

Cabinet – 16 September 2009

West Midlands Regional Spatial Strategy Phase 3 Revision: Consultation on Options

Portfolio: Councillor Andrew, Deputy Leader and Regeneration

Service: Strategic Regeneration

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary of report

- 1.1 This report seeks endorsement of an officers' response to the West Midlands Regional Assembly's Options Consultation for the Phase 3 Revision of the Regional Spatial Strategy (RSS 3). The consultation is to a tight timescale, so the overall process might be completed before the Regional Assembly is proposed to be replaced. It was not possible to take a report to Cabinet in time to meet the deadline for response (14 August), therefore an officers' response has been submitted on behalf of the Council, with the agreement of the portfolio holder and subject to the decision of this Cabinet. A copy of this is attached as an **Appendix A** to this report.
- 1.2 As Members will be aware, the RSS is now part of the Council's Development Plan, and has to be taken into account when the Council determines planning applications. The options under consideration form part of a phased review of the RSS.
- 1.3 The Phase 1 Revision (The Black Country) has already been completed and is incorporated into the current RSS. The outcome of the Phase 2 Revision (covering sustainable development, urban renaissance, housing, the economy, transport, waste and town centres) is expected in the next few months, following the Examination in Public which concluded in June.
- 1.4 This report concerns the final part of the review, the Phase 3 Revision, which covers the following issues:
 - 1.4.1 **Rural Renaissance - Critical Rural Services:** identification, safeguarding and enhancement of identified services.
 - 1.4.2 **Communities for the Future – Sites for Gypsies, Travellers and Travelling Showpeople:** increasing significantly the number of sites, including setting the numbers to be developed in each local authority area (the actual locations of sites will be identified in site allocation documents to be prepared by the

individual authorities at a later stage). This is intended to address the longstanding issue of unauthorised encampments and unauthorised sites developed by gypsy and travellers on their own land.

- 1.4.3 **Culture, Sport and Tourism:** updating existing policies - portfolio of regional assets, and identifying and addressing “strategic gaps.”
- 1.4.4 **Quality of the Environment:** updating of policies on biodiversity, landscape, heritage, renewable energy, uses permitted in the Green Belt.
- 1.4.5 **Minerals:** revised sand and gravel apportionments, new policies on mineral safeguarding and brick clay.
- 1.5 In July 2008 the Council contributed to a response to a preliminary response by the West Midlands Planning and Transportation Sub-Committee to a consultation by the Regional Assembly on the issues to be addressed through the proposed revision. The Council response proposed now builds on that response and is broadly consistent with a response considered by the Planning and Transportation Sub-Committee on 31 July 2009.

2. Recommendations

- 2.1 That the proposed response made by officers, summarised in this report and set out in detail in the Appendix be approved as the Council’s response to this consultation.
- 2.2 That officers are authorised to continue to work with other authorities and the Regional Assembly to address the specific issues raised by the RSS 3 Revision and the further work commissioned by the Government.
- 2.3 That [delegation be given to the Executive Director Regeneration in consultation with the Portfolio holder for Regeneration to authorise \(a\) any further technical work that would incur expenditure by the Authority and \(b\) the approval of any](#) formal representations on behalf of the Council as considered necessary

3. Background information

- 3.1 This report needs to go to Cabinet because it deals with statutory consultation undertaken by the Regional Assembly in accordance with Section 4(4) of the Planning and Compulsory Purchase Act 2004. The response will represent the public position of the Council.
- 3.2 The main issues of concern to Walsall Council in the Phase 3 Revision are as follows. **Critical Rural Services**

- 3.3 The main issue to consider is which key rural services should be protected, safeguarded or enhanced through the RSS, to ensure that rural communities remain sustainable in the long term. The options are based on three alternative approaches, as follows:
- 3.3.1 **Option 1 – Sustainable – Climate Change Driven** – concentrating services in the larger towns, maximising use of ICT and mobile facilities, allowing more housing and employment growth in the towns, and improving public transport between the towns and rural areas.
- 3.3.2 **Option 2 – Community Based** – allowing local people to identify service needs, scale and locations through Parish Plans, Community Strategies, Local Transport Plans and Local Development Frameworks.
- 3.3.3 **Option 3 – Status Quo** – no change to current RSS policy, which is very general about service location.
- 3.4 Whilst it is appropriate to seek to safeguard and improve rural services in principle, it is also important that services and developments only meet local needs and are proportionate to those needs otherwise the process of decentralisation from major urban areas such as Walsall could be encouraged to continue. The Council has therefore not supported any of the suggested options in its entirety, and has suggested an option somewhere between Option 1 and Option 2.

Sites for Gypsies, Travellers and Travelling Showpeople

- 3.5 The total number of sites to be provided in the region as a whole has been determined through the various sub-regional Gypsy and Traveller Accommodation Needs Assessments (GTAA), although the consultation asks if consultees consider this number is correct. These numbers were endorsed by Cabinet on 17 September 2008 as the Council's Section 4(4) response. The options proposed in the RSS 3 consultation relate to how these sites are to be distributed around the region.
- 3.6 There are three types of site: permanent residential pitches for gypsies and travellers (a pitch is a family unit so can consist of more than one caravan – the typical number is two), transit pitches for gypsies and travellers (these are to address short-term needs), and plots for travelling showpeople (a plot will include space for family accommodation as well as equipment storage and testing). Although RSS 3 as a whole is to address the period 2006 to 2026, the proposals for gypsies and travellers are only intended to address needs over the period 2007-2017, whilst the proposals for travelling showpeople are only intended to address need over the period 2007-2012. These shorter periods are the result of the difficulty in assessing accommodation needs and predicting likely requirements over the longer term.
- 3.7 The options are as follows.
- 3.7.1 **Gypsy & Traveller Residential Pitches** – three options are proposed, which would require between 31 and 39 pitches within Walsall between 2007 and 2017. Option 1 (39 pitches) reflects the identified need in the Black Country

GTAA. However, Option 2 (31 pitches) takes account of the constraints that apply to the Black Country authorities, for example Green Belt and built-up areas, by redistributing some of this provision towards other areas that have fewer constraints. Option 2 is therefore the recommended option.

3.7.2 ***Gypsy & Traveller Transit Pitches*** – no options are proposed, because of the low overall numbers. The Black Country GTAA identifies a need of between 10 and 12 pitches for the Black Country as a whole. The RSS 3 consultation divides this number to propose 3 transit pitches to be provided in Walsall. The representation submitted on behalf of the Council has supported this number. It notes, however, that further work is needed on the definition of transit pitches in terms of their relationship with main / permanent pitches (and use for family visits) and to avoid them becoming part of permanent provision (by considering the maximum length of stay such pitches are to accommodate).

3.7.3 ***Travelling Showpeople Plots*** – there are two options, which would require either 42 or 63 plots across the West Midlands Metropolitan area between 2007 and 2012. The latter option (Option 1) is based on meeting needs where they arise and reflects the findings of the Black Country GTAA. This is therefore the Council's preferred Option.

3.7.4 RSS 3 does not break down showpeople plots to district level. The Black Country GTAA identifies a need for 35 plots in Walsall with a total of 56 plots for the Black Country as a whole. A breakdown to district level, corresponding to what has been done for gypsies and travellers, would also allow for the numbers to be used as the basis for future development plan documents, and would reflect the strong local connections of many showpeople, particularly in Walsall.

3.7.5 The RSS Phase 3 revision covers the period from the start date of 2007 so any permission for show people or gypsy sites granted since then can be subtracted from the number of sites we'll need to find in the future. The permission granted on appeal last year for Cartbridge Lane (albeit this is only for a temporary period) can therefore also be included in this (although provision will need to be found either on this site or elsewhere when the permission expires).

3.7.6 However, the Black Country Accommodation Needs Assessment, from which the RSS figures are derived, calculates the need as at 2008 rather than 2007. We've therefore argued in the questionnaire that is attached to the cabinet report that provision for gypsies and travellers should be reduced pro-rata to reflect the shorter time period (on the basis that some of the need has been derived from factors such as an estimate of likely mortality and household formations which occur on a constant annual rate rather than being unmet existing need). If this argument (which has been agreed by officers from the Black Country authorities) is accepted at the EIP, we would therefore only need to provide 9/10th of the stated numbers.

3.7.7 The requirements for showpeople are only based on the period to 2012 rather than 2017 and there is no proposal for a pro rata reduction in numbers. This because the evidence base is somewhat limited, the total number of travelling showpeople is low and no-one knows what will happen to the "market" for

travelling shows in the long term (showpeople are a professional rather than an ethnic group so they could choose to leave this profession).

Culture, Sport and Tourism

- 3.7.8 This section of the RSS Phase 3 Revision seeks to update Policy PA10 Tourism and Culture, which identifies a portfolio of tourism and cultural assets and promotes their enhancement and the development of new facilities.
- 3.7.9 ***Removal of the Culture, Sport and Tourism Assets Portfolio*** - the Council supports 'Option 1: Remove the Portfolio'. The Council does not support the inclusion of the Portfolio in its current form instead a more generic list of assets would be supported perhaps as illustrative supporting text. A detailed list of assets would quickly become out-of-date and be very difficult to agree with all stakeholders.
- 3.7.10 ***Protecting existing strategic cultural assets*** - the Council supports the need for Policy PA10A to "protect", as well as improve existing strategic cultural assets from development. This is because important cultural facilities and sports stadiums should be protected unless they are to be replaced. This should be through a policy to ensure this will be done through the development plans and require the consideration of a number of important issues including accessibility and social inclusion.
- 3.7.11 ***Addressing Gaps in assets provision*** – the Council supports 'Option 3: Develop a new policy in addition to PA10 B & C', however this new policy should replace Policy PA10 parts B and C and should not be in addition to them. The new policy should consider not just economic factors but also the social impact and the importance of quality of life. The inclusion of locational criteria should support the regeneration strategy of the RSS, maximise accessibility and where appropriate complement the strategy to support the region's centres.
- 3.7.12 ***Identifying Strategic Gaps in assets provision*** – the Council does not agree with the strategic gaps identified in the Burns Owens Partnership (BOP) report. The Council has expressed concerns about a number of shortcomings in this report and the unreliability of this report opens the way for debate or arguments about the importance of a particular asset and the overall approach. The Council believes strategic gaps may simply reflect a lack of demand / viability but if such gaps are to be filled locational factors, such as accessibility and the deliverability of the development need to be considered.
- 3.7.13 ***Poor quality and access issues*** – the Council believes the RSS Phase 3 Revision could help to address poor quality and access issues in relation to culture, sport and tourism assets provided the 'Option 3: Develop a new policy in addition to PA10 B & C' (see above) is developed specifically to include this. The Council believes the region's centres should be the preferred location for footloose attractions that would attract large numbers of people.

