

## **Health and Well-being Board - 7 September 2015**

### **Walsall's Local Plan – Consultation**

- **Preferred Options for Site Allocations**
- **Preferred Options for Walsall Town Centre Area Action Plan; and**
- **Preliminary Draft Community Infrastructure Levy Charging Schedule**

#### **1. Purpose**

To advise the Board of the start of the consultation on 3 important documents planning for the future development of the borough, seek ideas on how the Board thinks interested parties should be consulted and arrange for further detailed discussions of the issues.

#### **2. Recommendation**

The Health and Well-being Board is recommended to:

- i) receive a presentation on the consultation on the 3 planning documents;
- ii) propose forums and individuals that should be invited to participate in the consultation; and
- iii) arrange for a detailed discussion of the issues at its October meeting.

#### **3. Report detail**

Walsall Council's Cabinet on 22 July agreed that the Council should consult on 3 important planning documents, to help deliver the approach to regeneration, growth and environmental protection set out in the Black Country Core Strategy.

These documents are:

- a) A Site Allocation Development Plan Document (SAD) to allocate sites for development for housing, employment and other uses across the borough (except for town and district centres);
- b) An Area Action Plan (AAP) for Walsall Town Centre, to allocate sites for development and to propose improvements to support the town centre; and
- c) A Charging Schedule, to support the introduction of a Community Infrastructure Levy (CIL) regime to levy charges on certain types of development, replacing a large part of the regime of s106 obligations.

The Report to Cabinet is attached, and this provides more details on the reasons for preparing the plans, the issues to be address and the approach to consultation. The

consultation documents will be available from 7<sup>th</sup> September and will be presented to the meeting.

The consultation is starting on 7<sup>th</sup> September and is to run for 8 weeks, to 2<sup>nd</sup> November. The Council would like to receive as many views as possible. Besides written consultations, the consultation will use social media and events and exhibitions are being arranged at venues around the borough.

#### **4. Impact on health and wellbeing:**

The 'Marmot' Report promotes action in respect of six objectives.

1. Give every child the best start in life
2. Enable all children, young people and adults to maximise their capabilities and have control over their lives
3. Create fair employment and good work for all
4. Ensure healthy standard of living for all
5. Create and develop healthy and sustainable places and communities
6. Strengthen the role and impact of ill-health prevention.

The plans allocate land for development, identify opportunities for investment and designate assets for protection. In doing this they seek to take account of constraints, including potential exposure to pollution, and they have regard to sustainable patterns of development and accessibility.

Among other things, the plans aim to:

- provide homes, jobs and facilities;
- help the provision of and planning for education, health and other provision
- protect open spaces and link them together;
- conserve and make the best use of resources including through planning for waste management and minerals;
- provide resources for necessary infrastructure and for environmental maintenance and improvement.

In some cases there may be tensions between different aims (economic growth and environmental enhancement can sometimes provide examples). The issues are to be addressed through evidence and assessment (including sustainability appraisal) and through wide-ranging consultations.

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**Date**

28 August 2015

## **Cabinet – 22 July 2015**

### **Walsall's Local Plan – Consultation**

- Preferred Options for Site Allocations**
- Preferred Options for Walsall Town Centre Area Action Plan; and**
- Preliminary Draft Community Infrastructure Levy Charging Schedule.**

**Portfolio:** Councillor Adrian Andrew,  
Deputy Leader and  
Portfolio Holder Economy, Infrastructure and Development

**Related portfolios:** All

**Service:** Planning and Building Control

**Wards:** All

**Key decision:** No

**Forward plan:** No

### **1. Summary**

- 1.1 The Black Country Core Strategy ('Core Strategy') provides a broad strategy for the Black Country, but Walsall and the other individual authorities need to allocate sites for investment, to promote improvements and to have policies to protect the environment if they are to deliver the regeneration strategy.
- 1.2 Cabinet has previously agreed to the preparation of a borough-wide Site Allocations Document (SAD), an Area Action Plan (AAP) for Walsall Town Centre, and a charging schedule to enable the introduction of the Community Infrastructure Levy (CIL). A programme for the plans has also been agreed.
- 1.3 Now, following a consultation on 'Issues and Options', the gathering of evidence and a great deal of analysis, the point has been reached for the publication of consultations on 'Preferred Options' for the two plans and on a Preliminary Draft Charging Schedule for CIL. The preparation of formal plans has to accord with a range of statutory and policy requirements and this consultation will be important in demonstrating that the council is following proper processes for the preparation of the documents. It also provides the opportunity to publish the plans in draft, so that local residents and all of those concerned with investment in and the environment of the borough can have the best possible opportunity to participate. The plans, and the proposals to charge CIL, seek to address important issues for the future of the borough.

- 1.4 The consultation documents and the supporting evidence are very large and complex. The 'Draft Plan' documents, showing what the SAD and the AAP might look like, and the draft CIL documents are appended to this Report. However, they are lengthy and the Draft Policies Maps are best understood when printed at a large scale. Therefore:
- the copies of the 'Draft Plan' documents have been provided with the copies of the report for Cabinet Members only; and
  - whilst copies of the Policies Maps have been provided with the documents for Cabinet Members, these are rather small in size, so full-sized copies of the Maps will be made available at the meeting.
- The Draft Plan Documents and the Policies Maps (viewable at their full sizes) are available on the Committee Information Pages on the Council's website. Paper copies of the Draft Plan Documents and Policies Maps have been placed in each of the Members' Group rooms.
- 1.5 It is important to note that the 'Draft Plans' are simply drafts. They might be amended by Cabinet (and in respect of details through delegations). Also, they are being published for consultation that will lead to further changes in future.
- 1.6 Approval is sought for the consultation to begin at the start of September and to last for 8 weeks. The consultation will involve the publication of the Preferred Options documents and the evidence listed in the Background Papers for this Report. The consultation will give the fullest possible opportunities for all sections of the community to comment on and in the light of all of the documents.

