertisement Consent
- Building Regulations
- Site Waste Management Plans
- Waste Management Licensing

8.0 LIFETIME OF THE LOCAL DEVELOPMENT ORDER

8.1 Any revision or modification of the Order whereby it becomes more restrictive may open up the liability for compensation for loss /damage directly attributable to the revocation or modification under Section 107 and 108 of the Town and Country Planning Act 1990. The Council therefore wishes to confirm a 3 year life span of the Order, as it is currently proposed.

8.2 The expected adoption of the Order by the Council will be in April 2012, with expiry of the Order in April 2015.

8.3 The Council has three options available, following the expiry of the Order. They are:

- Revise and re-adopt the Order with the similar conditions and criteria, brought up to date to reflect the latest policy and legislation. This will
- Prepare a new LDO for the area as it has been defined or an amended area. This will also require a period of re-consultation; or
- Return to the established planning regime.

8.4 Any development which has commenced under the provisions of the Order, before expiry will be able to be completed and operated in accordance with the requirements and conditions of the Order.

- 8.5 The uses which have been developed and implemented under the Order will be allowed to continue to operate following expiry in accordance with the conditions under which they were permitted – i.e. those set out in the Order.
- 8.6 Following the expiry of the Order, any new development, changes to existing development or changes to the restrictions imposed upon them by the Order's conditions must not take place until the Council has considered whether these changes can be agreed in writing under this conditions of Order by which they were permitted, or whether a planning application is required under the statutory planning regime

9.0 CONCLUDING REMARKS

- 9.1 It is considered that the Order will provide for a simplified approach to planning that will encourage the introduction of new employment activity to the area and the expansion of existing operations, in full accordance with the Council's adopted planning policies which encourage employment activity across Darlaston, subject to all necessary environmental checks.
- 9.2 The use of the Pre-Information process will allow developers to pursue appropriate development quickly and effectively with the minimum of delay and with the support of the Council.

APPENDICES

- (i) Location Plan – indicating Enterprise Zone Sites**
- (ii) The Local Development Order Plan – indicating Sub Zones A and B**
- (iii) Table providing further Guidance Notes**
- (iv) Pre Information Form**
To be agreed
- (v) Monitoring Framework**
To be agreed

Appendix (iii)

Table of Additional Guidance Notes

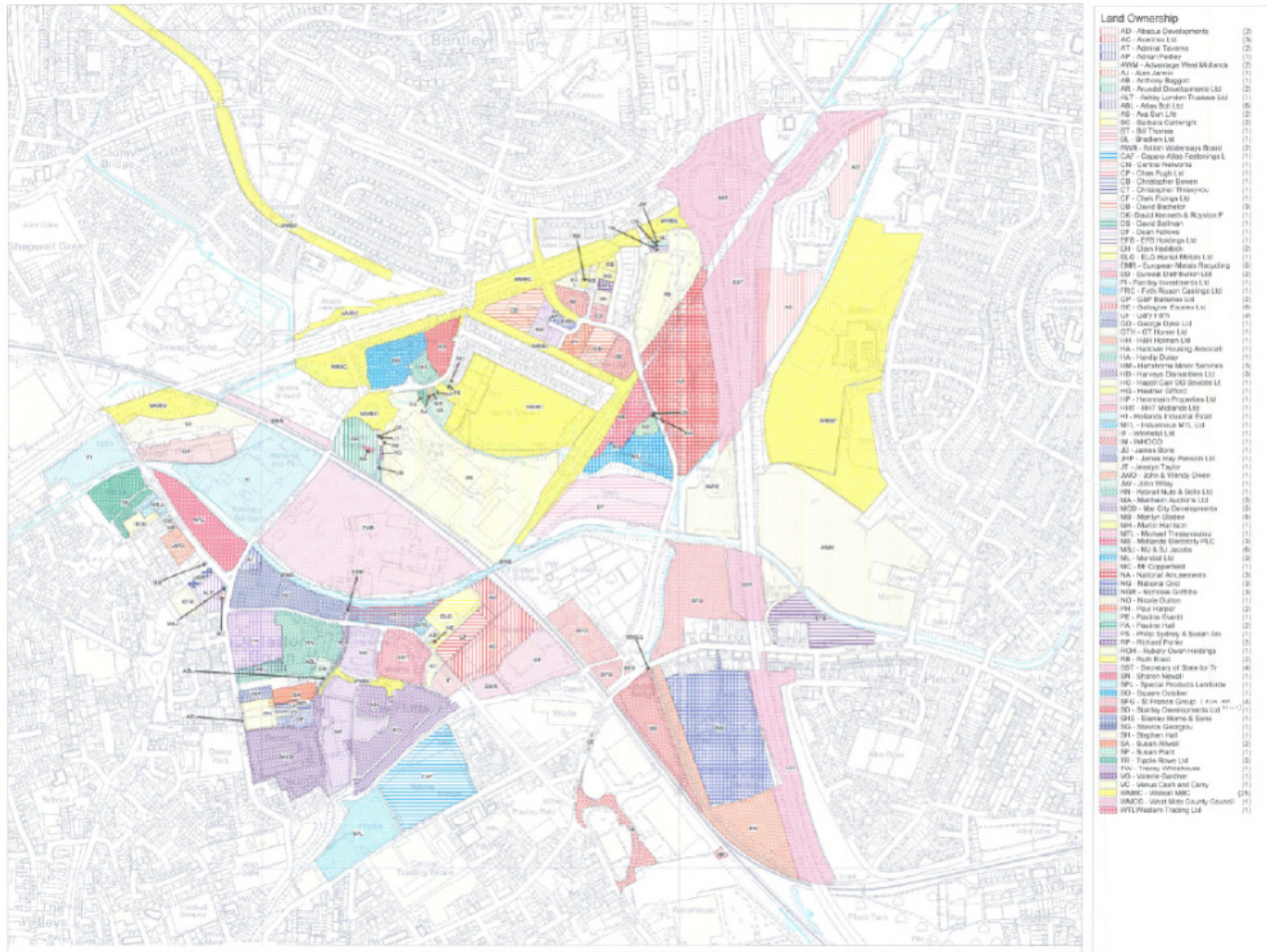
Ref	Matter	Informative
1	Pre-Information Form	<p>In some instances the Council may be able to recommend changes to the scheme to enable its construction under the Order. Where these changes are material changes amended plans may be required before the Council can confirm that the proposal complies with the Order.</p> <p>This will also assist with the monitoring procedures to demonstrate the effectiveness of the LDO</p> <p>The Pre-Information process will enable the Council to undertake an EIA screening opinion and assess the proposed development under the EU Habitat Regulations</p>
2	EIA Screening Request	<p>Should the screening opinion find the proposed development is EIA development, it will not be permitted under this Local Development Order, and as such will require a planning application.</p>
3	Flood Risk Assessment (FRA)	<p>Further to the Environmental Legislation reflecting European Directives, there will remain a need for development which concerns an individual site in excess of 1ha, to be supported by a Flood Risk Assessment.</p>
4	Air Quality & Noise	<p>The Council will seek to avoid significant adverse impacts on air quality and/or noise and where appropriate will require the implementation of appropriate mitigation measures. Where significant impacts arise that cannot be acceptably mitigated, leading to breaches of national objectives at relevant receptors, or a significant worsening of existing conditions occurs in areas where such breaches occur at relevant receptors, development will not be permitted under this Order. Any development must also accord with the Walsall Air Quality Action Plan.</p>
5	Waste Management	<p>Appropriate activities would include re-use, recycling and material recovery (including for metals) and the sorting and transfer of waste. Operations involving mechanical, chemical or thermal processes (including anaerobic digestion and in-vessel composting but excluding incineration) would also be acceptable.</p> <p>In regard to waste management activity, in order to reflect the EIA Regulations, the Council will require submission of details of the size of the proposal; an explanation of the technology to be employed; the capacity of the proposed facilities (tonnes pa); proximity to controlled waters</p>
6	Traffic Generation	<p>In those circumstances where the information provided indicates that there is a substantial impact upon the Local Highway network which cannot be appropriately mitigated through on site works, a separate planning application will be required if the development is to proceed, this is to enable the Council to fully consider the acceptability of the development.</p> <p>Where the Council, on the evidence included within the Transport Assessment/Statement identifies that the impact upon the Local Highway Network can be mitigated through on site works, the Council will confirm that the proposal complies with the Order subject to Condition 4 as set out in Schedule 4.</p> <p>Works within 25m of the Strategic Road Network (SRN) must consider implications on road safety and structural integrity of the SRN. Development</p>