Quality of the Environment (QE)

- 3.8 This section of the RSS contains a large number of policies (QE1 – QE9 in addition to policies EN1 and EN2 on renewable energy) with various options for any one particular policy.
- 3.9 The main issues for consideration by the Council are summarised below:
- 3.9.1 **Overarching guidance for environmental improvement** – the RSS puts forward three options for the general direction that the QE policies should take. The Council supports ‘Option 3: Spatial Strategy Led’ which would seek to address areas of poor environmental quality in and around the major urban areas and regeneration zones as a priority. This is the most logical option for following the WMRSS overall strategy and delivering the key principle of achieving an urban renaissance.
- 3.9.2 **Restoring degraded areas / brownfield land** – for this policy the Council supports a ‘competitiveness led’ (Option 3) approach to the restoration of brownfield land and the creation of high quality environments in heavily urbanised areas. Again this option is the best fit with the overall strategy and the principle of urban renaissance to bring forward land for regeneration in the major urban areas.
- 3.9.3 **Green space, landscape and the historic environment** – the Council agrees with the majority of elements proposed to be included in policies relating to green infrastructure, protection and enhancement of the historic environment and conservation and enhancement of the region’s landscape. Concerns have been raised however that certain implementation / analysis tools, for example Landscape Character Assessments, should be implemented where appropriate rather than being an enforced requirement, as this could place an overly onerous burden on local authorities in terms of resource implications.
- 3.9.4 **Biodiversity** – under the Natural Environment and Rural Communities Act (2006) the council has a responsibility to conserve biodiversity, known as the ‘biodiversity duty’. The Council supports the targets for improving priority habitats but acknowledges the potential for conflict where biodiversity habitats are situated on brownfield land needed for regeneration proposals, i.e. a conflict between policies QE2 and QE7. It has therefore been suggested that this conflict should not be precluded from being addressed through local authorities’ individual LDFs.
- 3.9.5 **Flood risk** – the main concern for the Council relating to this policy is an option to require the retrofitting of all existing properties with sustainable urban drainage systems (SUDs). In addition, this policy suggests infrastructure supporting new development should avoid all areas of flood risk, which does not conform to national (planning policy statement) guidance. This would significantly limit land availability for new development and associated essential infrastructure.
- 3.9.6 **Renewable Energy** – the Council supports the need for regional policy on renewable energy providing that any such policies include crucial caveats concerning site viability. It is also suggested that sub-regional targets on the generation of renewable energy should be set to take account of the inherent

constraints in an area such as the Black Country, and the resulting challenges in delivering large-scale renewable energy schemes.

- 3.9.7 **Green Belt** – the Council does not believe that a regionally specific green belt policy is necessary within the RSS and that the application of national and local policy is sufficient to protect the existing green belt boundaries within the borough and enable positive uses that are already permitted within the green belt.

Minerals

- 3.10 The main options relate to the approach towards safeguarding in urban and rural areas, proposals to revise the production targets (apportionments) and sub-regional monitoring areas for sand and gravel, and the extent to which authorities can provide a continuing supply of clay to brickworks.
- 3.11 Future mineral supply is of concern to the Council because the Borough has five operational quarries, three producing clay and two producing sand and gravel. In some cases, permitted reserves (resources allowed to be extracted under mineral planning permissions) are running low. This is likely to lead to pressure for further quarrying in the future.
- 3.12 Requirements for sand and gravel and brick clay are set at a national and regional level, and the Council must have regard to these requirements when planning for future mineral supplies. As Walsall has viable mineral resources, it will be expected to contribute a fair “share” towards regional requirements, through the provision made in the Black Country Core Strategy.
- 3.13 However, the need for mineral extraction also needs to be balanced against the environmental impact of quarrying, which could have detrimental impacts on the landscape and on sites of importance for nature conservation, as well as the quality of life for residents living in the areas where quarrying takes place.
- 3.14 Minerals can only be worked they are naturally found, which means that quarries tend to cluster in particular areas where good quality resources exist. The negative impacts of quarrying (mainly heavy goods vehicle movements) are therefore also concentrated in the same areas. At present, quarrying and related activities are concentrated in the following parts of the Borough:
- Stubbers Green (clay)
 - Aldridge/ Shire Oak (sand and gravel)
- 3.15 The minerals and mineral products produced in Walsall are transported almost exclusively by road, as there is little scope to move them by alternative means such as rail. The transport of these materials is believed to have contributed towards capacity problems on parts of the highway network. Particular concerns have recently been raised by the Aldridge and Brownhills North CAG and local Ward Members about the effects of quarrying on the Shire Oak area.
- 3.16 The Council has responded to the RSS consultation as follows.

- 3.16.1 **Mineral safeguarding** – the Options propose that the RSS should safeguard key minerals of regional importance only (aggregates, brick clay and building stone), and the Council has supported this. The Council's response highlights the difficulties of defining mineral safeguarding areas (MSAs) and applying safeguarding policies in geologically complex urban areas such as the Black Country. It is therefore suggested that policies requiring extraction of minerals in advance of non-mineral developments ("prior extraction") should apply only to very large development proposals. If it is applied too rigidly, such a requirement could undermine urban regeneration objectives, and the evidence suggests that "prior extraction" is only feasible in a limited number of cases.
- 3.16.2 **Sand and gravel apportionments** – Walsall currently contributes around 10% of the West Midlands County sand and gravel apportionment and the remaining 90% is met by Solihull. The RSS Options propose to increase the apportionment slightly from 0.506 million tonnes per annum to 0.550 million tonnes per annum. The evidence currently available suggests that Walsall could only make a relatively small contribution towards the West Midlands County apportionment, and is unlikely to be able to increase production above current rates. The Council has commented that apportionments should be realistic and reflect the constraints to quarrying in particular areas and the likelihood of suitable new proposals coming forward.
- 3.16.3 **Brick clay supplies** – Walsall currently has three operational brickworks and three clay pits producing Etruria Marl, one of which is nearing the end of its life. There are ongoing discussions between Council officers and brick manufacturers on how supplies to works could be sustained in the future. The RSS Options suggest three possible approaches towards brick clay supply. The Council favours an option which links supply to individual brickworks as this best reflects the national policy requirement. The Council response also acknowledges that as manufacturers use more than one type of clay, there will be a continuing need for import of material from elsewhere. The Council has also supported stockpiling of clays where feasible and where this would not have unacceptable visual and other impacts.

4. Resource considerations

- 4.1 **Financial:** No direct implications at present. Providing authorised sites for gypsies and travellers would reduce the cost of taking enforcement action against unauthorised encampments and sites. The cost of developing and running new sites should be funded by gypsies and travellers (through rents) or showpeople themselves, or through grant aid from central government.
- However, when a definite commitment is made towards provision for a particular amount of provision (likely to be at the 'Preferred Options' stage of the process, in the Spring of 2010) it will be necessary to undertake a financial appraisal to confirm the extent to which this would indeed be the case.
- 4.2 **Legal:** The RSS is now part of the development plan for the Borough under the Planning and Compulsory Purchase Act 2004, and therefore has to be taken into account in determining planning applications where relevant.

- 4.3 **Staffing:** The RSS Phase 1 and Phase 2 Revisions have already taken up a significant amount of staff time, and so has the preparation of this report and the Annexes. It is envisaged that subsequent stages of the Phase 3 Revision will require further staff resources, for example, in compiling further responses on behalf of the Council, liaison with neighbouring authorities and other stakeholders, participation in the Examination and monitoring (see also 8.2 below).

5. Citizen impact

- 5.1 The RSS Revision will influence planning decisions about sites for gypsies, travellers and travelling showpeople, proposals for leisure, sport and recreation, proposals affecting important environmental assets, and proposals for mineral extraction.
- 5.2 Overall, the Phase 3 Revision should have a positive effect on people in Walsall as it should clarify the requirements for gypsies and travellers, major sport and recreation facilities and mineral extraction. It will also include policies aimed at improving and enhancing the quality of the environment. However, environmental quality can only be achieved if the RSS also addresses the potential negative impacts of development (including mineral working).
- 5.3 If the RSS does not achieve this balance, there is a risk of undermining the RSS Phase 1 objective of positive transformation of the Black Country environment. As a consequence, the area may become less attractive for investment, potentially jeopardising other Phase 1 objectives such as reducing out-migration and improving income levels. This would be detrimental to the Borough and its citizens.

6. Community safety

There are no direct implications for community safety.

7. Environmental impact

- 7.1 The RSS Revisions have incorporated the principles of sustainable development, and have been subject to sustainability appraisal. The Phase 1 and Phase 2 Revisions included policies on sustainable development which have addressed some environmental issues such as climate change, sustainable communities, sustainable design and construction and improving air quality for sensitive ecosystems.
- 7.2 The Phase 3 Revision includes policies more directly relevant to the quality of the environment, covering the following subjects:
- Restoration of derelict land
 - Urban greenspace and public spaces
 - The historic environment

- Landscape
- Biodiversity and geodiversity
- Forestry and woodlands
- Agricultural land
- The water environment
- Air quality
- Management of environmental resources
- Flood risk
- Energy
- Green Belt.

8. Performance and risk management issues

- 8.1 **Risk:** There is a risk that the RSS Phase 3 Revision will include policies that may not be in the long term interests of Walsall. It is important therefore that the Council continues to take a full role in the formulation of the RSS Revision in order to minimise this risk as far as possible.
- 8.2 **Performance Management:** No issues identified at this stage. However, when the RSS Revisions are approved, performance against the requirements of RSS policies will be monitored through Annual Monitoring Reports. The Council already contributes towards regional monitoring by providing information on development proposals and completions. The Phase 3 Revision may generate a need for additional data collection, which will have implications for staff resources.

9. Equality implications

The proposed strategy, and the interactions between its elements and with other parts of the RSS and with other policies, will have a range of impacts on different people and groups within the borough. The impacts of provision for gypsies and travellers (in terms of residential pitches and transit pitches) are obvious examples. At this stage, the report is concerned with making observations on elements of the strategy and the full range of potential implications are to be examined through a continuing process of sustainability appraisal commissioned by the regional assembly and which includes assessment of equality impacts.

10. Consultation

- 10.1 The RSS Phase 3 Revision Project Plan includes a Statement of Public Participation setting out how the Regional Assembly will involve partners and the local community, how it will distribute information and how comments will be dealt with.
- 10.2 The current consultation sets out the options for each of the policy areas to be included in the Phase 3 Revision and the Council is among the wide range of parties invited to comment on these options.

