

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Respondent Organisation	Contact Type	Topic	Mod Number	Policy Ref	Site Ref	Section Ref	Supports the Modification - Provide Summary	Objects to the Modification - Provide Summary	Proposed Modifications	Suggested response for the examiner
	Resident	2. Objectives, Regeneration Corridors and Issues	None			2.1	Previous comments about the environmental and green belt areas still apply			No further change proposed. Welcome support. Note: all representations received at previous stages in the preparation of the plan will be submitted to the Secretary of State.
Cory Environmental	Business	2. Objectives, Regeneration Corridors and Issues	MMSAD2			2.3		Allocation of land at Highfields South quarry and landfill site, as Flood Zones 2 and 3, is not justified by appropriate evidence. It is based on work that is incomplete, draft and out of date	The land at Highfields South quarry/landfill area should be excluded from Flood Zones 2 and 3 on Map 7.8	No further change to the Council's proposed modifications is considered necessary. The reference to part of the site lying in flood zones 2 and 3 is based on mapping provided by JBA, the Council's consultants. The reference is not an 'allocation' as such but has been provided to alert potential developers, on a strategic level, to the need to carry out a flood risk assessment should a planning application be submitted. In the case of Highfield South, no further assessment is needed to continue the existing landfill operation as this already has planning permission. The modification proposed previously (OMSAD34) states that flood risk can change over time as circumstances change and new information becomes available. This modification was due, in part, to a recognition that operations such as mineral extraction can change the landform and drainage characteristics of a site over a short timeframe and since survey work for the mapping was carried out. Any future development proposals that do not yet have planning permission will require a revised flood risk assessment to be carried out. In view of the size of the site, an assessment would be likely to be required under national policy regardless of whether any part of the site lies within a flood zone. The final evidence document from JBA Consulting is now available on the council's website page 'Local Plans Evidence': http://cms.walsall.gov.uk/preparatory_work_for_walsall_local_flood_risk_management_strategy_december_2016_reduced.pdf . See also the response to the representation from Cory in respect of MMSAD25, below.
Birmingham and Black Country Wildlife Trust	Community or other organisation	2. Objectives, Regeneration Corridors and Issues	MMSAD2				Supports the modifications to 2.3.1 (f) Water			No further change proposed. Welcome support

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Environment Agency	Statutory Consultee	2. Objectives, Regeneration Corridors and Issues	MMSAD2					we are unsure why the abbreviation F2/3 has been used to indicate Flood Zones 2 and 3. We recommend the universally recognized abbreviation 'FZ' is used when referring to flood zones for clarity.	We recommend the universally recognized abbreviation 'FZ' is used when referring to flood zones for clarity.	No further change to the Council's proposed modification is considered necessary. No other asset or constraint begins with an "F" so the use of "F2" or "F3" provides sufficient clarity. It is considered that abbreviations should be as short as possible, and it is also relevant that the SAD is using flood risk mapping that differs from that by the Agency (see Maps 7.7 and 7.8). Note that this representation and the suggested response is also relevant to the tables of sites for housing, industry and other land uses.
Catalyst Capital	Planning agent or consultant	3. Homes for Our Communities	MMSAD4	HC1	HO303	3.2		The proposed modification to exclude the Wards Pool Site of Importance for Nature Conservation (SINC) from the boundary of proposed housing allocation HO303 under proposed modification MMSAD4, in conjunction with proposed modification MMSAD13 (to allocate the excluded area of SINC as open space), is not considered to be necessary or justified. The site (HO303) was granted full planning permission on 23/08/2008 under reference 08/0394/FUL for the "Demolition of existing buildings and erection of 304 houses and apartments, revised access, amenity areas, parking and associated works.	Proposed main modifications MMSAD4 and MMSAD13 should not be made	No further change to the Council's proposed modification is considered necessary. However, discussions with the agent are continuing. It is accepted that the site has had a previous planning permission for residential development. This may still be capable of implementation, although it is understood that the current owners no longer wish to implement the approved layout because the mixture of house types is not viable. The previous permission included the retention of much of the SINC, which comprises both the pools and the adjacent grassland, as open space. A grant of planning permission would over-ride the SINC designation. It should be noted that advice provided at planning application stage in 2008 appeared to confuse the status of the site between a SINC and a SLINC. Whilst a SLINC is of less importance, a SINC, although not nationally designated, is afforded greater protection. A SINC is designated outside of the plan-making system by the Birmingham and Black Country Local Sites Partnership which includes Natural England, the Wildlife Trust, EcoRecord and the Black Country Geological Partnership, as well as the Council. The previous planning permission pre-dated the adoption of the BCCS, the adoption of Walsall's Conserving the Natural Environment SPD and the introduction of the NPPF. BCCS Policy ENV1 states that development <u>will not</u> be permitted where it would harm nature conservation sites that are SINC's and this approach is reflect in the SPD. It would not be appropriate for the SAD to have a site with a 'dual allocation' for both housing and open space / nature conservation. Paragraph 117 of the NPPF states that planning policies should identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										See also the representation and response in respect of MMSAD13, below.
Environment Agency	Statutory Consultee	3. Homes for Our Communities	MMSAD4	HC1	HO11, HO16, HO305		With regard to HO305 at Cricket Close, we support the site boundary amendment to exclude the areas of floodplain	In relation to HO11 and HO16 we agree with the approach taken but would recommend 'flood relief' is inserted before culvert, just to avoid any potential uncertainty on the matter.	Would recommend 'flood relief' is inserted before culvert, just to avoid any potential uncertainty on the matter.	No further change to the Council's proposed modification is considered necessary. It is clear that the term "culvert" relates to flood risk. Welcome general support.
Michael Featherston-Dilke	Planning agent or consultant	3. Homes for Our Communities	None	HC1	HO208	3.2		The indicative capacity of the site is unrealistic and unachievable because of the restrictive shape and the need to retain certain trees. We object to the non-inclusion of the narrow strip of Green Belt land immediately within the caravan site boundary. The inclusion of this very small area of Green Belt land would significantly increase the capacity of the site without any harm to the openness of the Green Belt	If the strip of Green Belt land within the caravan storage site is excluded, the guidance capacity of the site should be reduced to 10. If the boundary is amended to reflect the existing physical boundary, the capacity should be stated as approximately 13.	No further change to the Council's proposed modification is considered necessary. The representation relates to the capacity of the site as stated in the Publication Document so does not relate to a proposed modification. The hedge that form the existing physical boundary appears to have existed before the current Green Belt boundary was established in previous versions of the development plan. No exceptional circumstances have been demonstrated to support adjusting the boundary in the absence of a comprehensive borough-wide Green Belt review that might be carried out as part of the review of the Core Strategy. However, the restrictions imposed by the current site shape are recognised. The capacity figures in table HC1 are only estimates based on a typical density of 35 dwellings per hectare and would not preclude a lower (or higher) number of dwellings where this is informed by the need to achieve high quality design and to take into account the characteristics of the area in accordance with BCCS Policy HOU2. The Council has therefore reduced the capacity of the site in its housing monitoring records to 10 following discussion with the landowner's agent.
St Francis Group	Landowner	3. Homes for Our Communities	None	HC1	HO29		St Francis Group can confirm that the assets and constraints identified for site HO29 are correct and raise no issues in respect of suitability or delivery of the site for residential development.			No further change proposed. Welcome confirmation.
St Francis Group	Landowner	3. Homes for Our Communities	OMSAD6	HC1	HO29		St Francis Group supports the proposed modification to reference the most up to date Strategic Housing Land Availability Assessment. It is recognised that Goscote Lane Copper Works is identified as a potential new housing			No further change proposed. Welcome confirmation.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							site in the 2016 SHLAA with an assumed capacity of 395 dwellings. This is consistent with the proposed allocation.			
St Francis Group	Landowner	3. Homes for Our Communities	OMSAD7	HC1	HO29		St Francis Group agree that re-using previously developed land to deliver new homes is likely to reduce the requirement for the provision of significant new infrastructure due to development making best use of existing infrastructure. Pre-application discussions in respect of Goscote Lane Copper Works with Walsall Council have considered the matter of necessary infrastructure that may be required to support the delivery of approximately 395 homes in this location. This will be considered as part of the submitted planning application			No further change proposed. Welcome confirmation.
St Francis Group	Landowner	3. Homes for Our Communities	MMSAD5	HC1	H058		St Francis Group note the deletion of Site HO58 for 51 dwellings due to minerals constraints. Whilst St Francis Group has no specific comment in respect of the removal of HO58, concern is raised to the potential unintended consequences of proposed modifications MMSAD4 and MMSAD5 on the housing supply position within the District			No further change proposed. Comment noted. However, the total capacity of potential housing sites identified under policy HC1, together with 'consider for release' employment sites under policy IND4, sites in town and district centres not covered by the SAD, and small sites not specifically allocated, is well in excess of that required to meet the housing target in the BCCS (as section 3.1 sets out, the SAD needs to find sites for at least 2,032 homes whilst the total capacity of sites listed under Policy HC is in the order of 4,000 dwellings). There is therefore some flexibility should a small number of sites prove to be undeliverable or if their capacity is reduced.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

St Francis Group	Landowner	3. Homes for Our Communities	MMSAD4	HC1	HO305		It is noted that this modification reduces the assumed capacity on site HO305 and St Francis Group has no further comment to make in respect of this site.			No further change proposed. Comment noted. The modifications and unaltered policies/ text referred to in the representation from St Francis Group (3623) do not fully correspond to the stated reference numbers. The representation has therefore been recorded in this spreadsheet against the actual modification numbers rather than the numbers stated in the representation.
Friends of the Earth	Community or other organisation	3. Homes for Our Communities	None	HC3				Response from the council appears to relate to specialist care homes, which was not the basis of our original objection. There is a need to ensure sufficient market housing is provided for over 55s and that the housing is designed to be appropriate for elder people.	The council could identify that it will seek a percentage of homes to be designed for over 55s in larger developments and make a broader commitment to ensure there is sufficient housing suitable for older people	No further change to the Council's proposed modifications is considered necessary. This representation does not relate to a proposed modification. In addition, the Council's response to this representation that was made at the Publication stage stated that while the needs [of the elderly] are recognised, housing that does not involve an element of care for residents would normally fall within the general Class C3 housing class so it would not be possible to allocate specific sites. It is accepted that the Council's response may not have been entirely complete. There would appear to be two issues involved. First, the incorporation of features to meet the needs of over 55s would add to construction costs and would need to be justified on viability grounds. Second, restricting the occupation of new class C3 housing sites to over 55s would need evidence that over 55s have greater difficulty gaining access to market housing than other age groups. No such evidence has been provided in the representation and neither is the Council aware of such evidence. This does not mean that the Council would not wish to encourage for example lifetime homes. However, lifetime homes are now dealt with through the national housing standards.
St Francis Group	Landowner	3. Homes for Our Communities	MMSAD6	HC4			St Francis Group has no comment in respect of this proposed modification which seeks to provide further clarification.			Comment noted.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

National Federation of Gypsy Liaison Groups	Community or other organisation	3. Homes for Our Communities	None	HC4		3.6		<p>National Federation of Gypsy Liaison Groups maintains the objections set out in its letter of 2nd November 2015. This stated that the requirement that sites for Travellers should be in a location that would be suitable for general housing is a recipe for non-delivery. It is quite clear that such a requirement is not in accordance with national guidance as set out in Planning Policy for Traveller Sites (PPTS). Furthermore, as the supporting text acknowledges, the use of land as a traveller site represents a substantial loss in value over residential use and thus there is no incentive for landholders to release land for Traveller sites. Reliance exclusively on publicly owned land is wholly unacceptable.</p> <p>Equally unacceptable is the reliance on large housing sites as the main source of delivery. Experience elsewhere demonstrates that this simply will not deliver sites.</p> <p>The criteria set out as a basis for considering applications are far too restrictive and clearly designed to effectively prohibit the obtaining of permission. These criteria do not begin to offer a basis for discussion.</p> <p>The time horizon of the current GTAA does not allow for proper consideration of the needs of Gypsies and Travellers and there can be no reliance on the current GTAA. A new GTAA is urgently required</p>		<p>No further change to the Council's proposed modifications is considered necessary.</p> <p>Correspondence took place in response to this representation following the Preferred Option stage consultation and no adverse representation was made at the Publication Consultation stage.</p> <p>The proposed policy, which includes criteria to assess other new sites that may come forward, is almost identical to that in the existing adopted BCCS which was drawn up in conjunction with the Federation. The only difference is the addition of point i) which states that sites should not be in locations that would not be suitable for general housing. This reflects national guidance in the PPTS that states, for example that traveller sites represent inappropriate development in the Green Belt. Given the land supply in Walsall, the only potential sites that are not in the Green Belt are ones that would otherwise either be suitable for general housing, or are needed for other purposes such as industry or open space. If the proposed policy was not adopted, it would therefore result in the proposed sites (as well as any existing ones that could come forward for redevelopment) being lost to general housing.</p> <p>The proposed sites to be allocated include a mixture of public and private land where it is understood that the owner is willing to either develop a new site or safeguard an existing one. The policy also includes criteria, which are almost identical to those already in the adopted BCCS,</p> <p>The Federation were advised of the draft revised GTAA which seeks to estimate the number of sites that the SAD should identify to the current end date of the BCCS in 2026, but have made no comments.</p>
---	---------------------------------	------------------------------	------	-----	--	-----	--	---	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

	Resident	3. Homes for Our Communities	None	HC4	GT6	3.6		Proposal to allocate traveller site in the Green Belt amounts to an inset in the Green Belt boundary, but SAD states that no amendments are being made to the boundary. The boundary is therefore being changed without public consultation.	If due process has not been adhered to, and ownership of the land has not been considered fully, the site at Gould Firm Lane should be removed from the Plan. Instead, the current status quo should be maintained. This is that the current occupiers have permission approved by the Secretary of State in 1992 for a maximum of 4 mobile caravans for them their children and grandchildren, and that should the land be vacated it will return to Green Belt.	No further change to the Council's proposed modifications is considered necessary. The SAD proposes to allocate several existing traveller and travelling showpeople sites that lie in the Green Belt. In most cases this is to safeguard sites that have a permanent permission. Two sites, Cartbridge Lane and 34-38 Gould Firm Lane (GT5 and GT6), are currently the subject of a temporary or personal planning permission respectively. The Council is proposing to makes these two sites permanent through the local plan as advised by the Planning Policy for Traveller Sites (PPTS). Although the SAD does not describe this proposal as an amendment to the Green Belt boundary, the effect of the proposal is clear in the plan. The exceptional circumstances that have resulted in the Council making this proposal are described in the policy justification in the SAD. It will be clear from the representations received at earlier stages of consultation on the SADS that the Council has been unable to identify suitable alternative traveller sites that are not in the Green Belt. It should be noted that the response form describes the representation as relating to OMSAD27, but in fact the content of the representation is not relevant to this modification
Environment Agency	Statutory Consultee	3. Homes for Our Communities	MMSAD7	HC4	HO11			In relation to HO16 we agree with the approach taken but would recommend 'flood relief' is inserted before culvert, just to avoid any potential uncertainty on the matter.	would recommend 'flood relief' is inserted before culvert, just to avoid any potential uncertainty on the matter.	No further change to the Council's proposed modification is considered necessary. It is clear that the term "culvert" relates to flood risk
St Francis Group	Landowner	3. Homes for Our Communities	MMSAD7	HC4	HO29		This Pre-Submission Modification does not seek to add or remove individual sites identified within Policy HC4; instead it seeks to update constraint information. In respect of Goscote Lane Copper Works, this includes the identification of the Minerals Safeguarding Area and is now consistent with the constraints set out for the Goscote Lane Copper Works housing allocation included at Policy HC1.			No further change proposed. Welcome confirmation.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

	Resident	3. Homes for Our Communities	None	HC4	HO29			Neighbour viewed the plans, found no changes from previous plans. Appears the council has already made their mind up about where the travellers sites are going and are just making it difficult for residents with all the form filling. Not against travellers, just the mess they leave behind and do not want them on their doorstep.	Move the allocated (travellers) sites to affluent areas of the borough	No modification is considered necessary. The representation relates to proposals already in the plan and does not relate to any proposed modification.
	Resident	3. Homes for Our Communities	None	HC4	HO29			Earlier objections made at Publication Stage still stand. Believe site would be better as a housing site.		No modification is considered necessary. The representation relates to proposals already in the plan and does not relate to any proposed modification. The representation is useful confirmation that the earlier objection still stands.
	Resident	3. Homes for Our Communities	None	HC1	HO27			More concerned now that Goscote Lodge Crescent has been proposed for 400+ houses by WHG		No modification is considered necessary. The representation relates to proposals already in the plan and does not relate to any proposed modification. The representation is useful confirmation that the earlier objection still stands.
	Resident	3. Homes for Our Communities	None	HC4	HO29			Objections made at Publication Stage still stand.		No modification is considered necessary. The representation relates to proposals already in the plan and does not relate to any proposed modification. The representation is useful confirmation that the earlier objection still stands.
St Francis Group	Landowner	3. Homes for Our Communities	None	HC4	HO29			In light of the reduction in the housing capacity within identified allocations set out at Policy HC1, as a direct result of the proposed Pre-Submission Modification, St Francis Group consider that site HO29 should be removed from Table HC4b to remove uncertainty on the provision of permanent Gypsy pitches and to ensure the delivery of general housing can be maximised within this deliverable allocation. St Francis Group has no intention of including provision for Gypsies and Travellers within residential proposals for the site	Site HO29 should be removed from Table HC4b to remove uncertainty on the provision of permanent Gypsy pitches and to ensure the delivery of general housing can be maximised within this deliverable allocation.	No further change to the Council's proposed modification is considered necessary. Site HO29 is only proposed as a potential reserve traveller site if site HO28 (which is owned by the Council) does not come forward. Apart from the availability of funding (which would also affect site HO29 since this site is also likely to require public funding to bring forward), this is only likely to occur if the development of site HO28 is prevented by a physical constraint. None have been found.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