		and/or demolition within the 25m must comply with HD22/08 Managing Geotechnical Risk and BD2/05 technical approval processes.
7	Protected Species and Habitats	<p>In those instances where the information provided indicates that there is a substantial impact on protected species which cannot be appropriately mitigated through on site works, a separate planning application will be required if the development is to proceed. This is to enable the Council to fully consider the acceptability of the development.</p> <p>It is the developer's responsibility to ensure that the development complies with the legislation in avoiding damage to habitat or individuals that are covered by European and UK legislation. Applicants will need to follow the appropriate procedure with regards to such matters including obtaining the appropriate licenses to work within the confines of an approved method statement.</p> <p>Regard will need to be given to the requirements of Natural England's Standing Advice; national legislation and guidance; Core Strategy Policy ENV1 and the Council's Natural Environmental SPD.</p> <p>Natural England's Standing Advice in relation to Protected Species and background information can be found at http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/advice.aspx.</p> <p>In general, any development proposed within or adjacent to the River Tame or other water course or cana, any designated wildlife sites or any site which has been largely undisturbed and where wetland, grassland, woodland and scrub have established will require an Extended Phase 1 Habitat Survey.</p>
8	Design	<p>Good design is a priority for all development The Council encourages the developers to strive beyond the requirements of this LDO to deliver development which exceeds the aspirations for the Area.</p> <p>The Council encourages all developers to contact the Council and discuss their proposals early in the design formulation process so we can provide guidance on the design process and end product.</p> <p>In the interest of crime prevention, all development will be encouraged to meet the principles of 'Secured by Design'. All new buildings constructed under the Order shall be encouraged to meet the minimum of BREEAM 'Very Good' rating or equivalent.</p>
9	Renewable Energy	If Applicants can demonstrate that development is not viable with the imposition of this condition, the Council will be flexible in its application.
10	Contamination	<p>The Council will aim to prevent the deterioration of land, surface and groundwater quality within the LDO Area and the surrounding areas as a consequence of development on contaminated or potentially contaminated land.</p> <p>Sufficient information must be provided by the Applicant to establish the existing contamination levels, potential pathways and sensitive receptors which might be impacted by developments permitted under this Order, and to establish the adequacy of any mitigation measures where these are proposed.</p>