## **2. Recommendations**

- 2.1 That Cabinet agrees to publish material for consultation on three Walsall Local Plan documents:
- i. Walsall Site Allocations Document – Preferred Options
  - ii. Walsall Town Centre Area Action Plan – Preferred Options
  - iii. Preliminary Draft Community Infrastructure Levy Charging Schedule
- 2.2 That Cabinet agrees the consultations should begin at the start of September 2015 and should run for 8 weeks.
- 2.3 That the detailed form and content (not the substance) of the emerging documents and consultation material be delegated to the Executive Director for Economy and Environment. If there are any changes to the 'Draft Plan' documents, Policies Maps and / or the Preliminary Draft CIL Charging Schedule, which would go to the substance of the issues in question or the core of the policies such changes should be made in consultation with the Portfolio Holder for Economy, Infrastructure and Development.
- 2.4 That Cabinet agrees that this consultation should be publicised in advance of the September start, and that all Members of the Council and all council

services concerned with the use of land and premises should be asked to participate positively in the consultation and encourage members of the community and relevant interest groups to do so.

- 2.5 That Cabinet agrees to receive reports to future meetings and notes there will also be reports to Council in accordance with the process for the preparation of the documents set out in paragraph 3.5 of this report.

### **3. Report detail**

- 3.1 The Black Country Core Strategy provides an overall plan for the regeneration of the Black Country (covering Dudley, Sandwell and Wolverhampton, as well as Walsall). When it was found sound, via an examination in public, the Planning Inspectors who considered it were clear that more detailed plans would be necessary to implement the strategy. Sandwell has prepared a borough-wide Site Allocations Document and a plan for the centre of West Bromwich, Dudley has prepared several Area Action Plans (including for Brierley Hill) and is working on Site Allocations, and Wolverhampton has prepared Area Action Plans and is working on a Plan for the city centre. Dudley and Sandwell have been through the necessary processes to enable them to implement CIL, whilst Wolverhampton has decided not to introduce CIL.
- 3.2 In June 2011, Walsall's Cabinet approved the preparation of three documents.
- a) A Site Allocation Development Plan Document (SAD) to allocate sites for development for housing, employment and other uses across the borough (except for town and district centres);
  - b) An Area Action Plan (AAP) for Walsall Town Centre, to allocate sites for development and to propose improvements to support the town centre; and
  - c) An Infrastructure Plan and a Charging Schedule, to support the introduction of a CIL regime to levy charges on certain types of development, replacing a large part of the regime of s106 obligations.
- 3.3 The process for making statutory development plans is set out under the Planning and Compulsory Purchase Act 2004, which describes them in terms of the Local Development Framework, although the Government now prefers to call them 'Local Plans'. The process requires consultation on 'Issues and Options' leading to an explicit choice of 'Preferred Options' before the council is required to produce a 'publication' version of its plan(s). It was decided to work towards a CIL regime (which is subject to its own processes and requirements) in parallel with the SAD and AAP so as to share evidence and consultation arrangements.
- 3.4 The Council undertook 'call for sites' exercises (to see if anyone wanted to propose sites for development) in 2011 and 2013-2014. It carried out a major consultation on 'Issues and Options' for the SAD and the AAP in April-June 2013. Large numbers of representations were received. Following this the

council has had to deal with a large number of complex issues (over 1,500 sites have been considered and assessed in respect of dozens of issues) and has had to obtain and/or assemble substantial evidence. It has also had to respond to important Government proposals and to plans for surrounding areas, including Birmingham, which raised and continue to raise important issues for the planning of the borough, including the ability to provide land for industry and to plan for housing without substantial risks to the Green Belt.

- 3.5 In September 2014 Cabinet approved a report that reviewed the Local Development Scheme. This set out the proposed timetable for the SAD and APP (with the CIL work to be progressed in parallel) as follows.

## Local Development Scheme PROGRAMME SUMMARY – 2014-2016

### Preparation of Site Allocation Document and Walsall Town Centre Area Action Plan

<b>Issues and Options</b>	
<i>Issues and Options Reports Public Consultation</i>	<i>22nd April - 3rd June 2013 - 6 weeks consultation</i>
<b>Preferred Options</b>	
Cabinet	June/ July 2015
Preferred Options Reports Public Consultation (including draft plans)	August - September 2015 - 6 weeks consultation (may be extended) [this report proposes 8 weeks beginning in September]
<b>Towards Publication, Examination and Adoption</b>	
Cabinet (if no further evidence / consultation required)	January 2016
Publication (final draft plan) Public Consultation	February 2016 - 6 weeks consultation [may be extended]
Council Approval for Submission	June 2016
Submission to Secretary of State	July 2016
Examination (by Planning Inspector)	Autumn 2016
Adoption (by Council)	End 2016

- 3.6 It is important that the SAD and the AAP are progressed in line with this timetable, insofar as possible. At the Core Strategy examination the Black Country authorities committed themselves to a review of their strategy, to start in 2016. Without plans in place to show the strategy is deliverable, then there could be increased pressure for arguments for alternatives to regeneration and these could have consequences for industrial land and for the Green Belt. In addition, the Government's promotion of CIL has involved restrictions being

placed (from April 2015) on the ability to pool s106 monies, whilst as time passes potential CIL receipts are being foregone.