St Francis Group	Landowner	4. Providing for Industrial Jobs and Prosperity	OMSAD12	IND2	IN98.1, IN98.2		Previous representation at publication stage requested that use classes considered appropriate for this site be expanded to include A1, A3, A4, A5 and <i>sui generis</i> roadside uses. These comments still stand. Landowners are concerned that due to size of site, floorplates to realise traditional B1 (b) (c), B2 and B8 uses would not be viable and so not come forward. It is considered that there is a very good prospect that site would come forward for <i>sui generis</i> roadside uses.	Previous representation at publication stage requested that use classes considered appropriate for this site be expanded to include A1, A3, A4, A5 and <i>sui generis</i> roadside uses.	No further change to the Council's proposed modification is considered necessary. This representation has already been addressed by the Council in its response to the representations received at the Publication stage. No further evidence relating to site viability has been provided, and no evidence has been provided to justify town centre uses (A1, A3, A4, A5) in this out-of-centre location.
Hortons	Landowner	4. Providing for Industrial Jobs and Prosperity	None	IND3	IN67	No objections to allocation of the majority of their site at IN67 being allocated under IND3	Small residual area of ancillary land located to north-east corner of their site (see map attached to representation) should be excluded from IN67, or reclassified as 'Local Industry Consider for Release' (IND4) as it does not currently serve an employment purpose and may be suitable for an alternative use such as residential (housing already exists on adjacent sites). This would provide flexibility to put site into more productive use and would render the SAD sound as would be effective in meeting future growth needs and encouraging use of underused brownfield land	Reclassify area to North-east of Electrium Point as 'Consider for Release'	No further change to the Council's proposed modifications is considered necessary. The representation does not relate to any proposed modification. No representation about this site has been received at any previous stage of consultation, although the Council's records indicate that the representor has been on the database and informed about the various consultation stages since 2011. Much of the site is currently unused but is part of the core employment area under UDP Policy JP5. The remainder (the eastern part of the site nearest to Sandbeds Road) is used as a car park for Electrium Point, so is clearly a functioning part of the employment area.
St Francis Group	Landowner	4. Providing for Industrial Jobs and Prosperity	None	IND3	IN328		Representation supplements previous comments put forward at Publication Stage Consultation. Site IN328 (former Deeley's Castings) should be reallocated for residential development not retained local quality industry. St Francis have application in process for housing on the site. Policy IN3 with modifications OPSAD13, OMSAD14 and MMSAD10 identifies 343.61ha of local quality retained land to satisfy BCCS requirement of target of 294ha of LQR land for Walsall in BXCCS Policy 4.3. Site is vacant and unlikely to come forward for an industrial use during		No further change to the Council's proposed modifications is considered necessary. The designation of this site as a vacant Local Quality Industrial site under Policy IND3 has not changed (the only amendment has been the insertion of commas to separate the 'assets and constraints'). The points made in this representation have previously been addressed by the Council in its response to the representations received at the Publication stage, and all representations received at previous stages in the preparation of the plan will be submitted to the Secretary of State.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

								<p>policy period, but can be developed for housing once s106 is signed.</p> <p>By allocating site for Industry SAD is not 'effective' as it is undeliverable.</p> <p>Landowner has no intention of bringing forward employment uses on the site; site is not required for Walsall council to satisfy and meet the target identified in Policy EMP3 of BCCS.</p> <p>Site is suitably located to be sustainable residential allocation. If not allocated as residential, should be included in IN4 Consider for Release rather than IN3 Local Quality Retained</p>		
Catalyst Capital	Planning agent or consultant	6. Open Space, Leisure and Community Facilities	MMSAD13	OS1	HO303	6.2		See comments for MMSAD4	See comments for MMSAD4	See the representation and response in respect of MMSAD4, above.
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	6. Open Space, Leisure and Community Facilities	OMSAD21	OS1			Expressly supports the modifications			No further change proposed. Welcome support.
Birmingham and Black Country Wildlife Trust	Community or other organisation	6. Open Space, Leisure and Community Facilities	OMSAD21	OS1			Supports the modifications			No further change proposed. Welcome support.
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	6. Open Space, Leisure and Community Facilities	None	OS1			6.2.1 and 6.2.2 - Welcomes the reference to the B&BC LNP State of the Environment Dashboard in text and evidence			No further change proposed. Welcome support.
Birmingham and Black Country Wildlife Trust	Community or other organisation	6. Open Space, Leisure and Community Facilities	None	OS1			6.2.1 and 6.2.2 - Welcomes the reference to the B&BC LNP State of the Environment Dashboard in text and evidence			No further change proposed. Welcome support.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Birmingham and Black Country Local Nature Partnership	Statutory Consultee	6. Open Space, Leisure and Community Facilities	MMSAD17	LC5			Expressly supports the modifications			No further change proposed. Welcome support.
Birmingham and Black Country Wildlife Trust	Community or other organisation	6. Open Space, Leisure and Community Facilities	MMSAD17	LC5			Supports the modifications			No further change proposed. Welcome support.
Canal & River Trust	Statutory Consultee	6. Open Space, Leisure and Community Facilities	MMSAD17	LC5			The policy has been modified to identify the Canal network as 'Greenways' The Trust supports the recognition of the canal network as part of the green infrastructure network.		Para 6.3.1. the second paragraph should be extended as follows: The type, function and character of existing 'Greenways' such as the canal network will need to be taken into account and proposals will need to balance their multi-functional nature protecting and enhancing not only their function as 'Greenways' but also their cultural, heritage and ecological value.	Change proposed. Support proposed modification to policy justification, as this is consequential to MMSAD17 to the policy itself. The current text states that greenways should be well lit, but this would not necessarily be suitable for canals. It is therefore proposed to add text to the policy justification (6.3.1) to reflect the representation but to recognise that the points raised could relate to future as well as to existing Greenways: <i>"Greenways intended for utility trips (e.g. by commuters, shoppers or children going to school) should be safe and secure for use throughout the day. In particular, they should be well lit, and have sufficient access and exit points to make them useful and safe. However, the type, function and character of existing Greenways and potential Greenway routes, such as the canal network, will need to be taken into account and proposals will need to balance their multi-functional nature protecting and enhancing not only their function as Greenways but also their cultural, heritage and ecological value."</i>
Friends of the Earth	Community or other organisation	6. Open Space, Leisure and Community Facilities	MMSAD19	UW1			welcome the fact that 'surplus to requirement' has been removed but still believe the policy vague on amenity value, particularly for areas not on the Broadway.	The policy should specifically seek to protect the amenity value of the area surrounding the campus, including areas not visible from the ring road.	No further change to the council's proposed modifications is considered necessary. The reference that is made to the amenity value of the area is not part of a proposed modification and was responded to at the Draft Plan stage. The policy refers to "the setting of the area" (part b)), "the amenities of the area" (part bv)) and "surrounding residential roads" (part bvi)) all without restricting this in relation to the ring road. In addition, amenity concerns will be taken into account through the application of policies in Walsall's UDP and in the NPPF.	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Highways England	Statutory Consultee	7. Environmental Network	MMSAD2 1	GB2			Welcomes proposed modifications to Policy GB2 as methods of promoting opportunities for sustainable travel, thus reducing potential for single-occupancy vehicle trips.			No further change proposed. Welcome support.
Friends of the Earth	Community or other organisation	7. Environmental Network	MMSAD2 1	GB2				While the modification picks up most of our concerns it does not address the issue of lack of pavement on some roads in the Green Belt which is a road safety concern.	Refer to the need to ensure there is adequate, safe access by foot.	No further change to the council's proposed modifications is considered necessary. The reference that is made to accessibility to a choice of means of transport in the amended policy is considered sufficient. It should be taken together with the requirements of the NPPF to take account of safe and secure access for all people.
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	MMSAD2 2	EN1			Expressly supports the modifications			No further change proposed. Welcome support.
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	MMSAD2 2	EN1			Supports the modifications			No further change proposed. Welcome support.
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	MMSAD2 3	EN1			Expressly supports the modifications			No further change proposed. Welcome support.
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	MMSAD2 3	EN1			Supports the modifications			No further change proposed. Welcome support.
Lichfield District Council	Local authority	7. Environmental Network	MMSAD2 4	EN1			It is noted that considerable changes have been made to the plan and it has been amended to include reference to the Cannock Chase SAC and that Walsall intend to act similarly or in accordance with the Cannock Chase SAC Partnership's Memorandum of Understanding and this is	However as stated in our previous representation there is a considerable body of evidence which concludes that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15km radius of the SAC will have an adverse impact upon the integrity of the SAC and map 7.2 does not reflect this. The evidence prepared by Footprint Ecology has been accepted at Local Plan	Subject to Natural England being satisfied that the approach is robust and effective only the following minor modifications are proposed, (also subject to the agreement of Natural England): Paragraph 2 p115 delete 'to the extent' and replace with 'and' Paragraph 3 delete 'houses' and replace with 'residential'	Further changes are proposed to the council's proposed modifications in response to 2 of the 3 points made in this representation. i) A further change is proposed to Map 7.2. The map is intended to illustrate the extent to which payments are being sought from residential developments surrounding the SAC. The legend and the key to this map should be altered to reflect the title to the map: "8km Zone of Payment Surrounding Cannock Chase SAC" rather than "8km Zone of Influence". ii) No change is proposed to the council's proposed

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							supported. ... whilst Lichfield District Council tentatively welcomes and supports the modifications in respect of the Cannock Chase SAC, this is subject to Natural England being satisfied that the approach is robust and effective.	Examinations at which Walsall Council chose to appear and challenge the evidence, however the evidence and approach was found sound. On more minor matters the phrase ‘to the extent’ should be deleted from paragraph 2 on page 115 to reflect the evidence and ‘in combination’ effects. In addition the impacts arise not just from a net increase in houses, it is a net increase in dwellings, and paragraph 3 should be amended to reflect this.		modification to paragraph 2 on page 115. The proposed change would not alter the existing text in a meaningful way and does not reflect the rest of the representation. if the proposed change was to be included the text would read: <i>“...may be required to demonstrate that they would not increase visitor pressure on the SAC to the extent and that they would significantly harm its qualifying features, and may if necessary provide appropriate and proportionate measures sufficient to avoid or mitigate any significant identified adverse impacts.”</i> This could mean that the applicant would in effect be asked to demonstrate that their development would significantly harm the SAC’s qualifying features. The council considers the text in the current version of the SAD appropriate. iii) A further change is proposed to the council’s proposed modification to paragraph 3 on page 115. It is accepted that the term “houses” is incorrect. However, it is considered that “dwellings” reads better than “residential” and more effectively picks up the point made by the representation. The opportunity has also been taken to insert a word (“to”) to improve the phrasing. <i>“The Council is proposing to act similarly <u>to</u> or in accordance with the Cannock Chase SAC Partnership’s Memorandum of Understanding which currently requires developers of residential development within 8km of the SAC that would result in a net increase of houses <u>dwellings</u> to either contribute towards a package of mitigation measures or to provide appropriate information to allow the Council as the competent authority to undertake a bespoke Habitats Regulations Assessment.”</i> See also the representation from Cannock Chase District Council and the Walsall Council response in respect of this modification, and the representations and responses in respect of OMSAD31.
Cannock Chase District Council	Local authority	7. Environmental Network	MMSAD24	EN1		7.4	Cannock Chase Council (as a member of the Cannock Chase SAC partnership) is pleased to see that the proposed submission plan now includes modifications to ensure that the impacts of development upon the Cannock Chase SAC will be mitigated for via	it should be noted, as per Cannock Chase Council’s representation to the earlier (pre modification) Publication SAD, that the Cannock Chase SAC Zone of Influence does in fact extend to 15km (as covered by the MoU) albeit with the majority of visitors arising from within the smaller 8km zone which is specifically referenced in the plan and shown on Map 7.2	None, but only provided that Natural England are satisfied.	Welcome Support. A further change is proposed to the council’s proposed modifications (Map 7.2). The map is intended to illustrate the extent to which payments are being sought from residential developments surrounding the SAC. The legend and the key to this map should be altered to reflect the title to the map: “8km Zone of Payment Surrounding Cannock Chase SAC” rather than “8km Zone of Influence”.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							Walsall Council acting in accordance with the MoU to which the other members of Cannock Chase Partnership are signatories. Therefore whilst Cannock Chase Council tentatively welcomes and supports the modifications in respect of the Cannock Chase SAC, it is emphasised that Natural England will need to be satisfied that the approach is robust and effective.	(Modification OMSAD31). Whilst Walsall Council continue to state that they do not agree with the interpretation of the evidence in relation to the Zone of Influence (page 5 of the SAD), as set out in our earlier representation, this evidence has already been tested through various Examinations in Public.		See also the representation from Lichfield District Council (774) and the Walsall Council response in respect of modification MMSAD24, and the representations and responses in respect of OMSAD31.
Environment Agency	Statutory Consultee	7. Environmental Network	None	EN1				We would suggest that reference is still made to the parts of Policy ENV5, specifically in the Black Country Core Strategy, that are relevant in achieving the objectives of this policy within the supporting text, as not all of it is. These are points b) that suggest opening up culverts where feasible, c) reinstating natural channels and restoring the functional floodplain, (helping with wetland/habitat creation for example), and e) creating new green space	We would suggest that reference is still made to the parts of Policy ENV5, specifically in the Black Country Core Strategy, that are relevant in achieving the objectives of this policy within the supporting text, as not all of it is. These are points b) that suggest opening up culverts where feasible, c) reinstating natural channels and restoring the functional floodplain, (helping with wetland/habitat creation for example), and e) creating new green space	No further change to the Council's proposed modification is considered necessary. Part a) of Policy EN1 states that proposals are to be assessed in accordance with BCCS Policy ENV5. Further text would duplicate what is said in the BCCS.
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	OMSAD30	EN1			Expressly supports the modification.		Text amendment needs to clarify that SINC and SLINC designations are overseen and endorsed by the B&BC Local Sites Partnership of which Walsall Council is a member. This paragraph and Table 7.1 should explain that the B&BC LSP carries out this role according to guidance from DEFRA (DEFRA 2006, Local Sites Guidance on their Identification, Selection and Management).	A further change is proposed to the council's proposed modifications in response to 1 of the 2 points made in this representation. i) It is agreed that the responsibility for the designation of 'Local Sites' should use the terminology suggested by the Partnership. This it is proposed to amend the 4th column of Table 7.1 in respect of the designations of both SINCS and SLINCS, so that the responsibility for designations should be assigned as follows. <i>"Birmingham and Black Country Local Sites Partnership (including Natural England, the Birmingham and Black Country Wildlife Trust, EcoRecord, and the Black Country Geodiversity Partnership, as well as – in respect of sites in Walsall – Walsall Council)."</i>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										ii) No further change is proposed in respect of the DEFRA guidance referred to. The document is now in the national archives (http://webarchive.nationalarchives.gov.uk/20070603164512/http://defra.gov.uk/wildlife-countryside/ewd/local-sites/localsites.pdf) so its status is unclear.
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	OMSAD30	EN1			Supports the modification.		Text amendment needs to clarify that SINCS and SLINCS designations are overseen and endorsed by the B&BC Local Sites Partnership of which Walsall Council is a member. This paragraph and Table 7.1 should explain that the B&BC LSP carries out this role according to guidance from DEFRA (DEFRA 2006, Local Sites Guidance on their Identification, Selection and Management).	A further change is proposed to the council's proposed modifications in response to 1 of the 2 points made in this representation. i) It is agreed that the responsibility for the designation of 'Local Sites' should use the terminology suggested by the Partnership. This it is proposed to amend the 4th column of Table 7.1 in respect of the designations of both SINCS and SLINCS, so that the responsibility for designations should be assigned as follows. <i>"Birmingham and Black Country Local Sites Partnership (including Natural England, the Birmingham and Black Country Wildlife Trust, EcoRecord, and the Black Country Geodiversity Partnership, as well as – in respect of sites in Walsall – Walsall Council)."</i> ii) No further change is proposed in respect of the DEFRA guidance referred to. The document is now in the national archives (http://webarchive.nationalarchives.gov.uk/20070603164512/http://defra.gov.uk/wildlife-countryside/ewd/local-sites/localsites.pdf) so its status is unclear.
Lichfield District Council	Local authority	7. Environmental Network	OMSAD31	EN1		It is noted that considerable changes have been made to the plan and it has been amended to include reference to the Cannock Chase SAC and that Walsall intend to act similarly or in accordance with the Cannock Chase SAC Partnership's Memorandum of Understanding and this is supported. ... whilst Lichfield District Council tentatively welcomes and supports the modifications in respect of the Cannock	There is a considerable body of evidence which concludes that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15km radius of the SAC will have an adverse impact upon the integrity of the SAC and map 7.2 does not reflect this.		A further change is proposed to the council's proposed modifications (Map 7.2). Map 7.2 is intended to illustrate the extent to which payments are being sought from residential developments surrounding the SAC. The legend and the key to this map should be altered to reflect the title to the map: <i>"8km Zone of Payment Surrounding Cannock Chase SAC"</i> rather than <i>"8km Zone of Influence"</i> . See also the representations from Natural England (2240) and Cannock Chase District Council (2322), and the Walsall Council responses, in respect of modification OMSAD31, and the representations and responses in respect of MMSAD24.	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							Chase SAC, this is subject to Natural England being satisfied that the approach is robust.			
Natural England	Statutory Consultation	7. Environmental Network	OMSAD31	EN1			Natural England welcomes in principle the changes the Council has made.	Natural England ... offers the following comments. These are made in order to address those parts of the modification where the plan's effectiveness in our view may otherwise be compromised/insufficient. The purpose of this new map would appear to be to show the extent of the 0-8km 'zone of payment' around the Cannock Chase SAC. However the title of the maps shown in the 'schedule of pre-submission modifications' and the associated 'publication draft plan pre-submission modifications-final2' document are not consistent. In addition, in both documents the map key refers to the '8Km zone of influence'.	1. The title for the new map 7.2 should be made consistent and should read; '8 km zone of payment surrounding Cannock Chase SAC' 2. The map key should also be amended to read '8 Km zone of payment' against the relevant map annotation.	Welcome support. A further change is proposed to the council's proposed modifications (Map 7.2). The map is intended to illustrate the extent to which payments are being sought from residential developments surrounding the SAC. The legend and the key to this map should be altered to reflect the title to the map: "8km Zone of Payment Surrounding Cannock Chase SAC" rather than "8km Zone of Influence". See also the representations from Lichfield District Council (774) and Cannock Chase District Council (2322), and the Walsall Council responses, in respect of modification OMSAD31, and the representations and responses in respect of MMSAD24.
Cannock Chase District Council	Local authority	7. Environmental Network	OMSAD31	EN1	7.4	Cannock Chase Council (as a member of the Cannock Chase SAC partnership) is pleased to see that the proposed submission plan now includes modifications to ensure that the impacts of development upon the Cannock Chase SAC will be mitigated for via Walsall Council acting in accordance with the MoU to which the other members of Cannock Chase Partnership are signatories. whilst Cannock Chase Council tentatively welcomes and supports the modifications in respect of the Cannock Chase SAC, it is emphasised that Natural	it should be noted, as per Cannock Chase Council's representation to the earlier (pre modification) Publication SAD, that the Cannock Chase SAC Zone of Influence does in fact extend to 15km (as covered by the MoU) albeit with the majority of visitors arising from within the smaller 8km zone which is specifically referenced in the plan and shown on Map 7.2 (Modification OMSAD31). Whilst Walsall Council continue to state that they do not agree with the interpretation of the evidence in relation to the Zone of Influence (page 5 of the SAD), as set out in our earlier representation, this evidence has already been tested through various Examinations in Public.	None, but only provided that Natural England are satisfied.	Welcome Support. A further change is proposed to the council's proposed modifications (Map 7.2). The map is intended to illustrate the extent to which payments are being sought from residential developments surrounding the SAC. The legend and the key to this map should be altered to reflect the title to the map: "8km Zone of Payment Surrounding Cannock Chase SAC" rather than "8km Zone of Influence". See also the representations from Lichfield District Council (774) and Natural England (2240), and the Walsall Council responses in respect of modification OMSAD31, and the representations and responses in respect of MMSAD24.	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							England will need to be satisfied that the approach is robust and effective.			
Inland Waterways Association (Lichfield Branch)	Charity	7. Environmental Network	MMSAD24	EN1				Consequential amendments concerning the Hatherton Canal are required to be consistent with comments made for MMSAD26	Consequential amendments are required to be consistent with comments made for MMSAD26	No further change to the Council's proposed modifications is considered necessary. See also the response to the IWA representation on MMSAD26, and the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	MMSAD24	EN1			Expressly supports the modifications and text in 7.4.1, 7.4.2, 7.4.3 and 7.4.4 - Natural Environment Protection Management and Enhancement.			No further change proposed. Welcome support. Note that MMSAD24 proposed changes to the text in section 7.4.1 and not to 7.4.2, 7.4.3 and 7.4.4. See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	MMSAD24	EN1			Supports the modifications and text in 7.4.1, 7.4.2, 7.4.3 and 7.4.4 - Natural Environment Protection Management and Enhancement.			No further change proposed. Welcome support. Note that MMSAD24 proposed changes to the text in section 7.4.1 and not to 7.4.2, 7.4.3 and 7.4.4. See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	OMSAD32	EN2			Supports the modifications			No further change proposed. Welcome support.
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	OMSAD32				Supports modifications.		To clarify, ancient woodland mapping information is not generally available on the B&BC Wildlife Trust or EcoRecord websites. It is best to contact both via the usual means.	Further change to Council's Proposed Modifications. <i>"Other areas of Ancient Woodland might be identified in future – perhaps through survey work – so when specific development proposals are considered it will be important to consult the latest mapping on the Council and/or Natural England and/or the Birmingham and Black Country Wildlife Trust/EcoRecord websites, and/or contact the Birmingham and Black Country Wildlife Trust / EcoRecord."</i> Welcome general support.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	OMSAD33	EN2			Supports the modifications			No further change proposed. Welcome support
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	OMSAD33	EN2			Support modifications. To clarify, ancient woodland mapping information is not generally available on the B&BC Wildlife Trust or EcoRecord websites. It is best to contact both via the usual means.		To clarify, ancient woodland mapping information is not generally available on the B&BC Wildlife Trust or EcoRecord websites. It is best to contact both via the usual means.	Further change proposed consequent to the change to section 7.5 (OMSAD32), on the basis that EcoRecord is not necessarily an appropriate resource. "7.5.2 Evidence • <i>EIG Phase 1 (2009)</i> • <i>EcoRecord, the ecological database for the Black Country and Birmingham</i> • <i>West Midlands Inventory of Ancient Woodland (1986)</i>" Welcome general support.
Woodland Trust	Charity	7. Environmental Network	OMSAD33	EN2	7.5.2		Pleased to see addition of reference to Natural England and Forestry Commission 'Ancient woodland and veteran trees: Protecting them from development' document.	Object to paragraph 7.5.2 does not include a reference to the Draft Urban Forestry Strategy for Walsall 2016-2026 (April 2016) which is an important planning policy document and should therefore be referenced as well.	Add the Urban Forestry Strategy to the list of Evidence	No further change to the Council's proposed modification is considered necessary. This comment was originally responded to at the SAD Publication stage, and the proposal of an additional evidence document is not a representation relating to the proposed modification: the latter is about the addition of the 'Natural England and the Forestry Commission 'Ancient woodland and veteran trees: protecting them from development' to paragraph 7.5.2. Walsall's Urban Forestry Strategy 2016-2026, according to http://cms.walsall.gov.uk/index/trees.htm , remains in draft form at the time of writing. As a result, this document is considered not to be sufficiently progressed to feature in the SAD in the manner proposed. However, the lack of a reference at the present time does not prevent the strategy (when finalised) from being material to relevant planning decisions in future.
Cory Environmental	Business	7. Environmental Network	MMSAD25	EN3	MP6	7.6		Allocation of land at Highfields South quarry and landfill site, as Flood Zones 2 and 3, is not justified by appropriate evidence. It is based on work that is incomplete, draft and out of date	The land at Highfields South quarry/landfill area should be excluded from Flood Zones 2 and 3 on Map 7.8	No further change to the Council's proposed modifications is considered necessary. The reference to part of the site lying in flood zones 2 and 3 is based on mapping provided by JBA, the Council's consultants. The reference is not an 'allocation' as such but has been provided to alert potential developers, on a strategic level, to the need to carry out a flood risk assessment should a planning application be submitted. In the case of Highfield South, no further assessment is needed to continue the existing landfill operation as this already has planning permission. The modification proposed previously (OMSAD34) states that flood risk can change over time as circumstances change and new information becomes available. This modification was due, in part, to a