- 10.3 Officers from this council and from Birmingham, Dudley, Sandwell and Wolverhampton councils as well as from the Black Country Consortium helped West Midlands Regional Assembly to hold a consultation event at the Black Country Museum on 27 July.

Background Papers

West Midlands Regional Spatial Strategy Phase Three Revision Options Consultation (July 2009), West Midlands Regional Assembly

The Black Country Gypsy and Traveller Accommodation Needs Assessment: Final Report – July 2008

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Tim Johnson
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8 September 2009



Councillor Adrian Andrew
Deputy Leader
Portfolio Holder – Regeneration

8 September 2009

West Midlands Regional Spatial Strategy Phase Three Revision Options Consultation 29th June 2009 – 14th August 2009

Consultation Questionnaire To be completed and returned by 14th August 2009

This questionnaire is divided up into five sections each one refers to a chapter in the main Options Consultation document.

| | |
|--|---------------------|
| Critical Rural Services | Pages 3 - 4 |
| Gypsies, Travellers and Travelling Showpeople | Page 5 - 7 |
| Culture Sport and Tourism | Page 8 - 10 |
| Quality of the Environment | Page 11 - 20 |
| Minerals | Page 21 - 36 |

Within each section there are a series of questions, each one has a unique reference (e.g. CRC1 for critical rural services). If you need more space to respond to any of the questions please attach extra sheets and refer to the question reference number.

You do not need to complete all of the sections in the questionnaire. It is acceptable to focus on the issues and topics that are most relevant to you/your organisation.

Please ensure that your details are included with your response by completing the 'Your Details' box below.

Your Details

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WMRSS Phase 3 Revision: Options **APPENDIX A**
Consultation Questionnaire - Response on behalf of Walsall Council

The questionnaire can also be completed online. Visit the homepage of the Assembly's website at www.wmra.gov.uk for more details.

**To be completed and returned
by 14th August 2009**

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Please note that the West Midlands Regional Assembly has a strict policy for dealing with any offensive comments/representations. If we feel that any submission received is offensive, we will, in the first instance, contact the author and request that the comments are re-phrased before being re-submitted. If the material submitted continues to be offensive then it may be forwarded to the relevant authorities.

Critical Rural Services

Question CRC1: Studies have shown that it is very difficult to define rural services as “important” or “critical”, and that pursuing these definitions is unlikely to be of much value. Do you agree with this view?

Please tick one box ☐ Yes ☐ No

If no, please provide reasons and a list of those rural services that you consider to be “critical”.

The detailed questions raised in the consultation will be of greater interest to the Shire authorities. However, on behalf of Walsall Council, we have raised some general points:

In view of the issues in some rural areas, especially those that are remote from major urban areas or strong service centres, it is right in principle to seek to safeguard and where possible and appropriate, improve rural services. However, it will be important to ensure that services and developments are to meet local needs and are proportionate to those needs. This will be especially important in areas that are close to the Major Urban Areas (MUA). Otherwise, the process of decentralisation from the MUA could be encouraged to continue, undermining the Urban Renaissance strategy of the RSS.

Question CRC2: The SQW Report identified significant service deprivation issues for people in “accessible rural” areas whose access to transport is limited (see page 21). Do you think more attention should be given to meeting the service needs of this group?

Please tick one box ☐ Yes ☐ No

If yes, please provide reasons (and where possible, evidence) for your answer.

Question CRC3: Arguments have been put forward that new development should be allowed in settlements lacking a service base in order to reverse a cycle of decline in such places. (“Planning for Sustainable Communities” – CRC; “A Living and Working Countryside” – Taylor Review). Do you agree with this view?

Please tick one box ☐ Yes ☐ No

If yes, please provide your reasons and any relevant evidence, including identified locations, and suggestions.

Question CRC4: Three policy Options for rural service developments are suggested (see pages 22-23). Please state if you have a preferred Option, and the reasons for your preference.

Please tick one box ☐ Option 1: Sustainable – Climate Change Driven
 ☐ Option 2: Community Based
 ☐ Option 3: Status Quo

Please provide reasons for your preference

Question CRC5: For your preferred Option above please suggest how the Option might be delivered at the regional level, taking into account the relevant key issues and implications in the Critical Rural Services chapter.

Gypsies, Travellers and Travelling Showpeople

Gypsies and Travellers

Question GTQ1: Do you agree with the total residential pitch requirements (939 pitches), as identified by the sub-regional Gypsy and Traveller Accommodation Assessments?

Please tick one box ☒ Yes ☐ No

If no, please provide reasons (and where possible, evidence) for your answer.

Question GTQ2: Do you think the three Options on page 35 for the provision of residential Gypsy and Traveller pitches provide a good range of solutions?

Please tick one box ☒ Yes ☐ No

If no, do you think there is another Option which could be explored? Please provide reasons (and where possible, evidence) for your answer.

Question GTQ3: Which of the three Options on page 35 for the provision of residential Gypsy and Traveller pitches do you prefer and why?

Please tick one box ☐ Option 1 ☒ Option 2 ☐ Option 3

Please provide reasons for your preference.

Option 1 accords with the identified need in the Black Country GTAA. Even this option, which requires the highest number of pitches to be identified, does not provide flexibility to cover the possibility that some pitches that are eventually allocated through the local development framework process might not be delivered. There are numerous constraints in the Black Country, including areas of Green Belt, flood risk and the general constraints of the built-up area, which mean that a high numbers of pitches, although necessary, will be challenging to achieve. Option 2, which takes account of these constraints, is therefore the preferred option.

Because of the different timescales for the GTAA and RSS 3, there is a case for adjusting the numbers on a pro-rata basis to take account of those elements of need (such as mortality and new family formations) that have a fixed annual rate. Other elements that contribute to this need (such as existing overcrowding or pitches on unauthorised developments) will not alter if the time period is reduced unless, for example, new pitches are provided.

Question GTQ4: You may wish to consider the need for residential pitch requirements in specific parts of the West Midlands Region (for example in a particular city/sub-region/county. Please state where and provide any comments on this specific area and explain your reasons.

No comments on this issue

Question GTQ5: Do you think the numbers allocated in Table 2 on page 40 for Transit provision (244 pitches) will meet the accommodation needs of Gypsies and Travellers?

Please tick one box ☒ Yes ☐ No

If no, please provide reasons (and where possible, evidence) for your answer.

There is an error in the figure for Birmingham. This is not a direct concern for the Black Country, except to the extent that if inadequate provision is made in surrounding areas, this may lead to displacement to the Black Country.

Question GTQ6: Do you think the geographical distribution of pitches for Transit provision indicated in Table 2 on page 40 will meet the accommodation needs of Gypsies and Travellers?

Please tick one box ☒ Yes ☐ No

If no, please provide reasons (and where possible, evidence) for your answer.

The GTAA only proposes a total of 10-12 pitches for the Black Country as a whole, and does not sub-divide them between the individual authorities. This sub-division is necessary to form the basis of future site allocation development plan documents. However, if their main purpose is to support main sites, and it is necessary to sub-divide numbers, it may be more appropriate to allocate them between the authorities in proportion to the numbers of main pitches.

Question GTQ7: Do you think the draft Policy for Transit provision should be strengthened? (see page 39).

Please tick one box ☒ Yes ☐ No

Please provide reasons (and where possible, evidence) for your answer.

A stronger definition of the meaning of transit pitch, for example the maximum length of stay that they are intended to accommodate, and their relationship to main pitches (if any), would be helpful. Paragraph 12.24 of the Black Country GTAA notes that "Transit pitches were seen as a necessity as they supported authorised sites by providing a place for visiting family members to stay."

A stronger definition would also avoid the potential for transit pitches to be confused with permanent sites, or for them to be considered as forming part of the permanent provision.

Travelling Showpeople

Question TSQ1: Do you think the numbers allocated in Table 3 on page 42 for Travelling Showpeople (118 plots) during the five year period of 2007-2012 will meet their accommodation needs?

Please tick one box ☐ Yes ☒ No

If no, please provide reasons (and where possible, evidence) for your answer.

The Black Country GTAA identifies a requirement for 56 travelling showpeople plots for the Black Country alone. The two options of either 63 or 42 plots to serve Birmingham, Coventry and Solihull as well as the Black Country therefore appear to be inadequate.

It is understood that the Birmingham, Solihull and Coventry GTAA only identifies a need for a net gain of 5 plots, plus an existing site with 30 plots to be relocated. Since a new site will need to be found for these 30 plots, should they be added to the total requirement?

Walsall is aware that at least one of the current sites in the Borough has inadequate space for storage and testing of equipment. Relocation of this and other similar sites would require the identification of new sites, potentially through the local development framework process, but would not result in any net change in plot numbers.

Question TSQ2: Which of the two Options in Table 3 on page 42 for the distribution of additional plots for Travelling Showpeople do you favour?

Please tick one box ☒ Option 1 ☐ Option 2

Please provide reasons for your preference or if you think there is another Option which could be explored please provide reasons (and where possible, evidence) for your answer.

Option 1 maximises the provision for need where it arises, but even this provision may be inadequate as noted in the answer to question TSQ1

Question TSQ3: Do you agree that the plot numbers for Travelling Showpeople should be allocated on a County basis, rather than down to district level?

Please tick one box ☐ Allocated on a County basis ☒ Allocated on a District basis

Please provide reasons for your preference.

Allocation on a district basis is necessary to assist in the production of future development plan documents.

The Black Country GTAA notes that the majority of travelling showpeople in the area who expressed a desire to move within the next five years wished to remain within the Black Country. This is reflected in the strong local connections that exist for showpeople in Walsall.

Culture, Sport and Tourism

Question CST1: Which of the Options on page 53 do you think should be used as a basis of revising Policy PA10 Part A and why?

Please tick one box

☒ **Option 1: Remove the portfolio**

☐ Option 2: Update portfolio to include all regionally significant assets

If you have chosen Option 2, what assets (see B.O.P. report, item 11 on page 59) do you think should be added/removed and explain why you think they are or are not of regional significance.

A more generic list of assets set out in Policy PA10 might be an alternative possibly based on visitor numbers (where they are available) or this could alternatively be included as illustrative supporting text.

If it is decided that a list is needed, it should only be in the supporting text and should include a wide range of geographical and functional assets in the region. Specific examples of new or upgraded attractions should be included where appropriate.

The Policy should be re-titled 'Culture, Sport and Tourism' and should contain the necessary reference to the protection and improvement of sports facilities.

Question CST2: Do you think that Policy PA10A should “protect”, as well as improve existing strategic cultural assets from development?

Please tick one box

☒ **Yes**

☐ No

If yes, please provide reasons for your answer and suggest how the WMRSS could protect the assets.