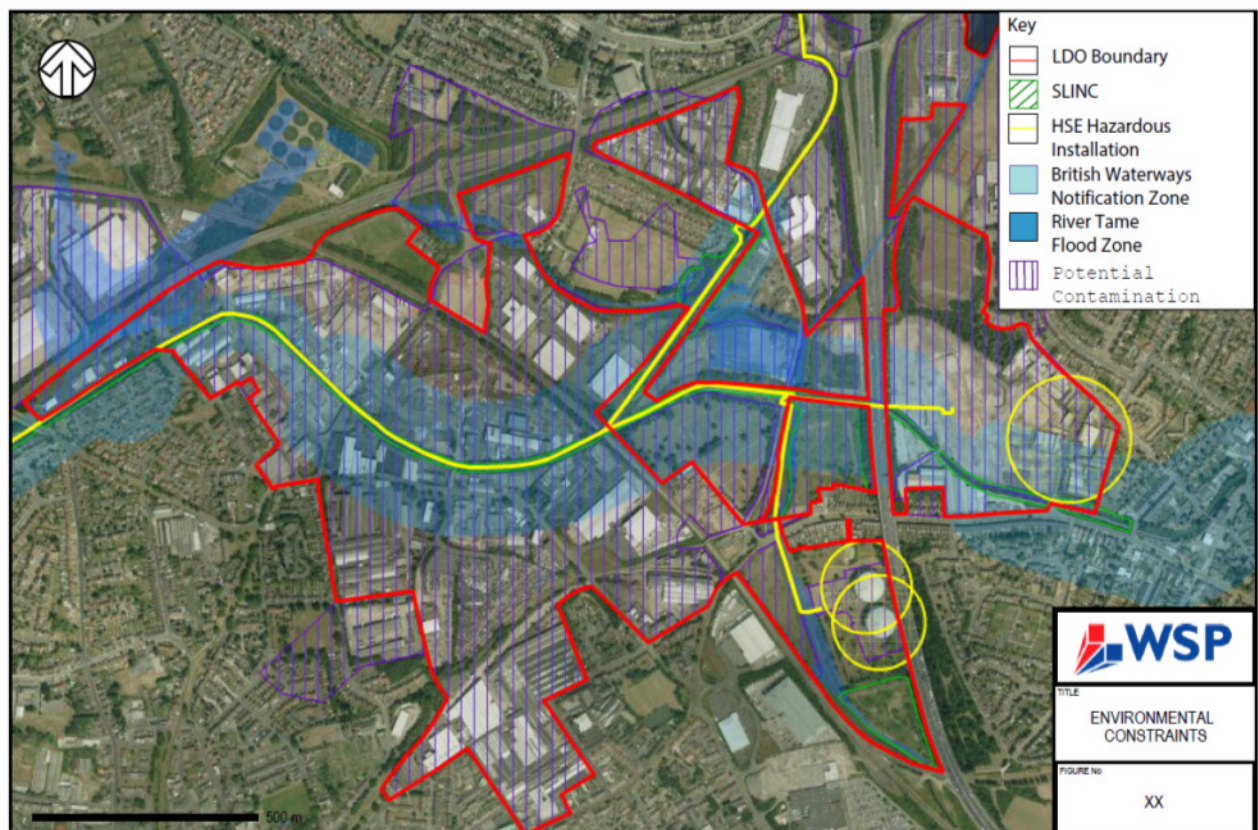
9	Design	Good design is a priority for all development the Council encourages the developers to strive beyond the requirements of this LDO to deliver development which exceeds the aspirations for the Area.
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		<p>The Council encourages all developers to contact the Council and discuss their proposals early in the design formulation process so we can provide guidance on the design process and end product.</p> <p>In the interest of crime prevention, all development will be encouraged to meet the principles of 'Secured by Design'.</p>
10	Renewable Energy	<p>If Applicants can demonstrate that development is not viable with the imposition of this condition, the Council will be flexible in its application.</p>