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p>recognition that operations such as mineral extraction can change the landform and drainage characteristics of a site over a short timeframe and since survey work for the mapping was carried out.</p> <p>Any future development proposals that do not yet have planning permission will require a revised flood risk assessment to be carried out. In view of the size of the site, an assessment would be likely to be required under national policy regardless of whether any part of the site lies within a flood zone. The final evidence document from JBA Consulting is now available on the council's website page 'Local Plans Evidence': http://cms.walsall.gov.uk/preparatory_work_for_walsall_local_flood_risk_management_strategy_december_2016_reduced.pdf.</p> <p>See also the response to the representation from Cory in respect of MMSAD2, above.</p>
Environment Agency	Statutory Consultee	7. Environmental Network	MMSAD25	EN3			The policy and supporting text is generally an accurate representation and summary of the existing, and at times complex, picture of flood modelling and mapping within Walsall. The policy wording is suitable			<p>No further change proposed.</p> <p>Welcome support.</p>
Environment Agency	Statutory Consultee	7. Environmental Network	OMSAD34	EN3			<p>The policy and supporting text is generally an accurate representation and summary of the existing, and at times complex, picture of flood modelling and mapping within Walsall. The policy wording is suitable, however, we wish to make a couple of points on the supporting text.</p>	<p>On P123, it is stated 'it might be necessary to consider preventing development within a distance of the watercourse'. This seems too vague.</p> <p>It should be noted that further detailed modelling is planned between the Environment Agency and Lead Local Food Authority for the River Tame and Wadden and Bentley Flood Relief Culvert in order to establish an accurate representation of the extent of flooding and the mechanisms involved in this particularly challenging area.</p>	<p>On P123 ... We accept that the distance may vary depending on the depth and size of the culvert, therefore, we suggest that a recommendation for a site specific assessment to be undertaken where a culvert is in within the site boundary. This will establish any necessary easements and should be supplemented into the text.</p> <p>On P124, it could be made a little clearer in terms of what is agreed between the two parties on the matter of the modelling data. We agree that the JBA model commissioned by the Local Authority is the most accurate information where the Environment</p>	<p>No further change to the Council's proposed modification is considered necessary in respect of either of the 2 points raised in this representation. However, it is proposed there should be a further change to the punctuation of the 1st paragraph on page 124 to aid clarification.</p> <p>i) The text referred to on page 123 is not part of a proposed modification so it would be inconsistent and potentially unfair on others to take a view at this stage. If the Environment Agency (EA) is of the opinion that this matter should be picked up through the examination it is suggested the Agency considers whether this would amount to a late addition to the policy requirements rather than an addition to the justification text, and also whether it is appropriate to be included as part of SAD policy EN3.</p> <p>It should be noted that Policies HC1, IND1 and IND2 include references to culverts and easements. The notes to Policies IND1 and IND2 refer specifically to the widths of easements (8m and 10m) in response to previous representations by the EA.</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

									<p>Agency has not produced a detailed model or where there is no modelling at all; i.e. the majority of 'ordinary' or 'non main' watercourses. However, the JBA modelling does include amendments on the River Tame/Waddens and Bentley Flood Relief Culvert model. We would not agree that this is more accurate information than ours, but in the meantime, the 'defended' status is acceptable until a more accurate map is produced.</p>	<p>ii) The text in the previous Proposed Modification does make clear the accuracy of the mapping with references to "the time of writing" and to the EA's preference for the reference to the places benefitting from the Waddens and Bentley Relief Channel as a 'defended area'. At present the 'defended area' has not been mapped and the representation recognises that it will be some time in the future when "more accurate" mapping would be produced.</p> <p>The modification text is as clear as possible that the situation regarding flood risk evidence is subject to change. The main purpose of referring to flooding issues in the SAD is to identify the need to check the latest available information at the time development proposals come forward. There are notes against the relevant sites in Policies HC1 and HC4, and the text in the modification on page 124 advises developers to view the EA and the Council's website for the latest available flood risk extents.</p> <p>However, further minor amendments to the 1st paragraph on page 124 (3rd sentence onwards) are proposed to correct typing and grammatical errors and aid clarity.</p> <p><i>"... It has been agreed with the Environment Agency that the data commissioned by the council provides the most accurate indication of flood risk to the area available at the time of writing. However, for the area that benefits from the Waddens and Bentley relief channel in Willenhall the Environment Agency has not amended its flood plain maps. It and prefers to consider the affected area as a 'defended area', as the flood risk shown on the Environment Agency's maps is an indication of the flood flow route were the relief channel to become blocked. There is a note against the housing allocations contained within SAD policies HC1 and HC4 that benefit from this channel, in order to inform Flood Risk Assessments."</i></p>
--	--	--	--	--	--	--	--	--	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

<p>Inland Waterways Association (Lichfield Branch)</p>	<p>Charity</p>	<p>7. Environmental Network</p>	<p>MMSAD26</p>	<p>EN4</p>	<p>7.7</p>	<p>LPA has ignored advice from the CRT that it is not considered appropriate for a planning authority to specifically restrict boat movements.</p> <p>The Council has now introduced a clause (b)i) requiring an HRA of the Cannock Extension Canal and of <i>“other developments that could affect the canal”</i> at the behest of Natural England, despite the absence of any evidence that restoration of the Hatherton Canal will have any negative impacts on the SAC.</p> <p>Refers to representations by Natural England at the Publication stage, which are stated to be factually incorrect:</p> <ul style="list-style-type: none"> - The proposed Hatherton Branch Canal will lie 1500m to the west of the Cannock Extension Canal, so claim that the new stretch of canal <i>“is likely to have a significant effect upon the Cannock Extension Canal SAC”</i> is wholly unreliable. - NE further claims that <i>“the alignment of the canal restoration route crosses Daw End Railway Cutting SSSI”</i> and that it <i>“also crosses in close proximity to Clayhanger SSSI and Jockey Fields SSSI”</i> but it does not. It appears that NE thinks that the navigable Daw End Branch of the Wyrley & Essington Canal is part of the Hatherton Canal restoration route. <p>The stipulation that an SAC HRA for the Hatherton Canal restoration should also take account of cumulative impacts from other developments is a wholly impractical requirement to impose upon the restoration scheme.</p>	<p>Delete proposed modification MMSAD26 and the previous modification b) ii. - currently b) iii.</p> <p>Corresponding modifications to parts of the wording in MMSAD24 concerning the Hatherton Canal restoration are also necessary for consistency.</p>	<p>No further change to the Council’s proposed modifications is considered necessary.</p> <p>The nature of canals, with water supplied from across the network, mean that development proposals relating to them over a wide area have the potential to impact on the SAC. As a result the project could not, on the basis of the information available to date, be screened out in terms of the Habitats Regulations simply on the basis that it is in excess of 1,000 metres from the SAC. A project that could have an impact on the SAC can only be agreed after it has been ascertained that it will not adversely affect the integrity of the site.</p> <p>Although there might also be other considerations that could emerge at the project level, the representation received at Publication Stage from Natural England specifically referred to the water supply to the entire canal network in the area and the impact increased boat movements might have on the European protected site.</p> <p>With regards to water supply, no conclusive evidence has been provided by the proposers of the project to show a water source or sources can be provided that would be capable of supporting the project, the proposed restoration of the Lichfield Canal and the existing canal network (in terms of both quality and quantity of water). The last published study of which Walsall Council is aware (the Lichfield Canal Restoration Feasibility Study Report by WS Atkins, July 2009) recommended that a wide-ranging water supply study should be undertaken. From the representation by the Environment Agency (2658 – see below) it appears that discussions are on-going but that a water supply has not yet been ensured.</p> <p>It should be noted that there has not been a Proposed Modification in respect of boat movements. While the SAC habitat is dependent on an amount of boat movement in order to maintain the conditions that sustain its flora, it is Natural England's view that too many boat movements could have an adverse impact on the integrity of the site. This matter, including any mitigation measures, must be investigated in order to ensure the project has no direct or indirect adverse effect on the SAC.</p> <p>Whilst there were some factual errors, (regarding the route for the canal restoration) in the Natural England (2274) representation at the Publication stage, the Pre-Submission Modifications were drafted on the basis of the council’s correct understanding of the restoration proposal. In doing this, the council is required to have due regard to the advice</p>
--	----------------	---------------------------------	----------------	------------	------------	--	---	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p>of Natural England on European protected sites, and due to the uncertainty that exists the council must apply the precautionary principle, as is required by the relevant legislation. The council considers it appropriate to make reference to the technical matters identified by Natural England that must be addressed to enable the restoration scheme to progress.</p> <p>In addition, it is a legal requirement (Regulation 61 of The Conservation of Habitats and Species Regulations 2010) for HRA assessment to take account of the “<i>in combination</i>” effects of the project with other projects and plans. In this case, the dormant minerals permission at Brownhills Common and potential mineral extraction in the Yorks Bridge area of Brownhills have been identified as potentially impacting on the Cannock Extension Canal SAC (see the representation from Natural England (3624) in respect of MMSAD46, below).</p> <p>See also the response to the IWA representation on MMSAD24, and the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.</p>
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	MMSAD26	EN4			Expressly supports the modifications			<p>No further change proposed.</p> <p>Welcome support.</p> <p>See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.</p>
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	MMSAD26	EN4			Support modification			<p>No further change proposed.</p> <p>Welcome support.</p> <p>See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Lichfield & Hatherton Canals Restoration Trust	Community or other organisation	7. Environmental Network	MMSAD26	EN4				<p>The modification requires an HRA, in due course, to demonstrate no negative impact on the Cannock Extension Canal SAC from the restoration of the Hatherton Canal on the indicative route. This is notwithstanding that boating is already permitted, without restrictions (apart from the speed limit) on the Wyrley and Essington Canal where it connects to the southern end of the Cannock Extension Canal, and the indicative route for the Hatherton Canal connects to the Wyrley and Essington Canal several hundred of meters away from the junction between the Wyrley and Essington and Cannock Extension Canals.</p> <p>The Natural England (2274) objection incorrectly asserts that the proposed route for the Hatherton Canal directly connects to the Cannock Extension Canal. It has no such connection – the interconnecting canal is the Wyrley and Essington and this is presently fully open for navigation without restrictions.</p> <p>The modification suggests that a heritage trail or greenway may be provided along the indicative route and asserts that this is consistent with the restoration of the canal. It is not – the absence of a navigable connection from the Wyrley and Essington Canal via the Hatherton Canal to the Staffordshire & Worcester Canal completely undermines the project</p> <p>Further, the modification proposes that the impact of the canal restoration proposal be assessed together with the impacts from the mineral extraction in the Brownhills area. Clearly these are two distinct possible projects, led by distinct organisations.</p>	<p>Delete the proposed modification MMSAD26 in its entirety.</p> <p>As an alternative, item i of the proposed modification should not include the words: <i>and take into account the cumulative impacts from other development that could affect the canal, such as mineral extraction in the Brownhills area.</i></p> <p>AND the final sentence of the proposed modification should be amended to read, <i>Should the technical work be unable to demonstrate that the project is deliverable and any significant adverse effects of the project cannot be avoided or mitigated, proposals to designate the line of the restoration project as a heritage trail and / or green corridor will be supported providing such proposals would not preclude future proposals to restore the navigable through connection from the former Hatherton Branch Canal to the Wyrley and Essington Canal alongside the section of heritage trail or within the green corridor.</i></p>	<p>No further change to the Council’s proposed modifications is considered necessary.</p> <p>The nature of canals, with water supplied from across the network, mean that development proposals relating to them over a wide area have the potential to impact on the SAC. As a result the project could not, on the basis of the information available to date, be screened out in terms of the Habitats Regulations simply on the basis that it is in excess of 1,000 metres from the SAC. A project that could have an impact on the SAC can only be agreed after it has been ascertained that it will not adversely affect the integrity of the site.</p> <p>Although there might also be other considerations that could emerge at the project level, the representation received at Publication Stage from Natural England specifically referred to the water supply to the entire canal network in the area and the impact increased boat movements might have on the European protected site.</p> <p>With regard to water supply, no conclusive evidence has been provided by the proposers of the project to show a water source or sources can be provided that would be capable of supporting the project, the proposed restoration of the Lichfield Canal and the existing canal network (in terms of both quality and quantity of water). The last published study of which Walsall Council is aware (the Lichfield Canal Restoration Feasibility Study Report by WS Atkins, July 2009) recommended that a wide-ranging water supply study should be undertaken. From the representation by the Environment Agency (2658 – see below) it appears that discussions are on-going but that a water supply has not yet been ensured.</p> <p>It should be noted that there has not been a Proposed Modification in respect of boat movements. While the SAC habitat is dependent on an amount of boat movement in order to maintain the conditions that sustain its flora, it is Natural England's view that too many boat movements could have an adverse impact on the integrity of the site. This matter, including any mitigation measures, must be investigated in order to ensure the project has no direct or indirect adverse effect on the SAC.</p> <p>Whilst there were some factual errors, (regarding the route for the canal restoration) in the Natural England (2274) representation at the Publication stage, the Pre-Submission Modifications were drafted on the basis of the council’s correct understanding of the restoration proposal. In doing this, the council is required to have due regard to the advice</p>
--	---------------------------------	--------------------------	---------	-----	--	--	--	---	---	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