- 3.7 The necessary evidence has been obtained and work done, to enable the programmed 'Preferred Options' Consultation on the SAD and AAP, as well as a consultation on the Preliminary Draft CIL Charging Schedule. The formal purpose of this consultation on the SAD and AAP (necessary to meet legal requirements and to enable the documents to be found 'sound' at examination) is to demonstrate that the council has considered the reasonable alternatives and has chosen the most appropriate options. Although not every point of detail has to be finalised at this stage, it does require the evaluation of alternatives in light of the sustainability appraisal, other assessments, representations received and relevant evidence. This must be explained and justified in 'Preferred Option' documents, which have to be supported by the publication of work on the sustainability and habitats assessments, the representations and call for sites submissions received and responses to them and the evidence that underpins the plans. The Draft Plan Documents and Evidence that have been or are being prepared and that will be published for the consultation are listed in the 'Background Papers to this report.
- 3.8 The consultation also provides the opportunity for the publication of 'Draft Plans' (documents supported by draft Policies Maps) for the SAD and AAP. This should clearly show what the council is proposing and should facilitate involvement, especially from members of the public. The Summary to this report describes how 'Draft Plan' documents have been made available for Cabinet Members and placed on the council's website.
- 3.9 The documents for the proposed introduction of a CIL regime reflect the requirements for consultation on a Preliminary Draft Charging Schedule and on evidence to justify the approach taken.
- 3.10 The documents seek to address a wide range of issues. The main points are summarised in Appendix A to this report. In broad terms, the headlines for the documents are as follows.
  - i. The SAD Preferred Options is able to allocate sufficient sites to meet at least the Core Strategy housing requirements for the borough to 2026, and to meet targets for industrial land. It also designates open space and environmental assets for protection. It has to deal with some potentially difficult issues, although as far as minerals and waste are concerned the plan should increase environmental protection rather than rise controversial new issues. The SAD Preferred Options do identify sites that could be required to meet projected needs to accommodate gypsies and travellers and for travelling showpeople. The Preferred Options seek to show that development needs can be accommodated whilst retaining the Green Belt, in accordance with the Core Strategy, and it is not proposed to amend the boundaries of the Green Belt. This means it is not proposed to accept those call for sites submissions (by landowners / developers) that sought development in the Green Belt. Many of those

submissions generated considerable public interest when they were included in the public consultation at the Issues and Options stage.

- ii. The AAP continues to support investment in Walsall town centre, for shopping (especially comparison shopping), offices, leisure and other town centre uses, in accordance with the Core Strategy. However, to reflect economic and other trends and to ensure deliverability it proposes rather smaller amounts of floorspace. The plan recognises the need to act positively to promote and safeguard investment if the town centre is to avoid decline.
  - iii. The CIL Preliminary Draft Charging schedule reflects work that shows it will be viable to levy a charge on large foodstore and on retail warehouse developments (in any location), and on housing developments (in most, but not necessarily all, parts of the borough). Despite of charges being relatively low compared to other authorities CIL receipts should exceed those that have hitherto been secured through planning obligations and will be able to be used more flexibly.
- 3.11 The consultation will offer the opportunity to explore the issues further. The Local Planning Regulations require that such a formal consultation on a Local Plan should last for a minimum of 6 weeks, whilst the Community Infrastructure Levy Regulations require a consultation for a minimum of 4 weeks. Following the experience of the 'Issues and Options' stage it is proposed that the consultations on the Preferred Options and on the Preliminary Draft Charging Schedule should be for a minimum of 8 weeks. Although the Local Development Scheme intended that the consultations should start in the middle of August, in order to avoid the main holiday period and to provide adequate time to ensure sufficient time is available for printing and checking of plans it is proposed they should begin at the start of September.
- 3.12 Details of the consultations undertaken previously and proposals for the Preferred Options consultations are provided in Appendix B.

#### **4. Council priorities**

- 4.1 The Local Plan provides the statutory framework within which the Council should make decisions about the use and development of land. The borough-wide SAD and Walsall Town Centre AAP are to enable this through policies that support the Council's priorities whilst taking forward the regeneration strategy of the Core Strategy. They will give direct support for the council's priorities (as set out in the Corporate Plan - 'Shaping the Future 2015- 2019') by allocating land for development including housing (including affordable housing), for industry and business, including investment in the town centre, and by protecting the environment. By doing these things within a framework for sustainable development these plans should help to improve people's access to economic and other opportunities and contribute to their health and



well-being. They should also help all of those who are concerned with the future use of land and premises to plan for the future.

- 4.2 The proposed introduction of the CIL regime should provide resources to help support new, improved and better-maintained infrastructure for a variety of purposes, including open space, transport, highways and an improved environment for the public. Because CIL (unlike s106 obligations) is not tied directly to particular development it provides some flexibility to respond to changing needs and priorities.
- 4.3 Besides meeting statutory and procedural requirements, consultation on the plans should accord with the council's commitments to openness, listening and involvement. Positive plans for the future of the borough also represent tangible commitments to leadership.

## **5. Risk management**

- 5.1 Failure to have an adopted Local Plan, based on sound evidence, could result in the borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to meet the needs of residents and to support the economic and environmental well-being of the area. It could also result in development being placed in the wrong locations, leading to an inefficient use of resources, the loss of sites to meet local needs and to accommodate much-needed investment, traffic congestion, damage to the environment and other harm. Having a local plan in place is also essential to defend the Council's position in planning appeals and in justifying regeneration proposals and bids for resources.
- 5.2 The legal and procedural requirements for the preparation of the plans present potential risks. So do the Government's policy requirements that mean plans have to be found 'sound', in that they should be:
  - positively prepared (to meet the needs of the area);
  - justified (considered against reasonable alternatives and based on evidence);
  - effective (deliverable); and
  - consistent with national policy.
- 5.3 To mitigate the risks that might impede the adoption of the plans, it is important to meet the legal and procedural requirements and to ensure that policies and proposals across all of the issues relating to and/or addressed by the plans dealt with are well-considered and properly justified. Consultation is an important part of this.

