Planning Policy Team

Dear Mr Griffin,

Staffordshire Minerals Local Plan (2015 – 2030) – Consultation on additional site options

I am writing with reference to the email from Michael Dinn dated 17 October 2014, and to thank you for consulting Walsall Council on the additional site options.

Walsall Council Officers have now had the opportunity to review the additional site options, and our response on behalf of Walsall Council under delegated authority is set out in this letter. Please note that this response relates to the proposed extensions to Shire Oak Quarry only, and is made on behalf of Walsall Council only, not on behalf of all of the Black Country Authorities. We understand that Dudley MBC have responded separately with comments on the Mile Flat site.

Shire Oak Quarry – Current Situation

As you are aware, Shire Oak Quarry is adjacent to the boundary with Walsall Borough. The access to the site is off Chester Road (A452), and Walsall Council is the Local Highway Authority responsible for maintaining the fabric and capacity of this major route.

There have been a number of recent planning permissions for development at the quarry, which have allowed recycling operations at the quarry and have extended the life of the quarrying, recycling and infilling operations. Walsall Council has been consulted on these applications, in recognition of its role as Local Highway Authority and adjoining Local / Minerals Planning Authority.

Continued...
The most recent permissions have varied conditions of permissions L.04/22/809/MW and L.11/02/809/MW, relating to the time limits allowed for mineral extraction, export of stockpiled materials, infilling operations, and completion of final restoration. These latest applications (L.13/12/809/MW and L.13/13/809/MW) were approved in September this year. The effect of these new permissions is that:

- Sand and gravel extraction is now permitted to continue until 31 December 2019;
- Export of stockpiled sand and gravel is now permitted to continue until 31 December 2019;
- Import of fill materials is now permitted to continue until 30 June 2023;
- Recycling operations are now permitted to continue until 30 June 2023; and
- The time allowed for achieving final restoration contours is extended to 31 December 2023.

While these changes do not appear to have increased the number of HGV trips to and from the site or the annual throughput of imported material, the ongoing effects of the permitted operations on highway infrastructure and residents in Walsall from noise and dust do not appear to have been adequately addressed. Earlier this year, measures that were meant to have been put into place to control noise and dust from the quarry were either not being implemented or were not working effectively, with the result that excessive amounts of noise and dust were being generated. As well as harming the amenity of local residents living near the quarry, significant amounts of silt were being deposited onto roads in Walsall, and into the drainage gulleys. While the situation has since improved - largely as a result of liaison between Walsall Council’s Pollution Control Team and the quarry operator - this recent experience suggests that the additional cumulative effects of an expanded quarry could be difficult to control.

Walsall Council is therefore likely to object to any future proposals to extend the quarry or expand existing operations at the quarry, if they do not include adequate measures to control the effects of the operations on residents and highway infrastructure in Walsall Borough. We request that any future planning applications be subject to pre-application consultation with Walsall Council officers, local Ward Members (Aldridge North & Walsall Wood) and residents in Walsall likely to be affected. They should also be supported by a transport assessment (TA) of the effects of the proposal on the capacity of the A452, A461 and Shire Oak Junction in Walsall, and up-to-date assessments of the cumulative impacts on the amenity of Walsall residents and highway infrastructure in Walsall from air pollution, noise and dust. These should take into account existing conditions, and the effectiveness of the measures already in place to control these effects. In the event that such proposals would generate a net increase in HGV traffic at the quarry, Walsall Council will also expect the operator to agree to contribute towards the cost of proposed junction improvements.

The above concerns are reflected in our comments on the site options below – but we would also request that they be conveyed to your Development Management Team for future reference.