								<p>This modification represents a significant dereliction of duty by the planning authority by requiring applicants to be able to predict and assess each other’s proposals – rather than assessing each planning application as it is submitted and requiring whatever mitigation proves to be necessary for that application.</p>		<p>of Natural England on European protected sites, and due to the uncertainty that exists the council must apply the precautionary principle, as is required by the relevant legislation. The council considers it appropriate to make reference to the technical matters identified by Natural England that must be addressed to enable the restoration scheme to progress.</p> <p>In addition, it is a legal requirement (Regulation 61 of The Conservation of Habitats and Species Regulations 2010) for HRA assessment to take account of the “<i>in combination</i>” effects of the project with other projects and plans. In this case, the dormant minerals permission at Brownhills Common and potential mineral extraction in the Yorks Bridge area of Brownhills have been identified as potentially impacting on the Cannock Extension Canal SAC (see the representation from Natural England (3624) in respect of MMSAD46, below).</p> <p>As far as the final point of the requested modification is concerned, this does appear to recognise that the designation of the safeguarded route would not preclude the future restoration of the canal link. The changes would be fairly limited: <i>“Should the technical work be unable to demonstrate that the project is deliverable and any significant adverse effects of the project cannot be avoided or mitigated, proposals to designate the line of the restoration project as a heritage trail and / or green corridor will be supported providing such proposals would not preclude future proposals to restore the navigable through connection from the former Hatherton Branch Canal to the Wyrley and Essington Canal alongside the section of heritage trail or within the green corridor canal network.”</i></p> <p>Apart from the first insertion (“<i>of the project</i>”) which appears to seek to avoid the need to consider ‘in combination’ effects, the Council would not have a strong objection to the proposed wording, but it is not considered that the change would be necessary.</p> <p>See also the response to the LHCRT representation on MMSAD27, and the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.</p>
--	--	--	--	--	--	--	--	---	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Environment Agency	Statutory Consultee	7. Environmental Network	MMSAD26	EN4			<p>The Lichfield Canal Water Supply Study undertaken by ESI on behalf of Lichfield and Hatherton Canals Trust, has recently been reviewed by our water resources specialist. The study is inconclusive in terms of whether water can be made available for the canal, with particular issues identified further towards the Lichfield end. Some sources have been ruled out, and further work in respect of other sources (ie the Coal Authority and Canals and Rivers Trust) have been recommended.</p> <p>We are therefore of the opinion that the policy wording reflects a good balance between the potential opportunities and the present difficulties.</p>			<p>No further change proposed.</p> <p>Welcome support and clarification.</p> <p>It is understood that the report referred to has not been published and is the subject of on-going discussions between the Lichfield & Hatherton Canals Restoration Trust and the Agency.</p> <p>The report referred to is focussed upon the Lichfield Canal restoration, which (if a water supply could be provided) would link to the Wyrley and Essington Canal at Ogley Junction in Brownhills, on the boundary between Lichfield district and Walsall Borough.</p> <p>The last published study of which Walsall Council is aware (the Lichfield Canal Restoration Feasibility Study Report by WS Atkins, July 2009) recommended that a wide-ranging water supply study should be undertaken.</p> <p>The Agency representation confirms this Council’s view that no conclusive evidence has been produced to show a water source or sources can be provided that would be capable of supporting the Hatherton Canal restoration project, the proposed restoration of the Lichfield Canal and the existing canal network (in terms of both quality and quantity of water).</p> <p>See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.</p>
--------------------	---------------------	--------------------------	---------	-----	--	--	---	--	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Canal & River Trust	Statutory Consultee	7. Environmental Network	MMSAD26	EN4		<p>The Trust's earlier comments appear to have been taken on board and the following amendments made: At part b) v. "applicable" has been replaced with "appropriate". At part d) v. "canal side" has been replaced with "canalside". At part e) "water course" has been replaced with "watercourse".</p> <p>The policy has been further amended to expand reference to and requirements for the restoration of the Hatherton Canal. The Trust welcomes the requirements for any future restoration projects to fully consider the environmental impact however though we would wish to engage further with the LPA and Natural England to determine whether the additions to the policy are necessary.</p>	<p>As stated previously the navigation along the Cannock Extension Canal is the responsibility of the Canal & River Trust and it is not considered appropriate for a planning policy to specifically restrict boat movements. The impact of any additional boat movements could be subject to further assessment.</p> <p>The Trust is aware of the requirements to be a 'Competent Authority' under the Habitats Regulations (2010) and the desire of the Local Authority to be consistent with adjoining authorities such as Cannock Chase District Council. The policy however appears to go further in relation to the requirements placed on the Hatherton Restoration than other adjoining Authorities.</p> <p>The Trust are keen to ensure that the restoration line is safeguarded within the SAD but wish to confirm that the policy requirements as set out are justified and based on up-to-date assessments of the location and likely impacts of the restoration line. This is not clear in the submission and therefore we would seek discussion with the LPA and Natural England on these modifications.</p>		<p>No further change to the Council's proposed modification is considered necessary.</p> <p>Welcome support for the modifications to parts b)v, d)v and e) of the Policy.</p> <p>With regard to the technical requirements set out in EN4b). It was the expectation of stakeholders at the time of the BCCS being adopted in 2011 that the project would have progressed sufficiently so that at Site Allocation Document stage a detailed Habitats Regulations Assessment could be undertaken of the project. Unfortunately this has proven not to be the case and as will be clear from the SAD and from the other representations and responses that the Lichfield & Hatherton Canals Restoration Trust is still working on the scheme. In that context it is considered important to be able to safeguard the route whilst making sure that the impacts of the proposed restoration can be identified and properly addressed.</p> <p>Among the authorities affected by and/or involved in the Hatherton Canal and the Lichfield Canal restoration proposals it does seem to be agreed on the main issues, including that a proper water supply needs to be ensured and that any adverse impacts on the Cannock Extension Canal SAC can be avoided or properly mitigated. The approach of adjoining authorities may differ to an extent from that of Walsall Council's as their approaches relate to part 1 of their respective Local Plan Strategies (they are now at the early stages of their part 2 Local Plan allocations). It is the role of Local Site Allocation Documents, such as Walsall's SAD, to provide greater detail than the Local Plan Strategy regarding the constraints and assets that will form considerations for both promoters of projects and decision makers as part of the planning application process.</p> <p>As a 'competent authority' under the Habitats Regulations the Council, along with Natural England, must be of the opinion that there will be no adverse effects resulting from proposals with the potential to affect a European designated site. In order to reach such a view on this project EN4b) provides some factors including boat movements (this is not an exhaustive list - as a detailed HRA of the project might identify others) that must be addressed in order to be able to reach a conclusion on the effects of the project.</p> <p>In addition, reference to restricting additional boat movements was in the Publication Document so is not a proposed modification. However, whilst it is recognised that the planning authority cannot directly restrict boat movements on the existing network, proposals for</p>
---------------------	---------------------	--------------------------	---------	-----	--	--	--	--	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p>additional links that will inevitably lead to additional movements are within its control and their potential impact on legally protected habitats must be assessed. The situation might be seen as analogous to that at Ashdown Forest (a SAC and also a Special Protection Area), where the local planning authorities have to consider effects from developments that include the impacts of vehicle emissions (even though those vehicles are driving on public roads).</p> <p>Furthermore, the inclusion of the need to consider cumulative impacts on the SAC follows the legal requirement (Regulation 61 of The Conservation of Habitats and Species Regulations 2010) for HRA assessment to take account of the “in combination” effects of the project with other projects and plans. In this case, the dormant minerals permission at Brownhills Common and potential mineral extraction in the Yorks Bridge area of Brownhills have been identified as potentially impacting on the Cannock Extension Canal SAC (see the representation from Natural England (3624) in respect of MMSAD46, below).</p> <p>See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.</p> <p>There have been ongoing discussions between the Council and the Canal & Rivers Trust about the points raised through these representations.</p>
--	--	--	--	--	--	--	--	--	--	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Natural England	Statutory Consultee	7. Environmental Network	MMSAD26	EN4		<p>Natural England agrees with the amendment to the policy wording to require proposals to have technical work, to show any adverse impacts on Cannock Extension Canal. We agree and support that a HRA is required. It is considered acceptable that the HRA can be completed at project level stage, when more evidence is provided.</p> <p>We note that there is an issue with the water supply availability. We understand that there is no water supply available within the Plan boundary and that it has been stated in the plan that there is water availability at Bradeley, Wolverhampton.</p> <p>On the basis on a supply of water being agreed and available, the new extension could result in an increase of boat traffic and movement on Cannock Extension Canal. This additional boat movement may result in adverse effects to Cannock Extension Canal SAC. The Local Authority when completing its plan HRA needs to be confident that there is a practicable and viable solution to avoid this effect. We note the modifications to Policy EN4b to and consider these changes acceptable in providing protection to the SAC.</p>			<p>No further change proposed.</p> <p>Welcome support.</p> <p>Note that the modification referred to is MMSAD26, not MMSAD29 as stated in the representation.</p> <p>In respect of water supply, the SAD does not say where the water supply might come from. The reference to the need to explore the issue of water supply in relation to Bradley in Wolverhampton was mentioned at a meeting between officers. It related a reference in the Lichfield Canal Restoration Feasibility Study Report (WS Atkins, July 2009) to the need to provide water at the level of the 'Wolverhampton pound', which serves the Wyrley and Essington Canal.</p> <p>The Proposed Modification to Policy EN4b which requires HRA at the project stage is supported by the HRA work for Walsall's SAD.</p> <p>See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.</p>
-----------------	---------------------	--------------------------	---------	-----	--	---	--	--	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	MMSAD27	EN4			Expressly supports the modifications			No further change proposed. Welcome support See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	MMSAD27	EN4			Support modification			No further change proposed. Welcome support See also the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.
Lichfield & Hatherton Canals Restoration Trust	Community or other organisation	7. Environmental Network	MMSAD27	EN4			The modification proposes that a heritage trail or greenway may be provided along the indicative route and asserts that this is consistent with the restoration of the canal. It is not – the absence of a navigable connection from the Wyrley and Essington Canal via the Hatherton Canal to the Staffordshire & Worcester Canal completely undermines the project	Delete the proposed modification MMSAD27 in its entirety. As an alternative, the final sentence of the proposed modification could be amended to read, <i>While the council supports the restoration of canal links as provided in BCS ENV4, in the event that the necessary technical work does not support the project under the currently-applicable constraints, the council will be supportive of alternatives to safeguard the land identified on the Policies Map as a heritage trail and / or green corridor provided that such proposals would not preclude future proposals to restore the through connection from the former Hatherton Branch Canal to the Wyrley and Essington Canal alongside the section of heritage trail or within the green corridor.</i>	No further change to the Council's proposed modification is considered necessary. The Council would not be able to support the provision of canal links in the absence of evidence confirming that links would not cause water supply problems for the existing network or harm protected habitats. However, a failure to provide an alternative mechanism to safeguard the indicative route would risk preventing the possibility of the link ever being provided. The policy is considered to provide a alternative to ensure that the land required for the project can potentially be safeguarded as an environmental asset should technical issues prevent the connection from being established during the plan period. As far as the final point of the requested modification is concerned, this does appear to recognise that the designation of the safeguarded route would not preclude the future restoration of the canal link. The changes would be fairly limited: <i>“Should the technical work be unable to demonstrate that the project is deliverable and any significant adverse effects of the project cannot be avoided or mitigated, proposals to designate the line of the restoration project as a heritage trail and / or green corridor will be supported providing such proposals would not preclude future proposals to restore the navigable through connection from the former Hatherton Branch Canal to the Wyrley and Essington Canal alongside the section of heritage trail or within the green corridor canal network.”</i> Apart from the first insertion (“ <i>of the project</i> ”) which appears to seek to avoid the need to consider ‘in combination’ effects, the Council would not have a strong objection to the proposed wording, but it is not considered that the change would be necessary.	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										See also the response to the LHCRT representation on MMSAD26, and the other representations and responses in respect of MMSAD24, MMSAD26, MMSAD27 and MMSAD46.
Environment Agency	Statutory Consultee	7. Environmental Network	MMSAD27	EN4			The Lichfield Canal Water Supply Study undertaken by ESI on behalf of Lichfield and Hatherton Canals Trust, has recently been reviewed by our water resources specialist. The study is inconclusive in terms of whether water can be made available for the canal, with particular issues identified further towards the Lichfield end. Some sources have been ruled out, and further work in respect of other sources (ie the Coal Authority and Canals and Rivers Trust) have been recommended. We are therefore of the opinion that the policy wording reflects a good balance between the potential opportunities and the present difficulties.			Welcome Support
Beacon Action Group	Community Group	7. Environmental Network	MMSAD30	EN7			Remain concerned about safeguarding the special character of the estate, and listed parkland in particular. Since the revised listing of Great Barr Hall from Grade II* to Grade II the emphasis on protecting the parkland is of paramount importance. Enabling development will require very careful consideration as it is generally considered to be the least suitable option. Suggest reference should be made to the following. 1. The lakes - as part of a Landscape Management Plan	Identify detailed changes to the Draft SAD policy [EN7 as per MMSAD30]. <u>Supporting text in Section 7.10</u> i) Refer to Great Barr Hall and Chapel as having “ <i>originally formed</i> ” the focus of the registered park and garden and describe the hall as “ <i>derelect remains</i> ”. ii) Add to the objective to avoid causing harm to heritage assets “ <i>by inappropriate development</i> ”.	Some further changes are proposed to the Council’s Proposed Modification in respect of several (though not all) of the points raised in this representation. Policy EN7 is intended to update and replace the existing Policy ENV8 of Walsall’s Unitary Development Plan (UDP). The UDP policy covered the whole of the registered parkland as well as some other areas (within Walsall Borough). The most important of these other areas is the former St Margaret’s Hospital, only part of which has been redeveloped for housing by Bovis ‘Netherhall Park’). MMSAD30 sought to respond to representations received at the Publication stage and revised the Policy to take account of the ‘downgrading’ of the listed status of the Hall (including – and implicit in subsequent references – the Chapel) from Grade II* to Grade II. Despite the change in its status, Great Barr Hall (including the Chapel) remains a listed building and that brings with it	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p>to include the parkland in its entirety.</p> <p>2. Redundant buildings.</p> <p>3. Walled garden – refer to planning conditions. Believe there are outstanding issues over the restoration of the Gothic Bridge and the Implementation of the Landscape Management Plan (for the part of the site owned by Bovis).</p> <p>4. Alternative ownership ought to be considered. Understand the ‘Netherhall site’ is to be included is such an arrangement.</p> <p>5. Agricultural land – land east of the hotel (on which is on the a34) was identified at a public Inquiry in 1984 as being of prime quality. It continued to be farmed on an annual basis until last year, and it should be identified in the plan.</p> <p>6. Access – Refer to the condition on the Netherhall Park development [Bovis] preventing access (except for emergency vehicles) other than from Queslett Road. Wish to strengthen access control from Chapel Lane. Also, understand that Bovis’ landscape team might be installing gates at either end of the drive through the park.</p>	<p>iii) Include <i>“historic parkland and lakes”</i> in the objective to preserve, enhance and improve the significance of heritage assets.</p> <p>iv) Include that any <i>“proposed”</i> development <i>“will be kept to an absolute minimum”</i> in seeking to complement and preserve the quality of the Estate and say that it should be <i>“enhancing”</i> such qualities and for the <i>“parkland in particular”</i>.</p> <p>v) Amend the reference to the St Margaret’s Hospital development to be able to encompass the parkland that was part of / attached to that scheme as not being <i>“completely”</i> restored.</p> <p>vi) Remove some of the reference to the Hall and parkland being on the 2016 Heritage at Risk register.</p> <p><u>Policy EN7</u></p> <p><u>Overall Estate</u></p> <p>vii) Amend part b)ii to state that access from Chapel Lane should be <i>“restricted”</i> (rather than <i>“minimised”</i> as at present) – on the basis this reflects the condition imposed on the redevelopment of St Margaret’s Hospital.</p> <p>viii) Amend part b)v to say that the reference to development being sensitively designed and located should also provide for the possibility of it being <i>“located elsewhere in the borough”</i>.</p>	<p>legal responsibilities for the Council, other bodies and owners (stemming from the Planning (Listed Buildings and Conservation Areas) Act 1990). The Advice Report from Historic England that led to the listing of the Hall as Grade II is included in the evidence in section 7.10.2. The report includes <i>“Grade II buildings are of special interest, warranting every effort to save them”</i> (page 3).</p> <p>The Advice Report also says <i>“Although both building and park have suffered from neglect, neither appears to be beyond careful restoration”</i> (page 4). The policy aims to support the restoration and future preservation of the Hall and of the registered parkland, whilst at the same time respecting the environmental and access issues affecting the area. Most of the respondents appear to recognise the aims of the policy although there are obvious issues about the approach to enabling development.</p> <p>It is the Council’s view that the Hall and the parkland (including the lakes and other historic features) will both need resources to restore them and to maintain them into the future (possibly via an income stream). The policy (especially part ‘d’) on enabling development) is written so that it can support the Hall or the parkland (etc.) or both.</p> <p>Responses to the detailed points in the representation are as follows.</p> <p><u>Supporting text in Section 7.10</u></p> <p>i) No change is considered justified for the description of the state of the Hall (at this point in the text – see re ‘vi’ below) or its place as the focal point of the registered park. The Hall is a listed building and Historic England’s advice means the Council should seek its restoration. In addition, the parkland developed around the hall and without a focus the parkland might be seen as losing some of its historic interest.</p> <p>ii) It is not considered there is justification to refer to harm as arising specifically from inappropriate development (although that should be clear from the policy read as a whole). Harm can also result in other ways, including from neglect and decay.</p> <p>iii) It is agreed that the lakes in the parkland should be mentioned more prominently in the Policy and the justification. They are important features that need to be maintained. A change is proposed to amend the 3rd objective in Section 7.10:</p> <p><i>“Encourage the preservation, enhancement and improvement of the significance of heritage assets including the historic parkland and its lakes, buildings of architectural or historic interest and the Great Barr Conservation Area.”</i></p>
--	--	--	--	--	--	--	---	---	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

									<p>ix) Add to the introduction to part c) of the policy to say that the council will “robustly” seek to resist “all” development that is not of a good design.</p> <p>x) Expand part c)iii so that environmentally sensitive areas should include “the Green Belt and Conservation Areas especially”.</p> <p><u>Enabling Development</u></p> <p>xi) Amend part d)ii to give “full consideration” “to allowing” enabling development and whether it “can be located” off “this sensitive site”.</p> <p>xii) Amend part d)iii to require any financial assessment to be “independent”.</p> <p><u>Park and Garden</u></p> <p>xiii) In part e) of the policy insert the word “designated”.</p> <p>xiv) Add to part e)ii: “Including the designated Landscape Plan provided by Bovis as condition at the Public Inquiry”.</p> <p>xv) Add to the 1st two bullets to part e)iii to refer to the conditions “set at the public inquiry” in respect of the Gothic Bridge and the walled garden.</p> <p>xvi) Add to the 3rd bullet to part e)iii to refer to the reinstatement of boundaries entrances and pathways having “regard to the Secured by Design recommendations from West Midlands Police”.</p> <p>xvii) Add to the 4th bullet to</p>	<p>iv) In the 4th objective, it is not considered appropriate to limit the extent of any (proposed) development as this would also include development to restore the hall or the walled garden (for example). It is also considered unnecessary to refer specifically to development “enhancing” as well as “complementing and preserving” the character of the estate. This objective needs to be read with the other objectives and with the Policy as a whole.</p> <p>v) In respect of the first paragraph following the objectives, it is agreed that is correct to identify that the restoration of all of the parkland associated with the Netherhall Park development has not yet been completed. A change is proposed to amend the first sentence(s):</p> <p><i>“Part of the estate that was formerly St Margaret’s Hospital has been redeveloped for housing over the last few years, but the associated parkland has not yet been completely restored. But the remainder of the estate”</i></p> <p>vi) Whilst the Hall was on the Historic England Heritage at Risk Register at the time MMSAD30 was written, it has now been removed from the register (which does not include Grade II listed buildings). The registered park and garden remains on the register. The text should be amended accordingly:</p> <p><i>“The remainder of the estate has yet to be restored. The Hall is in a very poor condition, lacking a roof and internal fittings, and it has previously been considered by Historic England to be at risk of further deterioration. The Registered Park and Garden is on the 2016 Heritage at Risk Register. It is rated with one of the highest levels of risk with a condition of “Extensive Significant Problems”, “High” vulnerability and a trend of “Declining”.</i></p> <p><i>and both Great Barr Hall listed building and its Registered Park and Garden are on the 20165 Heritage at Risk Register (albeit the Hall is included as a Grade II* listed building). The Hall is rated as ‘very bad’ condition and Priority A (Immediate risk of further rapid deterioration or loss of fabric; no solution agreed), which is the highest level of risk on the Heritage at Risk Register. As with the Hall itself, the Grade II Registered Parkland is rated at one of the highest levels of Risk on the Heritage at Risk register with condition of “Extensive Significant Problems”, high vulnerability and a trend of declining.</i></p> <p><u>Policy EN7</u></p> <p><u>Overall Estate</u></p>
--	--	--	--	--	--	--	--	--	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