## **6. Financial implications**

- 6.1 Preparing the plans entails costs, notably for evidence that the council has to have to justify the policies and proposals. This is especially, for issues that the council cannot fully examine itself or where it is important to show there

has been an external expert assessment. Thus, evidence has been commissioned on:

- the viability and deliverability of development (firstly across the borough and secondly in Walsall town centre) to show the plans are capable of being delivered and to decide whether CIL can and should be charged on developments; and
- minerals planning issues.

This is in addition to expert assistance with the sustainability appraisal for the plans and for the assessment required under the Habitats Regulations, which were commissioned in 2011 to cover the entire process of plan preparation. The total cost of the work commissioned so far (but not necessarily completed) for the plans has been £202,589. All of the commissions have been made on a competitive basis and in accordance with the council's procurement rules.

- 6.2 The printing of documents, maps and leaflets (etc.) for the Preferred Options consultation is estimated as likely to be less than £4,500.
- 6.3 The costs incurred so far, or due as a result of this consultation have been / can be met from existing and ear-marked reserve budgets. In June 2011 Cabinet endorsed the use of monies from the Government's New Homes Bonus for the preparation of the plans and CIL charging schedule. Sufficient monies remain to progress the plans to the next stage (publication), unless a need arises for a very large commission to address a complex (but hitherto unforeseen) issue.
- 6.4 The Council has been awarded £5 million of New Homes Bonus for 2015-2016 (note that this allocation of New Homes Bonus has already been allocated to the Corporate Budget so it is not available for the Economy and Environment Directorate). Government incentives for support for new development appear likely to continue in some form.
- 6.5 Besides government grants, support for new development will also be likely to generate Council Tax and Business Rates income. The introduction of a CIL regime has been estimated by the Council's consultants (DTZ) as potentially generating £4.5-£5.6 million up to 2026 for spending on the provision and maintenance of infrastructure. It is difficult to make a direct comparison with what might otherwise be collected through s106 obligations, because Government expects that resources for infrastructure will be gathered through CIL and it has tightened the rules on the collection and use of s106s (including, as of April 2015 with restrictions on the pooling of s106 contributions). As a marker, £309,000 was secured from s106 obligations in 2014-15. Some provision (on and off-site affordable housing, and site-specific infrastructure) will still be most appropriate for funding solely through s106s, but infrastructure funded through CIL cannot also benefit from contributions through s106.
- 6.6 Up-to-date Local Plans should also have financial (as well as other benefits), in enabling Development Management to function more efficiently, justifying

the council's position at planning appeals and supporting bids for regeneration funding.

## **7. Legal implications**

- 7.1 Formal 'Local Plans' are the basis of the planning system. The Planning and Compulsory Purchase Act (Section 38(6)) requires that where a planning decision is to be made "*the determination must be made in accordance with the plan unless material considerations indicate otherwise*". The Government strongly encourages authorities to have up-to-date plans, and the 2004 Act (as amended) requires that each authority should maintain a Local Development Scheme for plan preparation and that it should monitor the implementation of its plans.
- 7.2 Under the Town and Country Planning (Local Planning Regulations) 2012 (Regulation 5), any document that allocates sites for particular types of development has to be a local development document (otherwise known as a 'Local Plan'). This means the proposed documents will have to be prepared according to requirements set down in legislation (including the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, related regulations, EU Directives especially on Strategic Environmental Assessment and on Habitats) and Government Policy (particularly in the National Planning Policy Framework). Any planning document for Walsall has also to be consistent with the Black Country Core Strategy.
- 7.3 The preparation of an Infrastructure Plan and Charging Schedule should follow the Community Infrastructure Levy Regulations 2010 and subsequent amendments. Besides setting out how a CIL regime should be introduced, these give strong incentive to operate CIL as they limit the ability to pool planning obligations ('s106s') in respect on any particular infrastructure project or type of infrastructure.
- 7.4 The preparation, content and delivery of plans and proposals has also to take account of potential impacts in terms of matters that are the subject of other legislation (such as on equalities, on Listed Buildings and Conservation Areas or on the environment and nature conservation).
- 7.5 The documents are being prepared in accordance with the approach to consultation as set out in legislation and national policy, as well as in the Council's Statement of Community Involvement. The work on the plans requires continuing positive engagement with nearby local authorities and with various statutory bodies under the 'Duty to Cooperate' introduced by the Localism Act 2011.
- 7.6 The need to follow the statutory and policy requirements has informed the work programme, including the need for various assessments, for evidence and for public involvement. This should help to ensure that the proposed plans will be sound and should help to deliver the Black Country Core Strategy for the regeneration of the area.

## **8. Property implications**

- 8.1 One of the aims of the SAD and AAP will be to ensure land is allocated to meet the future land and property requirements of the Council and its partners in the most appropriate locations and planning for new homes and jobs (etc.) will help with this. Within the framework of planning policy Council and other assets have been taken into account where new facilities might be need, existing provision improved or land or premises might be surplus to requirements.

## **9. Health and wellbeing implications**

- 9.1 One of the objectives of the SAD and AAP will be to ensure that the provision and siting of new developments contributes to the health and well-being of residents of the borough. For example the location of development should help avoid exposure to pollution as well as providing opportunities to promote access by walking and cycling. Also, providing for the housing and economic needs of residents should have health benefits and planning to meet needs for housing and other activities should help planning for health facilities. Preparation of the SAD and AAP includes the carrying out of an integrated Sustainability Appraisal, Equality Impact Assessment and Health Impact Assessment. Monies collected through CIL might be available to support health-related initiatives, perhaps principally in relation to open space.