**Shire Oak Quarry – Local Plan Site Options**

**Minerals Policy - General Principles**

The Additional Site Options include two proposed extensions to Shire Oak Quarry. It is acknowledged that allocating extensions to existing quarries can be an effective way of ensuring that a steady and adequate supply of land-won aggregates can be maintained throughout the lifetime of a minerals plan, in line with national policy guidance (NPPF paragraphs 143 and 145).
We also acknowledge the role that sites close to the conurbation such as Shire Oak Quarry could play in maintaining supplies of construction aggregates to areas of demand within the West Midlands Metropolitan Area, including the Black Country.

However, the current Planning Practice Guidance (PPG) on Minerals advises that when considering extensions to existing quarries rather than new sites, the need for the mineral and economic considerations should be considered alongside positive and negative environmental impacts and cumulative impacts (see paragraph ID-27-010).

In this case, as indicated above, we have major concerns about the harmful cumulative effects of the extension proposals on the environment and amenity of communities living near the quarry, and in particular, the occupiers of properties in Walsall adjacent to the northern extension site. Residents living in the vicinity of the quarry are already affected by noise and dust from the permitted mineral extraction, recycling and infilling operations, and by air pollution and dust generated by quarry traffic. Extending the quarry would have further cumulative effects on these communities, over and above the effects of the recent permissions which have extended the life of the quarry. We also have concerns about the impact of the proposals on highway infrastructure in Walsall Borough, in particular, the capacity of the infrastructure in the event that any increase in HGV traffic is anticipated, and the deposit of dust and silt onto adjacent roads, which – as noted above – is already a problem and is likely to become worse if there is an expansion in activity.

While Walsall Council does not object to the expansion of existing quarries in Staffordshire in principle, it is likely that the Council would object to the allocation of the Shire Oak Quarry extension sites in the Minerals Local Plan. We do not consider that the allocation of these sites is justified, because there is insufficient evidence to demonstrate that the expansion of the quarry would not have unacceptable, adverse cumulative effects on the environment and the amenity of local communities and highway infrastructure in Walsall, or that alternative options, which would have less direct impacts on Walsall residents, have been fully considered. I have explained the reasons why we are likely to object to the allocation of these sites in more detail below.

**Impacts on Amenity of Existing Development in Walsall**

The consultation document indicates that the proposed extensions would extend the life of the quarry for a further 10 - 14 years beyond what is currently permitted, meaning that mineral extraction could continue until at least 2029. It is a reasonable assumption that the time allowed for recycling and infilling operations would also be expected to increase proportionately, beyond 2030.

The northern extension site adjoins the rear boundaries of existing properties fronting onto Lichfield Road (A461) in Walsall Borough. If the quarry is allowed to expand in this direction, these properties would be subject to harmful impacts from noise and dust, particularly if operations are allowed adjacent to rear gardens. Such impacts would be in addition to the existing effects from noise, dust and traffic generated by the permitted operations at the quarry. The Council’s Pollution Control Team has advised that operations adjacent to these properties could constitute a statutory “nuisance” to the occupiers unless effective control measures are put into place.

Existing properties on A461 Lichfield Road and also on A452 Chester Road, opposite the quarry access, would also be subjected to traffic related impacts from air pollution, noise and dust for a longer period, which cannot be controlled through current environmental protection legislation. The effectiveness of the existing control measures imposed as conditions of the current planning permissions, such as the wheel-washing system, and current restrictions on hours of operation and the numbers of vehicle movements, would therefore need to be re-appraised.
While it is possible that harmful impacts on existing properties could be mitigated, there is considerable uncertainty about this, given that the measures already in place to control effects from the permitted operations do not appear to be sufficient to reduce the harmful effects on residents and highway infrastructure in Walsall to acceptable levels (see comments above and Pollution Control Team representations below). We are particularly concerned about the further impacts that the northern extension site is likely to have on adjacent residential properties. Walsall Council is therefore likely to object to the allocation of the quarry extension sites in the Minerals Local Plan, unless it can be clearly demonstrated that:

i) The amenity of the occupants of the adjacent properties can be effectively protected;
ii) There will be no significant harmful impacts on these properties from noise and dust; and
iii) All other impacts on these properties will be mitigated and reduced to a minimum.