Many of these types of attractions will be protected through their own designations either as part of natural environment or building conservation policies.

However, important cultural facilities and sports stadiums should be protected unless they are to be replaced. This should be through a policy to ensure this will be done through the development plans.

This will require consideration of accessibility and social inclusion, environmental impact and sustainability and the potential contribution to urban and rural regeneration. The capacity of or ability to provide the necessary infrastructure will need to be considered as well.

Question CST3: Which of the Options on page 57 do you think should be used as a basis for revising Policy PA10 Parts B and C to address any gaps in strategic culture, sport and tourism assets provision in the Region?

Please tick one box

☐ Option 1: Retain existing PA10 B & C

☐ Option 2: Update existing PA10 B & C

☒ **Option 3: Develop a new policy in addition to PA10 B & C**

If you have selected Option 2 or 3, what new criteria do you consider are important to add and why?

A new version of the policy using the proposals set out in Option 3 would be a preferable approach but this should replace Policy PA10 parts B and C and should not be in addition to them. In doing this the new policy needs to recognise culture, sport and tourism. The new policy needs to consider not just economic factors but also the social impact and the importance of quality of life.

The approach to gap filling needs to be carefully considered (see comments below on the BOP report).

In principle we support proposals for locational criteria. These should not only support the regeneration strategy of the RSS but should also seek to maximise accessibility and where appropriate complement the strategy to support the region's centres as set out in RSS policies UR1, UR3, UR4, PA11, PA12, PA12A and PA12B.

The Best Practice Guide for Tourism – which replaced PPG21, would be a useful start for developing a policy specifically for tourism.

Question CST4: Do you agree with the strategic gaps identified in the Burns Owens Partnership (BOP) report? (see page 54).

Please tick one box ☐ Yes ☒ No

If no, are there any other strategic gaps which you consider exist and what evidence exists to support your case?

It is concerning that the BOP report did not seek to come to a mutually agreeable methodology with key agencies involved in the cultural arena when determining the criteria for determining the importance of cultural assets.

There appear to be a number of problems with the BOP work including:

- value judgements of doubtful justification;
- the scoring system relying mainly on commercial inputs and/or the value judgement of others;
- important omissions some of which are noted e.g. (English Heritage and National Trust assets) but some are not, as well as the failure to consider some measurable assets (e.g. Grade 1 Listed buildings);
- lack of reference to pop music culture apart from the V Festival;
- simple locational mistakes;
- questions regarding whether the work is up-to-date or indeed whether it can be kept up-to-date.

The report identifies possible geographical gaps in cultural provision, although the methodology that identifies these gaps is questionable and there is no discussion about the use, quality or appropriateness of the facilities and its users. This renders the conclusions reached in Tables 6, 7 and 8 unreliable and opens the way for debate or arguments about the importance of a particular asset and indeed about the overall approach.

There must be a question over the whole approach of seeking something of individual international or national importance as a marker for the significance of the region.

There must be a question over how the planning system can achieve the establishment of an internationally important collection-based museum or art gallery to fill an artificially identified “gap”.

The BOP report identifies assets of national and regional significance in the North Staffordshire conurbation so this “gap” does not actually exist.

Why should there need to be anything of international or national significance the north and west of the region? Gaps may simply reflect a lack of demand / viability.

There is a need to distinguish between general and business tourism

The planning system has no clear role to play in developing specific facilities such as libraries, museums etc.

The BOP report needs to be revised and then its results linked to the 'Cultural Demand in the West Midlands' report. As it now stands, both reports come to different conclusions as to how to address levels of participation and what is required with regard to cultural facilities.

Question CST5: Do you think the Options on pages 53 and 57 could help to address poor quality and access issues in relation to culture, sport and tourism assets?

Please tick one box ☒ Yes ☐ No

What suggestions do you have as to how the WMRSS can best address quality and access issues, and any others, which you might think are relevant for culture, sport and tourism? Please provide reasons (and where possible, evidence for your suggestions).

Yes, if Option 3 on page 57 is developed specifically to include this. It is difficult however to see how the quality of assets could be revised through the planning system especially at the regional level. On the other hand the accessibility of the existing assets and some new assets could be addressed through both a link to the transport policies already in the RSS and through encouraging new large facilities to be in accessible locations. Some new opportunities are likely to be provided in the region's centres and these should be the preferred location for footloose attractions that would attract large numbers of people.

On the other hand it should be recognised that some natural or historic assets or large areas for sports pitches etc. will have to be supported where appropriate opportunities arise.

Quality of the Environment

Policy QE2 – Restoring Degraded Areas and Managing and Creating High Quality New Environments

Question ENV1: Do you agree with the suggested list of issues a – f on page 65 that a revised Policy QE2 could include?

Please tick one box ☒ Yes ☐ No

Are there any suggested issues which you think a revised Policy QE2 should not include? If so, please tell us why you think these issues should be excluded.

Are there any additional issues which you think a revised Policy QE2 should include? If so, please tell us what issues you think should be included and why.

Option (b) should also include consideration of geodiversity, i.e. "...including flood risk management, biodiversity, geodiversity and the promotion of good health".

Question ENV2: Which Option on page 65 would you prefer Policy QE2 to follow, and why?

Please tick one box ☐ Option 1: Needs Led
☒ Option 2: Growth Led
☒ Option 3: Competitiveness Led

Please provide reasons for your answer.

The most appropriate option would be a combination of options 2 and 3 to ensure the re-use of brownfield land is an initial priority in the MUAs (rather than locations away from the main focus of growth), to contribute to the achievement of an urban renaissance. Delivery of redevelopment on MUA brownfield land should help to progress green / environmental infrastructure improvements, including enhancement of biodiversity, through subsequent contributions.

Question ENV3: Are there any other strategic options that you think we should consider in relation to restoring degraded areas and managing and creating high quality new environments?

Please tick one box ☐ Yes ☒ No

If yes, please explain your option(s) and provide reasons for your answer.

If the appropriate options (see response to ENV2 above) are followed, which ultimately contribute to the overall spatial strategy and sustainable settlement pattern for the West Midlands then it would not be necessary to consider further strategic options.

Question ENV4: Which, if any, of the means for implementing Policy QE2 outlined in a - c on page 66 do you think would be most appropriate, and why?

Please provide reasons for your answer.

We consider that following the Brownfield Land Action Plan approach (option b) would be most appropriate. If implemented this should eventually provide a basis for supporting phasing policies to deliver re-use of brownfield land and would therefore also help in the implementation of option a.

Policy QE4 – Greenery, Urban Green Space and Public Spaces

Question ENV5: Do you agree with the list of issues a – f on page 67 that it is suggested Policy QE4 could include?

Please tick one box ☐ Yes ☒ No

Are there any suggested issues which a revised Policy QE4 should not include? If so, please tell us why you think these issues should be excluded.

Option (c) concerning the ‘wider’ sustainability benefits does not cover the historic environment which can dovetail with the multi-functional nature of Green Infrastructure. However there are likely to be significant issues of overlap / duplication with other policy areas.

We agree with the need for a “reference to recreational resources” (option d) and that the need to protect parks, playing fields and recreation grounds is essential, however “emphasising the importance of PPG17 assessments” (option d) detracts from any attempts this policy makes at being regionally specific.

Are there any additional issues which you think a revised Policy QE4 should include? If so, please tell us what issues you think should be included and why.

Policy QE5 – Protection and Enhancement of the Historic Environment

Question ENV6: Do you agree with the list of issues a – j on page 68 that it is suggested Policy QE5 could include?

Please tick one box ☐ Yes ☒ No

Are there any suggested issues which a revised Policy QE5 should not include? If so, please tell us why you think these issues should be excluded.

Option (b) – we assume this is to protect areas such as terraced housing which may be vulnerable to outright clearance. We support this option in seeking to identify such areas for protection that are not worthy of being placed in conservation areas or under other designations.

Option (c) concerns the importance of identifying a ‘sense of place’ and thus could be combined with option (e).

Option (f) should read “Reflect the principles and objectives...”

We have serious doubts over enforced historic landscape characterisation requirements in the MUAs and would therefore not agree with option (i).

Option (j) is unnecessary as it doesn’t add value to the existing requirements of national policy.

Are there any additional issues which you think a revised Policy QE5 should include? If so, please tell us what issues you think should be included and why.

Policy QE6 – The Conservation, Enhancement and Restoration of the Region’s Landscape

Question ENV7: Do you agree with the list of issues a – i on page 69 that it is suggested Policy QE6 could include?

Please tick one box ☐ Yes ☒ No

Are there any suggested issues which a revised Policy QE6 should not include? If so, please tell us why you think these issues should be excluded.

We support these issues providing there is not unnecessary duplication of content with other QE policies. Landscape Character Assessments should not be an enforced requirement but rather implemented where appropriate.

Are there any additional issues which you think a revised Policy QE6 should include? If so, please tell us what issues you think should be included and why.

Policy QE7 – Protecting, Managing and Enhancing the Region’s Biodiversity and Nature Conservation Resources

Question ENV8: Do you agree with the proposed targets for improving priority habitats set out in Annex C on page 123 and if not, why?

Please tick one box ☐ Agree with proposed targets ☐ Disagree with proposed

targets

If you disagree, please provide reasons for your answer.

We consider that there is high potential for conflict between the objectives of policy QE2 and the targets set out in policy QE7. Where QE2 would require developments to be steered to brownfield sites, QE7 (specifically Open Mosaic Habitats on Previously Developed Land) seeks to increase species rich brownfield sites in total area and protect the resident species from development that may be detrimental to this species. The options / policies chosen through the RSS should not preclude local authorities' LDFs from addressing these policy conflicts, nor should they undermine the overall strategy of achieving urban renaissance in the MUAs through the redevelopment of brownfield land.

Policy QE7 – Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources (continued)

Question ENV9: Do you agree with the list of issues a – i on page 70 that it is suggested Policy QE7 could include?

Please tick one box ☒ Yes ☐ No

Are there any suggested issues which a revised Policy QE7 should not include? If so, please tell us why you think these issues should be excluded.

We agree with the options in principle but would emphasise that new requirements introduced during the RSS process can be very difficult to incorporate once LDFs are well underway. If option (d) is included ("require that local opportunity maps are developed as part of the LDF process"), then habitats targets would be best set locally rather than regionally.

Are there any additional issues which you think a revised Policy QE7 should include? If so, please tell us what issues you think should be included and why.

Question ENV10: Should the focus of Policy QE7 be mainly on the existing Biodiversity Enhancement Areas, or alternatively those areas identified in the Regional Opportunities Map (on page 72), and why?

Please tick one box ☐ Existing Biodiversity Enhancement Areas
 ☐ Areas identified in Regional Opportunities Map

Please provide reasons for your answer.