## **10. Staffing implications**

- 10.1 The majority of the work is being carried out by officers in the Planning Policy Team with others in the Economy and Environment Directorate (notably Development & Delivery and Strategic Regeneration), together with other officers on a range of matters including public health, education, community facilities, highways and other infrastructure. Some independent expert advice has being commissioned, notably on investment interest and the land and property market in the borough and in Walsall town centre, minerals planning issues, and the implications for the EU Habitats Directive.

## **11. Equality implications**

- 11.1 Preparation of the SAD and AAP includes the carrying out of an integrated Sustainability Appraisal, Equality Impact Assessment and Health Impact Assessment. One of the objectives of the SAD and AAP will be to ensure that jobs, homes and services are provided for and accessible to all residents of the borough including groups such as gypsies and travellers.

## **12. Consultation**

- 12.1 As the plans cover a wide range of issues and have to be prepared through processes that require evidence and consultation. There has been a great deal of consultation within the council and with partners in the work done so far. Representatives of the different political groups on the council have had working group meetings to explore some of the issues. Among council officers, the Planning Policy team has worked especially closely with Development and Delivery and with Development Management, Highways, Transportation, Pollution Control, the Employment Growth team and Housing. More widely there has been work with Clean and Green Services, Leisure and Community Health, Waste Management, and Communities and Public Protection.
- 12.2 All of those identified above as involved in the work on the plans, plus Finance and Legal Services, have been given the opportunity to comment on this report. There has also been an internal consultation on the Draft Plan documents and a 'drop-in' event for all Members of the Council has been arranged for 15 July. It is intended to keep Members, and services within the council, involved in the preparation of the plans as the work moves forward. If necessary they can participate in the public consultation (as well as residents, businesses, landowners, statutory bodies, etc.).

## **Background papers**

All published / to be published when the consultation begins – see the Council's website, especially:

[http://cms.walsall.gov.uk/index/environment/planning/planning\\_policy/planning\\_2026.htm](http://cms.walsall.gov.uk/index/environment/planning/planning_policy/planning_2026.htm)

[http://cms.walsall.gov.uk/index/environment/planning/planning\\_policy/community\\_infrastructure\\_levy.htm](http://cms.walsall.gov.uk/index/environment/planning/planning_policy/community_infrastructure_levy.htm)

### Existing Documents

1. *Black Country Core Strategy (BCCS)*
2. *Black Country Core Strategy Inspectors' Report*
3. "Saved" Policies of *Walsall's Unitary Development Plan (UDP)*
4. *Walsall Council Statement of Community Involvement*
5. *National Planning Policy Framework & National Planning Practice Guidance*
6. *Cabinet Report, 10 September 2014: Review of Local Development Scheme*

### Preferred Options Documents

7. *Walsall Site Allocations Document (SAD) Draft Plan*
8. *Draft Site Allocations Policies Map*
9. *Walsall Site Allocations Preferred Options Document*
10. *Draft Walsall Town Centre Area Action Plan (AAP) Draft Plan*
11. *Draft Walsall Town Centre Area Action Plan Policies Map*
12. *Walsall Town Centre Area Action Plan Preferred Options Document*
13. *Preliminary Draft Community Infrastructure Levy Charging Schedule*
14. *Draft Infrastructure Delivery Plan*
15. *Draft Delivery Plan (for the SAD & AAP)*
16. *Sustainability Appraisal*

17. *Statement on Habitats Regulations Assessment*
18. *Call for Sites Submissions and Council Responses*
19. *Walsall Site Allocations Document Issues and Options Consultation*  
– *Representations and Council Responses*
20. *Walsall Town Centre Area Action Plan Issues and Options Consultation*  
– *Representations and Council Responses*
21. *Statement on Issues and Options Consultation*

Evidence, including

22. *Walsall Strategic Housing Land Availability Assessment Update*
23. *Walsall Employment Land Review Update*
24. *Walsall Site Allocation and CIL Deliverability and Viability Study* (by DTZ & Wardell Armstrong)
25. *Walsall Town Centre Demand Study & Development Sites Assessment* (by DTZ & Fore Consulting)
26. *Walsall SAD & AAP Minerals Project Report* (by AMEC)
27. *Walsall Local Centres Surveys*
28. *Walsall Town Centre Characterisation Study*
29. *Draft Walsall Town Centre Car Parking Strategy*

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14 July 2015



Councillor Andrew  
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14 July 2015

## **Appendix A**

### **The Main Issues Addressed in or Raised by the Plans**

#### **Site Allocations Document**

##### **Housing**

The Core Strategy requires that a minimum of almost 12,000 net new homes should be accommodated in Walsall over the period 2006-2026. Of these, 5,238 had been completed by April 2015 and planning permission has been granted for a further 4,703 homes. The SAD Preferred Options therefore identify land for more than 2,000 additional new homes, as well as confirming which of the sites that already have planning permission for residential development should continue to be allocated for this use.

A key challenge is to ensure that sites to be allocated for residential development are deliverable. Most of the potential housing sites are on previously-developed land, which often has challenges including addressing contaminated or unstable ground, relocating existing or former industrial uses, and land assembly. The Core Strategy expects 25% of housing on sites of 15 dwellings or more to be affordable where this is financially viable. The SAD Preferred Options seek to continue this approach, recognising that whilst the requirement is unlikely to be met in every case, Registered Social Landlords (Housing Associations and others) have made a significant contribution to the provision of affordable housing in Walsall.