The Council’s Pollution Control Team has advised that if the County Council is minded to allocate the northern extension site, there should be a significant “buffer zone” between any active working areas and domestic gardens, to mitigate impacts on amenity or residential properties from noise and dust, and minimise the risk that statutory “nuisance” will occur. This would be in accordance with current good practice guidance - the national Planning Practice Guidance (PPG) on Minerals advises that requirements for separation distances or buffer zones are acceptable, where it is clear that a certain distance is required between the boundary of a minerals site and adjacent development (ID27-018). In this case, it is clear that such a buffer zone would be needed between the northern extension site and the boundaries of adjacent properties.

There is also some uncertainty about how the proposed extension sites would be restored. The consultation document identifies the following after-use opportunities: agriculture and woodland, heathland and exposed quarry faces, and public access. This suggests that the extension sites would be restored in a similar way to the existing permitted areas, though not necessarily to existing ground levels across the whole site. It is becoming increasingly difficult for operators to source suitable inert fill material for restoration of mineral sites, and it is unclear whether even with recycling, the current/anticipated fill rates can be sustained over the long-term, sufficient to achieve the end uses identified. We would expect any site allocation policy to address this issue.

**Impacts on the Natural Environment**

Both of the proposed extension sites would affect areas of woodland and scrub fronting the A461 Lichfield Road and A452 Chester Road. There is evidence that these areas are being used as foraging areas by bats. The existing quarry and proposed extension sites are also close to the former Shire Oak Quarry/ Shire Oak Park and Castlebank Plantation on the opposite side of the A452 Chester Road in Walsall. These adjoining sites have been designated as Sites of Importance for Nature Conservation (SINCs) and as a Local Nature Reserve (LNR).

If the proposed extension sites are to be allocated in the Minerals Local Plan, this should be subject to a requirement to retain important landscape features and wildlife habitats within these sites as far as possible, in accordance with current national policy and legislation (see Section 40 of National Environment and Rural Communities Act 2006 (as amended) and NPPF paragraphs

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1 Further information about these sites can be found on the Walsall Council website:
109, 117 – 118 and 121) and local plan policy in Walsall (Black Country Core Strategy Policies CSP3, ENV1 and MIN5, “saved” Walsall UDP Policy ENV23 and Revised Conserving Walsall’s Natural Environment SPD 2013). This should include the areas of woodland and scrub mentioned above, as well as habitats that support protected species and/or complement designated sites in the vicinity. The landscape strategy should be informed by an ecological assessment, including a bat survey, to evaluate the impacts of mineral extraction on existing priority habitats and protected species, and identify opportunities for retaining and enhancing important habitats.

Proposals for restoration should also aim to return the site to end uses which complement local landscape character and existing wildlife habitats in the area, for example, heathland creation (as identified in the consultation document) may be particularly successful. Initiatives such as the Biodiversity Enhancement Area: Cannock Chase to Sutton Park would support this approach.

Specific Pollution Control Issues - Air Pollution, Noise and Dust

The statutory objectives for Nitrogen Dioxide (NO₂) in the National Air Quality Strategy have previously been exceeded near the Shire Oak Junction (junction of A452 Chester Road and A461 Lichfield Road), giving potential cause for concern. As you will probably be aware, the whole of Walsall Borough has been declared an Air Quality Management Area (AQMA) because monitoring shows that statutory objectives for this pollutant are being exceeded in various road corridors within the borough.