The RSS revision should identify and secure major landscape scale wildlife corridors. The Regional Opportunities Map should ensure suitable landscape scale north-south corridors are identified and require lower tier strategies

(usually in the form of DPDs) to refine and deliver these locally such as Core Strategies, Site Allocations and Area Action Plans.
It should also be acknowledged that certain requirements of this policy may present significant implications on local authority resources.

Policy QE8 – Forestry and Woodlands

Question ENV11: Do you agree with the list of issues a – i on page 73 that it is suggested Policy QE8 could include?

Please tick one box ☒ Yes ☐ No

Are there any suggested issues which a revised Policy QE8 should not include? If so, please tell us why do you think they should be excluded.

Are there any additional issues which you think a revised Policy QE8 should include? If so, please tell us what issues you think should be included and why.

Protection of Agricultural Land

Question ENV12: Do you agree with the list of issues a – f on page 74 that it is suggested that the text relating to the Protection of Agricultural Land could include?

Please tick one box ☒ Yes ☐ No

Are there any suggested issues which revised text for Protection of Agricultural Land should not include?

If so, please tell us why you think these issues should be excluded.

Are there any additional issues which you think revised text on the Protection of Agricultural Land should include?

If so, please tell us what issues you think should be included and why.

Policy QE9 – The Water Environment

Question ENV13: Do you agree with the list of issues a – i on page 75 that it is suggested Policy QE9 could include?

Please tick one box ☒ Yes ☐ No

Are there any suggested issues which a revised Policy QE9 should not include? If so, please tell us why you think these issues should be excluded.

We consider that issues raised by the Environment Agency in a suggested new

policy at the Phase 2 EiP would now be covered by the options for policy QE9.

Are there any additional issues which you think a revised Policy QE9 should include? If so, please tell us what issues you think should be included and why.

Air Quality

Question ENV14: Do you agree with the list of issues a – d on page 76 that could be included in text relating to Air Quality?

Please tick one box ☐ Yes ☐ No

Are there any suggested issues that you think should not be included in revised text for Air Quality? If so, please tell us why you think these issues should be excluded.

Are there any additional issues which you think revised text for air quality should include? If so, please tell us what issues you think should be included and why.

Any revised text on air quality should support the overall strategy of urban renaissance by emphasising the importance of a sustainable settlement pattern and its ability to contribute to improved air quality at the regional level.

Integrated Approach to the Management of Environmental Resources

Question ENV15: Do you agree with the list of issues a – i on page 79 that it is suggested Policy QE1 could include?

Please tick one box ☐ Yes ☒ No

Are there any suggested issues which a revised Policy QE1 should not include? If so, please tell us why you think these issues should be excluded.

Policy QE1 should not overlap with / repeat the other QE policies. Links to RSS Phase 2 Revision SR policies (option b) will potentially lead to duplication as detailed issues of green infrastructure; flood risk etc should be addressed by the appropriate 'topic specific' QE policy.

Furthermore the importance of the overall spatial strategy to the quality of the region's environment should particularly be highlighted in QE1 as the overarching guidance for environmental policies.

Are there any additional issues which you think a revised Policy QE1 should include? If so, please tell us what issues you think should be included and why.

Question ENV16: Which Option on page 79 would you prefer Policy QE1 to follow, and why?

Please tick one box

- ☐ Option 1: Environment Led
☐ Option 2: Development Led
☒ **Option 3: Spatial Strategy**

Please provide reasons for your answer.

Option 3 is the most sustainable form of strategy, emphasising the importance that the overall spatial strategy can have on transforming the quality of the environment within a wider agenda of achieving urban and rural renaissance. This approach would ensure the development needs of both the MUAs and non-MUAs were naturally addressed within the context of a sustainable settlement pattern.

Flood Risk

Question ENV17: Do you agree with the suggested list of issues a – l on page 84 that a new Flood Risk Policy could include?

Please tick one box

- ☐ Yes ☒ **No**

Are there any suggested issues which a new Flood Risk Policy should not include? If so, please tell us why you think these issues should be excluded.

There would be serious resource issues for local authorities if retrofitting of existing properties with sustainable drainage systems (option h) was made a requirement under this policy. We also disagree with the wording of option (f) which could prevent the delivery of key infrastructure if applied to all areas at risk of flooding. For example under PPS25, essential infrastructure is an acceptable use in flood zone 2 (medium probability), with the exception test only needed for essential infrastructure once land is being considered in flood zone 3a.

Are there any additional issues which you think a new Flood Risk Policy should include? If so, please tell us what issues you think should be included and why.

We consider that reference in the policy to the deculverting of watercourses where feasible should be made. In addition, caveats would be needed with regards to requirements to incorporate SUDs in new development where physical constraints exist in an area that may prevent the implementation of such flood risk mitigation measures, e.g. results from the Black Country Water Cycle Study (outline) and Surface Water Management Plan (scoping) which indicate that the underlying geology of much of the Black Country would prevent the successful implementation of common infiltration SUDs.

Energy

Question ENV18: Do you think that Policy EN2 in the existing WMRSS should be revised to encourage improvements to the energy efficiency of existing buildings as opportunities arise?

Please tick one box ☒ Yes ☐ No

Please provide reasons for your answer, including any views you may have on how a regional policy on energy efficiency could be implemented.

We think that the EN policies should encourage improvements to energy efficiency where viable. However this should not undermine the overall strategy by imposing onerous requirements for energy generation policies on local authorities where many sites within their boundary are of marginal viability.

Question ENV19: Which of the Renewable Energy Target Options do you think should be used in the WMRSS to promote the development of renewable energy and low carbon technologies in the West Midlands? (see page 90).

Please tick one box ☐ Option 1: Adopt national target for renewable energy
 ☐ Option 2: Adopt Regional Energy Strategy targets for renewable energy
 ☒ Option 3: Sub-regional targets for renewable energy

Please provide reasons for your answer.

It is very difficult to assess the opportunities for and the feasibility / viability of providing renewable energy facilities across the West Midlands as an entire region. This is as a result of inherent constraints in certain areas such as the Black Country, particularly where large scale renewable energy generation is concerned. By reflecting targets on a sub-regional level, these areas will not be disadvantaged as a result of the constraints imposed by its built up nature and land contamination.

Question ENV20: Do you think that the WMRSS should set regional targets for specific renewable energy and low carbon technologies such as biomass, combined heat and power (CHP), ground source heat, landfill gas, solar, wind etc?

Please tick one box ☐ Yes ☒ No

Please provide reasons for your answer.

Individual technologies should not have regional targets set as certain technologies may not be appropriate in specific areas. The overall target is the priority for achieving renewable energy generation aims, using the appropriate technology for the particular development / area.

Question ENV21: Do you think that the WMRSS should retain the existing Policy EN1 on Energy Generation (Option 1) or should it set out clear regional criteria to assess whether planning applications for renewable energy and low carbon technologies are appropriately located (Option 2)?

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APPENDIX A

Please tick one box

☐ Option 1: Retain existing Policy EN1

☒ **Option 2: Criteria-based policy to ensure that renewable energy is appropriately located**

Please provide reasons for your answer. If you answered Option 2, please also answer Question ENV22.

Setting out regional criteria would give a more objective basis to formulate more locally specific policies within the LDF process and thus approve or refuse planning applications. Criteria for the different types of renewable energy technology would be a useful tool for assessing individual applications.

Question ENV22: If you think the WMRSS should include clear criteria for assessing applications for renewable energy and low carbon technologies (Option 2 above) please tell us which are the most important factors in assessing where renewable energy and low carbon technologies would be most appropriately located. Please rate each factor on a scale of 0 - 5.

Score (0 is not important, 1 is the least important and 5 is the most important).

Contribution to the global environment

Contribution to the local economy

Impact of fauna, flora and animal life

Noise

Odour

Traffic Implications

Visual Impact

Other factor(s) (please specify below)

The regeneration impact should be considered in criteria for assessing applications, i.e. how can the remainder of a site remain deliverable while being able to accommodate a proposal for renewable energy regardless of the associated impacts raised above. Therefore all of the above factors are of equally high importance, with the possible exception of 'contribution to the global environment'.

Positive Uses of the Green Belt

Question ENV23: Should the WMRSS develop a policy to secure positive use and improvements of the Green Belt and urban fringe (Option 1), or rely on the guidance in national Green Belt policy (PPG2) and the environmental enhancement policies (Option 2), and why?

Please tick one box

☐ Option 1: Develop a Regionally Specific Green Belt Policy

☒ **Option 2: Apply PPG2**

Please provide reasons (and where possible, evidence) for your answer.

A regionally specific policy could lead to changes occurring in certain locations within the green belt which could have a detrimental effect overall to

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preserving the openness of the green belt. Proposals for a green belt policy would have to add value / distinctiveness from a regional perspective. The reality is that multifunctional, positive uses of the green belt are already encouraged and implemented through PPG2. Furthermore, major issues concerning green belt releases (to secure positive uses and improvements rather than a review of the boundary) should have been addressed through Phase 2.

Minerals

Safeguarding Mineral Resources

Question M1: Which Option on page 103 do you think will provide the most effective means of safeguarding the minerals the Region needs for the future? Please state why you have chosen a particular option and provide any evidence that you have to support your view.

Please tick one box ☒ **Option 1: Safeguard Key Minerals and Infrastructure**
 ☐ **Option 2: Safeguard All Minerals and Key Infrastructure**

Please provide reasons (and where possible, evidence) for your answer.

The Council supports Option 1 as not all minerals require safeguarding at a regional level. The RSS should focus on matters of regional or sub-regional importance as advised by PPS11, paragraph 1.5. Locally important minerals can be safeguarded through LDFs and MWLDFs.

Question M2: Do you think that the WMRSS should provide for a higher level of policy protection for Etruria Marl through the designation of a specific regional safeguarding area?

Please tick one box ☐ Yes ☒ No

If yes, please provide reasons for your answer.

If no, why do you think a higher level of protection is not required?

National policy guidance recognises that Etruria Marl and fireclay have desirable properties for brick making, and that they are also nationally scarce mineral resources (see MPS1, Annex 2, paragraphs 3.1 and 3.4). Although the guidance advises that MPAs should safeguard these resources, there is no indication that the RSS should give them a higher level of protection.

Both Etruria Marl and fireclays occur in particular locations within the region (including parts of Walsall), and there are also a number of brick manufacturing plants in the region which use these materials. It therefore seems appropriate that the RSS should highlight the regional and sub-regional importance of these resources.

Although we have no strong views on this there does not seem to us to be any need to define a regional safeguarding area or areas around the Etruria Marl and fireclay resources, given that the guidance already requires MPAs to do this in their LDFs and MWLDFs.