As well as affordable housing, there are needs to find sites for other types of specialist housing. The SAD Preferred Options propose the allocation of sites for housing and the consultation will explore whether some of these should be specifically for elderly people or other particular groups. The SAD Preferred Options show possible sites to meet identified needs for Gypsies and Travellers, and Travelling Showpeople.

The SAD Preferred Options have taken account of the importance of planning for housing in locations that can provide suitable environments. They should also be accessible to services, such as shops, schools and health facilities as well as to jobs and other opportunities.

The SAD Preferred Options show that the borough's quantified housing needs to 2026 should be capable of being met without the development of any Green Belt land.

##### **Land for Industry**

The aim is to provide the right portfolio of land to meet industry's needs over the 2016-26 period, as well as attract as much inward investment as possible. But some land currently in industrial use could be considered for release to other uses, notably housing, if and when no longer needed. The SAD Preferred Options will therefore:

- allocate high quality and local quality land to meet targets set in the Core Strategy; and
- allocate some local quality employment land that could be released to other uses, as long as safeguards are met, the industry can be relocated satisfactorily and these other uses do not constrain remaining adjoining industry

There is no need to use further Green Belt and greenfield land for employment purposes.

## **Local Centres**

Walsall currently has 34 local centres helping to meet day-to-day convenience shopping and service needs. Following a Local Centre Survey the SAD Preferred Options propose to:

- revise the boundaries of local centres, where appropriate, to ensure they are accurate and up-to-date;
- show the Local Centre boundaries as allocations on the Policy Map;
- allocate development opportunities where appropriate; and
- designate Blackwood Road in Streetly as a new local centre for allocation.

## **Open Space and Community Facilities**

The borough has a large number of open spaces of various types and in various conditions. These can offer important benefits in terms of recreation and amenity (as well as in environmental terms), but there are issues about the ability to maintain existing spaces as well as in seeking to maximise their potential. In this context the SAD Preferred Options propose to:

- safeguard existing green space, including playing fields, through the designation of all sites >0.4Ha, encompassing significantly more than were allocated within the UDP (in accordance with the Council's Green Space Strategy);
- identify that in a limited number of cases where green space sites are either surplus to requirements, or (in accordance with the Council's Green Space Strategy) the quality and value of certain sites is so low that retention as green space is not desirable (following an analysis of different types of spaces in different parts of the borough, and in consultation with the relevant service areas) such sites present development opportunities, from which planning contributions can be collected to improve existing provision; and
- identify priorities for maintenance and improvements, where health and well-being can be best-supported and other, including environmental, objectives can best be met.

The SAD Preferred Options propose an approach to community facilities whereby:-

- existing facilities will be safeguarded where viable and practicable;
- new facilities should be planned where they are most accessible to the communities they are intended to serve (often in town, district or local centres); and



- there will be a need to recognise that some facilities might no longer be viable and the sites should be considered for other uses (in accordance with the other policies in existing and emerging plans).

However, specific provision for community facilities will often depend on where new development, especially housing, will be located. It is therefore proposed that site specific-proposals will be developed further following the Preferred Option consultation.

Similar points apply in relation to education and health facilities. However, the SAD Preferred Options propose the inclusion of a policy (to update the existing UDP Policy) for the Gorway Campus of Wolverhampton University. This is to seek to address potential issues and conflicts between developments on the site, as the existing campus is maintained and/or enhanced, and the surrounding area.

## **Environmental Network**

Whilst it is recognised that some environmental assets exist in isolation, many aspects of the environment are linked because of movements between them (of air, water, wildlife, people) and /or because areas can play a variety of roles (an open space might be important for recreation, for amenity, for nature conservation, and it might play a role in managing water and mitigating flood risks). In this context, the SAD Preferred Options seek to enhance links between assets in a network to provide an attractive environment over a large area for leisure and recreation, as well as to benefit other nearby land uses such as housing or business.

Within this approach, and taking account of the relevant legislation on environmental, nature conservation and heritage issues, the SAD Preferred Options are proposing to do the following.

- Confirm the boundary of the borough's Green Belt is to remain unaltered, prioritising the regeneration of the Borough's urban area, safeguarding the countryside and environmental resources (notably agricultural land).
- Reflect, and safeguard, the Borough's existing environmental assets, including
  - sites designated for nature conservation
  - ancient woodlands
  - watercourses
  - historic environmental assets (generally and with specific policies for Great Barr Hall and Estate, and for the Highgate Brewery)
- Identify priority locations, where it will be important to have
  - particular safeguards
  - new or improved linkages
  - environmental improvements
  - measures to enhance the range of environmental functions that can be served
  - new environmental provision (including as part of the regeneration of brownfield sites).

This should complement the proposals for open spaces (above) and also in respect of transport (where attractive green linkages should encourage walking and cycling).

Water is important not only in environmental terms, but also in respect of issues of flooding and drainage. Whilst the risks of flooding from watercourses are relatively limited, there are issues of surface water flooding complicated by the historic pattern of development and by the drainage system. To address the issues the SAD Preferred Options are proposing to:

- steer development towards areas that are at lower risk of flooding, and, where necessary, ensure development in higher risk areas is only permitted when mitigation is provided to prevent flooding on-site or elsewhere;
- allocate land within the environmental / open space network suitable for flood mitigation measures; and
- encourage the use of sustainable urban drainage (SUDS) where this can be accommodated in or to serve new developments.