								<p>part e)iii to refer to the removal of unwanted species.</p> <p><u>Great Barr Hall and Chapel</u></p> <p>xviii) Part h) should include a reference to <i>“the lakes”</i>.</p> <p>xix) Part h)ii should refer to <i>“long term viability”</i>.</p> <p><u>7.10.1 Policy Justification</u></p> <p>xx) Deletion of the references to the Heritage at Risk Register from the introductory paragraph and the section on Great Barr Hall and Chapel.</p> <p>xxi) The final paragraph under ‘Overall Estate’ should include a reference to <i>“a 36 inch water main connected to Barr Beacon Reservoir”</i>.</p> <p>xxii) The 1st paragraph on enabling development should conclude with the statement <i>“although this may be located elsewhere in the borough”</i>.</p>	<p>vii) It is not considered it would be beneficial to amend the reference in part b)ii of the policy to say access from Chapel Lane should be <i>“restricted”</i>. The use of the term <i>“minimised”</i> carries forward the approach in the existing UDP Policy. <i>“Restricted”</i> was the word used in relation to the planning permission for the housing development on the St. Margaret’s Hospital site, but that is some way away from Chapel Lane and circumstances are different. In addition, <i>“minimised”</i> is a stronger term than <i>“restricted”</i>, although restrictions might be used to ensure that access is minimised.</p> <p>viii) It is considered the proposal to refer to the location of development <i>“elsewhere”</i> in the borough (in part b)v) is not considered to be justified. Part b) of the policy refers to all development, including development that would be appropriate. Part d) of the policy refers to enabling development.</p> <p>ix) It is not considered that the insertion of <i>“robustly”</i> in respect of the council’s response to development that is not good design is necessary (part c0) of the policy). Also, saying that <i>“all”</i> development that is not good design should be resisted without it being clear what good design means is not considered justified.</p> <p>x) It is not considered necessary to expand part c)iii of the policy in the manner suggested as the Green Belt is not an environmental designation and is dealt with in part c)iv, whilst the Conservation Area issues can be addressed through part b)iii of the policy. This part is intended to refer to nature conservation and water issues. It is however, proposed to add a reference to agricultural land in response to other representations.</p> <p>xi) It is not considered necessary or appropriate to strengthen the requirement as to whether enabling development could be provided off site (part d)ii). Any such consideration should be proper and not superficial, but the expansion of the term to <i>“full consideration”</i> would introduce uncertainty as to what the requirement would mean. The further additional wording proposed is not considered necessary.</p> <p>xii) The proposed requirement (part d)ii) that any Financial assessment should be <i>“independent”</i> is not considered justified. Whilst such an assessment would be likely to be done for a developer client it would be done by a qualified professional to professional standards (especially if it would be to meet Historic England good practice). It would also be subject to checking by the Council and potentially by other bodies such as Historic England.</p>
--	--	--	--	--	--	--	--	---	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

											<p><u>Park and Garden</u></p> <p>xiii) It is not considered necessary to insert the word “designated” into the first part of part e) of the policy as the sentence begins by referring to “The Grade II Registered Park and Garden” and there are several areas of the parkland which lie outside the designated area but are still covered by this policy.</p> <p>xiv) A change is proposed in respect of the request to refer to the Landscape Management Plan required from Bovis as part of the planning permission for the Netherhall Park (St. Margaret’s Hospital) development. It is not considered the reference would be appropriate under part e)ii of the policy. It is however, proposed that an addition should be made to section 7.10.3 on ‘Delivery’:</p> <p><u>“Through requirements for landscape and other management plans to secure the enhancement and future maintenance of the Hall and/or the estate. A Landscape Management Plan is being operated by Bovis as a requirement of the planning permission for the Netherhall Park (St. Margaret’s Hospital) development.”</u></p> <p>xv) It is not necessary to refer to the conditions requiring the improvement / maintenance of the Gothic Bridge and the walled garden. Part e)iii refers to bridges and to the walled garden. The conditions are in place to enable the policy requirements to be applied.</p> <p>xvi) It is not considered necessary to add to the 3rd bullet to part e)ii of the policy with respect to ‘secured by design’. When determining planning applications the Council will consult the relevant bodies, including the police and it will apply relevant policies and standards to ensure that entrances to and pathways through the estate are safe and secure (at the same time as seeking to protect the character of the estate).</p> <p>xvii) It is not considered necessary to refer to the removal of “unwanted species” (in part e)iii of the policy) as this should be a part of the reinstatement of planting.</p> <p><u>Great Barr Hall and Chapel</u></p> <p>xviii) It is not considered necessary to refer to “the lakes” in part h) as this refers to the Hall and Chapel. Note: In the Modification to part h) of the policy “wholly” (in respect of harm being “wholly exceptional” was struck-through in the Schedule of Pre-Submission Modifications, when it should have been deleted.</p> <p>xix) Whilst the policy refers at part a) to the future of the estate being considered in a long term manner, it is agreed that it would be useful to refer (in part h)ii) to viability in the long term:</p>
--	--	--	--	--	--	--	--	--	--	--	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p><i>“The long-term viability for the retention and restoration of the hall and Chapel.”</i></p> <p><u>7.10.1 Policy Justification</u></p> <p>xx) It is agreed the reference to the Heritage at Risk Register in the section on Great Barr Hall and Chapel should be updated:</p> <p><i>“The whole area covered by Policy EN7 falls within the Great Barr Conservation Area, as well as being in the Green Belt. The latter is not shown on map 7.4 in order to aid clarity for the other issues. Both Great Barr Hall and the Registered Park are on the 2015 Heritage at Risk register.”</i></p> <p><i>“Great Barr Hall has had its listed status changed from Grade II* to Grade II. That means it has been removed from the Heritage at Risk Register. However, it remains in poor condition.</i></p> <p><i>“Great Barr Hall is one of the few a Grade II* listed buildings in Walsall and is included on the 20165 heritage at risk register under its previous grading of II*.”</i></p> <p>The 3rd paragraph of this section should also be amended:</p> <p><i>“The whole area covered by Policy EN7 falls within the Great Barr Conservation Area, as well as being in the Green Belt. The latter is not shown on map 7.4 in order to aid clarity for the other issues. Both Great Barr Hall and the Registered Park are on the 2015 Heritage at Risk register.”</i></p> <p>A consequent change should also be made to the monitoring target in section 7.10.4 in respect of EN7d – Downgrading of risk level or removal from Heritage at Risk Register:</p> <p><i>“Great Barr Hall: Improvement from ‘very bad’ condition and Priority A (Immediate risk of further rapid deterioration or loss of fabric; no solution agreed).”</i></p> <p>xxi) In respect of the request to include a reference to a large water main (final paragraph under ‘Overall Estate’), the council does not have an objection to the inclusion of such a reference, but it lacks the evidence to justify it at the present time. Officers have checked water company service plans and LIDAR (ground penetrating radar) mapping, but cannot see definite evidence of where a large water main of the kind proposed would be under</p>
--	--	--	--	--	--	--	--	--	--	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p>the site covered by the policy. If evidence is available the Council would be pleased to receive it.</p> <p>xxii) No change is considered necessary to the first paragraph of the Policy Justification under the 'Enabling Development' heading. The second paragraph includes the statement that <i>"the enabling development does not have to take place on the estate, but could be built elsewhere"</i>.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	7. Environmental Network	MMSAD30	EN7			Expressly supports the modifications to policy and supporting text			<p>No further change proposed in response to this representation, although changes are proposed in response to other representations.</p> <p>Welcome support.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
Birmingham and Black Country Wildlife Trust	Community or other organisation	7. Environmental Network	MMSAD30	EN7			Support modification and supporting text			<p>No further change proposed in response to this representation, although changes are proposed in response to other representations.</p> <p>Welcome support.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
	Member of Parliament	7. Environmental Network	MMSAD30	EN7		7.10	<p>Policy EN7 is <i>"wholly unwarranted"</i> and conflicts with national policy in the NPPF.</p> <p>The policy does not justify inappropriate development and enabling development is not an appropriate exception to Green Belt Policy (NPPF paras 89 and 90).</p> <p>Previously the council attempted to justify ENV7 on the basis of the Grade II* listing of Great Barr Hall and it being on the Register of Buildings at Risk. Now both of these things have changed and enabling development is <i>"rendered redundant"</i>.</p> <p>Any further attempt to retain enabling development in the policy would be <i>"completely unreasonable and/or irrational"</i>.</p>			<p>A further change is proposed in response to this representation (and other representations) to reflect that the Hall has been removed from the Heritage at Risk Register.</p> <p>Policy EN7 is intended to update and replace the existing Policy ENV8 of Walsall's Unitary Development Plan (UDP). The UDP policy covered the whole of the registered parkland as well as some other areas (within Walsall Borough). The most important of these other areas is the former St Margaret's Hospital, only part of which has been redeveloped for housing by Bovis 'Netherhall Park').</p> <p>MMSAD30 sought to respond to representations received at the Publication stage and revised the Policy to take account of the 'downgrading' of the listed status of the Hall (including – and implicit in subsequent references – the Chapel) from Grade II* to Grade II.</p> <p>Despite the change in its status, Great Barr Hall (including the Chapel) remains a listed building and that brings with it legal responsibilities for the Council, other bodies and owners (stemming from the Planning (Listed Buildings and</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p>Policy should not be framed <i>“to open the public purse to incompetent or unscrupulous businesses, or to subsidise property speculation.”</i></p> <p>As the parkland remains on the ‘at risk register’ the policy should focus on its preservation and restoration.</p> <p>Private ownership has been <i>“catastrophic”</i> for the historic buildings and environment and policy should support community involvement in the restoration and preservation of the site. There are many opportunities for funding restoration of the parkland, including the Heritage Lottery Fund.</p> <p>It is not clear why the walled garden is included in the policy as one of the conditions of the existing planning permission for the current development by Bovis is the restoration of the garden.</p> <p>The policy is not positively prepared.</p> <p>i) ENV7 <i>“was devised to support the particular requirements of the current owners”</i> and the current planning application.</p> <p>ii) There is no justification for <i>“the Council’s bias”</i> towards enabling development.</p> <p>iii) <i>“The fundamental problem with EN7 is that it is a policy promoting development not a policy promoting protection, conservation and preservation of the historic environment. It sits within the Site Allocation Document (SAD) which identifies sites for development.”</i></p> <p>The policy is not justified as the listed status of Great Barr Hall has been downgraded and it has been removed from the Buildings at Risk</p>		<p>Conservation Areas) Act 1990). The Advice Report from Historic England that led to the listing of the Hall as Grade II is included in the evidence in section 7.10.2. The report includes <i>“Grade II buildings are of special interest, warranting every effort to save them”</i> (page 3).</p> <p>As a consequence of it being ‘downgraded’ to Grade II, the Hall has now been removed from the Heritage at Risk Register and it is proposed that this should be reflected in changes to the supporting text in sections 7.10 and 7.10.1 and 7.10.4. See the responses to the detailed points made by the Beacon Action Group (811).</p> <p>The Historic England Advice Report also says <i>“Although both building and park have suffered from neglect, neither appears to be beyond careful restoration”</i> (page 4). The policy aims to support the restoration and future preservation of the Hall and of the registered parkland, whilst at the same time respecting the environmental and access issues affecting the area. Most of the respondents appear to recognise the aims of the policy although there are obvious issues about the approach to enabling development.</p> <p>It is the Council’s view that the Hall and the parkland (including the lakes and other historic features) will both need resources to restore them and to maintain them into the future (possibly via an income stream). The approach of Policy EN7 to enabling development is that it can support the Hall or the parkland (etc.) or both. Part ‘d’ of the policy is clear that such development will be justified only insofar as it is necessary for the restoration and maintenance of the heritage assets and where the likely adverse impacts are outweighed by the benefits. Paragraph 140 of the NPPF says <i>“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”</i></p> <p>The aim of the policy is to seek to minimise possible future costs to the public purse. It has to be recognised that the estate is in private ownership. No viable and deliverable community-based proposal for the restoration and long-term maintenance of the area has been forthcoming and there is no sign of such a proposal that would not require public funding.</p> <p>The walled garden sits within the site and it would be illogical to exclude it. It has been the subject of a Planning Committee resolution to approve a planning application (16/0659) for use as allotments but a deed of variation of the legal agreement covering the site has not been signed. Policy EN7 is to provide a policy framework for the site as a</p>
--	--	--	--	--	--	--	--	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p>Register.</p> <p>EN7 is not effective as it would not protect the historic parkland. <i>“Accusations that this proposal was brought forward to support the current planning application for Great Barr hall or any appeal against refusal would be difficult to deny.”</i></p> <p>EN7 conflicts with national policy on the Green Belt. There is no requirement for a local authority to introduce a policy to support enabling development. <i>“It is very clear that there is a nationally agreed procedure for dealing with planning applications that propose enabling development.”</i></p> <p><i>“The fundamental problem with EN7 is that it is a policy promoting development”</i></p> <p>It is not the responsibility of the Council <i>“to financially support property speculators, or landowners who buy property without the financial means to fulfil their responsibilities as landowners”.</i></p> <p><i>“The Council needs to look beyond the recent ownership of Great Barr hall and support policies that will ensure the Historic Parkland is saved and restored for the benefit of future generations of Walsall residents.”</i></p>		<p>whole and such a policy is considered necessary until the future of the site has been secured.</p> <p>Section 1.1 at the start of the SAD document sets out that it provides detailed policies to <i>“allocate land for development or designate land for protection where necessary”</i>. The SAD shows Conservation Areas and sites for nature conservation and for open space, as well as sites for new housing, employment, etc.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
Historic England	Statutory Consultee	7. Environmental Network	MMSAD30	EN7		7.10	<p>The revised policy wording and justification text does not address concerns raised previously in relation to the inclusion of ‘enabling development’ within the site allocation policy. Enabling development in the heritage sense is development which is unacceptable in planning terms but for the fact that it would bring public (heritage) benefits to justify it, and which could not otherwise</p>	<p>Omit reference to enabling development from Policy EN7 and its associated text by highlighting heritage aspirations without reference to enabling development.</p>	<p>No further change to the Council's proposed modification is considered necessary in response to this representation, although changes have been made in response to points made in other representations.</p> <p>Despite much of the site being vacant for several decades, no viable proposals have been forthcoming for the restoration of the historic assets of the site, including both the Hall and the parkland, without some form of enabling development.</p> <p>The need to find resources for the restoration and long-term preservation of the Hall and of the estate have been the</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p>be achieved. As such, the inclusion of the wording within the site allocation policy would look to undermine this.</p> <p>As advised and discussed previously, Historic England would welcome the opportunity to continue to work with the Council in order to address these concerns ahead of the Plan’s Examination in Public.</p>		<p>subject of several discussions between representatives of Historic England and Council officers. At no time has it been suggested that the bulk of such resources could be found other than from private sector development.</p> <p>The Council did offer the opportunity for Historic England to comment in detail on the draft wording of the Modification before it was published.</p> <p>It appears to the Council that the issue is one of terminology, with Historic England concerned at the SAD referring to development that would be contrary to planning policy. However, the term is well understood by those concerned with the future of the estate, and it would be misleading to all of those involved if the policy did not to recognise that no solution has emerged that does not require some enabling development. The policy seeks to ensure that the basis for decisions on such development can be as transparent as possible.</p> <p>The council will, of course, be happy to continue to discuss detailed wording further.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
Resident	7. Environmental Network	MMSAD30	EN7				<p>Concerned that enabling development continues to be a viable option to restore Great Barr Hall. <i>"The current revised document can be accommodated on an alternative site at another location in the borough but not in the Green Belt."</i></p> <p>Decision by Historic England to remove the star from the previous grade II* listing increases the importance of the historic listed parkland when compared with the now derelict hall, <i>"which by virtue of this type of development would ultimately lead to its destruction"</i>.</p> <p>The removal of the lakes from the current application and lack of any detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but must include the entire parkland.</p>	<p>The parkland should not be divided up, but should be considered as a whole.</p> <p>The plan should record the prime quality of the agricultural land off Chapel Lane.</p> <p>The recommendation that access from Chapel Lane should be limited should be changed to <i>"restricted"</i>.</p>	<p>A further change is proposed - in respect of agricultural land - in response to this representation (and other representations), and other relevant changes are proposed in response to other representations.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland. The policy does not require that any or all enabling development should be on the parkland and it requires the consideration of development outside of the estate. Green Belt policy would apply to any development proposals in Green Belt of as well as on the estate and the extent to which it might be offset by arguments about enabling development would depend on the degree to which such development could be linked to the restoration and/or preservation of the Hall and/ or estate.</p> <p>The need to ensure the maintenance of the lakes remains a part of the on-going consideration of the current planning application. The aim of Policy EN7 is to ensure that planning decisions can consider all of the aspects of the area covered by the policy (including the Hall, lakes, walled garden and parkland) comprehensively in a balanced manner.</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p>The council's objective should be to safeguard, secure and enhance the whole of the original parkland including that belonging to Bovis Homes Limited.</p> <p>This should include careful control of any further development with, if necessary sympathetic change of use for redundant buildings.</p> <p>Agree that the potential forms of ownership such as a trust would be acceptable. <i>"Adjacent areas are already owned and managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement."</i></p> <p>The area benefits the community as a whole in Walsall, Sandwell and Birmingham. Such benefits should far outweigh the detrimental effect brought about by the proposed changes to the landscape within the parkland.</p> <p>There appears to be no mention in the document of the nationally recognised prime quality agricultural land situated within the hospitals parkland off Chapel Lane, which until recent years was regularly harvested. The document should record its status as a potentially valuable asset.</p> <p>Note the recommendation that vehicular access from Chapel Lane should be minimised for environmental and particularly traffic reasons and suggest that it should be changed to <i>"restricted access"</i>.</p>		<p>The area covered by policy is not restricted by individual land ownerships, but is based on the surviving extent of the Great Barr Hall and St Margaret's Estate ('Netherhall Park') as explained in the policy justification. The policy does not include Merrion's Wood which is managed separately and parts of the estate that are not in Walsall Borough. It is not possible to safeguard the whole of the original parkland as areas of it have been built on since the start of the 20th century.</p> <p>The policy does seek to allow for sympathetic changes of use to redundant buildings as part of its guidance for the control of development in the area.</p> <p>The Netherhall Park site, including the parkland owned by Bovis, is the subject of a management company which is owned by the firm but with an arrangement for residents to become members ./ shareholders. The policy seeks to encourage arrangements that would ensure public / residents' involvement in the management of the area.</p> <p>As the estate is in private ownership, public access is limited and it is understood there is no public right of access to Hall, nor to areas of the parkland that have not been restored. This means the benefits to the community are limited, but by securing a viable future for the estate and including the potential for public access Policy EN7 seeks to increase the benefit this benefit.</p> <p>A change is proposed in respect of agricultural land. Historically the landscaped areas of the park would not have been used for growing crops and the most recent available agricultural land mapping (from 1986) shows the parkland as not in agricultural use or as low quality agricultural land. However, the Council has found earlier mapping (from 1981? – now placed on its website) that shows the land to the rear of the hotel on the A34 (the Holiday Inn) as Grade 2 or Grade 3a. The NPPF (paragraph 112) says that the benefits of the best and most versatile agricultural and (Grade 3a and better) should be taken into account and <i>"local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"</i>.</p> <p>It is therefore proposed to add to part c)iii of the policy: <i>"Development causing harm to environmentally sensitive areas, or taking areas of the best and most versatile agricultural land where this could be avoided."</i></p> <p>It is not considered it would be beneficial to amend the reference in part b)ii of the policy to say access from Chapel Lane should be <i>"restricted"</i>. The use of the term <i>"minimised"</i> carries forward the approach in the existing UDP Policy. <i>"Restricted"</i> was the word used in relation to the planning permission for the housing development on the</p>
--	--	--	--	--	--	--	--	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p>St. Margaret’s Hospital site, but that is some way away from Chapel Lane and circumstances are different. In addition, “<i>minimised</i>” is a stronger term than “<i>restricted</i>”, although restrictions might be used to ensure that access is minimised.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
	Resident	7. Environmental Network	MMSAD30	EN7				<p>Concerned that enabling development continues to be a viable option to restore Great Barr Hall. <i>“The current revised document can be accommodated on an alternative site at another location in the borough but not in the Green Belt.”</i></p> <p>Decision by Historic England to remove the star from the previous grade II* listing increases the importance of the historic listed parkland when compared with the now derelict hall, <i>“which by virtue of this type of development would ultimately lead to its destruction”</i>.</p> <p>The removal of the lakes from the current application and lack of any detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but must include the entire parkland.</p> <p>The council's objective should be to safeguard, secure and enhance the whole of the original parkland including that belonging to Bovis Homes Limited.</p>	<p>The parkland should not be divided up, but should be considered as a whole.</p> <p>The plan should record the prime quality of the agricultural land off Chapel Lane.</p> <p>The recommendation that access from Chapel Lane should be limited should be changed to “<i>restricted</i>”.</p>	<p>A further change is proposed - in respect of agricultural land - in response to this representation (and other representations), and other relevant changes are proposed in response to other representations.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland. The policy does not require that any or all enabling development should be on the parkland and it requires the consideration of development outside of the estate. Green Belt policy would apply to any development proposals in Green Belt of as well as on the estate and the extent to which it might be offset by arguments about enabling development would depend on the degree to which such development could be linked to the restoration and/or preservation of the Hall and/ or estate.</p> <p>The need to ensure the maintenance of the lakes remains a part of the on-going consideration of the current planning application. The aim of Policy EN7 is to ensure that planning decisions can consider all of the aspects of the area covered by the policy (including the Hall, lakes, walled garden and parkland) comprehensively in a balanced manner.</p> <p>The area covered by policy is not restricted by individual land ownerships, but is based on the surviving extent of the Great Barr Hall and St Margaret’s Estate (‘Netherhall Park’) as explained in the policy justification. The policy does not include Merrion’s Wood which is managed separately and parts of the estate that are not in Walsall Borough. It is not</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