Given the previous breach of standards, any proposals for expansion of the quarry should be considered in the light of current national and local policy on air quality, in particular, NPPF paragraphs 109 and 124, Black Country Core Strategy Policies CSP5, ENV8 and MIN5 and “saved” Walsall UDP Policy ENV10. Due regard should also be had to the recently published West Midlands Low Emissions Towns and Cities Programme (LETCP) Good Practice Air Quality Planning Guidance, which is a material consideration. ²

The Shire Oak Junction has also been identified as a “First Priority Location” for investigation in the West Midlands Noise Action Plan, on account of excessively high noise levels. ³ The expansion of the quarry is likely to prolong, if not increase, exposure of existing development in this area to noise from traffic and quarry operations. This would bring the proposals into conflict with current national and local policy guidance - in particular, NPPF paragraphs 109 and 123, Black Country Core Strategy Policy MIN5 and “saved” Walsall UDP Policy ENV10.

While the NPPF recognises that development will often create some noise and that unreasonable restrictions should not be imposed on businesses, and advocates tolerance of “some noisy short-term activities” arising from mineral development (paragraph 123 and paragraph 143, 7th bullet), statutory requirements must be adhered to – and an expanded Shire Oak Quarry cannot be regarded as a “short-term” operation. The current national Planning Practice Guidance (PPG) on Minerals provides advice on effective controls over noise and recommended standards (see paragraphs ID27-019–022). In our view, the northern extension site should not be allocated unless there is clear evidence that the recommended standards would not be exceeded.

² Here is a link to the published guidance: http://cms.walsall.gov.uk/letc_good_practice_air_quality_planning_guidance_may_2014.pdf.

With regard to dust, Walsall Council has received several complaints from local residents during the past 12 months concerning drag-out of mud/dirt on to the highway (as well as noise) associated with current activities, on account of which the Council's Pollution Control officers have had several meetings with the quarry managers to agree a scheme of improvements. While some of the agreed measures (such as an increase in the frequency of road sweeping) have now been implemented and have helped to reduce the scale of the problem, other measures the operator has agreed to put into place are still outstanding. Any approval to extend the quarry or expand the existing operations should be conditional on the prior implementation of the agreed improvements.

The current national Planning Practice Guidance (PPG) on Minerals provides advice on assessing and controlling effects from dust (see paragraphs ID27-023–031). The proposed quarry extensions should not be allocated unless there is clear evidence that such assessments have been carried out in accordance with current best practice, and that effective measures can be put into place to control the dust likely to be generated by the expanded quarry to safeguard the amenity and health of people affected, and prevent excessive amounts of material from being deposited onto the adjacent highways and into the drainage gulleys.

**Representations by the Local Highway Authority**

The Local Highway Authority has raised no objections in principle to the extension of Shire Oak Quarry on grounds of impact on highway capacity or impact on local highway infrastructure in Walsall Borough, provided that there would be no net increase in HGV movements.

As you may be aware, improvements are currently proposed at key locations along the Lichfield Road (A461) in Walsall, including the Shire Oak Junction. Financial provision has been made within the Black Country LEP's successful application to the Local Growth Fund (LGF) for the construction of improvements to this junction within approximately the next 2-3 years. The proposed improvements will increase capacity and enable the junction to best handle the current traffic flow. The junction's performance, in the event of an expansion of the quarry, would be subject to whether or not the quarry expansion would increase traffic volumes or congestion.

If extensions to the quarry were to increase the number of HGVs passing through the junction, a Transport Assessment (TA) would be required with any future planning application, to enable the Local Highway Authority to access the impact on the junction. Following the results of the TA, Walsall Council would seek a financial contribution (through a S106 agreement) to supplement the existing funding arrangements for the junction improvements, if any increase in traffic volumes or congestion is suggested by the TA or its review by the Local Highway Authority. The Local Highway Authority is also likely to object to the Staffordshire Minerals Local Plan, if it allocates the Shire Oak extension sites without stipulating that planning permission will not be granted, unless the above requirements are met.