## **Waste Management**

The Core Strategy identifies important waste facilities in Walsall (Strategic Sites) that need to be protected, sets targets for delivery of new waste management capacity (to meet European and national targets to increase recycling and reduce the amount of waste sent to landfill), and identifies the most suitable types of location for development of different types of facility. The SAD Preferred Options will show how we are proposing to address the BCCS requirements by:

- providing an update on the capacity and types of waste infrastructure Walsall needs to provide between now and 2026, taking into account changes to existing capacity since the BCCS was prepared;
- safeguarding the most important of Walsall's existing waste facilities – the Strategic Sites – from other development that could compromise their continued operation;
- identifying industrial sites suitable for development with new enclosed facilities for re-use, recycling, recovery, treatment or transfer of waste; and
- identifying opportunities for final disposal of residual waste (waste that cannot be re-used, recycled or recovered for energy), for example at quarries that will require restoration over the plan period.

## **Minerals**

The BCCS seeks to safeguard mineral resources of local and national importance and important minerals infrastructure (in line with national policy guidance), and identifies potential 'areas of search' for extraction of sand and gravel and brick clays, which are likely to be required to support future development and growth over the plan period. The SAD Preferred Options will show how it is proposed to address the BCCS requirements by:

- defining the extent of a minerals safeguarding area (MSA) covering all mineral resources of potential local and national importance in Walsall;
- safeguarding the most important of Walsall's existing minerals infrastructure (such as aggregates recycling sites and the rail-linked cement distribution facility at Fairground Way) from other development that could compromise their continued operation;
- identifying permitted mineral extraction sites where extraction of minerals is already permitted and may take place within the plan period;

- defining 'areas of search' for sand and gravel extraction, which could contribute towards future supplies of aggregates in the West Midlands; and
- defining 'areas of search' for brick clay extraction expected to provide brickworks in Walsall with supplies of clay.

## **Transport**

The SAD Preferred Options are proposing to continue to safeguard land for transport purposes, notably the Walsall – Brownhills rail alignment and road alignments to improve access to industrial areas.

But it is not going to safeguard any land for the 5Ws metro line as this is not considered deliverable. Instead, it is envisaged that the rapid transit link to Wolverhampton and Wednesbury will use the existing rail lines, therefore not necessitating the safeguarding of any other land for this purpose. Initial work by Centro shows that the best rate of return is rail passenger services between Walsall and Wolverhampton, but other rapid transit options are currently being considered.

## **Walsall Town Centre Area Action Plan**

A substantial piece of evidence has been commissioned on market interest and the viability and deliverability of development in Walsall Town Centre. The key headlines of this work, as reflected in the AAP Draft Plan, are as follows.

1) Reduced town centre **floorspace targets** following a review of the economic viability of the centre and the potential development sites.

- Comparison retail target of 6,000 sq.m. gross additional floorspace up to 2026 (on top of existing commitments). The Core Strategy indicative target was 85,000 sq.m. gross of additional comparison floorspace.
- Convenience retail target of 1,500 sq.m. gross additional floorspace by 2026 (on top of existing commitments).
- Office target of 73,000 sq.m. between 2006 and 2026. The Core Strategy indicative target was 220,000 sq.m. of additional office floorspace.

This allows for more accurate targets, whilst still being ambitious in pursuit of the regeneration strategy for the centre as set out in the Core Strategy.

There are no targets for residential developments in the town centre but the plan allocates for residential uses where this is most appropriate use and is supportive of residential as part of mixed use development where a suitable environment can be created without jeopardising the role of the centre as a commercial location.

2) **The need to consolidate and focus investment.** The DTZ work is very clear that to deliver development within the centre investment needs to be focussed to create demand, protect current uses and to avoid diluting the positive impact of investment. The draft plan therefore:

- Slightly consolidates the Primary Shopping Area to focus retail development in the heart of the centre;
- Identifies sites in the Primary Shopping Area for reconfiguration and development for retail uses;

- Provides a strong stance in relation to edge and out-of-centre retail development (including Crown Wharf);
- Focuses most office development within the Gigaport area to create a high quality office location;
- Focuses leisure development at Walsall Waterfront to create a leisure destination; and
- Focuses the expansion of Walsall College to create a high quality learning campus.

3) **The increased role of leisure** in making for an attractive town centre. The DTZ report argues that leisure is a key factor in attracting visitors and increasing spending in centres. The draft plan therefore:

- Has a flexible approach to uses within the Primary Shopping Area so that uses such as A3 are not restricted, whilst ensuring the shopping function of the centre is not prejudiced;
- Has policies to support the delivery of the cinema scheme and other leisure (including restaurants) at Waterfront;
- Identifies sites that are suitable for leisure, hotel and banqueting developments; and
- Proposes to protect and enhance existing facilities such as The Gala Baths, The New Art Gallery, The Leather Museum, Walsall Library and Walsall Town Hall.

4) **Improvements to the town centre environment.** The DTZ work highlights the importance of creating a high quality environment that is attractive to visitors, especially within the shopping area to help compete with other centres, out-of-centre developments and online shopping. The draft plan:

- Identifies areas where improvements are needed in linkages between area and uses;
- Identifies areas where public realm investment is needed especially within Park Street; and
- Looks to protect the character of the centre, historic assets and the environmental infrastructure such as the Canal, whilst ensuring a high standard of design for new developments.

5) **Making the town centre accessible.** The DTZ report recognises the importance of having an accessible centre and the draft plan includes:

- allocating land for proposals to increase the capacity at Bradford Street Bus interchange, the most deliverable scheme to improve bus provision in the town;
- proposed locations for at least one multi storey car park to serve the centre;
- allocating land at Station Street to allow for a rapid transit route connected to Walsall Railway Station;
- promoting pedestrian and cycle links to and throughout the centre;
- improvements to the town centre road network.