Question M3: In relation to issues related to Safeguarding Areas (see page 99), should there be a different approach for safeguarding in rural and urban areas?

Please tick one box ☒ Yes ☐ No

If yes, what should the approach be for urban and rural areas? Please explain the different approaches you would use and how you think they could be operated in those areas.

.....
If no, please give reasons for your views.

We think a different approach is required in the MUAs for practical reasons, and to ensure that mineral safeguarding complements rather than hinders the Spatial Strategy Objectives of the RSS.¹

Significant development and growth is proposed within the MUAs, including the Black Country. The RSS identifies four strategic centres and a number of growth corridors in the Black Country which will be the main focus for development and investment as proposed by RSS Policy UR1A. This strategy is being further developed through the emerging joint Black Country Core Strategy. However, implementation of the strategy will depend on large-scale redevelopment, and to achieve this, a range of environmental, physical and other constraints must be overcome.

The Black Country is a geologically complex area, containing a variety of different mineral resources. The resources identified on the BGS mineral resource maps cover almost the whole of the Black Country urban area, which is included within the MUA. This creates problems in terms of defining MSAs, and devising a mineral safeguarding policy which can be applied in a practical way to urban areas alongside a host of other policy requirements. We don't feel that the current guidance on mineral safeguarding² provides sufficiently clear guidance for authorities in this kind of situation.

Defining MSAs within the MUAs

The advice obtained by the Black Country authorities from GO-WM, PINS, the Coal Authority and the BGS is that MSAs should cover the full extent of the mineral resource, including resources within the urban areas. However, for geologically complex areas such as the Black Country it is not possible to show a range of different mineral commodity areas on the same map with clarity, let alone to show them on a Key Diagram or Proposals Map alongside other non-mineral designations.

The Black Country authorities are therefore proposing to define a single MSA covering all of the mineral resources on the Black Country Core Strategy Key Diagram and Proposals Map, and to provide appropriate supporting information elsewhere within the Core Strategy.

Where MSAs cover more than one mineral commodity such as the Black Country, separate mineral commodity areas can be defined on supplementary maps. We think these will need to sit somewhere within the LDF, preferably in an annex to the Core Strategy or if not, in another LDD, although this will need to be agreed with the other three Black Country authorities.

¹ See WMRSS (January 2008), Chapter 3, paragraphs 3.8 and 3.14, also WMRSS Phase 2 Revision Preferred Option (December 2007), Chapter 3, paragraphs 3.9 – 3.13, 3.24 – 3.37 and 3.41 – 3.48.

² See "A guide to mineral safeguarding in England" (2007), BGS.

Application of Mineral Safeguarding Policy to the MUAs

A blanket requirement for all incompatible non-mineral developments to demonstrate that minerals of economic value are either not present, or that it is not feasible to extract them, would be inappropriate within the MUAs (see also comments on thresholds in relation to Question M4 below). Prior extraction of minerals in advance of redevelopment is not always feasible. In some circumstances, a mineral safeguarding requirement could be regarded as an opportunity, but in others it may act as a constraint.

Furthermore, within the MUAs, mineral safeguarding is likely to be only one of many material considerations and the need to safeguard mineral resources must be weighed against these. The current mineral safeguarding guidance appears to recognise that where there is an overriding need for incompatible non-mineral development, the need to safeguard mineral resources may have less weight.³

It would be helpful if the RSS could provide appropriate (and proportionate) guidance on the approach to be followed in the MUAs with regard to MSAs and mineral safeguarding policy. This should reflect national policy objectives towards development on previously-developed land⁴ and RSS objectives towards Urban Renaissance,⁵ which will inevitably involve incompatible non-mineral development within areas containing mineral resources.

Question M4: What should the threshold for development be when consulting on non mineral developments in Minerals Safeguarding Areas (MSAs) / Mineral Consultation Areas (MCAs) An example could be as follows:

Non-Mineral Development in a MCA comprising more than:
5000 sq metres for offices/retail/tourist/leisure/development
2 hectares for any Use Class B1, B2, B8
1 hectare for any residential development

Should the threshold be based on end use or developable areas in hectares? Should it be set at different levels for different minerals? Please provide your views and your reasons for them.

Although MCAs are more relevant to two-tier areas, all MPAs need to have clear guidance on the types of development which will be subject to mineral safeguarding requirements.

A blanket approach towards mineral safeguarding, whereby every development proposal within a MSA is subject to scrutiny by the MPA, is inappropriate and impractical. Current mineral safeguarding guidance recognises the need to exempt minor developments from the development control process.⁶ However,

³ "A guide to mineral safeguarding in England" (2007), BGS – see Part 1, Step Five.

⁴ See PPS1 (2005), paragraphs 21 and 27 and PPS3 (2006) paragraphs 10, 36 and 40 - 44.

⁵ See WMRSS (January 2008), Policies UR1 – UR1D.

⁶ "A guide to mineral safeguarding in England" (2007), BGS – see Figures 4 and 5.

where MSAs include MUAs and other urban areas, there is a need to go further than this, as here the potential mineral resources are already sterilised. In the interests of avoiding unnecessary and abortive work on the part of MPAs and developers, thresholds should exclude proposals which are unlikely to offer scope for safeguarding through prior extraction.

The question of what is an appropriate threshold is a difficult one to resolve. There is a case for having different thresholds for MUAs and other urban areas, where minerals are already sterilised, and the rural areas, where in most cases they will not be. As well as defining the applications that will be subject to scrutiny, thresholds will also determine which applications should be accompanied by supporting information – you can't have one without the other. This raises issues of what is likely to be reasonable and feasible in practice.

Unfortunately, the evidence for what might be regarded as reasonable or feasible is limited. The guidance indicates that instances of prior extraction are rare within the urban areas of Staffordshire.⁷ There is only one documented case of prior extraction in Walsall. The "case studies" quoted in the mineral safeguarding guidance⁸ are of limited value, as they are all examples of a failure to safeguard minerals. It is unfortunate that the guidance does not include any success stories.

The only firm evidence the Black Country authorities have been able to gather on prior extraction relates to working of coal. The Coal Authority has provided a schedule of incidental coal licence agreements with developers between 1995 and 2008 on sites ranging from less than 1ha to 28ha. There are 49 records in total, of which only 3 relate to Black Country sites. Although this suggests that site area is not the only factor in determining what is and is not feasible, it does not mean that all incompatible non-mineral developments within a MSA should be subject to a safeguarding requirement.

The Coal Authority has stressed that the information they have provided reflects only the schemes notified to them, and that there may be other instances where prior extraction has happened without their knowledge. We are aware that sand and gravel may also be extracted in advance of development, but hard evidence for this is lacking. Nevertheless, the limited number of recorded examples of prior extraction of coal over a 13-14 year period suggests that it is only likely to be feasible in a limited number of cases. This in turn suggests that MPAs should adopt a pragmatic approach towards safeguarding in urban areas.

If thresholds are set at too low a level, very many proposals within urban areas would be caught by the requirement, when in practice only a few are likely to be suitable candidates for prior extraction. The benefits of the policy may therefore be outweighed by the amount of abortive work required from both developers and MPAs. In our view, resources should be targeted towards the sites most likely to generate opportunities for prior extraction of minerals,

⁷ "A guide to mineral safeguarding in England" (2007), BGS - see Part Three, Stage 4.

⁸ "A guide to mineral safeguarding in England" (2007), BGS - see Annex 1.

which in practice are likely to be very large sites or area regeneration proposals.

It was suggested in the West Midlands Metropolitan Area (WMP&TSC) response to the Section 4 (4) consultation that the RSS safeguarding policy might include site thresholds. However, on reflection we feel that this issue is best addressed at a local level because the capacity of MPAs to implement a safeguarding policy will vary across the region. This will depend on the volume and complexity of applications they receive and the level of expertise available within the authority. MPAs therefore need to have some flexibility over the thresholds they adopt.

There is a case for setting thresholds in the RSS for regional conformity consultations linked to the regional MSAs, so that MPAs will know which applications they should refer to the Regional Conformity Panel. If there are also to be thresholds in the RSS linked to MCAs and/ or MSAs, we think they should be set at a very high level (e.g. sites of 10 hectares or more), so that all MPAs will be capable of implementing them.

Question M5: What minerals related infrastructure should be safeguarded in the Region? These could be for example:

Sites / facilities for concrete batching
the manufacture of coated materials
other concrete products

the handling, processing and distribution of substitute, recycled and secondary aggregate material using local rivers, inland waterways and rail.

Please state your reasons and provide evidence to support your view. Please provide a list of key sites/facilities that should be safeguarded.

Along with the other Black Country authorities the Council has considered safeguarding of existing and potential storage, handling and transportation facilities for minerals and other bulky materials by inland waterway or rail.

Concrete Batching Plants

There are currently no concrete batching plants in Walsall or the wider Black Country.

Coating Plants

There are no coating plants in Walsall but there are two asphalt plants elsewhere in the Black Country in the following locations:

- MQP, Wednesbury (Sandwell)
- MQP, Ettingshall (Wolverhampton)

There is a case for safeguarding these facilities in the RSS as they are part of a network of facilities operated by MQP (a joint venture by quarry operators Hanson and Tarmac), serving large areas of the East and West Midlands.

Aggregates Processing Facilities

There are aggregates processing facilities in the following locations in Walsall and the wider Black Country:

- Edwin Richards Quarry, Rowley Regis (Sandwell)
- Glenside Recycling, Smethwick (Sandwell)
- Grinsell Skip Hire (Sandwell)
- H E Humphries, Wednesbury (Sandwell)
- Oldbury Recycling, Oldbury (Sandwell)
- Aldridge Quarry, Aldridge (Walsall) - CHECK
- Branton Hill Quarry, Aldridge (Walsall)
- Bace Groundworks, Aldridge (Walsall)
- Stichacre Ltd, Bilston (Wolverhampton)

These are listed in the draft 2007 WMRAWP Annual Report, which will be published shortly. Not all of these facilities are likely to be regarded as of regional importance. Further discussions with the relevant MPAs should determine which ones could be so defined.

Facilities for Transportation by Inland Waterways

We have not identified any existing wharves or other sites suitable for use in relation to transportation of minerals by inland waterways anywhere in Walsall or the wider in the Black Country.

Engagement with British Waterways (BW) has identified significant constraints to the use of the inland waterways for this purpose, for example, the locks, the limited size of boats and potential conflicts with other canal-based or canalside uses. BW sees the Black Country canal network as primarily a “leisure” resource, although they acknowledge that it can be used to transport mineral products on a small-scale, e.g. to assist specific construction projects adjacent to canals. We have been informed that this has been done successfully in Birmingham but it is not the type or scale of use that could be reflected in the RSS.