Appendix C – LAND OWNERSHIP PLAN



Appendix D – RELEVANT ENVIRONMENTAL PLANS



Appendix E – CONSULTATION TABLES

(i) Initial Consultations with Statutory Consultees

Statutory Consultee:	Initial point of contact:	Email sent out 22.12.11:	Letter posted out 22.12.11:	Initial Response:	Comments received:
Natural England	Eric Steer Environmental Planner	eric.steer@naturalengland.org.uk	Natural England, Parkside Court, Hall Park Way, Telford, TF3 4LR	Confirmation of receipt – 22.12.11 (Eric Steer no longer dealing with planning. Email has been forwarded to consultation@naturalengland.org.uk)	11.1.12 – Email from Chris Smith (Senior Advisor – Planning) general comments on the Habitat regs., EIA, protected species and the LDO process.
Environment Agency	James Kitchen Team Leader - Planning Liaison	<james.kitchen@environment-agency.gov.uk>	Environment Agency - Midlands Region - Central Area Sentinel House 9 Wellington Crescent Fradley Park Lichfield WS13 8RR	Read receipt – 23.12.11	9.1.12 – tel. com. from James Kitchen. Confirmed that EA will be responding by 20 th Jan. 29.1.12 – Response received setting out comments on contamination issues, flood risk issues, Water Framework Directive, biodiversity issues and water resource issues.
English Heritage	Nicholas Molyneux West Midlands historic buildings inspector	<Nicholas.Molyneux@english-heritage.org.uk>	English Heritage The Axis 10 Holliday Street Birmingham B1 1TG	Amanda Smith (Planner) confirmed receipt – 22.12.11 (Amanda will be dealing with consultation response by mid January)	10.1.12 – Response received setting out information on heritage assets in the LDO area.
Highways Agency,	Malcolm Cook Network Strategy Manager (West Midlands)	noppatwm@highways.gsi.gov.uk – 0121 6788211,	The Cube, 199 Wharfedale Street, Birmingham, B1 1RN	Read receipt from ron.thompson@highways.gsi.gov.uk – 22.12.11	5.1.12 – tel con. and email from David McCann – re: deadline for initial consultation and scope of LDO work. He confirmed that HA was not consulted on at EZ stage (AC) 5.1.12 – tel con with Nigel Gousky (Halcrow on behalf of HA) asking about what proposals are for the LDO (LBS) 6.1.12 – tel. con. David McCann confirmed all information should go to Halcrow (AC) 6.1.12 email to David McCann confirming initial comments can be received by 20 th Jan. 9.1.12 – tel. con. from Nigel Gorski confirming that Halcrow will be dealing with response. 20.1.12 – Response received setting out comments on scope of LDO, existing constraints, safety considerations, further information required and additional impacts (structures & geotechnical approval, drainage, air quality and EIA).
Sports England	Maggie Taylor Planning Manager	maggie.taylor@sportengland.org Tel:0121 616 6700 Fax:0121 633 7115	Sport England 5th Floor No 3 Broadway Five Ways Birmingham B15 1BQ	Out of office received – 22.12.11 Back in office on 3.1.12	5.1.12 – tel. con. from John Berry. Confirmed he was looking at LDO and the SE had not been previously consulted on the EZ sites. 10.1.12 – email from John Berry asking for clarification of how EZ sites were determined (including sports pitch).
British Waterways	Christine Hemming Area Planner Midland and	Christine.Hemming@britishwaterways.co.uk	Peel's Wharf Lichfield Street Fazeley Tamworth Staffordshire B78 3QZ T 01827 252000 F 01827	6.1.12 – Tel. con. to confirm that Catherine Burnett will be dealing with consultation (AC).	16.1.12 – Response received setting out comments on land stability, flood risk and BW's other statutory duties (natural environment, landscape character, and built heritage).

	Wales		288071		
NHS Walsall	Mike Lyden	mike.lyden@walsall.nhs.uk	Jubilee House, Bloxwich Lane, Walsall, WS2 7JL. Tel:- 01922 619936	No response	
Electricity providers	Western Power (formerly Central Networks)	General inquiries wpdnewsuppliesmids@westernpower.co.uk	Records Team Western Power Distribution Toll End Road Tipton DY4 0HH	Read receipt from: glallie@westernpower.co.uk 23.12.11	13.1.12 – Response received setting out comments on the existing network and impact of development in the area.
Gas providers	National Grid Neil Sorrel	General inquiries nsquoteac@uk.ngrid.com	National Grid Brick Kiln Street Hinckley Leicestershire LE10 0NA	Received by sean.hopewell@uk.transco.com	
Sewage undertakers	Severn Trent Water Dave Hadley –	General inquiries net.dev.west@severn-trent.co.uk	Severn Trent Water Ltd Regis Road Tettenhall Wolverhampton WV6 8RU		
Water undertakers	South Staffordshire Water Bill Reid –	billreid@south-staffs-water.co.uk andrewmorris@south-staffs-water.co.uk	South Staffordshire Water, Green Ln, Walsall, WS2 7PD		12.1.12 – Response received setting out general comments on water demand
Centro	Sean Nethercott Interim Senior Economic Development Officer	SeanNethercott@centro.org.uk Direct Dial: 0121 214 7229 email:	Centro Centro House, 16 Summer Lane, Birmingham. B19 3SD	Read receipt – 23.12.11	17.1.12 – Request for an extension to the time to reply. No comments received to date.
Mobile Operators Association	Carolyn Wilson Senior Planner	carolyn.wilson@monoconsultants.com t. 44 (0) 141 566 6660	Mono Consultants Ltd Third Floor 48 St Vincent Street Glasgow G2 5TS	Read receipt – 23.12.11	
BT	Ian Binks (Regional Manager, West Midlands)	- ian.binks@bt.com	BT Headquarters , 5 Brindley Place , Birmingham B1 2BL, UK	Read receipt – 22.12.11	
Police Service	PC Darren Robbins	d.robbs@west-midlands.pnn.police.uk telephone: 0845 113 5000 ext 7881 6596	Partnership Team Walsall Police Station Green Lane, Walsall WS2 8HL		Email 23.12.11 - General comments on Secure by Design and high concentration of employment uses in the area (email)
Fire Service		No email address	West Midlands Fire Service, Clarkes Lane, Willenhall, West Midlands WV13 1HT	No response	
Health and Safety Executive	Will Pascoe	Will.pascoe@hse.gov.uk	Merton Road, Bootle, Merseyside L20 7HS	5.1.12 – Tel con with Dave Painter – raised issue of Hazardous Substance Consent for gas holder site and Anacrome site (AC). 5.1.12 – Confirmation of receipt of consultation letter – Will Pascoe (email)	Email 11.1.12 – Information on hazardous consents in area and general comments.