## **Community Infrastructure Levy Preliminary Draft Charging Schedule**

The draft Infrastructure Delivery Plan has identified a funding gap of just under £180 million for borough-wide infrastructure, such as open space, transport, highways and the public realm. The commissioned CIL viability study assessed the viability of development and the amount of headroom available to enable a charge to be placed on development to help towards funding the boroughs infrastructure. The study concluded that residential and certain types of retail development would be able to carry such a charge in some, but not all, areas of Walsall.

The key matters coming out of the study and covered in the Preliminary Draft CIL Charging Schedule are as follows.

- Rates of between £25 and £100 per sq.m. for residential development depending on the area where the development would be located ('charging zones'). This would equate to approximately £8,000 per dwelling in the highest value areas to £2,000 in the lower value areas (or as low as £400 in lowest value areas if a £5 nominal charge is set) in comparison to around £4,500 per dwelling under the old S106 regime. The study has evidenced that these rates have been set at between 46% to 74% below the maximum amount available from development, so as not to affect delivery or viability.
- Rates of between £75 and £100 per sq.m. gross for larger retail developments (for non-food retail warehousing and food-based retailing respectively) in any location. We do not have comparable data for retail development contributions and the proposed rates would introduce costs on this form of development. The study evidences these rates have been set at between 73% and 88% below the maximum amount available from retail development, showing more than sufficient headroom to ensure this would not affect the delivery or viability of retail development.
- The forecast for receipts from CIL up to 2026 is £4.5M (or £5.6M if a £5 nominal charge is set in low value areas).
- It has been decided to consult on a proposed nominal £5 per sq.m. charge on residential development in lower value areas, and for developments of up to and including 40 flats, which would otherwise be set at a zero rate.
- After the adoption of CIL, use of Section 106 would be restricted to affordable housing and to site-specific matters only (such as vehicle access, junction improvements, public transport, air quality, and flood mitigation / resilience measures) and cannot duplicate items of infrastructure already funded through CIL.
- The final list of infrastructure projects to be funded through CIL (Regulation 123 List) is to be decided following this consultation.

## Appendix B The Previous Issues and Options Consultations and The Proposed Preferred Options Consultations

### 1) Issues and options consultation

- The Council undertook a 6 week formal consultation on Walsall SAD and Walsall Town Centre AAP from April 22<sup>nd</sup> till June 3<sup>rd</sup> 2013.
- All households received notification of the consultation through the Council Tax leaflet.
- Emails and letters were sent to all contacts on our database.
- The consultation was promoted beforehand at events and through the Council's website.
- Social media was also used to promote discussion on the plans.

The table below sets out by respondent type the number of formal written response received during the consultation period:

Respondent Type	SAD	AAP
Walsall Council (Other Teams)	3	2
Walsall Council (Ward Members)	6	0
Other Councils (DTC)	5	2
Other DTC Bodies	5	7
Other Statutory Consultees/ Public Bodies	10	4
Community/ Voluntary Groups	4	2
Land Owners/ Developers/ Agents	19	9
Businesses	5	5
Local Residents/ Residents' Groups	136	6
Anonymous	1	0
<b>TOTAL</b>	<b>194</b>	<b>37</b>

DTC = Duty to Co-operate. Apart from neighbouring Councils, representations on the SAD were received from the following DTC bodies: English Heritage, Environment Agency, Natural England, B&BC Nature Partnership and Walsall Teaching PCT, and representations on the AAP from the following DTC bodies: English Heritage, Environment Agency, Natural England, B&BC Nature Partnership, Walsall Teaching PCT, HCA and Centro.

During the consultation period, the council took the First Stop Shop Bus around the borough, took space in Walsall town centre, held special meetings / events and attended several community / voluntary and partner organisations' meetings. These were attended by over 500 people and generated about 250 written comments.

All of the written representations received have been taken into account in the preparation of the plans for the Preferred Options consultation. They will be published at the same time as the consultation, together with responses on behalf of the council.

## **2) Preferred Options Consultation - Proposals for consultation include:**

### **Consultation launch and Promotion (8 weeks September - October)**

- Press release before the consultation and another before the end
- Email/letters to all on the database
- Specific duty to cooperate form to relevant contacts
- Website promotion – including any relevant partner websites
- Facebook, Twitter and Wordpress blog

### **Consultation Materials**

'Draft Plan' Documents (referred to in body of report) plus:

- SAD Ward Map Booklet
- A1 Presentation Board (inc consultation dates etc)
- Response Forms
- Leaflet to advertise the consultation dates and any events
- Leaflet for the TC

### **Public Events**

- Market stall in Walsall Town Centre
- Pop up shop as before in Town Centre?
- Specific Planning 2026 evening event at the Council house – mid way through
- Area specific events / stands – in each district centre and as identified in each 'area' (including as sought by Members).

### **Specific Groups to involve / consult**

(Besides as many local residents as possible – and 'Duty to Co-operate' bodies not otherwise referred to)

Housing:

- House builders
- Housing associations
- Gypsies and travellers
- Travelling showpeople

Employment:

- Businesses groups - LEP, Chamber of Commerce, Walsall Economic Board
- Land owners

Local Centres:

- Land owners

Community facilities

- WVA
- Sport England
- Local amenity and 'friends' groups

Environment

- Natural England

- Environment Agency
- Historic England
- Birmingham & Black Country Local Nature Partnership

#### Waste Management & Minerals

- Site owners / operators

#### Transport

- Highways England
- Centro
- Network Rail

#### Infrastructure

- Participants in previous CIL workshop
- Infrastructure providers

#### Town Centre

- Walsall College
- Walsall Civic Society
- Walsall town centre investors and developers
- Walsall town centre businesses
- Walsall Market Traders

#### General:

- Area Partnerships
- Walsall Disability Forum
- Walsall Multi Faith Forum