The deposit of silt onto the roads is primarily a pollution control issue (see above). However, in view of the recent problems caused by the permitted operations, the Local Highway Authority considers that if the County Council is minded to allocate the extension sites, this should be subject to a requirement for more effective dust control measures to be put in place, to ensure that the levels of silt deposited on the highways are kept to a minimum and are not allowed to build up in the road gullies to an unacceptable degree, impeding the effectiveness of the drainage system, and increasing the risks from flooding during extreme rainfall events.
Representations from Local Residents and Ward Members

While preparing this response, officers received a number of representations from local residents and from the Ward Members for Aldridge North and Walsall Wood, concerning the capacity of the Shire Oak Junction and the continuing problems with dust and silt being deposited on adjacent roads in Walsall, in particular, onto the Chester Road (A452).

These include a suggestion by a local resident that the current problems might be overcome if a new access road was built to meet up with Cartersfield Lane in Staffordshire, replacing the existing access to the quarry off the Chester Road (A452) in Walsall. He considers that this would provide an easier access from the quarry to the main trunk road (A5) than the current access via Chester Road, and would also avoid routing of some loads through Brownhills.

While Walsall Council officers would support such a proposal in principle, and this is reflected in our conclusions below, we recognise that it would depend on the feasibility of constructing a new access road, plus carrying out any necessary highway improvements to Cartersfield Lane to enable it to accommodate quarry traffic. I would therefore welcome feedback from the Staffordshire Local Highway Authority on the feasibility of this suggestion to relocate the quarry access.

Conclusions – Potential Objection to Allocation of Shire Oak Quarry Extension Sites

Walsall Council does not object to the expansion of existing quarries in Staffordshire in principle, subject to effective environmental controls being put into place. However, I should inform you that the Council is likely to object to the allocation of the proposed Shire Oak Quarry extension sites in the Minerals Local Plan, for the following reasons:

- It is unclear whether the planned improvements to the Shire Oak Junction in Walsall will be able to accommodate any net increase in HGV movements likely to be generated by the quarry extension proposals;

- It is unclear whether all of the “reasonable alternatives” for extending the quarry have been explored - there appears to have been no consideration of alternative options for extensions in other directions, away from existing properties in Walsall;

- It is unclear whether the cumulative effects on the amenity of existing properties in Walsall from air pollution, noise and dust could be effectively controlled, to ensure that a good standard of amenity can be maintained throughout the lifetime of the expanded quarry, contrary to the “core planning principles” in the NPPF (paragraph 17, 4th bullet);

- It is unclear whether any control measures which could be put into place to manage effects on adjacent properties in Walsall from noise and dust would be effective in preventing “statutory nuisance” to these properties;

- Given the ineffectiveness of the existing dust control measures, it is unclear whether any further measures that could be implemented would be effective in reducing the cumulative effects of the expanded quarry, from the deposit of dust and silt on adjacent highways in Walsall, to an acceptable level; and

- It cannot be demonstrated that the proposed extensions to the quarry, which would extend its life to 2030 and beyond, would not have unacceptable impacts on the amenity of local
communities, going way beyond the tolerance of “some noisy short-term activities” allowed for in the NPPF (paragraph 143, 7th bullet).

If the County Council considers that these concerns can be overcome, and is minded to allocate the proposed extension sites, we request that this should be subject to the following policy requirements:

- Planning applications for expansion of the quarry should be accompanied by a transport assessment (TA), to enable the Local Highway Authority (Walsall Council) to evaluate the effects of the proposal on the local highway network, including impacts on the A452/ A461 (Shire Oak) Junction, and on the effectiveness of planned improvements to the junction;

- Subject to feasibility, proposals for expansion of the quarry should include construction of a new quarry access road linking to Cartersfield Lane in Staffordshire, to replace the existing quarry access off Chester Road (A452) in Walsall, and should also include provision for any other highway improvements required to facilitate the relocation of the quarry access;

- If proposals for expansion of the quarry would result in a net increase in traffic volumes or congestion at the adjacent A461/ A452 (Shire Oak) junction in Walsall, and if the proposal to relocate the access via Cartersfield Lane is not feasible, the Local Highway Authority (Walsall Council) will seek a final contribution from the operator through a S106 agreement, towards the planned improvements to the Shire Oak Junction;