Facilities for Transportation by Rail

The Black Country authorities have been engaging with Network Rail, rail freight providers and developers/ land owners on the potential of the rail network for freight transport. The following existing/ potential sites for the storage and transportation of aggregates and other minerals have been identified:

- Dreadnought Works, Pensnett (Dudley)
- Stourbridge Works, Kingswinford (Dudley)
- Bescot Sidings, Bescot (Sandwell/ Walsall)*

***Existing site**

As the potential of the first two sites has not been fully examined, we do not think that the RSS should seek to protect them. The RSS should aim to protect

only existing sites of regional importance plus sites for which there is evidence that there is potential to develop a facility of regional significance. We think Bescot Sidings is of regional importance as it is a storage and handling facility serving the rail network, so we think it should be safeguarded in the RSS.

What mechanisms should be used to safeguard these sites and facilities? For example, defining a buffer zone around each facility/site. Please state your reasons and provide evidence to support your view.

Facilities of regional importance could be protected through the RSS safeguarding policy, and could be shown on the Key Diagram by way of a symbol. This begs the question, what is of regional importance? If the facility is serving the rail network or sources material from wide catchment area covering several MPAs, there is a case for regarding it as a regional resource which should be safeguarded.

It is recommended in the guidance on mineral safeguarding that buffers should be applied to MSAs, to safeguard the mineral resource from “proximal” non-mineral development.⁹ Although this approach was followed in the Black Country Minerals Study, subsequent work on MSAs for the Black Country suggests this is not a particularly useful approach within the MUAs, where mineral resources are already sterilised and “proximal” non-mineral development already exists.

Question M6: Do you think that minerals resources should be safeguarded in areas covered by national designations for landscape, wildlife conservation and cultural heritage?

Please tick one box ☒ Minerals resources should be safeguarded in designated areas
 ☐ Minerals resources should not be safeguarded in designated areas

Please provide reasons and where possible provide evidence for your answer.

The guidance advises that the whole of the mineral resource should be safeguarded, so it should not matter whether there are particular designations within a MSA. The main purpose of the MSA is to protect mineral resources, so all potentially viable resources need to be included. The guidance makes it clear that there is no presumption that the mineral resources within a MSA will ever be worked. However, some designations may point towards opportunities for geodiversity enhancement, on the back of mineral extraction or non-mineral development in the vicinity.

Areas of national, regional and local importance for biodiversity, geodiversity and cultural heritage can be adequately protected by other environmental policies in national policy guidance, the RSS and LDFs. However, the mineral safeguarding policy could clarify that the need to safeguard minerals (e.g. through prior extraction) must also be balanced against other important RSS objectives such as safeguarding sites of importance for biodiversity, geodiversity and cultural heritage, and improving the quality of the environment, and could cross-refer to other relevant RSS policies.

Question M7: Is there a need for a regional safeguarding policy on coal? Please provide reasons

⁹ “A guide to mineral safeguarding in England” (2007), BGS - see Part 2, 1c.

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(and where possible, evidence) to support your view.

Please tick one box ☐ Yes ☒ No

There is no national policy requirement for the RSS to safeguard coal. However, there may be a case for safeguarding fireclay which occurs in association with coal. See response to Question M1 above.

If yes, what matters should the policy address?

Question M8: In updating Policy M4 (Energy Minerals) in the existing WMRSS is there a need to place more emphasis on realising the opportunities available from existing technologies to release energy sources from worked and unworked coal seams in the coalfields of the West Midlands? Are there any other matters which an updated Policy M4 should address?

Please tick one box ☒ Yes ☐ No

If yes, please explain (and where possible, provide evidence) to support your view.

Consideration could be given towards identifying areas which have potential for coalbed methane and underground gas storage. Such areas have been identified in a 2004 study¹⁰ although this is pretty meaningless without the accompanying mapping. This does not appear to be readily available, other than as a very small-scale map reproduced in the BGS Coal Profile and Mineral Factsheet.¹¹ It therefore isn't entirely clear which areas of the region are identified.

We have sought clarification from the Coal Authority on whether or not the Black Country is affected by this and they have confirmed that it isn't, although parts of Staffordshire are. We suggest that if they haven't already done so, WMRA (or its successor) should liaise with the Coal Authority on this to establish which parts of the region affected, and advice on how this should be taken forward in the RSS.

If no, please explain (and where possible, provide evidence) to support your view.

Are there any other matters which an updated Policy M4 should address?

Future Supplies of Construction Aggregates

Question M9: Do you think that the indicative apportionment outlined in Table 4 on page 106 is realistic?

¹⁰ UK Coal Resource for New Exploitation Technologies (2004), DTI
<http://www.berr.gov.uk/files/file19153.pdf>

¹¹ Mineral Profile: Coal (March 2007), BGS and Mineral Planning Factsheet: Coal and Coalbed Methane (October 2006), BGS.

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Please tick one box ☒ Yes ☐ No

Please provide reasons (and where possible, evidence) for your answer.

The apportionments in Table 4 reflect the land won sand and gravel and crushed rock targets for the West Midlands region, as set out in the draft national and regional aggregates guidelines published in 2008. The final version of the guidance has since been issued (June 2009)¹² and there is no change to what was proposed for the West Midlands region. We therefore support the overall requirement figures for the West Midlands region proposed in Table 4.

We note that Table 4 covers a 16 year period up to 2020 rather than the period up to 2026, which the rest of the RSS is planning for.¹³ We assume this is simply to reflect what is in the guidance, and that figures will be rolled forward to 2026 to provide guidance for the whole plan period. We are aware there are concerns about the accuracy of long-term forecasts, and we share those concerns, but feel that the apportionments should cover the period up to 2026 in line with the rest of the RSS.

It is not clear from the evidence currently available whether this level of production is deliverable through LDFs. It is possible that Solihull and Walsall may not be able to deliver the levels of sand and gravel proposed in Table 4. The position will need to be reviewed in the light of the 2007 WMRAWP Annual Report, which is expected to be published shortly. If there is evidence that the sub-regional apportionment is unlikely to be delivered by Solihull and Walsall, it will need to be revised accordingly. It is acknowledged that this may impact on other sub-regional areas, and that this will be a matter for negotiation.

The West Midlands County sub-regional apportionment would need to be split and re-allocated into different sub-regional areas if the sub-regional areas are revised. If this happens, Solihull MBC and Walsall MBC should be consulted, and their views sought on the contribution each authority could make towards regional and sub-regional requirements, whether or not the existing sub-regional areas remain the same.

Question M10: Which of the three Options on page 109 do you think would provide both an adequate and sustainable supply of aggregates up to 2026 in the West Midlands?

Please tick one box ☒ **Option 1: Apportion future supplies by existing methods**
☒ **Option 2: Apportion future supplies using different sub regions**
☐ Option 3: Apportion future supplies using different sub regions and methods

Please provide reasons (and where possible, evidence) for your answer.

¹² National and Regional Guidelines for Aggregates Provision In England: 2005–2020 (June 2008), CLG
<http://www.communities.gov.uk/publications/planningandbuilding/aggregatesprovision2020>

¹³ We note aggregates monitoring is based on calendar years (Jan-Dec) rather than normal March-April monitoring years. Table 4 therefore covers 16 calendar years 2005 – 2020 inclusive, in line with the national and regional aggregates guidelines.

We think it should be either Option 1 or Option 2, depending on whether or not the sub-regional areas change. Our views on this are set out below and in our response to Question M13.

We do not think that Option 3 will work in practice, as the sand and gravel apportionments should reflect the distribution of sand and gravel across the region, the level of resources remaining and any significant constraints on working and restoring them. Minerals can only be extracted where they are found. There is unlikely to be a perfect match between the areas where aggregate resources are found and the areas where significant growth is proposed.

When planning for future mineral supply, the potential impacts of mineral working on environmental and cultural assets and the cumulative impacts on the amenity of communities already affected by quarrying must also be taken into account. Even where resources are present in areas proposed for growth, it cannot be assumed that they will necessarily be exploited at the levels required to sustain projected levels of growth.

There are significant environmental and other constraints to mineral extraction in the parts of Walsall where sand and gravel resources lie. For example, some of the sand and gravel resources (the area around Barr Beacon) are affected by designation as a conservation area and have been identified as a key element within the Black Country Environmental Infrastructure Guidance proposals.

In Walsall much of the sand and gravel resource areas are also affected by groundwater source protection zones. The Environment Agency's groundwater protection policies are more likely to affect the methods and materials used to restore former quarries (and therefore ability to restore in a timely manner) than the extraction of minerals, but this is an important issue which should not be ignored.

All MPAs – including Walsall Council – are likely to want to see evidence that the restoration of previously-quarried areas is being satisfactorily progressed before new mineral working is approved. An increase in permitted reserves is therefore likely to be at least partly dependent on timely restoration of areas previously worked out.

Furthermore, there is a risk that the cumulative impact of quarrying in particular areas might make those areas less attractive to investors. This could therefore conflict with other RSS objectives such as urban renaissance, and retention of ¹⁴population and positive transformation of the Black Country environment.

Question M11: In relation to the contribution of alternate materials to future supply (see page 108), what additional policy guidance set out in Policy M3 (The Use of Alternative Sources of Materials) of the WMRSS is required to reduce the reliance on aggregates and increase the use of alternate materials in construction?

¹⁴ See WMRSS (January 2008), Chapter 3, paragraphs 3.8 and 3.14, and Chapter 4, Policies UR1 – UR1D and QE10, also WMRSS Phase 2 Revision Preferred Option (December 2007), Chapter 3, paragraphs 3.9 – 3.13, 3.24 – 3.37 and 3.41 – 3.48.

Do you have any suggestions for additional regional policies/guidance that could reduce the reliance on aggregates and increase the use of alternate materials in construction?

The draft national and regional aggregates guidelines referred to on page 108 have now been issued in their final form and there is no change to the proposed “target” for the West Midlands region. We agree that the quality of the available data does not support the establishment of local apportionments for alternatives to primary aggregates. Even if it did, it would be difficult to set up an effective monitoring mechanism across the region, for the reasons explained in the Section 4 (4) response on behalf of the West Midlands Metropolitan Authorities (WMP&TSC).¹⁵

Realistically, this is a sustainable resource issue which should be covered in policies towards sustainable construction and design, rather than policies towards minerals. Although Policy SR3 of the RSS Phase 2 Revision seeks to promote “use of local and sustainable sources of materials,” it delegates responsibility for this to local planning authorities rather than setting any firm regional targets in the RSS itself. It is unclear whether Policy SR3 can be applied to planning applications, and if so, what the thresholds might be in the case of part F, which suggests that Site Waste Management Plans be prepared and that “25% of the total minerals used derives from recycled and reused content.”