								<p>This should include careful control of any further development with, if necessary sympathetic change of use for redundant buildings.</p> <p>Agree that the potential forms of ownership such as a trust would be acceptable. <i>"Adjacent areas are already owned and managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement."</i></p> <p>The area benefits the community as a whole in Walsall, Sandwell and Birmingham. Such benefits should far outweigh the detrimental effect brought about by the proposed changes to the landscape within the parkland.</p> <p>There appears to be no mention in the document of the nationally recognised prime quality agricultural land situated within the hospitals parkland off Chapel Lane, which until recent years was regularly harvested. The document should record its status as a potentially valuable asset.</p> <p>Note the recommendation that vehicular access from Chapel Lane should be minimised for environmental and particularly traffic reasons and suggest that it should be changed to <i>"restricted access"</i>.</p>		<p>possible to safeguard the whole of the original parkland as areas of it have been built on since the start of the 20th century.</p> <p>The policy does seek to allow for sympathetic changes of use to redundant buildings as part of its guidance for the control of development in the area.</p> <p>The Netherhall Park site, including the parkland owned by Bovis, is the subject of a management company which is owned by the firm but with an arrangement for residents to become members ./ shareholders. The policy seeks to encourage arrangements that would ensure public / residents' involvement in the management of the area.</p> <p>As the estate is in private ownership, public access is limited and it is understood there is no public right of access to Hall, nor to areas of the parkland that have not been restored. This means the benefits to the community are limited, but by securing a viable future for the estate and including the potential for public access Policy EN7 seeks to increase the benefit this benefit.</p> <p>A change is proposed in respect of agricultural land. Historically the landscaped areas of the park would not have been used for growing crops and the most recent available agricultural land mapping (from 1986) shows the parkland as not in agricultural use or as low quality agricultural land. However, the Council has found earlier mapping (from 1981? – now placed on its website) that shows the land to the rear of the hotel on the A34 (the Holiday Inn) as Grade 2 or Grade 3a. The NPPF (paragraph 112) says that the benefits of the best and most versatile agricultural and (Grade 3a and better) should be taken into account and <i>"local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"</i>.</p> <p>It is therefore proposed to add to part c)iii of the policy: <i>"Development causing harm to environmentally sensitive areas, or taking areas of the best and most versatile agricultural land where this could be avoided."</i></p> <p>It is not considered it would be beneficial to amend the reference in part b)ii of the policy to say access from Chapel Lane should be <i>"restricted"</i>. The use of the term <i>"minimised"</i> carries forward the approach in the existing UDP Policy. <i>"Restricted"</i> was the word used in relation to the planning permission for the housing development on the St. Margaret's Hospital site, but that is some way away from Chapel Lane and circumstances are different. In addition, <i>"minimised"</i> is a stronger term than <i>"restricted"</i>, although restrictions might be used to ensure that access is minimised.</p> <p>See the other representations and responses in respect of</p>
--	--	--	--	--	--	--	--	--	--	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										MMSAD30.
	Resident	7. Environmental Network	MMSAD30	EN7				<p>Very concerned that enabling development continues to be a viable option to restore Great Barr Hall. <i>"The current revised document can be accommodated on an alternative site at another location in the borough but not in the Green Belt."</i></p> <p>Decision by Historic England to remove the star from the previous grade II* listing increases the importance of the historic listed parkland when compared with the now derelict hall, <i>"which by virtue of this type of development would ultimately lead to its destruction"</i>.</p> <p>The removal of the lakes from the current application and lack of any detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but must include the entire parkland.</p> <p>The council's objective should be to safeguard, secure and enhance the whole of the original parkland including that belonging to Bovis Homes Limited.</p> <p>This should include careful control of any further development with, if necessary sympathetic change of use for redundant buildings.</p> <p>Agree that the potential forms of ownership such as a trust would be acceptable. <i>"Adjacent areas are already owned and managed by such organisations and it would seem appropriate that this site</i></p>	<p>The parkland should not be divided up, but should be considered as a whole.</p> <p>The plan should record the prime quality of the agricultural land off Chapel Lane.</p> <p>The recommendation that access from Chapel Lane should be limited should be changed to <i>"restricted"</i>.</p>	<p>A further change is proposed - in respect of agricultural land - in response to this representation (and other representations), and other relevant changes are proposed in response to other representations.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland. The policy does not require that any or all enabling development should be on the parkland and it requires the consideration of development outside of the estate. Green Belt policy would apply to any development proposals in Green Belt of as well as on the estate and the extent to which it might be offset by arguments about enabling development would depend on the degree to which such development could be linked to the restoration and/or preservation of the Hall and/ or estate.</p> <p>The need to ensure the maintenance of the lakes remains a part of the on-going consideration of the current planning application. The aim of Policy EN7 is to ensure that planning decisions can consider all of the aspects of the area covered by the policy (including the Hall, lakes, walled garden and parkland) comprehensively in a balanced manner.</p> <p>The area covered by policy is not restricted by individual land ownerships, but is based on the surviving extent of the Great Barr Hall and St Margaret's Estate ('Netherhall Park') as explained in the policy justification. The policy does not include Merrion's Wood which is managed separately and parts of the estate that are not in Walsall Borough. It is not possible to safeguard the whole of the original parkland as areas of it have been built on since the start of the 20th century.</p> <p>The policy does seek to allow for sympathetic changes of use to redundant buildings as part of its guidance for the control of development in the area.</p> <p>The Netherhall Park site, including the parkland owned by Bovis, is the subject of a management company which is owned by the firm but with an arrangement for residents to</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p><i>along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement."</i></p> <p>The area benefits the community as a whole in Walsall, Sandwell and Birmingham. Such benefits should far outweigh the detrimental effect brought about by the proposed changes to the landscape within the parkland.</p> <p>There appears to be no mention in the document of the nationally recognised prime quality agricultural land situated within the hospitals parkland off Chapel Lane, which until recent years was regularly harvested. The document should record its status as a potentially valuable asset.</p> <p>Note the recommendation that vehicular access from Chapel Lane should be minimised for environmental and particularly traffic reasons and suggest that it should be changed to "restricted access".</p>		<p>become members ./ shareholders. The policy seeks to encourage arrangements that would ensure public / residents' involvement in the management of the area.</p> <p>As the estate is in private ownership, public access is limited and it is understood there is no public right of access to Hall, nor to areas of the parkland that have not been restored. This means the benefits to the community are limited, but by securing a viable future for the estate and including the potential for public access Policy EN7 seeks to increase the benefit this benefit.</p> <p>A change is proposed in respect of agricultural land. Historically the landscaped areas of the park would not have been used for growing crops and the most recent available agricultural land mapping (from 1986) shows the parkland as not in agricultural use or as low quality agricultural land. However, the Council has found earlier mapping (from 1981? – now placed on its website) that shows the land to the rear of the hotel on the A34 (the Holiday Inn) as Grade 2 or Grade 3a. The NPPF (paragraph 112) says that the benefits of the best and most versatile agricultural and (Grade 3a and better) should be taken into account and "local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".</p> <p>It is therefore proposed to add to part c)iii of the policy: <u>"Development causing harm to environmentally sensitive areas, or taking areas of the best and most versatile agricultural land where this could be avoided."</u></p> <p>It is not considered it would be beneficial to amend the reference in part b)ii of the policy to say access from Chapel Lane should be "restricted". The use of the term "minimised" carries forward the approach in the existing UDP Policy. "Restricted" was the word used in relation to the planning permission for the housing development on the St. Margaret's Hospital site, but that is some way away from Chapel Lane and circumstances are different. In addition, "minimised" is a stronger term than "restricted", although restrictions might be used to ensure that access is minimised.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
	Resident	7. Environmental Network	MMSAD30	EN7			<p>Concerned that enabling development for Great Barr Hall is still a possibility. The removal of the star from the hall's listing increases the importance of the parkland "compared with the derelict hall this leading to the</p>	<p>The parkland should not be divided up but should be considered as a whole.</p> <p>Vehicle access from Chapel Lane should be "restricted".</p>	<p>No further change is considered necessary in response to this representation, but other relevant changes are proposed in response to other representations.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p><i>possibility of the hall being destroyed”.</i></p> <p>Want reassurance that the parkland would not be divided up as it should be kept as a whole. Hope Council would safeguard important and beautiful parkland and carefully control any possible development especially in regard to any development of redundant buildings.</p> <p><i>“Alternative forms of ownership would be a good idea such as a trust, this would benefit the community.”</i></p> <p>Chapel Lane is not built for heavy traffic and we would suggest that any access for vehicles should be restricted access.</p>		<p>recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland.</p> <p>The aim of Policy EN7 is to ensure that planning decisions can consider all of the aspects of the area covered by the policy (including the Hall, lakes, walled garden and parkland) comprehensively in a balanced manner.</p> <p>The policy does seek to allow for sympathetic changes of use to redundant buildings as part of its guidance for the control of development in the area.</p> <p>The Netherhall Park site, including the parkland owned by Bovis, is the subject of a management company which is owned by the firm but with an arrangement for residents to become members ./ shareholders. The policy seeks to encourage arrangements that would ensure public / residents’ involvement in the management of the area.</p> <p>It is not considered it would be beneficial to amend the reference in part b)ii of the policy to say access from Chapel Lane should be <i>“restricted”</i>. The use of the term <i>“minimised”</i> carries forward the approach in the existing UDP Policy. <i>“Restricted”</i> was the word used in relation to the planning permission for the housing development on the St. Margaret’s Hospital site, but that is some way away from Chapel Lane and circumstances are different. In addition, <i>“minimised”</i> is a stronger term than <i>“restricted”</i>, although restrictions might be used to ensure that access is minimised.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
Resident	7. Environmental Network	MMSAD30	EN7			<p>Disappointing that enabling development continues to be a viable option to restore Great Barr Hall, <i>“unless as stated in the current revised document it can be accommodated on an alternative site at another location in the borough but not in the Green Belt”</i>.</p> <p>Decision by Historic England to remove the star from the previous grade II* listing increases the importance of the historic listed parkland, <i>“which as a result of the proposed development will be severely altered and damaged”</i>.</p> <p>The removal of the lakes from the current application and lack of any</p>	<p>The parkland should not be divided up, but should be considered as a whole.</p> <p>The plan should record the prime quality of the agricultural land off Chapel Lane.</p> <p>The recommendation that access from Chapel Lane should be limited should be changed to <i>“restricted”</i>.</p>	<p>A further change is proposed - in respect of agricultural land - in response to this representation (and other representations), and other relevant changes are proposed in response to other representations.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland. The policy does not require that any or all enabling development should be on the parkland and it requires the consideration of development outside of the estate. Green Belt policy would apply to any development proposals in Green Belt of as well as on the estate and the extent to which it might be offset by arguments about enabling development would depend on the degree to which such development could be linked to the restoration and/or preservation of the Hall</p>	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							<p>detailed landscape management plan was considered to be unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but must include the parkland in its entirety.</p> <p>The council's objective should be to safeguard, secure and enhance the whole of the original parkland including that belonging to Bovis Homes Limited.</p> <p>This should include careful control of any further development with, if necessary sympathetic change of use for redundant buildings.</p> <p>Would support and alternative form of ownership such as a trust. <i>"Adjacent areas are already owned and managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement."</i></p> <p>The benefit to the community must outweigh the detrimental effect brought about by the proposed changes to the landscape within the parkland.</p> <p>There appears to be no mention in the document of the nationally recognised prime quality agricultural land situated within the hospitals parkland off Chapel Lane, which until recent years was regularly harvested. The document should record its status as a potentially valuable asset.</p> <p>I note that the recommendation that vehicular access from Chapel Lane should be minimised for environmental and particularly traffic reasons and suggest that it should be changes to <i>"restricted access"</i>.</p>		<p>and/ or estate.</p> <p>The need to ensure the maintenance of the lakes remains a part of the on-going consideration of the current planning application. The aim of Policy EN7 is to ensure that planning decisions can consider all of the aspects of the area covered by the policy (including the Hall, lakes, walled garden and parkland) comprehensively in a balanced manner.</p> <p>The area covered by policy is not restricted by individual land ownerships, but is based on the surviving extent of the Great Barr Hall and St Margaret's Estate ('Netherhall Park') as explained in the policy justification. The policy does not include Merrion's Wood which is managed separately and parts of the estate that are not in Walsall Borough. It is not possible to safeguard the whole of the original parkland as areas of it have been built on since the start of the 20th century.</p> <p>The policy does seek to allow for sympathetic changes of use to redundant buildings as part of its guidance for the control of development in the area.</p> <p>The Netherhall Park site, including the parkland owned by Bovis, is the subject of a management company which is owned by the firm but with an arrangement for residents to become members ./ shareholders. The policy seeks to encourage arrangements that would ensure public / residents' involvement in the management of the area.</p> <p>As the estate is in private ownership, public access is limited and it is understood there is no public right of access to Hall, nor to areas of the parkland that have not been restored. This means the benefits to the community are limited, but by securing a viable future for the estate and including the potential for public access Policy EN7 seeks to increase the benefit this benefit.</p> <p>A change is proposed in respect of agricultural land. Historically the landscaped areas of the park would not have been used for growing crops and the most recent available agricultural land mapping (from 1986) shows the parkland as not in agricultural use or as low quality agricultural land. However, the Council has found earlier mapping (from 1981? – now placed on its website) that shows the land to the rear of the hotel on the A34 (the Holiday Inn) as Grade 2 or Grade 3a. The NPPF (paragraph 112) says that the benefits of the best and most versatile agricultural and (Grade 3a and better) should be taken into account and <i>"local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"</i>.</p> <p>It is therefore proposed to add to part c)iii of the policy: <i>"Development causing harm to environmentally sensitive areas, or taking areas of the best and most versatile</i></p>
--	--	--	--	--	--	--	---	--	--