- There should be a significant “buffer zone” between the active working area of the northern extension site and domestic gardens to mitigate impacts on amenity or residential properties from noise and dust, and minimise the risk that statutory “nuisance” will occur;

- Planning applications for expansion of the quarry should be accompanied by up-to-date reassessments of air pollution, noise and dust against current statutory limits and controls, to ensure that current “baseline” conditions and cumulative impacts from extending the quarry are fully understood, and that the proposed controls are fit for purpose and take account of representative background levels according to the time of day;

- Planning permission should only be granted for expansion of the quarry if the relevant pollution control authorities (including Walsall Council) have confirmed that the proposals are not likely to cause a statutory “nuisance” to adjoining properties;

- Planning permission should only be granted for expansion of the quarry if it can be demonstrated that the pollution control measures proposed will be effective in reducing impacts on the amenity of local communities, and deposit of silt onto the highways, to acceptable levels;

- Planning applications for expansion of the quarry should aim to retain as much as possible of the existing landscape features and wildlife habitats within these sites, including the existing areas of woodland and scrub fronting the Lichfield Road (A461) and Chester Road (A452), landscape strategies for these sites should be informed by an ecological assessment which considers impacts on priority habitats and protected species;

- Planning applications for expansion of the quarry must be accompanied by a revised restoration programme and landscape plan, demonstrating that the extended quarry can be restored to a standard where it can support an end use that will complement local
landscape character and existing habitats in the area, for example, the existing areas of woodland and scrubland within the site and the habitats present within the Shire Oak Park and Castlebank SINCs and LNR on the opposite side of the A452 Chester Road in Walsall; and

- Prospective applicants should undertake pre-application consultation with Walsall Council officers, Walsall Council Members for Aldridge North and Walsall Wood Ward, and the occupiers of adjacent properties in Walsall Borough, on the design and phasing of any proposed extensions to the quarry, and on proposals for restoration, aftercare and after-use of the expanded quarry, in accordance with the recommendations of the current Walsall Statement of Community Involvement (SCI).^4

We trust you will find our response helpful. I look forward to receiving feedback from the Staffordshire Local Highway Authority regarding the feasibility of the proposed relocation of the access to the quarry.

I also look forward to receiving confirmation that you have passed on our concerns about the problems caused by the existing operations at the quarry to your Development Management Team. I have attached details of the Council Members for Aldridge North and Walsall Wood and how to contact them – please ask your Development Management Team to check whether they are included on the consultation database, so that they can be notified about future applications at Shire Oak Quarry. If not, it would be appreciated if they could be added.

My colleagues and I would welcome the opportunity to discuss our concerns about the quarry with the County Council at a mutually convenient time and place, if you feel that a meeting would be beneficial. Walsall Council officers are also happy to respond to any questions you may have about the comments we have made.

If you wish to arrange a meeting with us, please contact me on the telephone number or at the email address indicated above. However, if you would like to discuss any of the comments we have made on specific issues, please contact the relevant officers listed on the attached sheet.

Yours sincerely,

Dawn Sherwood
Principal Planning Officer

cc Cllr Michael Flower, Aldridge North & Walsall Wood
Cllr Keith Sears, Aldridge North & Walsall Wood
Cllr Antony Harris, Aldridge North & Walsall Wood
Martin Dando, Dudley MBC
Philippa Smith, Sandwell MBC
Ian Culley, Wolverhampton City Council

## Walsall Council – Officer Contacts

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Walsall Council – Ward Member Contacts (Aldridge North & Walsall Wood)

The current Ward Members are:

Councillor Michael Flower
Councillor Keith Sears
Councillor Antony Harris

Contact details for Walsall Council Members are published on the Council website – here is a link:

http://www2.walsall.gov.uk/CMISWebPublic/MyCouncillorWard.aspx