It is also unclear where the 25% figure in Part E of Policy SR3 has come from. It does not appear to be based on any technical evidence put forward in support of the RSS Phase 2 Revision, or any other source we have been able to identify. The assumption in the national and regional aggregates guidelines implies that around 27% of the total regional requirement 2005 – 2020 will derive from alternatives (100 million tonnes out of a total of 370 million tonnes).

Question M12: Do you think that the provision of future supplies of aggregates in the Region can be determined by applying one of more of the following policies, provisions or concepts? Please tick the relevant boxes and give reasons for your choices.

- ☐ Future Patterns of Housing and Employment growth
- ☒ Existing Mineral Infrastructure
- ☒ Local Resource Availability
- ☒ Environmental Acceptability and Designations
- ☐ None of the above
- ☒ Other (please specify)

Please provide reasons (and where possible, evidence) for your answer.

See response to MN10 above. Minerals can only be extracted where they are found, so the starting point will be to identify where viable resources exist, because they can't come from anywhere else. In many cases more resources are likely to exist in areas which are already being exploited, so availability of existing infrastructure may also be relevant.

¹⁵ See WMP&TSC Section 4 (4) response to Question MN10.

The other key factors are whether there are significant environmental or physical constraints to the working of minerals, which might discourage or rule out working in particular areas, or mean that it cannot take place at levels that would be the case if no constraints existed.

Other issues such as future patterns of housing and employment growth may be relevant but they are further down the pecking order than the factors identified above.

Question M13: Do you agree with the Section 4(4) Authorities that the sub regions set out on page 106 are the most appropriate for carrying out any future sub regional apportionment of aggregates in the West Midlands?

Please tick one box ☒ Existing Sub-Regions ☐ Sub-Regions Proposed by Section 4(4) Authorities

Please provide reasons for your answer.

In their Section 4 (4) response, the West Midlands Metropolitan authorities did not suggest that Walsall should be included in a sub-region with Staffordshire and Stoke-on-Trent.

Existing/ Proposed Sub-Regional Areas

The West Midlands County area covers seven separate MPAs. Although the existing monitoring arrangements work reasonably well, they do not reflect the requirement in national policy guidance for individual MPAs to maintain landbanks of aggregates or to provide information on aggregates supply and production in their Annual Monitoring Reports.

The existing sub-regional arrangements for the West Midlands County area have evolved over time. There has been a long history of joint-working and collaboration between the seven authorities on land use planning and this continues. However, it is acknowledged that other sub-regional relationships have developed for minerals planning, such as the collaboration between the Black Country authorities on a joint Core Strategy. It is therefore debatable whether the existing sub-regional arrangements should continue.

Although the existing arrangements are not perfect, the Council would prefer to leave things as they are than to change to the arrangement suggested in Table 5. They do not agree that a sub-region comprising Staffordshire, Stoke-on-Trent and Walsall would be preferable. There is a much better case for the Black Country to be a sub-region in its own right, as this reflects existing joint working arrangements and the approach adopted for all other forms of development in the RSS Phase 2 Revision, such as housing, employment and waste.

The West Midlands County sand and gravel apportionment relies on contributions from just two MPAs, and on just four operational quarries. There is a possibility that the relatively small number of active quarries in the

Metropolitan area could affect the commercial confidentiality of the data if it is split below the County level. Any change to the sub-regional arrangements would therefore be subject to agreement with the relevant quarry operators.

The Council would therefore support either leaving the existing West Midlands County sub-region as it is (Option 1) or alternatively, creating a new Black Country sub-region, reflecting existing joint working arrangements, if this is feasible.

West Midlands County Apportionment - Proportional Split between MPAs

If the West Midlands County area was split up, and the MPAs were put into different sub-regional areas, there would be a need to decide what “share” of the West Midlands County apportionment should be met by each of the contributing MPAs, including Walsall.

As has been noted above, the West Midlands County sand and gravel apportionment relies on contributions from just two MPAs, which are Solihull and Walsall. Up to now, around 90% of the West Midlands County supply has been provided for by Solihull and 10% by Walsall, through their current UDPs. However, the authorities may not necessarily be able to sustain the same proportional split or overall level of provision in the future. This will depend on the permitted reserves available in each authority area, and the likelihood that further resources will come forward as permissions during the plan period.

Solihull and Walsall are each involved in the preparation of Core Strategies. At an officer level there have been discussions with Solihull MBC regarding the contribution that each authority could realistically make to the overall regional sand and gravel requirement 2005 - 2026. The evidence currently available suggests that the two authorities together are unlikely to be able to achieve the level of production proposed in Table 4 for the West Midlands County, and that the contribution that Walsall can make will be very limited.

The Council will continue to liaise with neighbouring MPAs (including Solihull) and with WMRA regarding the contribution that Walsall should make towards regional and sub-regional sand and gravel requirements in future. For the sake of clarity and to assist with future monitoring, we think that where a “sub-regional” area comprises more than one MPA, the RSS should clarify how the target will be met. For example, this could be through joint-working arrangements or by specifying the percentage of the sub-regional requirement each MPA will contribute (subject to agreement by the relevant MPAs).

Future Brick Clay Provision

Question M14: What policies do you think would best ensure that separate long term off site stockpiling of Etruria Marl and fireclays can be provided in the Region?

Do you have any suggestions for policies to ensure that separate long term off site stockpiling of Etruria Marl and fireclays can be provided in the Region?

See the Metropolitan area 4 (4) response.¹⁶

Question M15: Which of the Options for meeting the shortfall in BrickClay supplies (see page 117) would provide the most sustainable way of meeting the industry's future needs?

Please tick one box ☐ Option 1: Regional Supply Requirement
 ☒ **Option 2: Supplies for Individual Brickworks**
 ☐ Option 3: Future Supplies from Resource Areas

Please provide reasons for your answer.

On balance we prefer Option 2, because the requirement in MPS1 is to plan for a 25 year supply of clay to each brick manufacturing plant,¹⁷ which means supplies must be related to individual works rather than aggregated across the region as a whole (Option 2). There is little point in planning to supply brick works that have closed, or are due to close in the foreseeable future. We should also be encouraging operators to relocate their works where possible, rather than transport material long distances when local resources are exhausted.

However, brick manufacturers rarely use only one type of clay, so importation of material may be unavoidable even where there is a clay pit adjacent to the works, because different types of clay will not usually occur in the same area. There will always be an element of cross-boundary movement of clay between MPAs, and possibly also between the West Midlands and other regions, so that manufacturers have access to the range of clays they require, some of which are nationally scarce and can only be obtained from a limited number of sources. Where this is the case, MPAs may be legitimately required to supply works in another MPA area as per Option 3.

Whichever option is chosen, monitoring the implementation of RSS policy on clay will be dependent on the availability of data from operators. There is a clear need for WMRA (or its successor) to set up a system for monitoring supplies of clay to brickworks across the region, along the lines of the existing arrangements for monitoring of aggregates by WMRAWP. There is also a good case for imposing conditions on permissions for new brickworks or for the extraction of clay, requiring annual returns to be made on permitted reserves and production rates.

Question M16: Do you think that the 13 million tonnes shortfall in clay supplies could be met from quarries within the Region?

Please tick one box ☐ Yes ☐ No **Don't know**

Please provide reasons (and where possible, evidence) for your answer.

Etruria Marl

¹⁶ See WMP&TSC Section 4 (4) Response to Questions MN14 and MN15.

¹⁷ See MPS1 (2006), Annex 2, paragraph 3.4.

There are sources of Etruria Marl in the Black Country, principally in Dudley and Walsall. Discussions with brick manufacturers indicate that there is likely to be scope for further Etruria Marl extraction in Walsall. However, whether or not this potential is realised will depend on suitable proposals coming forward as planning applications.

An increase in permitted reserves is also likely to be dependent on the timely restoration of clay pits already worked out. The Council will expect to see evidence of significant progress with restoration of previous workings before approving new clay extraction proposals.

Even if new extraction proposals are approved, it is anticipated that it will do no more than provide a longer-term and more secure supply to existing Black Country brickworks. It is unlikely that that quarries in the Black Country will be capable of supplying Etruria Marl to brickworks outside the Black Country on any scale.

Fireclay

There are currently no fireclay production sites in the Metropolitan area. Although there are sources of fireclay in the Black Country (principally around Brownhills in Walsall), this is associated with shallow coal seams and is therefore unlikely to be exploited unless proposals for opencast coal working come forward.

The information we have is limited. It is not clear how much fireclay might be generated from the existing resources in the Black Country, and whether this has the potential to supply brickworks outside of the area as well as local brickworks and pot clay suppliers.

Question M17: What planning and environmental criteria should be used to identify broad locations for the development of long term off-site stockpiles of clays (including fireclays)? Please provide reasons to support your views.

Suggested Planning and Environmental Criteria To Identify Broad Locations For Stockpiles Of Clays (Including Fireclays)

- ☒ Proximity to brick clay supplies
- ☒ Proximity to existing brickworks
- ☒ Good access to road/rail
- ☒ Proximity to existing/future markets
- ☒ Long term accessibility
- ☒ Locations where it is possible to minimise/avoid significant environmental impacts
- ☒ Other (please specify)

Please provide reasons (and where possible, evidence) to support your views.

See Metropolitan area Section 4 (4) response.¹⁸ We agree that all of these criteria are important.

There is no point having stockpiles which are not well related to the sources of supply and the works they are meant to supply, so proximity to sources and works is very important. On-site stockpiling should therefore be supported where feasible and where there would be no unacceptable visual impacts.

Accessibility and potential impact on the transport network will also be important considerations, particularly where a stockpile is supplying several works. This is likely to generate a significant number of trips, which may impact on congestion. A transport assessment should be required for all such proposals.

Air quality is also an important issue in some parts of the region, and traffic is an important factor in this. Many parts of the Metropolitan area have been declared Air Quality Management Area (AQMA) for nitrous oxides, the main source of which is road traffic. These pollutants are also greenhouse gases, and have the potential to exacerbate climate change. There may be a case for requiring air quality assessments for proposals within such AQMAs.

Environmentally sensitive locations, such as locally or regionally important environmental and cultural assets, should be avoided unless it can be demonstrated that the impacts are minimal or can be adequately mitigated. Stockpiles may also have significant visual impacts, so locations close to important community/ recreational facilities, residential areas or high quality business areas should also be avoided. Proposals should also be required to include adequate screening and landscaping to mitigate any visual impacts.

¹⁸ See WMP&TSC Section 4 (4) Response to Question MN14.