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p><i>agricultural land where this could be avoided.”</i></p> <p>It is not considered it would be beneficial to amend the reference in part b)ii of the policy to say access from Chapel Lane should be “restricted”. The use of the term “minimised” carries forward the approach in the existing UDP Policy. “Restricted” was the word used in relation to the planning permission for the housing development on the St. Margaret’s Hospital site, but that is some way away from Chapel Lane and circumstances are different. In addition, “minimised” is a stronger term than “restricted”, although restrictions might be used to ensure that access is minimised.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
St Margaret’s Church Great Barr - Church Wardens		7. Environmental Network	MMSAD30	EN7		<p>Had time to evaluate what appears to be a complete rewrite of policy and following change in listing of hall from grade II* to II. Pleased to see the document now takes into account the importance of the historic parkland and the synergy of the parkland with the hall so that any future proposals would have to consider the whole of the estate and the wider Great Barr Conservation Area.</p> <p>With regards to enabling development, pleased to see criteria have been strengthened so any proposals would have to take into account effect on parkland and grounds as well as the house, and that if there were proposals for an enabling scheme it could be built elsewhere in Walsall and not in the greenbelt so as to prevent destruction of the parkland.</p>	Curious that there is no mention of the parkland as prime quality agricultural land. A local farmer was harvesting hay crop from land on Chapel Lane twice a year until this year.		<p>A further change is proposed - in respect of agricultural land - in response to this representation (and other representations), and other relevant changes are proposed in response to other representations.</p> <p>Welcome the points made in support.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland. The policy does not require that any or all enabling development should be on the parkland and it requires the consideration of development outside of the estate. Green Belt policy would apply to any development proposals in Green Belt of as well as on the estate and the extent to which it might be offset by arguments about enabling development would depend on the degree to which such development could be linked to the restoration and/or preservation of the Hall and/ or estate.</p> <p>A change is proposed in respect of agricultural land. Historically the landscaped areas of the park would not have been used for growing crops and the most recent available agricultural land mapping (from 1986) shows the parkland as not in agricultural use or as low quality agricultural land. However, the Council has found earlier mapping (from 1981? – now placed on its website) that shows the land to the rear of the hotel on the A34 (the Holiday Inn) as Grade 2 or Grade 3a. The NPPF (paragraph 112) says that the benefits of the best and most versatile agricultural and (Grade 3a and better) should be taken into account and</p>	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

						Church is glad to see recommendation that due to traffic and environmental reasons vehicular access from Chapel Lane should be minimised. Regular traffic problems and traffic calming measures on chapel lane make it unsuitable for larger vehicles.			<p><i>“local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.</i></p> <p>It is therefore proposed to add to part c)iii of the policy: <i>“Development causing harm to environmentally sensitive areas, or taking areas of the best and most versatile agricultural land where this could be avoided.”</i></p> <p>See the other representations and responses in respect of MMSAD30.</p>
	Resident	7. Environmental Network	MMSAD30	EN7		<p>Concerned that enabling development remains a viable option to restore Great Barr Hall, unless as stated in the current revised document it can be accommodated on an alternative site at another location in the borough but not in the Green Belt.</p> <p>Decision by Historic England to remove the star from the previous grade II* listing increases the importance of the historic listed parkland when compared with the now derelict hall, <i>“which by virtue of this type of development would ultimately lead to its destruction”.</i></p> <p>The removal of the lakes from the current application is unacceptable. It should be made clear that all future proposals should not seek to segregate parcels of land but must include the parkland in its entirety.</p> <p>Agree that the potential forms of ownership such as a trust would be acceptable. <i>“Adjacent areas are already owned and managed by such organisations and it would seem appropriate that this site along with the proposed management of the Netherhall site be considered for inclusion in a similar arrangement.”</i></p> <p>It would be very beneficial to the whole of the local community within Walsall, Sandwell and Birmingham.</p>	<p>The parkland should not be divided up, but should be considered as a whole.</p> <p>It should be noted in the document that the land within the historic parkland is prime quality agricultural land, which – until recently – was regularly harvested.</p>	<p>A further change is proposed - in respect of agricultural land - in response to this representation (and other representations), and other relevant changes are proposed in response to other representations.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland. The policy does not require that any or all enabling development should be on the parkland and it requires the consideration of development outside of the estate. Green Belt policy would apply to any development proposals in Green Belt of as well as on the estate and the extent to which it might be offset by arguments about enabling development would depend on the degree to which such development could be linked to the restoration and/or preservation of the Hall and/ or estate.</p> <p>The need to ensure the maintenance of the lakes remains a part of the on-going consideration of the current planning application. The aim of Policy EN7 is to ensure that planning decisions can consider all of the aspects of the area covered by the policy (including the Hall, lakes, walled garden and parkland) comprehensively in a balanced manner.</p> <p>The area covered by policy is not restricted by individual land ownerships, but is based on the surviving extent of the Great Barr Hall and St Margaret’s Estate (‘Netherhall Park’) as explained in the policy justification. The policy does not include Merrion’s Wood which is managed separately and parts of the estate that are not in Walsall Borough. It is not possible to safeguard the whole of the original parkland as areas of it have been built on since the start of the 20th century.</p> <p>The policy does seek to allow for sympathetic changes of use to redundant buildings as part of its guidance for the control of development in the area.</p>	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							It should be noted in the document that the land within the historic parkland is prime quality agricultural land, which – until recently – was regularly harvested.		<p>The Netherhall Park site, including the parkland owned by Bovis, is the subject of a management company which is owned by the firm but with an arrangement for residents to become members ./ shareholders. The policy seeks to encourage arrangements that would ensure public / residents’ involvement in the management of the area.</p> <p>As the estate is in private ownership, public access is limited and it is understood there is no public right of access to Hall, nor to areas of the parkland that have not been restored. This means the benefits to the community are limited, but by securing a viable future for the estate and including the potential for public access Policy EN7 seeks to increase the benefit this benefit.</p> <p>A change is proposed in respect of agricultural land. Historically the landscaped areas of the park would not have been used for growing crops and the most recent available agricultural land mapping (from 1986) shows the parkland as not in agricultural use or as low quality agricultural land. However, the Council has found earlier mapping (from 1981? – now placed on its website) that shows the land to the rear of the hotel on the A34 (the Holiday Inn) as Grade 2 or Grade 3a. The NPPF (paragraph 112) says that the benefits of the best and most versatile agricultural and (Grade 3a and better) should be taken into account and <i>“local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”</i>.</p> <p>It is therefore proposed to add to part c)iii of the policy: <i>“Development causing harm to environmentally sensitive areas, or taking areas of the best and most versatile agricultural land where this could be avoided.”</i></p> <p>See the other representations and responses in respect of MMSAD30.</p>
Community or other organisation	7. Environmental Network	MMSAD30	EN7		<p>Overall the revised document is to be commended.</p> <p>Notes the removal of the * from the listing of Great Barr Hall, which is <i>“appropriate given the current state of the building”</i>.</p> <p>Supports the policy referring to the relationship between the Grade II listed registered Parkland and Grade II St.</p>	<p>Welcomes the policy stating that enabling development should not destroy parts of the Parkland but, if necessary, should be located off site. This could be stressed more.</p> <p>The Council should safeguard, secure and enhance <i>“the totality”</i> and therefore any changes or use of existing buildings should be looked at sympathetically.</p> <p>The future setting up of a trust ought to be an option.</p> <p>The local community benefit, and</p>	<p>Strengthen wording on enabling development.</p> <p>Look sympathetically at the re-use of existing buildings.</p> <p>Include reference to a trust being set up.</p> <p>Stress the benefits of the green space.</p> <p>Encourage the use of the land for farming.</p>	<p>A further change is proposed - in respect of agricultural land - in response to this representation (and other representations), and other relevant changes are proposed in response to other representations.</p> <p>Welcome the points made in support.</p> <p>Policy EN7 (as set out in the Proposed Modification MMSAD30 and as proposed to be modified now) seeks to recognise the issues relating to the Hall and to the Estate. It recognises the potential needs for enabling development but does not seek to draw a prior distinction in seeking to ensure a future for the Hall and / or the parkland. The policy does not require that any or all enabling development should be on the parkland and it requires the consideration of development outside of the estate. Green Belt policy</p>	

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

						<p>Margaret’s Church. This should allow for a holistic approach <i>“rather than picking off individual items”</i>. Welcomes the importance placed on the Parkland and the inter-relations with Merrions Wood and Holly Wood.</p> <p>Welcomes the comment about minimising vehicular access onto Chapel Lane.</p> <p>The current application is considered to be inappropriate. It should be withdrawn and the opportunity taken for a <i>“different type of plan for the future, guided by this new policy document.”</i></p>	<p>the role of the site as green space and <i>“lung”</i> between Sandwell, Walsall and Birmingham, needs stressing. Any planning application that affects the Parkland may well risk damage to the overall benefit.</p> <p>The potential of the using the Parkland for farming i.e. grazing or a tree nursery could be encouraged.</p>		<p>would apply to any development proposals in Green Belt of as well as on the estate and the extent to which it might be offset by arguments about enabling development would depend on the degree to which such development could be linked to the restoration and/or preservation of the Hall and/ or estate.</p> <p>The aim of Policy EN7 is to ensure that planning decisions can consider all of the aspects of the area covered by the policy (including the Hall, lakes, walled garden and parkland) comprehensively in a balanced manner.</p> <p>The area covered by policy is not restricted by individual land ownerships, but is based on the surviving extent of the Great Barr Hall and St Margaret’s Estate (‘Netherhall Park’) as explained in the policy justification. The policy does not include Merrion’s Wood which is managed separately and parts of the estate that are not in Walsall Borough.</p> <p>The policy does seek to allow for sympathetic changes of use to redundant buildings as part of its guidance for the control of development in the area.</p> <p>The Netherhall Park site, including the parkland owned by Bovis, is the subject of a management company which is owned by the firm but with an arrangement for residents to become members ./ shareholders. The policy seeks to encourage arrangements that would ensure public / residents’ involvement in the management of the area.</p> <p>As the estate is in private ownership, public access is limited and it is understood there is no public right of access to Hall, nor to areas of the parkland that have not been restored. This means the benefits to the community are limited, but by securing a viable future for the estate and including the potential for public access Policy EN7 seeks to increase the benefit this benefit.</p> <p>A change is proposed in respect of agricultural land. Historically the landscaped areas of the park would not have been used for growing crops and the most recent available agricultural land mapping (from 1986) shows the parkland as not in agricultural use or as low quality agricultural land. However, the Council has found earlier mapping (from 1981? – now placed on its website) that shows the land to the rear of the hotel on the A34 (the Holiday Inn) as Grade 2 or Grade 3a. The NPPF (paragraph 112) says that the benefits of the best and most versatile agricultural and (Grade 3a and better) should be taken into account and <i>“local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”</i>.</p> <p>It is therefore proposed to add to part c)iii of the policy: <i>“Development causing harm to environmentally sensitive areas, or taking areas of the best and most versatile</i></p>
--	--	--	--	--	--	---	--	--	---

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

										<p><i>agricultural land where this could be avoided.”</i></p> <p>It is not considered that in respect of farming the Council could go beyond recognising the agricultural land issue and applying Green Belt policy (which would keep much of the land open). A requirement to farm some or all of the parkland is likely to be unenforceable and could conflict with objectives for nature conservation and for public access.</p> <p>See the other representations and responses in respect of MMSAD30.</p>
Environment Agency	Statutory Consultee	8. Sustainable Waste Management	MMSAD3 2	W3			Thank you for the inclusion of our recommended paragraph on Fire Hazards in relation to management plans to minimize the risk of fire, this is an important aspect of tackling the increasing problem of waste fires.			<p>No further change proposed.</p> <p>Welcome support.</p>
Environment Agency	Statutory Consultee	8. Sustainable Waste Management	MMSAD3 5	W3			Thank you for the inclusion of our recommended paragraph on Fire Hazards in relation to management plans to minimize the risk of fire, this is an important aspect of tackling the increasing problem of waste fires			<p>No further change proposed.</p> <p>Welcome support.</p>
Environment Agency	Statutory Consultee	8. Sustainable Waste Management	MMSAD3 4	W3			We welcome and support the removal of the Former Mckechies site on Aldridge Road due to the unsuitability of the location for the proposed use.			<p>No further change proposed.</p> <p>Welcome support.</p>
The Coal Authority	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD3 7	M1			Changes put forward in May 2016 have been responded to and now meets requirements of paragraphs 143 and 144 of NPPF,			<p>No further change proposed.</p> <p>Welcome support.</p>
Staffordshire County Council	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD3 7	M1			Support insertion of "or in close proximity to these areas" under policy M1d) as it will enhance safeguarding of potential options for mineral development within MSAs			<p>No further change proposed.</p> <p>Welcome support.</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

The Coal Authority	Statutory Consultee	9. Sustainable Use of Minerals	None					Not responded to suggested changes for inclusion of policy on Unstable Land. The Site Allocations DPD fails to address land instability which is a locally distinctive issue in the plan area. The issue has the potential to affect the economic viability and deliverability of sites and section 45 of Planning Practice Guidance and paragraphs 109, 120, 121 and 166 of the NPPF requires the issue to be addressed in the Plan.	The Site Allocations DPD should contain a policy that sets out a policy framework for addressing unstable land. The policy could read as follows: <i>“Proposals for development of land which may be unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land conditions must be carried out in accordance with the principles of best practice.”</i>	No further change to the Council's proposed modifications is considered necessary. This representation was addressed in the Council's response to the Preferred Option consultation and the evidence used in the preparation of the plan has considered the implications of ground condition issues. A policy of the kind suggested would repeat the existing saved policies in Walsall's UDP (GP2 (III) and ENV14), which are considered sufficient when taken together with the relevant provisions of the NPPF (including paragraphs 109, 120 and 121).
Birmingham and Black Country Local Nature Partnership	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD38	M2			Notes and emphasises support for Policy M2c)			No further change proposed. Welcome support.
Birmingham and Black Country Wildlife Trust	Community or other organisation	9. Sustainable Use of Minerals	MMSAD38	M2			Emphasises support for M2c)			No further change proposed. Welcome support.
Staffordshire County Council	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD39	M1			Paragraph 9.2.1 refers to MSA for fireclay resources having regard to existing published sources including a link to British Geological Survey Report "provision of Geological Information and a Revision of Mineral Consultation Areas for Staffordshire County Council (2006)". Please note the SCC Fireclay MSA has been revised to take into account mapping of Shallow Coal resources published by Coal Authority in 2014			<u>No further change proposed.</u> <u>Point noted. The evidence for the SAD (Site Allocation Document and Area Action Plan Minerals Project Report (AMEC, July 2015) http://cms.walsall.gov.uk/sad_aap_minerals_project_report_20_07_2015.pdf and the work to define the Safeguarding Area for fireclay shown on Map 9.4, which was introduced by OMSAD52) has used the evidence available at the time it was prepared, including Coal Authority mapping available on the internet.</u>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

Parkhill Estates Ltd	Developer or investor	9. Sustainable Use of Minerals	MMSAD41	M8	MP9			<p>The latest modifications seek to impose further restrictions on the manner in which the site can be worked and restored but it must be borne in mind that the working of the site is very much controlled by the structure, quality and content of the underlying mineral deposit.</p> <p>The policy accepts [point (f)] that ‘mineral extraction within this site will therefore permanently destroy at least some of the site’s special features’ (my emphasis) but requires [point (g)] that the entirety of the worked area covered by the SSSI designation must be restored to recreated wildlife habitats, of similar or enhanced value to those currently present. There is a clear inconsistency here.</p> <p>The policy continues by requiring that the restored land should be publicly accessible natural green space and that consideration should be given to alternative forms of ownership (conservation trust, community group) to take on the ongoing management of the site. However well-meaning the intention here, I am not sure that planning policy should be seeking to control such matters.</p>	<p>It is apparent that the Highfields North Site is subject to (at least) two diametrically opposed aspirations. On the one hand there is an existing planning permission which allows (subject to an approved scheme of working) the extraction of a valuable and diminishing brick clay resource (this Company already imports quantities of clay to support all three brickworks in Walsall from Shropshire). On the other hand a natural habitat has developed on the site which is considered to be of sufficient importance and value to warrant designation as an SSSI.</p> <p>In these circumstances it is not considered possible, or consequently ‘sound’, to attempt to introduce policies which seek to protect both interests entirely. Working the site will destroy the SSSI (and it is doubtful that following many years of extraction and backfilling with inert materials that the SSSI features would be capable of replacement). Retaining the SSSI (in whole or part) will not be possible whilst working the site as it would render extraction completely unviable.</p> <p>The Council must decide where its priorities lie.</p>	<p>No further change to the council’s proposed modification is considered necessary.</p> <p>The fundamental issues raised by the existence of a dormant permission for mineral extraction and a SSSI designation have been considered previously, notably at the Publication Plan stage. The policy seeks to set out the issues to be addressed in any application for modern working conditions. This includes provision for measures to minimise environmental impacts insofar as possible. Given the very high probability of unavoidable harm from mineral working that would be caused to the existing Jockey Fields SSSI, the more that can be done to provide habitat of equal value and to ensure that it is maintained and managed, the more that would be likely to weigh in the planning balance in respect of relevant future decision-making. Public access to green spaces is a common feature of the restoration of mineral sites (such as at the former Vigo Utopia claypit between Aldridge and Walsall Wood, and at the Shire Oak Quarry on the borough boundary in Lichfield District) and such provision can be an important material consideration in planning terms.</p>
Natural England	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD41	M8	MP9		<p>Natural England understands that there is a dormant planning permission at Jockey Fields SSSI. We note that the dormant permission is in the Plan as an allocation because there is an extant permission. Finally we note that the</p>			<p>Comments noted.</p> <p>See the representation from Parkhill Estates Ltd (2597) and the response by the council.</p>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

							planning proposals put forward are included to minimise (amongst other things) the potential impacts on the special features of the SSSI.			
Natural England	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD42	M8	MP9		Natural England understands that there is a dormant planning permission at Jockey Fields SSSI. We note that the dormant permission is in the Plan as an allocation because there is an extant permission. Finally we note that the planning proposals put forward are included to minimise (amongst other things) the potential impacts on the special features of the SSSI.			Comments noted. See the representation from Parkhill Estates Ltd (2597) and the response by the council in respect of SADMM41.
Natural England	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD46	M9			We note that the area with respect to policy M9 is shown in the Plan as a resource area. We note the Habitats Regulations Assessments for SAD Policy M9. Natural England agrees with the proposed modifications to the HRA and that a HRA should be completed at project level stage, (i.e. when a planning application is submitted) when further details should be submitted.			No further change proposed. Welcome support. See also the representations and responses in respect of MMSAD24, MMSAD26 and MMSAD27.
Staffordshire County Council	Statutory Consultee	9. Sustainable Use of Minerals	MMSAD51	M9			Paragraph 9.5.1 refers to non-designation of an area of search for coal and fireclay in the emerging Staffordshire Minerals Local Plan. Please note the Inspector's report has been received and it is intended to adopt the new plan early in 2017.			Further changed proposed to update the council's proposed modification. Amend text in 11th paragraph of 9.5.1 Policy Justification: <i>"The Staffordshire Minerals Local Plan (submitted for examination in January 2016 independent examination took place in March 2016 and proposed modifications were published in July 2016 Adopted in February 2017) does not identify an Area of Search for coal and fireclay extraction on the other side of the boundary, and it would be inconsistent for the SAD to identify an Area of Search on the Walsall</i>

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

											<i>side.”</i>
Highways England	Statutory Consultee	10. Transport and Infrastructure	MMSAD55	T4			Welcomes proposed modifications to Policy T4 as methods of promoting opportunities for sustainable travel, thus reducing potential for single-occupancy vehicle trips.				No further change proposed. Welcome support.
Friends of the Earth	Community or other organisation	10. Transport and Infrastructure	MMSAD55	T4				Policy updated but still no reference to Travel Plans. This should be added to be consistent with NPPG.	Refer to need for travel plans.		No further change to the Council's proposed modifications is considered necessary. The proposed addition would repeat Black Country Core Strategy policies (TRAN2 and TRAN5) as well as national policy (NPPF Paragraph 36).
Highways England	Statutory Consultee	10. Transport and Infrastructure	MMSAD56	T5			Welcomes specific reference to commitment to deliver an improvement scheme at M6 Junction 10 which is included within the governments Road Investment Strategy.				No further change proposed. Welcome support.
Warwickshire County Council	Local authority	11. Miscellaneous Comments	None				County Council has no comments on the consultation				No further change proposed. Note response.