(ii) Interested Parties
(greyed out parties are those suggested for removal from list)

Contact Type	Company Name	Title	First Name	Last Name	Address 1	Address 2
Charity	The National Federation of Gypsy Liaison Groups	Mr	Peter	Mercer	C/O DGLG	Unit 3 Molyneux Business Park
Charity	Summercourt Square Residents Association		Adrian	Barrett	21 Summercourt Square	Kingswinford
Charity	Staffordshire Ramblers Association		Graham	Rothery	1 Alrewas Road	Kings Bromley
Charity	Derbyshire Gypsy Liaison Group		Sir/Madam		Unit 3, Molyneux Business Park	Whitworth Road
Charity	Access All Areas	Mrs	V	Sinclair	71 Hillary Street	Pleck
Charity	Walsall Link		Sir/Madam		T1 three, Tameway Tower	48 Bridge Street
Statutory Consultee	Garden History Society		Sir/Madam		The Garden History Society	70 Cowcross Street
Statutory Consultee	RSPB	Mr	Colin	Wilkinson	RSPB Midlands Regional Office	46 The Green
Statutory Consultee	Twentieth Century Group		Sir/Madam			
Statutory Consultee	Society for the Protection of Ancient Buildings		Matthew	Slocombe	The Society For The Protection of Ancient Buildings	37 Spital Square
Statutory Consultee	Council for British Archaeology (CBA)		Carole	Barrowclough	The Council for British Archaeology	St Mary's House
Statutory Consultee	Park Hall Residents Association		Sir/Madam			
Statutory Consultee	Chartered Institute of Wastes Management (CIWM)	Ms	Barbara	Leach	9 Saxon Court	St Peter's Gardens
Statutory Consultee	CAMRA		Gary	Timmins		
Statutory Consultee	Friends of the Earth		Gerald	Kells	Friends Of The Earth	55 Follyhouse Lane
Statutory Consultee	Campaign to Protect Rural England		Gerald	Kells		
Statutory Consultee	Walsall Disability Forum		Andrew	Malt	Walsall Disability Forum	59a Lichfield Street
Statutory Consultee	Beacon Action Group		Bob	Winkle	Beacon Action Group	165 Coronation Road
Statutory Consultee	The Museums, Libraries and Archives Council		Alan	Blundell		
Statutory Consultee	Black Country Geodiversity Partnership		Alan	Cutler		

Statutory Consultee	British Horse Society (West Midlands Branch)		Andrea	Jackman	West Midlands Development Officer	
Statutory Consultee	Learning Disabilities (Disability Services)		Andy	Rust	Walsall Integrated Learning Disability Service	
Statutory Consultee	Georgian Group		Josephine	Brown		
Statutory Consultee	Waste and Resources Action Programme (WRAP)	Mr	John	Barritt	The Old Academy	21 Horsefair
Statutory Consultee	West Midlands Aggregates Working Party (AWP)	Mrs	Jasbir	Kaur	c/o Warwickshire County Council, Environment & Economy	PO Box 43, Shire Hall
Statutory Consultee	Fields in Trust		Sir/Madam			
Statutory Consultee	Walsall Disability Forum		Sir/Madam		Walsall Disability Forum	59a Lichfield Street
Statutory Consultee	Social Services (Elderly)		Sir/Madam			
Statutory Consultee	Walsall Shop Mobility		Veronica	Sinclair	Walsall Shopmobility	72 Hillary Street
Statutory Consultee	Market Traders Association		Karen	Sands		
Statutory Consultee	Monarchs Way Association		Sir/Madam			
Statutory Consultee	Friends of the Earth		Martin	Normanton		
Statutory Consultee	The Theatres Trust	Ms	Rose	Freeman	The Theatres Trust	22 Charing Cross Road
Statutory Consultee	Walsall Partnership		Joanne	Lowndes	Challenge Building	Hatherton Rd
Statutory Consultee	Ancient Monuments Society		Sir/Madam			
Statutory Consultee	Byway and Bridleways Trust		Sir/Madam			
Statutory Consultee	Wildlife Trust (Birmingham and Black Country)		Neil	Wyatt	Birmingham & Black Country Wildlife Trust	28 Harborne Road
Statutory Consultee	Park Hall Residents Association		Sir/Madam			
Statutory Consultee	Victorian Society		Tim	Bridges	The Victorian Society	1 Priory Gardens
Statutory Consultee	Chamber of Commerce		Sue	Cyster	Chamber of Commerce	Ward Street
Statutory Consultee	Learning Disabilities (Disability Services)		Sir/Madam		Walsall Integrated Learning Disability Service	
Statutory Consultee	Park Hall Residents Association		Sir/Madam			
Statutory Consultee	Walsall Civic Society		Sir/Madam			