Appendix Ai - SAD – Pre-Submission proposed Modifications Consultation Representations March 2017

	Resident	11. Miscellaneous Comments	None				No objection provided landowners and developers cover damages/costs of highway infrastructure on land within our ownership. Any profits from Community Infrastructure Levy should be ploughed back for benefit of local community. Currently developers are not being encouraged to fund local facilities		Refer to: - Government circulars on planning obligations and to "sec (65) (106)(9)" of the Town and Country Planning Act 1990 - Brownhills market and the possibility of it being an asset of community value - the Community Infrastructure Levy,.	No further change to the Council's proposed modifications is considered necessary. The basis for this representation lies in particular issues affecting a particular property and the property is not the subject of proposals in the SAD. The tests for planning obligations are now set out in the Community Infrastructure Levy Regulations 2010 (as amended). It is presumed that the reference to the 1990 Act is in respect of s106. Although planning obligations are referred to a delivery tool, the SAD is concerned with the allocation of sites rather than with the details of the application of planning obligations. The Council has been working on the preparation of a regime to implement the Community Infrastructure Levy, but - in view of the Government's announcement of a review - it is being recommended that work is suspended for the present time. Brownhills Market is within the area covered by the Brownhills Inset Plan to Walsall's UDP. This is 'saved' and is not the subject of review through the preparation of the SAD.
Peterborough City Council	Local authority	11. Miscellaneous Comments	None				Council has no comments on the consultation			No further change proposed. Note response.
Birmingham and Black Country Wildlife Trust	Community or other organisation	11. Miscellaneous Comments		Technical appendix: Updated Nature Conservation Designations			Support this list of designations.			No further change proposed. Welcome support.

Appendix Aii - AAP – Pre-Submission proposed Modifications Consultation Representations March 2017

Respondent Organisation	Contact Type	Topic	Mod Number	Policy Ref	Site Ref	Supports the Modification	Objects to the Modification	Proposed Modifications	Suggested response for the examiner
J Hayward & Sons of Walsall Ltd	Planning Agent	4. A Place for Business	OMAAP1	AAPB3	TC46	The proposed modification to site TC46 is welcomed by J Hayward & Sons of Walsall Ltd as it introduces a degree of flexibility in the range of uses that are proposed for Site TC46. This will greatly assist J Hayward & Sons of Walsall Ltd in their aspirations to move to a single site elsewhere within Walsall.		None	No change proposed. Welcome support for modification
J Hayward & Sons of Walsall Ltd	Planning Agent	6. A Place for Living	OMAAP18	AAPLV2	TC46		It is respectfully submitted that the modification proposed to Policy AAPLV2: Education (Reference: OMAAP18) does not reflect the flexibility that has been introduced by proposed modification OMAAP1. Modification OMAAP1 relates to the policy justification to Policy AAPLV2: Education and as a consequence does not enjoy the same status as Policy AAPLV2: Education. Objection is therefore raised to proposed modification OMAAP18 on the basis that Policy AAPLV2: Education lacks flexibility and infers that Site TC46 – East of Portland Street and TC48 – 21 Portland Street are allocated for education and not for a range of uses that include release of the existing employment land and the allocation of the site for office use. There is no evidence to demonstrate that Walsall College needs Site TC46 - East of Portland Street to meet its development aspirations, or indeed have the resources to deliver the proposed development in the plan period. There is a real risk that the	It is recommended that Policy AAPLV2: Education be deleted and that Sites TC46 – East of Portland Street (and in turn Site TC48 – 21 Portland Street) be identified as town centre employment land in the terms of Policy AAPB3. The deletion of Policy AAPLV2: Education would not preclude Sites TC46 and TC48 coming forward for education purposes if they were acquired by Walsall College since such educational uses would be a town centre use permissible by Policy AAPB3. The deletion of Policy AAPLV2 would however remove any suggestion that Policy TC46 – East of Portland Street could only be developed for educational purposes – a fact that is not clear from reading the plan as proposed to be modified.	No change proposed. The site details within the policy justification of AAPLV2 have been modified under OMAAP1 to include under the allocation column "Consider for release employment land - Policy AAPB3: Town Centre Employment Land part b, Opportunities for office development - Policy AAPB1: Office Developments and Policy AAPINV3: Walsall Gigaport and Education Investment - Policy AAPLV2: Education." This is considered to show clearly the policies that relate to the site and is also considered flexible enough to allow the site to be developed in the future. AAP Policy AAPLV2 is a crucial policy in the AAP providing opportunities for the college to expand and ensuring space is provided to create an accessible high quality education campus that links well to the existing college buildings. As sites TC46 and TC48 are consider for release employment land under Policy AAPB3 any active industrial use on the site will be protected through the AAP and BCCS Policy DEL2. Policy AAPB1 and AAPLV2 provide support for appropriate uses should the site(S) no longer be necessary or deliverable for industry.

Appendix Aii - AAP – Pre-Submission proposed Modifications Consultation Representations March 2017

							proposed land use allocation will blight rather than encourage development.		
Coal Authority	Statutory Consultee	8. A Place for Investment	MMAAP16, MMAAP17 and MMAAP18	AAPIN7		The AAP has responded to our suggested changes put forward in May 2016 and now meets the requirements of paragraphs 143 and 144 of the NPPF.		None	No change proposed. Welcome support for modification.
AEW UK	Planning Agent	7. Transport, Movement and Accessibility	OMAAP31 and OMAAP32	AAPT3	TC18		The modifications do not amend the boundary to remove the site from the proposed interchange. There is no modification to include reference to further evidence of the facility of the new bus interchange. Proposed modification OMAAP32 fails to address the absence of information provided in terms of the delivery of the Bradford Place Bus Interchange expansion plans.	As set out at publication stage	No change proposed. See comments in response to previous objections. The Council is working with transport for West Midlands to progress the proposal at Bradford Place. This work underlines the justification for the proposal and how it can be delivered. Evidence (Bridgeman Street Bridge January 2017) is now available on our website in regards to the feasibility of a bus interchange at Station Street.
Canal & River Trust	Statutory Consultee	5. A Place for Leisure	MMAAP4	AAPPLE4			Policy APPLE4 now includes a 'Green infrastructure' bullet point. Within the supporting text it should be made clear that any landscaping proposed along the canal corridor will need to be accompanied by appropriate management and maintenance plans to ensure the natural environment of the waterway is not adversely affected and that there is no impact to safe navigation of the waterway.		Change proposed. Green Infrastructure was always included as part e) of the policy and no comments have been raised on its inclusion previously. However, further text has been proposed to the policy justification (first paragraph of 5.4.1) to incorporate the suggested wording. <i>"Any development next to the canal should improve the canal corridor through sensitive design and landscaping. Where feasible and practical developments should look to incorporate some form of edge softening and enhance the canal's value as a wildlife corridor. Landscaping proposed along the canal corridor will need to be accompanied by appropriate management and maintenance plans to ensure the natural environment of the waterway is not adversely affected and that there is no impact to safe navigation of the waterway."</i>

Appendix Aii - AAP – Pre-Submission proposed Modifications Consultation Representations March 2017

Canal & River Trust	Statutory Consultee	5. A Place for Leisure	MMAAP14	AAPINV4			<p>Walsall Waterfront: Waterfront south now is included and states that there is an opportunity to create a “<i>canalside community</i>” There is some reference to creating an active frontage to the canal though no details on what is envisaged by a “<i>canalside community</i>”. This should be clarified.</p>		<p>No change proposed.</p> <p>This policy has always included reference to “<i>canalside communities</i>” and no comments have been raised on its inclusion previously. The allocation of sites at this location seeks to complement the residential areas already located on the canal and to encourage designs, layouts and patterns of pedestrian movement that relate positively to canals. It is not, however, considered that further details on the definition of canalside communities are necessary.</p> <p>Note: it is proposed to correct the reference in part d) of Policy AAPINV4 so that is cross-referenced correctly to part b) of Policy AAPLV1 (rather than to part f)).</p>
Topland	Planning Agent	3. A Place for Shopping		AAPS1			<p>The plan fails to define the primary and secondary retail frontages. This means that it is difficult or impossible to properly define the Primary Shopping Area and to properly assess the sequential status of a proposed development. It also means that the retail core is somewhat dispersed, which could lead to the dilution and fragmentation of the existing retail offer. Our client welcomes the recently published Walsall Town Centre Demand Study (2015). However, our client is concerned that new findings have not been properly used. No up-to-date commercial, retail or footfall research has been identified to understand the possible extent of the primary and secondary frontages, and no up-to-date health check of the town centre has been undertaken. It is noted that the PSA boundary is slightly consolidated but this revision is predicated on the need to “remove areas where retail is less likely to come forward”, as opposed to being based on a firm and informed understanding of the role and function of the</p>	<p>The evidence suggests that the centre has contracted beyond that of the current PSA boundary and its gravity has shifted. The PSA must also respect the focus of retail in the area and reflect the frontages of key shopping streets and locations of primary footfall. Therefore our client asserts that further consideration is given to the PSA boundary to reflect the role and function of Walsall Town Centre, as currently, it is not consistent with national policy.</p>	<p>No change proposed.</p> <p>The Primary Shopping Area (PSA) boundary has been developed on the basis of evidence by DTZ (Walsall Town Centre Demand Study and Development Sites Assessment, July 2015). No evidence has been provided as part of this submission to suggest that the PSA is wrong. The PSA was discussed at the Issues and Options stage of the AAP and consulted upon at Preferred Options and Publication stages. The consultee did not make representations at these stages and the PSA is not subject to a modification.</p> <p>The purpose of the PSA is not only to protect existing shopping but to also allow for the accommodation of new investment. The AAP proposes some additional retail floorspace and the PSA has been defined to allow for new development in locations that will support the centres vitality and make it more competitive. Failure to show the centre can accommodate new development would mean that investment might go elsewhere, leading to increased edge and / or out of centre development as well investment going to other centres.</p> <p>The policy is deliberately flexible to allow for a range of uses that support retail and the centre vitality where this does not jeopardise the retail function of the PSA and it is considered that allocating primary and secondary frontages would be unhelpful.</p>

Appendix Aii - AAP – Pre-Submission proposed Modifications Consultation Representations March 2017

						centre. Additional evidence has been provided in the form of the Walsall Town Centre Demand Study (2015), which dramatically reduces the target for comparison floorspace following the ‘over-ambitious’ Core Strategy target of 85,000sqm set in 2009. This clearly demonstrates that the role and function of the centre has significantly changed over the last decade, but the PSA boundary has remained virtually unchanged since 2005.		
Topland	Planning Agent	3. A Place for Shopping		AAPS2		Our client supports the principle of directing new floorspace towards existing retail destinations, but considers that these areas should be even more focused and contained. As a key investor in the town centre, Topland would strongly encourage the allocation of the Old Square for mixed use development rather than purely retail floorspace for which there is limited occupier demand. In light of the significantly reduced capacity for retail floorspace in the town centre, it is considered that Old Square would be ideally suited to deliver a mixture of uses which would still reap the benefits of regeneration whilst also providing a different attraction to encourage residents back into the centre.	The WTCAAP requires specific town centre development proposals which are deliverable in order to fully protect against out of centre development which represents the biggest threat to the vitality and viability of the town centre. We would suggest that the “retail zones” currently indicated are too broad and could lead to retail development that bears no relationship to the town centre and certainly does not reinforce the Primary Shopping Area. The WTCAAP should properly plan the retail designations and include layouts, key features and design parameters to ensure that future edge/out of centre development can be properly directed towards these locations. In addition to the above, we would go one step further and have a bespoke ‘out-of-centre’ policy which states that such proposals will not be supported.	No change proposed. The AAP has a strong and robust approach to directing retail to the PSA and looks to provide clear opportunities for investment. The DTZ study supporting the AAP (Walsall Town Centre Demand Study and Development Sites Assessment, July 2015) looked at the opportunities within the centre to ensure that the sites proposed for allocation could be reconfigured, this is considered sufficient detail to support the allocation. The policy justification for each allocation, especially in chapter 8 of the document provides the right level of detail to guide developments but provide flexibility. The approach proposed by the consultee would lead to inflexibility which could divert investment away from the town centre. The consultee did not make representations at these stages and this issue is not subject to a modification. Proposals for out-of-centre schemes would be outside of the AAP's coverage and as such would be a matter for the BCCS. The BCCS policies provided a framework to resist inappropriate out-of-centre development and seeks to be as strong as possible given the limitations of national policy. Any strengthening of the approach beyond this would need to be considered as part of the BCCS review and the Council would welcome input from the consultee on this issue through that process.

Appendix Aii - AAP – Pre-Submission proposed Modifications Consultation Representations March 2017

Topland	Planning Agent	3. A Place for Shopping		AAPS2		Our client is encouraged by the recognition that there is a need for strong control over new development in edge/out-of-centre locations. Our client recognises the approach in identifying preferable sites for large scale retail development which cannot be accommodated within the PSA. Well-connected edge-of-centre sites are most appropriate and in this regard this policy is a suitable approach. We would caution however, that as worded the policy opens the door for significant growth in the retail parks if suitable sites cannot be found. Given the considerable contraction in forecast capacity, it is possible that this approach could lead to relocation of key tenants away from the centre. However, broadly this approach is consistent with national policy.		None	No change proposed. Noted and welcome the support
Topland	Planning Agent	3. A Place for Shopping		AAPS3		Topland is concerned about the length of time the market has been in the pipeline and therefore encourage the Council to fast-track the much needed investment and deliver the New Market development at the earliest opportunity. As part of the Council's Community Infrastructure Levy (CIL) Charging Schedule, the wider Walsall public realm improvements are specifically identified on the Council's CIL Regulation 123 List, which states that an estimated total of £4.8 million will be directed into funding these improvements and this approach is supported by our client who is keen to see further investment in the town centre to act as a catalyst for enhanced retail offers.	We would suggest an amendment to Policy AAPS3 to set a short term timeframe for its delivery.	No change proposed. The comment is noted. However, it does not relate to a Modification to the AAP. The Council is committed to delivering the market and public realm schemes but there needs to be recognition of the timescales connected with such large schemes in the centre of town and the limitations and uncertainties affecting public sector resources. A statement making a short-term commitment could be misleading to the public and might increase uncertainties in the event of any delays.	

Appendix Aii - AAP – Pre-Submission proposed Modifications Consultation Representations March 2017

Environment Agency	Statutory Consultee	8. A Place for Investment		AAPINV7			Do not agree with the paragraph 'Overall as the chance of a blockage or capacity being exceeded is extremely low an early warning system is considered the best solution to managing flood risk in the centre.' The overall chance of blockage may be low, but as part of the town centre is in Flood Zone 2, the risk of the capacity being exceeded cannot be low. If this was the case, an early warning system would not need to be needed. At present, the Environment Agency is looking to install a system and fund it ourselves this year. Therefore, the early warning system can also be deleted from the CIL123 list.		<p>Changed proposed.</p> <p>In response to this representation a modification has been proposed to amend the text around the level of risk from flooding to say that there is some possibility of the capacity being exceeded. The reference to CIL being used to deliver the early warning system has also been updated to reflect the commitment from the EA to deliver the system.</p>
--------------------	---------------------	---------------------------	--	---------	--	--	--	--	---

Appendix Aiii - CIL - Pre-Submission Proposed Modification Consultation Representations March 2017

Respondent	Modification Number	Summary of Comments	Council Final Response
Birmingham and Black Country Wildlife Trust	MODCIL3	The Birmingham & Black Country Wildlife Trust (B&BCWT) supports MODCIL 3. B&BCWT supports the Regulation 123 List, particularly those related to Nature Conservation and Environmental Infrastructure, and Urban Open Space.	Welcome support. However, it is proposed that, in light of Government proposals for a review, the Council should suspend work on CIL for the present time.
Natural England	MODCIL2	Natural England welcomes proposed change MODCIL2 : Continued use of Section 106: <i>"Mitigation measures required under the Habitats Regulations 2010 in respect of impacts on European Sites within or outside of the borough."</i> MODCIL2 This amendment to the 'CIL Charging draft schedule' accords with our representations on MMSAD22 and 24 (and associated Sustainability Appraisal Option 2a) and OMSAD21. It clarifies what approach will be used to mitigate the impacts of relevant net increases in residential development in Walsall falling within the 0-8km zone of payment around Cannock Chase Special Area of Conservation (SAC).	Welcome support. However, it is proposed that, in light of Government proposals for a review, the Council should suspend work on CIL for the present time.
Canal and River Trust	N/A	Specific site related improvements which are necessary and would support the aims of Policy LC5 should not be excluded from potentially seeking S106. Therefore, the document should be amended to include the following within the 'Section 106' part of the document: <i>"Provision of site specific improvements to Greenways, such as access, towpath / surface improvements, management/maintenance to make the development acceptable."</i> The Trust would also wish to engage further with the LPA to understand the delivery and review mechanisms for those specific projects included within the 123 list	Point accepted, so that the Council would be minded to add text to the relevant section to the effect that s106 obligations would still be used for: <i>"Provision of site specific improvements to pedestrian routes such as access, Greenway, towpath and / or surface improvements, together with management measures, to make the development acceptable."</i> However, it is proposed that, in light of Government proposals for a review, the Council should suspend work on CIL for the present time.
Local Nature Partnership	N/A	Local Nature Partnership supports the Regulation 123 List, particularly those related to Nature Conservation and Environmental Infrastructure, Canals and Urban Open Space.	Welcome support. However, it is proposed that, in light of Government proposals for a review, the Council should suspend work on CIL for the present time.
Environment Agency	N/A	The proposals for the Ford Brook Early Warning System under the heading 'Flood Management' is no longer needed, as the Environment Agency is undertaking the development of this scheme at the present time.	Welcome commitment from the EA to deliver the system and the Council would be minded to remove reference to the Early Warning System from the Regulation 123 List. However, it is proposed that, in light of Government proposals for a review, the Council should suspend work on CIL for the present time.