Community or Other Organisation	Aaina Asian Women's Group (Walsall)		Sir/Madam		The Womens Centre	Bath Road
Community or Other Organisation	West Midlands RSL Planning Consortium		Rachel	Lim	Tetlow King Planning	Unit 2, Eclipse Office Park
Community or Other Organisation	Clayhanger Methodist Church	Rev.	RJ	Goode	17 Ryders Hayes Lane	Pelsall
Community or Other Organisation	Job Centre Plus. Black Country Regional Office		John	Hammond	1st Floor	Crown House
Community or Other Organisation	Delves Baptist Church	Mr.	Bryan	Harrison	25 Bell Drive	WALSALL
Community or Other Organisation	Trades Union Council (TUC) Walsall	Mrs.	D.	Heath	7 Silvers Close	Pelsall
Community or Other Organisation	CENTRA		Barbara	Hill	118 Meadon Walk	Cradley Heath
Community or Other Organisation	Brownhills & Walsall Wood Local History Society	Mr.	Glyn	Holloway	Lloyd House	36A New Road
Community or Other Organisation	Treasure Not Trash		Beryl	Metcalf	6 Highgate Court	Lysways Street
Community or Other Organisation	Chuckery Local Committee	Mr	Stephen	Joyce	70 Walsingham Street	Chuckery
Community or Other Organisation	Federation of Small Businesses		Carole-Anne	Fishwick	Sir Frank Whittle Way	Blackpool Business Park
Community or Other Organisation	Palfrey Gujarati & Muslim Association	Mr	M	Kasujeed	17 Lord Street	Palfrey
Community or Other Organisation	Willenhall Community Artist		Ira	Lightman		
Community or Other Organisation	International Friendly Organisation		P.	Kharabanda	245 Stafford Street	WALSALL
Community or Other Organisation	BGPW Allotments Local Management Association	Mr.	Les	Lacey	15B Queen Street	Walsall Wood
Community or Other Organisation	Alumwell Community Association		Hazel	Layland	Primley Avenue	WALSALL
Community or Other Organisation	Streetly Focus Team	Mrs.	Jo	Levine	118 Erdington Road, Aldridge	WALSALL
Community or Other Organisation	Walsall Wood Methodist Church		Sir/Madam		Lichfield Road	Walsall Wood
Community or Other Organisation	Forest of Mercia Innovation Centre	Mr.	Graham	Hunt	Chasewater Country Park	Pool Road

Community or Other Organisation	St. Gabriels Parish Church	Rev.	TRH	Coyne	St. Gabriels Vicarage	Walstead Road
Community or Other Organisation	West Midlands Transport Circle		Sir/Madam		36 Ensbury Close	Furlongs
Community or Other Organisation	Aldridge Central Community Association	Mrs.	Jean	Ash	The Robins	21 Leighswood Road
Community or Other Organisation	Shaheed Bhagat Singh Welfare Centre		Sarwan Singh	Bhart	2 Wilkes Street	WILLENHALL
Community or Other Organisation	Brownhills Local Committee	Mr	D O	Birch	Brownhills Activity Centre	Chester Road North
Community or Other Organisation	Manor Farm Community Association		Gary	Bird	Manor Farm Community School	King George Crescent
Community or Other Organisation	Highgate Residents Action Group	Mr	A	Bradley	14 Highgte Road	Highgate
Community or Other Organisation	St Matthews, Birchills & Leamore		Angela	Carr	2nd Floor, Norwich Union House	17 Lichfield Street
Community or Other Organisation	Churches Together in Walsall	Mr	Ray	Good	17 Ryders Hayes Lane	Pelsall
Community or Other Organisation	Bangladeshi Islamic Cultural Association		Ahmed Salim	Choudhury	74 Wednesbury Road	WALSALL
Community or Other Organisation	Walsall Central Townswomen's Guild	Mrs.	J.M.	Fussell	6 Athlone Road	WALSALL
Community or Other Organisation	Walsall Youth Arts	Ms.	Teresa	Culverwell	Prospect House	22-23 Lower Hall Lane
Community or Other Organisation	NACRO		Chris	Dare	1st Floor, Challenge Building	Hatherton Road
Community or Other Organisation	Leighswood North Residents Association		D.W.	Dawkins	24 Tynings Lane	Aldridge
Community or Other Organisation	Guru Nanak Education and Community Service Board	Mr.	J.	Dehal	246 Sandwell Street	WALSALL
Community or Other Organisation	Fordbrook Community Association		Glenys	Fellows	Pelsall Lane	Rushall
Community or Other Organisation	Brownhills Community Association	Ms	Georgina	Fereday	Deakin Avenue	Brownhills
Community or Other Organisation	Jalalabad Housing Association		Jitu	Miah	c/o 43 Bath Road	WALSALL

Community or Other Organisation	Bloxwich Community Partnership	Mr	Dave	Chell	The Old Nursery	Stoney Lane
Community or Other Organisation	Highgate Community Association	Mr.	Pat	Washington	Whitehall Junior School	Delves Road, Highgate
Community or Other Organisation	Beechdale Regeneration Partnership	Rev'd	B.D.	Sims	St Chad's Vicarage	Edison Road
Community or Other Organisation	St Chads Vicarage	Mr	David	Sims	Edison Road	Beechdale
Community or Other Organisation	Willenhall Traders Association and Community Transport		Stanley	Taylor	The Falcon Inn	Gomer St West
Community or Other Organisation	Bangladeshi Welfare Association	Mr.	Jamal	Uddin	55 Bath Road	Caldmore
Community or Other Organisation	Bangladeshi Workers Association	Mr.	Anwar	Ullah	35 Wednesbury Road	
Community or Other Organisation	Fallings Heath Local Committee		Rashid	Varachhia	1 Titley Street	Darlaston
Community or Other Organisation	Pleck Sikh Community Association		Amrik Singh	Malri	18 Highgate Road	WALSALL
Community or Other Organisation	Walsall & Aldridge Green Party	Mr	Rob	Walter	23 Willows Road	WALSALL
Community or Other Organisation	Pelsall Villa Football Club	Mr.	Roger	Sault	1 Victor Street	Pelsall
Community or Other Organisation	Walsall CAMRA	Mr.	Keith	Watkins	9 Sandymount Road	WALSALL
Community or Other Organisation	Walsall Community Empowerment Network	Mr	Ian	Willets	Jerome Chambers	16a Bridge Street
Community or Other Organisation	Aldridge Local History Society	Mr.	Andrew	Wood	45 Erdington Road	Aldridge
Community or Other Organisation	Anjuman e Ishaat e Islam		Sir/Madam		102 Wednesbury Road	WALSALL
Community or Other Organisation	Safer Walsall Borough Partnership		Sir/Madam		191a Broadway	Delves
Community or Other Organisation	Union of Muslim Organisations		Sir/Madam		197 Walsall Road	Darlaston
Community or Other Organisation	Oldbury Fire Safety Centre				Planning Department	Old Park Lane
Community or Other Organisation	Hindu Forum		Manu	Vyas	69 Ford Street	Pleck

Community or Other Organisation	Masjid Committee Chuckery		A.	Razaq	75 Florence Street	WALSALL
Community or Other Organisation	Breathing Space	Mr.	Tony	Morgan	Central Hall	Ablewell Street
Community or Other Organisation	Chasewater Action Group	Mr. & Mrs.		Onions	3 Wyley Close	Brownhills
Community or Other Organisation	National Market Traders Federation		John	Paggett	382 Bloxwich Road	Leamore
Community or Other Organisation	Pool Hayes Community Association	Mr.	J.	Parkes	Pool Hayes Community Centre	Castle Drive
Community or Other Organisation	Park Hall Community Association	Ms.	Leslie	Partridge	Park Hall Junior School	Park Hall Road
Community or Other Organisation	Shree Ram Mandir Walsall Youth Society		Bhavensh	Patel	33 Martingdale Close	Silverdale Park
Community or Other Organisation	Masjid Al Farouq - Anjumane Ishaate Islam	Mr		Ismail	Milton Street	Palfrey
Community or Other Organisation	Aldridge Brownhills Conservative Assoc. Headquarters		Richard	Shepherd	c/o Mrs M. A. Salt (Agent)	82 Walsall Road, Aldridge
Community or Other Organisation	Islamic Society of Britain	Mr.	H.	Ravat	PO Box 1206	WALSALL
Community or Other Organisation	c/o Willenhall Housing Trust	Mr	Ian	Saville	Beechwood House	22 New Road
Community or Other Organisation	Delves Community Association	Mr.	John	Rennie	Joseph Leckie Community School	Walstead Road West
Community or Other Organisation	FFT Planning, Friends, Families and Travellers and Traveller Law Reform Project		Steve	Staines	Community Base	113 Queens Road
Community or Other Organisation	Pelsall Community Association	Mrs.	C.	Rhydderch	Pelsall Community Centre	Station Road
Community or Other Organisation	Rushall Local Committee	Ms	Ann	Rice	62 Winterley Lane	WALSALL
Community or Other Organisation	Ryecroft Local Committee	Cllr	Ian	Robinson	87 Belvidere Road	WALSALL
Community or Other Organisation	Walsall and Wolverhampton Transport Users Advisory Committee		K H	Russell	38 Somerset Road	WALSALL

Community or Other Organisation	Indian Muslim Forum		Musaji	Kasujee	127 Lord Street	WALSALL
Community or Other Organisation	Mosque & Islamic Centre		Saeed ur	Rahman	4 Rutter Street	Caldmore
Community or Other Organisation			Sir/Madam		Birchills CE JMI School	Farringdon Street
Community or Other Organisation	Community		Susan	Peters		
Community or Other Organisation	Black Country African Refugee Support Group		Sophie	Katsuva	42 Upper Rushell Street	Walsall
Community or Other Organisation	Walsall Neighbourhood Watch		Sir/Madam		Walsall Police Station	Green Lane
Community or Other Organisation	Chief Engineers & Planning Officers Group (CEPOG)		Andrew	Donnelly		
Community or Other Organisation	HCA		Tara	Willey		
Community or Other Organisation	Walsall Fire Station		Nigel	Walker		
Community or Other Organisation	Bangladeshi Islamic Jain E Masjid Society		Sir/Madam		224 Walsall Road	Darlaston
Community or Other Organisation	Willenhall Community Youth Foundation		Jan	Morgan	Willenhall Community Youth Foundation	19 Gomer St.
Community or Other Organisation	E2E Learners		Sir/Madam		11A George St	Snow Hill
Community or Other Organisation			Sir/Madam		Hatherton United Reformed Church	Hatherton Road
Community or Other Organisation	ACSERG		Sir/Madam		2nd Floor, Holden House	37-38 Digbeth
Community or Other Organisation	African & Caribbean Social & Economic Regeneration Group		Sir/Madam		5 Lower Hall Lane	WALSALL
Community or Other Organisation	African- Caribbean Community Association		Sir/Madam		36 Wolverhampton Road	WALSALL
Community or Other Organisation	Age Concern		Sir/Madam		50 Lower Hall Lane	WALSALL
Community or Other Organisation	Albion Community Association		Sir/Madam		Albion Road Junior School	Albion Road

Community or Other Organisation	Community		Christine	Ankers		
Community or Other Organisation	Bridging the Gap		Mike	Batchelor		
Community or Other Organisation	Community		Dennis	Pearson		
Community or Other Organisation	Arts Consultant		Emma	Larkinson		
Community or Other Organisation	Chief Engineers & Planning Officers Group (CEPOG)		George	Parsons		
Community or Other Organisation	Walsall Society for the Blind		Amanda	Humphreys		
Community or Other Organisation	Hattley Heath Initiative		Susan	Fallon	66 Clarkes Lane	
Community or Other Organisation	WECIC		Tony	Kemshall		
Community or Other Organisation	Represents Housing Tenants		Sir/Madam			
Community or Other Organisation	Walsall Wood Development Foundation	Mrs	V	Upton	5 Kendal Court	Camden Street
Community or Other Organisation	Pool Hayes Youth Club		Wayne	Palmer		
Community or Other Organisation	Motor Vehicle Dismantler Association		D.	Wemyss	33 Market Street	Lichfield
Community or Other Organisation	Walsall Deaf People's Centre		Ken	Whittingham	59a Lichfield Street	WALSALL
Community or Other Organisation	Distinctly Black Country (c/o Wolverhampton Arts and Heritage Service)	Mr	Paul	Quigley	Civic Centre	St. Peter's Square
Community or Other Organisation	PRG		Rupy	Pandaal		
Community or Other Organisation	PRG		Bob	Williams		
Community or Other Organisation	Walsall Arthritis Care		Sheila	Withers	34 Exeter Place	WALSALL
Community or Other Organisation	Bridging the Gap		Sir/Madam			

Community or Other Organisation	Atlas Project (c/o Black Country Consortium)	Ms	Laura	Shoaf	The Deckhouse, Waterfront West	Dudley Road
Community or Other Organisation	Bangladeshi Islamic Society		Sir/Madam		48 Cook Street	Darlaston
Community or Other Organisation	Multi Faith Forum		Sir/Madam		Church Links	42 Upper Rushall Street
Community or Other Organisation	Muslim Information Centre		Sir/Madam		R/O 62/64 Wednesbury Road	WALSALL
Community or Other Organisation	Muslim Youth Association		Sir/Madam		43 Scarborough Road	Pleck
Community or Other Organisation	Pleck Sikh Community Association		Sir/Madam		127 West Bromwich Street	Caldmore
Community or Other Organisation	Pleck Bangladeshi Community Assoc.		Sir/Madam		13 Bescot Road	Pleck
Community or Other Organisation	Palfrey Gujarati Muslim Community Assoc.		Sir/Madam		Palfrey Community Centre	17 Earl Street
Community or Other Organisation	Shree Mandir		Sir/Madam		101 Broadway West	WALSALL
Community or Other Organisation	Muslim Education/ Cultural Trust		Sir/Madam		51 Cobden Street	Darlaston
Community or Other Organisation	Union of Bangladeshi Associations		Sir/Madam		50 Hart Street	Caldmore
Community or Other Organisation	Pakistan Muslim Welfare Association		Sir/Madam		4 Raleigh Street	WALSALL
Community or Other Organisation	Bangladeshi Progressive Society	Mr.	Tarab	Ali	291 Wednesbury Road	Pleck
Community or Other Organisation	Indian Metro Muslim Youth Organisation		Sir/Madam		5 Rectory Avenue	DARLASTON
Community or Other Organisation	New Deal for Communities		Sir/Madam		Blakenall Information Centre	Blakenhall Heath
Community or Other Organisation	Indian Workers Association		Sir/Madam		2 Wilkes Street	WILLENHALL
Community or Other Organisation	Mandir Baba Balak Nath		Sir/Madam		96a Caldmore Road	WALSALL
Community or Other Organisation	Masjid E Umar		Sir/Madam		Bills Street	Darlaston
Community or Other Organisation	Pakistan Muslim Welfare Association		Sir/Madam		62 Dalkeith Street	Birchills

Community or Other Organisation	Walsall Hindu Forum		Sir/Madam		Manu Vyas	42 Burnside Gardens
Community or Other Organisation	Bangladeshi Youth Organisation		Sir/Madam		50 Hart Street	Caldmore
Community or Other Organisation	Beechdale Community Housing Association		Sir/Madam		Stephenson Square	WALSALL
Community or Other Organisation	Black Sisters		Sir/Madam		Meyfield Community Centre	17-19 Wednesbury Road
Community or Other Organisation	Butts Muslim Society		Sir/Madam		22 Cannon Street	WALSALL
Community or Other Organisation	Clayhanger Community Centre		Sir/Madam		Bridge Street	Clayhanger
Community or Other Organisation	Guru Nanak Sikh Temple		Sir/Madam		127 West Bromwich Street	Caldmore
Community or Other Organisation	Muslim Welfare Society		Sir/Madam		38 Hill Street	Darlaston
Community or Other Organisation	Guru Nanak Sikh Temple		Sir/Madam		65-67 Walsall Road	WILLENHALL
Community or Other Organisation	Service Users Council		Sir/Madam		Unit 1	Talisman House
Community or Other Organisation	Guru Ravi Dass Temple		Sir/Madam		Pinfold Street	DARLASTON
Community or Other Organisation	Guru Ravi Dass Temple		Sir/Madam		186 Stafford Street	WALSALL
Community or Other Organisation	Guru Ravi Dass Welfare Association		Sir/Madam		421 Darlaston Road	Pleck
Community or Other Organisation	Hindu Samaj Mandir		Sir/Madam		154 Wednesbury Road	WALSALL
Community or Other Organisation	Holy Trinity C of E School		Sir/Madam		Church Street	Clayhanger
Community or Other Organisation	Walsall Disability Forum		Sir/Madam		Unit 1	Talisman House
Community or Other Organisation	Walsall Confederation of Community Organisations		Sir/Madam		C/O Forest C.A.	Hawbush Road
Community or Other Organisation	Guru Nanak Sikh Temple		Sir/Madam		Wellington Street	Pleck

iii) LDO Consultees further to Article 34 of the Regulation

To be confirmed with officers